

Special Town Meeting
Monday, October 26, 2015
6:00 p.m.
Town Hall Auditorium

Town Moderator Mary-Jo Avellar convened the October 26, 2015 Special Town Meeting at 6:00 p.m. in the Town Hall Auditorium.

Preliminary Motions

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

Motion Passed.

Tom Donegan moved that the Town vote to grant permission to speak at the October 26, 2015 Special Town Meeting to the following persons who are not registered voters of the Town of Provincetown: John W. Giorgio, Esq., and other attorneys of the firm of Kopelman & Paige, P.C., *Town Counsel*; Suresh Bhatia, *President, Atlantic Construction and Management*; Steven Fossella, *Representative from the Provincetown Part-Time Resident Taxpayers Association*; Gene Raymond, *Architect, Raymond Design Associates, Inc.*; Mark Robinson, *Representative from The Compact of Cape Cod Conservation Trusts*; Constance Boulos, *Treasurer*; Matthew Clark, *Library Director*; Morgan Clark, *Director of Health and Environment*; Scott Fahle, *Principal Assessor*; James Golden, *Chief of Police*; Beau Jackett, *Director of Management Information Systems*; Michelle Jarusiewicz, *Housing Specialist/Grant Administrator*; Eric Larsen, *Deputy Director of the Public Works*; Geoffrey Larsen, *Building Commissioner*; Laura Marin, *Health Agent*; Rex McKinsey, *Pier Manager/Harbormaster*; Brandon Motta, *Recreation Director*; Domenic Rosati, *Parking Administrator*; Cody Salisbury, *Water Superintendent*; Beth Singer, *Superintendent of Schools*; Steve Wisbauer, *Shellfish Constable*. **Motion Passed.**

Tom Donegan moved that on all matters to come before the October 26, 2015 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.**

Town Moderator Mary-Jo Avellar grouped October 26, 2015 Special Town Meeting articles 1 through 5 to be moved by consent agenda, (Note: The consent agenda is a meeting practice which groups routine and other non-controversial articles not necessarily requiring discussion or independent vote as separate articles. Using a consent agenda can save precious time by allowing Town Meeting to approve this 'package' of articles together in one motion. Articles under the consent agenda can only be grouped together if the Town Meeting body agrees. If a voter selects a specific article for discussion, it must be removed and placed on the regular agenda for discussion and separate vote by the Town Meeting body), and requested that any voter

wishing to remove an article from the consent agenda do so by stating “hold” after she announced the Article number.

Without objection David Gardner moved to approve articles 1, 2, 3, 4 and 5 as printed in the warrant by unanimous consent.

Motion Does Not Pass (Each Article to be moved separately).

Article 1. Cape Cod Greenhead Fly Control District Assessment.

To see if the Town will vote to raise and appropriate an amount not to exceed \$1,438.75 for Greenhead Fly Control as authorized by Section 24, Chapter 252 of the General Laws; and authorize the Town Treasurer to pay said appropriation into the State Treasury; or to take any other action relative thereto.

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

Board of Selectmen Recommends: 5–0–0

Finance Committee Recommends: 6–0–0

David Gardner moved that the Town vote to raise and appropriate the sum of \$1,438.75 for Greenhead Fly Control as authorized by Section 24, Chapter 252 of the General Laws; and authorize the Town Treasurer to pay said appropriation into the State Treasury.

Motion Passed.

Article 2. Zoning Bylaw Amendment – Article 2, Section 2440. Use Regulations Articles. *(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 2440, Permitted Principal Uses*, as follows:

A1a	Single Family Dwelling	Res 1	Res 2	Res 3	TCC	GC	S	M
	3. three or more per lot							
	(each separate structure)	NO	NO ²⁰ PB	YES ⁸	YES ⁸	YES ⁸	NO	NO
	4. four or more per lot	NO	NO	PB	PB	PB	NO	NO
A1b	Two Family Dwelling	Res 1	Res 2	Res 3	TCC	GC	S	M
	3. three or more per lot	NO	NO	YES ⁸	YES ⁸	YES ⁸	NO	NO
	4. four or more per lot	NO	NO	PB	PB	PB	NO	NO
A2	Multi Family Dwelling	Res 1	Res 2	Res 3	TCC	GC	S	M
	<u>Three units</u>	NO	NO	YES ⁸	YES ⁸	YES ⁸	NO	NO
	<u>Four units or more</u>	NO	NO	PB	PB	PB	NO	NO
B13	Large-scale Ground-Mounted Solar Photovoltaic Installation	Res 1	Res 2	Res 3	TCC	GC	S	M
		<u>BAPB</u>	<u>BAPB</u>	<u>BAPB</u>	<u>BAPB</u>	<u>BAPB</u>	YES	YES
D7	Medical Marijuana Treatment Center	Res 1	Res 2	Res 3	TCC	GC	S	M
		NO	NO	<u>BAPB</u>	NO	<u>BAPB</u>	NO	NO

Footnotes:

1. Except "YES" in ~~W-B-ResB~~ for banks and for professional offices including real estate, insurance, and accounting, without stock in trade, with no more than one firm or 2,000 square feet per building and no more than one building per lot.

~~8. Except "BA" pursuant to Article 4 if the total number of dwelling units on a lot will result in four (4) or more dwelling units.~~

12. After March 1, 1983, for any new construction, any substantial increase in intensity or use or any renovation of an existing structure to include the defined use, a Special Permit as specified in Section 5300 may be granted by the Board of Appeals: (a) only upon its written determination that the proposed fast food establishment does not create any adverse effect due to hazard or congestion especially including traffic impacts as determined by a traffic impact assessment prepared by the applicant according to Institute of Transportation Engineers guidelines regarding carrying capacity/level of service of the affected streets and any proposed mitigation sufficient to offset those impacts; (b) only if the applicant can demonstrate that the proposed use will not overburden public water, septage or solid waste facilities; (c) only if the applicant provides an enforceable plan for the mitigation and control of trash and litter generated by the proposed establishment; (d) ~~any~~ only if the architecture and signage conform to traditional Cape Cod style; and (e) only if, in order to assure that the concerns of the abutters and residents will be considered as a significant factor in the determination of the benefits or adverse effects of the proposed fast food establishment on the neighborhood and the Town, the Board of Appeals shall make a specific Finding of Significance regarding the response to the proposed use; or to take any other action relative thereto.

[Requested by the Planning Board]

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Planning Board Recommends: 5-0-0

2/3rd's Vote Required

David Gardner moved that the Town vote to amend the Zoning Bylaws as printed in the warrant under Article 2. **Motion Passed (2/3rd's Vote Declared)**

Article 3. Zoning Bylaw Amendment – Article 1, Definitions – Manufactured Home. (*Deletions shown in strike through and new text shown as underlined*)

To see if the Town will vote to amend the *Provincetown Zoning Bylaws, Article 1, Definitions*, as follows:

Manufactured Home - means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities.

For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles. See Section ~~3400~~4300 Manufactured Homes and Campers; or to take any other action relative thereto.

[Requested by the Planning Board]

2/3rd's Vote Required

Board of Selectmen Recommends: 5–0–0

Finance Committee Recommends: 6–0–0

Planning Board Recommends: 5–0–0

David Gardner moved that the Town vote to amend the Zoning Bylaws as printed in the warrant under Article 3. **Motion Passed (2/3rd's Vote Declared)**

Article 4. Zoning Bylaw Amendment – Article 4, Section 4028, Special Regulations. *(Deletions shown in strike through and new text shown as underlined)*

To see if the Town will vote to amend the *Provincetown Zoning Bylaws, Article 4, Special Regulations, Section 4028*, as follows:

4028. The Planning Board may require the following information in connection with site plan review. In deciding which requirements will apply to a specific application, the review authority shall consider the size and intensity of the use, and the unique circumstances of each application.

(No change to sections a. through i.)

j. Grading Plan with existing and proposed topography at two-foot contour intervals, only if new, or expanded parking and/or drainage structures are proposed, including the volume and area of graded or excavation material if expected to exceed greater than ~~2000~~750 cubic yards or an area greater than the minimum lot size in the zone in which the parcel is located; *(No further changes to this section)*; or to take any other action relative thereto.

