



Zoning Board of Appeals March 5, 2020 at 6:30 pm Town Planner's Report



ZBA 20-56: 207 Route 6

Application by Shank Painter Associates, Inc., seeking a Special Permit pursuant to Article 2, Sections 2470, Parking Requirements, 2630, Roofs, and 2640, Building Scale, of the Zoning By-Laws to develop workforce housing, including requesting a waiver from parking requirements and to add a third story to, and allow an increase above the neighborhood average building scale of, the structure on the property located at 207 Route 6 (General Commercial Zone).

The Subject Property includes an existing 15,000± sq. ft. single-story metal warehouse building. The Project proposes to construct a new 19,608± sq. ft. mixed-use building with workforce dormitory housing and residential dwelling units. The Applicant seeks a special permit for a 59% decrease in the number of required parking spaces, relief to dormer more than 50% of the top floor, and relief to exceed the neighborhood maximum allowable volume by 651%.

Questions and Requested Additional Information

1. The Applicant should provide calculations and grade sections/profiles along the building demonstrating that the lowest level being shown as a cellar, basement, and/or foundation should not be considered a story and that it is designed to have walls which extend less than an average of 3'6" (three feet six inches) on all pertinent sides from the finished grade.
2. Plan Sheets C1.2.1 and C2.1.1 only show some of the off-site buildings and should be revised to show the approximate locations of all adjacent off-site buildings, including 7-3-18, 7-3-21-7, 7-3-21-B, and additional buildings on 8-1-1.
3. Plan Sheet C2.1.1 should depict proposed elevations and contours for the subject property and/or an additional plan should be submitted that depicts proposed elevations and contours with the proposed structure and parking areas.
4. The Applicant should provide photometric renderings and view shed analysis of the proposed building, proposed landscaping, and proposed contours from adjacent properties, roadways, and neighboring structures in order to support the Applicant's claim that "...the building will not have a significant negative impact on the natural light to or views from neighboring structures."
5. The project narrative requests relief from a requisite 49 spaces by providing 20 spaces with plans showing 17 spaces (11 garaged, 6 parking area) and 3 accessible spaces; the applicant should provide the distances to the two nearest public parking areas on Jerome Smith Road and the Grace Hall Parking Area.
6. Where the project is proposing that most occupants will be using foot or bicycles for travel, the Applicant should consider providing additional facilities for indoor or covered bicycle storage.
7. The applicant should provide photographs of examples and the size/scale of similarly comparable 3-story structures built in Provincetown that maintain the appearance of 2½ stories.

General Findings

1. This property, Assessors Parcel ID: 7-3-21-0, is located in the General Commercial Zoning District. The property is registered at the Barnstable County Deed Book 2570 Page 249. The owner of the property is Shank Painter Associates, Inc. of PO Box 638, Provincetown, MA 02657.

2. The project includes the construction of 28 commercial dormitory units with a capacity for 112 individuals, 5 residential studio units, 10 one-bedroom residential units, and 1 two-bedroom units will result in a net increase of two or more residential units and is subject to the Town's Inclusionary Bylaw.
3. The project proposes 20 parking spaces with plans showing 17 spaces (11 garaged and 6 parking area) and 3 accessible spaces; plans depict bike racks for 112 bicycles.
4. Most, if not all those occupying the workforce housing are anticipated to be walking or using bicycles for transportation and this special circumstance allows a reduction in the number of motor vehicle parking spaces required.
5. The existing building within the subject property is approximately 150,000 cu. ft.; the proposed structure will be 203,192 cu. ft. or a 35% increase in scale over the existing building within the subject property.
6. The first and second floors are designed to be 7,324 sq. ft. and 7,114 sq. ft. respectively, and the third floor has a smaller area of 5,170 sq. ft.; a smaller third floor area is partially indicative of the appearance of a 2½ story building.
7. To support the application, the following documentation was provided:
 - a. Project Narrative
 - b. Plan entitled "Plan Showing Existing Site Conditions" prepared for Shankpainter Associates, Inc. by Coastal Engineering Co. dated September 12, 2019 certified by John McElwee, PLS No. 33602, labelled Sheet C1.2.1 (24x36)
 - c. Plan entitled "Plan Showing Proposed Site Layout and Materials" prepared for Shankpainter Associates, Inc. by Coastal Engineering Co. dated February 4, 2020 certified by Stacy R. Kanaga, PE No. 52475, labelled Sheet C2.1.1 (24x36)
 - d. Plan set entitled "Workforce Housing: The Barracks 207 Route 6 Provincetown MA" prepared by A3 Architects, Inc. dated February 24, 2020 in 6 sheets (24x36)
 - e. Scale Calculation Report prepared by the Town of Provincetown Department of Municipal Finance – Assessors Office dated January 29, 2020

