

3225 MAIN STREET • P.O. BOX 226
BARNSTABLE, MASSACHUSETTS 02630



CAPE COD
COMMISSION

(508) 362-3828 • Fax (508) 362-3136 • www.capecodcommission.org

MEMORANDUM

TO: GREGORY WATSON, MANAGER OF COMPREHENSIVE PERMIT PROGRAMS
MASSHOUSING, ONE BEACON STREET, BOSTON, MA

FROM: CAPE COD COMMISSION STAFF

SUBJECT: COMPEHENSIVE PERMIT SITE APPROVAL/ PROJECT ELIGIBILITY COMMENTS
350 BRADFORD STREET, PROVINCETOWN, MA

DATE: MAY 11, 2015

Upon request of the Town of Provincetown, Commission staff provides the following comments regarding the comprehensive permit project eligibility/ site approval application submitted to MassHousing by Freeman Law Group LLC on behalf of project applicant BPJC LLC. The application referenced is dated February 11, 2015; the associated plan set, prepared by EGA P.C., is not dated. Under the Cape Cod Commission Act, the Commission is considered a "Local Board" for purposes of MGL Chapter 40B Sections 20-23, inclusive.

The furtherance of fair and affordable housing in Barnstable County is one of the principal interests articulated in Section 1 of the Cape Cod Commission Act, and Commission staff supports this site for future housing development. The site is located on Town sewer, is served by Town water, and is in close proximity to CCRTA bus routes. Commission regulations also support compact development, and redevelopment, in village centers, which are hallmarks of the project.

The Town specifically requested Commission staff submit comments to MassHousing regarding, among other things, the massing, scaling and architectural treatments and finishes associated with the proposed building. Staff review raises concerns about the project's consistency with site and building design standards contained in DHCD regulations (760 CMR 56.04(4)), the Barnstable County Regional Policy Plan (RPP), and with existing development on historic Route 6A (on which the site fronts) and Provincetown's National Register Historic District abutting the site. These DHCD and RPP design standards are elaborated, respectively, in MassHousing's *Handbook: Approach to 40B Design Reviews* (prepared by The Cecil Group), and Cape Cod

Commission Technical Bulletin 96-001 *Designing the Future to Honor the Past: Design Guidelines for Cape Cod* and its addendum *Contextual Design on Cape Cod: Design Guidelines for Large-scale Development*.

Specifically, 760 CMR 56.04(4)(c) requires that “*the conceptual project design is generally appropriate for the site on which is it located, taking into consideration factors that may include proposed use, conceptual site plan and building massing, topography, environmental resources, and integration into existing development patterns ...*” Similarly, Commission regulations generally require buildings larger than 15,000 square feet to be broken into multiple massings and for the use of traditional materials to ensure development suits the small-scale nature typical of Cape Cod building development.

Commission staff assumes that the proposed building is set into the hillside for the principal purpose of lowering the overall average height of the building as calculated under local zoning, lessening the extent of non-compliance with maximum height limitations under local zoning. While the ‘zoning’ height is listed as 33.5’ and three stories, the actual proposed building height from average grade along the site’s street frontage is approximately 45’ and four stories.

Though this height is significantly greater than that of surrounding building development, height alone is not necessarily problematic in terms of a building design’s consistency with the relevant design guidelines and existing area character, and in some cases, such height may further desirable compact development goals. In this particular case, however, the proposed height in addition to the flat roof form creates a much larger building mass that is inconsistent with the scale of gabled roof building forms prevalent in the area. For comparison, the only other large structure in the immediate area, the Eastwood at Provincetown building at 324 Bradford Street, is two stories with a gabled roof. Surrounding buildings are predominantly small homes (likely originally built as single-family residences, with some now converted to multi-family use) on small lots.

While the proposed building does have significant variation in its façade depth, which is encouraged in Commission design standards, the proposed façade variations emphasize the building’s height and large, singular massing by creating vertical lines that run from roof to grade. Additionally, the lack of any variation in height further prevents the façade variation from reducing any of the building’s mass.

The architect’s design approach narrative included in the application states that the proposed building utilizes traditional materials, common to the region and surrounding area. However, the majority of the façade is plate glass and (presumably painted) EIFS panels, which overwhelm the traditional materials used in this design and impart the project with a nature and scale internally inconsistent with the proposed residential use and inconsistent with design of surrounding development.

Other housing developments in Provincetown have been successful in incorporating multiple smaller massings, historically appropriate building forms, and materials typical of our region and their surrounding areas. These include similarly dense developments such as The Community Builders’ Province Landing (50 units) and Community Housing Resource’s Old Ann

Page Way (18 units). Further, projects such as the Provincetown Art Association and Museum's expansion have shown that modern design can be incorporated contextually into Provincetown's National Register Historic District.

In order to reduce the scale and overall massing of the proposed building to meet relevant design standards and regional and local character, Staff recommends, as a condition to project eligibility and site approval, that the building design incorporate varied roof forms and heights, better use the natural topography of the site, lessen the amount of plate glass and EIFS used on the façade by incorporating greater use of traditional materials, and create multiple smaller building massings.

Commission staff is available and would be happy to discuss these comments further with the Town, MassHousing or the project proponent.

CC: GLORIA MCPHERSON, TOWN PLANNER, TOWN OF PROVINCETOWN
FREEMAN LAW GROUP LLC
BPJC LLC C/O WISELIVING



**Town of Provincetown
260 Commercial Street
Provincetown, MA 02657**

**Board of Health
Telephone (508) 487-7020
Fax (508) 487-7040**

May 12, 2015

To: Michael J. Busby
MassHousing
One Beacon Street
Boston, MA 02108

RE: 350 Bradford Street – 40B Application

The Provincetown Board of Health discussed the application of the proposed housing development at 350 Bradford Street at its regularly scheduled public meeting on April 16, 2015 and had the following findings:

The project proposal states that the intent is to connect to the municipal sewer system, for which it is not eligible to connect. Currently the sewer system is in a State of Limited Capacity, which means only properties that meet one of four designations may connect to the municipal sewer system. The Board of Health has jurisdiction over one of those designations – public health failures – for which the property at 350 Bradford does not qualify.

The property is not a public health failure and has a failing, but salvageable, septic system. The property has enough room to install a compliant, current-code Title V septic system. For future development that includes a change of use, the property must present plans for an unvarianced septic system that meets current codes of 310 CMR 15.000 (Title V) (BOH Regulation Part VII, Article 1, Section 1).

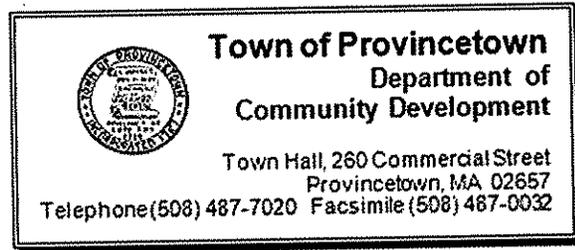
The reviewing Health Agent, George Heufelder, Director of the Barnstable County Department of Health and Environment, found the following information in the Title 5 Official Inspection Form for 350 Bradford Street:

- The property is not currently in use or occupied
- The existing Title V Septic System is not up to current code
- The existing Title V Septic System is failing but can be repaired
- For the purposes of a multi-family dwelling, while the system has a two compartment tank as required by code, it is not currently pressure dosed and

the infiltrative surface is not determined. Therefore the allowable design flow is not currently known.

In addition, the Board of Health identified a second potential area of concern with the proposed plan – noise attenuation. The project must meet all codes and standards for noise attenuation between units to avoid noise nuisance complaints.

Should you have any questions about these findings, you may direct them to Morgan Clark, Director of the Department of Health and Environment and Agent of the Board of Health, at (508) 487-7020 or mclark@provincetown-ma.gov.



MEMORANDUM

To: David Gardner, Acting Town Manager

From: Geoffrey S. Larsen, CFM, Building Commissioner

Re: 350 Bradford Street, construction in the Special Flood Hazard Areas (SFHA)

A cursory staff review of the referenced property indicates that a portion of the parcel is now located in the regulated flood plain under the current Flood Insurance Rate Maps (FIRM) that went into effect on 7.16.2014. Though an applicant applying for a permit would be required to verify the specific flood zone and base flood elevation for a specific proposed work area, it does appear that a substantial portion of this parcel (Parcel ID 17-1-28) is now located in what is termed a Coastal AE flood zone with a base flood elevation of 9.

In general the State Building Code and Town zoning does allow for construction in the AE flood zone. Please note that in the context of a proposed 40 B project in an AE flood zone it may be advisable to request what may in fact be a reasonable condition prior to the granting of a Comprehensive Permit. Specifically, the ZBA may determine that prior to the granting of a Comprehensive Permit that the applicant provide an analysis, in accordance with standard engineering, that addresses how such a proposed development might affect adjacent properties during a flood event.

It may be that the actual design of a 40 B project in an AE zone, including but not limited to the proposed size and placement of structures will be in part directed by this assessment. Perhaps seen by the applicant as another cost in a process intended to facilitate a 40 B project the intent of this condition is to promote public safety and to help secure home and property from flood damage and subsequent costs.

Cc: Community Housing Specialist, Conservation Agent, Town Planner

**Town of Provincetown
Community Housing
Council**

Town Hall
260 Commercial Street
Provincetown, Massachusetts 02657
Facsimile 508/487-9560
Telephone 508/487-7087

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

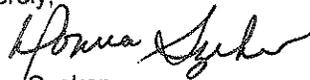
Dear Mr. Busby:

Please accept this letter on behalf of the Provincetown's Community Housing Council regarding 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. Provincetown has been working diligently since 1997 to increase year round affordable and community housing in support of retaining a diverse community and workforce. We face the continuous loss of the heart and soul of our community as residents are forced to relocate due to the lack of affordable and available year round housing. We have heard the complaints and concerns of the community about the development as proposed, and as such, we do not support the development as proposed and request that MassHousing deny the PEL application or condition it significantly with regard to scope, height, scale, and aesthetics. We are particularly concerned with the minimum number of affordable units [25%, 6 out of 24]; the fact that they are ownership units when we have a critical need for year round rental units; and the proposed connection to our sewer which has an extremely limited capacity.

As the sponsor and coordinator of the 2014 Housing Summit along with the Housing Action Plan, the Provincetown Community Housing Council strives tirelessly to promote a variety of housing initiatives to create and maintain year round community housing. The initiatives range from land acquisition and contribution, new development, housing rehab program participation, tax exemption program, local voucher program, and permit incentives.

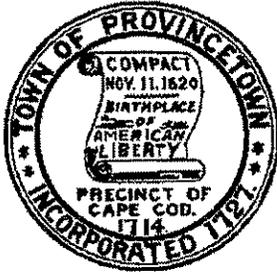
Please feel free to contact the Community Housing Specialist Michelle Jarusiewicz at mjarusiewicz@provincetown-ma.gov or 508/487-7087 with any questions.

Sincerely,



Donna Szeker
Chairman
Community Housing Council

cc: Board of Selectmen
Town Manager David Gardner
Acting Assistant Town Manager/Community Housing Specialist Michelle Jarusiewicz



PROVINCETOWN CONSERVATION COMMISSION
OFFICE OF COMMUNITY DEVELOPMENT
TOWN OF PROVINCETOWN
260 COMMERCIAL STREET
PROVINCETOWN, MASSACHUSETTS 02657



Telephone: (508) 487-7000 ext. 554
Fax: (508) 487-7040

May 12, 2015

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

Mr. Busby:

The Provincetown Conservation Commission ("the Commission") has reviewed the MassHousing Comprehensive Permit Site Approval Application for the proposed project at 350 Bradford Street, Provincetown ("the project"). The Commission wishes to advise MassHousing of the concerns of the Commission as they relate to the Wetlands Protection Act (M.G.L. c. 131, Section 40).

The project proposes to alter the following resource areas protected by the Wetlands Protection Act (WPA) and under the jurisdiction of the Commission:

- Land Subject to Coastal Storm Flowage (FEMA Flood Zone AE)
- Coastal Bank

Land Subject to Coastal Storm Flowage (LSCSF) is a resource area protected by the WPA and defined in 310 CMR 10.04, and is significant to the interests of flood control and storm damage prevention. Although there are no performance standards set forth for LSCSF, projects within this resource area must be conditioned to protect the interests of the Act, including mandating adherence to any applicable Stormwater Standards and/or building codes.

Coastal Banks are a Wetlands Resource Area protected by the Wetlands Protection Act and defined by 310 CMR 10.30(2) and DEP Wetlands Program Policy 92-1. In the estimation of the Commission, this particular Coastal Bank is not presumed to supply

sediment to Coastal Beaches, Coastal Dunes, or Barrier Beaches, and therefore the performance standards listed in 310 CMR 10.30(3) through (5) do not apply. However, this Coastal Bank is presumed significant to the interests of storm damage prevention and flood control because it is a vertical buffer to storm waters. As such, the project must meet the performance standards in 310 CMR 10.30(6) through (8), listed below:

(6) Any project on such a coastal bank or within 100 feet landward of the top of such coastal bank shall have no adverse effects on the stability of the coastal bank

(7) Bulkheads, revetments, seawalls, groins, or other coastal engineering structures may be permitted on such a coastal bank except when such bank is significant to storm damage prevention or flood control because it supplies sediment to coastal beaches, coastal dunes, and barrier beaches

(8) Notwithstanding the provisions of 310 CMR 10.30(3) through (7), no project may be permitted which will have any adverse effect on specified habitat sites of rare vertebrate or invertebrate species, as identified by procedures established under 310 CMR 10.37.

Due to the resource area alterations proposed, the Conservation Commission will require the filing of a Notice of Intent application for this project to ensure that applicable performance standards are being met and the interests of the WPA are being protected.

Respectfully submitted,



Dennis Minsky, Conservation Commission Chair



Austin Brandt, Conservation Agent

CC: Board of Selectmen
Acting Town Manager
Acting Assistant Town Manager & Housing Specialist
Building Commissioner
Town Planner

TOWN OF PROVINCETOWN

Water & Sewer Board
Jonathan Sinaiko, Chair



Veterans Memorial Community Center
2 Mayflower Street
Mail: 260 Commercial Street
Provincetown MA 02657
Phone : 508-487-7060
FAX 508-487-4675

May 12, 2015

Mr. Michael J. Busby
Massachusetts Housing
1 Beacon Street
Boston, MA 02108

Re: 350 Bradford Street – 40B Application

The Provincetown Water and Sewer Board discussed the application of the proposed housing development at 350 Bradford Street at a scheduled public meeting on May 7, 2015 and had the following conclusions:

The project proposal states that the intent is to connect to the municipal sewer system, which is currently in a State of Limited Capacity. Section 6.E of Provincetown's Sewer Rules and Regulations, which regulations were enacted by the Water and Sewer Board under the authority of Chapter 157 of the Acts of 2000, states that, during a State of Limited Capacity, only priority connections shall be allowed, with highest preference given to public health emergencies, and that no priority shall be given to voluntary connections.

In addition, the proposed project as presented greatly exceeds the requirements for a new sewer connection, as set forth in Section 6.A(2) of the Sewer Rules and Regulations, where any new request for a sewer connection shall require certification from the Board of Health that the proposed development could comply with the provisions of 310 CMR 15.000. The only way around the requirements of Section 6.A(2) would be for the developer to provide a project of 100% affordable housing, where such project would qualify as a "public use," as authorized by Article 26 of the April 6, 2009 Annual Town Meeting.

As of the date of this letter, the municipal sewer system has no available capacity to serve any additional flow. The Town has submitted to the Department of Environmental Protection a request for an increase in its Ground Water Discharge Permit. While it is likely that DEP will approve a modest increase in capacity, the Town's municipal sewer system would still be within the declaration threshold for a State of Limited Capacity. In short, the system simply cannot serve the proposed project as presented either now or in the future.

Should you have any questions about these findings, you may direct them to Richard J. Waldo, P.E., Director, Department of Public Works, at (508) 487-7060 or rwaldo@provincetown-ma.gov.

Very truly yours,

Jonathan Sinaiko, Chair
Provincetown Water & Sewer Board

Christine Baker

Michelle Jarusiewicz

From: Geoffrey Larsen
Sent: Wednesday, April 08, 2015 5:18 PM
To: Michelle Jarusiewicz; Gloria McPherson
Cc: Anne Howard
Subject: FW: Michael Shays Development Concerns

Good afternoon,
As discussed on Monday I am forwarding this letter of concern and request to share.
Geoff
Geoffrey S. Larsen, CFM
Building Commissioner
260 Commercial St.
Provincetown, Ma 02657
glarsen@provincetown-ma.gov
p.508-487-7000 ext. 530

From: CB Creative [<mailto:christine@cbcreativeinc.com>]
Sent: Thursday, March 26, 2015 8:34 AM
To: Geoffrey Larsen
Subject: Michael Shays Development Concerns

Good morning, Mr. Larson.

I am writing to express concern over the proposed development at the Michael Shay's site. My partner and I own a condo in the Bay Colony complex that we have owned since 2011. While I realize that location is prime real estate, I am extremely concerned about how the proposed development will aesthetically alter the East End community. At 45 feet high, the proposed development does not fit into the look and feel of the community at all. Provincetown does not allow chain restaurants for the very reason that by doing so will alter the aesthetic of the quaint town which we all love. This development, while not food-related, does not even attempt to fit into the aesthetic of the neighboring community.

Secondly, we just completed a lengthy sewer connection process at Bay Colony. I am extremely concerned about how this proposed development will tie into the existing sewer system, and if the current configuration can even handle the units proposed.

Third, the location is in a designated flood zone, yet the proposed development plans for underground parking. This makes absolutely no sense to me.

Fourth, only 6 units will be deemed "affordable" and from what I have read, the developer hopes to bypass almost all of the zoning restrictions for the area.

I completely understand that the owners of the property wish to maximize the prime location with a development. I am not against any development of that space, I am against this proposed development. Please share my concerns with other zoning board members.

Thank you,

Christine Baker
Owner 690 Commercial St. 2A
Provincetown, MA 02657

Christine Baker
President
CB Creative, Inc.
Integrated Communications Consulting
www.cbcreativeinc.com
860-552-2564
www.walk4good.org
@ChrisBaker15
@thewalk4good

Allison Bayer
Nancy Young

Michelle Jarusiewicz

From: Nancy J Young <njy@prodigy.net>
Sent: Tuesday, April 28, 2015 1:19 PM
To: Michelle Jarusiewicz
Subject: 350 Bradford Street

Michelle Jarusiewicz, Provincetown Community Housing Specialist

Dear Michelle,

We are writing to express our strong opposition to the proposed development at 350 Bradford Street, previous site of Michael Shay's /HotL restaurants. As property owners and abutters on Bradford Acres Road, we believe this to be an ill-advised and harmful proposal, which will negatively and seriously impact the land and community around it.

From an environmental impact perspective, the proposal is flawed. The design includes a 45 foot high structure, as well as an underground parking garage, located in a designated flood zone and on a sand dune. Clearly this is a foolish design with no attention to the environmental impacts of this land, and the potential to harm wildlife, and puts the abutting lands into jeopardy by making the area much more vulnerable to erosion and water intrusion/flooding. The fact that the developer indicates that he will tap federal funds to help finance his plan is directly contrary to federal directives to avoid creating housing that will sit on floodplain land. In addition, the proposed development seeks to jam multiple units into a small space, and there is no provision for usable open space, but rather a large area dedicated to asphalt, parking spaces and necessary drainage. No truly sustainable planning has been done as part of this design.

The rationale that this development would create affordable housing units in Provincetown is clearly the window dressing for building many more high end, high priced units. Alternative and relevant calculations regarding Provincetown's meeting threshold consistent with Massachusetts 40B legislation has been provided, and we believe that the Town Selectman should ensure that MassHousing is aware of this and that the Town agrees with such calculation. The traffic impact of 24 new units is also problematic - the development on this much housing in a small footprint, at the junction of 2 very busy and narrow streets where there is no ability for road improvements is indicative of the poor design and lack of wholistic planning of the proposed project. In addition, the location of housing at this end of Bradford Street is inconsistent with the intent of Mass. 40B legislation that covers acceptable year round transportation options which are not readily available.