[Requested by the Planning Board]

2/3rd's Vote Required

Board of Selectmen Recommends: 5–0–0

Finance Committee Recommends: 6–0–0

Planning Board Recommends: 5–0–0

David Gardner moved that the Town vote to amend the Zoning Bylaws as printed in the warrant under Article 4. **Motion Passed (2/3rd's Vote Declared)**

Article 5. Zoning Bylaw Amendment – Article 2, Section 2320, High Elevation Protection District Regulations. *(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 2320, High Elevation Protection District*, as follows:

C. Special Regulations for HEP Districts A and B. All new construction or additions and expansions, including but not limited to decks and other non-enclosed structures, even if the overall footprint is not being enlarged or any excavation, land removal or earth moving of more than 2500 cubic feet that will alter the topography from natural grade, whether or not subject to a building permit shall be subject to Site Plan Review as specified in Section ~~4160~~4000 with additional requirements as specified herein; or to take any other action relative thereto.

[Requested by the Planning Board]

2/3rd's Vote Required

Board of Selectmen Recommends: 5–0–0

Finance Committee Recommends: 6–0–0

Planning Board Recommends: 5–0–0

David Gardner moved that the Town vote to amend the Zoning Bylaws as printed in the warrant under Article 5. **Motion Passed (2/3rd's Vote Declared)**

Article 6. 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 Town Manager]

Board of Selectmen Recommends: 5–0–0

Finance Committee Recommends: 6–0–0

9/10th's Vote Required

Cheryl Andrews moved that the Town vote to transfer the sum of \$377.25 from 2014 Annual Town Meeting article 11-2 for the purpose of paying the following prior year bill: \$218.50 F.M. Generator, Inc; \$158.75 Fugate and Sons, Inc.

Motion Passed Unanimously.

Article 7. Mental Health/Substance Abuse Case Work.

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow an amount not to exceed \$50,000 to be expended under the direction of the Town Manager for a grant to support case work to advocate for those with Mental Health and/or Substance Abuse issues and all costs incidental and related thereto; or to take any other action relative thereto.

[Requested by the Board of Selectmen]

Board of Selectmen Recommends: 4–0–1

Finance Committee Recommends: 5–1–0
Board of Health Recommends: 4–0–0

Tom Donegan moved that the Town vote to raise and appropriate \$50,000 to be expended under the direction of the Town Manager to secure services to support case work to advocate for those with Mental Health and/or Substance Abuse issues, and all costs related thereto. **Motion Passed.**

Article 8. High School HVAC and Roof Replacement Project.

To see if the Town will vote to appropriate, borrow or transfer from available funds, an amount not to exceed \$7,310,550 under the direction of *the School Building Committee* for the Provincetown High School building located at 12 Winslow Street, Provincetown, MA., for the purpose of replacement of the heating system, gymnasium roofs, gymnasium windows, and the installation of an emergency generator, which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program and for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”). The Town acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town. Any grant that the Town may receive from the MSBA for the Project shall not exceed the lesser of (1) 50.68 percent (%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA, provided that the appropriation shall be contingent on a Proposition 2½ Debt Exclusion ballot question; or to take any other action relative thereto.

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

Board of Selectmen Recommends: 5–0–0
Finance Committee Recommends: 6–0–0
School Committee Recommends: 5–0–0
Building Committee Recommends: 4–0–0
Disability Commission Recommends: 4–0–0
Recycling & Renewable Energy Committee Recommends: 4–0–0

2/3rds Vote Required

Tom Donegan moved that the Town appropriate the amount of Seven Million Three Hundred Ten Thousand Five Hundred Fifty (\$7,310,550) Dollars for the purpose of paying costs of the replacement of the heating system, gymnasium roofs, gymnasium windows, and installation of an emergency generator, at the Provincetown High School building located at 12 Winslow Street, Provincetown, MA, including the payment of all costs incidental or related thereto (the “Project”), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the Town may be eligible for a grant from the Massachusetts School Building Authority (“MSBA”), said

amount to be expended under the direction of the School Building Committee. To meet this appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said amount under M.G.L. Chapter 44, or pursuant to any other enabling authority. The Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town; provided further that any grant that Town may receive from the MSBA for the Project shall not exceed the lesser of (1) 50.68 percent (50.68%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; provided that any appropriation hereunder shall be subject to and contingent upon an affirmative vote of the Town to exempt the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. 59, Section 21C (Proposition 2½); and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Town and the MSBA.

