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CAPE COD COMMISSION

**Cape Cod Commission Staff Report**
**Development of Regional Impact Review**

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| DATE: | December 3, 2025 |
| PROJECT: | 26 Shank Painter Housing (Cape Cod Commission File No. 25017) |
| APPLICANT: | Ecotekture Salient Partners, LLC |
| PROPERTY/SITE: | 26 Shank Painter Rd & 15 Browne St Provincetown, MA 02657<br>Map 7-2, Parcels 68 and 70 |
| HEARING DATE: | December 10 at 4:30 p.m. |
| SUBCOMMITTEE: | Peter Okun (Chair), Douglas Fromm, Kevin Grunwald, David Mead-Fox, Michele Vion |

## Development Context

*Existing Conditions*

- The Project is proposed on an approximately 0.40 acre parcel located at 26 Shank Painter Road and 15 Browne Street in Provincetown ("Project Site"; "Site").
- The Project Site is developed and contains a 2-story, 6,000 sf +/- building formerly used as the Town Police Station, and associated surface parking lot.
- The Project Site does not include areas mapped as sensitive for natural resources.
- The Project Site is in the Town's General Commercial (GC) zoning District, and the Shank Painter Form-Based Code District.
- The Project Site is surrounded by residential, municipal, and community development, including multi-family condominiums to the west, single family homes to south, the Provincetown United Methodist Church to the east, and the Provincetown Fire Department to the north across Shank Painter Rd.

*Placetype*

The 2018 Regional Policy Plan ("RPP") focuses on the review of proposed developments in relation to their surroundings. To this end, the RPP identifies eight Placetypes across the region and classifies areas based on similar natural and built characteristics. The Placetype for a given

project is established at the outset of regulatory review and provides a lens to analyze the project with respect to the goals and objectives of the RPP. Placetypes are determined in two ways: some are depicted on a map adopted by the Commission as part of the Technical Guidance review of DRIs, and others are identified using the character descriptions set forth in Section 8 of the RPP.

The entire Project Site is mapped within the Community Activity Center Placetype. Community Activity Centers are areas with a concentration of business activity, community activity, and a compact built environment. These areas are generally more walkable and densely developed than other Placetypes, including mixed commercial and residential uses and ample access to transit. The vision for Community Activity Centers is to accommodate mixed use and multifamily residential development in a walkable vibrant area and provide diverse services, shopping, recreation, civic spaces, housing, and job opportunities, supported by adequate infrastructure.

## Development Plan

The proposed development consists of:

- a new four-story building of approximately 30,000 sq. ft.+/-, containing 40 home-ownership residential units, including 18 studios, 18 one-bedrooms, and 4 two-bedrooms, with at least 10 units income restricted to households earning between 80-150% of Area Median Income ("AMI");
- on-site parking facilities including three vehicle parking spaces (two marked as handicap accessible), an electric vehicle ("EV") charging station, 46 bicycle spaces; and
- associated landscaping and stormwater infrastructure (collectively, the "Project").

## Jurisdiction and Procedural History

The Cape Cod Commission Act ("the Act") charges the Commission with reviewing certain proposed developments which, due to their size or other characteristics, are presumed to have impacts beyond their local communities. Section 3 of the Commission's *Chapter A: Enabling Regulations Governing Review of Developments of Regional Impact ("Enabling Regulations")* (revised November 2021) sets forth certain thresholds, which, if met or exceeded, require the Commission to review such project as a Development of Regional Impact ("DRI"). The Project is subject to mandatory DRI review pursuant to Section 3(g) of the Enabling Regulations because it is a proposed development that is planned to create 30 or more Residential Dwelling Units.

The Applicant submitted a DRI Application on June 23, 2025 and the Project was referred to the Commission by the Town of Provincetown on June 30, 2025. The Project was procedurally withdrawn to re-start the DRI review timeframe and subsequently referred to the Commission on October 27, 2025.

*DRI Review Standards*

- Section 13(d) of the Act and Section 6(c)(viii) of the Commission's *Enabling Regulations* contain the standards of review for DRI approval, which include, as applicable, consistency with the Cape Cod Commission Act and its Regional Policy Plan, consistency with municipal development bylaws, or, if inconsistent, that the inconsistency is necessary to enable a

substantial segment of the population to secure adequate opportunities for housing, conservation, environmental protection, education, recreation or balanced economic growth, if within a District of Critical Planning Concern ("DCPC"), its implementing regulations, and if Commission-certified, the town's Local Comprehensive Plan ("LCP").

