

Town of Provincetown  
**Special Town Meeting November 9, 2022**  
Minutes of Proceedings

**Meeting Called to Order.** Having established a quorum in the room, Moderator Mary-Jo Avellar convened the Special Town Meeting to order at 6:00 pm on Wednesday, November 9, 2022.

There were 366 town residents in attendance.

**Preliminary Motions** offered by the Select Board Chair David Abramson

(1) David Abramson moved that the Town vote to waive the reading of the warrant.

**Motion Passed at 6:03 pm.**

(2) I move that the Town vote to grant permission to speak at the November 9, 2022 Special Town Meeting to the following persons who are not registered voters of the Town of Provincetown:

Amy Kwesell, Esq., and other attorneys of the firm of KP Law, P.C., Town Counsel;

Vanessa Vartabedian, Provincetown Community Television;

Mark Robinson, The Compact for Cape Cod Conservation Trusts;

John Goodrich, Wastewater Planning Consultant;

Robert Adams, AECOM, Vice President;

Matthew Ribeiro, AECOM, Project Manager;

Patricia Miller, President, Provincetown Part-time Resident Taxpayers Association

Kate Carey, Finance Director

Scott Fahle, Principal Assessor;

Linda Fiorella, Licensing Agent;

James Golden, Chief of Police;

Gregory Hennick, Police Lieutenant;

Beau Jackett, Director of Management Information Systems;

Michelle Jarusiewicz, Housing Specialist & Grant Administrator;

Brandon Motta, Recreation Director

Elizabeth Paine, Secretary to the Select Board

Sherry Prada, Public Works Deputy Director;

Lezli Rowell, Acting Health Director

Cody Salisbury, Water Superintendent

Elisabeth Verde, Executive Assistant to the Town Manager;

**Motion Passed at 6:08 pm.**

(3) David Abramson moved that on all matters to come before the November 9, 2022 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 at 6:09 pm.**

(4) David Abramson moved that notwithstanding the requirements for a public hearing on each warrant article contained in Section 2-3-g of the Town Charter, Town Meeting may consider and act on all articles on the warrant for this Town Meeting. 6:09

**Motion Passed at 6:09 pm.**

**Article 1. Water Department Lead Service Line Inventory.** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of \$145,000 to be expended under the direction of the Town Manager and the Water Superintendent for the development of a lead service line inventory, and including without limitation all costs related thereto; and further, to authorize the Town Manager and the Select Board to take all actions necessary to carry out such project and apply for, accept, and expend grant funds for such projects; or to take any other action relative thereto.

*[Requested by the Town Manager]*

**Motion by Alex Morse**

**I move that the Town appropriates \$145,000, to be expended at the direction of the Town Manager and the Water Superintendent, to pay costs of developing a lead service line inventory, including, without limitation, the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Select Board is authorized to borrow said amount under and pursuant to G.L. c. 44, §7(7), or any other enabling authority, and to issue bonds or notes of the Town therefor. The Town Manager and the Select Board are also authorized to take all actions necessary to carry out this project, including applying for, accepting and expending any grants that may be available in order to complete this project.**

Water & Sewer Board Recommends 5-0-0  
Select Board Recommends 5-0-0  
Finance Committee Recommends 7-0-0  
Public Pier Corporation Recommends 3-0-2  
Board of Health Recommends 5-0-0  
Harbor Committee Recommends 5-0-0

