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CAPE COD COMMISSION

DEVELOPMENT OF REGIONAL IMPACT DECISION

DATE:	April ____, 2025
PROJECT:	Captain Berties Way Housing (Cape Cod Commission File No. 25002)
APPLICANT/OWNER:	44 Captain Bertie's LLC 540 Tremont Street, Suite 8 Boston, MA 02116
PROPERTY/SITE:	44 Captain Bertie's Way, Provincetown, MA 02657 Map/Parcel 8-2-28-0 and 8-2-28-A BCRD Book 36773, Page 327

SUMMARY

The Cape Cod Commission ("Commission") hereby grants Development of Regional Impact ("DRI") approval, with Conditions, to construct 36 new residential housing units with associated parking and site improvements at 44 Captain Bertie's Way in Provincetown, pursuant to a vote of the Commission at its meeting on April ___, 2025.

FINDINGS

The Cape Cod Commission hereby finds and determines as follows:

General Findings

F1. The proposed project site consists of a cleared, vacant +/- 22,983-sf parcel, with a curb-cut on Captain Bertie's Way (the "Project Site").

F2. The previous use on the Project Site was an auto repair facility with outdoor storage, which was razed in 2023.

F3. The Project Site is in the Town's GC (General Commercial) zoning district and is surrounded by residential, commercial, and mixed-used development. It is bordered to the west by a restaurant and a mixed-use building; to the south by a gym; to the east by a

condominium development; and to the north by single family residences on Captain Bertie's Way.

F4. The Project Site does not include areas mapped as sensitive for natural resources.

F5. The Project Site is within a Commission-mapped Community Activity Center Placetype.

F6. The proposed development consists of:

- a +/- 44,500-sf four-story building containing 36 residential units (fourteen (14) one-bedroom units; and twenty-two (22) two-bedroom units) including 10 units proposed to be deed-restricted as affordable to those households earning between 65%-80% of Area Median Income (AMI);
- a courtyard with a pool;
- 29 on-site parking spaces within a concealed garage at the base of the building; and
- associated landscaping and stormwater infrastructure (collectively, the "Project").

F7. The Project is subject to mandatory DRI review pursuant to Section 3(g) of the Commission's Chapter A: Enabling Regulations Governing Review of Developments of Regional Impact ("Enabling Regulations") as a proposed development that is planned to create 30 or more Residential Dwelling Units.

F8. The Project was referred to the Commission by the Town of Provincetown on January 16, 2025. The Applicant submitted a DRI application in January 2025 and submitted supplemental materials in February and March 2025.

F9. A subcommittee of the Cape Cod Commission held a public hearing on the Project on March 31, 2025. The Subcommittee also held a public meeting on the Project on April 7, 2025. The full Cape Cod Commission held a public hearing on the Project on April 10, 2025.

F10. Section 13(d) of the Cape Cod Commission 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, consistent with its implementing regulations; and, if Commission-certified, consistent with the town's Local Comprehensive Plan ("LCP"); and that the probable benefit of the project is greater than its probable detriment.

F11. DRI review of the Project is subject to the 2018 Regional Policy Plan (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 assessed the Project's

consistency with the Goals and Objectives in Section 6 of the RPP, as particular goals and objectives were deemed applicable and material to the Project.

Cape Cod Regional Policy Plan

F12. Based on the location and nature of the Project, the following RPP goals are applicable, material, and regionally significant and thus subject to RPP consistency review: *Water Resources, Community Design, Transportation, Energy, Climate Mitigation,* and *Housing*. The Commission makes the following findings relative to the Project's consistency with these RPP Goals and relevant Objectives:

Water Resources

F13. 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.

F14. The Project 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 aside from the MWRA noted above.

F15. 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

F16. The Project will be connected to municipal centralized sewer, therefore the primary concerns for Water Resource Objective WR1 are hazardous materials and nitrogen loading from stormwater runoff.

F17. The site-wide nitrogen loading concentration is calculated to be 1.97 ppm, which is below the 5-ppm site-wide nitrogen loading limit, consistent with Objective WR1.

F18. The Applicant provided an Environmental Site Assessment which provides a review of the historical use of the Project Site as an auto repair facility and an assessment of the existing conditions. The Environmental Site Assessment found no evidence of hazardous substances or petroleum products in, on, or at the subject property under conditions that pose a material threat of a future release to the environment, consistent with Objective WR1.