- DRI review of the Project is subject to the 2018 RPP, amended in March 2021, which is the version of the RPP in effect at the time of the Commission's first substantive public hearing on the Project. The Commission assesses the Project's consistency with the RPP by determining whether the Project is consistent with the Goals and Objectives in Section 6 of the RPP, as particular goals and objectives are deemed applicable and material to the Project.
- The Commission must also find that the probable benefit from the Project is greater than the probable detriment. Though a determination that the Project is consistent with the RPP does not in itself determine that the probable benefit outweighs the probable detriment, the Commission may factor into its benefits/detriments determination: those considerations identified through its RPP review; and any other benefits, detriments, concerns or impacts within the broad purview of the Act.

## Cape Cod Regional Policy Plan

### *Applicable and Material RPP Goals and Objectives*

Based on the location and nature of the Project, the following RPP Goals are applicable, material, and regionally significant and are thus subject to RPP consistency review: *Water Resources, Community Design, Coastal Resiliency, Transportation, Energy, Climate Mitigation,* and *Housing*. Commission staff make the following recommendations relative to the Project's consistency with these RPP Goals and relevant Objectives and Technical Bulletin guidance:

### *Water Resources*

The Water Resources Goal of the RPP is to *maintain a sustainable supply of high-quality untreated drinking water and protect, preserve, or restore the ecological integrity of Cape Cod's fresh and marine surface water resources*.

The Project Site is located within the Provincetown Harbor Marine Water Recharge Area ("MWRA"), which does not have a Total Maximum Daily Load for nitrogen or a Massachusetts Estuaries Project Technical Report as the estuary is not considered impaired. The Project will be connected to municipal sewer and is not located in other mapped water resource areas.

The following Objectives are applicable and material to the Project:

- **WR1**—protect and preserve groundwater quality
- **WR4**—manage and treat stormwater to protect and preserve water quality

**Objective WR1:** To meet Objective WR1, development must be designed such that septic systems and other sources of contamination avoid adversely impacting downgradient existing or proposed drinking water wells. Projects must also contribute no more than 5 parts per million ("ppm") site-wide nitrogen loading concentration to groundwater sources.

The Project will be connected to Provincetown's municipal sewer system and proposes no new on-site wastewater treatment facilities. The Project will not have adverse impacts on downgradient drinking water wells, consistent with WR1. Based on the nitrogen loading calculations the site-wide nitrogen loading concentration of the proposed Project is 1.02 ppm, which is less than the maximum site-wide nitrogen loading concentration of 5 ppm and less than the previous use nitrogen loading concentration of 1.3 ppm, consistent with WR1.

**Objective WR4:** This Objective requires all development to provide a stormwater management system which prevents adverse impacts to water and other natural resources, and provide storage and treatment capacity sufficient to store, treat, and infiltrate all runoff onsite. Redevelopment projects should reduce impervious area coverage and improve site conditions to enhance stormwater retention, water quality treatment, and recharge over existing conditions. The Project will reduce on-site impervious cover by 1,700 sf +/- and incorporates porous asphalt pavement and pervious concrete unit pavers to increase stormwater infiltration onsite and improve overall site conditions. Appropriate erosion control and project management during and after construction should mitigate potential impacts, consistent with WR4.

***Community Design***

The Community Design Goal of the RPP is *to protect and enhance the unique character of the region's built and natural environment based on the local context*.

The following Objectives are applicable and material to the Project:

- **CD1**—promote context sensitive building and site design
- **CD2**—minimize the amount of newly disturbed land and impervious surfaces

**Objective CD1:** Consistency with this Objective may be achieved through various methods including by relating siting of development to building and streetscape patterns, following regional and local scale of development, using regionally appropriate forms and materials, and locating parking where it will not create an adverse visual impact. Buildings should be designed with variation in roof forms and façade lines to break down perceived building masses and complement traditional regional styles. New buildings are encouraged to provide at least 10 feet of setbacks or projection for every 50 feet of façade length, though variation in materials, roof forms, and setbacks at upper levels may also be used to break down perceived massing. In Community Activity Center Placetypes, new development and redevelopment are encouraged, and buildings should mirror existing character and streetscape patterns and incorporate pedestrian-scaled amenities on street-facing elevations.

