



Town of Provincetown
Planning Board
Town Hall, Provincetown, MA 02657

May 14, 2020

Findings and Decision of the Planning Board

Case Number: PLN 20-19 & PLN 20-20
Applicant: Ted Smith Architect, LLC
Owner: Hudson Harbor R. E. Properties LLC
Property Address: 26 Bradford Street
Assessor's ID: 6-4-132-0
Deed Reference: Book 30503, Page 5
Zoning District: Residential District 3 (Res3)
Planning Board Members: Paul Graves
Jeff Mulliken
Brandon Quesnell
Ross Zachs

I. Introduction

The project proposes to reconfigure the existing bedrooms on the property and create a new dwelling unit; extending the north and south walls of the northernmost dwelling unit (smaller structure) by three and four feet respectively, add a second half-story and bedroom to the cottage; reconfiguring bedrooms within the larger, southernmost multi-unit building by removing one bedroom, adding a new kitchen to create a new three-bedroom dwelling unit, renovating the second floor by removing the northernmost roof and rebuilding it to increase ceiling height; reconstruct the deck; increase the height of the gable roof on the eastern side of the main building; install lighting, landscaping, and drywells; reconfigure the parking spaces; and appurtenant improvements within the property that will result in eight bedrooms in the main structure and two bedrooms in the northernmost building for a total of ten bedrooms and an increase of residential units that will result in three or more residential units on the parcel located at 26 Bradford Street within the Residential District 3 and High Elevation Protection District A Overlay.

The Applicant is petitioning the Planning Board for the following approvals and relief pursuant to the Town of Provincetown Zoning By-Laws (the Zoning By-Laws):

1. Application PLN 20-19 seeking Site Plan Review approval under Article 2, Section 2320, High Elevation Protection District and Article 4 Section 4010, Administrative Site Plan Review.

2. Application PLN 20-20 seeking Site Plan Review by Special Permit under Article 4, Section 4015 a. (1) for developments consisting of an increase of residential units that will result in three or more residential units on any parcel.

II. Decision

The Planning Board hereby approves the Site Plan pursuant to the Zoning By-Laws, Article 2, Section 2320, High Elevation Protection District and Section 4010, Administrative Site Plan Review, and grants Site Plan Review by Special Permit relief pursuant to the Zoning By-Law, Article 4, Section 4015 a. (1) for developments consisting of an increase of residential units that will result in three or more residential units on any parcel.

III. General Findings

1. The Property is located at 26 Bradford Street in Provincetown, Massachusetts, is known by the Assessor's Office as Parcel ID: 6-4-132-0, and is recorded land in Book 30503, Page 5 at the Barnstable County Registry of Deeds.
2. The Property is located in the Residential 3 zoning district and the High Elevation Protection District A Overlay.
3. The Property is 9,947± square feet in size and currently improved with existing multi-unit residential guest house and cottage.
4. The proposed Project includes reconfiguring the existing bedrooms on the property and creating one new dwelling unit; extending the north and south walls of the northernmost cottage structure by three and four feet respectively, add a second half-story and bedroom to the cottage; reconfiguring bedrooms within the larger, southernmost multi-unit building by removing one bedroom, adding a new kitchen to create a new three-bedroom dwelling unit, renovating the second floor by removing the northernmost roof and rebuilding it to increase ceiling height; reconstruct the deck; increase the height of the gable roof on the eastern side of the main building; install lighting, landscaping, and drywells; reconfigure the parking spaces; and appurtenant improvements within the property that will result in eight bedrooms in the main structure and two bedrooms in the northernmost building for a total of ten bedrooms, of which five will continue to function as guesthouse/AirBnB accommodations within the Property.
5. Access to the Property is via Carnes Lane and the portion of Carnes Lane directly adjacent to the Property is a private way.
6. The existing main structure requires relief for Building Scale and the Property requires zoning relief for change of use, parking requirements from the Zoning Board of Appeals.
7. The proposed project is designed to infiltrate runoff generated from all new onsite impervious surfaces and proposes a trench drain and dry well across the access/egress to Carnes Lane designed as a water runoff mitigation plan within the Property that will be engineered to accommodate a 25-year storm event.
8. The addition of a dwelling unit to the main structure decreased the parking requirement by one space, as the guesthouse/AirBnB accommodations are proposed to be reduced to 5 bedrooms.
9. The Historic District Commission issued certificates of appropriateness for case number 19-104 for the cottage and 18-169 for the main guest house.