F19. The Project Site is currently vacant, sparsely vegetated and contains no stormwater management features. The previous use as an auto repair facility had 10,463 sf of impervious cover; the Project proposes a total of 17,595 sf of impervious cover, indicating that the Project does not reduce the amount of impervious cover. However, the Project would enhance stormwater management and reduce the nitrogen loading concentration from the prior use, reducing it from 11.07 ppm to 1.97 ppm. Accordingly, the Project

fulfills the Objective WR4, to manage and treat stormwater to protect and preserve water quality.

F20. The proposed stormwater management system is sized to manage the 100-year storm event by directing all stormwater flow from pavement and roof surfaces to a subsurface infiltration system. The stormwater treatment system will remove 80% of the average annual post-construction load of TSS and over 44% TSS prior to discharge into subsurface leaching facilities.

F21. The Project incorporates green infrastructure elements including porous asphalt and permeable pavers for most of the driveway and walkways, consistent with the vision for stormwater management in Community Activity Centers.

Community Design

F22. 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.

F23. 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

F24. The Project consists of one L-shaped building, proposed to be located close to Captain Berties Way, to define the streetscape and align with its neighboring buildings, consistent with Objective CD1.

F25. The building has approximately 44,500 sf of floor area between four stories and a basement, but with an overall footprint of only +/- 9,190 sf. The scale of the building is further broken down by a fourth-floor setback, and multiple roof lines resemble gable and hip roof forms. The placement of parking underneath the building screens it from view and allows for more pedestrian-focused features along the street frontage, consistent with traditional village design. In addition, the use of natural wood shingle, lapped board, and panel siding materials are context-sensitive details, consistent with Objective CD1.

F26. The building includes one street-facing façade that is 121 feet long, with a portion of the first-floor façade stepped back 6 feet. The Commission generally requires at least 10 feet of facade setback or projection for every 50 feet of facade length. However, first-floor entryway setbacks along the façade provide breaks from the continuous face; and combined with the fourth-floor setback and use of varied and context-sensitive material treatments between the floors, as well as the nod to the long history of modern architecture on the Outer Cape, the Project meets the criteria of Objective CD1.

F27. The Project proposes redevelopment and some revegetation of a completely disturbed site. The Project also minimizes its footprint by proposing a multi-story building with parking located under the structure. This reduces the overall impervious surface area and

allows room for on-site landscaping and other design features that help moderate the scale of the building, all of which is consistent with Objective CD2.

Transportation

F28. The Transportation Goal of the RPP is to provide and promote a safe, reliable, and multi-modal transportation system.

F29. 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

F30. A Traffic Impact Study (TIS), dated January 2025, was prepared by the Applicant's consultant Howard Stein Hudson (HSH) for the Project in accordance with relevant guidance from the Cape Cod Commission Transportation Technical Bulletin and Regional Policy Plan (RPP). The submittal provides an analysis of the operational and safety impacts of the proposed Project and was prepared in a professional manner following standard industry practices, consistent with Objective TR1.

F31. The Project aims to provide safe accommodations for both vehicular and non-vehicular (pedestrian and cyclist) movement throughout the site. Staff note that plans include the construction of an ADA-compliant sidewalk along the Project's frontage on Captain Bertie's Way. The Applicant also reported that the Town of Provincetown received a grant to build a sidewalk along the north side of Captain Bertie's Way, which will connect the Project to the Grace Hall parking lot.

F32. The available sight distance in both directions on Captain Bertie's Way exceeds the minimum requirements, consistent with Objective TR1.

F33. The Project is sited to support healthy transportation options for future residents as it is within a reasonable distance to access nearby destinations, such as the grocery store, via walking, biking, and/or transit service. The Project will construct a sidewalk along the westbound side of Captain Bertie's Way and on-site bicycle parking accommodations will be provided at a rate of approximately 2 spaces per residential unit, totaling 24 exterior and 42 interior bike parking spaces for unit owners, consistent with Objective TR2.

F34. The Applicant proposes to implement a Transportation Demand Management (TDM) strategy that encourages residents to adopt alternative transportation options.