Requires a 2/3rds Vote

**Report by Alex Morse**

**Motion carries by two-thirds vote in favor as declared by the Moderator 6:12 pm**

**Article 2. Open Space Committee - Land Bank – Acquisition of the Property at 806, 820, 820A, 824, 828 and 832 Commercial Street.** To see if the Town will vote to authorize the Select Board to acquire, by purchase, gift, and/or eminent domain, on such terms and conditions as the Select Board deems in the best interests of the Town, all or portions of the parcels of land located at 806, 820, 820A, 824, 828, and 832 Commercial Street, containing 1.90 acres, more or less, and being the premises described in a deed recorded with the Barnstable Registry of Deeds in Book 35039, Page 91, for conservation and passive recreation purposes under the provisions of G.L. c. 40, §8C, as the same may be amended, to be managed and controlled by the Conservation Commission; and to raise and appropriate, transfer from available funds, including, without limitation, the Cape Cod Land Bank Act, and/or borrow, **\$1,750,000** for the purpose of said acquisition and costs incidental and related thereto; to authorize the Select Board to enter into all agreements and execute on behalf of the Town any and all instruments as may be necessary or convenient to effectuate said acquisition; and further, to authorize the Select Board and the Conservation Commission to convey to a qualified organization a conservation restriction on said land meeting the requirements of G.L. c. 184, §§31-33, in accordance with said Land Bank Act, limiting the use of said land to the aforesaid purposes in perpetuity; or to take any other action relative thereto.

*[Requested by the Open Space Committee]*

**Motion by Alex Morse 6:12**

**I move that the Select Board is authorized to acquire, by purchase, gift, and/or eminent domain, on such terms and conditions as the Select Board deems in the best interests of the Town, all or portions of the parcels of land located at 806, 820, 820A, 824, 828, and 832 Commercial Street, containing 1.90 acres, more or less, and being the premises described in a deed recorded with the Barnstable Registry of Deeds in Book 35039, Page 91, for conservation and passive recreation purposes under the provisions of G.L. c. 40, §8C, as the same may be amended, to be managed and controlled by the Conservation Commission; that \$1,750,000 is appropriated to pay costs of this purchase and that to meet this appropriation, said amount shall be transferred from available funds held by the Town under the Cape Cod Land Bank Act. In furtherance of the purposes of this vote, the Select Board is authorized to enter into all agreements and execute on behalf of the Town any and all instruments as may be necessary or convenient to effectuate said acquisition; and further, the Select Board and the Conservation Commission are authorized to convey to a qualified organization a conservation restriction on said land meeting the requirements of G.L. c. 184, §§31-33, in accordance with said Land Bank Act, limiting the use of said land to the aforesaid purposes in perpetuity.**

Open Space Committee Recommends 5-0-0  
Select Board Recommends 5-0-0  
Finance Committee Recommends 7-0-0  
Conservation Commission Recommends 3-0-2  
Board of Health Recommends 5-0-0  
Planning Board recommends 5-0-0  
Harbor Committee Recommends 5-0-0

Requires a 2/3rds Vote

**Report by Alex Morse**  
**Report by Dennis Minsky, Chair, Open Space Committee**

**Motion carries by two-thirds vote in favor as declared by the Moderator 6:19 pm.**  
Unanimous

**Article 3. Wastewater Infrastructure Replacement and Modernization Project – Borrowing Authorization.** To see if the Town will vote to appropriate a sum of money to be expended under the direction of the Town Manager and the Select Board, for the development of plans and specifications and for construction of infrastructure replacement and modernization of the Town's sewer system, including without limitation all costs defined under Chapter 29C, Section1 of the General Laws and all other costs incidental and related thereto; and to raise and appropriate, transfer from available funds or borrow said sum of money under and pursuant to Chapter 44, Section7(1) and/or Chapter 29C of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor; and to the extent that any State, Federal or other funds are or become available for the purposes set forth above, the Select Board is authorized to apply for and accept such funds; or to take any other action relative thereto.

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

**Alex Morse provided an overall report on the sewer project.**

**Motion by Alex Morse 7:09 pm**

**I move that the Town appropriates \$2,200,000, to be expended under the direction of the Town Manager and the Select Board, for the development of plans and specifications and**

**for construction of infrastructure replacement and modernization of the Town's sewer system, including without limitation all costs defined under G.L. c. 29C, §1 and all other costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to G.L. c. 44, §7(1), §8(14), G.L. c. 21C or any other enabling authority, and to issue bonds or notes of the Town therefor.**