Applicable Law and Decision Criteria

1. Massachusetts General Laws Chapter 40A, Section 9 (Special Permits):
Zoning ordinances or by-laws may provide that certain classes of special permits shall be issued by one special permit granting authority and others by another special permit granting authority as provided in the ordinance or by-law. Such special permit granting authority shall adopt and from time to time amend rules relative to the issuance of such permits, and shall file a copy of said rules in the office of the city or town clerk. Such rules shall prescribe a size, form, contents, style and number of copies of plans and specifications and the procedure for a submission and approval of such permits.

2. Section 2470 Parking Requirements of the Zoning Bylaw

All parking demand created by new structures or uses, and expansion or change of use in existing structures, shall be accommodated on the premises entirely off-street to be calculated in accordance with the following table, rounding up for each resulting fraction. The Zoning Board of Appeals may grant relief from this requirement with a Special Permit for multi-family developments of fewer than five dwelling units if lot size or configuration makes meeting this requirement physically impossible, and for any use may grant relief with a Special Permit upon determination that the applicant has met the criteria for granting under section 5300 and that special circumstances such as proximity to a municipal off-street parking lot render a lesser provision adequate for all parking needs. Art galleries shall be exempt from the requirement of providing off-street parking.

3. 2630 Roofs

A. Applicability: This section is applicable in all zoning districts.

B. Purpose: The streetscape and community character that exist in Provincetown are the result of the compatible relationships among historic roof styles resulting from an architectural heritage that spans three centuries. Part of that community character is based on the large number of buildings of modest size and bulk, generally not more than 2 and 1/2 stories. The purpose of this regulation is to enhance community character by limiting the bulk above the second story and to mitigate potential negative impacts on adjacent properties.

C. Roof Configuration: Gable, Hip and Shed are the predominant roof forms in the Provincetown architectural tradition. Modifications of these roof configurations can transform the bulk of buildings. Therefore, above the second story of a building, limits are as follows:

- 1) dormers cannot exceed coverage of 50% of the floor area directly below the contiguous roof in which the dormer will be located; and,*
- 2) knee walls above the floor plates cannot exceed three feet in height.*

Roof configurations that exceed these limits are prohibited. Other roof forms exist that by design enclose more volume on the upper floor and would be considered a full story: mansard, gambrel, and arched or dome roof forms therefore are prohibited above the second story. Flat roof form is also prohibited above the second story, except on dormers. Nothing shall prohibit modified roof configurations or combinations of roof forms provided that they comply with Section 2560, the Dimensional Schedule. No existing gable roof shall be replaced with a different roof configuration without a Special Permit from the Board of Appeals, which shall specifically address, in addition to the requirements of Section 5330, the solar access available to neighboring structures (reference Chapter 637 of the Acts of 1985), and public safety including Fire Department facilities.

D. Building Height: The maximum height to be permitted in town shall be consistent with Section 2560 of the Provincetown Zoning By-Laws.