F35. Approximately 29 parking spaces will be provided in the parking garage for residents along with 66 bicycle parking spaces. Access to an additional 36 parking spaces in the off-site Grace Hall parking lot will be provided through the annual purchase of a Provincetown Parking Permit for each unit owner at the expense of the Project's

condominium association. The Grace Hall public parking lot is located 250 feet southeast of the Project Site.

F36. Proposed TDM measures include designating a transportation coordinator responsible for posting up-to-date bus schedules and managing transportation-related matters such as parking, service and loading areas, and deliveries. Additionally, the transportation coordinator will provide new unit owners with orientation packets that include information on available transportation options, such as transit routes and schedules, nearby vehicle-sharing locations, carpooling opportunities, and other Cape Cod Regional Transit Authority (CCRTA) services available on-site, consistent with TR3.

Energy

F37. 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.

F38. 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

F39. The Applicant will enter into a green power purchase agreement, consistent with Objective EN1.

F40. The Project proposes to locate utilities and associated infrastructure underground, consistent with Objective EN2.

F41. The Project will "meet LEED certifiable standards" and be designed to meet the Stretch Code. Anticipated Project components include energy efficient lighting, building envelope elements to increase energy efficiency, nine (9) EV charging stations with wired parking garages, and plantings to provide shade, consistent with Objective EN3.

Climate Mitigation

F42. 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.

F43. 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

F44. The Project is proposed proximate to retail and commercial development and proposes to implement TDM strategies and pedestrian connections. The Project also proposes nine

(9) electrical vehicle charging stations and secure bicycle accommodations, consistent with Objective CM1.

F45. The Project proposes electric HVAC heating and cooling systems, with smart temperature controls. A high efficiency air source heat pump system with variable refrigerant flow technology and heat recovery will be used to heat and cool all spaces. The Project also proposes dedicated energy recovery ventilator units (ERV) in each unit, which will improve indoor air quality and reduce energy needs, consistent with Objective CM2.

F46. Project landscaping has been designed to include drought tolerant, native, low impact plantings, including Cape Cod specific cultivars that have been incorporated based on local guidelines. Light-colored hardscape materials will be used to reduce urban heat island effects. Based on these measures the Project is consistent with Objective CM3.

F47. As discussed in F39, the Applicant proposes to enter into a green power purchase agreement, consistent with Objective CM4.

Housing

F48. 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.

F49. The following Objectives are applicable and material to the Project:

- HOU1—Increase housing diversity and choice
- HOU2—Increase year-round housing supply
- HOU4—Increase affordable housing

F50. The Project is infill development, proposing redevelopment of a vacant cleared site surrounded by commercial and residential development, consistent with Objective HOU1.

F51. The Project proposes 36 ownership units. The Project proposes to provide ten (10) permanently deed-restricted one-bedroom units for home ownership to those earning at or below 65%-80% of Area Median Income (AMI); during local permitting, the Provincetown Community Housing Council will determine the final AMI restrictions for the 10 affordable units. The ten (10) Affordable units constitute 28% of the total units, consistent with HOU4 and the companion Housing Technical Bulletin which requires at least 10% of units be set aside as Affordable.

F52. The development proposes a mix of unit types and sizes: fourteen (14) one-bedroom units; and twenty-two (22) two-bedroom units. All units are less than 1,200 sf, consistent with Objective HOU1 and further consistent with the vision for Community Activity Centers, where housing is encouraged, and units smaller than 1,200 sf preferred.

F53. The Project proposes 36 year-round ownership units, consistent with HOU2. Short-term rentals are regulated in the Town of Provincetown under Provincetown General Bylaw 13-10.

F54. The Applicant submitted materials indicating that the affordable units are all one-bedroom units in response to a request by the Town to address an established shortage of affordable 1-bedroom options in the Town. While the Commission generally expects that the number of affordable and market rate units proposed in residential developments will be proportional to the mix of unit types/sizes in the overall development proposal, the Commission finds that there is a need for a greater proportion of affordable one-bedroom units in this Project.

F55. The Applicant provided assurances that condominium fees for the affordable units will be proportionate to their assessed value to maintain affordability in perpetuity, consistent with HOU4.

F56. The development of affordable units will take place at the same time and affordable units will be indistinguishable from the market rate units in terms of location, design, and materials, consistent with HOU4.