In short, this proposal is both poorly designed and wantonly ignores major harmful environmental impacts and hides behind an affordable housing goal that it does not meet. We urge the Board of Selectman and the Town officials to reject the proposal and to communicate their concerns to MassHousing and to all other relevant review/approval bodies.

Thank you for the opportunity to provide this input.

Sincerely,
Allison Bayer and Nancy J. Young, owners

14A Bradford Acres Road
Provincetown

Sent from my iPad

Cydney Berry #1
Betsy Read ✓
Jim Turner

RECEIVED
BOS - Vernon *LD*

APR 21 2015

CC: BOS/TM/ATM



Greetings East End Neighbors,

Currently, there is a plan for 40B development at 350 Bradford St, which you may know as the former HotL/Michael Shay's restaurant. We wanted to reach out to everyone in the area in case you were unaware of what is planned for our community if we do not take action.

As you can see from the 'artist's rendition' at the top of this letter, this complex is not a good fit for the neighborhood. In addition, there are even more significant issues that this development will present based on the fact that the developer would like to build it under the Commonwealth's 40B statute.

Here is the background of the 40B statute - it was enacted in 1969 to address the shortage of affordable housing statewide by allowing builders to bypass most local zoning laws. In order to qualify for a 40B site, the developer only needs to present 25% of the units of a planned complex as affordable housing.

In this case, there are proposed affordable units, but they are being used to get approval for a project whose scope is too dense for the plot of land and could have many consequences for the neighborhood and town.

The planned structure is 45' in height, yet current zoning laws permit 33'. In addition, the builder plans to build an underground parking garage in a flood zone. The lot itself would normally accommodate 9-10 units, but the developer plans to build 24 units ranging from 1-3 bedrooms with a market prices in the \$570,000-\$864,000 range. The developer will be cutting into the dune and the coastal bank to ensure he has the room to build so many units.

The Town of Provincetown will have little recourse if the builder is allowed to move forward under the state statute.

The builder has submitted the 40B application to the state, and that initiates the process, which is as follows.

1. The Town of Provincetown Board of Selectmen has until May 15, 2015 to submit comments on the application to the DHCD (Department of Housing and Community).
2. DHCD will then issue a site eligibility permit.

3. Then the application will come back to the ZBA and ONLY the ZBA for denial, approval or approval with restrictions.
4. If the Town of Provincetown has not met its 10% (units) affordable housing target or the 1.5% (land) target, the builder can appeal to the state and the state can override a denial or requested modification.

The Board of Selectmen will be holding an open meeting the week of April 27th to hear public comments on the plan. There may also be a public meeting that week with a presentation from the developer. Please check on the specific dates and times, as we do not have that information at this time.

We ask that you join us and express any concerns before the comment period has ended on May 15th, please direct them to the Acting Assistant Town Manager, Michelle Jarusiewicz. mjarusiewicz@provincetown-ma.gov. Your voice is an important way to let elected officials and MassHousing know that this project is not the right development for our neighborhood. We want to stress that we are supportive of affordable housing. We are not supportive of using the promise of "some" affordable housing to allow a developer to do an end run to bypass the town, its staff and our neighbors in development of empty space in Provincetown.

We have retained very experienced legal counsel, Huggins and Witten, LLC. You can find Jon Witten's CV at this link. <http://www.bu.edu/law/faculty/profiles/pdfs/jonathan-witten.pdf>

If you wish to contribute to the 350 Bradford Defense Fund, you may do so thru PayPal at 350bradforddefensefund@gmail.com, or by writing a check to 350 Bradford Defense Fund and mailing it to PO Box 1958 Provincetown, MA 02657.

Please join the Facebook group, Concerned Citizens 350 Bradford, to find out more details, join in the discussion, and keep up with the latest status. You may also send an email to 350bradforddefensefund@gmail.com.

Sincerely,

Your Neighbors

Cydney Berry
Betsy Read
Jim Turner

Development plan for former eatery draws opposition

By Peter J. Brown
Banner Staff

PROVINCETOWN — An attempt to build a 24-unit condominium complex at 350 Bradford St. — former site of the Michael Shay and Hot L restaurants — is running into mounting opposition from residents and neighbors who object to the design and the potential impact of the proposed residential complex on this quiet section of Provincetown's East End.

"While many of us understand that leaving an empty building on the site is not the best use of the land, we question how the scope of the current proposed plan is the right fit for 350 Bradford St.," said Leslie Sandberg in a written statement sent to the Banner. She is a member of the Concerned Citizens 350 Bradford Street group, but her opinion as expressed here is her own, she said. "Our objections are rooted in the belief that a 24-unit luxury condo complex and the associated infrastructure on a parcel that is too small for the proposed development will cause problems for the community. Additionally, utilizing (the state's) Comprehensive Permit (40B) permit will allow for the developer to bypass appropriate [local] zoning laws."

The project — which is being proposed by a couple of corporations, the main one being BPJC LLC, represented by manager Chris Wise, and developer Bruce MacGregor (who was involved in the re-development of Whaler's Wharf in Provincetown), who are in the process of buying the property from long-time owners Michael and Shay Santos — calls for 18 of the 24 units to be sold at market rates and six at affordable rates.

Under the state's Chapter 40B regulations, 25 percent of the total is the minimum standard for affordable units. The town



BPJC, LLC - 350 Bradford Street
24 Unit Condominium
Provincetown, MA

A rendering of the proposed plan for a 24-unit development at 350 Bradford St., the former site of Michael Shay's restaurant.

recently raised its requirement for multi-unit developments to 33 percent.

The Comprehensive Permit Act allows developers of affordable housing "to override certain aspects of municipal zoning bylaws and other requirements," Michelle Jarusiewicz, the town's community housing specialist and acting assistant town manager, told the Banner in an earlier interview. Provincetown has limited input into the state's 40B process, she added. "The town has more control over things that fall into the septic-sewer and wetland types of issues, but limited with regard to zoning requirements," she said.

However, although all projects fall under growth management, because "the Michael Shay's property had significant gallonage associated with it, it does not need growth management gallonage. It will actually probably be a reduction," said Jarusiewicz, adding, "This development is not under our control. ... We can try to negotiate, and sometimes developers will make adjustments."

Sandberg and the Concerned Citizens group are "very supportive of affordable housing and recognize its need in Provincetown," she said, but "even bigger is the need for affordable year-round rentals. I could envision a development design more appropriate to the neighborhood, that involved 100 percent affordable year-round rentals."

Sandberg is attempting to call attention to the developer's plan to remove an existing concrete retaining wall, which she said constitutes a coastal bank on the property, as well as the plan to build an underground parking facility and most likely place part of an elevator shaft below ground for the resident's use within a flood plain, which she finds troubling.

"The water table is low, so this bares the question of why would any developer dig to create an underground space that will most likely flood on a regular basis? Furthermore, has the developer taken into account the consequences of possible flooding of neighbors' yards and/or cellars both during and after construction? What is BPJC's

water displacement strategy for the surrounding community?" asked Sandberg.

She also questions BPJC's statements in paperwork filed with Mass. Housing about removing a Title V septic system and connecting to the municipal sewer.

"What BPJC has failed to mention is that they were told by town officials that the town sewer system connection is not guaranteed even if their current (Title V) system fails. Why? Because they have room on the property to install another septic unit. That piece of information is missing from BPJC's application," Sandberg said.

Sandberg contends that BPJC is attempting "to circumvent the town staff, committees, neighbors and elected officials who have the best interests of the town as a priority."

At a meeting on April 2 with the board of selectmen, Jarusiewicz informed selectmen that

she will be serving as the chief contact for the developer and that she had already received more than a dozen comments from town residents who were concerned not only about issues mentioned above, but also the building height, dune stability and whether or not the units will be weekly rentals that bring added noise and congestion to the neighborhood.

Jarusiewicz said the state must now evaluate the financial feasibility of the project, and conduct a preliminary evaluation of the suitability of the site for this proposed development.

"If it moves forward in the next few months for the actual 40B permit process — six to eight months, I would say —, at best completion [might occur in] another three years," said Jarusiewicz.

Selectman Erik Yingling is not a fan of the design that was presented to the public.

"The rendering doesn't fit the character of the neighborhood. This needs to look better," said Yingling at the April 2 meeting.

Selectman Cheryl Andrews was even more critical of the illustration, and how it omitted any of the surrounding structures altogether.

"Where is the neighborhood?" she asked.

A comment period initially scheduled by Mass. Housing to end on April 15 has been extended to May 15. A site visit took place on March 31. It included the lawyer for BPJC, Chris Wise, Michael Busby from Mass. Housing, members of town staff, neighbors and various town committee members.

The next site visit is scheduled for April 18, and Wise intends to be present at that time, too. A public forum with the selectmen is scheduled for 5 p.m. on April 29.

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Cydney Berry #v
Elizabeth Read
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HUGGINS AND WITTEN, LLC

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April 21, 2015

Thomas Donegan, Chairman
Board of Selectmen
Town of Provincetown
260 Commercial Street
Provincetown, MA 02657

RE: Application of BPJC, LLC, 350 Bradford Street, Provincetown, MA for Project Eligibility Approval from MassHousing

Dear Chairman Donegan:

Please accept this letter on behalf of Cydney Berry, Elizabeth Read and James Turner, Provincetown, Massachusetts in reference to the application for project eligibility approval submitted to MassHousing by the BPJC, LLC (the "Applicant") for a 24 dwelling unit development ("proposed development") off of Bradford Street in Provincetown, Massachusetts.

For the reasons set forth in detail below, we urge the Board of Selectmen to recommend to MassHousing the denial of the Applicant's request for project eligibility approval. We make this recommendation based upon our review of the project eligibility application, our personal knowledge of the locus and the immediate neighborhood, and the legal, environmental and infrastructural constraints of both. As discussed in detail below, there is no rational support for issuing project eligibility approval for this project at this location and we respectfully suggest that the Board of Selectmen inform MassHousing that the above noted application must be denied.

I. The Town of Provincetown Appears to Have Met the "1.5%" Threshold of Chapter 40B and is therefore "Consistent with Local Needs"

As discussed below, there appears little doubt that the Town of Provincetown has met one of the thresholds defining "consistent with local needs" found within G.L. c.40B, s.20-23. We urge the Board of Selectmen to inform MassHousing of this fact and, in so doing, request the formal calculation of the Town's status by staff and the Cape Cod Commission. The Town should be congratulated on achieving this important milestone and should confirm this status as soon as possible.

We have provided below the formula for completing this important calculation; a calculation that our clients are willing to perform on behalf of the Town should the Town not complete this analysis on its own.

While our clients are fully aware that MassHousing does not deem status as "consistent with local needs" as relevant to its issuance of a project eligibility letter, we think it only fair that the Board of Selectmen inform MassHousing, such that MassHousing can inform the applicant, that the applicant will have no appellate rights should the Provincetown Board of Appeals deny or condition an application submitted pursuant to G.L. c.40B, s.20-23.

G.L. c. 40B, s. 20 provides in relevant part:

"Requirements or regulations shall be consistent with local needs when imposed by a board of zoning appeals after comprehensive hearing in a city or town where (1) low or moderate income housing exists which is in excess of ten per cent of the housing units reported in the latest federal decennial census of the city or town or on sites comprising one and one half per cent or more of the total land area zoned for residential, commercial or industrial use ... provided, however, that land area owned by the United States, the commonwealth or any political subdivision thereof, or any public authority shall be excluded from the total land area referred to above when making such determination of consistency with local needs. (emphasis supplied).

Step 1: Determine the Denominator

Under both G.L. c. 40B, s. 20 and 760 CMR 56.03, the "numerator" (the 1.5% target) is land area containing SHI-eligible housing; the "denominator" (100%) is "the total land area zoned for residential, commercial or industrial use," subject to certain adjustments under 760 CMR 56.03(3)(b). The starting point for the denominator is *not* the total area of Provincetown, nor is it the total land area of the Provincetown. Rather, the starting point is a *subset* of the Town's total area, containing exclusively land zoned to allow the enumerated uses. See G.L. c. 40B, s. 20 and 760 CMR 56.03(3)(b)(1).

The Legislature's clear intent in G.L. c. 40B, s. 20 was that the area dedicated to affordable housing (the 1.5%) would be measured not against the town's *total* area, but rather against a subset of that area: *developable* land. The denominator in the 1.5% calculation is thus unambiguously defined as the "total land area zoned for residential, commercial or industrial use." G.L. 40B and 760 CMR 56.03(3)(b)(1).

The "total land area zoned for residential, commercial or industrial use" in Provincetown is derived by subtracting all land *not zoned for residential, commercial or industrial use* from the total land area of the Town.

Land *not zoned for residential, commercial, or industrial use* in Provincetown includes all land held by the National Park Service, (equivalent to over 70% of the Town's total land area). Land

not zoned for residential, commercial, or industrial also includes land that falls within the Town's "Seashore" and "Municipal" zoning districts.

The total land *not zoned for residential, commercial or industrial use* is determined by adding the land owned by the National Park Service and land zoned as "Seashore" and "Municipal".

Subtracting the total *land not zoned for residential, commercial or industrial use* from the Town's total land area provides the "total land area zoned for residential, commercial or industrial use".

Step 2: Adjusting the denominator pursuant to 760 CMR 56.03(3)

This figure - the statutory and regulatory "denominator" - is subject to several adjustments specified in both the statute and 760 CMR 56.03(3)(b). First, certain categories are excluded from the denominator. That is, the areas of such parcels are *subtracted* from the denominator - which, as discussed above, is the "total land area zoned for residential, commercial, or industrial use". 760 CMR 56.03(3)(b)(3) provides for the exclusion of "land owned by the United States, the Commonwealth or any other political division thereof, the Department of Conservation and Recreation or any state public authority."

Land conforming to this exclusion in Provincetown includes public roads, land owned by the Town of Provincetown (including no fewer than 81 parcels) and extensive lands owned by the Commonwealth of Massachusetts Division of Fisheries and Wildlife (no fewer than 16 parcels).

The total land subject to the exclusion of 760 CMR 56.03(3)(b)(3), computed by adding the above categories, is then subtracted from the denominator identified above (the "total land area zoned for residential, commercial, or industrial use") yielding an adjusted denominator.

The 1.5% "target" - that is, the acreage that must be equaled or exceeded for the Town to be deemed "consistent with local needs" pursuant to the 1.5% statutory minimum - is next determined by multiplying the adjusted denominator established above, by 1.5%.

Step 3: Calculate the numerator

Having determined the denominator, and from it, the 1.5% target, the final step in determining whether the Town has achieved this statutory minimum is a calculation of the numerator: the area of "sites" containing SHI-eligible housing units. See G.L. c. 40B, s. 20. See also 760 CMR 56.03(3)(b) ("calculating whether SHI Eligible Housing exists in the city or town on sites comprising more than 1-1/2% of the total land area zoned for residential, commercial, or industrial use, pursuant to M.G.L. c. 40B, § 20").¹

¹ To the extent 760 CMR 56.03(3)(b) requires "more than 1-1/2% of the total land area zoned for residential, commercial, or industrial use" for achievement of the statutory minimum, it is

Thomas Donegan, Chairman
April 21, 2015
Page 4 of 10

Land on which SHI Housing exists has been provided to the Town of Provincetown by the Department of Housing and Community Development and is identified on the Town's "Subsidized Housing Inventory".²

If the total area on which SHI-eligible housing exists in Provincetown exceeds 1.5% of the Town's "total land area zoned for residential, commercial, or industrial use", the Town is "consistent with local needs".

Determining this status is relevant to the current matter, but also Provincetown's land use and development future. Given the obvious facts, we believe that the Town has achieved this important milestone. Now, we respectfully request that the Board of Selectmen confirm the same and inform MassHousing, as we believe the facts make clear, that the Town of Provincetown is "consistent with local needs" pursuant to G.L. c.40B, s.20-23 and 760 CMR 56.03(3)(b).

II. The Proposed Project is Located within a Federally Designated Flood Zone and Relies On Federal Financing

The applicant has stated that financing for the proposed project will be through the "New England Fund". (See application, page 4). The "New England Fund" is a federal subsidy. See Town of Middleborough v. Housing Appeals Committee, 449 Mass. 514 (2007). This ruling – that the New England Fund is a federal subsidy – was reiterated in Board of Appeals of Gloucester v. Housing Appeals Committee, Memorandum of Decision and Order, December 18, 2009, Essex Superior Court at n. 13 (affirmed, 79 Mass.App.Ct. 1111 (April 14, 2011)).

Federal Executive Order 11988 (May 24, 1977) requires, in relevant part, that "when funding actions, Federal agencies are required to avoid to the extent possible the long and short-term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct and indirect support of floodplain development wherever there is a practicable alternative."

Accordingly, MassHousing is required by federal law to ensure that the proposed project—one that will be receiving federal financing—avoids long and short-term impacts associated with development within a designated floodplain. We ask the Board of Selectmen to inform MassHousing of the project's location within a designated flood zone and remind MassHousing of the agency's responsibilities pursuant to federal law.

² There are several group homes within the Town of Provincetown that are included on the Town's SHI.² Although these group homes are listed by DHCD on the Town's SHI, the location and land area associated with these group homes are unknown to the Town. This is because, despite the fact that DHCD is charged with maintaining the SHI, that agency does not possess records of the location of these units. The Department of Developmental Services, the agency overseeing these units, has refused to provide information regarding the location of the group homes.

III. MEPA and Cape Cod Commission Jurisdiction

- A. MEPA: The proposed project is subject to MEPA review pursuant to 310 CMR 11.03(3) due to the proposed project's destruction of a defined coastal bank. MassHousing should be made aware of the consequences of removing this coastal bank, including, but not limited to, the flooding to abutting properties that will result if the bank is disturbed.
- B. Cape Cod Commission: The proposed project is subject to Cape Cod Commission jurisdiction and review as a development of regional impact ("DRI"). See Cape Cod Commission Ordinance 14-03, Section 2(d) and Section 3(e)(1).³ MassHousing should be made aware of the Commission's regional regulatory authority and the implications of the same to the proposed project.

IV. The Town of Provincetown is a Designated Environmental Justice Community

The Commonwealth's Executive Office of Energy and Environmental Affairs has identified Provincetown as an "environmental justice" population. As a state agency subject to the Commonwealth's Environmental Justice Policy (see Executive Order 552, November 25, 2014) and the Executive Office's own policies governing environmental justice, MassHousing is precluded from issuing project eligibility approval for a project that violates these established laws and policies. Most notably, in this case, as Executive Order 552 governs MassHousing's "grant of financial resources in the form of grants, loans or other forms of economic assistance" the agency is required to address the obvious implications of introducing 18 market rate dwelling units that are projected to sell for an average price of \$714,000⁴ into a community where 25% of households earn less than 65% of the Massachusetts median income.

The applicant has cynically identified within the "Sustainable Development Criteria Scorecard" contained within its application (see application, page 26) that the project "promotes diversity and social equity and improves the neighborhood" and that "The project will provide six affordable units in a [sic] upper income area which will promote social equity and social diversity". In fact, the "six affordable units" are identified to have an average sales price of \$158,000⁵, a sales price, even if it were to be believed, that far exceeds the monthly payment capabilities of households earning less than 65% of the Massachusetts median income.⁶

³ There is no legal support for the oft-repeated suggestion that the Cape Cod Commission Act does not apply to projects filed pursuant to G.L. c.40B, s.20-23.

⁴ See application "Financial Information", page 14.

⁵ See application "Financial Information", page 14.

⁶ It is important to note that the stated average sales price of \$158,000 is a fiction, as relevant regulations permit the sales price of the "affordable" dwelling units to be significantly greater.

Accordingly, we ask the Board of Selectmen to request MassHousing to deny the application for project eligibility as inconsistent with state (and federal) policies governing environmental justice communities and the simple fact that the proposed “affordable dwelling units” are not “affordable” to the very population that gave rise to Provincetown’s designation as an environmental justice community.