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

Article 9. DPW Equipment – Sidewalk Maintenance Tractor.

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow an amount not to exceed \$40,000 to be expended under the direction of the Town Manager for the purchase of a sidewalk maintenance tractor and all costs incidental and related thereto, for the purpose of sidewalk snow plowing, sweeping, and cleaning; or to take any other action relative thereto.

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

Board of Selectmen Recommends: 5–0–0

Finance Committee Recommends: 6–0–0

Cheryl Andrews moved that the Town vote to transfer from free cash \$40,000 for a Public Works sidewalk maintenance tractor to be expended under the direction of the Town Manager and the Director of Public Works and costs related thereto.

Motion Passed.

Article 10. Design Services Contract for a New Police Station.

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow an amount not to exceed \$39,000 to be expended under the direction of the Town Manager for the design and project management services, and all costs incidental and related thereto, in connection with siting and finalizing the conceptual design of a new police station; or to take any other action relative thereto.

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

Board of Selectmen Recommends: 4–0–1

Finance Committee Does Not Recommend: 4–3–0

Building Committee Recommends: 4–0–0

David Panagore moved that the Town vote to transfer from free cash \$39,000 to be expended under the direction of the Town Manager for the design and project management services, and all costs incidental and related thereto, in connection with siting and finalizing the conceptual design of a new police station.

Motion Passed.

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

Article 11. General Bylaw Amendment – Chapter 16 - Condominium Conversion Bylaw. (*Deletions shown in strike through and new text shown as underlined*)

To see if the Town, under St. 1983, c.527, §2, and all of the authority provided under Amended Article 89 of the Massachusetts Constitution, will vote to adopt the following General Bylaw to prohibit for two years and then, thereafter, to further control and regulate the conversion of residential rental property to the condominium or cooperative form of ownership, through a conversion permitting process:

Chapter 16. CONDOMINIUM AND COOPERATIVE CONVERSION BYLAW
SECTION 1. PURPOSE.

The Town declares, as provided for under St. 1983, c.527, §2, that local conditions constitute an acute rental housing emergency that requires local action, on account of the aggravating impact of the facts set forth in section one of c.527 (including lack of sufficient new rental housing production, prolonged increases in housing costs at a rate substantially exceeding increases in personal income, housing abandonment, increased costs of new housing and construction and finance and the effect of conversion of rental housing into condominiums or cooperatives) and unless the available rental housing stock and the tenants who reside in them receive further protection from the consequences of conversion, the rental housing shortage will generate serious threats to the public health, safety, and general welfare of the citizens of the Town, including, particularly, the elderly, the handicapped, and persons of low and moderate income and employees in the tourism and other service industries, and for municipal employees.

As of the effective date of this Bylaw, the Town has approximately 4,383 housing units and approximately 50% of the housing units are condominium units, 20% are single-family dwellings, and 30% are multi-family units.

The Town estimates that the vacancy rate for year-round rental units in the Town is less than 1%, creating a severe housing crisis that threatens the Town's economy.

Market conditions encourage conversion of existing residential rental units to condominiums in the Town, to serve the second home ownership demand and this has caused a shortage of year-round rental units. The desirability of the Town as a second home market, combined with the high density that is allowed by the Town's zoning regulations and the limited amount of land available to develop new housing, has driven up the value of housing accommodations and resulted in the conversion of existing

rental units and single-family and guest units into condominium units, thereby eliminating year-round rental housing. The rapid conversion to the condominium form of ownership and the increase in the value of those condominiums on the second home ownership market is making it difficult to the point of impossibility for low, moderate and median income families, which includes service industry and municipal employees, as well as elderly residents, who have limited and fixed incomes, to obtain or maintain year-round rental housing in the Town.

The severe shortage of year-round rental housing in the Town is a serious public emergency that threatens the Town's tourism-based economy and is a serious threat to the public health, safety, and general welfare of the citizens of the Town as substandard housing is becoming a resort as persons desiring to locate in Provincetown cannot locate year-round rental accommodations and existing residents are being displaced and are unable to find new year-round rental accommodations.