10. The Board held two public hearings on this matter (Hearing on December 12, 2019 was opened and continued): February 13, 2020 and March 26, 2020. Note that the March 26, 2020 hearing was held virtually in accordance with Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law and March 23, 2020 Order imposing strict limitation on the number of people that may gather in one place. Applicant Ted Smith presented the Project. A presentation was made at each hearing and the Board provided an opportunity for all those attending the public hearing to be heard.
11. The Applicant provided revised plans that included: parking plan demarcating and reconfiguring the seven parking spaces by moving spaces 1 – 4 in alignment with space 5, spaces 6 and 7 will remain tandem, and spaces 5 and 6 will remain perpendicular and tandem; landscape plan depicting proposed plantings adjacent to the south side of the cottage and maintaining the existing trees proximate to the permeable paver terrace; lighting plan identifying locations of down lighting and shielded lights corresponding to submitted light fixture specifications; water runoff mitigation plan showing gutters and downspouts for the existing structure and proposed new gutters, downspouts, and drywells for the enlarged cottage; and revised roof floor plans and exterior elevations showing a third-story roof deck that is 27' x 11' 4" on a single level on a single level and approximately 21' above the first floor, but is not higher than the roofline, to accommodate increasing ceiling height on the second floor below.
12. The Applicant provided site photographs depicting the existing main building, cottage, parking area, and areas of proposed work dated January 8, 2018.
13. The majority of those in attendance providing public comment at the February 13, 2020 and March 26, 2020 meetings and individuals writing letters expressed concerns about the project that included: increased lot coverage and reduced green area (lot coverage calculations propose an increase from 26% to 28% and revised green area calculations were provided on Feb. 3 showing a decrease in green area from 33.7% to 31.9%); providing more detail regarding the number and configuration of parking spaces due to concerns that property occupants would be parking on Carnes Lane and blocking portions of the private way (parking plan dated Feb. 19 depicts the seven designated parking spaces and their configuration within the property); increased stormwater runoff and erosion within Carnes Lane (a water runoff mitigation plan shows gutters and downspouts for the existing structure and proposed new gutters, downspouts, and drywells for the enlarged cottage and the Applicant is proposing a trench drain and dry well across the access/egress to Carnes Lane); expansion and visible height of the upper deck (the existing uppermost roof deck is 24' 6" x 11' 4" and approximately 19' above the first floor with an approximately 8' x 8' portion approximately 24' above the first floor, but not higher than the roofline; the proposed deck third-story roof deck that is 27' x 11' 4" on a single level and approximately 21' above the first floor [note: this was lowered from the initial proposed 24' above the first floor], but is not higher than the roofline, to accommodate increasing ceiling height on the second floor below, additionally, applicant provided photographs dated January 8, 2018 depicting the east and north elevations of the main building at 26 Bradford); increasing vehicular traffic on Carnes Lane (no increase in the number of parking spaces is proposed within the property and the required minimum number of parking spaces is being reduced by one space due to the conversion of a commercial unit to a residential dwelling); light pollution (the Applicant provided a lighting plan identifying locations of down lighting and shielded lights corresponding to submitted light fixture specifications); and construction

impacts (the Project is conditioned to provide for regrading the private portion of Carnes Lane after construction to mitigate construction vehicle related impacts on the way). Those providing verbal testimony and written comments included direct abutters and other members of the public.