- V. The application to MassHousing does not meet even MassHousing’s low threshold for approval pursuant to 760 CMR 56.04 and is inaccurate.
- A. Site Control: The application fails to provide sufficient evidence that the “applicant controls the site”. See, 760 CMR 56.04(1)(c) and 760 CMR 56.04(4)(g). The purchase and sales agreement, submitted with the application to MassHousing on or about February 26, 2015, extended the time for performance pursuant to the agreement to “11:00 o’clock AM on April 2, 2015”. We are not aware of a further extension of the time for performance and, presuming that none existed as of April 1, 2015, it must be presumed that the agreement has lapsed. Without a binding purchase and sales agreement or other offer to purchase—and we know of none—the applicant lacks site control and MassHousing cannot issue project eligibility approval. We respectfully suggest that the Board of Selectmen urge MassHousing’s denial of the project eligibility application for this reason alone. See, 760 CMR 56.04(1)(c) and 760 CMR 56.04(4)(g).
- B. Planning Principles: The application fails to comport with basic common sense and land planning principles. The proposal of a housing project with a density of 26.67 units per acre violates even MassHousing’s historically unreasonable density “guidelines” of 12 units per acre. There is simply no rational basis for proposing, let alone approving, such a grossly inconsistent density and use within this established and historic neighborhood. Even the Housing Appeals Committee, no shrinking violet when it comes to overruling local zoning, has repeatedly supported legitimate land use planning efforts to preserve and protect existing neighborhoods. (See for example, 28 Clay Street v. Middleborough Board of Appeals, No. 08-06, Mass. Housing Appeals Committee, September 28, 2009).
- C. Open Space: The proposed project provides no functional open space. The “open space” identified on the site plans consists of a remnant—a left over piece of land, much like a scrap of carpet—following the placement of an oversized and out of scale forty-five (45) foot tall monolith surrounded by a parking area, drainage structures and roadways. The lack of functional open space violates one of the core “planning principles” of the statute and regulations, that is, providing useful and useable open space to the project’s residents.
- D. Inadequate Site Design: Even a first-year architecture or planning student knows to avoid the “heat island effect” of surrounding residential dwellings with impervious

Neither MassHousing nor the Board of Appeals will be able to ensure that the number claimed on the developer’s initial proforma—\$158,000—will be honored.

surfaces. Yet the proposal before MassHousing does just that. In doing so —cramming 24 dwelling units on a 39,189 square foot lot—the proposal violates MassHousing’s “Sustainable Development Principles” 4 (Protect Land and Ecosystems), 5 (Use Natural Resources Wisely) and 9 (Promote Clean Energy). In addition, the absence of any attempt to integrate the proposed development into the Town of Provincetown generally or the immediate neighborhood specifically violates MassHousing’s “Sustainable Development Principles” 3 (Make Efficient Decisions) and 10 (Plan Regionally). For this reason, MassHousing should deny project eligibility approval as the proposed project cannot comport with the requirements of 760 CMR 56.04(4)(c) (“that the conceptual project design is generally appropriate for the site on which it is located, taking into consideration factors that may include proposed use, conceptual site plan and building massing, topography, environmental resources, and integration into existing development patterns...”).

- E. Wrong Location: Consistent with the above noted *internal* site planning comments is the fact that the project is proposed for the *wrong location* along Bradford and Commercial Street, a heavily travelled and congested road with no practical options for widening, signalization or safety improvements. We ask the Board of Selectmen to ask MassHousing to look at the project’s proposed location as planners do—holistically—and in concert with the current activity on this portion and related portions of Bradford and Commercial Streets. It cannot be that allowing this residential development at this location is good planning or in the public interest.
- F. The “Pro Forma”: The “Financial Information” contained in the application contains several statements that cannot be supported and should not be rewarded with approval by MassHousing. First, whereas the purchase and sales agreement (which appears to have expired on April 1, 2015) reports a total purchase price of \$925,082, the claimed site acquisition cost is identified as \$1,315,000. Second, the development budget contains almost \$400,000 of claimed contingency costs. Contingency costs within a pro forma for a comprehensive permit project are simply disguised profit. Third, the claimed costs include an average of \$18,270 per dwelling unit for “commissions/advertising”. On its own, a total claimed cost of \$438,500 for “commissions/advertising” may be insignificant. But when reviewed in context, together with numerous other claimed costs without attribution as to their intended recipient, including the “builder” (\$1,015,175 for “overhead and profit), architect (\$448,887) and among others, the “clerk of the works” (\$100,000), the result of which is a questionable project pro forma that suggests a project containing far more dwelling units than would otherwise be necessary to make the project economically feasible pursuant to MassHousing’s profit guidelines. MassHousing should reject the budget submitted and reject the project eligibility application where the submitted pro forma lacks credible support for the true costs of construction for this project.
- G. Eradication of Local Regulations: Development of the proposed project requires the grant of extensive waivers from Provincetown rules, regulations and bylaws yet the application to MassHousing contains a grossly incomplete “zoning analysis” (See

application, Tab 3, section 3.4). MassHousing should be aware that construction of the proposed project would require a wholesale rejection of the Town's Zoning Bylaw and Wetlands Bylaw, among others. Such waivers might be justified in cities or towns with exclusionary zoning practices or who have otherwise imposed "barriers" to affordable housing. Nothing could be further from the truth in Provincetown. As the Town's historic and current development practices make clear, the Town's land use regulations are inclusive, reasonable and the result of deliberative decisions of the Town's legislative body for hundreds of years, most recently with regard to the construction of housing that is affordable to local residents. As discussed within this letter, the proposal before MassHousing is anything but well designed, thoughtful or rationally connected to the locus or the neighborhood. Rather than even attempting to comply with the Town's wholly reasonable regulations and self evident restrictions imposed upon the locus given its presence of coastal banks and a regulated flood plain, the applicant callously claims the need for a waiver from some of the Town's land use regulations and fails to inform MassHousing of the need for many more. Given the parcel's location within a designated Flood Zone (AE), proposed construction of a parking garage below the flood zone elevation and the proposal to destroy a coastal bank, it is illogical to suggest that a comprehensive permit project should somehow be exempt from the public purposes served by Provincetown's Wetlands and Zoning Bylaws, among many others. These facts alone should allow MassHousing to conclude that the proposed project is totally inconsistent with rational site development and site planning standards. For these reasons as well as those noted below, MassHousing should deny project eligibility approval as the proposed project cannot comport with the requirements of 760 CMR 56.04(4)(c) ("that the conceptual project design is generally appropriate for the site on which it is located...").

- H. Relevance of the Provincetown Wetlands Bylaw: Consistent with the comments above, it is clear that a majority, if not all, of the proposed project is subject to the jurisdiction of the Provincetown Conservation Commission pursuant to the Wetlands Protection Act and Wetlands Bylaw. It is difficult to imagine a development project with such extensive intrusion into regulated wetland resource areas. For this reason, MassHousing should deny project eligibility approval as the proposed project cannot comport with the requirements of 760 CMR 56.04(4)(c) ("that the conceptual project design is generally appropriate for the site on which it is located, taking into consideration factors that may include proposed use, conceptual site plan and building massing, topography, environmental resources, and integration into existing development patterns...").
- I. Bait and Switch: As with many comprehensive permit applications, the applicant has maximized the locus with the full knowledge that should MassHousing grant project eligibility approval, the Board of Appeals will likely suggest a smaller, less intrusive development. This trick—propose the maximum number of units that can be crammed onto a piece of paper and "settle" for less—is as old as the statute itself. Sometimes, but not here, the ploy works. The Town and the neighbors, fearing a grossly hostile project, accept one that is slightly less hostile. In this case however, the proposed project and virtually any recasting of this project are unacceptable. Once again, MassHousing should deny project eligibility approval as the proposed project cannot comport with the

requirements of 760 CMR 56.04(4)(c) (“that the conceptual project design is generally appropriate for the site on which it is located, taking into consideration factors that may include proposed use, conceptual site plan and building massing, topography, environmental resources, and integration into existing development patterns...”).

J. Total Score: Zero: We ask the Board of Selectmen to inform MassHousing that the proposed project violates and ignores MassHousing’s “Smart Growth Criteria Scorecard”⁷. Simply put, using the “Smart Growth Criteria Scorecard”, the project scores zero (0) points.

- The project does not “contribute to revitalization of town center”
- The project does not “preserve and reuse” historic structures;
- The project does not have a “letter of support from the Chief Elected Official”;
- The project does not “concentrate development” most notably in that the proposed development is not “compact and/or clustered so as to preserve undeveloped land”;
- The project does not “restore and enhance the environment”;
- The project is not “fair”; it does not “improve the neighborhood” or include a “concerted public participation effort”;
- The project does not “conserve resources”;
- The project does not “provide transportation choice” and is totally “unwalkable” to year round public transportation options;
- The project does not “increase job opportunities”;
- The project does not “foster sustainable businesses”; and
- The project does not “plan regionally”.

With a literal score of zero (0)—using MassHousing’s own “Scorecard”—we cannot fathom any response from MassHousing other than a categorical rejection of the Applicant’s request for Project Eligibility approval.

K. Applicant’s Certification: The applicant has certified that the application materials are “true and complete” and has informed MassHousing that there is no “pending litigation with respect to any of the Applicant Entities”. See application, page 21. “J. Bruce MacGregor” is identified in the application as a “General Partner” under the heading, “List All Principals and Controlling Entities of Applicant”. See application, page 19. A “J. Bruce MacGregor” is also a “Manager” of Bartlett Pond Village, LLC. (see <http://corp.sec.state.ma.us>, last visited April 21, 2015). Bartlett Pond Village, LLC is a co-defendant with the Housing Appeals Committee in an action brought by the Town of Wareham Board of Appeals, pending in Plymouth Superior Court (see, docket PLCV2014-01131-B, last checked April 21, 2015).

⁷ MassHousing’s “Smart Growth Criteria Scorecard” incorporates the Commonwealth’s “Sustainable Development Principles”.

Conclusion

We understand the Board of Selectmen's role in this process, that is, to provide comments to MassHousing with regard to applications seeking project eligibility letter approval. We also understand MassHousing's role: as a bank, MassHousing is reluctant to deny approvals of the very projects that they are in the business of funding or from which generous fees are collected.

However, in some cases, particularly where the project will obliterate a coastal bank used for flood control and storm damage prevention; where the project scores a literal "zero" using MassHousing's scoring criteria; where the project ignores established environmental justice principles, and where the applicant has not demonstrated the basic requirements of site control, MassHousing is obligated to reject the application. This application is precisely that case.

On behalf of Cydney Berry, Elizabeth Read and James Turner, please let me know if you have any questions or would like additional support for any of the comments made above. Thank you.

Very truly yours,

HUGGINS AND WITTEN, LLC

/s/ Jonathan D. Witten

Jonathan Witten

Cydney Berry #3

Cydney Berry
19 Hillcroft Rd
Boston, MA
And
14 Bradford Acres #D
Provincetown, MA

Mr. Thomas N Donegan
Chair of the Board of Selectmen
Town Hall, Provincetown 02657
Secretary to Board of Selectmen: Loretta Dougherty
ldougherty@provincetown-ma.gov

April 26, 2015

Dear Mr. Donegan,

When I first read the 350 Bradford St 40B Application, I was alarmed at the sheer size of the structure and obvious inappropriateness for the neighborhood. Additionally, I was in shock that anyone would want to propose such a structure in Provincetown, especially at that location. Why in the world would any reasonable developer want to do this?

However, as I dug more into what was actually happening and the entire 40B process, I became more and more concerned as I learned how developers abuse 40B under the guise of affordable housing to completely skirt all reasonable zoning laws -- in this case too numerous to mention here -- and completely exclude the town from the ability to effectively manage its own growth, environment and community.

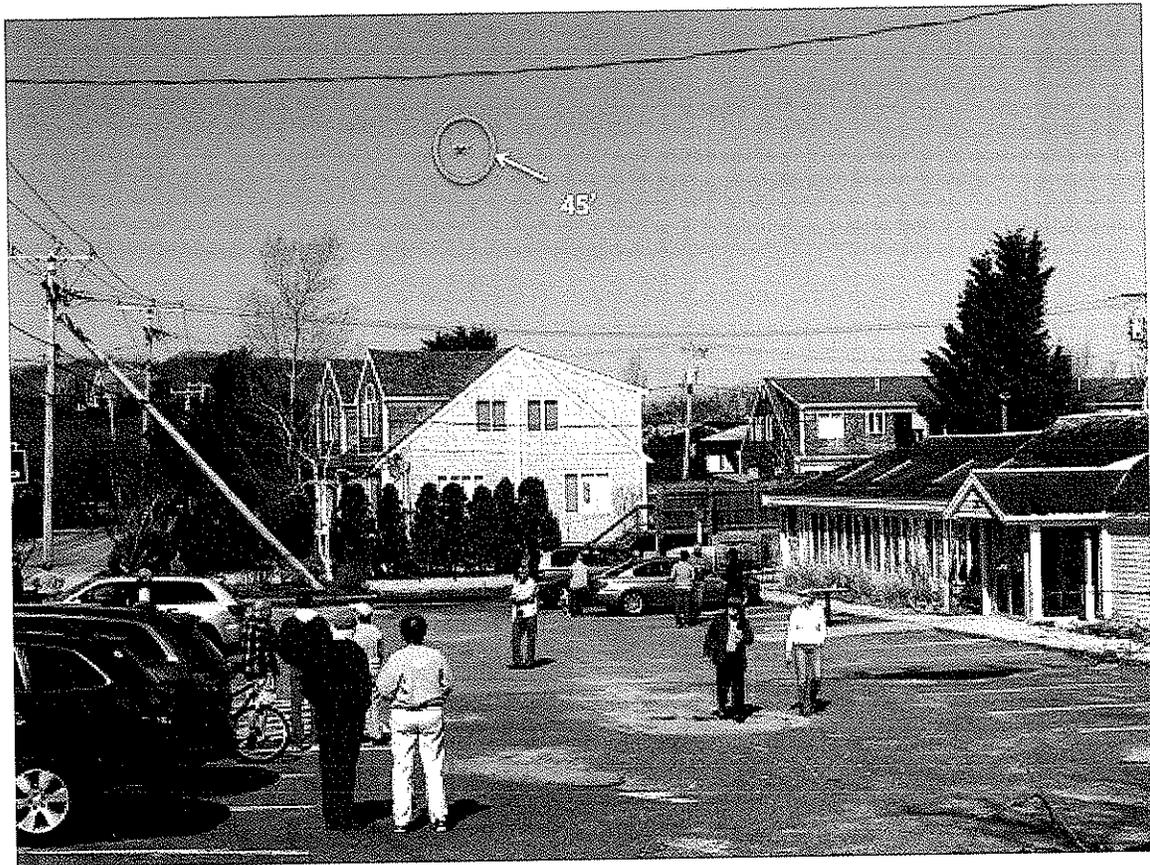
Everyone seems to agree, including myself, that Provincetown needs more affordable housing for our critical seasonal workers and qualifying full time residents. However, affordable housing has nothing to do with this. This is a case of a developer and builder, Bruce MacGregor and Chris Wise, that know exactly what they are doing, making more money for themselves by building more units than is necessary for the land, for the town, for the environment, and the neighborhood. Additionally concerning is that there are many obvious factual misrepresentations on the application itself. If this is some sort of Trojan Horse, shame on the developer for dragging the town and the community through this process, costing time, money and precious town resources.

I have heard people comment -- "well any new affordable units is good". No, that is not the case for many reasons. First, at what sacrifice - the neighborhood, the community, the environment, town resources? Second, no one can reasonably argue that these units are nothing more than a thinly veiled disguise for a luxury complex that looks more like it belongs in Florida than Provincetown. How will the people in those affordable units afford the condo fees, over time as they increase and are at least a 50% premium over their mortgage? Why would those units be condos versus rentals?

I am also dismayed to see that certain town officials seem to throw their hands up, like 40B is a done deal and there is nothing that can be done. That is simply not true. Provincetown needs to own its future, not the State of Massachusetts and certainly not a developer with this kind of misguided vision for the town. I am including a picture taken from the street that indicates what kind of view one will have of the proposed 45' foot structure driving into this beautiful and amazing community. The highlighted reference point is a drone that was elevated to 45'. This is not the Provincetown anyone wants. I would hope that current town officials would not want this as their legacy, either.

Yours sincerely,

Cydney Berry



Cydney Berry #2

Cydney Berry
19 Hillcroft Rd
Boston, MA
And
14 Bradford Acres #D
Provincetown, MA

Mr. Thomas N Donegan
Chair of the Board of Selectmen
Town Hall, Provincetown 02657
Secretary to Board of Selectmen: Loretta Dougherty
ldougherty@provincetown-ma.gov

April 29, 2015

Dear Mr. Donegan,

This is my second letter to the Board of Selectmen. I think it is important to point out the factual misrepresentations of the 350 Bradford 40B Site Eligibility Application to Mass Housing. The reason why I think it is important is that it colors the entire premise that this developer is proposing under, and it serves to reinforce how irresponsible developers are using 40B in a manner to which it was never intended. There are many, many cases of this across the Commonwealth, including lawsuits, statute challenges, etc. that support this assertion. I am attaching a legal article that highlights some of these very issues that I would like the Board of Selectmen to read, titled "ADULT SUPERVISION REQUIRED: THE COMMONWEALTH OF MASSACHUSETTS'S RECKLESS ADVENTURES WITH AFFORDABLE HOUSING AND THE ANTI-SNOB ZONING ACT"

I am highlighting some of the factual misrepresentations in the application itself.

1. Building Height and Number of Stories
 - a. In the Residential Building section, it states that the structure will be 3 stories at a height of 31'8".
 - b. The architectural drawings clearly show the building height to be 45' and 4 stories, including parking.
 - c. In the tabular zoning analysis, it states that the building height is 33.5' and 3 stories.
 - d. And finally, the letter from the Cooperative Bank of Cape Cod says the building height is 2.5 stories.

Just how many stories and how high will this development be?

2. Is there pending litigation with respect to any of the applicant entities, the respondent says no, when that, in fact, is not true. "J. Bruce MacGregor" is identified in the application as a "General Partner" under the heading, "List All Principals and Controlling Entities of Applicant". See application, page 19. A J. Bruce MacGregor" is also a "Manager" of Bartlett Pond Village, LLC. (see <http://corp.sec.state.ma.us>, last visited April 21, 2015). Bartlett Pond Village, LLC is a co-defendant with the Housing Appeals Committee in an action brought by the Town of Wareham Board of Appeals, pending in Plymouth Superior Court (see, docket PLCV2014-01131-B, last checked April 21, 2015).
3. There are numerous "stretches" in the checklist, such as, "Cultural or Historic landscape / existing neighborhood enhancement", "Protect Land and Ecosystems", and "Consistent with a municipally supported regional plan" that are preposterous and insulting. There is zero basis for making those statements in the application itself.
4. The design approach says..."Approaching from the east, most of the building is hidden by the hill, while an approach from the west would be disguised by the adjacent structures with most of the building massing hidden until one is right next to the property." That is simply not going to be the case with a structure this large.

Yours sincerely,

Cydney Berry

Westlaw.

35 BCEALR 217
35 B.C. Envtl. Aff. L. Rev. 217
(Cite as: 35 B.C. Envtl. Aff. L. Rev. 217)

*excerpt
24 pages*

Page 1

Boston College Environmental Affairs Law Review
2008

Article

***217 ADULT SUPERVISION REQUIRED: THE COMMONWEALTH OF MASSACHUSETTS'S RECKLESS
ADVENTURES WITH AFFORDABLE HOUSING AND THE ANTI-SNOB ZONING ACT**

Jonathan Witten[FN1]

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Abstract: Recognizing that municipalities are inherently selfish and that they would intentionally exclude certain land uses and structures, the majority of states have required that their cities and towns plan for and accommodate undesirable land uses within their borders. The planned incorporation of undesirable and desirable land uses is a fundamental attribute of states that require and enforce the preparation of coordinated and rationally developed comprehensive plans. This Article discusses the approach taken in Massachusetts—a non plan state—and its myopic and regressive mechanism for compelling the construction of affordable housing. The Article suggests that the Massachusetts example is a failure of law and policy and that the statute, both abusive and abused, must be repealed. In its stead, Massachusetts must look to the success of numerous other states that have incorporated the development of affordable housing—and other land uses—within a rationally developed, and legally meaningful, comprehensive plan.