The proposed 4-story building is oriented with the short axis of the building parallel to the street, with a street-facing façade width of just over 51 feet. The street-facing façade includes more than 30 feet of facade variation and the west-facing façade is just under 138 feet long with a total of 38 feet of façade variation, both exceeding the amount of variation suggested in the Community Design Technical Bulletin. The east-facing façade and rear façade do not meet the suggested façade variation amounts, but include varied wood patterns at different levels, multiple roof terraces, and other pedestrian-focused architectural features to reduce perceived building mass,

consistent with CD1. Overall building scale is broken down by a 4th-floor setback with accompanying gable roof form as well as step backs that flank the front façade and extend the length of the west-facing elevation up the height of the building. A ground-floor community porch extends along the front façade and contains large glass doors for improved transparency and engagement with the street. Vehicular parking is accessed on Browne Street and is adequately screened from view along Shank Painter Road by both its location at the back of the lot and by proposed vegetative landscaping along property edges, consistent with CD1.

Building materials include wood shiplap on the first floor, wood board-batten on the second and third floors, and pre-weathered shingle cladding on the fourth floor. The diverse wood siding patterns articulate clear distinctions between the ground floor, upper floors, and fourth floor, and are representative of traditional local building materials. In addition, wood and metal railings along front-facing balconies further break up the building mass and increase aesthetic transparency by blurring the line between public and private space. The combination of building orientation, the breakdown of the central mass, context-sensitive building materials, and pedestrian-forward features produces a building that is consistent with the region's traditional scale and character and meets Objective CD1.

**Objective CD2:** This Objective may be met by redeveloping sites, clustering development on the site, proposing multi-story buildings to reduce development footprint, minimizing total parking spaces to no more than the amount required by zoning, using permeable or pervious materials and maintaining existing vegetation to minimize new disturbance and impervious surfaces. The proposed Project includes various elements that are consistent with Objective CD2, including redeveloping a previously developed site, a multi-story building design which reduces building footprint, significant reduction of impervious surfaces, minimal parking area (only 3 spaces are proposed), and the addition of new pervious surfaces, like porous asphalt pavement, crushed shell and pervious concrete pavers, as well as improved green space, stormwater management, and vegetation plantings.

***Coastal Resiliency***

The Coastal Resiliency Goal of the RPP is *to prevent or minimize human suffering and loss of life and property or environmental damage resulting from storms, flooding, erosion, and relative sea level rise.*

The following Objectives are applicable and material to the Project:

- **CR1**—minimize development in the floodplain
- **CR2**—plan for sea level rise, erosion, and floods
- **CR3**—reduce vulnerability of built environment to coastal hazards

**Objective CR1:** This Objective requires projects to minimize the scope of new development and expansion of existing development within the floodplain, as delineated on the Federal Emergency Management Area ("FEMA") V and A zone flood maps. Where new development is proposed in the floodplain, the applicant must demonstrate there is no feasible alternative and minimize and mitigate impacts to coastal resources to protect their natural beneficial functions. New development is not allowed in V zones except for water-dependent uses. New development

in A zones may be permitted when there is an overriding public purpose and no feasible alternative. Redevelopment is permitted in A and V zones, provided there is no increase in gross floor area, impervious footprint, or intensity of use from the prior use or structure. Where a redevelopment project in the floodplain increases the size of the structure or footprint from the prior use, that expansion should meet the standards applicable to new development.

The entire Project Site is within the AE flood zone with a Base Flood Elevation ("BFE") of 9 feet and is currently developed with a 2-story building of approximately 6,000 sf and surface parking lot. The proposed 4 story building will increase gross floor area by approximately 24,000 sf but reduce impervious surface coverage by approximately 1,700 sf relative to existing conditions. Because the Project increases the size of development on-site, it should meet the standard for new development within the A zone which requires an overriding public purpose, no feasible alternative, and minimization and mitigation of impacts to coastal resources.