14. The applicant submitted plans and renderings of the project along with project narratives dated October 7, 2019 and February 19, 2020, and the Planning Board members had sufficient time to review the plans prior to the hearing. Plans included:
 - a. Plans entitled “Existing Site Plan of Land in Provincetown” and “Proposed Site Plan of Land in Provincetown” prepared for Hudson Harbor R.E. Properties LLC (No. 26 Bradford Street), at a scale of 1” = 10’ dated October 2019 prepared by William N. Rogers Professional Civil Engineers & Land Surveyors and certified by William N. Rogers II, PLS No. 28410 in 2 sheets (24x36).
 - b. Plan set without title sheet prepared for 26 Bradford Street by Ted Smith Architect, LLC, uncertified, scale as shown, in 18 sheets (11x17): SK1.0 dated Feb. 19, 2020; SK1.1, SK1.2, SK1.3 and SK1.4 dated Mar. 26, 2020; E1.1 Existing First and Second Floor Plans and E1.2 Existing Roof Plan dated Jan. 8, 2018; A1.1 Proposed First and Second Floor Plans dated Feb. 19, 2018; A1.2 dated Mar. 26, 2020; A2.1 Exterior Elevations and A2.2 Exterior Elevations dated Feb. 19, 2020; A2.3 and A2.4 dated Mar. 26, 2020; E1.1 Cottage – Existing Plan and E2.1 Unit 3 Existing Exterior Elevations dated Jan. 2, 2019; A1.1 Cottage – Proposed Plans A2.1 Cottage Exterior Elevations and A2.2 Cottage Exterior Elevations dated Jan. 2019.

IV. Applicable Law and Decision Criteria and Specific Findings:

- A. Site Plan Review under Article 2, Section 2320, High Elevation Protection District, C. Special Regulations for HEP Districts A and B.
 2. *In its Site Plan Review, the Planning Board shall apply the following additional standards:*
 - a. *Placement of buildings, structures, or signs shall not detract from the site’s scenic qualities and shall blend with the natural landscape.*
 - 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.*

The Planning Board hereby finds the following:

- a) That the Project proposes extending the north and south walls of the northernmost cottage building by three and four feet respectively; add a second half-story and bedroom to the cottage; renovating the second floor by removing the northernmost roof and rebuilding it to increase ceiling height; reconstruct the deck; and increase the height of the gable roof on the eastern side of the main building; such that the additions and alterations will be harmony with architectural styles of the main building and cottage building, existing landscaping within the Property will be maintained above the minimum 30% green are, and distances to property boundaries comply with zoning setbacks, such that the Project will not detract from the site's scenic qualities and blends with the neighborhood landscape.
- b) That the Project's location is within the footprint of the existing buildings or additions directly adjacent to the existing buildings and over a portion of the existing roof deck, such that it is away from the crest of hill to the maximum extent practicable, and where the highest elevations of the dune are located to the northwest near West Franklin Street, and is not more detrimental to the physical integrity of the dune.
- c) That the standard does not apply where the Project is not a development for more than one building, but alteration and additions to the existing structures, such that they maintain variable setback and orientation.
- d) That the foundations for the renovated cottage are designed to maintain the existing topography within this portion of the Property and minimize visual appearance.
- e) That the Project is conditioned for all proposed plantings on the property to be native species and drought-tolerant.
- f) That this standard is not applicable where no retaining walls are proposed.
- g) That the grading or earth-moving associated with extending the north and south walls of the cottage by three and four feet respectively is proposed to result in final contours that mimic the existing topography and appurtenant landscaping.
- h) That this standard is not applicable where no utilities are proposed outside the structures.
- i) That this standard is not applicable where no storage of petroleum products is proposed.
- j) That the Project is designed to contain stormwater drainage within the Property where the Applicant submitted a water runoff mitigation plan that includes gutters, downspouts and dry wells for the roof area of the proposed expanded cottage proposing to increase the impervious roof area by 240± sq. ft. and a trench drain

and drywell at the northernmost portion of the property adjacent to the access/egress to Carnes Lane, and that the Project is conditioned for all stormwater runoff from proposed impervious surfaces to be fully contained within the Property and recharged on site using stormwater management system(s) designed to handle a 25-year storm.