INTRODUCTION

The use of zoning as a form of land-use control dates back to Napoleon [FN1] and, in the United States, to Boston's efforts to impose building height restrictions within established "districts." [FN2] Zoning has been sanctioned as a legitimate police power by the U.S. Supreme Court on countless occasions [FN3] and in each of the fifty states. [FN4] Relentlessly criticized*218 as exclusionary, [FN5] and so confusing that it must be "written by Abbott and Costello," [FN6] zoning remains the most common form of land-use regulation in the nation and is relied upon by every major city and by the majority of cities and towns throughout the country. [FN7]

A bedrock principle of zoning is that it is locally adopted and administered. [FN8] Counties, cities, and towns adopt and enforce zoning, not the respective states nor the federal government. [FN9] Zoning is myopic in practice—it looks neither to regional needs nor statewide concerns. Rather, zoning considers only those land-use goals articulated by the legislative body of the local government. [FN10]

Long ago, state legislatures recognized that, if left alone, municipal governments would ignore the concerns of their neighboring communities and, most notably, fail to accept what was later termed as each municipality's "fair share" [FN11] of undesirable land uses.

Locally undesirable land uses include those that are undesirable from a neighborhood perspective, such as landfills and airports. [FN12] But undesirable land uses also include those that are *anticipated* to be *219 deemed undesirable. In this instance, it is the state legislature that anticipates municipal opposition.

Christine Bird
Suzanne Ridge

Michelle Jarusiewicz

From: Suzanne Ridge <sridge@eagleinvsys.com>
Sent: Tuesday, April 28, 2015 2:26 PM
To: Michelle Jarusiewicz; Loretta Dougherty
Subject: 350 Bradford Street concern

Hello,

We are writing to voice our concern over the proposed housing for 350 Bradford Street. It is our understanding that this will be a three level (45' high), 24 unit structure. A structure that large doesn't belong in that space and certainly doesn't belong in Provincetown. We completely understand the need for affordable housing and applaud the layout and design of the new(er) buildings on Shankpainter Rd. and would hope for similar construction in a more suitable space.

I would ask that you please review the proposal in front of you and consider its appropriateness for our town.

Sincerely,

Christine T. Bird and Suzanne L. Ridge
15 Court Street C
Provincetown, MA

Stephen Borkowski

RECEIVED
BOS - Vernon *LB*

MAY 11 2015

CC: BOS/TM/ATM

Stephen Borkowski

4 Willow Drive - 6

Provincetown, MA 02657

Via Email

Printed Copy

May 11, 2015

Board of Selectmen

Town of Provincetown

Town Hall

Provincetown, MA 02657

Esteemed members of the Board of Selectmen:

I am writing to express my opposition to the project being proposed at the site of the former Michael Shay's restaurant and Hot L. I am sensitive to our historical townscape, the rich history this site and the surrounding areas embody and also the jarring nature of the scale and choice of materials that this project suggests through the presentations I have seen to date.

I implore you to use every means possible to resist the sirens call of development and with all due haste work to stop this from occurring on this piece of property in such a prominent area in Provincetown. I feel that our community will forever be defaced by this inappropriate intrusion into our town and that highly visible area in particular. Certainly there are other parcels in town where the same type of scale could be accommodated and the same purpose achieved as to increasing the housing stock and much needed affordable rental.

It is in appropriate and it must not move forward, I am counting on your good judgment in this matter. It should be noted that I am a member/chair of the Provincetown Historical Commission but am acting as a private citizen.

Regards

Stephen Borkowski
Stephen Borkowski

David Brody #1 ✓
Lora Brody

Loretta Dougherty

From: David Brody - Home <davidjbrody@verizon.net>
Sent: Wednesday, April 22, 2015 12:46 AM
To: Michelle Jarusiewicz; Loretta Dougherty; Gloria McPherson
Cc: Elisabeth Verde
Subject: Public comment on 350 Bradford St. project
Attachments: Arthur Cohen painting in U.S. embassies.pdf; Iconic view painting in gallery.JPG

To the Planning Board and the Board of Selectmen:

We are submitting these comments to you regarding the 24-unit condo development plan for 350 Bradford Street.

Others will submit comments that focus on the excessive scale of the proposed structure, how it will create a 45' high wall looming over small homes that are only 20' away from it, and how it will stretch out like an aircraft deck in front of the homes high up on Bradford Acres Road, literally at their residents' eye level and higher, and how it is totally out of character for the neighborhood. We oppose the project for all these reasons. However, we don't want to repeat what others will certainly say on these issues, and will limit our comments to a different concern.

The proposed project fronts directly on the Bradford/Commercial St intersection at the historic entrance to the town from Route 6A. It is an iconic scene of Provincetown that welcomes visitors into town and that the town's artist community has spread around the world as a classic image of Provincetown. One painting of the iconic scene by Arthur Cohen is featured on the U.S. State Department's website <http://art.state.gov/artistdetail.aspx?id=141960> and has hung at our country's embassy in Croatia. A copy of the webpage is attached to this email. Also attached is a photograph of another painting of that scene, taken through the front window of a gallery on Commercial Street. During the summer season, one can find as many as three or four paintings of this scene by other artists hanging in galleries the length of Commercial Street.

Throughout the summer one can also see artists standing at the actual site, in front of their easels, creating their own vision of this iconic Provincetown scene.

Provincetown is famous around the world as an historic fishing village, an artist colony, and an open and welcoming community. It's economic well-being is totally dependent on the tourist business, and this iconic town setting is the first view that tourists have as they enter from Route 6A. The proposed project threatens to destroy that view, with the 4-story structure towering 45' over the streetscape (more than 50' if the elevator shaft is considered). In all ways, the project is the antithesis of the iconic view that now greets visitors entering town.

The site should be developed. Ideally it should be used for a new restaurant to serve the east end of town. Multiple unit housing, including affordable housing, is also an appropriate use of the site. However, anything that is built on the site must be compatible in scale, style and design with the image of the town upon which its economy is based.

We ask that our comments be read into the record at your meeting.

David and Lora Brody
7 Thistlemore Road

Search

ALL ARTISTS (3940)

ARTHUR COHEN



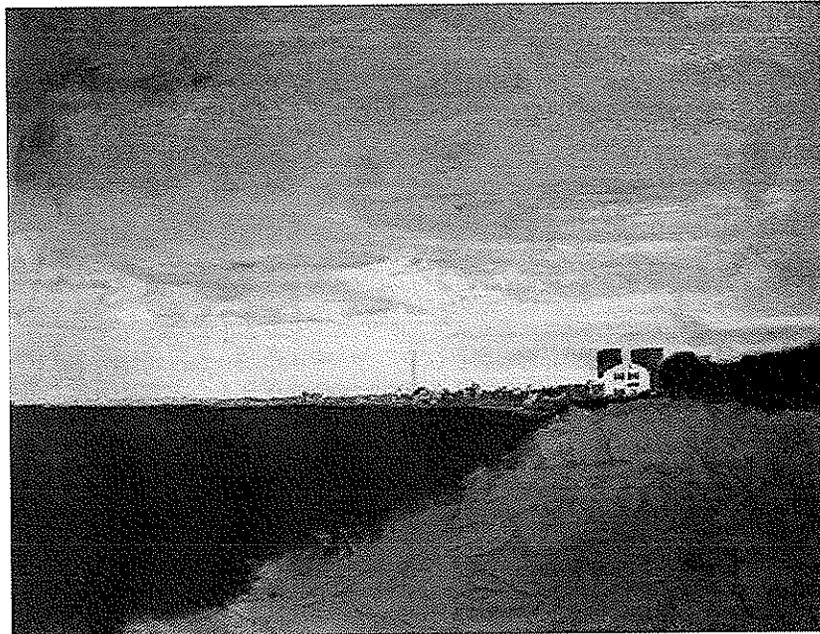
BIO

Internationally renowned painter ARTHUR COHEN is a virtuoso, a master of just when the last note of a painting is complete, and Cohen, now 76, has been painting Provincetown for almost fifty years. "When the timbre of a moment resounds in a handful of strokes and a wash of shimmering light," observed art critic Jan Adlmann, "Cohen intuitively knows that 'balance has been achieved.' "Finding that b...

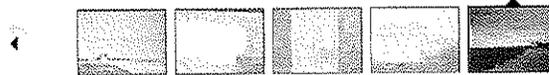
[MORE](#)

Artist Bio

Internationally renowned painter ARTHUR COHEN is a virtuoso, a master of just when the last note of a painting is complete, and Cohen, now 76, has been painting Provincetown for almost fifty years. "When the timbre of a moment resounds in a handful of strokes and a wash of shimmering light," observed art critic Jan Adlmann, "Cohen intuitively knows that 'balance' has been achieved. "Finding that balance" the artist has explained, "is like walking a tightrope." Cohen's sweeping panoramas of Provincetown Harbor are developed from storied layering and scraping - thin levels of paint built up over a day, week or even over several years, referred to by Cohen as the "ghost" in his painting. It is this "buried" sense of time and continuity that evokes a sense of timelessness and spatial infinity. Working with a focused palette of blues and grays,



Arthur Cohen, *Provincetown November, 2006*. Oil on panel. Courtesy of the artist and Berta Walker Gallery, Provincetown, Massachusetts



AIEP EXHIBITIONS

OSLO 2009

Arthur Cohen



ZAGREB 2006

Arthur Cohen



occasionally some pink and green,
Cohen repeatedly brings the viewer
a synthesis of light from different
moments; his landscape paintings
possess an inherent monumentality
that is eternally, classically
Provincetown.
www.bertawalker.com

(or press ESC or click the
overlay)

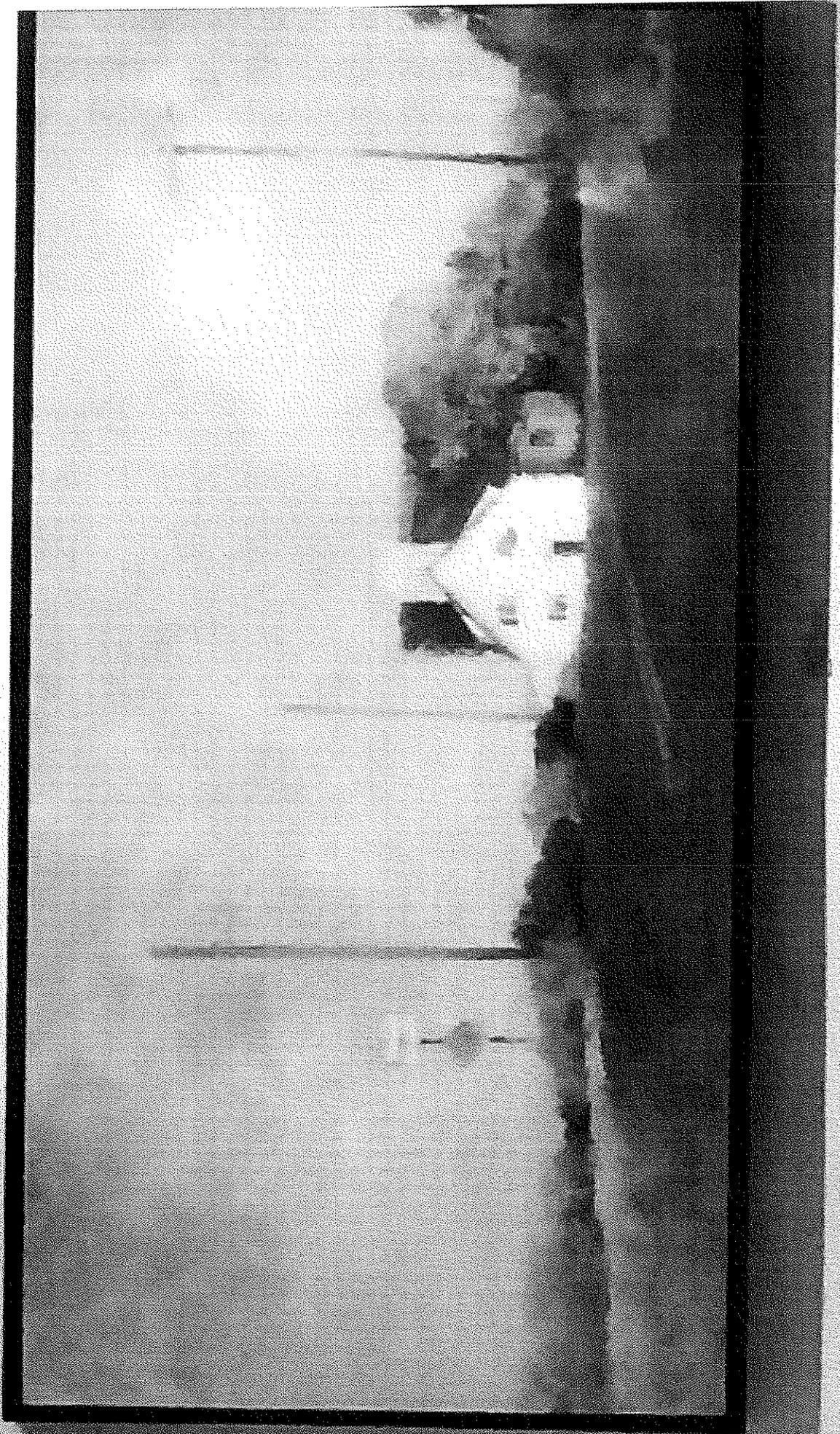
WEBSITE

<http://www.arthurcohen.org>

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David Brody #2

Loretta Dougherty

From: David Brody - Home <davidjbrody@verizon.net>
Sent: Friday, May 08, 2015 9:09 PM
To: Loretta Dougherty
Cc: Elisabeth Verde
Subject: 350 Bradford St. 40B project

Dear Ms. Doherty, will you please pass this email on to the Board of Selectment. Thanks for your assistance.
David Brody

Dear Selectmen.

We urge you to ask the Cape Cod Commission do the 1.5% calculation as soon as possible in connection 40B applications. We understand from the meeting on April 29 that the town is well above 1.5% as calculated by the Assessor. While the 1.5% calculation can be asserted within 15 days after the developer application to the ZBA, nevertheless the calculation and collection of supporting documentation should be done now, rather than under pressure of a deadline, so there is no concern that the metric might be challenged by the developer.

I am taking the liberty of copying Elizabeth Verde on this email with the request that she pass it on to Clarence Walker, who is, I believe, involved in this issue.

David Brody
7 Thistlemore Rd. and
91 Edgewater Drive, Waltham, MA 02657

Christopher Busa

Michelle Jarusiewicz

From: Elizabeth Read <cap squad@me.com>
Sent: Wednesday, May 13, 2015 7:41 AM
To: Michelle Jarusiewicz
Subject: Fwd: Abutter's Statement re 350 Bradford Street

From: Chris Busa <cbusa@comcast.net>
Subject: Abutter's Statement re 350 Bradford Street
Date: April 4, 2015 12:43:22 PM EDT
To: 'Elizabeth Read' <cap squad@me.com>

To the Provincetown Board of Selectmen:

I live immediately across the street from the proposed condominium project and I have seen the plans that call for three stories of apartments sitting upon another level for automobile parking. The plans show that the entire hill behind Michael Shays restaurant will be obscured. Over the almost forty years that I have owned my house, I have watched the meadows on Bradford Street behind my house slowly transform themselves into single family homes, and popping up like attractive growth on the hillsides. Now, a developer wants to moor a four-deckered cruise ship, if you include its underground garage, dwarfing the surrounding homes. This is blatantly out of character with the tranquil East End. I understand growth can be good, but the proposed project is completely out of scale with the historical character of the neighbor. It is simply too massive. One particular concern for me is the right of way to the beach across my house and whether this right will transfer upon sale to the developer.

Christopher Busa
650 Commercial Street
Provincetown, MA 02657
(508) 487-3167

Carol Card

Michelle Jarusiewicz

From: Carol Card <carolcard@comcast.net>
Sent: Saturday, April 04, 2015 12:50 PM
To: Michelle Jarusiewicz
Subject: 350 Bradford street

Hi Michelle

We are sending out a letter today in opposition of the proposed development at 350 Bradford street.

We would also ask that you please forward it to the zoning board, historic board, conservation board, planning board and the board of selectman.

Thank you in advance for your help with this matter Sincerely Carol Card Deborah Dunmire

14 Bradford acres road

Provincetown ma

02657

Sent from my iPad

Michael Carvalho

From: mjcarv@juno.com [<mailto:mjcarv@juno.com>]

Sent: Sunday, May 03, 2015 11:07 PM

To: Michelle Jarusiewicz

Subject: 350 Bradford St.

Dear Michelle Jarusiewicz

Once again a developer is trying to abuse the right to develop the east end.

The proposed 40B development at 350 Bradford St far surpasses a reasonable use of this land. As a property owner and abutter I am opposed to this project.

Sincerely,

Michael J. Carvalho

Belinda Cavazos
Lisa Manera

Michelle Jarusiewicz

From: Belinda Cavazos <belindacavazos@yahoo.com>
Sent: Tuesday, April 28, 2015 4:03 PM
To: Michelle Jarusiewicz; Loretta Dougherty
Subject: Concerns regarding 350 Bradford project

Dear Mr. Donegan,

We are writing to express our strong objection to the proposed development at 350 Bradford St in Provincetown, MA. The size and scope of the project is wholly unsuitable for that location and for our community. As we all know Provincetown is in an extremely sensitive environmental area, and we do not know the type of environmental damage this type of project could create. Furthermore, if you allow the developers to move forward with this project, and thereby give them carte blanche to make usurious profits, it will only encourage further luxury condo development and further drive up the cost of real estate with incalculable damage to our environment and our community. You have to draw the line somewhere, and this is a project that simply cannot be allowed to proceed. It involves too many risks and potential unintended consequences.

Yours truly,

Belinda Cavazos & Lisa Manera
54 Pleasant St., Provincetown, MA

William Ciffairy

Michelle Jarusiewicz

From: Bill <w.wnzc@verizon.net>
Sent: Monday, April 20, 2015 7:19 PM
To: Michelle Jarusiewicz
Cc: Peter Giacalone (Peter Giacalone)
Subject: Proposed 350 Bradford Street

Dear Ms. Jarusiewicz,

I am writing to you as a concerned, 15 year, property owner from 346 Bradford Street, which is next to the proposed site of the 40B development at 350 Bradford. I read the article in The Banner and while I am in favor of affordable housing in Provincetown, I am not in support of the proposed development at 350 Bradford. Every empty space in Provincetown does not need to be used for such a project. Our beloved, quiet east end of town will become an overcrowded and noisy area if this project is passed, not to mention all the construction, drilling etc. that will take place. In addition, since FEMA has re-drawn the town map our area is now in a flood zone, which therefore raises concerns about an underground parking area for the proposed 24 unit complex. How can the developer be given the go-ahead when he will be cutting into the dune and coastal bank to ensure that he has the room to build the proposed complex? What happened to preservation, let alone to common sense? Everything can't be a financial issue at the expense of nature/preservation.

I am firmly entrenched in Ptown because I have been going there since the early 1980's:

- I pay taxes like others who own property in Ptown
- I owned a yogurt shop in Ptown for five (5) years
- I pay for my parking sticker every year to help support the town
- I have worked in Ptown during the summer months
- I annually support the Pilgrim Monument
- I support local businesses/restaurants/theatre

It is my hope that a decision of 'no approval' be handed down and that the 40B development will be prohibited from moving forward.

Thank you for your attention to this matter.

Respectfully,

Wm. N. Ciffairy

Wm. N. Ciffairy

William Ciffairy #2

Michelle Jarusiewicz

From: Bill <w.wnzc@verizon.net>
Sent: Friday, May 08, 2015 4:19 PM
To: Michelle Jarusiewicz
Subject: FW: Proposed 350 Bradford Street

Good afternoon Ms. Jarusiewicz,

On April 20, I sent you the email below and since then have read articles about the proposed development, in The Banner. I wonder if the following idea was presented. What if the Ptown Police Department was to move in to the old Michael Shay's building? The building (façade) could be kept as is to keep with the architecture of Ptown and internal work could be done to make offices etc. that would be needed. The old police station could then be a site for a proposed housing development. I am speaking for myself but I'd rather that happen than have a huge development at 350 Bradford Street.