Staff suggest the Applicant has demonstrated that there is no feasible alternative that could achieve the Project's goals. The entire Site is mapped in the A zone and the number of housing units was determined through a Request for Proposal ("RFP") by the Town of Provincetown. Accordingly, there is no alternative site layout that could avoid development in the floodplain at this location, and the general scale of the proposed development is required to meet the Town's needs, as articulated in the RFP and Letter of Award. The Project fulfills an overriding public purpose by providing 40 new residential units to address Provincetown's critical housing shortage, with a significant proportion deed restricted as affordable. The proposed building will be elevated 2 feet for a Design Flood Elevation ("DFE") of 11 feet, consistent with current FEMA mapping and building code standards. Additionally, the Project has minimized and mitigated impacts to coastal resources by increasing onsite open space, using native plants in the landscaping plan, improving stormwater management, and decreasing the amount of impervious surface on the Site, consistent with CR1.

**Objective CR2:** This Objective requires projects to limit new development on or within 100 feet of a coastal bank to water dependent uses, minimize redevelopment on or within a coastal bank, and design development projects to accommodate anticipated sea level rise. Structures should be elevated to coordinate anticipated sea level rise with the life of the structure and designed to weather the elements and avoid short-term obsolescence. Within A zones, the lowest horizontal structural member should be elevated at least one foot above BFE.

The Project Site is not proximate to a coastal bank. To accommodate sea level rise, the Project has been designed to elevate the building 2 feet for a DFE of 11 feet, consistent with current building code standards and Objective CR2 requirements for projects within FEMA A zones. While the Project is consistent with current standards based on FEMA flood mapping, staff strongly recommends the Applicant consider and address projected future flooding. According to the Cape Cod Commission's floodplain data viewer, the DFE for the site for future (2070) flood extents using the Massachusetts Coast Flood Risk Model ("MCFRM") is 13 feet, or 2 feet higher than the proposed DFE.

**Objective CR3:** This Objective encourages projects to avoid or minimize new development in coastal resource areas, remove existing development in these areas, and restore coastal resources, including salt marsh, beach, dune, or floodplains, as appropriate. Projects proposed in coastal resource areas and located within Community Activity Center Placetypes may be permitted provided the Applicant shows there is no feasible alternative and that the project is designed to minimize impacts to the natural functions of coastal resources and to address anticipated sea level rise.

The Project Site is located within a Community Activity Center, and as noted above with respect to Objective CR1, staff suggest the Applicant has demonstrated there is no feasible alternative and impacts to coastal resources have been minimized. The Project Site is not located on or within a coastal bank, and because it is fully developed, no additional impacts to coastal resource areas such as salt marsh, beach, or dune are anticipated. The Project includes an increase in onsite open space, native landscaping, a reduction in impervious cover, improved stormwater management, and elevates the building 2 feet above BFE, which will reduce vulnerability to coastal hazards, consistent with CR3. Given potential impacts to and from adjacent properties in a flood, staff suggests the Applicant more clearly articulate how the Project is being designed to not contribute to flooding on or off their property.

***Transportation***

The Transportation Goal of the RPP is *to provide and promote a safe, reliable, and multi-modal transportation system*.

The following Objectives are applicable and material to the Project:

- **TR1**—improve safety and eliminate hazards for all users of Cape Cod's transportation system
- **TR2**—provide and promote a balanced and efficient transportation system that includes healthy transportation options and appropriate connections for all users
- **TR3**—provide an efficient and reliable transportation system that will serve the current and future needs of the region and its people

A Traffic Impact Assessment ("TIA"), dated June 20, 2025, was prepared by the Applicant's consultant Howard Stein Hudson for the Project in accordance with relevant guidance from the Cape Cod Commission Transportation Technical Bulletin and RPP. The TIA concludes that the proposed 40-unit multifamily housing development will generate approximately 182 new daily vehicle trips with peak hour trip generation varying between 14 and 16 vehicle trips.

**Objective TR1:** To achieve consistency with this Objective, all projects must provide safe pedestrian connections, apply good access management principles in site and driveway design, and locate driveways to provide acceptable sight distance while minimizing sight distance obstructions from signs, vegetation, and other fixed items. Projects must also analyze off-site safety impacts as detailed in the Transportation Technical Bulletin and implement appropriate safety improvements.

