



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

June 25, 2020

Findings and Decision of the Planning Board

Case Number: PLN 20-39
Applicant/Owner: James and Lauanne McCollum
Property Address: 28 Berry Lane
Assessor's ID: 18-2-12-F
Deed: Certificate 132825, Document 605965
Zoning District: Residential District 1 (Res1)
Planning Board Members: Paul Graves, Vice Chair
Jeffrey Mulliken
Brandon Quesnell, Chair
Monica Stubner, Alternate
Ross Zachs

I. Introduction

The Applicant is petitioning the Planning Board for Site Plan Review approval under Article 2, Section 2320, High Elevation Protection District of the Town of Provincetown Zoning By-Laws (the Zoning By-Laws) for the Project proposing to construct an enclosed, unconditioned, screened porch over an existing deck and adding egress stairs down to the existing grade that will be appurtenant to the existing single-family dwelling located at 28 Berry Lane within the Residential District 1 and High Elevation Protection District A Overlay.

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.

III. General Findings

1. The Property is located at 28 Berry Lane in Provincetown, Massachusetts, is known by the Assessor's Office as Parcel ID: 18-2-12-F, and is registered land in Certificate 132825, Document 605965 at the Barnstable County Land Court.

2. The Property is located in the Residential District 1 (Res1) zoning district and the High Elevation Protection District A Overlay.
3. The Property is 22,929± sq. ft. in size and is improved with a single-family dwelling.
4. Berry Lane is listed as a Private Way.
5. The Property is surrounded by Conservation land on all sides excepting the 120± ft. shared southwestern property boundary with 24 Berry Lane.
6. The proposed Project includes the construction of an enclosed, unconditioned, screened porch over an existing deck on the east side of the dwelling and adding egress stairs down to the existing grade within the Property.
7. The Applicant submitted a project narrative describing the Project, construction methods, construction timing, proposed lighting, and descriptive narrative of the photographs.
8. The Applicant submitted photos showing winter-time views of the existing deck, views from the deck, and views from Berry Lane looking at the deck.
9. There were no public comments or letters relating to the Project.
10. The Board held a public hearing on April 23, 2020. Note that the hearing was held virtually in accordance with Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, March 23, 2020 Order imposing strict limitation on the number of people that may gather in one place, and Chapter 53 of the Acts of 2020. The Applicant and presented the Project. A presentation was made and the Board provided an opportunity for all those attending the public hearing to be heard.
11. The applicant submitted plans and renderings of the Project and the Planning Board members had sufficient time to review the plans prior to the hearing. Plans included:
 - a. Plan entitled "Plan of Land" prepared by William N. Rogers Professional Engineers and Land Surveyors for James & Luanne McCollum in one sheet (11x17) dated December 1993, scale as depicted, and certified by William N. Rogers II, PLS No. 28410.
 - b. Plan set with no title block, uncertified, in 1 sheet (11x17), undated at a scale as depicted, showing the plan view, east, north, and south profiles with elevations, and a rendering of the screened deck and stairs from a bird's eye view.

IV. Applicable Law, 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 placing an enclosed screened porch over a portion of the existing deck on the east side and adjacent to the single-family dwelling and adding wood egress stairs such that the architectural style of cedar shingles, removable screens, existing vegetation within the Property, distance to Property boundaries and adjacent Conservation land provide ample screening, such that the Project will not detract from the site's scenic qualities and blends with the natural landscape.
- b) That the Project's location is over a portion of the existing deck and adjacent to the east side of the existing building such that it is away from the crest of hill, located to the southwest, and preserves the visual and physical integrity of the dune.
- c) That the standard does not apply where the Project is not a development for more than one structure.
- d) That the Project proposes minimal footings for the proposed egress stairs that are designed to reflect the natural slope of the terrain and where support members are made of wood to minimize visual appearance.
- e) That this standard is not applicable where no removal of existing vegetation and no landscaping is proposed in order to maintain the existing natural appearance of this portion of the Property.
- f) That this standard is not applicable where no retaining walls are proposed.
- g) That the Project minimizes grading or earth-moving to excavating only the sand necessary to install the footings required for the egress stairs and is proposed to be executed in such a manner that maintains the existing terrain both on and adjacent to the site.
- h) That this standard is not applicable where no utilities are proposed outside the structure.
- i) That this standard is not applicable where no storage of petroleum products is proposed.
- j) That the Project will not result in significant additional impervious surfaces as the footings for the proposed stairway have minimal surface area; the enclosed, screened porch is approximately 12 ft. by 8 ft. in size and will remain pervious

underneath; and the Project is located approximately 30± ft. from the nearest property boundary, such that the drainage infiltration capacity will be maintained within the Property.

- 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 development so as to preserve Provincetown's environmental and cultural heritage, minimize adverse impacts, and enhance the quality of life.
- 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 single-family dwelling protects adjacent public Conservation land and abutting properties by avoiding detrimental impacts and maintaining existing residential uses consistent with the Res1 Zoning District.
- e) That the Project's size and scope protects the unique, natural, scenic, and historic features adjacent to the site by avoiding detrimental impacts.
- 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.
- 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 on the screened porch or stairs 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. No floodlighting is proposed on the Property.

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 will not result in significant modification to water drainage where the additional impervious surfaces from the footings for the proposed stairway have minimal surface area; the enclosed, screened porch is approximately 12 ft. by 8 ft. in size and will remain pervious underneath; and the Project is located approximately 30± ft. from the nearest property boundary, such that the drainage infiltration capacity will be maintained within the Property.
- 6) That this standard is not applicable where no new utility service is proposed.
- 7) That this standard is not applicable where no new parking is proposed.

D. Waivers. No waivers were requested as part of the Application.

V. Vote

Vote PLN 20-39:

Motion by Jeffrey Mulliken 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, for the Project proposing to construct an enclosed, unconditioned, screened porch over an existing deck and adding egress stairs down to the existing grade on the Property located at 28 Berry Lane, with the conditions noted herein. The Motion was seconded by Monica Stubner.

VOTE: By 5 in favor, 0 opposed, and 0 abstaining the Planning Board Approved this application.

VI. Conditions:

1. Proposed exterior lighting on the screened porch or stairs shall be mounted not more than 15 feet high and shall be dark sky compliant.
2. All stormwater runoff from proposed impervious surfaces will be fully contained within the Property.

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 or their designee, 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.