Thank you for your time.

Bill Ciffairy

Property Owner/Part-time resident

From: Bill [<mailto:w.wnzc@verizon.net>]
Sent: Monday, April 20, 2015 7:19 PM
To: 'mjarusiewicz@provincetown-ma.gov'
Cc: Peter Giacalone (Peter Giacalone)
Subject: Proposed 350 Bradford Street

Dear Ms. Jarusiewicz,

I am writing to you as a concerned, 15 year, property owner from 346 Bradford Street, which is next to the proposed site of the 40B development at 350 Bradford. I read the article in The Banner and while I am in favor of affordable housing in Provincetown, I am not in support of the proposed development at 350 Bradford. Every empty space in Provincetown does not need to be used for such a project. Our beloved, quiet east end of town will become an overcrowded and noisy area if this project is passed, not to mention

all the construction, drilling etc. that will take place. In addition, since FEMA has re-drawn the town map our area is now in a flood zone, which therefore raises concerns about an underground parking area for the proposed 24 unit complex. How can the developer be given the go-ahead when he will be cutting into the dune and coastal bank to ensure that he has the room to build the proposed complex? What happened to preservation, let alone to common sense? Everything can't be a financial issue at the expense of nature/preservation.

I am firmly entrenched in Ptown because I have been going there since the early 1980's:

- I pay taxes like others who own property in Ptown
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It is my hope that a decision of 'no approval' be handed down and that the 40B development will be prohibited from moving forward.

Thank you for your attention to this matter.

Respectfully,

Wm. N. Ciffairy

Wm. N. Ciffairy

Chester Cook
Catherine Cook

✓

From: deaconchet [<mailto:ccook6@comcast.net>]

Sent: Sunday, March 29, 2015 3:40 PM

To: David Gardner

Subject: Development at Hot I Bar and Grille/Michael Shay's

I live at 6 Somerset Road which is off Thistlemore Street and I am opposed to condominiums going up in a fine restaurant site. Please accept my comments in consideration of these developments.

Chester O & Catherine A. Cook

clustercook

Michelle Jarusiewicz

From: deaconchet <ccook6@comcast.net>
Sent: Wednesday, April 08, 2015 3:35 PM
To: Michelle Jarusiewicz
Subject: Upcoming decision re restaurant property

My wife and I do not wish to see Condos go up in this space. It has always been a delightful restaurant area and we are hoping some young entrepreneur will come along and want to use it as a restaurant! We don't want it changed from commercial zoning to residential.

Thank you for listening.

Jerome Crepeau

Michelle Jarusiewicz

From: lufkinpt@aol.com
Sent: Tuesday, April 28, 2015 9:08 PM
To: Loretta Dougherty
Cc: Michelle Jarusiewicz
Subject: 350 Bardford St. Development

To: Provincetown Board of Selectmen

This is a letter of protest against the proposed 40b development project at 350 Bradford St. The proposed scale and overall design of this project is an affront to the immediate neighborhood and community as a whole.

Under the guise of providing token "affordable units" a developer will be using MGL chapter 40B in order to circumvent nearly all of this community's longstanding safeguards against destructive elements of reconstruction. We should not allow a repeat of past transgressions which to this day continue to mar our unique streetscape. We should insist on complete transparency. The developer, his subsidiary companies, and broker facilitators will be the only ones to benefit handsomely, doing so at the expense of this community's integrity. Better alternatives exist for this site. This Board of Selectmen needs to respond forcefully against this development as presently proposed.

Jerome Crepeau
11 Oppen Lane
Provincetown, MA

Sent from AOL Mobile Mail

Mary DeAngelis
Marian Roth

Michelle Jarusiewicz

From: Marian Roth <marianroth@icloud.com>
Sent: Thursday, April 02, 2015 5:44 PM
To: Michelle Jarusiewicz
Subject: 350 Bradford St

Dear Michelle, I will not be able to attend the meeting tonight at which you will give an update on the 40B permit for 350 Bradford St. If there are public comments on this issue I would respectfully request that my thoughts be read aloud at the meeting.

"We respectfully request the board of selectmen and all relevant town boards to protect our community from what we see as a tragic destruction of the far east end neighborhood of Provincetown. We believe that, in the name of affordable housing, a developer is seeking to create personal profit at the expense of our quality of life and limited resources. At present, this section of Bradford Street is dangerous to cross at any time of year; it is a blind curve and cars speed. With no public sidewalks, foot travel will be perilous. We own a home on Allerton St, the first street in the east end that connects Bradford and Commercial Streets. It is a small two way street with only six houses that cannot possibly sustain the impact of 24 condo units, either in car or foot traffic. We cannot imagine the impact a development of this size will have, not least of which when cars from 24 units come barreling down the street. We honestly fear that this tiny neighborhood, populated by a mix of year-rounders and natives, (as well as long-time summer families) who care about and for each other, will become endangered.. Our concern is not only for our street and neighborhood, but for the entire town. Any more development of this scope and footprint adds inevitably to the continuous conversation we all have about the way of life that has been lost in Provincetown. When do we say "enough"?

Mary DeAngelis
Marian Roth

*Paula Del Prete
Victoria Barstow*

Michelle Jarusiewicz

From: Paula J. Del Prete <pjdelprete@hotmail.com>
Sent: Monday, March 30, 2015 6:28 PM
To: David Gardner; GWatson@masshousing.com; Michelle Jarusiewicz; Raphael Richter; Cheryl Andrews; Erik Yingling; Robert Anthony; Tom Donegan; Loretta Dougherty; david@atlanticbaysir.com
Subject: 350 Bradford St, 02657-40B Housing Proposal

Dear Sirs and Madams;

I write to you this evening with great concern over the proposed 24 unit building at 350 Bradford St. I am most concerned about the size, scope and lack of aesthetics of this project. I am all for more affordable housing in Provincetown, but not at the expense of having this monstrosity build in Provincetown. This building does not fit in with the neighborhood and would be an eyesore. I'm also concerned about the size of the building and the proposal of "building into" the dune.

We don't need anymore high end condos in town. What we need is housing for year round residents that is safe, clean and affordable. Why doesn't the town buy this land and put in 4 buildings with 4 units in each? I'm a resident of Bay Colony Condos, just up the road. I'd prefer to see something on a scale of the Bay Colony buildings be built on this site.

I'm also concerned about the effect that a project of this scope with have on the environment. I believe this parcel of land is in a flood zone. The lot is simply not big enough to house a project of this size.

Please think about the small hamlet that Provincetown is and should always be.

*Paula J. Del Prete and Victoria T. Barstow
690 Commercial St. 14 B
Provincetown, MA 02657*

John Douhan^{III}

Michelle Jarusiewicz

From: John Douhan <jdouhan3@msn.com>
Sent: Thursday, April 02, 2015 12:34 PM
To: Loretta Dougherty; Michelle Jarusiewicz
Cc: John Douhan
Subject: Message from John Douhan, 577 Commercial St. for Board of Selectmen and Michelle Jarusiewicz

PLEASE INCLUDE THIS LETTER IN THE RESIDENT COMMENTS RELATED TO THE 40B APPLICATION REVIEW AT TONIGHT'S MEETING OF THE PROVINCETOWN BOARD OF SELECTMEN

2 April 2015

To: Provincetown Board of Selectman and Michelle Jarusiewicz, Community Housing Specialist
From: John Douhan III, 577 Commercial St. Unit 2E, Provincetown MA 02657
Re: 40B application, 350 Bradford St., Provincetown, MA 02657

Dear Selectman and Ms. Jarusiewicz,

My partner and I have owned a home at 577 Commercial Street in the East End of Provincetown for over 10 years. We care deeply about the character and fabric of the community. And we appreciate the need for affordable housing in Provincetown.

I write today, though, to voice my strong opposition to the proposed plans for development at 350 Bradford St. There are several critical issues which make the proposed project unsuitable for the site.

1. Density of development of the site. The current site is zoned for 9 units while the plans call for construction of 24 units.
2. Height of building. The proposed height of 45 feet is simply out of scale with other buildings in the neighborhood.
3. Siting within a flood zone. This is an area that frequently floods following heavy rains.

There are specific guidelines for Design Elements of 40B applications. The implementing regulations for the law are found in 760 CMR 56.00. Within section 56.04(4) of those regulations, entitled Findings in Determination, there are a number of terms to consider related to use and design. The relevant subsections read as follows:

“(b) that the site of the proposed Project is generally appropriate for residential development, taking into consideration information provided by the municipality or other parties regarding municipal actions previously taken to meet affordable housing needs, such as inclusionary zoning, multifamily districts adopted under M.G.L. c.40A, and overlay districts adopted under M.G.L. c.40R, (such finding, with supporting reasoning, to be set forth in reasonable detail);

“(c) that the conceptual project design is generally appropriate for the site on which it is located, taking into consideration factors that may include proposed use, conceptual site plan and building massing, topography, environmental resources, and integration into existing development patterns (such finding, with supporting reasoning, to be set forth in reasonable detail);”

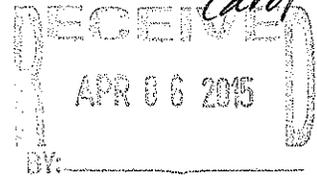
I would argue that this proposal does not meet either criterion. I strongly urge Town officials to oppose this plan.

Sincerely,

John Douhan III

4/4/2015

Attn: Michelle Jarusiewicz
Zoning Board
Historic Board
Conservation Board
Planning Board
Board of Selectman



Deborah Dinnire
Carol Card

Re: 350 Bradford Street

We are extremely concerned and horrified about the proposed development and its enormity both in height as well as numbers of units.

Currently our neighborhood is quintessential Cape Cod; cute cottages, historic homes and small scale condo developments.

This monstrosity would look out of place, and unappealing to the neighborhood.

It would increase the traffic substantially along at this very busy fork off GA and the probability of accidents would be of great concern.

This new project would change the character of our community. We would

no longer have the peace and quiet
that we appreciate and love about
our neighborhood. Now we go to
sleep listening to the fog horns and
wake to the birds chirping. Noise
has never been an issue before.

Having proposed underground parking at this site
is unfathomable. The parking lot floods every
spring.

We hope you take all these concerns into
consideration. Please understand that we are
outraged about this proposed development and
will unite with all our neighbors to ensure
this project gets scaled down significantly.

Thank you for your time and consideration
of this very upsetting matter.

Deborah Dumire / Deborah Dumire
Carol Card / Carol & Carol

14 Bradford Acres Rd.
Unit C
Princeton, Ma.

Robin Evans #1
✓

-----Original Message-----

From: Lincoln Sharpless [mailto:rqe_lks@verizon.net]

Sent: Monday, March 30, 2015 7:27 AM

To: David Gardner; CWatson@masshousing.com

Subject: 350 BRADFORD ST BPJC,LLC

Dear Mr. Gardner and Mr. Watson

I am writing to voice my adamant opposition to this proposed condominium development at 350 Bradford St.

Its scale is not suited for the neighborhood.

It should not be given preference for a sewer hook-up.

Its 40B status is in question in a town whose need for affordable housing is not of the type outlined.

Please note that only ONE person applied recently for a purchasable affordable unit on Hensche Lane. Only ONE person in this category of people "desperate for housing in town" could afford and qualify for this unit.

This project is muscling into our town through 40B and there is little need for its six units of housing.

I urge you to ask the developer to reconsider his plans.

Thank you,
Robin Evans
644 Commercial St
Provincetown

Robin Evans #2

Loretta Dougherty

From: Lincoln Sharpless <rqe_lks@verizon.net>
Sent: Monday, May 11, 2015 10:46 AM
To: GWatson@masshousing.com; Loretta Dougherty
Subject: 350 Bradford St, Provincetown, Mass

Dear Mr. Watson

I am writing to you to request that your office greatly scale back and reconfigure the 40B proposal set forth for 350 Bradford St in Provincetown.

I am hoping you are able to listen to the taped comments from the Selectmen's meeting of April 29th, especially those of Julia Perry. She spoke of the disastrous effects on her home from the east side of this building complex. It was one example of the undeniable proof that this building is far out of scale for this residential neighborhood.

I also would like to question the proposed "affordable units." I am assuming that the pricing of these units is based on cape-wide median income as it typically is with state funding. Taken as an individual town however, the median income in Provincetown is far less..\$.46,469.

Owner occupied household income median is \$ 70,862.

Renter occupied is only \$ 22, 218.

Looking at these figures, it is hard to imagine tenants or new home buyers in the "affordable " market being able to bear mortgages of \$129,000-186,000.

This sounds of VERY little help to our housing crisis.

It is my understanding that 40B was established with an intent to counter snob-zoning. If you would delve into the history of this town, you would realize that this has been a non-issue from the start. The only opposition put forth has been over the loss of open space, not over our low income population.

Thank you for your consideration of this matter. It is of tremendous importance to not only our neighborhood but our town.

Robin Evans
644 Commercial St

Amy Fein

May 4, 2015

Members, Board of Selectmen
Board of Selectmen
Town of Provincetown
260 Commercial Street
Provincetown, MA 02657

Dear Board of Selectmen:

I am a direct abutter on the west boundary of 350 Bradford St. I own the condominium at 3 Thistlemore Rd., Unit A. I am writing to voice my strong objections to the development at 350 Bradford St that has been proposed by BPJC, LLC, which is currently seeking 40B approval from the Commonwealth. I am asking that you and all other Provincetown officials take all measures available to oppose the development as proposed.

The current proposal will substantially destroy the beneficial use and enjoyment of my property. Every important component of the proposed development of 350 Bradford is unreasonable and unsuitable for abutters, as well as the HotL site, itself. It is patently clear that my 2-story, 2-unit residential condominium will be detrimentally and permanently impacted by the proposed height, scale, magnitude, mass, volume, intensity of development and density of the development. The sunlight and air flow that my property currently receives will be dramatically obstructed and diminished. The wildlife will be entirely displaced. The proposed 4 story building includes a parking level that is below grade at least the length of my rear property line. Excavation and displacement of the dune within about 10 feet of the entire length of my property is being proposed. Adverse consequences to the water drainage and stability of my land are clearly foreseeable. The proposed development is a boomerang shaped building holding 24, 1-3 bedroom units with balconies in front all facing in the direction of my property. The rear portion of the 4 story building would be within about 10 feet of my back property line. Also, air exchange units and other machinery on the building's roof not only cause further obstruction, but will produce unpleasant noises and vibrations that do not exist in this east end neighborhood.

A building of this magnitude and design within the confines of the 350 Bradford St parcel is outlandish whether or not it includes affordable housing units. The proposal is fundamentally flawed and the developer's request for section 40B approval should be denied. Section 40B was not intended to be used for a development of 350 Bradford St. as is proposed.

Many, many people are opposed to this development in its current form. Please note my agreement with the many objections town officials have received. The only people who are not opposed are those who stand to enjoy a financial benefit from the development, no matter how incongruous it is with every aspect of the neighborhood and our town. As officers of the Town of Provincetown, by the very nature of your position you will leave behind a legacy of decisions on many matters. This is an enduring decision; one that will have a lasting impact on everyone as they enter our town from Snail Road.

For the reasons that I have mentioned above, please do not support the developer's 40B request and require that any proposal for the use of the 350 Bradford St. parcel meet Provincetown's requirements for development.

Thank you for your consideration and assistance with this troubling matter.

Sincerely,

Amy Fein
3 Thistlemore Rd., Unit A
Provincetown, MA 02657

Peter Giacalone

April 26, 2015

Dear Ms. Jarusiewicz,

As a concerned 15 year property owner of 346 Bradford Street, which is next to the proposed site of the former HotL/Michael Shay's Restaurant, I am writing to inform you that I am opposed to the proposed 40B development plan.

I have read the article in The Banner as well as other articles on Social Media. Every empty space in Provincetown does not need to be used for such a project. As is well known, the developer is utilizing the 40B Statute to bypass local zoning laws and build a 45 foot structure where current zoning laws only permit for 33 feet. As you are well aware, since FEMA has re-drawn the town map, that area is now in a flood zone which also raises significant concerns about an underground parking area for the proposed 24 unit complex. The scope of the project is too dense for the plot of land and will cause destruction to the dune and coastal bank. The project will also cause noise and overcrowding. I had moved to the East End to avoid this issue. Everything can't be a financial issue at the expense of nature and preservation.

It is my hope that a decision of 'no approval' be handed down and that the 40B development will be prohibited from moving forward.

Thank you for your attention to this matter.

Respectfully,

Peter J. Giacalone

Julia Gilmore

Michelle Jarusiewicz

From: Julia W. Gilmore <ptown@midmaine.com>
Sent: Saturday, April 04, 2015 4:35 PM
To: Michelle Jarusiewicz
Subject: Provincetown - 350 Bradford Street

From: Julia Gilmore, 647-649 Commercial Street

To the Selectmen of Provincetown:

I've been coming to Provincetown my whole life since my parents bought 649 Commercial Street before I was born in 1950. The neighborhood has stayed very much the same all of these years since the children have continued owning the properties after the previous generation moved on. One from that generation is still there so it seems very similar in many ways. Now our children are also carrying on, which is very sweet.

I remember going to Ho Jo's as a kid, and getting free ice cream from them when the power went out. It changed hands several times but we would still go there and enjoyed having a nice restaurant in the neighborhood. I was sorry that Hot L didn't continue and have looked forward to the next restaurant that would take it's place.

It's disappointing that the current project could proceed so far without the neighborhood knowing about it. It is also disconcerting that the project could by-pass current regulations, as I understand it, because it includes 25% low income units. It seems the size of a building should be limited regardless of the type of housing. Also, the location may be inappropriate to put in an underground garage since the water may be present at a shallow depth, but I'm not a builder.

Over the years, when a few of the homes in our neighborhood have been rebuilt or added to, it seemed like the rules have been very strict about what could be altered which also makes me surprised that there can be such a drastic change planned at this location. Why should the home owners have to walk such a tight rope when a business can alter things so much? Also, the plumbing for such a large development does not seem to fit in with the underground sewer system that has been challenged over time.

Thank you for examining the inconsistencies of this plan that seem to avoid current legal and environmental rules as well as the neighborhood.

Sincerely,
Julia Gilmore

Claire Hamel ✓
Ellen Schwartz

RECEIVED
BOS - Vermont *LD*

APR 29 2015

CC: BOS/TM/ATM

April 25, 2015

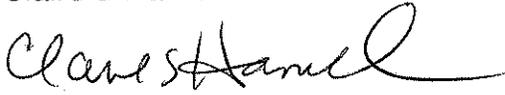
Dear Board of Selectmen,

We are opposed to the proposed development of the Hot L restaurant site as it is now stated.

Please forward our view to the state agency considering the 40B petition.

Thank You,

Claire S Hamel



Ellen J Schwartz



3 Thistlemore Road
Provincetown, MA 02657

Suzanne Harding

Michelle Jarusiewicz

From: Suzanne Harding <suzharding8@gmail.com>
Sent: Tuesday, April 28, 2015 11:27 AM
To: Tom Donegan; Erik Yingling; Cheryl Andrews; Raphael Richter; Robert Anthony; Loretta Dougherty; David Gardner; Michelle Jarusiewicz
Subject: Proposed development at the former Michael Shays/HOT-L site.

Greetings Selectmen et al,
I hereby DO NOT support the proposed development at the former Michael Shays/HOT-L site. Between the Zoning, Building and Conservation issues this is a bad idea and poorly thought out. As a town we can do better than this.
Best Regards,
Suzanne Harding

Ben Hayes

Michelle Jarusiewicz

From: benjamin hayes <hayesbj283@aol.com>
Sent: Wednesday, April 01, 2015 5:12 PM
To: Michelle Jarusiewicz
Cc: hayesbj283@aol.com
Subject: RE: Michael Shay

After years of being told that the goal is to preserve the historical nature of Provincetown, here comes a modern housing development squeezed into a narrow slit of land in the historic east end.