The effects of condominium and cooperative conversions on the availability of year-round rental units cannot be dealt with solely by the operation of the private housing market and, unless the removal of year-round rental units from the market is regulated and controlled, the housing emergency which presently exists in the Town and the inflationary pressures on and displacement of residents, the service industry work force, elderly, handicapped and those living on limited and fixed incomes resulting therefrom will continue to produce serious threats to the public health, safety, and general welfare of the citizens of the Town.

In order to protect the public health, safety, and general welfare of the citizens of the Town, and to prevent the worsening of the current severe shortage of year-round rental housing that is available to service industry and municipal employees and the elderly and the public emergency resulting therefrom, it is necessary to regulate and control the conversion of housing units to the condominium or cooperative form of property ownership and the removal of housing from the rental market while the Town studies, plans and then develops and implements programs to regulate and manage the housing crisis.

SECTION 2. DEFINITIONS.

As used in this Bylaw the following terms shall have the following meanings:

- a) "Board": The Board of Selectmen for the Town of Provincetown.
- b) "Condominium Unit": a unit of a condominium, as defined in G.L. c .183A.
- c) "Cooperative Unit": a residential dwelling space in a building owned by a corporation, the shareholders of which have organized on a cooperative basis for the purpose of leasing such dwelling space to themselves.
- d) "Condominium Conversion": the conversion of a rental housing unit to a condominium form of ownership.
- e) "Cooperative Conversion": the execution of a lease, of a cooperative unit in a building, with an owner of shares of stock in the corporation which owns the building which would convert a rental housing unit to a cooperative unit.

f) "Housing Unit:" a rental housing unit that is a "housing accommodation" as defined under St. 1983, c.527, §3.

f) "Removal from market" as applied to a Housing Unit, shall include, but not be limited to:

(1) The filing of a condominium master deed, pursuant to G.L. c.183A, for any housing accommodation any part of which was most recently occupied as a rental unit;

(2) The demolition of a rental unit;

(3) The rehabilitation, repair, or improvement of a rental unit, other than as required by the laws of the Commonwealth or by the Town, in such a way as to prevent residential occupancy during the course of the rehabilitation, repair, or improvement, and

(4) The conversion of all or part of any building to a condominium or cooperative form of ownership.

g) "Town": the Town of Provincetown.

SECTION 3. APPLICABILITY.

This Bylaw shall apply to all Housing Units (which under St. 1983, c.527, excludes buildings containing fewer than four units and excludes units in hotels, motels, inns, tourist homes, and rooming and boarding houses which are occupied by transient guests staying for a period of fewer than fourteen consecutive calendar days and excludes units in hospitals, and public and educational institutions, and nursing homes and excludes units lawfully constructed after November 30, 1983, or lawfully converted from a non-housing to a housing use after November 30, 1983, and excludes housing accommodations constructed or substantially rehabilitated under a federal mortgage insurance program and housing accommodations financed through the Massachusetts Housing Finance Agency, with an interest subsidy attached thereto).

SECTION 4. TWO YEAR PROHIBITION ON CONVERSIONS.

No condominium or cooperative conversion and no removal from market of a rental housing unit shall be permitted in the Town for two years from the effective date of this Bylaw, to allow the Town time to study, plan and then develop and implement programs, including, but not limited to, the regulations in Section 5, to deal with the year-round rental housing crisis in the Town.

SECTION 5. REGULATIONS.

A) No condominium or cooperative conversion and no removal from market of a Housing Unit that is subject to this Bylaw shall be permitted in the Town, except pursuant to a permit granted under this section.

B) When the Vacancy Rate for year-round market rate rental units in the Town exceeds 5%, a building owner may apply to the Board for a permit to convert rental housing units to a condominium or cooperative form of ownership. When the Vacancy Rate is equal to or lower than 5%, a building owner may not apply for a permit to convert said building to condominiums or cooperatives unless the financial or other circumstances for the owner are such that prohibition of a conversion would constitute unconstitutional confiscation of the owner's property. When such an application is made, the Board,

before granting a permit, shall be required to make an explicit finding that denial of a conversion permit would constitute such confiscation.

