

**Provincetown
Local Housing Partnership
and
Provincetown Housing Authority**

**Judge Welsh Hearing Room
November 8, 2006
5:30 p.m.**

LHP Members present: Arturo Alon, Scott Campbell, Tim Hazel, Melissa Jones,
and Noah Taylor.

PHA Members present: Nancy Jacobsen, Harry Opsahl-Gee, Pam Parmakian,
and Molly Perdue

PHA Member absent: George Bryant

Others: Keith Bergman, Michelle Couture, and Doug Taylor

Article 12. *Zoning By-Law Amendment: Growth Management Change of Use: Affordable Housing Requirement.* To see if the Town will vote to amend the Provincetown Zoning By-laws to allow a change of use from non-residential use to residential use through the issuance of a Special Permit by the Zoning Board of Appeals, contingent upon the lot complying with Title V of the State Sanitary Code and the requirement that the creation of 5 or more new dwelling units will include an affordable housing set-aside of 33%, by

(a) adding the italicized language so that said Section 4100 reads as follows:

“Section 4100 Dwelling Units and Commercial Accommodation The following requirements shall apply to new development for multi-family dwellings or commercial accommodations, or to conversion of existing premises through change in use (see 4170), occupancy, tenure or structure to result in use for more dwellings or guest units than as of July 1, 1978, or to construction or conversion resulting in three or more dwelling units on a lot. Where other provisions of this By-Law or other controls are more restrictive, those more restrictive requirements shall apply and take precedence.”;

(b) by changing the numbering sequence for Article 4 Sections 4170 and 4180, so that said Section 4170 shall be renumbered as Section 4164 and said Section 4180 shall be renumbered as Section 4165;

(c) and by adding the following Article 4 Section 4170:

“4170 Change of Use Any change of use on a lot from a non-residential use to a residential use, or a boarding, lodging or tourist homes use, to a residential use regardless whether other Special Permits or Variances are required, must comply with the following conditions:

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

ii. Obtain a finding of compliance with Title V of the State Sanitary Code, as determined by the Board of Health, such compliance to be certified by a Registered Engineer.

iii. Such change of use resulting in the creation of five (5) or more dwelling units shall be required to set aside a minimum of 33% of the total number of dwelling units for affordable housing as defined in Article 1 of these By-laws.

iv. The project must comply with the provisions of Article 4, Section 4100.

v. None of the above shall relieve the applicant of complying with other provisions of these By-Laws.” ;
or to take any other action relative thereto.

[Requested by the Provincetown Local Housing Partnership]

This combined meeting came together at this late date because they are trying to expand the scope of the above article.– i.e., changes of use that do not increase flow.

The scope of the article may not be able to add community housing. Town counsel said – if you want to add community housing, let’s make it as good an article as we can even though we thought that we

may have to wait for the next town meeting to do it, our attorneys said it could be done now. These two committees are assembled to prepare a motion and urge the Planning Board to amend the above article for the Special Town meeting.

Keith Bergman said that the fundamental question he would have – substantively – does the attorney’s draft get us where we want to go? Big question. If the Planning Board doesn’t issue a report on the article, then the town meeting can’t vote on it. Michele Couture said that there are a couple of procedural issues there. Our warrant closes for town meeting and we can only get zoning amendments in before the warrant closes. There are problems with the time constraints and procedural issues. KAB has been here 17 years and he has never seen a Planning Board scuttle anything or delay it.

KAB said a strong suggestion in pitching this amendment to the Planning Board would be to state what and why you want this amendment. Planning could vote to have one of three options: 1) to recommend 2) to not recommend, or 3) have no report.

Adding in the amendment gets to do what we want to do. If Planning doesn’t go for it then we ask, what is their reasoning? Whatever you want to call it, Tim Hazel said it means the same thing. "It seems that all this procedural stuff is splitting hairs!" "It's just that we didn't say 'community housing' in our original article."

LHP Motion: Request the Planning Board at their meeting tonight to amend STM Article 12.
Motion: Tim Hazel Seconded: Scott Campbell Vote: 5-0-0.

PHA Motion: Request the Planning Board at their meeting tonight to amend STM Article 12.
Motion: Pam Parmakian Seconded: Nancy Jacobsen Vote: 4-0-0.

Keith said the proponents may not want to wait because if you wait until the April town meeting, then some projects may pass by. Once a new zoning by-law is out there, then you will have contractors lining up to beat the deadline. The whole purpose of the summit was to get moving. A few years ago residents were angry and didn’t want any restrictions on their properties. Since the specter of a change is out there – you may see a lot of proposals coming in.

There was much discussion on worker housing, community housing, affordable housing and as these categories referred to 1a, b, and c. These discussions will be concluded at a later time. Also decisions will be made on a case by case basis.

THIS COMBINED MEETING WAS NOT ADJOURNED WHEN I WAS EXCUSED AT 6:30P, THE GROUPS WERE WAITING FOR PLANNING TO BEGIN AT 7:00P. A J ALON PROMISED TO E-MAIL ME THE OUTCOME OF THE PLANNING BOARD MEETING SO THAT I COULD INCLUDE IT IN THESE MINUTES. I'M WAITING.....

Respectfully submitted,
Evelyn Gaudiano
Evelyn Rogers Gaudiano

Approved by _____ on _____, 2006.

Arturo Alon, Chair