



Board of Selectmen
Town Hall, 260 Commercial Street
Provincetown, Massachusetts 02657
Telephone (508) 487-7003
Facsimile (508) 487-9560

May 13, 2015

Michael Busby
MassHousing 40B Specialist
MassHousing
One Beacon Street
Boston, MA 02108

Re: 350 Bradford Street, Provincetown
40B Site Eligibility Letter Request

Dear Mr. Busby:

Please accept this letter on behalf of the Town of Provincetown's Board of Selectmen in reference to the application for a 40B project eligibility approval letter submitted to MassHousing by Christopher Wise on behalf of BPJC LLC for the development of 24 ownership units at 350 Bradford Street, Provincetown, Massachusetts. Please note that the Town of Provincetown has been working aggressively since 1997, as described below, to increase year round affordable and community housing as we have experienced a huge loss of our community due to housing pressures. For the reasons detailed below, **the Town cannot support the development as proposed and requests that MassHousing deny the PEL application or condition it significantly with regard to scope, height, scale, and aesthetics.**

It should also be noted that the Town intends to assert safe harbor with regard to this 40B application, should one be received, to deny or impose conditions or requirements consistent with local needs as the Town of Provincetown has satisfied one of the statutory minima in G.L. c 40B, § 20; 760 CMR 56.03 (b); that is, the existing development exemption whereby affordable housing land exceeds 1.5% of total land area with exclusions.

Community Housing Development as a Top Priority:

The Town's housing stock that is counted under the 40B SHI has grown from 3.19% in 1997 to 8.67% in 2015 through diligent efforts by the Town of Provincetown. In addition to the 184 deed restricted units on the SHI, the Town has an additional 16 units that are not counted and an additional 21 units that will be added in the near future [18 at Stable Path and 3 at 26 Alden Street]. That being said, Provincetown has not focused simply on adding to the 10% SHI but has developed many strategies to allow for residents to maintain affordable housing and to develop public and private partnerships for the creation of additional year-round community housing with a focus on year-round rental housing as our highest need.

Provincetown Community Housing Strategies include, but are not limited to:

- ◆ CPA funds – dedicated 60% of CPA funds for affordable housing; beyond the mandated 10%
- ◆ Creation of Affordable Housing Trust Fund with 10% of Land Bank going into that fund
- ◆ Land acquisition: 90 Shank Painter purchased and contributed for the development of 50 units in 2012 at Province Landing

- ◆ Town property utilization: sale of 26 Alden Street includes public/private partnership for creation of 3 affordable rentals and 6 market rate units
- ◆ Town property utilization: 44 Bradford St./ the former Community Center: the Town is developing an RFP [with technical assistance from MHP] for development of community housing
- ◆ Incentive program - building permit set-aside for affordable housing units or for developments that include affordable units under growth management
- ◆ Annual tax exemption program incentive to encourage affordable year-round rental housing
- ◆ Accessory & Amnesty unit by-laws
- ◆ Creation of a Housing Office in 2007 which will go to full-time in 2015
- ◆ Conducted a Housing Summit, Needs Assessment, and Action Plan in 2007 and again in 2014
- ◆ Creation of a Year-round Rental Housing Trust

350 Bradford Street Proposal Concerns:

The Town has received close to 100 letters and emails of concern regarding the proposed development; overwhelmingly opposed to the proposed project. We are including those for your consideration. Areas of concern include:

Sewer connection: The proposed project would need to connect to the Town's sewer. The Town of Provincetown has a unique opt-in/opt-out limited sewer system. The sewer does not connect the entire town and not all properties can connect. The wastewater system envisioned in the 1990s was planned to serve downtown businesses and properties that could not meet the requirements of Title 5 when their existing septic system failed. While it has had several expansions, currently, there is NO capacity at the Treatment Plant. The Town seeks to complete the final expansion of the treatment plant which would allow some expansion on a very limited basis. The Town has set priorities for the limited future capacity to include: Public Health needs [failed septic systems that cannot construct a Title 5 on property]; Economic Development; Community Housing [projects with a minimum of 50% but 100% preferred of community housing]; other municipal needs.

Height of the building: the proposed 45' high structure is significantly out-of-scale for the neighborhood which is largely single family structures and obliterates the view and livability of the homes situated high on the dune behind the structure.

Scale of the building: the four-story structure with parking on the lower level is significantly out-of-scale for the neighborhood.

Density: The Town of Provincetown is a densely built town but the proposal is a significant increase in the density in the neighborhood. It would demolish an existing one-story restaurant and replace it with 24 residential units; 9 units would be allowed by right on the property. The immediate neighborhood is largely single family structures.

Dune stability: The proposed structure would act as a retaining wall for the dune while removing existing lower smaller retaining walls. Dunes are fragile and neighbors are concerned that their structures and septic systems will be significantly impacted.

Flood plain & general flooding of property: The property, often called "Lake Shay" has always had flooding issues. The concern with the scale of this development is that the flooding will be exacerbated and cause water displacement and flooding at nearby properties. The property now lies in an AE flood zone with a base flood elevation of 9.

Drainage: as mentioned above, the property is a low spot and water accumulates on site; any development must address the drainage issue to ensure that water is properly removed and not impact neighboring properties.

Design: The proposed building is contemporary in design and out of character & inappropriate for the neighborhood and the community. The combination of very large scale, single box-like structure, and bold modern design makes it even more conspicuous at a primary entry point in town.

Noise & congestion issues: although ownership units, it is anticipated that many will be weekly rentals during the season increasing the impact on the neighborhood. There is also concern about the noise impact on the neighborhood with the roof-top location of HVAC and AC units. The proposed design has the roof top at the same level as the abutters.

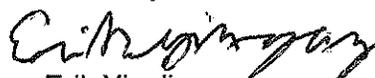
Number of affordable units vs. market rate units: the Town's priority is for 100% community housing units with some preference for developments of 50% affordable units. This proposal is for the minimum 25% affordable; the Town would prefer a greater number of affordable units.

Ownership: While the Town acknowledges the need for some affordable ownership units, the Town has a substantial need for year-round rental units. Through recent experience in the resale of several deed-restricted ownership units, the Town has seen very limited interest and is concerned that these will not sell easily or quickly and recommends that the affordable units be rental units.

Provincetown is not a community against affordable housing, or one that simply gives lip service to the idea. We strive to use every possible tool to create and maintain community housing as is evidenced through our many efforts to do so. The Town seeks public/private partnerships and would like to work with partners on developments that make sense for our needs and our community.

If you have further questions please feel free to contact Acting Assistant Town Manager/Community Housing Specialist Michelle Jarusiewicz at 508/487-7087 or mjarusiewicz@provincetown-ma.gov . We look forward to your positive action on our Town's behalf.

Sincerely,



Erik Yingling
Vice-Chairman
Board of Selectmen

cc: Town Manager David Gardner
Acting Assistant Town Manager/Community Housing Specialist Michelle Jarusiewicz
Building Commissioner Geoff Larsen
Town Planner Gloria McPherson
Zoning Board of Appeals
Community Housing Council