Consistent with TR1, the Applicant performed a driveway sight distance assessment which confirmed the existing Site driveway on Browne Street provides safe sight lines. The Applicant should ensure that no obstructions will impede sight lines, such as the location of the electrical transformer and on-street parking. Additionally, the Project employed access management strategies to improve safety by eliminating the existing site driveway on Shank Painter Road and reducing the driveway width on Browne Street to 17 feet. The proposed Site design includes appropriate internal sidewalk connections between the building and the parking lot.

**Objective TR2:** To promote healthy transportation options and appropriate connections for all users, housing projects should implement Transportation Demand Management ("TDM") best practices. Proposed developments should also construct sidewalks, multi-use paths and other bicycle/pedestrian connections within the site and connected to existing off-site networks where feasible and appropriate.

Consistent with TR2, the Project will establish a TDM plan and provide appropriate bicycle and pedestrian amenities and connections. A total of 46 external bicycle racks will be installed on-site, which provides approximately 1.15 spaces per residential unit. The Project Site is located within a Community Activity Center with dense mixed-use development patterns which should enable non-motorist trips and minimize vehicle dependency. Cape Cod Regional Transit Authority ("CCRTA") service is currently available in the area via the Provincetown Shuttle, and major roadway improvements on Shank Painter Road (anticipated for construction in 2026) will add new sidewalks on both sides of the road and dedicated bicycle lanes in each direction. The TDM plan includes posting current transit schedules and other CCRTA services on-site in communal areas and online, limiting on-site parking, and designating a transportation coordinator to manage parking, service and loading, and deliveries.

**Objective TR3:** This Objective aims to manage vehicular congestion and maintain adequate levels of service in the regional transportation network. To achieve consistency with TR3, projects must provide full mitigation of congestion impacts on the transportation system, which may include trip reduction measures, physical mitigation, and/or mitigation payments as appropriate. Per the Transportation Technical Bulletin, a detailed analysis of trip reduction measures and off-site congestion impacts are generally required for projects anticipated to generate 100 or more new peak hour trips.

Congestion and vehicular impacts associated with the Project are likely to be minimal, with only 14 to 16 new peak hour vehicle trips and will be adequately addressed through implementation of a TDM plan. As noted above, the Project's location in a Community Activity Center and adjacent to the Shank Painter Road improvement project will promote trip reduction measures by encouraging alternative modes of travel such as walking, bicycle and transit, consistent with TR3.

### *Energy*

The Energy Goal of the RPP is *to ensure an adequate, reliable, and diverse supply of energy to serve the communities and economies of Cape Cod*.

The following Objectives are applicable and material to the Project:

- **EN1**—Support renewable energy development that is context-sensitive
- **EN2**—Increase resiliency of energy generation and delivery
- **EN3**—Minimize energy consumption through planning and design

**Objective EN1**: This Objective may be met when a Project incorporates on-site renewable energy generation or alternative energy use, including, but not limited to: solar photovoltaic (PV), wind, solar thermal, geothermal, solar carport, fuel cells, or biofuels. Projects may also commit to purchase a portion of electricity from renewable sources, where on-site generation is not feasible. The Project will be designed to support rooftop solar PV panels and the Applicant proposes to enter into a green power purchase agreement, consistent with EN1. Staff suggest the Applicant clarify if there are plans to install rooftop solar PV at this time. Any decision on the Project should include a condition requiring documentation of installed solar PV or a green power purchase agreement at an appropriate stage of compliance.

**Objective EN2:** This Objective supports an adequate and diverse supply of energy on Cape Cod by increasing the energy resiliency of development which should result in long-term energy savings, reduced environmental impacts, and less strain on the energy grid. Methods for supporting this goal include locating utilities underground and managing for peak demand. Consumer-side demand management may be achieved through on-site energy storage technologies such as batteries, fuel cells, and emergency back-up generators. The Project proposes to locate all utilities underground, consistent with EN2, and the Applicant further notes that the nearby Eversource Outer Cape Battery Energy Storage System supports energy resiliency by providing backup electricity during outages.

