

Planning Board Public Hearing
Wednesday, November 8, 2006
Judge Welsh Hearing Room, Town Hall
260 Commercial Street, Provincetown, MA 02657

Members Present: Howard Burchman, Anne Howard, Ellen Battaglini, Kevin Rich and Joe DeMartino
Staff Present: Doug Taylor, Building Commissioner

Meeting called to order at 7 p.m.

Public Hearing pursuant to MGL Chapter 40A, s. 5 to determine the number of Board members in favor or opposed to the petitioned articles concerning land use or development for the November 13, 2006 Special Town Meeting.

Motion: To take Article B. out of order.

Moved: Anne Howard

Second: Kevin Rich

Vote: 5:0:0

Proposed Zoning Amendments

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

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

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

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

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

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

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

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

iii. Such change of use resulting in the creation of five (5) or more dwelling units shall be required to

set aside a minimum of 33% of the total number of dwelling units for affordable housing or community housing, as defined in Article 1 of these By-laws, or a combination of affordable housing and community housing. The mix of affordable housing and community housing shall be determined by the Zoning Board of Appeals, in consultation with the Provincetown Local Housing Partnership.

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

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

[Requested by the Provincetown Local Housing Partnership]

Arturo Alon, Chair, Tim Hazel, Vice Chair, Scott Campbell, Noah Taylor and Melissa Jones, members of Provincetown Local Housing Partnership briefly explained proposed amendments.

Howard Burchman asked for questions from the public. There were none.

Kevin Rich, Joe DeMartino, Molly Perdue, Pam Parmakian, Harry Osphal, Housing Authority, Jim Watkins and Keith Bergman participated in question and answers.

Public Statements in support of amendment:

Michelle Couture, Pam Parmakian, Molly Perdue, Harry Osphal, Arturo Alon, Cheryl Corvil, Tim Hazel and Ted Malone all urged Planning Board to support of this amendment.

Public Comments in opposition:

Letter read into the record from Jack ?????

Statements from the Planning Board:

Anne Howard expressed her support of this article stating that it was written by a coalition of people involved in this major issue and while this may only be a stop-gap measure and may contain some flaws it is at least a beginning. She doesn't think it will do more harm than good and that the Planning Board would be remiss in waiting.

Ellen Battaglini said that she agreed with Anne Howard. She said she feels that the board and town need to do something about affordable housing and that there is never a guarantee that something will work until it is tried. She suggests implementing this bylaw and then tweaking it as necessary.

Joe DeMartino agreed that the town needs to do something now and that it would be a mistake to do nothing but he is concerned that the focus is all on affordable housing and that we may make wrong decisions by not looking at the big economic picture facing town. Why not consider waiting until spring and doing it right the first time. He stated he was on the fence: to pass a flawed article or wait and get something better.

Kevin Rich agreed with Joe DeMartino. He does not think the article is comprehensive and doubts it will get tweaked if problems arise in the future. He thinks it is a mistake to rush, that there are too many loopholes and too many questions about the impact of passing it.

Howard Burchman is concerned that if it passes the market value of the properties involved will immediately decrease and that they will be unfairly penalized. He thinks that 33% is too high and that not enough information on how it will affect economic development is available and therefore doesn't take a comprehensive enough view. He thinks passing it is premature particularly because it is lacking economic models to prove that the formula will work and actually result in the creation of affordable units.

Spirited debate ensued regarding an email that was circulated which discussed the possibility of the

Planning Board taking no action on this article at this meeting which would prevent it from coming to town meeting floor on November 13, 2006.

Motion: To continue discussion to November 15, 2006 meeting.

Moved: Kevin Rich Second: Joe DeMartino Vote: 3:2:0

Article A. *Zoning By-Law Amendment: Growth Management Surplus Gallonage Pool.* To see if the Town will vote to amend the Zoning By-laws, Section 6600(3) to add an initial amount to the Surplus Gallonage Pool available for allotment to Category 5 (Economic Development pursuant to an Economic Development Permit), by adding the italicized language so that said section reads as follows: "3. *Initially, 5,000 gpd shall be allotted for assignment for General Use Category 5. Gallonage in the Surplus Gallonage Pool shall be allocated to General Use Category 5 as such gallonage accrues.*" or to take any other action relative thereto.

[Requested by the Board of Selectmen and the Economic Development Council]

Motion: To recommend this amendment

Moved: Anne Howard Second: Kevin Rich Vote: 5:0:0

Discussion on whether Planning Board should take a position on Article 14 which would abolish Historic District Commission. It was decided to not make any recommendation.

Meeting adjourned at 8:55 p.m.

Respectfully submitted,

Phyllis Lutsky

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Recording Secretary

Approved by _____ on _____