Other DRI Standards of Review

Consistency with Local Zoning Bylaw and Provincetown's Local Comprehensive Plan

F57. The town of Provincetown has a Local Comprehensive Plan that has been certified by the Cape Cod Commission as consistent with the Regional Policy Plan.

F58. The Provincetown Town Planner provided a letter, dated March 26, 2025, which details consistency with the Town's vision for the area and the Town's Local Comprehensive Plan. The letter identifies the Project as aligned with: the Growth Policy of the LCP to encourage development in the (GC) General Commercial Zoning District; and an overarching goal of the LCP 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."

F59. The letter from the Provincetown Town Planner, dated March 26, 2025 also provides details on the Project's compliance with municipal development bylaws, detailing where relief will be necessary and how it may be obtained. The Project Site will require relief in the form of special permits from both the Planning Board and the Zoning Board of Appeals. The Planning Board is empowered to grant a special permit for a multi-family dwelling containing affordable housing subject to Site Plan Review and compliance with Inclusionary and Incentive Zoning. The Project will require waivers for front yard setback, building height, stories and roof, dwelling units/density, and parking spaces. A special permit is also required from the Zoning Board of Appeals for building scale to ensure the Project maintains a consistent and harmonious scale with the surrounding neighborhood. The letter from the Town states that "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."

Consistency with the Cape Cod Commission Act

F59. The Project is consistent with the Cape Cod Commission Act, as is evidenced by its consistency with the 2018 Cape Cod Regional Policy Plan, as amended, Provincetown's Local Comprehensive Plan, and subject to review and approval by relevant Town authorities, its consistency with applicable Municipal Development bylaws.

Consistency with District of Critical Planning Concern

F60. There are no District of Critical Planning Concern ("DCPC") implementing regulations pursuant to the Commission's Chapter E: District of Critical Planning Concern (DCPC) Regulations applicable to the Project.

Probable Benefits/Probable Detriments

F61. Probable benefits of the Project identified include:

- Provides 10 affordable ownership units in a 36-unit development, which exceeds the number of affordable units otherwise required for a project of this size.
- Redevelopment and revegetation of a brownfield site with native vegetation, pollinator habitat, and development that is appropriate in scale and design.
- Infill development in a Community Activity Center will provide greater accessibility and connections to public transportation in the area, contributing to less vehicular dependence.
- Nine (9) EV chargers in a 36-unit development will provide one (1) EV charger for every four (4) units, with capacity to install additional EV chargers at any other on-site parking space.
- The addition of housing and tax revenue will provide economic benefits to the Town and region and no public financial subsidies will be used for the development of the affordable units.
- The Project will be designed to be LEED-Silver certifiable
- The Project advances the Town's goals to revitalize the Shank Painter Road area.

F62. Probable detriments of the Project identified include:

- None of the two-bedroom units in the Project will be deed-restricted as affordable

F63. The Commission finds that the Probable Benefit of the Project is greater than the Probable Detriment.

CONCLUSION

Based on the Findings above and subject to the Conditions set out herein, the Commission further determines, finds, and concludes that the Project is consistent with the 2018 Cape Cod Regional Policy Plan, applicable provisions from the Provincetown Local Comprehensive Plan, and applicable municipal development bylaws and the Cape Cod Commission Act; the probable

benefit of the Project is greater than the probable detriment; and the Commission hereby grants DRI approval for the Captain Bertie's Way Housing Project described herein.

CONDITIONS

C1. This Decision shall be final when the appeal period set out in Section 17 of the Cape Cod Commission Act has elapsed without appeal (or if such an appeal has been filed, when the appeal has been finally settled, dismissed, adjudicated, or otherwise disposed of in favor of the Applicant). Thereafter, this Decision shall be valid and in effect, and local development permits may be issued pursuant hereto for a period of seven years from the date of this Decision, or for such extended period as may be permitted by the Commission pursuant to Chapter A of the Code of Cape Cod Commission Regulations, the *Enabling Regulation*s Governing Review of Developments of Regional Impact.

C2. A copy of the Decision, when final and prior to commencement of the Project, shall be recorded with the Barnstable Registry of Deeds.