**Objective EN3**: This Objective aims to increase the energy efficiency of developments through site planning and design. Projects may achieve consistency by meeting efficiency benchmarks such as LEED, Energy Star certification, or incorporating energy efficient design elements, including but not limited to green roofs, combined heat and power systems, energy efficient lighting, electric vehicle ("EV") charging stations and shade over paved areas. The Project will be designed to be LEED-certifiable and meet the Stretch Energy Code as Provincetown is a designated Massachusetts Green Community. The Project includes energy efficient lighting and appliances and water efficient appliances, and an EV charging station in the parking area. Portions of the roof will be light colored supporting cool roof design. Smart temperature controls are included in the building and the Applicant is exploring sub-metering for each unit. The Applicant should provide an update on the ability to include sub-metering in the building and identify what level of LEED certification the Project is targeting. Based on the above, staff suggest the Project is consistent with EN3.

***Climate Mitigation***

The Climate Mitigation Goal of the RPP is *to support, advance, and contribute as a region to the Commonwealth's interim and long-term greenhouse gas reduction goals and initiatives, including a state-wide net zero carbon target by 2050*.

The following Objectives are applicable and material to the Project:

- **CM1**—promote low or no carbon transportation alternatives and technologies
- **CM2**—promote low or no carbon technologies for building energy use, including appliances, lighting, and heating, ventilation, and cooling (HVAC) systems
- **CM4**—Promote low or no carbon energy generation technologies as appropriate to context

**Objective CM1**: This Objective focuses on reducing the carbon impact of transportation associated with the development through methods including but not limited to, providing pedestrian and bicycle infrastructure on site, connections to sidewalks and multi-use paths, and EV charging stations. Staff suggest the Project is generally consistent with CM1 based on the incorporation of an EV charging station in the parking area, on-site bicycle storage, connections to pedestrian and bicycle infrastructure, and location within a densely developed Community Activity Center which should enable and encourage low-carbon multi-modal transportation options.

**Objective CM2**: This Objective may be met when a development incorporates energy efficiency measures such as optimized building design in accordance with Net Zero Energy building standards, smart temperature controls, and utilizing ground or air source electric heat pump systems in place of fossil fuel-based HVAC systems. Staff suggest the Project is generally consistent with CM2 based on the measures cited EN3 above, including energy efficient lighting and appliances, and smart temperature controls. Additionally, the Project proposes all electric HVAC systems, utilizing a high efficiency air source heat pump system to heat and cool all spaces, and a Dedicated Outdoor Air System to provide indoor air filtration and dehumidification.

**Objective CM4**: Projects which include appropriate on-site renewable energy generation, the ability to install PV infrastructure, and green power purchase agreements, among other strategies, may be consistent with this Objective. The Project will be designed to support rooftop solar PV and the Applicant plans to enter into a green power purchase agreement, consistent with CM4.

***Housing***

The Housing Goal of the RPP is *to promote the production of an adequate supply of ownership and rental housing that is safe, healthy, and attainable for people with different income levels and diverse needs*.

The following Objectives are applicable and material to the Project:

- **HOU1**—promote an increase in housing diversity and choice
- **HOU2**—promote an increase in year-round housing supply
- **HOU4**—increase housing affordability

**Objective HOU1:** This Objective seeks to increase the variety of housing types available in the region, with particular emphasis on creating small-scale units and housing types to meet life stage and social needs that are not adequately served by the region's existing stock of

predominantly single-family homes. New units should generally be less than 1,200 sf and smaller unit sizes at greater densities may be appropriate in compact neighborhoods. Redevelopment of developed parcels or vacant sites within existing substantially built up areas are encouraged. Within Community Activity Center Placetypes infill and higher density housing is encouraged and the design of buildings should be consistent with surrounding development forms and patterns.

The Project Site was previously developed and is located within a Community Activity Center Placetype, surrounded by dense, compact development patterns. The proposed four-story building will contain 40 residential home ownership units, all less than 1,200 sf in size. The Project proposes a mixture of unit types to serve different needs, including 18 studio units ranging from approximately 340-514 square feet, 18 one-bedroom units ranging from approximately 450-630 square feet, and 4 two-bedroom units ranging from approximately 740-1,000 square feet. Based on the above, staff suggest the Project is consistent with HOU1.