Although a "concession" to provide low income housing has somehow trumped all zoning requirements, I see an inequity and unfortunate lampoon of Provincetown government. We can't find someone to manage the town so in the interim, a handful of opportunists force through something that a popular vote would put down easily.

Who runs the town? Fewer than one dozen people, or the majority. The Pilgrims, conservative as they were, would be outraged. If by-laws are to be ignored then a popular vote is fair. Or will there be no rules at all?

BEN HAYES
634 Commercial Street
Family Owned since 1920.

*Bob Hazard
Helene Watt*

Pueblo Housing

My name is Bob Hazard, Helene Watt and I have owned a home at 652 Commercial St. since 1992: a year-rounder for the last eleven. The back of our property faces the 350 Bradford lot. We do not generally oppose housing; but we do oppose this type of development as the overall style and density is not a good direction for the character of Provincetown. The following is our reasoning of this objection.

At about 1150 AD in the Southwestern portion of what is now the United States, a tribe known as the Pueblo Indians started constructing with adobe mud and stone, multistoried attached homes. The first story was used for storage; with housing units built on the roof of each succeeding level which were stepped back to allow decking and access. Most were four or five stories high. Many were built into the side of steep cliffs as a defense against neighboring tribes. This construction technique has proved to be a very efficient use of materials because it reduces the number of walls as units are attached to one another. It has a high housing density, with a small footprint.

Today on 350 Bradford St. at the existing site of Michael Shay's restaurant, a developer known as Chris Wise is seeking approval to have constructed with steel, concrete and brick; a Modern Pueblo building four stories high (45 ft). The first level is intended for automobile storage; with the next three levels built to provide twenty four condominium units, (six of these are classified as affordable). By the use of retaining walls, this L shaped building will be inserted into a steep sand dune; even though in general the neighboring peoples are not a threat. Instead this is done to get maximum utilization of the lot. Again, this pueblo construction technique has proved to be a very efficient use of materials because it reduces the number of walls as units are attached to one another. It has a high housing density, with a small footprint.

The height, density, placement and many other factors exceed Provincetown zoning rules, but may be allowed under Mass 40B due to 25% of units being classified as affordable units.

The first level is in an apparent flood plain; it exists today as a parking lot and it often floods due to heavy rains. This is referred to by locals as "Lake Shay". Two attempts to add drainage have not abated this problem.

It is up to our Selectmen, Town Planner and Planning Committee to decide if they recommend this modern pueblo style development. If it is allowed to build structures like this, it will open the floodgates to the beginning of "New Provincetown" developed using the tool of 40B to build high density 4 or 5 or 6 story buildings; as long as it is profitable. This decision not up to us in the East End; it is up to our selectmen.

Also it is worth noting, that in last few years we have lost restaurants which provided customer parking; Wuthering Heights, Silver's Seafood, The Moors and now Michael Shay's. We will never get these restaurant zoned spaces back. It is up to community planners to assist in keeping a meaningful balance of resources necessary for a good functioning community.

These are some of the reasons why we at 652 Commercial St. oppose this type of development; we feel the overall style and density is not a good direction for the character of Provincetown.

Bob Hazard & Helene Watt

Cheryl Imbrascio

TO: Zoning Board

FROM:

SUBJECT: Proposed Condominium Complex at 350 Bradford Street

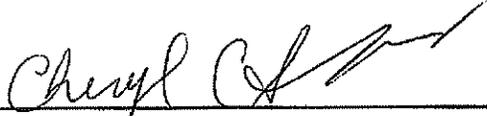
I own the property located at 348 Bradford St unit B While I was aware that the abutting property 350 Bradford St, was purchased by a developer who planned to erect condominiums on the site, I fully expected that the condominiums would be similar to the style and dimension of the surrounding residential properties. That is, I assumed they would be consistent with and confirming to the town's zoning regulations. Instead, the proposed project is a twenty-four unit, three story, non-conforming monstrosity entirely too large for the parcel of land upon which it would sit.

Due to the low water table in this area, the planned underground garage most certainly will flood during heavy rainstorms and thereby increase flooding to the neighboring properties. We have experienced heavy flooding in the parking lot spilling over onto my property whenever there's a normal rain-storm. And, the water takes days to recede. This has been brought to the town's attention over the years with no resolution suggested.

Further, it is my understanding that a substantial number of units will be subject to weekly rentals. Undoubtedly, this will result in considerable traffic congestion and increased noise from renters in what is now and always has been, a very quiet residential area.

In short, the project is completely inappropriate and out of character with the surrounding properties. It is entirely too large and threatens to undermine the sand hill upon which other homes are built and will cause flood damage to the abutting properties during and after construction.

As a concerned abutter and long time resident of the East End, I urge the Zoning Board to reject this proposed project and/or approve a substituted plan that provides a significant reduction in height, size, and impact to this residential neighborhood.



Signature / Date

4-20-2015

Joe Joyce

April 9, 2015

Town of Provincetown
Acting Assistant Town Manager Michelle Jarusiewicz
260 Commercial Street
Provincetown, MA 02657

Dear Acting Assistant Town Manager Michelle Jarusiewicz:

I own 3 Thistlemore Rd, Unit A, which directly abuts 350 Bradford St and am writing to voice my strong objections to the proposed development at this location by developer BPJC LLC.

It is unfortunate and completely disingenuous that the developer is using 40B to slam this through. Initially, I was very excited when the Hot L property went up for sale; I saw it as an opportunity to redo a derelict and unkempt property. I still hold out hope that Provincetown officials will demand the developer scale back and address the serious concerns everyone is raising about the proposal. The current proposal creates public safety and health issues, destroys the neighborhood and negatively impacts our property values.

Many, many people are opposed to this development in its current form. The only people who are not opposed are those who stand to enjoy a financial benefit from the development, no matter how incongruous it is with the neighborhood or how illogical the proposal is. As an officer of the Town of Provincetown, by the very nature of your position you will leave behind a legacy of decisions on many matters. This is a big decision; one that impacts one's immediate impression of the town and severely impacts many homes in the East End neighborhood. I strongly encourage you to demand the developer scale back the proposal for the reasons cited below.

Fire Concerns

I believe the fire department insisted on a large turn around area to access the 3 houses Brad Locke is building behind the Hot L. Why has there been no consideration to being able to access the back of the building at 350 Bradford St? Given the way the building is situated and designed, people will not be able to be helped or saved if there is an emergency.

Water Displacement

Currently when it rains, there is a puddle at least 6 inches deep and 30 feet wide that forms to the left of the property (when facing the property). Where does that water go once that building is built and the water runs off the roof or when the water table is disrupted by the underground parking? Into the yards and basements of Thistlemore Rd properties! What is the water displacement strategy and how is it enforced when the developer leaves? Since this is built in a flood plain, the water will mix with the installed septic system and create public health and safety issues, not to mention the resulting contamination of our yards as the sewage water seeps into it.

Excavating the Sand Dune Behind the HOT L Building

The proposal is to tear out 35 feet of the sand dune behind the building. I think we all know that this will destabilize the buildings on top of the hill, both Jim Turner's property and the buildings

Brad Locke Development is building. Their structures will be compromised. I find it ironic that less than a ¼ mile away sits the National Seashore where dunes and trees are protected and nurtured, yet the developer wants to totally destroy this sand dune. Cutting 35 feet into the sand dune is excessive, reckless and will destabilize the properties behind it.

Trash

The current proposal calls for trash bins to be along the fences of the properties along Thistlemore. This provides a haven for mice, rats and disease not to mention the stench and noise from garbage trucks. This destroys any pleasant outdoor backyards that we have created. This is really has to be rethought.

Building Size

The proposed building is completely out of scale and character with the East End. The proposal is for a building 45 feet high and comes within feet of each abutter's property. The East End is a neighborhood and this will destroy the feel and fabric of the neighborhood. This is one of the main entrances into Provincetown and it will look like Best Buy or Target has arrived. This proposal, if allowed to move forward with no signature reduction in scope WILL negatively impact our property values. The scale and design of the building will have a devastating impact on the neighborhood. I find it incredibly sad that the developer is using 40B as a means to justify this development. I believe we all know this is NOT about affordable housing. I encourage you to visit the site and look at the Turner property behind the Hot L. The top of the proposed building will come to the second story deck of their property. This size is RIDICULOUS.

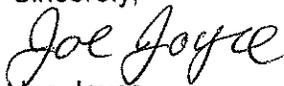
Lighting

With the proposed design there will be 3 units facing the back of our property. This is where we sit out every night during good weather. We will now have to contend with flood lights and outdoor lighting that will illuminate our backyard. Who are we to address this to once these lights are in place? The 350 Bradford St condo association will have no impetus to rectify the situation. If you have ever been impacted or have had to address flood lights, you realize that this is a very real concern.

The issues with this proposed development are very serious and will impact the East End and Provincetown for decades to come. I implore you to have the developer address these situations with a reduced scale development and better thought out design. A design that does not create public safety and health issues and does not destroy this area of the East End as the proposal by BPJC LLC does.

Thank you for your time and consideration.

Sincerely,



Joe Joyce

3 Thistlemore Rd, Unit A
Provincetown, MA 02657

Lynn Kappelman

Michelle Jarusiewicz

From: Loretta Dougherty
Sent: Monday, April 27, 2015 1:34 PM
To: Cheryl Andrews; Robert Anthony; David Gardner; Loretta Dougherty; Elisabeth Verde; Erik Yingling; Michelle Jarusiewicz; Raphael Richter; Tom Donegan
Subject: FW: 350 Bradford-Hot L site

Selectmen,

FYI

Loretta

Loretta Dougherty

Secretary to Board of Selectmen
508.487.7003
selectmen@provincetown-ma.gov
ldougherty@provincetown-ma.gov

Town Hall
260 Commercial Street
Provincetown, MA 02657

From: Kappelman, Lynn [<mailto:LKappelman@seyfarth.com>]
Sent: Monday, April 27, 2015 1:30 PM
To: Michelle Jarusiewicz; Loretta Dougherty
Subject: 350 Bradford-Hot L site

As a homeowner in Provincetown, I am frankly shocked that the 40B petition to develop a multi-unit property at 350 Bradford Street in Provincetown has even passed the first round of review by the Massachusetts Housing Authority. I am certainly not opposed to having these developers build a multi-unit condominium in the Cape Cod style, at the height, and with number of units, that Provincetown zoning laws allow. However, the current proposal is totally unreasonable.

The developers submitting the current 40B petition on the Hot L site at 350 Bradford Street are merely manipulating a law intended to promote affordable housing so that they may ignore the well-reasoned local zoning laws and jump to the head of the building permit line with their project. Please do not send the wrong message to the scores of hard-working developers who follow the local zoning rules, wait their turn for permits, and maintain the environmental equilibrium, by allowing these outsiders to profit by manipulating the system. The current request to exceed the zoning laws so they can build 24 units, and exceed the height limits at 350 Bradford Street, is a thinly veiled effort by these developers to line their own pockets and it is certainly not for the public good. Please deny this petition, or blue pencil the plan so that it complies with the local height and size ordinances for such buildings in Provincetown. If you drive around this part of Cape Cod, nothing looks like the artist's rendering of this proposed building, for good reason--it should not be here.

Please feel to contact me at the address below if you have any further questions.

Lynn Kappelman
3 Harbour Drive
Provincetown, MA

02132

Lynn A. Kappelman | Seyfarth Shaw LLP
World Trade Center East | Two Seaport Lane | Suite 300 | Boston, Massachusetts 02210-2028
Direct: +1-617-946-4888 | Mobile: +1-617-699-3490 | Fax: +1-617-790-5360
lkappelman@seyfarth.com | www.seyfarth.com

SEYFARTH
SHAW

The information contained in this transmission is attorney privileged and/or confidential information intended for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any use, dissemination, distribution or copying of this communication is strictly prohibited.

Elise Kaufman

Michelle Jarusiewicz

From: Elise Kaufman <elise@sghenchy.com>
Sent: Wednesday, April 08, 2015 4:46 PM
To: Michelle Jarusiewicz
Subject: 350 Bradford Street, Provincetown

Dear Ms. Jarusiewicz,
Please forward this letter to the Selectmen and any other town Boards considering this application. Thank you very much.
Sincerely,
Elise Kaufman Henchy

Via Electronic Mail
Re: 350 Bradford Street , aka former "Michael Shays"

April 8, 2015

To Whom It May Concern (Provincetown Board of Selectmen, ZBA, etc.)

I am writing to you to add our names to the many neighbors and abutters who have already written, in opposition to the proposed development of the former "Michael Shays" restaurant (350 Bradford Street). My husband, Seamus Henchy, and I have owned our property at 620 Commercial Street, for over 20 years. Like many who's relationship with Provincetown extends over a long period of time, we have noted how real estate development throughout Provincetown has resulted in the erosion of some of its finest qualities. Its natural coastal beauty, the quaintness of its streets, the tolerance of its inhabitants, coupled with beautifully scaled, vernacular architecture, continues to bring visitors from all over the world to town, year after year. Indeed it was those very qualities that drew many of us here in the first place, to raise families year-round or to be seasonal residents - many families over generations.

While no one would suggest that property owners ought not to have the right to alter and/or develop their property (within the boundaries of the law), it's important to acknowledge that on occasion, poorly conceived and planned real estate development transactions in Ptown have been detrimental to the historic fabric and vernacular architecture (which have been defining characteristics and assets of the town). This has happened despite the excellent work and oversight of various Town boards (Historic Commission, etc.). We, on the East End, have been relatively fortunate; the neighborhood's authenticity has remained largely intact. The owners of properties in our portion of the East end, have generally recognized the imperative of maintaining/upgrading their properties in a manner which preserves authenticity, respects the fabric of the locale and therefore the area continues to remain a peaceful and quiet residential area. A development of the scope and nature proposed for 350 Bradford would quickly, surely and absolutely compromise this. The increase in population and requisite expansion of infrastructure that an enterprise of this scale/size would require is so out of scale with the neighborhood, that it would certainly obliterate and destroy the precious atmosphere of this neighborhood, that all residents and visitors to Ptown currently enjoy.

The quality of "Peacefulness" as asset may be overlooked or ignored because it is difficult to measure and quantify. It is nevertheless a vital component of "preservation". As such, it is incumbent upon the Town to protect it, as it would any other resource. Please recognize that certain aspects of Provincetown (those which are immeasurable) remain its most valuable assets. Protecting them will ensure that Provincetown

remains a destination and a loved place, for many, from all over the world. I urge the Town to take an active stand as a steward of preservation. Please re-consider and deny 350 Bradford's application.

Sincerely, Elise Kaufman (620 Commercial Street)

www.elisekaufman.net

(917) 370-8643

Daniel Kearney

Michelle Jarusiewicz

From: Daniel Kearney <dan.kearney@sbcglobal.net>
Sent: Thursday, April 02, 2015 12:15 PM
To: Michelle Jarusiewicz
Subject: the proposed development of 24 ownership condo units for 350 Bradford Street [formerly Michael Shay's]

Hello,

I am an East-end homeowner at 638 Commercial street. I would like to go on record as being opposed to the high-density development of the property at 350 Bradford street. I understand that this property is zoned for multi-unit development, yet the plan as I understand it is pushing the envelope way too far. I feel Provincetown's character is threatened by excessive density. Let's work to keep Provincetown a place we can be proud of, lest it become a mega-mall with endless suburban/urban sprawl flowing over the countryside.

Please include my opinion in the upcoming PUBLIC MEETING, Thurs. April 2nd, Board of Selectmen 5PM.

Sincerely, Daniel Kearney

Amy Koff
Karin Gilbert

Michelle Jarusiewicz

From: ABK <boing@comcast.net>
Sent: Saturday, April 11, 2015 9:49 AM
To: Michelle Jarusiewicz
Subject: 350 Bradford Street Project

4/13/15

Michelle Jarusiewicz
Town of Provincetown Housing Office
26 Alden Street
Provincetown, MA 02657

Dear Ms Jarusiewicz:

We are writing in regards to the proposed project at 350 Bradford Street. We welcome the addition of much needed affordable housing in Provincetown. However, given the size of the lot we feel 10-12 units are more appropriate and could accommodate above ground parking. The lot on the town end is frequently flooded. Furthermore, why not require the developers to increase the percentage of affordable housing to 50/50?

Sincerely yours,

Amy Beth Koff
Karin Gilbert
14G Bradford Acres Road
Provincetown, MA 02657

Lyn Kratz
Pam French ✓

Loretta Dougherty

From: Lyn Kratz <lynkratz2@kratzworks.com>
Sent: Tuesday, April 28, 2015 3:27 PM
To: Loretta Dougherty
Cc: Cheryl Andrews; Louise Venden
Subject: Letter to be read into record for BOS public hearing 4/29 - 350 Bradford St.

Loretta:

We are out of town, but otherwise would have come to make our statement in person. Please pass this on to the selectmen for their consideration:

April 26, 2015

Dear Provincetown Selectmen,

We write in opposition to the proposed building plan for the old Michael Shays property. The plan is for a building project way out of proportion to the culture and appearance of our little town. The 200 foot long building cuts in to a coastal dune and alters a coastal bank in a flood zone, which should never be allowed. It will be 45 feet high which will totally wreck the neighborhood around and above it.

We are very supportive of affordable housing and, in fact, own several properties that we rent year round affordably, but housing should be added in a sensible way. Sensible does not mean mass building projects out of proportion to the town, which only benefit the developers.

Sincerely,

Lyn Kratz and Pam French

17 Bayberry Avenue

Provincetown, MA 02657

Paula LaPalma
Laura Liscio

From: Paula LaPalme [<mailto:plapalme@yahoo.com>]

Sent: Thursday, April 02, 2015 2:10 AM

To: Michelle Jarusiewicz

Subject: HotL 40B permit

Good Morning Michelle:

We own 642 Commercial Street, approx. 5 houses down from the former Michael Shay's (HotL) property. We have been advised of the intended project and 40B permit meeting being held later today. Unfortunately, we are unable to attend, however we wish to express our deep concern and questions about the proposal being put forward. Would you please be so kind as to circulate our e-mail to the Board of Selectmen and any other Committees or Town officials you feel are appropriate (thank you).

Our reactions and questions:

- The East-End is charming and full of character dotted with single family homes. It is also a respectful and quiet community. The sheer size of the proposed project is enormous and over-the-top. Quite frankly we were shocked when we saw it. Further, the design doesn't compliment, or fit with the style of homes in the area.
- It's important to preserve and protect historic icons. A restaurant has been at this East-End location for generations - it is also very much needed.
- We assume this property is commercially zoned? If so, why are residential condo's being considered?
- What is the environmental impact of such a large-scale project on fragile lands?
- What will happen to local systems in terms of capacity, e.g. water, sewer?
- How much construction disruption will this cause for the neighborhood and for how long?
- We are very concerned with traffic, noise and parking in the East-End. Currently visitors park on Commercial and Bradford Streets taking spots we residents use. It is common to see people park, take a rolling suitcase and head off into town for a week or more at a time. They enjoy "free parking" while us owners are forced to find alternatives. And to make matters worse - these same visitors are now broadcasting "free parking in the East End" to their friends via social networks (as we were informed by a visitor). A project of this scale will increase visitors, traffic and noise. As a result, more services from the town will most likely be needed. How will our concerns for traffic, noise and parking be addressed?
- We agree something must be done with HotL, however, we believe what is needed is to restore the property to its original purpose - an affordable, family style restaurant (serving breakfast, lunch and dinner) with adequate parking for patrons. This would provide local jobs, preserve a beloved icon, provide tax benefits to the Town and fill the need for a restaurant at this location. We are not in favor, or believe a mega condo-complex is the right answer.

We appreciate your review and consideration of our concerns and questions, as well as those of our neighbors.