C) The Board shall consider at least the following factors in determining whether to grant or deny a conversion permit:

1) the impact of the proposed conversion upon the tenants sought to be protected by this Bylaw and upon the availability of year-round market rate rental housing of comparable type, quality and cost in the town and upon the overall availability of year-round rental housing in the town;

2) the ease or difficulty with which the affected tenants could find alternative year-round market rate rental housing in the town of comparable type, quality and cost;

3) any efforts to mitigate the impact of the proposed conversion upon the affected tenants, including but not limited to, guaranteed rights to remain as tenants for a fixed period, full or partial reimbursement of moving expenses and other costs of finding alternative year-round rental housing, and the procurement by the building owner for the tenants of alternative year-round rental housing in the town of comparable type, quality and cost;

4) the physical condition of the housing involved, and the financial viability to maintain the building as year-round market rate rental housing;

5) whether and for how long and why a unit or units in the building have been vacant; and

6) the age, financial status, and health of the affected tenants, and the length of their tenancies.

D) The Board shall have the power to issue such orders and enact such regulations as it may deem necessary to effectuate the purposes of this Bylaw, and to prescribe the procedure for filing applications for conversion permits, giving notice of applications, holding public hearings upon applications, and rendering decisions upon applications. The Board may impose a reasonable filing fee for applications.

E) The Board shall determine the Vacancy Rate for year-round rental units in the Town, using what source or sources of statistical data the Board determines to be appropriate and shall declare a state of public emergency if the Vacancy Rate is equal to or lower than 5% of the overall housing stock. Once a declaration is made, an applicant may ask the Board to reconsider the determination by providing the Board with data that demonstrates, to the Board's satisfaction, that the Vacancy Rate exceeds 5%.

F) Tenants shall have all of the rights provided for under St. 1983, c.527; and, in addition, those rights shall not begin to run until the date of the granting of a conversion permit.

G) It shall be unlawful to commit any acts of harassment against tenants, to fail to make necessary repairs or provide required services, or to seek unreasonable increases in rents, for or during said period for the purpose of seeking to induce tenants to vacate units.

H) An application for a conversion permit shall be accompanied by a written plan setting forth an orderly process for the conversion, and a description of the governing process by which the owners' association or cooperative corporation shall exercise its responsibilities during and after the conversion.

I) An application for a conversion permit shall cover all units in a building; however, the Board may in the exercise of its discretion hereunder condition the grant of the conversion permit upon the building owner making special provisions for certain units and tenants thereof.

J) No conversion permit shall be granted unless the building has been certified by an independent licensed engineer or architect to meet all applicable building and health codes of the Town and Commonwealth.

K) This section shall not be in effect during the two-year moratorium provided hereunder or any extension thereof.

SECTION 6. SEVERABILITY.

Should any provision of this Bylaw or its application to any person or circumstance, be determined to be invalid, that invalidity shall not affect the validity of any other provision or application hereof.

SECTION 7. PENALTIES AND ENFORCEMENT.

Any person who violates this Bylaw shall be punished by a fine of three hundred dollars (\$300) per offense under G.L. c.40, §21D. Each day during which a unit is illegally converted or occupied and each day after which an illegal conversion takes place, shall constitute a separate offense, and the conversion of multiple units in a building shall constitute multiple offenses. The Board or its designee may enforce this Bylaw in a court of competent jurisdiction, and may seek and obtain appropriate injunctive relief to enforce the Bylaw in a civil action.

SECTION 8. EFFECTIVE DATE.

This Bylaw shall take effect as provided for under G.L.c.40, §32.
Or to take any other action relative thereto.

[Requested by the Board of Selectmen]

Board of Selectmen Recommends: 4-0-0

Finance Committee Does Not Recommend: 7-0-0

2/3rd's Vote Required

Raphael Richter moved that the Town vote to adopt a new section of the General Bylaws as printed in the warrant under Article 11.

Motion Does Not Pass For: 105 Against: 127

Article 12. An Act Authorizing the Provincetown Condominium and Cooperative Conversion Bylaw and Expand the Protections Provided under St. 1983, c.527.

