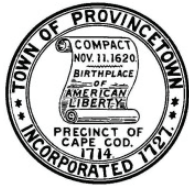


PROVINCETOWN BANNER PUBLISHED APRIL 8 & 15, 2021

# PUBLIC HEARING



## Planning Board • Thursday, April 22, 2021 Proposed Zoning Bylaw changes

The Provincetown Planning Board will hold a remote public hearing on Thursday, April 22, 2021, at 6 P.M. in the Judge Welsh Room, Town Hall, 260 Commercial Street, Provincetown, MA 02657 to hear comments from the public and vote on the following proposed amendments to the Provincetown Zoning Bylaws for the May 1, 2021 Annual Town Meeting Warrant, as well as any proposed petitioned articles concerning land use or development. (proposed deletions are ~~stricken through~~ and proposed additions are underlined): A copy of this proposed zoning bylaw is available for public inspection at the Office of the Town Clerk, Provincetown Town Hall, 260 Commercial Street, Provincetown, MA 02657.

**Article \_\_. Zoning Bylaw Amendment: Floodplain District Boundaries and Base Flood Elevation Data.** (*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 2330 **Floodplain District Boundaries and Base Flood Elevation Data** as follows:

### **2330 Floodplain District Boundaries and Base Flood Elevation Data**

~~The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Provincetown designated as Zone AE, AO or VE on the Barnstable County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Barnstable County FIRM that are wholly or partially within the Town of Provincetown are panel numbers 25001C0103J, 25001C0104J, 25001C0108J, 25001C0109J, 25001C0111J, 25001C0112J, 25001C0114J, 25001C0116J, 25001C0117J and 25001C0118J dated July 16, 2014. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Barnstable County Flood Insurance Study (FIS) report dated July 16, 2014. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official, and Conservation Commission.~~

~~2331 Elevation—New construction or substantial improvement (which shall be defined for the purposes of this section as any repair, construction or alteration costing 50% or more of the market value of the structure before improvements; or if damaged, before damage occurred) of residential structures shall have the lowest floor (including basement) elevated to not less than Base Flood Elevations. (Substantial improvement is deemed to have occurred when the first alteration of any structural part of the building commences).~~

~~New construction or any substantial improvement of non residential structures shall either be similarly elevated or, together with attendant utility and sanitary facilities shall be flood proof (i.e. watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy to or above that level) to not less than the Base Flood Elevations. However, structures such as boathouses that would be functionally impaired by such measures, because it requires a water level locations, and is not continuously used for human occupancy, may be exempted from this requirement, upon the issuance of a Special Permits from the Zoning Board of Appeals.~~

**2331 Purpose** The purpose of the Floodplain District Boundaries is to:

1. Ensure public safety through reducing the threats to life and personal injury;
2. Eliminate new hazards to emergency response officials;
3. Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding;
4. Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding;
5. Eliminate costs associated with the response and cleanup of flooding conditions; and
6. Reduce damage to public and private property resulting from flooding waters.

**2332 The Floodplain District** is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Provincetown designated as Zone A, AE, AO, AH, or VE on the Barnstable County Flood Insurance Rate Map (FIRM) dated July 6, 2021 issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The exact boundaries of the District shall be defined by the 1%-chance base flood elevations shown on the FIRM and further defined by the Barnstable County Flood Insurance Study (FIS) report dated July 6, 2021. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official, Conservation Commission and [other].

### **2333 Designation of community Floodplain Administrator**

The position of Building Commissioner is hereby designated to be the official floodplain administrator for Provincetown.

### **2334 Permits are required for all proposed development in the Floodplain Overlay District**

The Town requires a permit for all proposed construction or other development in the floodplain overlay district, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.

### **2335 Assure that all necessary permits are obtained**

Provincetown's permit review process includes the use of a checklist of all local, state and federal permits that will be necessary in order to carry out the proposed development in the floodplain overlay district. The proponent must acquire all necessary permits, and must submit the completed checklist demonstrating that all necessary permits have been acquired.

**2332 2336 Code References** Any new construction or substantial improvements to be undertaken within said district shall be in accordance with the Massachusetts Uniform Building Code.

**2333 2337 Use of Available Flood Data** ~~The Building Inspector shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or any other source, as a criteria for requiring that new construction, substantial improvements, or other development in A Zones meet all requirements set forth in Section 60.3 (c) (2), (3), (5), and (6) and~~

PROVINCETOWN BANNER PUBLISHED APRIL 8 & 15, 2021

# PUBLIC HEARING

~~(d) (3) of the National Flood Insurance Program. In Zone AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.~~

In A Zones, in the absence of FEMA BFE data and floodway data, the building department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.

### **2338 Floodway encroachment**

In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

~~2334 "V" Zones No land within areas designated as V (velocity) Zones on the Federal Emergency Management Agency Flood Insurance Rate Maps shall be developed unless such development:~~

~~a. is demonstrated by the applicant to be located landward of the reach of the mean high tide through issuance of a special permit by the Zoning Board of Appeals, and;~~

~~b. 2339 Any man-made alteration of sand dunes within said designated V Zones which might increase the potential for flood damage shall be prohibited.~~

### **2335 2340 Other Use Regulations**

1. Within Zone AO or AH on the FIRM, adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.
2. All subdivision proposals shall be designed, based upon pre-construction and post-construction drainage calculations provided by a professional engineer, to assure that:
  - a. Such proposals minimize flood damage;
  - b. All public utilities and facilities shall be located and constructed to minimize or eliminate flood damage; and
  - c. Adequate drainage shall be provided to reduce exposure to flood hazards.
3. When proposing subdivisions or other developments greater than 50 lots or 5 acres (whichever is less), the proponent must provide technical data to determine base flood elevations for each developable parcel shown on the design plans.
4. Recreational vehicles  
In all A or V zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

### **2336 2341 Variances**

Any variance from the requirements of this section shall be considered a use variance and no use variance shall be issued from this section by the Zoning Board of Appeals. Only the Massachusetts State Building Code Commission may grant a variance from the building code requirements in the floodplain. In

such case:

1. The Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance, and will maintain this record in the community's files.
2. The Town shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property.
3. Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.