Cordially,

Paula LaPalme

Laura Liscio

642 Commercial Street

Provincetown, MA

Louis Lima

Michelle Jarusiewicz

From: lufkinpt@aol.com
Sent: Tuesday, April 28, 2015 8:06 PM
To: Loretta Dougherty
Cc: Michelle Jarusiewicz
Subject: 350 Bradford St. Development

To: Provincetown Board of Selectmem

I am writing to voice my opposition to the 40B development at 350 Bradford Street. I have been a full time resident of Provincetown for ten years and feel that this development is totally contrary to the character and uniqueness of Provincetown. We moved here, because of the small scale and distinctive nature of this town. The scale of the proposed building, especially the height, in this particular neighborhood, is contrary to the character that has made this town special for so many people, especially, it's full time residents. Our quality of life is under attack by this proposal and it is incumbent that this board, as our elected officials, do everything possible to curtail this project so as not to have any negative impact on the immediate neighborhood as well as on our community as a whole.

Louis Lima
11 Oppen Lane
Provincetown, Ma

Sent from AOL Mobile Mail

Nanette + Roger Locke

Loretta Dougherty

From: Roger Locke <rslocke@comcast.net>
Sent: Thursday, April 02, 2015 2:18 PM
To: Loretta Dougherty
Subject: Proposed Development for 350 Bradford St.

April 2, 2015

Tom Donegan
Chairman
Board of Selectmen
Provincetown, Ma 02657

Re: Proposed Development for 350 Bradford Street

Dear Mr. Donegan and Members of the Board:

We have many concerns about the proposed project for 350 Bradford Street which last housed the Hot'L restaurant in the historic East End of Provincetown.

As homeowners of 682 and 676 Commercial Street just to the east of the project, we have done our part to maintain our property in a manner that is in keeping with the character and historical significance of the town. From the time of my grandfather Max Bohm's purchase of Grand View at 676 Commercial Street in 1918, the Locke/Bohm families have maintained our property in the spirit of good neighbors true to the essence of our small village atmosphere.

The scale of this proposed project is completely overwhelming for the size of the existing lot. Like our property and that of our neighbors, we are along the route that is often the first to be seen by visitors to Provincetown. It's difficult to imagine a massive looking structure of 3 stories in a neighborhood of much smaller homes.....so inappropriate for our small Cape Cod town.

Also, it has to have a detrimental impact on the adjacent homes from a flooding standpoint. We have often noticed a small lake in the left hand side of the parking lot after a heavy rainfall. Isn't there an underground parking lot proposed in this flood plain? And won't this invasive project undermine the dune that sits directly behind it?

There a need for housing of all types paired with responsible development but this project is an insult to the integrity of the neighborhood and it should be stopped.

Sincerely,

Nanette and Roger Locke
682 Commercial Street
Provincetown, Ma 02657

Anthony Lustigman #1

April 1, 2015

Ms D Van Alstyne
Assistant Town Clerk
Town Hall
Provincetown
Ma 02657

dvanalstyne@provincetown-ma.gov

cc. Ms G Macpherson
Town Planner
gmcpherson@provincetown-ma.gov

cc. Ms E Read, East End Defense Group
capesquad@mac.com

Dear Madam

For the attention of: Acting Asst. Town Manager/Community Housing Specialist Michelle Jarusiewicz mjarusiewicz@provincetown-ma.gov

Meeting April 2nd, 2015 Re: 40B Application, 350 Bradford Street, Provincetown, Mass 02657

I respectfully object to the 40B Application submitted on behalf of Christopher Wise, BPJC LLC, Wiseliving, dated February 2nd, 2015.

I am aware that many objectors suspect that the developer is abusing the 40b planning process by building 6 affordable units in order to make huge profits from the remaining 18 private units opposite the beautiful and valuable historic district and seashore. (Tellingly, the developer does not mention in his application that the site directly faces and impacts the famous historic district).

The site is zoned for 9 units. The developer proposes 24 units in total, with underground parking, in buildings of some 45' in height. This is overbuilding on a grand scale for maximum profit only. The developer could have submitted a sympathetic proposal for 9 units, with 25% of them affordable, but clearly the profit margins are driving this application under the 40b umbrella. This type of development is usually seen along highway and main artery roads, not in the middle of a unique historic district. There is nothing altruistic about the proposal.

The site is located in the far East End of Provincetown, which is the gateway to the town. In the main, the homes are single family summer use properties. It is quite far from the school, shopping and other amenities. There are no convenience or other stores nearby and the site is regularly flooded when it rains.

The development as currently proposed will be a blight on the neighborhood. It is out of proportion to every building in a wide radius in the vicinity. To allow this development must be the foot in the door to anyone else who wishes to build apartment buildings in

this neighborhood for maximum profit by grossly inflating the number to be built in order to satisfy the 25% affordable requirement and still make a massive profit. The town has been assiduous in curbing homeowners from building decks, changing their front doors, adding roof decks, replacing a window, adding curb cuts and so on in order to preserve the unique character of the town, yet what is actually a blight on the landscape appears to be permissible and will irreparably damage the town in future years. There is a reason why there are no hotels other than the Surfside Arms on Commercial Street. It replaced a quaint inn, is of a bulk and mass that dominates the street and was realized to be a mistake – but too late. And there is nothing affordable about it. To this day the locals still call it the 'green monster'.

I make no comment on the technical aspects of this 40b application, including the effect of building in the flood zone or damage to the coastal dune it abuts on which several local houses are built but I understand there will be several expert opinions and private objections provided in due course.

I have visited Provincetown from London, England nearly every year for over forty years to stay in my wife's family property in the historic district which has been owned them for nearly 60 years. I can honestly say that I have never seen anything close to the historic district of Provincetown anywhere in England or Europe.

The photographs of the immediate vicinity to the site, attached to the 40b application, are all of houses in the historic district, including ours. Those houses have been painted and photographed by generations of vacationing artists and families. They are all about 100 years old, some even more.

They have, quite rightly, been vigorously protected by local legislation but the owners have also lovingly maintained them because they treasure the unique qualities of the area. Many home-owners, including myself and my wife, are not wealthy. We could not afford to buy our house today. The season in Provincetown is short. We forgo living in our house in order to rent it throughout the high season in order to secure the funds necessary to implement the constant repairs and maintenance, and high taxes levied by the town. We go there when we can and we are not unusual. Up and down the street in the historic district and throughout the town is the same scenario. And the tenants we rent to in turn contribute to the economy of the town. They eat in the restaurants, rent bikes from the bike shops, sail on the harbor boats, buy things in the shops, go the theater, use the supermarket (which is the most profitable store in the entire Stop and Shop chain simply as a result of the summer season) and support local businesses and artists. If the beauty of the town is blighted by the proposed development, there are plenty of other places where their unique heritage is treasured for tourists to spend their vacations and dollars.

No one is questioning that the town needs affordable housing. What the town does not need is overdevelopment masquerading as affordable housing. The developer needs to scale back and provide affordable housing within the reduced unit count, although at less of a profit 'killing'. The current 40b application is bad for the neighborhood and bad for Provincetown. Only the property developer stands to gain.

I would appreciate an acknowledgement of receipt of this letter and confirmation that it has been brought before the Board of Selectmen and Ms **Jarusiewicz** prior to the meeting tomorrow April 2nd, 2015.

Yours sincerely,

Anthony Lustigman.

14 Kings Gardens,
London NW6 4PU UK
And 665 Commercial Street,
Provincetown,
MA. 02657 USA

Anthony Lustigman #2 ✓

Loretta Dougherty

From: Anthony Lustigman <Anthony@lustigman.co.uk>
Sent: Wednesday, April 22, 2015 10:45 AM
To: Loretta Dougherty
Subject: Board of Selectmen Open Hearing, April 29th
Attachments: A L Objection Town Meeting REVISED 04 22 15.docm

April 22, 2015

Anthony Lustigman
14 Kings Gardens
London NW6 4PU UK
And 665 Commercial Street
Provincetown 02657 USA

**Mr Thomas N. Donegan,
Chair of the Board of Selectmen
Town Hall
Provincetown 02657**

Secretary to the Board of Selectmen: Loretta Dougherty
ldougherty@provincetown-ma.gov

Dear Mr Donegan,

Meeting April 29th, 2015 Re: 40B Application, 350 Bradford Street, Provincetown, Mass 02657

I urge the Board of Selectmen to recommend to MassHousing the denial of the Applicant's request for project eligibility approval.

I have visited Provincetown from London, England nearly every year of my life since I first met and then married my wife Lisa Fabian over forty years ago. We now have our children and grand-children visiting for the summer.

I feel it is incumbent on me, even as a 'wash-ashore,' to do my best by speaking up to protect this beautiful and unique place for future generations.

The 40B application proposes to build an ugly, blight at the entrance to Provincetown opposite and adjacent to the Historic District.

It is disheartening to hear that even Town Hall officials regard the 40B application as a 'shoe-in' and not worth resisting. Why should that be? The Town Hall should be the source of civic pride and continuing the legacy. It should stand up to builder/developers who seek to damage the town by abusing legislation for personal profit.

No one is questioning that the town needs affordable housing. What the town does not need is overdevelopment masquerading as affordable housing. The 40B application is bad for the neighborhood and bad for Provincetown. Only the property developer stands to gain.

I would appreciate an acknowledgement of receipt of this letter and confirmation that it will be read into the record at the meeting on April 29th, 2015 and all subsequent meetings concerning this issue and application.

Yours sincerely,

Anthony Lustigman.

Regards,

Anthony.

Lustigman & Company Limited
Chartered Accountants

Registered number: 05412775

Manor House, 27 Manor Park Crescent, Edgware, Middlesex, HA8 7NH, UK

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Tel: 020 8905 6757 Fax: 020 8905 6747

Lisa Fabian Lustigman #1
10

April 2, 2015

The Provincetown Board of Selectmen;

Ms D Van Alstyne

Ms G McPherson

Ms M Jarusiewicz

And others

By Email: dvanalstyne@provincetown-ma.gov

gmcpherson@provincetown-ma.gov

mjarusiewicz@provincetown-ma.gov

Dear Board of Selectmen,

Re: 40B Application, 350 Bradford Street, Provincetown, MA 02657, on behalf of Christopher Wise, BPJC LLC; Meeting on April 2nd, 2015

I am writing to urge the Board of Selectmen to write to MassHousing to inform them that the above captioned project is both unacceptable and unbuildable. As a homeowner in the Historic District in the East End, I and others hope that the Town will, through Town Counsel, or by hiring Special Counsel, fight the project at the Housing Appeals Committee and the Courts.

Has the Town conducted an analysis to determine whether the Town is at the 1.5% calculation with regard to subsidized housing? If so, would you please provide me with a copy of the analysis and the calculation? If not, please let me know when the analysis and calculation will be carried out. It is imperative that the Town makes these inquiries – and makes the findings public.

You will already have received emails and letters in opposition to the project, but I wish to draw to your attention three important factors.

1. Has the Town considered that this project is sited in the middle of a flood zone? The site regularly floods when it rains and the restaurant parking lot has frequently been impassable to due to flooding. The property abuts a coastal bank and has a concrete retaining wall. To remove the retaining wall would cause flooding of the down gradient properties – such as mine. The plans cannot have been considered in light of the topography and geography of the location and it would be wholly inappropriate to construct the project, with associated parking, in an area notorious for regular flooding.
2. I am concerned about the plan to construct a 4 foot high retaining wall within 13 feet of one of the neighboring homes. Clearly, the need for the construction of the retaining wall is driven by the developer's need to cram in the dwelling units (and associated infrastructure) on a parcel of land that is too small and too marginal.
3. Has anyone considered that there are no neighboring houses of a height equivalent to 45 feet – and therefore the false claim that that the proposed height of the dwelling units is equivalent to the neighboring houses is just that – false and untrue. Only a magic wand could achieve this sort of fanciful misrepresentation.

I would be grateful if you could acknowledge receipt of my letter and have it read into the record.

Yours sincerely,

Lisa Fabian Lustigman

14 Kings Gardens, London NW6 4PU, UK and

665 and 672 Commercial Street, Provincetown MA 02657

Lisa.lustigman@withersworldwide.com

01144 207 597 6130 (O)

Lisa Lustigman #2 ✓

Lisa Fabian Lustigman
14 Kings Gardens
London NW6 4PU, UK
And
665 & 672 Commercial Street
Provincetown MA 02657

Mr Thomas N Donegan
Chair of the Board of Selectmen
Town Hall, Provincetown 02657
Secretary to Board of Selectmen: Loretta Dougherty
ldougherty@provincetown-ma.gov

April 24, 2015

Dear Mr Donegan

Meeting on April 20th, 2015 re 40B Application, 350 Bradford Street, Provincetown, MA 02657

I originally wrote to the Provincetown Board of Selectmen on April 2, 2015. I attach a copy of that letter for convenience, to which I have had no reply to the questions I asked.

My family has been in Provincetown as summer residents since the late 1940's – renting, owning, contributing to the economy, and loving it for the unique place it is. We are running to 4 generations in our family of Provincetowners.

I am deeply concerned by the attitude of some members on Town Boards, who seem to think that a 40B application is a 'shoe-in'. There seems to be a passive acceptance of the monstrosity proposed for the Michael Shay/Hot'l site in my neighborhood – the Historic District in the East End. This passivity is unacceptable. It makes a mockery of having a protected Historic District.

It also seems that some Town Boards/Committee members/employees were working with the developer over the winter on this project, knowing where it is sited, the character of the neighborhood, the Historic District issues and so forth, and no one thought to give the property owners a 'heads up'. That is very disturbing. Surely a Town Board/Committee member owes a duty to all – not just the developer.

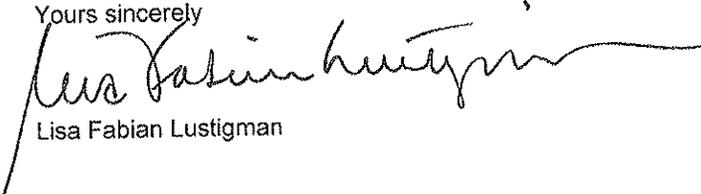
The issue is not affordable housing. No one is opposed to affordable housing. In my letter of April 2nd, I asked the question whether the Town is at the 1.5% calculation relating to subsidised housing and I requested a copy of the analysis and the calculation. I have not received anything. I would now like to know if it is Town policy to permit unattractive overdevelopment provided it includes affordable housing?

I urge the Board to consider the 350 Bradford Street site – the size, the location, the flood plain, the coastal dune, the development around it, the homes around it – before shrugging and saying that 40B trumps all. From my meagre research, I do not believe 40B does.

If this development goes through, we are all 'losers' in Provincetown. Only the developers will be laughing all the way to the bank.

Would you please acknowledge this letter and confirm that it will be read into the record at the meeting on April 29th and at every meeting thereafter where this application is on the agenda. I would also appreciate a reply to my questions in my letter of April 2nd, 2015.

Yours sincerely


Lisa Fabian Lustigman

Carol MacDonald
Marsha Sirota ✓

Massachusetts Housing
Via M. Jarusiewicz

Re: 350 Bradford Street
Provincetown Ma 02657

We are abutters to the proposed development of 350 Bradford Street and want to list the pros and cons for this project:

Pros: None, except for the developer

Cons:

1. Construction digging into hill behind at the back of the property will undermine the surrounding dwellings on the hill. Their view will be spoiled, (minor problem compared to the danger of the hill undermining their houses).

2. Setbacks from property line minimal, (so close, will cut off light). Noise from rooftop machinery and elevator shaft on top of building will increase the pollution for the neighbors in this quiet residential neighborhood.

3. Threat to neighborhood pedestrian safety and increased dangerous traffic with cars stopping unexpectedly to rubberneck the new development and being struck from behind. There are no sidewalks in this area.

4. This area is in a flood zone with an extremely high water table, (historically flooding even after a minor rain).

5. The soil should be tested for toxic substances due to gas station across the street.

6. Height and mass of the building requiring waivers. Proposed would be a massive structure, too high, too big with three stories on top of parking.

7. Development close to the bottom of the waiting list for sewer hookup.

8. The neighborhood is unanimously against this development as is most of the town.

Carol MacDonald
Marsha Sirota
4 Thistlemore Way

Carol MacDonald
Marsha Sirota

Macdon329@comcast.net
508-487-4471

Deborah McKown #1

April 2, 2015

To: Provincetown MA Board of Selectmen, et al:

In regards proposed construction of 24 condominiums:

I am opposed to the present proposal to construct a condominium complex at the 350 Bradford St. site. The 24 units will be built on less than an acre of land close to a busy intersection of a two lane road which is a safety issue. The 6 affordable living units which are proposed will do little to lessen the need for affordable housing for a town that apparently has around 29% unemployment.

As we look at the application for the construction, with allowances for building in an area prone to flooding simply because of the six "affordable" units, it raises a lot of red flags for problems in the future. Even the roof appears to be flat. What does this mean for the cost of flood insurance for the units which appear to be in a flood zone?

The town has over 200 homes on the market now, five under \$200,000. We do not need more 18 living spaces which will not be deemed "affordable".

Deborah McKown

Deborah McKown

646 Commercial St.
Provincetown MA 02657

panorams@neaccess.net- email

978-621-8674- cell phone

Deborah McKown #2
Lina Berry

Michelle Jarusiewicz

From: Debbie McKown <panorama@neaccess.net>
Sent: Thursday, April 30, 2015 1:04 PM
To: Michelle Jarusiewicz
Subject: Objections to 350 Bradford St Project

April 28, 2015

Thomas Donegan, Chairman
Board of Selectmen- Town of Provincetown
260 Commercial St.
Provincetown MA 02657

cc: David Gardner, Provincetown Acting Town Manager
Michelle Jarusiewicz, Acting Assistant Town Manager

all Officials and Boards in Provincetown MA
MassHousing: GWatson@masshousing.com
Cape Cod Commission

Dear Chairman Donegan :

We strongly object to approving the application by developers for Massachusetts G.L c.40B status to build a 24-unit condominium complex at 350 Bradford St., Provincetown, MA. In order to build on the .9 acre lot the developers need many variances and G.L. c.40B because the lot is so unsuitable for and zoned against such a huge building. The intent of G.L. 40B is to make housing affordable, 18 of the 24 units are market priced at up to and over \$900,000.

The six "affordable" housing" units are initially priced at \$158,000, unaffordable for residents who are disabled, retired on limited incomes and those who earn money during the 5-6 month high tourist season and depend on unemployment benefits when not working, etc. The additional expenses not taken into the calculations include condominium fees, shared upgrades to systems and repairs, and very expensive flood insurance because it is a FEMA flood zone. In other calculations the "buildable land" in Provincetown should not include the 70% of Provincetown which is National Park Service land.

Provincetown desperately needs low income housing- owned or rented. For many reasons the site for this project and the reasons to obtain 40b status is not suitable. The 350 Bradford St. project will increase problems and expenses for the town, the neighbors and the people who buy the condominiums.

Directly behind and to the right of the complex are tall, steep "sand dunes" which Chris Wise, the developer, refers to as "hills" (which could imply ledge or rock which would be stable.) Sand is not stable. The property is .9 acre, some of which may be under the sand dune, and perhaps building there would necessitate removing some of the dune.

The homes directly behind the proposed complex will be severely impacted as the complex will be very close to their homes. Not only could removal of sand cause instability of their foundations, it will be one of the causes for the devaluation and difficulty selling of those properties. Who wants to sit on their deck looking at the back or roof of a condominium complex. In addition, Chris Wise refers to the complex as having "natural ventilation", without explaining what that means. If the ventilating system is equipment on the roof, it adds to the height of the complex and the noise from the various utility systems.

The 350 Bradford St. project will increase problems for the present neighborhood because of the lights at the complex and the noise of the additional cars and by the residents at the complex (it looks as if they each have an open balcony) facing Bradford St. The homes in the neighborhood leave windows and shades open for ventilation during the day and the night during the hot and warm weather. The lights and the noise will interrupt sleep and enjoyment of their property. The three stories of balconies will look down into backyards of homes across the street so that those home owners will have no privacy in their own backyards.

Before the restaurant was built, I (Lina) remember walking in the swamp and seeing wetland vegetation, including venus fly catchers. The property is essentially in a "bowl" and prone to flooding. If the garage, which apparently includes the units' storage areas, is built below ground level into the swamp, the results could be disastrous- structurally and financially as the complex is being built, but also in the future due to flooding. If the garage is built at ground level, it adds a 4th story to the height of the complex.