To see if the Town will vote to approve the following amendments and to authorize the Board of Selectmen to file a petition with the General Court to authorize the Town to include the following approved amendments to *the Condominium and Cooperative Conversion Bylaw Chapter 16* adopted by Town Meeting in order to expand the protections provided under St. 1983, c.527; provided, however, that the General Court may make clerical and editorial changes of form only to the petition, unless the Board of Selectmen votes to approve said changes to the petition and provided further that the Board of Selectmen shall be authorized to approve such changes to the petition as are within the public purposes of the petition or to do or act in any manner relative thereto.

AN ACT AUTHORIZING AMENDMENTS TO THE PROVINCETOWN CONDOMINIUM AND COOPERATIVE CONVERSION BYLAW BY EXPANDING THE PROTECTIONS PROVIDED UNDER ST. 1983, C.527.

Notwithstanding any general or special law to the contrary, including, but not limited to the provisions of St. 1983, c.527, the following amendments to the Provincetown General Bylaw, Chapter 16 as approved by the Provincetown Town Meeting, are hereby authorized by the General Court:

Chapter 16. PROVINCETOWN CONDOMINIUM AND COOPERATIVE CONVERSION BYLAW Chapter 16 is authorized to be amended as follows:

(Deletions shown in strike through and new text shown as underlined)

1. By deleting Section 2 (f), thereof, and by substituting, therefore, the following:

f) "Housing Unit:" any unit of housing (whether used for a rental purpose or not) in any existing structure that is proposed to be converted to condominium or cooperative form of ownership, except a unit of housing that was created or substantially renovated with state or federal funding and except for any unit of housing lawfully converted before this Bylaw takes effect and except for any unit of housing constructed after this Bylaw takes effect.

2. By deleting Section 3, thereof, and by substituting, therefore, the following:

This Bylaw shall apply to the condominium and cooperative conversion of any Housing Unit located within the Town, as of the effective date of this Bylaw; however, this Bylaw shall not apply to any Housing Unit lawfully converted before the effective date of this Bylaw, to any Housing Unit constructed or substantially rehabilitated under a federal mortgage insurance program or any housing accommodations financed through the

Massachusetts Housing Finance Agency, with an interest subsidy attached thereto, and any unit built after this Bylaw takes effect.

This Act shall take effect when approved by the General Court.
Or to take any other action relative thereto.

[Requested by the Board of Selectmen]

Board of Selectmen Recommends: 3–1–0
Finance Committee Does Not Recommend: 7–0–0

Erik Yingling moved to indefinitely postpone Article 12.

Motion Passed.

Town Moderator Mary-Jo Avellar returned to the meeting.

Article 13. Upgrade of Software for Parking Equipment at MPL.

To see if the Town will vote to transfer an amount not to exceed \$32,418.75 from the Parking Fund to be expended under the direction of the Town Manager for the upgrade of parking lot equipment, and all costs incidental and related thereto; or to take any other action relative thereto.

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

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

Raphael Richter moved that the Town vote to transfer \$32,418.75 from the parking fund to be expended under the direction of the Town Manager for the upgrade of parking lot equipment and costs related thereto.

Motion Passed.

Article 14. Adoption of Small Personal Property Exemption.

To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 59, Section 5, Clause 5, by establishing a tax exemption for small personal property and to further establish a valuation threshold of \$2,500; or to take any other action relative thereto.

[Requested by the Board of Selectmen and Board of Assessors]

Board of Selectmen Recommends: 5–0–0
Finance Committee Recommends: 6–0–0
Board of Assessors Recommends: 4–0–0

Erik Yingling moved that the Town vote to accept the provisions of Massachusetts General Laws Chapter 59, Section 5, Clause 54, by establishing a tax exemption for small personal property and to further establish a valuation threshold of \$2,500.

Motion Passed.

Article 15. General Bylaw Amendment - Smoking Ban on Town-Owned Beaches.
(Deletions shown in strike through and new text shown as underlined)

To see if the Town will vote to amend the *General Bylaws of the Town of Provincetown* by inserting as the new subsection 13-2-23 the following:

“13-2-23. Smoking is prohibited in all places designated in Massachusetts General Laws Chapter 270, Section 22, and on all Town-owned beaches.” Or to take any other action relative thereto.