### **2342 Variances to local Zoning Bylaws related to community compliance with the National Flood Insurance Program**

A variance from these floodplain bylaws must meet the requirements set out by State law, and may only be granted if: 1) Good and sufficient cause and exceptional non-financial hardship exist; 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and 3) the variance is the minimum action necessary to afford relief.

### **2337 2343 Other Laws**

Where these flood area provisions impose greater or lesser restrictions or requirements than those of other applicable by-laws or regulations, the more restrictive provisions shall apply.

1. Disclaimer of liability  
The degree of flood protection required by this bylaw is considered reasonable but does not imply total flood protection.
2. Severability section  
If any section, provision or portion of this bylaw is deemed to be unconstitutional or invalid by a court, the remainder of the ordinance shall be effective.

### **2338 2344 Notification of Watercourse Alteration**

In a riverine situation, the Zoning Enforcement Officer shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities
- NFIP State Coordinator  
Massachusetts Department of Conservation and Recreation  
251 Causeway Street, Suite 600-700  
Boston, MA 02114-2104
- NFIP Program Specialist  
Federal Emergency Management Agency, Region I  
99 High Street, 6th Floor  
Boston, MA 02110

### **2345 Requirement to submit new technical data**

If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.)  
Notification shall be submitted to:

- FEMA Region I Risk Analysis Branch Chief  
99 High St., 6th floor, Boston, MA 02110

And copy of notification to:

- Massachusetts NFIP State Coordinator  
MA Dept. of Conservation & Recreation, 251 Causeway Street, Boston, MA 02114



PROVINCETOWN BANNER PUBLISHED APRIL 8 & 15, 2021

# PUBLIC HEARING

## 2346 Definitions

DEVELOPMENT means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59]

FLOODWAY The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. [Base Code, Chapter 2, Section 202]

FUNCTIONALLY DEPENDENT USE means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]

HISTORIC STRUCTURE means any structure that is:  
(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;  
(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;  
(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or  
(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:  
(1) By an approved state program as determined by the Secretary of the Interior or  
(2) Directly by the Secretary of the Interior in states without approved programs.  
[US Code of Federal Regulations, Title 44, Part 59]

NEW CONSTRUCTION. Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. New construction includes work determined to be substantial improvement. [Referenced Standard ASCE 24-14]

RECREATIONAL VEHICLE means a vehicle which is:  
(a) Built on a single chassis;  
(b) 400 square feet or less when measured at the largest horizontal projection;  
(c) Designed to be self-propelled or permanently towable by a light duty truck; and  
(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.  
[US Code of Federal Regulations, Title 44, Part 59]

SPECIAL FLOOD HAZARD AREA. The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE or

V1-30. [Base Code, Chapter 2, Section 202]

START OF CONSTRUCTION. The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns. Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202]

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. [US Code of Federal Regulations, Title 44, Part 59]

SUBSTANTIAL REPAIR OF A FOUNDATION. When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]

VARIANCE means a grant of relief by a community from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59]

VIOLATION means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59] or to take any other action relative thereto.

[Requested by the Planning Board]

**Explanation of Article \_\_:** *This amendment adopts updated mandatory language from the Massachusetts 2020 Model Floodplain Bylaw that includes all current National Flood Insurance Program (NFIP) requirements. Congress created the NFIP in 1968 to offer flood disaster relief in the form of insurance that is available to residents of communities that voluntarily adopt and enforce floodplain management ordinances that meet the minimum NFIP requirements. For homeowners and businesses in Provincetown to secure and maintain flood insurance, the Town **must adopt** these federally required changes per the NFIP. The Massachusetts 2020 Model Floodplain Bylaw language updates the bylaw's language and adds clarifying definitions. This mandatory language does not*

PROVINCETOWN BANNER PUBLISHED APRIL 8 & 15, 2021

# PUBLIC HEARING

*modify or change the application of the current Massachusetts Building Code. **Failure of Town Meeting to adopt this Article at this Town Meeting will result in the Town's removal from the Community Rating System Program and adversely affect property owners in the flood zone (i.e. flood insurance rates will go up dramatically).***

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

		Residential			Commercial		Sea-shore	Public Use
		Res1	Res2	Res3 ResB	TCC	GC	S	M
<b>A.</b>	<b>Residential</b>							
A1a	Single Family Dwelling							
	1. one per lot	YES	YES	YES	YES	YES	NO	NO
	2. two per lot (each separate structure)	NO	PB	<u>PB</u> <b>YES</b>	<u>PB</u> <b>YES</b>	<u>PB</u> <b>YES</b>	NO	NO
	3. three per lot	NO	NO	PB	PB	PB	NO	NO
	4. four or more per lot	NO	NO	PB	PB	PB	NO	NO
A1b	Two Family Dwelling							
	1. one per lot	NO	PB	<u>PB</u> <b>YES</b>	<u>PB</u> <b>YES</b>	<u>PB</u> <b>YES</b>	NO	NO
	2. two per lot	NO	NO	PB	PB	PB	NO	NO
	3. three per lot	NO	NO	PB	PB	PB	NO	NO
	4. four or more per lot	NO	NO	PB	PB	PB	NO	NO

or to take any other action relative thereto.  
[Requested by the Planning Board]

**Explanation of Article \_\_:** This amendment corrects an error where the intent is to allow multi-family dwellings in the Res3/ResB, TCC and GC zoning districts, including two-family dwellings in districts that currently allow three-family homes. Adding two or more units would continue to require applicants to obtain a special permit under the Inclusionary and Incentive Bylaw. It doesn't make sense to require a use permit for two dwellings on a lot when they are otherwise exempt from site plan review.