C3. This Decision shall be appurtenant to and run with the Property. The Decision shall bind and be enforceable against, and inure to the benefit of, the Applicant, its heirs, successors, and assigns.

C4. The Applicant shall obtain all required federal, state, and local permits, licenses, and approvals for the Project, including without limitation Special Permits from the Provincetown Planning Board and Provincetown Zoning Board of Appeals. Consistency with Municipal Development Bylaws shall be confirmed by the Applicant and provided to the Commission staff after obtaining all said required local permits, licenses, and approvals for the Project. Prior to commencement of the Project, the Applicant shall provide the Commission with copies of all required local permits, licenses, and approvals for the Project. Any changes to the Project resulting from the municipal review process may require modification of this Decision.

C5. The Project shall be constructed, operated, and maintained consistent with the following documents ("Approved Project Plans"). Plans, protocols, and other documents received or required to be submitted as Conditions of this Decision shall be treated as incorporated into the Approved Project Plans once received, reviewed, and approved for consistency with this Decision by Commission staff, and the Project shall thereafter be constructed, operated, and maintained consistent with the Approved Project Plans, as so supplemented:

- Civil Plan Set: 44 Captain Bertie's Way, Provincetown, MA, *Proposed Site Plan for New Construction*, prepared for New Boston Ventures LLC, by Boston Civil Engineering and Land Planning, revised 1/13/2025, consisting of the following seven (7) sheets:
    - C-0: Title Sheet & General Notes
    - SK-1: Limited Zoning Sketch
    - C-1: Site Demolition & Erosion Control Plan

    - C-2: Site Utility Plan
    - C-3: Site Layout & Grading Plan
    - C-4: Civil Details
    - C-5: Civil Details II
- Landscape Plan Set: *44 CBW*, 44 Captain Bertie's Provincetown, MA 02657, prepared for New Boston Ventures, LLC, by LeBlanc Jones Landscape Architects, dated 3/4/2025, consisting of the following three (3) sheets:
    - L1.0: Landscape Plan
    - L2.0: Landscape Details
    - L2.1: Lighting Cut Sheets
- Schematic Design/Plans: 44 Captain Bertie's Way, Provincetown, MA 02657, prepared for New Boston Ventures LLC, dated 1/13/2025 (except where otherwise noted), consisting of the following eleven (11) sheets:
    - A1.00: Lower Level/Parking, dated 3/25/2025
    - A1.01: First Floor/Garden, dated 3/25/2025
    - A1.02: Second Floor, dated 3/25/2025
    - A1.03: Third Floor, dated 3/25/2025
    - A1.04: Fourth Floor, dated 3/25/2025
    - A1.05: Roof
    - A2.01: Elevations / North
    - A2.02: Elevations / East, West
    - A2.03: Elevations / South
    - A2.10: Elevations / Materials, dated 3/3/2025
    - A3.01: Typical Units
- Civil Engineering Narrative – Cape Cod Commission (CCC) Application Project #387, for 44 Captain Bertie's Way, Provincetown, MA, prepared for New Boston Ventures LLC by Boston Civil Engineering and Land Planning, dated 3/4/2025 (115 pages)

C6. The Applicant shall provide a copy of this Decision and the Approved Project Plans to the Project's general contractor prior to commencement of the Project. The Applicant shall maintain a copy of this Decision and the Approved Project Plans on the Project Site throughout Project construction.

C7. Prior to and as a Condition to issuance of a building permit/s for the Project from the Town of Provincetown, the Applicant shall request and obtain from the Commission a Preliminary Certificate of Compliance; the issuance of such Preliminary Certificate of Compliance shall evidence that the Applicant has satisfied all Conditions in this Decision required to have been satisfied prior to the issuance of a local building permit/s.

C8. Prior to and as a Condition to issuance of a Certificate/s of Use and Occupancy for the Project from the Town of Provincetown Building Department, the Applicant shall request

and obtain from the Commission a Final Certificate of Compliance; the issuance of such Final Certificate of Compliance evidences that the Applicant has satisfied all Conditions in this Decision required to have been satisfied prior to the issuance of a local Certificate/s of Use and Occupancy or building permits sign-off/s, and shall confirm that the Project was constructed or implemented in accordance with this Decision.