- k) That this standard is not applicable where no vegetation clearing or fill is proposed.
- B. Site Plan Review under Article 4, Section 4035, Review Criteria:
- In its review of the site plan, the Planning Board shall consider the following:*
- a. *That the plan is in accordance with the Provincetown Zoning By-Laws and is consistent with the goals of the Local Comprehensive Plan.*
 - b. *That the plan meets the design requirements outlined in Section 4163.*
 - c. *That the plan shall address the requirements of Section 5331.*
 - d. *Protection of public amenities and abutting properties through the mitigation of any detrimental impacts of any proposed use;*
 - e. *Protection of unique, natural, scenic, or historic features of the site,*
 - f. *The safety and convenience of pedestrian and vehicular movement within the site, and in relation to rights-of-way and properties in proximity to the site;*
 - g. *Protection of the public health and safety within and adjacent to flood hazard areas;*
 - h. *That the plan shall conform to the Illumination Standards of Section 3430 Illumination.*

The Planning Board hereby finds the following:

- a) That the Project is in accordance with the Provincetown Zoning By-Laws and is consistent with the Economic Development Goals of the Local Comprehensive Plan where the Project locates work within a previously developed parcel, maintains cultural heritage, and proposes mitigation measures to minimize the adverse impacts associated with development.
- b) That the Project meets the design requirements outlined in Section 4163 as described herein.
- c) That the Project does not require a Development Impact Statement where the scope of the project and the characteristics of the location do not indicate a need, and therefore the requirements of Section 5331 have been adequately addressed.
- d) That the Project's size and scope within a multi-unit dwelling in the Residential 3 zoning district avoiding detrimental impacts and protects adjacent public and abutting residential properties where the highest portion of the existing roof deck is proposed to be lowered by approximately 3 feet, maintains existing trees and screening within the proposed patio area, proposes dark sky compliant light fixtures, and maintains the existing uses within the Property.
- e) That the Project protects the unique, natural, scenic, and historic features of the Property where work includes additions to the existing buildings, alterations to the existing buildings and structures, and where the work was issued certificates of appropriateness by the Provincetown Historic District Commission.
- f) That the Project maintains the existing safety and convenience of pedestrian and vehicular movement within the site, and in relation to rights-of-way and properties

in proximity to the site where seven existing parking spaces will be maintained, demarcated and realigned to improve identification of designated spots, the total number of parking spaces required has been reduced by one space, and the Applicant has agreed to regrade the private portion of Carnes Lane to mitigate impacts from the construction-related vehicles within the private way as a condition of the Project.

- g) That this standard is not applicable where there are no flood hazard areas within the Property.
- h) That the Project conforms to the Illumination Standards of Section 3430 Illumination where this Decision conditions proposed exterior lighting to be mounted not more than 15 feet high and to be dark sky compliant so as not to create light overspill onto adjacent premises or roadways or cast observable shadows, and so that it does not create glare from unshielded light sources where the following are met:
 - a. No internally illuminated signs are proposed on the Property.
 - b. No externally illuminated signs are proposed on the Property.
 - c. Exterior lighting fixtures will be mounted not more than 15 feet high.
 - d. Building floodlighting is shielded, will be put on motion sensors, and totals not more than 2,000 watts.