**Article \_\_. Zoning Bylaw Amendment: Dimensional Schedule & Green Area.** (Deletions shown in strike-through and new text shown as underlined.) To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 2, Section 2560 **Dimensional Schedule**, and delete **Article 4, Section 4150 Green Area in its entirety** as follows:

**2560 Dimensional Schedule** (See Section 4100 for additional multi-family and commercial accommodation requirements)

Requirements	Residential			Commercial		Seashore	Public Use
	Res1	Res2	Res3 ResB	TCC	GC <sup>3</sup>	S	M
Min. Lot Area (square feet)	16,000 <sup>7</sup>	5,000	5,000	5,000	7,000	120,000	--
Min. Lot Frontage (linear feet)	100 <sup>7</sup>	50	50	50	70	--	--
Min. Front Yard (feet)	30	20 <sup>1</sup>	20 <sup>1</sup>	10 <sup>1</sup>	10	50	--
Min. Side Yard (feet)	15	6	6	5 <sup>2</sup>	10	25	--
Min. Rear Yard (feet)	20	15 <sup>1</sup>	10 <sup>1</sup>	10 <sup>1</sup>	25	25	--
Max. Lot Coverage (%)	40	40	40	60 <sup>8</sup>	40	--	--
<b>Min. Green Area (%)<sup>8</sup></b>	<b>30</b>	<b>30</b>	<b>30</b>	<b>10</b>	<b>30</b>	=	=
Max. Number of Stories <sup>4</sup> (Refer to Story in Definitions)	2 ½	2 ½	2 ½	2 ½	2 ½	2 ½	2 ½
Max. Building Heights <sup>5</sup>							
Hip, gable and Shed roofs (feet) <sup>6</sup>	33	33	33	33	33	33	33
Mansard, gambrel, arch, or dome roofs (feet)	28	28	28	28	28	28	28
Flat roof defined as less than 3/12 pitch (feet)	23	23	23	23	23	23	23

**Footnotes**

8. May be altered or waived by Special Permit from the Planning Board.

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

[Requested by the Planning Board]

**Explanation of Article \_\_:** This amendment moves the Green Area dimensional requirement from Article 4, Section 4150 to Article 2 and integrates it with the other dimensional requirements. It also recognizes that development patterns on Commercial Street make the 30% minimum Green Area requirement difficult to attain within the TCC District.

**Article \_\_. Zoning Bylaw Amendment: Residential Design Standards.**

(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 Section 4180 Residential Design Standards as follows:

**4163 Residential Design Standards** In its review of the site plan, the Planning Board shall require that the following minimum standards be met if applicable. The Planning Board may waive any design standard which would be unreasonable to enforce due to the peculiarities of the site or size of the development.

1. Ways within the site shall not intersect another way without the site or street outside the site at less than sixty degrees.
2. Driveway curb radii at street intersections shall not be less than ~~twenty-five~~ feet.
3. The minimum width of traveled surface within the site shall not be less than eighteen feet.
4. Where unusual topographical conditions exist, the Board may permit center line grades to be up but not greater than



PROVINCETOWN BANNER PUBLISHED APRIL 8 & 15, 2021

# PUBLIC HEARING

twelve percent.

5. All storm water drainage is to be contained within the site in a manner acceptable to the Planning Board.
  6. In new construction utility service shall be underground.
  7. Surfaces of parking area should be suitable for the purpose planned.
- or to take any other action relative thereto.

*[Requested by the Planning Board]*

**Explanation of Article \_\_:** *The proposed amendment would reduce driveway curb radii at street intersections to a more appropriate size for most residential properties. The existing 25 ft. minimum radii is recommended for arterial streets with a substantial volume of turning buses and/or trucks. Smaller radii can improve pedestrian safety by requiring motorists to reduce vehicle speed by making sharper turns, and shortening pedestrian crossing distances. Smaller radii also provide larger pedestrian waiting areas at corners and improve sight distances. The Planning Board retains the ability to require larger curb radii where appropriate for a specific property's driveway intersection.*

**Article \_\_. Zoning Bylaw Amendment: High Elevation Protection District.** *(Deletions shown in strike-through and new text shown as underlined.)* To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 2 Districts and District Regulations, Section 2320 **High Elevation Protection District** as follows:

### 2320 High Elevation Protection District

- A. Purpose. To preserve high elevation dunes which are of natural scenic beauty, important to the tourist economic base of the Town, and which present serious concerns regarding the consequences of erosion.
- B. District Delineation. All elevations above the 40' contour line shall be delineated as HEP District A; all elevations above the 60' contour line shall be delineated as HEP District B.
- C. Special Regulations for HEP Districts A and B. All new construction or additions and expansions, including but not limited to decks greater than 1' above the natural grade 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 High Elevation Site Plan Review as specified in Section 4000 with additional subject to the procedure specified in Section 4020 and the following requirements; as specified herein:

1. To facilitate siting and design related to the special considerations of the setting, the High Elevation Site Plan shall conform to the requirements of Section 4025 and the following additional information shall accompany the site plan:
  - a. Placement, height, physical characteristics of all existing and proposed building and structures;
  - b. Proposed landscape features including location and description of screening, fencing and planting;
  - c. Viewpoints (photographs of site from points along harbor front, streets, highways and town entry vistas;
  - d. Measures to be undertaken during and after construction to prevent erosion;
2. In its High Elevation Site Plan Review, the Planning Board shall apply the following ~~additional~~ standards:
  - a. Placement of buildings, structures, or signs shall not

- b. Building sites shall be directed away from the crest of hills in order to preserve the visual and physical integrity of the dune unless such siting shall be more detrimental to the physical integrity of the dune.
- c. Developments for more than one structure shall incorporate variable setback and multiple orientation.
- d. Foundations shall be constructed to reflect natural slope of the terrain; excessive support members or mechanical systems shall be covered and screened.
- e. Landscaping shall consist primarily of native trees and plants.
- f. Retaining walls shall be screened with appropriate materials.
- g. Any grading or earth-moving shall be planned and executed in such a manner that final contours are consistent with existing terrain both on and adjacent to the site.
- h. Utilities shall be constructed and routed to minimize detrimental effects on the visual setting.
- i. Storage of petroleum products shall be placed on a diked impermeable surface.
- j. All run-off from impervious surfaces shall be recharged on site by being diverted to storm water infiltration basins designed to handle a 25-year storm and covered with natural vegetation.
- k. No area totaling 2000 square feet or more on any parcel or contiguous parcels in the same ownership shall have existing vegetation clear-stripped or be filled 6 inches or more so as to destroy existing vegetation unless special controls are approved to control run-off, avoid erosion, and either a constructed surface or cover vegetation provided and mulched by end of August. No such areas shall remain through the winter without plant material cover.
- l. During construction runoff shall be trapped on site and all exposed or disturbed areas shall be permanently stabilized within six months of (permanent or final) the end of work.
- m. That the plan shall conform to the Illumination Standards of Section 3430 Illumination.

or to take any other action relative thereto.

*[Requested by the Planning Board]*

**Explanation of Article \_\_:** *This amendment clarifies and consolidates the standards by which a high elevation project is reviewed. Slope stabilization and illumination have been added to the standards and the Administrative Site Plan Review Criteria that are not applicable to the purpose outlined in the High Elevation Protection District are being removed. This amendment consolidates the review criteria to one section and eliminates ground-level decks from review.*

**Article \_\_. Zoning Bylaw Amendment: Site Plan Requirements.** *(Deletions shown in strike-through and new text shown as underlined.)* To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 4 Special Regulations, Section 4025 and 4027 Required Contents of Site Plan as follows:

4025. Required Contents of Site Plan.
4027. All site plans shall be on standard 18" x 24" or 24" x 36" sheets, or otherwise as deemed appropriate by the review authority, and shall be prepared at a standard engineering scale appropriate to the size of the site, and the level of detail required. At least one set of drawings shall be provided at 11" x 17". All

PROVINCETOWN BANNER PUBLISHED APRIL 8 & 15, 2021

# PUBLIC HEARING

drawings at this size shall also include a graphic scale. Plans in an acceptable electronic format shall also be provided. Separate plans shall be provided for following:

- a. Existing condition including contours, utilities and vegetation
- b. Proposed Grading (2' contours, max.) Layout (fully dimensioned),
- c. Proposed Utilities
- d. Proposed Landscaping
- e. Proposed Lighting Plan consistent with Section 3430 including manufacturer's specification sheet or to take any other action relative thereto.

*[Requested by the Planning Board]*

**Explanation of Article \_\_:** *This amendment clarifies the requirement for a lighting plan to be included in a Site Plan review application, as this information is often not submitted in a timely manner and can result in applications being continued to multiple hearings and delayed decisions.*

**Article \_\_. Zoning Bylaw Amendment: Commercial Design Standards.** (*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 4053 Commercial Design Standards as follows:

4053 Commercial Design Standards.

3. Appearance/Architectural Design: Architectural design shall be compatible with ~~historic character and scale of other buildings in the neighborhood~~ Town (including compliance with ~~Article 3 section 3300 of these By-laws~~) through use of appropriate building materials, screening, breaks in roof and wall lines and other architectural techniques design elements. Variation in detail, form and siting shall be used.

or to take any other action relative thereto

*[Requested by the Planning Board]*

**Explanation of Article \_\_:** *This amendment clarifies the role of the Planning Board in reviewing site plan applications. Removal of language that references the purview of the Historic District Commission and the Zoning Board of Appeals avoids potential conflict between multiple boards on an interpretation considering that the Planning Board has no standards by which to make findings for "historic character" or "scale of buildings". Also removes a reference to Section 3300 which does not exist.*

**Article \_\_. Zoning Bylaw Amendment: Outdoor Display.** (*Deletions shown in strike-through and new text shown as underlined.*) To see if the Town will vote to delete Provincetown Zoning Bylaws, Article 3 Section 3420 Outdoor Display in its entirety:

~~3420 Outside Display In all districts of town there shall be no mechanical display or exhibit, or display of any type of merchandise or wares, for the purpose of advertisement, sale, barter, or exchange, or as an inducement thereof, outside of, upon, or against any building or screened or open porch, or booth, or cart, or contiguous land, or premises unless a Special Permit for said display is first granted by the Board of Zoning Appeals, or specifically excepted as hereinafter provided. Effective April 1, 1990, all exterior displays or exhibits must have a Special Permit from the Zoning Board of Appeals. A Special Permit for Outside Display may be issued for a period of three calendar~~