Select Board Recommends 5-0-0  
Finance Committee Recommends 7-0-0  
Water & Sewer Board Recommends 5-0-0  
Board of Health Recommends 5-0-0  
Open Space Committee Recommends 5-0-0  
Conservation Commission Recommends 4-0-0  
Community Housing Council Recommends 4-0-0  
Year-Round Housing Trust Recommends 5-0-0  
Harbor Committee Recommends 5-0-0  
Planning Board Recommends 5-0-0  
Shellfish Committee Recommends 4-0-0

Requires a 2/3rds Vote

**Report by Alex Morse**

**Motion carries by two-thirds vote in favor as declared by the Moderator 7:11 pm.**

**Article 4. Home Rule Petition - Repeal the Town's Special Sewer Act.** To see if the Town will vote to authorize the Select Board to petition the General Court for special legislation to provide as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to the bill so submitted, unless the Select Board approves amendments to the bill before enactment by the General Court; and further that the Select Board is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

An Act Relative to Wastewater Treatment and Disposal in the Town of Provincetown  
*Be it enacted by the Senate and the House of Representatives in General Court assembled, and by the authority of the same, as follows:*

Section 1. The Town of Provincetown is hereby authorized to extend its sewer system to allow for new connections and expanded treatment capacity and to make assessments on properties benefited by such expansion pursuant to Chapters 80 and 83 of the general laws.

Section 2. The town may make equitable adjustments to the annual charges established pursuant to section 16 of said chapter 83 for the use of common sewers by owners of land who connect to the Town's sewer system for the purpose of ensuring an equitable distribution of the total sewer system costs, including assessments and sewer use charges.

Section 3. Chapter 157 of the Acts of 2000 is hereby repealed.

Section 4. This act shall take effect upon passage.

Or take any other action relative thereto.

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

**Motion by Alex Morse 7:11 pm**

**I move that the Town vote to authorize the Board of Selectmen to file a Home Rule Petition to repeal the Town's Special Sewer Act as printed in the warrant under Article 4.**

Select Board Recommends 5-0-0  
Finance Committee Recommends 7-0-0  
Water & Sewer Board Recommends 5-0-0  
Board of Health Recommends 5-0-0  
Open Space Committee Recommends 5-0-0  
Conservation Commission Recommends 4-0-0  
Community Housing Council Recommends 4-0-0  
Year-Round Housing Trust Recommends 5-0-0  
Harbor Committee Recommends 5-0-0  
Planning Board Recommends 5-0-0  
Shellfish Committee Recommends 4-0-0  
Public Pier Corporation 3-1-1

Requires a Majority Vote

**Report by Alex Morse 7:11 pm**

**Article 4 motion carries as declared by Majority vote in favor as declared by the Moderator. 7:12 pm**

**Article 5. Wastewater Expansion Authorization.** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to be expended under the direction of the Town Manager and the Select Board, for the development of plans and specifications and for construction, optimization and expansion of the Town's sewer system including the expansion of the treatment and disposal capacity of the wastewater system and further extensions of the Town's sewer system, including without limitation all costs defined under Chapter 29C, Section 1 of the General Laws and all other costs incidental and related thereto; and to raise said appropriation the Town Treasurer, with the approval of the Select Board, is authorized to borrow said sum of money under and pursuant to Chapter 44, Section 7(1) and/or Chapter 29C of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor; and that to the extent that any State, Federal or other funds are or become available for the purposes set forth above, the Select Board is authorized to apply for and accept such funds; and, further, to authorize the Water and Sewer Board to assess one hundred percent of the project cost to the Town upon those who benefit from the project, such assessments to be made by the Uniform Unit method; and further to authorize the Water and Sewer Board to set the method of sewer assessments for future connections to the Town's sewer system as a sewer privilege fee pursuant to G.L. c. 83, §17, to be paid at the time of actual connection to the Town's sewer system for properties that have a Title 5 compliant septic system installed after January 1, 2000 according to the records of the Health Department, with all other properties that abut a sewer main to be assessed a betterment pursuant to G.L. c. 83, §15; provided further that the Water and Sewer Board shall equitably adjust the amount of assessments made pursuant to this vote to take into account the need for the homeowner to pay for and install a grinder pump for connection to low pressure lines; or to take any other action relative thereto.