**Objective HOU2:** This Objective focuses on providing year-round rental or ownership units, the need for which is increasingly acute as year-round residents and workers compete with second homeowners for a limited supply of units. Projects are encouraged to create new units which include year-round occupancy restrictions and short-term rental limitations.

Consistent with HOU2, the Project proposes to create 40 new home ownership units, of which at least 30 will be deed-restricted as affordable housing and/or reserved for municipal employees and other categories of year-round residents identified in the Massachusetts Seasonal Communities Designation regulations. Staff note that short-term rentals are regulated in the Town of Provincetown under Provincetown General Bylaw 13-10.

**Objective HOU4:** All projects proposing the creation of 10 or more residential units/lots must set aside at least 10% of the total units/lots as Affordable and/or Workforce housing. Per the Housing Technical Bulletin, Affordable Housing is reserved for households earning at or below 80% of AMI, and Workforce Housing is reserved for households earning between 81% and 120% of AMI. For projects which require more than one set aside unit, the first unit must be reserved as Affordable, and subsequent units may be a mix of Affordable and Workforce. The appropriate proportion of Affordable and Workforce housing within a development should be informed by local housing production plans, the Commission's regional housing market analyses, and demonstrated demand for housing for those households earning above 80% of AMI. The proportion of Affordable/Workforce and market-rate units should be similar across the mix of unit/bedroom sizes.

The Applicant proposes to restrict at least 10 studio units to households earning between 80-150% of AMI, which constitutes 25% of the 40 total residential units, exceeding the Commission's 10% minimum. Staff note that HOU4 requires at least one of these units be reserved as affordable to a household earning at or below 80% of AMI. The Applicant should confirm that at least one of these units will meet that requirement. The Affordable/Workforce units must be comparable in appearance, construction, quality of materials, and access to amenities and facilities with other units per the Housing Technical Bulletin and Provincetown's Inclusionary and Incentive Zoning Bylaw. Staff suggest that the Applicant address how annual condominium fees

will be calculated and/or restricted for the Affordable/Workforce units to ensure long term affordability.

The 2024 UMass Donahue Institute Provincetown Housing Needs Assessment documented a need for home ownership units affordable to households earning between 80% and 200% of AMI. The 10 studio units reserved for households earning between 80-150% of AMI fulfill local needs as expressed by the Town. Staff note that the building contains 18 studio units, 18 one bedroom units, and 4 two bedroom units. The Applicant should provide a rationale for setting aside 10 studio units as affordable, rather than providing a mix of studio, one bedroom, and two bedroom units. The Applicant also plans to place deed restrictions on up to 20 additional units set aside for persons who live and work in Town in municipal and emergency services and other categories of year-round residents identified in the Seasonal Communities Designation. Any additional income and/or year-round restricted units will further exceed the requirements of Objective HOU4 and support the RPP's Housing Goal.

**Other DRI Standards of Review**

Prior to approval of any DRI application, the Commission must find that the proposed project is consistent with applicable District of Critical Planning Concern ("DCPC") implementing regulations, municipal development bylaws, any Commission-certified Local Comprehensive Plan ("LCP"), and further, that the project's probable benefits are greater than its probable detriments.

The Project Site is not subject to any DCPC implementing regulations. The Town of Provincetown's current LCP was certified by the Commission in 2024 and remains certified. The Provincetown Town Planner provided the attached letter, dated August 29, 2025, which details consistency with the Town's LCP and compliance with municipal development bylaws.

COMMUNITY DEVELOPMENT
260 Commercial Street, Provincetown MA 02657
508-487-7020 www.provincetown-ma.gov

August 29, 2025

Cape Cod Commission
Developments of Regional Impact Regulatory Review
3225 Main Street
Barnstable, MA 02630

Subject: 26 Shank Painter Road - Project's consistency with the LCP and Zoning Bylaw

Dear Commissioners,

The proposed Ecotekture Salient Partners project "The Bellwether" at 26 Shank Painter Road in Provincetown (the Project) is designed to align with the Town's Local Comprehensive Plan (LCP), Zoning Bylaw, and the community vision for the Shank Painter Form-Based Code District.

