CAPE COD COMMISSION

Captain Berties Way Housing (CCC File No. 25002) Development of Regional Impact Review Subcommittee Meeting

Minutes | Monday, April 7, 2025 at 5:00 p.m.

Virtual via Zoom

Summary of Actions Taken:

- The subcommittee voted to recommend the draft decision approving the project to the full Cape Cod Commission, with changes discussed during this meeting.

Tom Wilson, Chair, called the meeting to order at 5:00pm.

The Chair opened the Subcommittee meeting by reading the meeting announcement. The subcommittee hearing is being held virtually via Zoom with all members participating remotely. He said that the subcommittee members will discuss the proposed +/- 44,500-sf, four-story building containing 36 residential units with associated parking and site improvements at 44 Captain Berties way in Provincetown. He provided instructions for participation during the hearing.

The Chair took attendance by roll call.

Roll Call:

- Tom Wilson, *Chair*, Present
- Elizabeth Taylor, Present
- John Druley, Present
- Kevin Grunwald, Present
- Peter Okun, Absent
- Ernest Virgilio (as alternate), Absent

Staff Presentation

Jordan Velozo, Chief Regulatory Officer for Commission staff provided an overview of the draft DRI Decision distributed the prior week. She highlighted key sections including the project description, context, and jurisdiction. She discussed applicable DRI standards and findings confirming compliance with those standards. She also went over sections of the decision that contains findings on alignment with Provincetown's Local Comprehensive Plan and bylaws. Ms. Velozo also reviewed probable benefits in the draft decision: Ten affordable ownership units in excess of minimum requirement; Redevelopment and revegetation of a brownfield site with appropriate scale/design; Infill development in a community activity center with transit accessibility; Reduction in vehicle dependence; Nine EV chargers (one per four units) with capacity for more. She also reviewed the probable detriment: that there are no two-bedroom units designated as affordable.

Ms. Velozo also highlighted key Conditions in the draft DRI decision: Condition 11: Final affordable housing restriction prior to occupancy; and Condition 13: Condo master deed review to ensure proportionate HOA fees for affordable units.

Finally, she outlined next steps and said the subcommittee may recommend decision to the full Commission for review at its April 10, 2025 meeting.

Applicant Comments

Atty Eliza Cox, representing the Applicant thanked staff, especially Jordan Velozo, for quick turnaround of a thoughtful draft. She requested consideration of the following additional project benefits: increased tax revenue with no public subsidy for affordable units; LEED Silver certifiable design; and advancement of Provincetown's Shank Painter Road revitalization goals.

Subcommittee Discussion

Ms. Taylor suggested benefit language be expanded to emphasize creation of new habitat with native species where none currently exists. She supported the Applicant's proposed additional benefits.

Mr. Grunwald noted the site's compact size and the Project's compatibility with surrounding area. He asked if the Applicant had conducted outreach/market research on filling affordable units given narrow qualifying income window.

Dennis Kanin, the Principal of New Boston Ventures, the Project developer, explained the high demand for one-bedroom affordable units in Provincetown. He cited recent town lottery: 27 applicants for only 1–2 available units; 26 of 27 sought one-bedrooms. He is confident all 10 affordable units can be filled.

Mr. Grunwald confirmed those prior lottery units were for purchase, not rent.

Mr. Druley emphasized importance of keeping condo fees affordable long-term and suggested one affordable unit owner be guaranteed a seat on the condo board.

Mr. Kanin agreed to incorporate affordable-unit board representation into condo documents. He confirmed fee percentage allocations would be fixed and unchangeable without unanimous owner consent. He said he will explore language to address future affordability even if overall fees rise significantly over decades.

The Chair asked Jordan to incorporate "native species and pollinator habitat" into the benefit language and proposed amending Condition C22 to specify "nine electric vehicle charging stations" rather than "charging for no less than nine vehicles."

The Applicant and staff agreed to the edit.

Public Comment

Brian Stern stated his concern was unrelated to the Bertie's Way project but rather about the Maurice Campground project. He sought guidance on engaging the Cape Cod Commission regarding upcoming funding approval and expressed desire for a slower review process.

The Chair noted his comments for follow-up with staff outside of this forum.

Seeing no further public comments and no further comments from subcommittee members, Mr. Grunwald moved to recommend the draft decision approving the project to the full Cape Cod Commission, with changes discussed during this meeting. Ms. Taylor seconded the motion.

The Chair took a vote by roll call.

- Tom Wilson, Yes
- Elizabeth Taylor, Yes
- John Druley, Yes
- Kevin Grunwald, Yes

Ms. Taylor moved to adjourn. Mr. Grunwald seconded.

The Chair took a vote by roll call.

- Tom Wilson, Yes
- Elizabeth Taylor, Yes
- John Druley, Yes
- Kevin Grunwald, Yes

Materials Used:

- Staff Presentation dated 4/7/2025
- Draft DRI Decision dated 4/7/2025