E. Relief under this Section: The Board of Appeals may grant a Special Permit deviating from the above standard if the ZBA finds that the deviation from the standard is in keeping with the standard criteria for granting a Special Permit, the objectives of the Local Comprehensive Plan and is appropriate for one of the following reasons:

- 1. The function of the structure or the structure's importance to the community as a whole, justifies a different roof configuration.*
- 2. Other features of the proposed design are such that the deviation of the roof configuration is not disruptive to the character of the area.*

4. Section 2640 E of the Zoning Bylaw

Discretionary approval for a deviation in building scale may be granted if the Board of Appeals finds that the deviation meets the standards for a Special Permit, under Article 5, Section 5300 and that the applicant demonstrates that the deviation is appropriate and meets one or more of the following criteria:

1. *The proposed building or addition is in keeping with the goals and objectives of the Local Comprehensive Plan.*
2. *The building is an important structure to the community as a whole. Public buildings are logical candidates for this type of conditional approval. For example, the Pilgrim Monument is out of scale with everything in town, yet its value as a monument to the town's history and in giving identity to the town, makes it acceptable.*
3. *The proposed building or addition by necessity must be large and that the location is suited for that larger scale use. For example, churches may be permitted uses in a residential district and their larger scale is often dictated by traditional architectural forms.*
4. *The building scale deviation is warranted due to the size of the parcel of land involved so as to discourage subdivision into smaller parcels and the proposed building or addition will not result in a structure that will disrupt the character of the neighborhood in which it is located.*
5. *The proposed building or addition successfully integrates into its surroundings and is sited in a manner that minimizes the appearance of mass from the streetscape and will not have a significant negative impact on the natural light to, or views from, neighboring structures.*
6. *The property is located in the Provincetown Historic District and the addition is consistent with the Historic District Guidelines and approval of the deviation would further the purpose and intent of the bylaw.*

5. Section 5330 of the Zoning Bylaw

Special Permits (other than those specified in Section 3420) shall be granted by the Special Permit Granting Authority only upon its written determination that the social, economic or other benefits of the proposal for the neighborhood or town outweigh any adverse effects such as hazard, congestion or environmental degradation.

Potential Specific Findings

1. Where the Project proposes workforce housing, it is generally in keeping with the housing goals and objectives of the Local Comprehensive Plan.
2. The function of the structure is, in part to provide workforce housing, and its importance to the community as a whole, justifying a different roof configuration.
3. The proposed building includes garages in a basement level that is partially built into the landscape, integrating the structure into the natural topography and is sited in a manner that minimizes the appearance of mass from the streetscape and is unlikely to have a significant negative impact on the natural light within neighboring structures as it is located north of the adjacent residential neighborhood.
4. Where proposed project maintains adequate access/egress, controls drainage within the subject property, and provides for the safe location of onsite utilities, it is unlikely to create hazards, congestion, or environmental degradation.

Potential Conditions

1. The Special Permit shall lapse twenty-four months following the grant thereof (plus such time required to pursue or await the determination of an appeal referred to in MGL Ch. 40A, Sec. 17) if a substantial use thereof or construction has not sooner commenced except for good cause as determined by the Board of Appeals.

Potential Motions

Move that the Board find pursuant to Article 5, Section 5330, Special Permit Consideration, that the social, economic or other benefits of the proposal for the neighborhood or town outweigh any adverse effects such as hazard, congestion or environmental degradation.

Move that the Board vote to approve a Special Permit pursuant to Article 2, Section 2470 Parking Requirements, that the applicant has met the criteria for granting under section 5300 and that special circumstances of providing workforce housing and proximity to a municipal off-street parking lot render a lesser provision adequate for all parking needs.

Move that the Board vote to approve a Special Permit pursuant to Article 2, Section 2630 Roofs, that deviation from the standard is in keeping with the objectives of the Local Comprehensive Plan, is appropriate where the function of the structure is important to the community as a whole justifies a different roof configuration, and that the proposed design is not disruptive to the character of the area.

Move that the Board vote to approve a Special Permit pursuant to Article 2, Section 2640, Building Scale, that increasing the building scale above the neighborhood average scale is allowed where the proposed new construction is integrated into its surroundings and is sited in a manner that minimizes the appearance of mass from the streetscape and will not have a significant negative impact on the natural light to, or views from neighboring structures within the property located at 207 Route 6 (subject to the following conditions...).

Respectfully Submitted,

Thaddeus J. Soulé

Town Planner

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