~~years after filing an application with the Board of Zoning Appeals and a copy thereof with the Town Clerk. The Special Permit shall specify the number and generic type (e.g. clothing, children's toys, newspapers and magazines, lawn care machinery, etc.) of items to be displayed and the location thereof indicated on a drawing or plan; any change in content (i.e. different generic items) shall require a new Special Permit. The Special Permit may be granted by the Board of Zoning Appeals only if it finds all of the following: a. The proposed display does not create any adverse effect due to hazard or congestion; b. The proposed display is consistent with and does not cause any adverse impacts to the character of the surrounding neighborhood; c. The proposed display is an adjunct display to, and for representative merchandise or wares of, a retail sales, service or restaurant establishment located on the same premises; d. A majority of abutters within a 300 foot radius have not submitted a petition objecting to the proposed display; and e. The proposed display has not been opposed by a petition signed by 150 voters. The Special Permit may be renewed for succeeding three-year periods, however violations may be considered as a basis for non-renewal. Exceptions: A. Bazaars or functions for charitable purposes by organizations existing in Town for a minimum of one year may be excepted for periods not exceeding one week in any one year by any one applicant provided that application is made to the Board of Selectmen and a license for said activity is granted. B. The sale of art produced by working artists at the time and point of sale, including caricatures and portraits, provided that application is made to the Licensing Board and a license for said activity is granted. C. This By-Law shall not apply to artists working in public and shall not be construed as to prohibit an artist from selling work in progress, subject to Licensing Board approval. D. The displaying and selling of commodities (excluding food and beverage) by businesses and residents during the weekend (Saturday and Sunday) in May, of the "Monumental Yard Sale", which shall be under the sponsorship of a local businesspersons' organization; and an inventory sale during Columbus Day Weekend (Saturday, Sunday, and Monday) in October. No displays or sales shall take place within or upon public land, sidewalks or roadways. Displays and sales shall only appear upon property of the participants, whether jointly or independently. Displays and sales shall not impede pedestrian traffic or cause concerns for the public's safety.~~

or to take any other action relative thereto.

*[Requested by the Planning Board]*

**Explanation of Article \_\_:** *The proposed amendment would transfer responsibility of outdoor displays from the Zoning Board to the Zoning Enforcement Officer or their designee. The General Bylaw Section 8-11 (Article \_\_) has been amended to make this zoning section obsolete.*

**Article \_\_. Zoning Bylaw Amendment: Restaurants/Bars/Entertainment.** (*Deletions shown in strike-through and new text shown as underlined.*) To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 2 Section 2440 Permitted Principal Uses as follows:

		Residential			Commercial	Sea-shore	Public Use	
		Res1	Res2	Res3 ResB	TCC	GC	S	M
B.	Business							
B5	Restaurants, Bars, Entertainment	=	NO	BA <sup>2,6,18</sup>	BA <sup>6</sup> YES <sup>6</sup>	BA <sup>6</sup> YES <sup>6</sup>	NO	NO



PROVINCETOWN BANNER PUBLISHED APRIL 8 & 15, 2021

# PUBLIC HEARING

## Footnotes

2. Food service, retail and other ancillary services commonly associated with a hotel, motel or inn use may be permitted by BA within an establishment
6. No sale of food, drink, or other products to persons standing in the street, sidewalk, or parking areas at or about such establishment. Other outdoor service, outdoor dining or outdoor entertainment may be allowed only with a Special Permit from the Board of Appeals. Outdoor service, outdoor dining or outdoor entertainment shall mean service that is provided outside the building envelope, whether on a patio, deck, lawn, parking area, or other outdoor space, and may be provided under awnings, table umbrellas or other coverings from the elements, provided, however, that at least 50 percent of the perimeter of any covered space must remain open and unobstructed by any form of building wall, siding or barriers and that a screen shall not be considered a barrier. Any permit application under this section shall specify the area in which it is proposed that entertainment be offered, food or alcoholic beverages be served, and is to be accompanied by a plan showing the specific area of the proposed usage. An existing licensed use covered by this Section which does not have a Special Permit may continue (i.e. its license may be renewed or transferred) as non-conforming until a change, addition, or alteration (other than the name of the establishment) is made.
18. If existing as of October 1, 2006.

AND further to delete Section 2460:

~~2460 Special Permit Requirements No hotel, motel, inn, restaurant or bar holding or seeking to hold a license granted pursuant to General Laws, Chapter 138, Section 12; General Laws, Chapter 140, Section 2; or General Laws, Chapter 140, Section 183A, respectively, shall be used for the service of food or alcoholic beverages to the public or public entertainment, nor any other premises or establishment for public entertainment, nor any establishment increase its Posted Occupant Load, unless such use has been authorized with a Special Permit from the Board of Zoning Appeals as provided for in Section 5300. Any permit application under this section shall specify the area in which it is proposed that entertainment be offered, food or alcoholic beverages be served, and is to be accompanied by a plan showing the specific area of the proposed usage. \* To provide for the orderly implementation of this Section, the following guidelines shall prevail; an existing licensed use covered by this Section which does not have a Special Permit may continue (i.e. its license may be renewed or transferred) as non-conforming until a change, addition, or alteration (other than the name of the establishment) is made; all new licensed uses covered by this Section shall require a Special Permit.~~

or to take any other action relative thereto.