C. Site Plan Review under Article 4, Section 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. *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 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.*

The Planning Board hereby finds the following:

- 1) That this standard is not applicable where no ways are proposed.
- 2) That this standard is not applicable where no new intersections are proposed.
- 3) That this standard is not applicable where no new traveled surfaces are proposed.
- 4) That this standard is not applicable where no new traveled surfaces are proposed.
- 5) That the Project is designed to contain stormwater drainage within the Property where the Applicant submitted a water runoff mitigation plan that includes gutters, downspouts and dry wells for the roof area of the proposed expanded cottage proposing to increase the impervious roof area by 240± sq. ft. and a trench drain

and drywell at the northernmost portion of the property adjacent to the access/egress to Carnes Lane, and that the Project is conditioned for all stormwater runoff from proposed impervious surfaces to be fully contained within the Property and recharged on site using stormwater management system(s) designed to handle a 25-year storm.

- 6) That this standard is not applicable where no new utility service is proposed.
- 7) That the seven-vehicle parking area surface will be maintained as a stone surface, improved by installing parking curb markers to designate individual parking spaces, and install a trench drain and drywell at the northernmost portion of the property adjacent to the access/egress to Carnes Lane is suitable for the planned purposes.

D. Site Plan Review by Special Permit:

The proposed Project is subject to Section 4015 (a)(1) *Developments consisting of an increase of residential units that will result in three or more residential units on any parcel*

The Planning Board hereby finds the following:

- a) That the Project proposes to create one new residential dwelling unit within the existing multi-unit property without increasing the total number of bedrooms.
- b) That the creation of one new dwelling unit reduces the minimum number of parking spaces required for the Property.
- c) As a result of the General and Specific Findings above (Section III and IV), the Board finds that the social, economic or other benefits of the Project for the neighborhood or town outweigh any adverse effects such as hazard, congestion or environmental degradation.

E. Waivers. No waivers were requested as part of the application.

V. Vote

Vote PLN 20-19 and PLN 20-20:

Motion by Paul Graves to approve the Site Plan pursuant to the Zoning By-Laws, Article 2, Section 2320, High Elevation Protection District and Section 4010, Administrative Site Plan Review, and grant Site Plan Review by Special Permit relief pursuant to the Zoning By-Law, Article 4, Section 4015 a. (1) for developments consisting of an increase of residential units that will result in three or more residential units on any parcel, with the conditions noted herein. The Motion was seconded by Ross Zachs.

VOTE: By 4 in favor, 0 opposed, and 0 abstaining the Planning Board Approved this application.

VI. Conditions:

- 1. Proposed exterior lighting shall be mounted not more than 15 feet high and shall be dark sky compliant.
- 2. All plantings on the property shall be native species and drought-tolerant.

3. All stormwater runoff from proposed impervious surfaces will be fully contained within the Property and recharged on site using stormwater management system(s) designed to handle a 25-year storm and evidence of engineered drywell capacity will be submitted to the Community Development Department.
4. The upper deck depicted on plan A2.3 and A2.4 dated Feb. 19, 2018, revised Oct. 7, 2019 will be lowered by 1.5 ft.
5. After significant work within the Property is complete, the Applicant will regrade the private portion of Carnes Lane to mitigate impacts from the construction-related vehicles within the private way.

Signed By:

Planning Board

_____/_____/_____

Date

Date of Filing with the Town Clerk: ____/____/_____

A copy of the application in this matter, bearing the stamp of this Board, the signatures of the sitting members, and the date of this decision, will be on file in the Provincetown Department of Community Development. The applicant is hereby put on notice that any deviation from the above referenced application shall invalidate this Decision and shall require further review by this Board. Furthermore, the Decision issued hereunder shall not be valid until recorded at the Registry of Deeds in Barnstable as provided in the Provincetown Zoning By-Law and G.L. ch. 40A.

Important: Any appeal from the decision of the Planning Board can be made only to the Court and must be made pursuant to MGL ch. 40A, § 17, as amended, and must be filed within twenty (20) days after the date of filing of the decision with the Town Clerk.

Note: or as such timeframes are suspended and extended pursuant to Section 17 of Chapter 53 of the Acts of 2020.