[Requested by the Board of Health]

Board of Selectmen Does Not Recommend: 3–2–0

Finance Committee Recommends: 6–0–0

Board of Health Recommends: 4–0–0

Recycling & Renewable Energy Recommends: 4–0–0

Conservation Commission Recommends: 4–0–0

Steve Katsurinis moved that the Town vote to amend the General Bylaws as printed in the warrant under Article 15. **Motion Passed.**

Article 16. General Bylaw Amendment – Chapter 4, Town Meeting and Town Elections. (Deletions shown in strike through and new text shown as underlined)

To see if the Town will vote to amend the *Provincetown General Bylaw Section 4-3-2, Limitation on Duration of Speeches* as follows:

4-3-2. Limitation on duration of speeches. No person shall speak for more than ~~ten (10)~~ five (5) minutes on any question unless the time shall be extended by vote of the meeting. Or to take any other action relative thereto.

[Requested by the Board of Selectmen]

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 5-2-0

Cheryl Andrews moved that the Town vote to amend the General Bylaws as printed in the warrant under Article 16. **Motion Passed.**

Article 17. Zoning Bylaw Amendment – Article 2, Section 2440, Use Regulations Articles. (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 2440, Permitted Principal Uses*, to allow for accessory dwelling units in the Res2 Zoning District, as follows:

Add a footnote to Principal Use, A1a3, Single Family Dwelling, three or more per lot, as follows:

A1a	Single Family Dwelling	Res 1	Res 2	Res 3	TCC	GC	S	M
3.	three or more per lot (each separate structure)	NO	NOPB ²⁰	YES ⁸	YES ⁸	YES ⁸	NO	NO

Footnote: 20. One accessory dwelling unit may be allowed in the Res1 Zoning District, for a total of two dwelling units per lot, and in the Res2 Zoning District for a total of three dwelling units, only if the following criteria are met: ~~it~~ the accessory dwelling unit is for year-round rental only; 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 principal residence; or to take any other action relative thereto.

[Requested by the Planning Board]

Board of Selectmen Recommends: 4-1-0

Finance Committee Recommends: 6-0-0

Planning Board Recommends: 6-0-0

Community Housing Council Recommends: 4-0-0

2/3rd's Vote Required

Gloria McPherson moved that the Town vote to amend the Zoning Bylaws as printed in the warrant under Article 17.

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

Article 18. Zoning Bylaw Amendment – Article 2, Section 2440, Use Regulations Articles. (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 2440, Permitted Principal Uses*, to make the Planning Board, rather than the Zoning Board of Appeals, the Special Permit Granting Authority for two dwelling units on a single lot in the Res2 Zoning District, as follows:

A1a	Single Family Dwelling	Res 1	Res 2	Res 3	TCC	GC	S	M
2.	two per lot							
	(each separate structure)	PB ²⁰	<u>BAPB</u>	YES ⁸	YES ⁸	YES ⁸	NO	NO

or to take any other action relative thereto.

[Requested by the Planning Board]

Board of Selectmen Recommends Indefinite Postponement: 5-0-0

Finance Committee Recommends Indefinite Postponement: 6-0-0

Planning Board Recommends Indefinite Postponement: 5-0-0

2/3rd's Vote Required

Gloria McPherson moved to indefinitely postpone Article 18.

Motion Passed.

Article 19. Citizen's Petition Article – General Bylaw Amendment – Chapter 4, Town Meeting and Town Elections. (Deletions shown in strike through and new text shown as underlined)

To see if the Town will vote to amend the *Provincetown General By-Laws, Article 4-3, Speeches at Town Meeting*, by adding a new section, 4-3-6, as follows:

4-3-6. Finance Committee and Board of Selectmen should use the microphones on floor when speaking as private citizens, and podium when presenting and speaking as Board members or on articles on behalf of the Board; or to take any other action relative thereto.

(Requested by Jennifer Cabral and others)

Board of Selectmen Does Not Recommend: 5-0-0

Finance Committee Does Not Recommend: 6-0-0

Jennifer Cabral moved that the Town vote to amend the General Bylaws as printed in the warrant under Article 19. **Motion Passed (For: 106 Against: 54).**

Town Moderator Mary-Jo Avellar dissolved the October 26, 2015 Special Town Meeting at 10:04 p.m. **Motion Passed.**

October 26, 2015 Special Town Meeting dissolved at 10:04 p.m.