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

**Motion by Alex Morse 7:12 pm**

**I move that the Town appropriates \$75,000,000, to be expended under the direction of the Town Manager and the Select Board to pay costs of the development of plans and specifications and for construction, optimization and expansion of the Town's sewer system including the expansion of the treatment and disposal capacity of the wastewater**

**system and further extensions of the Town’s sewer system, including without limitation all costs defined under G.L. c. 29C, §1 and all other costs incidental and related thereto, and that to meet this appropriation, the Town Treasurer, with the approval of the Select Board, is authorized to borrow said sum under and pursuant to G.L. c. 44, §7(1), G.L. c. 29C, or any other enabling authority, and to issue bonds or notes of the Town therefor; that to the extent that any State, Federal or other funds are or become available for the purposes set forth above, the Select Board is authorized to apply for, accept and expend such funds; and, further, to authorize the Water and Sewer Board to assess one hundred percent of the project cost to the Town upon those who benefit from the project, such assessments to be made by the Uniform Unit method; and further to authorize the Water and Sewer Board to set the method of sewer assessments for future connections to the Town’s sewer system as a sewer privilege fee pursuant to G.L. c. 83, §17, to be paid at the time of actual connection to the Town’s sewer system for properties that have a Title 5 compliant septic system installed after January 1, 2000 according to the records of the Health Department, with all other properties that abut a sewer main to be assessed a betterment pursuant to G.L. c. 83, §15; provided, further, that the Water and Sewer Board shall equitably adjust the amount of assessments made pursuant to this vote to take into account the need for the homeowner to pay for and install a grinder pump for connection to low pressure lines.**

Select Board Recommends 4-0-0  
Finance Committee Recommends 6-0-0  
Water & Sewer Board Recommends 4-0-0  
Board of Health Recommends 5-0-0  
Open Space Committee Recommends 5-0-0  
Community Housing Council Recommends 4-0-0  
Year-Round Housing Trust Recommends 3-0-1  
Harbor Committee Recommends 5-0-0  
Planning Board Recommends 5-0-0  
Conservation Commission Recommends 4-0-0  
Shellfish Committee Recommends 4-0-0

Requires a 2/3rds Vote

Report by Alex Morse 7:14  
Tom Kusack comments.  
James Price comments.

**Motion carries by two-thirds vote in favor as declared by the Moderator 7:22 pm.**

**Article 6. Alteration of Layout of Route 6.** To see if the Town will vote to accept the altered layout of a portion of Route 6 as a public way, as heretofore altered by the Select Board, to exclude from the layout of said way the parcel of land shown as “76,006 +/- square feet” on a plan entitled “Prepared for Town of Provincetown, Sheet Title Route 6 Alteration and Parcel Combination Plan, dated September 19, 2022”, prepared by Coastal Engineering Co., Orleans, Massachusetts, on file with the Town Clerk, and to transfer the care, custody, and control of the aforesaid discontinued parcel from the Select Board for public way purposes to the Select Board for general municipal purposes, including, without limitation, for wastewater treatment and disposal facilities, and, further, to authorize the Select Board to take said parcel by eminent domain for said purposes and for the purpose of clearing the Town’s title thereto, if applicable; or to take any other action relative thereto.