The LCP's growth policy states: *"New development will be encouraged in the general commercial zoning district."*

- The Project would be located within the General Commercial Zoning District as it existed at the time the LCP was adopted in 2024 and is now located within Tier 1 of the Shank Painter Form-Based Code District.

One of the overarching goals of the LCP is to *"Develop creative housing options for rental or purchase that will support a thriving and diverse community that includes: 1) year-round residents of all ages, backgrounds, and income levels; 2) seasonal workers; and 3) long-term and short-term visitors."*

- The Project proposes 40 ownership units that include: 4 Affordable (80% AMI) and 15 Community (100% to 180% AMI) housing units, 11 deed-restricted, attainable below market (210% to 245% AMI) housing units that are all required to be occupied by year-round residents who qualify based on their income, and 10 market rate units.

The Town engaged Utile Architecture and Planning to conduct a community engagement, visioning, and zoning bylaw amendment planning process for Provincetown that began in the spring of 2024, resulting in the Shank Painter Form-Based Code that was adopted by Town Meeting on April 7, 2025 and certified by the Attorney General on August 28, 2025.

- This is the direct implementation of the LCP's Land Use, Historic Preservation, and Community Character Objective 2: Preserve and Enhance Neighborhood Characteristics strategies that includes: *"Gather neighborhood feedback and input on resident's highest priorities for protecting and enhancing their neighborhood."* and *"Create neighborhood plans based on the articulated unique sense of place and resident input that include design guidelines and models for preserving critical historic architectural features and conditions new development, renovation and expansion to protect neighborhood character."*

The Shank Painter Form-Based Code includes addressing housing needs, enlivening the streetscape, and developing building standards for denser and larger developments with more appropriately scaled buildings.

- The Project is aligned with the Shank Painter Form-Based Code where it is creating 40 residential units, 30 of which are deed-restricted, year-round units in a four-story building with an activated ground floor community room directly facing onto Shank Painter Road and the uppermost story is stepped back from the front façade to give the building the appearance of 3½ stories.

The Shank Painter Form-Based Code includes a minimum 20% affordable or community housing contribution within the District and provides a fourth-story height bonus for projects providing a minimum of 25% affordable or community units.

- This is the direct implementation of the LCP's Affordable Housing Strategy A: *"Update local bylaws and regulations to encourage affordable housing."*

The minimum 25% affordable or community units to take advantage of the height bonus allowing a building to be four stories tall is being met by the Project.

- Of the proposed project's 30 year-round units, 4 are Affordable (80% AMI) and 15 are Community (100% to 180% AMI) housing units, resulting in 19 units or 47.5% of the overall 40 proposed units contributing to the Town's Affordable and Community housing inventory in compliance with the Affordable and Community Housing for Development of New Residential Units section of the Shank Painter Form-Based Code (Section 9220).

The project either complies with the current Zoning Bylaw and/or may obtain the necessary Special Permits and Site Plan Review in order to comply with the requirements, specifically for the following parameters:

- Growth Management permit may be issued under Section 6300 where the project qualifies as an Affordable and Community Housing Project with gallons for Affordable and Community units being allocated from Category 1 and gallons for the non-affordable/community units within the Project being allocated from Category 2.
- Onsite Minimum Vehicular Parking requirements may be reduced from the 20 spaces required to the proposed 3 spaces (of which 2 are accessible spaces)

through the granting of a Special Permit by the Zoning Board of Appeals under Section 2471 where special circumstances such as: deed-restricted year-round occupancy and proximity to municipal off-street parking lots would render a lesser provision adequate for all parking needs. Directly across the street is a 28-space public parking area and approximately 340 ft. southeast is an 11-space public parking area also located on Shank Painter Road.

- Maximum Building Stories may be increased from 3 to 4 stories while maintaining the character of a 3½ story structure through the granting of Site Plan Review by Special Permit from the Planning Board under Section 9210 where the Project meets or exceeds the minimum 25% Affordable/Community Housing requirement and the 4th story is stepped back from the front façade.

Thank you for your careful consideration of this matter. I trust that the Commission's review process will thoroughly assess this project to ensure its alignment with Cape Cod's Regional Policy Plan.

Sincerely,

*Thaddeus J. Soulé*

Thaddeus J. Soulé
Town Planner

cc (by email):
Tim Famulare, Community Development Director