*[Requested by the Planning Board]*

**Explanation of Article \_\_:** *The proposed amendment would permit indoor restaurants, bars and entertainment without a special permit within the Town Center Commercial and General Commercial Zones. Outdoor service, outdoor dining and outdoor entertainment would still require a Special Permit from the Zoning Board of Appeals. Restaurants, bars, and entertainment will still require Licensing Board approval at a public hearing where abutter concerns can still be addressed at the level most appropriate. The Health Department will still need to approve Title 5 flow related to seating or occupancy.*

**Article \_\_. Zoning Bylaw Amendment: Illumination Standards.** *(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 3 General Requirements, Section 3430 Illumination as follows:

### 3430 Illumination

~~3431 Overspill Illuminated signs, parking lot lighting, building floodlighting, or other exterior lighting other than municipal street lighting shall be so designed and arranged that their collective result does not create so much light overspill onto adjacent premises or roadway that it casts observable shadows, and so that it does not create glare from unshielded light sources.~~

~~3432 Standards Unless all the following are met, it will be presumed that the above performance requirements are not satisfied:~~

- ~~Internally illuminated signs on the premises collectively total not more than 200 watts unless not exceeding 15,000 lumens.~~
- ~~Externally illuminated signs employ only shielded lights fixed within three feet of the surface they illuminate.~~
- ~~Exterior lighting fixtures other than signs are mounted not more than 15 feet high.~~
- ~~Building floodlighting totals not more than 2,000 watts unless not exceeding 50,000 lumens.~~

~~3433 Special Permit The Board of Appeals may grant a Special Permit for lighting which does not comply with these specifications if it determines that the performance standards of the first paragraph will still be met, and if the applicant documents that brightness of any sign or building element will not exceed 50 foot lamberts in Commercial Districts or 200 foot lamberts in other districts.~~

### 3431 Applicability

All exterior lighting installed in Provincetown after the effective date of this Section shall conform with the requirements of this Bylaw. This includes, but is not limited to, new lighting, replacement lighting, or any other lighting whether attached to structures, poles, the earth, or any other location. All exterior lighting fixtures that were lawfully installed prior to the effective date of this Section, but that do not comply with the requirements of this Section, are declared to be legal non-conforming light fixtures. All legal non-conforming lighting may continue to be used and maintained after the adoption of this Section, but shall be subject to the Light Trespass (3433 b.) provisions of this Section, and shall be brought into compliance when replacement with new lighting equipment is proposed, except a replacement of only lamps or bulbs.

### 3432 Lighting Plans

All site plan applications that include exterior lighting shall include a lighting plan and lighting fixture specification sheets that show the type, lumen output, Correlated Color Temperature (CCT), shielding description, location, and height, of all proposed lighting fixtures. The applicant shall provide sufficient information to verify that lighting conforms to the requirements of this Section.

Projects that include Parking Lots with greater than ten (10) parking spaces, service station projects, or developments of similar large areas of lighting shall submit a photometric site plan that demonstrates compliance with the requirements of this Section.

PROVINCETOWN BANNER PUBLISHED APRIL 8 & 15, 2021

# PUBLIC HEARING

## 3433 Requirements

- a. Shielding  
All exterior light fixtures and/or lamps with initial lumens exceeding 450 lumens shall be fully shielded. Fully shielded means that an outdoor light fixture is constructed so that, in its installed position, all of the light emitted by the light fixture is projected below the horizontal plane that passes through the lowest light-emitting part of the light fixture.
  1. Exception:  
Lighting of building facades, landscape features, monuments, flagpoles and similar objects, if the lighting fixtures are shielded, focused directly at the object being illuminated, and emit the minimum light output that is necessary, in order to reduce light pollution to the greatest extent possible.
- b. Light Trespass and Glare  
No exterior light fixture shall create a lighting nuisance in the form of light trespass or glare. Light Trespass and Glare are lighting nuisances when they cause significant discomfort to occupants of adjacent properties, or create a hazard to public safety along a public way. This determination will be made by the Building Commissioner or Building Commissioner's designee through a site visit and a visual inspection and/or night-time photograph.
- c. Light Color Temperature  
The correlated color temperature (CCT), measured in Kelvin (K), of all light sources shall be 3,000K or lower ("warmer") with the exception of lighting within the Town Center Commercial or General Commercial zones that is for decorative effect to enhance nightlife or the appearance of buildings.
- d. Lighting Fixture Height  
No lighting fixture, whether mounted on a building, pole, or otherwise, shall be located more than 15-feet above grade, except where required by the Building Code.
- e. Externally Illuminated Signs  
Externally illuminated signs shall employ only fully shielded lights fixed within three feet of the surface they illuminate.

## 3434 Exemptions

The following are exempt from compliance with the provisions of this Section:

- a. Holiday, string, festoon, and similar decorative lighting.
  - b. Emergency lighting, only for as long as emergency conditions so identified by public safety personnel continue to exist. This includes the activities of law enforcement, fire and other emergency services.
  - c. Lighting employed during repairs of roads, utilities and similar infrastructure, including unshielded lighting, provided that such lighting is deployed, positioned and aimed such that the resulting glare is not directed toward any roadway.
  - d. Any form of lighting whose use is mandated or otherwise governed by any legal jurisdiction superior to that of the Town of Provincetown.
  - e. Temporary lighting required to save life, limb or property from imminent peril, provided that use persists only during the hours of the peril.
  - f. Temporary lighting for events sponsored by the Town or for which a Town license or other approval has been issued, such as concerts, fairs, festivals, and theatrical or video production.
  - g. Structures exceeding 60 ft. in height, including the Pilgrim Monument, water towers, and radio communication towers.
  - h. Municipal sports field or athletic facility lighting.
  - i. Municipal street lighting.
- or to take any other action relative thereto.