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

**Motion by Alex Morse 7:23 pm**

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

Select Board Recommends 5-0-0

Water & Sewer Board Recommends 4-0-0

Board of Health Recommends 5-0-0

Open Space Committee Recommends 5-0-0

Community Housing Council Recommends 5-0-0

Year-Round Housing Trust Recommends 2-0-2

Harbor Committee Recommends 5-0-0

Planning Board Recommends 5-0-0

Conservation Commission Recommends 4-0-0

Shellfish Committee Recommends 4-0-0

Requires a 2/3rds Vote

**Report by Alex Morse 7:23 pm**

**Motion carries by two-thirds vote in favor as declared by the Moderator 7:24 pm**

**Article 7. Home Rule Petition – Use of Motta Field for Wastewater Disposal.** To see if the Town will vote to transfer the care, custody and control of the Manuel V. Motta Athletic Fields, which consist of the parcel of land identified by the Assessor's as Parcel 8-2-23-0 and described in deeds recorded with the Barnstable Registry of Deeds in Book 842, Page 128; Book 617, Page 257; Book 1010, Page 152; and Book 531, Page 45, from the Select Board for playground and recreation purposes to the Select Board for said playground and recreation purposes and for the incidental purpose of wastewater disposal, including the installation of subsurface disposal beds, and, further, to authorize the Select Board to file a home rule petition with the General Court to authorize the foregoing transfer, which petition reads as follows:

SECTION 1. Notwithstanding the provisions of Chapter 270 of the Acts of 1953 or any other general or special law to the contrary and Article 97 of the Amendments to the Massachusetts Constitution, and the restriction in the deed recorded with the Barnstable registry of deeds in book 843, page 128, the Town of Provincetown is hereby authorized to use the Manuel V. Motta Athletic Fields, described more particularly in section 2 and dedicated to playground purposes, for incidental wastewater treatment and disposal purposes, including the installation of subsurface disposal beds, provided that at the completion of said installation, said Manuel V. Motta Athletic Fields shall be restored to and continue to be dedicated to and used for playground and recreational purposes in perpetuity.

SECTION 2. The Manuel V. Motta Athletic Fields are identified by the Provincetown Assessor's as Parcel 8-2-23-0 and described in deeds recorded with the Barnstable registry of deeds in book 842, page 129; book 617, page 257; book 1010, page 152; and book 531, page 45.

SECTION 3: This act shall take effect upon its passage.

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

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

**Motion by Alex Morse 7:24 pm**

**I move that the Town vote to authorize the Board of Selectmen to file a Home Rule Petition to amend the allowed uses of Motta Field as printed in the warrant under Article 7.**

Select Board Recommends 5-0-0  
Water & Sewer Board Recommends 4-0-0  
Board of Health Recommends 5-0-0  
Open Space Committee Recommends 5-0-0  
Community Housing Council Recommends 5-0-0  
Year-Round Housing Trust Recommends 3-0-1  
Harbor Committee Recommends 5-0-0  
Planning Board Recommends 5-0-0  
Conservation Commission Recommends 4-0-0  
Shellfish Committee Recommends 4-0-0

Requires a 2/3rds Vote

**Report by Alex Morse 7:25 pm**

**Lithcott moves to amend the proposed motion to include language in the motion to specify “subsurface post-treatment wastewater disposal as an allowed use within Motta Field”.**

Eva Enos comments.  
Ana Cooper comments.  
Chris Snow comments.

**Motion on the amendment passed 7:34 pm.**

**Motion to move the question by John Golden. Unanimously voted to move the question as declared by Moderator 7:35 pm.**

**Motion as amended carries by two-thirds vote in favor as declared by the Moderator 7:35 pm**

**Article 8. Zoning Bylaw Amendment: Inclusionary and Incentive Zoning Bylaw. Incentives for Development of Dormitory / Employee Housing.** (*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:

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, or the creation of at least 20% of the overall floor area of a development dedicated to dormitory/employee housing, 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.

*[Requested by the Planning Board]*

**Motion by Alex Morse 7:36 pm**



**I move that the Town vote to indefinitely postpone Article 8.**

Planning Board recommends Indefinite Postponement 5-0-0

Community Housing Counsel does not recommend the article 4-0-0

Year-round Housing Trust does not recommend the article 2-0-2

Vote to indefinitely postpone requires a 2/3 vote.

**Article 8 motion carries as declared b 2/3 vote in favor as declared by the Moderator. 7:36 pm.**

**Town Moderator motioned to adjourn at 7:36 pm.**

**Special Town Meeting adjourned 7:36 pm.**