C9. The Applicant hereby authorizes Commission staff to make site visits as necessary, at reasonable times and upon reasonable notice to the Applicant, to confirm that the Project has been implemented in accordance with this Decision, including upon an Applicant's request for a Certificate of Compliance hereunder.

C10. Prior to and as a condition to issuance of a Preliminary Certificate of Compliance by the Commission, the Applicant shall submit a draft Affordable Housing Restriction, to be held by the Town of Provincetown, for review and approval by Commission staff.

C11. Prior to and as a condition to the issuance of a Final Certificate of Compliance by the Commission, the Applicant shall submit a final executed Affordable Housing Restriction, held by the Town of Provincetown, as reviewed and approved by Commission staff.

C12. Prior to and as a condition to issuance of a Preliminary Certificate of Compliance by the Commission, the Applicant shall submit a draft Condominium Master Deed for review by Commission staff for consistency with Housing Finding F55.

C13. Prior to and as a condition to the issuance of a Final Certificate of Compliance by the Commission, the Applicant shall submit a final Condominium Master Deed, as reviewed and approved by Commission staff as consistent with Housing Finding F55.

C14. Prior to and as a condition to issuance of a Preliminary Certificate of Compliance by the Commission, the Applicant shall submit a final landscape plan, for Commission staff review and approval and shall be incorporated into this decision by reference.

C15. Prior to and as a condition to issuance of a Preliminary Certificate of Compliance by the Commission, the Applicant shall submit an erosion and sedimentation control plan for during and after construction for Commission staff review and approval and shall be incorporated into this decision by reference.

C16. Prior to and as a condition of a Final Certificate of Compliance, a Transportation Demand Management (TDM) program shall be implemented for the Project and shall include the following measures:

- Designate a Transportation Coordinator responsible for: posting up-to-date bus schedules; managing transportation-related matters such as parking, service and loading areas, and deliveries; providing unit owners with orientation packets that include information on available transportation options, such as transit routes and schedules, nearby vehicle-sharing locations, carpooling opportunities, and other CCRTA services available on-site.

- Exterior and interior weather-protected bicycle parking accommodations must be provided at a rate of approximately 2 spaces per residential unit, totaling 24 exterior and 42 interior bike parking spaces for residents.

C17. Prior to and as a condition to issuance of a Final Certificate of Compliance by the Commission, the Applicant shall provide for construction of an ADA-compliant sidewalk along the Project's frontage on Captain Bertie's Way.

C18. Prior to and as a condition to issuance of a Final Certificate of Compliance, the Applicant shall provide for construction of an ADA-compliant sidewalk extension to the Grace Hall parking lot; provided, however, that if at such time the Applicant seeks a Final Certificate of Compliance, the Town of Provincetown Department of Public Works Director determines that the sidewalk extension is otherwise expected to be completed by the Town, this requirement shall be waived.

C19. Prior to and as a condition to issuance of a Final Certificate of Compliance by the Commission, the Applicant shall provide documentation of a green power purchase agreement to provide no less than 50% of the Project's power from renewable sources.

C20. Project lighting shall not spill onto adjacent properties. Driveways and paths shall have light fixtures that have a total cutoff of all light at less than 90 degrees and a beam cutoff of less than 75 degrees. Attached building or wall pack lighting shall be screened by the building's architectural features or contain a 45-degree cutoff shield.

C21. Drinking water for the Project shall come from the public water supply.

C22. Prior to and as a condition to issuance of a Final Certificate of Compliance by the Commission, the Applicant shall install no less than nine (9) electric vehicle chargers.

SIGNATURE PAGE FOLLOWS

SIGNATURE PAGE

Executed this _____ day of April 2025

For the Cape Cod Commission by:

_____

Harold Mitchell, Chair

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

April _____, 2025

Before me, the undersigned notary public, personally appeared_____, in his capacity as Chair and on behalf of the Cape Cod Commission, whose name is signed on the preceding or attached document, and such person acknowledged to me that he/she signed such document voluntarily for its stated purpose. The identity of such person was proved to me through satisfactory evidence of identification, which was [ ] photographic identification with signature issued by a federal or state governmental agency, [ ] oath or affirmation of a credible witness, or [**X**] personal knowledge of the undersigned.

_____

Notary Public

My Commission Expires: _____

SEAL