*[Requested by the Planning Board]*

**Explanation of Article \_\_:** *Technological advancements in lighting, including widespread use of LED lights, necessitates updating the illumination requirements to match current industry standards. This amendment recognizes that the welfare and enjoyment of Provincetown is associated with both its natural costal environment and its vibrant nightlife. Light pollution negatively impacts resident and visitor comfort, degrades the natural environment, and contributes to the loss of our night-sky heritage. Light trespass negatively affects the enjoyment of property and can disrupt the natural sleep rhythms of humans and wildlife. Minimizing light pollution and light trespass enhances the general well-being of residents and visitors, and the use and enjoyment of property. This amendment also protects existing light fixtures and allows decorative lighting that enhances Provincetown's nightlife.*

In summary, the changes include:

- Clarifying that existing lighting may continue to be used and maintained including replacing lightbulbs.
- Simplifying the requirements for lighting plans and only requiring detailed lighting plans for developments with large areas of lighting, such as parking areas and service stations.
- Removing outdated wattage requirements by replacing them with lumens and correlated color temperature. Both lumens and temperature can be easily determined by reading the label on the packaging for the lighting fixture or lightbulb.
- Replacing dark sky compliant with the definition of "fully shielded" in order to provide clear guidance for selecting light fixtures that avoid light pollution and glare.
- Maintaining the existing standards for light trespass, glare, externally illuminated signs, and lighting fixture height.
- Clarifying the exceptions to the illumination standards that include: holiday, string, and similar decorative lighting; emergency and municipal lighting; and temporary lighting for licensed special events.

**Article \_\_. Zoning Bylaw Amendment: Inclusionary and Incentive Zoning Bylaw.** *(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 4180 Inclusionary and Incentive Zoning Bylaw as follows:

Section 4180 Inclusionary and Incentive Zoning Bylaw

4. Mandatory Provision of Affordable or Community Housing for Development of New Residential Units. In order to contribute to the local stock of Affordable and Community Housing, any residential development identified in Sections 3(a)-(b) above shall provide a percentage of the dwelling units as deed restricted Affordable and/or Community Housing units. This Affordable/Community Housing requirement shall be one-sixth (16.67%) of the new dwelling units developed rounded up to nearest whole affordable unit and shall be made a condition of a Special Permit; ~~OR;~~ the applicant shall meet the requirement in accordance with the following:

A. Development of 2 to 5 new dwelling units shall require the granting of a Special Permit by the Planning Board and a Payment in Lieu of providing ~~a fractional~~ an affordable unit to be made to the Housing Fund to fulfill the Affordable/Community Housing requirement.

(1) Payment shall be made in accordance with the following formula, so that the Affordable/Community Housing requirement is equal to the total number of new dwelling units multiplied by 16.67%, and based on 1/3 or 1/2 of the affordability gap, as follows:

- For 2-3 new dwelling units, the Payment in Lieu=



PROVINCETOWN BANNER PUBLISHED APRIL 8 & 15, 2021

# PUBLIC HEARING

(total # of new dwelling units) x (16.67%)x(affordability gap)x(33%)

- For 4-5 new dwelling units, the Payment in Lieu= (total # of new dwelling units) x (16.67%)x(affordability gap)x(50%)

- (2) The Payment in Lieu shall be made at and upon the sale or certificate of occupancy of each unit, whichever occurs sooner.
- a. ~~Year-round rental unit development:~~ When the development consists of year-round rental units, a lien shall be filed against the property which states that the Payment in Lieu shall be deferred until such time as the year-round rental use ceases, with the full balance due upon change of use.
- b. ~~The developer shall enter into a binding written agreement with the Town of Provincetown, before the issuance of the first Building Permit and with appropriate payment surety arrangements, to provide the required payment(s) to the Housing Fund, and with a notice of the required payments to be recorded against the property before any Certificate of Occupancy is issued if full payment has not been made at the time an application is filed for a Certificate of Occupancy.~~

And further to amend Section 4180:

5. Incentives for the Construction or Rehabilitation of Affordable or Community Housing Units. Any residential development project that meets or exceeds the minimum one-sixth (16.67%) Affordable/Community Housing requirement through the on-site or off-site construction or rehabilitation of the required number of Affordable or Community Housing units may, at the discretion of the Planning Board and in accordance with Special Permit criteria, take advantage of any or all of the incentives as set forth below. Incentives shall not be applied to projects that meet the Affordable/Community Housing requirement through a Payment in Lieu or Land Donation in Lieu of constructing Affordable or Community Housing units.

#### A. Density Bonus

(1) The allowable density for an eligible project located in the Res2, Res3, ResB, TCC and GC Zoning Districts may be increased by a multiplier no more than 2.5 times above the number of dwelling units allowed on the parcel rounded down to nearest whole unit and of which a minimum of 16.67% of the total dwelling units rounded up to the nearest whole affordable unit shall be affordable or community housing units.

~~— Located in the Res2, Res3, ResB, TCC and GC Zoning Districts; or~~

~~— Located in the Res1 Zoning District where the lot size is 60,000 square feet or greater; and~~

- ~~Of which a minimum of 10% of the total dwelling units (after the density bonus is applied) are Affordable or Community Housing units may be increased above the number of dwelling units allowed on the parcel beyond the maximum number allowed under this Zoning Bylaw, as follows:~~

a. ~~For every deed restricted unit of Affordable Housing constructed or rehabilitated either on or off-site, two market rate dwelling units may be added as a density bonus.~~

b. ~~For every deed restricted unit of Community Housing constructed or rehabilitated either on- or off-site, one market rate dwelling unit may be added as a density bonus.~~

~~(2) The allowable density for an eligible project:~~

~~— Located in the Res2, Res3, ResB, TCC and GC Zoning Districts; or~~

~~— Located in the Res1 Zoning District where the lot size is 60,000 square feet or greater; and~~

~~— Of which 20% or more of the dwelling units are Affordable~~

~~or Community Housing units (after the density bonus is applied) may be based on the number of bedrooms able to be served by a non-varianced septic system contained on the same parcel, so that the project may have up to as many dwelling units as bedrooms that can be supported.~~

~~(3) (2) To facilitate the objectives of a density bonus, the Planning Board shall have the authority to modify or waive setback, lot coverage, green area any lot or dimensional regulations, multiple buildings per lot regulations, and parking regulations as appropriate and necessary to accommodate the additional unit(s) on the site as part of the Special Permit relief; ~~except that no lot shall have less than 25% of the minimum lot area required for its zoning district.~~~~

#### B. Building Height/Third Story Bonus

(1) As part of the Planning Board Special Permit, the maximum building height for an eligible project:

- Located in any Zoning District, but not in the High Elevation Protection Overlay District; and

- Of which ~~20%~~ 16.67% or more of the dwelling units rounded up to nearest whole affordable unit are Affordable or Community Housing units may be up to an additional five (5) feet above the maximum building height higher than would otherwise be allowed under this ZBL, and kneewalls may be five (5) feet, rather than the three (3) feet otherwise allowed under this ZBL, to allow for the creation of a full third story while maintaining the character of a 2½ story structure.

(2) The Planning Board may require that the third story be stepped back to minimize the appearance of mass from the street.

C. Fee Reduction Bonus

~~(1) Building permit fees reduced for Affordable and Community housing units-~~

a. ~~Building permit fees shall be reduced by 50% for the Affordable and Community Housing units within a project, where up to one-sixth of the units are Affordable or Community Housing units.~~

b. ~~Building permit fees shall be reduced by 75% for the Affordable and Community Housing units within a project, where up to between one-sixth and one-half of the units are Affordable or Community Housing units.~~

e. ~~Building permit fees shall be waived for the Affordable and Community Housing units within a project, where at least half 16.67% of the units rounded up to nearest whole affordable unit are Affordable or Community Housing units.~~

D. Streamlined Permitting Process Bonus (1) ~~When an applicant needs permits from both the Planning Board and the Conservation Commission, the two hearings shall be held jointly.~~

And further to amend Section 4180:

8. Distribution of Affordability. Distribution of affordability for rental or ownership units as Affordable Housing or Community Housing shall be determined by the Planning Board in consultation with the Community Housing Council and set as follows, pursuant to Article 6, prior to the Planning Board hearing and shall be being made a condition of the Special Permit under this Bylaw:

a. ~~When the number of the Town's Subsidized Housing Inventory (SHI) eligible affordable housing units is below 10%, the units created shall be Affordable Housing units, unless otherwise approved by the Planning Board if adequate justification is provided that the development of Affordable Housing units is not feasible and it is beneficial to the Town that Community Housing units are provided instead, and the exception is made a part of the Special~~

PROVINCETOWN BANNER PUBLISHED APRIL 8 & 15, 2021

# PUBLIC HEARING

Permit

~~b. When the number of the Town's SHH eligible affordable housing units is at or above 10%, it is encouraged that units created be Community Housing units.~~

or to take any other action relative thereto.

*[Requested by the Planning Board]*

## NOTES

**Explanation of Article \_\_:** *This article intends to cleanup, clarify and simplify the incredibly complicated Inclusionary and Incentive Zoning Bylaw. Since its adoption in 2017, the Inclusionary Bylaw has been applied on several occasions now, and each application requires a great deal of town counsel input along with many staff hours trying to interpret and apply the bylaw standards as well as its incentives. The intent was not to fundamentally change the intent or the result of the bylaw, but rather to simplify the approach to assist everyone in its implementation, including the housing developer, staff and Planning Board members.*

In summary, the changes include:

- Clarifying that all Inclusionary Projects must provide a minimum of 1/6th or 16.67% inclusionary contribution whether it be through the provision of units in the overall development or in the payment of an in-lieu fee to the housing fund.
  - Simplifying the payment in-lieu process.
  - Simplifying the density bonus by removing the complicated reference to incrementally adding density units.
  - Removing references to density bonus within the Res 1 District which is a single family zone.
  - Clarifies the incentives available once the minimum 1/6 provision is met, including being specific as to the types of dimensional relief available to the Planning Board.
  - Clarifies the fee reduction bonus, allowing the building permit fees for all deed restricted units to be waived.
  - Clarifies the duplicity of approvals required for the determination of the income level of deed restricted units.
- Article 6 states that the CHC determines affordability levels, but inclusionary added the Planning Board the ability to make the same determination, allowing for the opportunity for the two boards to be inconsistent or not agree.

The meeting will be by remote participation only. The public is encouraged to submit any written comments by Wednesday, April 21, 2021, to the Planning Board/Office of the Town Clerk, Town Hall, 260 Commercial Street, Provincetown, MA 02657, email to [tsoule@provincetown-ma.gov](mailto:tsoule@provincetown-ma.gov), or by remote participation during the hearing by dialing (833) 579-7589; when prompted, enter the following conference number: 598 474 738#.

*Chairman,  
Planning Board*

Posted: Town Hall, [www.provincetown-ma.gov](http://www.provincetown-ma.gov) 03/31/2021, 8:00 am AR

Published: Banner: April 8<sup>th</sup> and April 15<sup>th</sup>, 2021