Presently the town sewer system is not hooked up to that property and the town sewer system is already up to capacity which means the town's taxpayers would have to finance a larger sewer system to accommodate the 24 new condominiums. If, as Chris Wise says, the present Title V is deemed adequate for 24 units, later, because, for example, the Title V fails, whatever remedy is deemed necessary, hook-ups will be expensive for all the owners and the town.

350 Bradford St. is next to the split of Bradford St. and Commercial St. and next to Thistlemore Rd., the only access to approximately 34 buildings of single homes and condominiums. In that area the amount of traffic year-round into and out of Thistlemore Rd. and along Bradford St., a two way street, is already excessive, and gets more congested and dangerous during the months that the town swells with tourists. Our parking area on Bradford St. is behind our home on Commercial St. and across Bradford St. from Thistlemore Rd. Our lot is narrow and cars must back out into Bradford St. The view of traffic on Bradford St. is partially blocked by our two neighbors high fences, while avoiding vehicles, including oil and propane gas trucks making deliveries to all the homes and condominiums on Thistlemore Rd.

The flat roof, (the proposal says to lessen the impact of the 3 or 4-story building on the neighbors), is looking for trouble in the future as the accumulation of snow and ice on it can cause it to collapse and/or cause water damage as the snow melts.

Any work that requires access behind the building will be impossible or extremely difficult because there is little space between the bottom of the sand dune and the building. In addition, it is a fire hazard if fire trucks cannot access the rear of the building or turn around.

As for being "affordable housing" to ease Provincetown's housing crisis, this is absolutely not a solution. 40B would ignore the previous laws protecting the area, because it is wetlands, a coastal bank and in the flood zone. Anyone who has a mortgage to purchase an "affordable" (or luxury 3-bedroom unit), must also pay for FEMA flood insurance. For the projected "affordable income" units at \$160,000, flood insurance, can cost around \$5,000. annually (an additional \$320 monthly). Fewer people will qualify for a mortgage and need higher incomes. (please see an example: <http://castlesunlimitedma.blogspot.com/2013/10/flood-law-update-insurance-jump-in.html>)

We respectfully request that Provincetown does not accept G.L. c.40B for this condominium proposal and make it clear why to MassHousing.

Sincerely,

Deborah McKown

Lina Berry

646 Commercial St., Provincetown MA 02657-1725
email: panorama@neaccess.net cell phone: 978-621-8674

Charles Merrill

Michelle Jarusiewicz

From: cmnymail@aol.com
Sent: Monday, April 27, 2015 10:13 AM
To: Michelle Jarusiewicz
Subject: 350 Bradford Street 40 B Development

Michelle Jarusiewicz
Acting Asst. Town Manager
Provincetown

Dear Ms. Jarusiewicz:

This project is grossly inappropriate for the location.

1 - there is currently insufficient parking in the neighborhood and the sudden increase in dwelling units cannot support the number of vehicles. Every other dwelling in the East End is a single home with insufficient parking as it is.

2 - It will turn what is a quiet family, non-business neighborhood into an overcrowded area with no stores/shops to support the influx

3 - the project violates current zoning height restrictions. Those height restrictions were not created by accident.

Charles Merrill
636 Commercial Street.

Constance Meyer

From: Constance Meyer [<mailto:cmeyer@jsasoc.com>]
Sent: Thursday, April 02, 2015 12:38 AM
To: Michelle Jarusiewicz
Subject: 24 Unit Condo on Bradford

Hi Michelle,

Please pass this along to the Selectmen:

I am sorry that I am not able to be at the meeting. My family and I have owned a house (637 Commercial Street) for over 60 years. We are part of a quiet, beautiful community that we have adored. This part of Provincetown has been miraculously left alone, allowed to be its serene self all this time. I can not imagine how someone, especially from the neighborhood, could conceive of a more disastrous plan, from both the point of view of community and environment. A 24 unit condo in the middle of a quiet, residential neighborhood would be an assault on all of us and horrendous for the environment, which is already compromised. Do we need a Hurricane Sandy in Ptown to demonstrate this? I am totally opposed to the proposal of building this monstrosity.

Sincerely,

Constance Meyer

Deborah Meyer

Michelle Jarusiewicz

From: Deborah Meyer <deborah_m15@yahoo.com>
Sent: Wednesday, April 01, 2015 11:16 PM
To: Michelle Jarusiewicz
Subject: 24 Unit Condo

Hi Michelle,
Please pass this along to the Select Men of Provincetown, sorry I couldn't be there.
best
Deborah Meyer

To the Selectman of Provincetown,

Please reconsider your plans to build a 24 unit condo at 350 Bradford on the Shay restaurant property. We have seen many new developments over the years in Provincetown but this one truly makes no sense. Please reconsider this plan not just for the residents of Provincetown, but for the environment.

Sincerely,

Deborah Meyer

Juliette Meyer

Michelle Jarusiewicz

From: Juliette Meyer <juliettemeyer4@gmail.com>
Sent: Wednesday, April 01, 2015 11:16 PM
To: Michelle Jarusiewicz
Subject: Board of Selectmen's meeting April 2, 2015

Dear Ms. Jarusiewicz,

Please deliver this to the Selectmen at tomorrow's meeting.

To the Selectmen of Provincetown,

I am writing to strongly protest the idea of building a 24 unit condo on the property of the former Michael Shay's restaurant on Bradford Street. It is an ill-conceived idea from start to finish. The notion of an underground garage (will it be underwater?) and 24 condo units makes absolutely no sense. How will this impact the water and sewer system, not to mention the land on which it would be built? My family has been a part of Provincetown for over 60 years and we have seen many changes to the town in terms of real estate development, but this one takes the cake. Not only does the proposal fly in the face of the town's zoning regulations, but it is an environmental disaster waiting to happen.

Sincerely,
Juliette Meyer

Leonore Meyer

From: Leonore [mailto:l_meyer@msn.com]
Sent: Thursday, April 02, 2015 10:05 AM
To: Michelle Jarusiewicz
Subject: 40B

I have been coming to Provincetown every year since 1961 and am horrified at the proposed building of a condo that will disrupt the whole ecology of the East End.

Sincerely
Leonore Meyer

Nicholas Meyer #2

From: Nicholas Meyer [mailto:nicholasmq@yahoo.com]
Sent: Thursday, April 02, 2015 9:59 AM
To: Michelle Jarusiewicz
Subject: re Michael Shay restaurant site development proposal

To Whom It May Concern:

I am writing to protest the grotesque intention of erecting a condominium complex with underground garage on the site of the former Michael Shay's restaurant on Bradford.

The elephantine size of the project is woefully out of proportion to property and its natural surroundings. I've been a part of Provincetown since 1955 and it is a mystery to me why no pride is taken in the character of this wonderful place, but merely an eagerness to squeeze it until it ceases to exist. Must I point out that Provincetown's eco system is extremely fragile? Have we no foresight whatever? Do we confuse Bradford, to say nothing of Commercial Street, with a part of our Interstate highway system? Can no one imagine the traffic? Has anyone calculated how much water and power such an addition will place on our town's slender resources?

Our parents and their parents cared for this place and passed it on to us. We are responsible for caring for it for our children and their children. We are custodians of Provincetown.

No one is against the idea of *something* created on the site of Michael Shay's former restaurant, but please let in be in proportion to the lot and its surroundings. Whatever

Nicholas Meyer #2 ✓

Loretta Dougherty

From: Nicholas Meyer <nicholasmq@yahoo.com>
Sent: Tuesday, April 21, 2015 2:48 PM
To: Loretta Dougherty
Subject: PROVINCETOWN, MA CONDO PROPOSAL

Dear Ms Dougherty:

As a longtime resident of Provincetown, (since 1955), I am writing in the strongest possible language, to protest the reckless and devious proposal to construct an enormous condo complex at the beginning of Bradford Street, complete with underground parking garage!

It appears every effort has been made to circumvent local zoning ordinances in a scheme to insert this vast structure on a lot too small to accommodate it, in an eco system too fragile to tolerate it and a traffic flow that will be hopelessly snarled should this ghastly enterprise be allowed to go forward.

In addition, no thought has been given to the character of the town itself, the reason why its tourist trade (now the reason for its existence), flourishes in the first place.

Please put a stop to this grotesque and dangerous plan.

Nicholas Meyer
637 Commercial Street
Provincetown, MA 02657

Lise Motherwell

Michelle Jarusiewicz

From: Lise Motherwell <lise.motherwell@gmail.com>
Sent: Saturday, April 25, 2015 9:21 AM
To: Michelle Jarusiewicz
Subject: 350 Bradford Street Plan

To: Provincetown Board of Selectman and Michelle Jarusiewicz, Community Housing Specialist

From: Lise Motherwell, 651 Commercial Street, Provincetown MA 02657

Re: Proposed building on site of 350 Bradford St., Provincetown, MA 02657

Date: April 24, 2015

Dear Selectman and Ms. Jarusiewicz,

I have been a summer resident in Provincetown for 58 years and have been a property owner at 651 Commercial Street for almost 30 years, where my husband and I now reside much of the year. My family has owned property on the East End for almost 60 years, and we have seen many positive changes to the landscape here in Provincetown. However, I am very concerned about the planned construction of a 24 unit building at the Hot L site at 350 Bradford Street.

I write today to voice my strong opposition to the proposed plans for development at 350 Bradford Street, which is across the street from my house. There are several critical issues which make the proposed project unsuitable for the site.

1. The current site is zoned for 9 units while the plans call for construction of 24 units. The proposed building not only includes a density way out of scale for the neighborhood, but includes removing a large part of the dune behind the current building, which will have a negative environmental impact. The additional traffic and parking problems due to the added number of cars coming and going from the proposed garage on a street that cannot be widened will be unmanageable and unsafe.
2. The proposed height of 45 feet is out of scale with other buildings in the neighborhood. It will dwarf every building in the vicinity and will not improve our neighborhood; in fact, the design is not consistent with any residential building in Provincetown. This will be a terrible eyesore as the first large building visitors see when they enter town from Snail Road. Is this how we want to advertise our quaint Cape town as a vacation destination?
3. The building is sited within a flood zone. This is an area that frequently floods following heavy rains and high tides, and the planned building includes an *underground* garage. It is preposterous to consider any underground structure in an area that already floods during rainstorms. In addition, there is likely to be a negative impact on the surrounding homes if that area floods or the dune is removed.

I strongly urge the Selectmen and Ms. Jarusiewicz to oppose this project. The 40B permit application is a way around the Provincetown zoning bylaws that our town government has put into place to protect the town from this very type of development. Please don't let the promise of low-income housing skew your view of

what this project is really about: squeezing every last dollar into the developer's pocket. We as a community should preserve the Provincetown we all love.

Sincerely yours,

Lise Motherwell

:: Lise Motherwell, PsyD
:: 617-872-0446

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George Nader ✓
Charles Casano

5/10/15
4C Bradford Acres Road
Provincetown, MA 02657

To: Members of The Provincetown Planning Board.

Dear Sirs / Madame

In regard to the proposed development of 350 Bradford Street, we feel the size and scope of the development is too large for the site.

We have lived in the "quiet" East End of Town for 15 years, and feel this development will change all that:

- 1) population density for that small area will impact heavily on the "quiet" we have enjoyed all these years.
- 2) It will increase traffic ^{congestion} at that critical intersection at Snail Rd & Rte 6A.
- 3) It will increase pollution, and further tax the Town sewer system if allowed to connect.
- 4) It will change the whole character of our East End neighborhood.

(2)

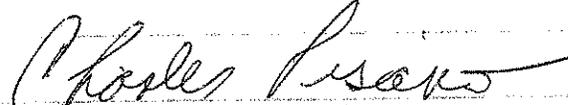
We strongly urge The Provincetown Planning Board and The Board of Selectmen to do all it can to stop this development, and if it cannot stop it to curtail its size & scope to make it a better fit for our neighborhood.

We are not against development, or affordable housing. We just want it to fit in with our neighborhood, and not destroy our quality of life.

Thank you for your consideration.

Yours truly,


George Nader


Charles Pisano

Marcy Packer

TO: Zoning Board

FROM: Marcy Packer, Owner – 348 Bradford St. 4A

SUBJECT: Proposed Condominium Complex at 350 Bradford Street

I have owned my property located at 348 Bradford St. since 1989. While I was aware that the abutting property 350 Bradford St, was purchased by a developer who planned to erect condominiums on the site, I fully expected that the condominiums would be similar to the style and dimension of the surrounding residential properties. That is, I assumed they would be consistent with and confirming to the town's zoning regulations. Instead, the proposed project is a twenty-four unit, three story, non-conforming monstrosity entirely too large for the parcel of land upon which it would sit.

Due to the low water table in this area, the planned underground garage most certainly will flood during heavy rainstorms and thereby increase flooding to the neighboring properties. We have experienced heavy flooding in the parking lot spilling over onto my property whenever there's a normal rain-storm. And, the water takes days to recede. This has been brought to the town's attention over the years with no resolution suggested.

Further, it is my understanding that a substantial number of units will be subject to weekly rentals. Undoubtedly, this will result in considerable traffic congestion and increased noise from renters in what is now and always has been, a very quiet residential area.

In short, the project is completely inappropriate and out of character with the surrounding properties. It is entirely too large and threatens to undermine the sand hill upon which other homes are built and will cause flood damage to the abutting properties during and after construction.

As a concerned abutter and long time resident of the East End, I urge the Zoning Board to reject this proposed project and/or approve a substituted plan that provides a significant reduction in height, size, and impact to this residential neighborhood.

Marcy W. Packer 4/21/25

Signature / Date

John Paras
John Dupuis ✓

From: Paras, John [mailto:John.Paras@voya.com]
Sent: Monday, March 30, 2015 9:22 AM
To: David Gardner
Cc: gwatson@masshousing.com; ssha.inc@gmail.com; john Dupuis (dupuisjb@aol.com)
Subject: Proposed development at 350 Bradford Street

Good morning Mr. Gardner,

As residents of Thistlemore Road we wanted to express a few initial thoughts on the proposed development at 350 Bradford street. We find the scale of the project to be out of line with the size of the property. We are certainly not against development but based on the information we have reviewed it appears the developer is trying to cram 24 units of residential condominiums into a space approved for a considerably smaller development. We also do not find the architects rendering of the proposed space to be the least bit appealing. It looks more like a motel or assisted living development which the architect and developer have experience in designing and building. It would be much more in line with the area if the design was similar to the complex that was developed on the Moors site at the west end of Bradford street. We understand that you will be submitting comments on the proposal and would appreciate it if our concerns could be mentioned.

Sincerely,

John Paras John Dupuis

11 Thistlemore Road

John E. Paras
Vice President/Operations Director
ABA Retirement Funds Program
30 Braintree Hill Office Park
Braintree, MA 02184
E-Mail: john.paras@voya.com

781-796-9652

NYSE: VOYA

Clifford Pattullo

Loretta Dougherty

From: Clifford Pattullo <cjpattullo@comcast.net>
Sent: Wednesday, April 01, 2015 8:50 PM
To: Loretta Dougherty
Subject: 350 Bradford Street

Dear Ms. Dougherty,

I am writing this letter to the entire board of selectmen. I was unable to find their direct e-mails on the web site so I ask that you forward this message to their e-mail.

I am writing to you to express my opposition to the proposed condominium complex at 350 Bradford Street, the home of the old Michael Shays. The rendering clearly illustrates that the structure does not fit in with the character of the neighborhood or Provincetown as a whole. As an abutter and taxpayer, (690 Commercial St. 8A) I ask that the board not entertain or approve this plan in its current form.

Thank you for the opportunity to contact you regarding this matter.

Clifford J. Pattullo
cjpattullo@comcast.net
690 Commercial Street Unit 8A
Provincetown, MA 02657

Julia Perry ✓

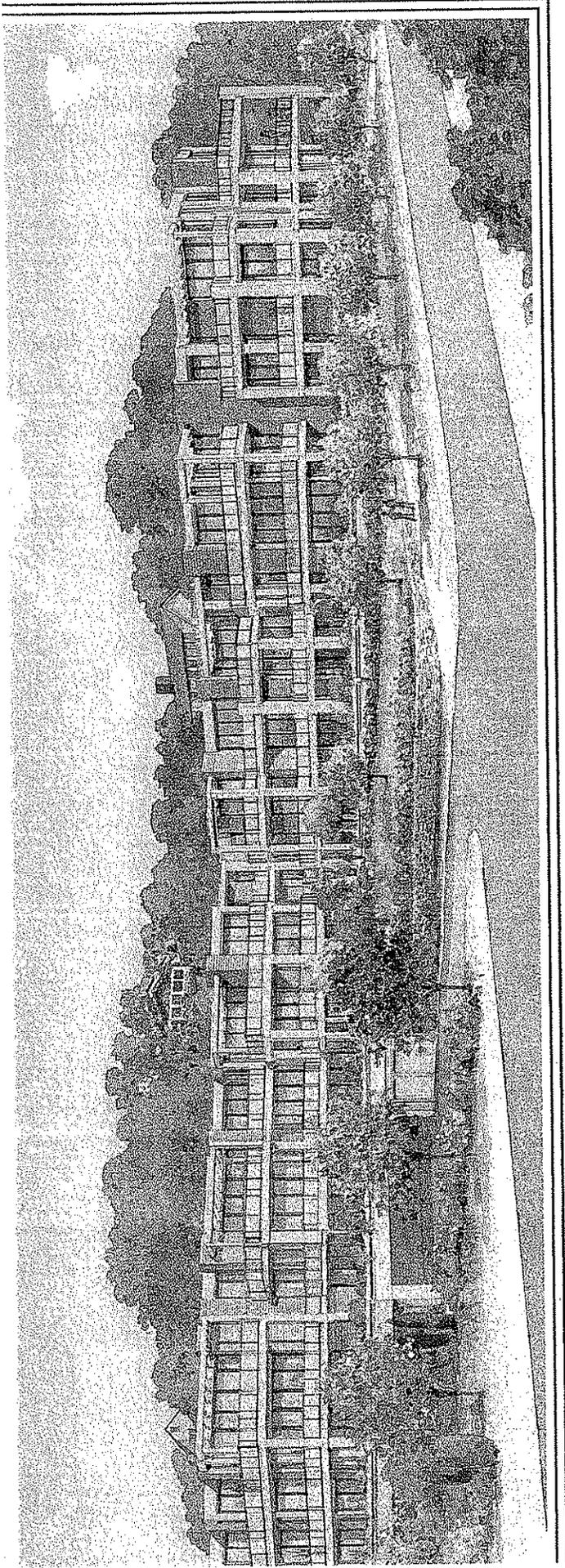
Statement to the Board of Selectmen - April 29, 2015

My name is Julia Perry. I own a home at 658A Commercial Street. I am an abutting homeowner to the proposed development at 350 Bradford Street and I wish to speak in opposition. I am opposed to the proposed development for four reasons. First, I am opposed to the sheer scale of the proposed project. It is three full floors over a ground-level garage - as clearly shown on page 68 of the proposal. And despite the obvious scope of the project shown on page 61 - identified as A0 in the proposal - it is described on page 69 as "the width of a typical single family home". I'm not sure whose home they are comparing it to - maybe homes in Newton. It far exceeds the standard height and width of homes in Provincetown.

By the way, while looking at page 61/A0 - do you see my home? No, you do not. Although my home is currently visible from Bradford Street, it is completely obliterated by the drawing of the proposed project. You can see a house with a chimney in the drawing. That is my next-door neighbors' home. The top of their two-story house is still visible. My one-story home is completely blocked off. Currently I have a view of the sunset - which I treasure; a view of the Pilgrim Monument through the trees; a view of Bradford Street; even a glimpse of the water between the houses on Commercial. All of that will be gone if this project is built. Would you like to see my new view? Turn to page 67 - identified as A6 - in the proposal. I get to look at the condos. And the new condo owners get to look right into my back windows. By the way, Town of Provincetown, are you going to lower my property taxes because of the devaluation of my view or the loss of my privacy?

My third objection is to the careless disregard shown by the proposed project for the stability of the hill on which my house is located. Page 58 of the proposal - identified as C.1.1.1 - shows a clear intention to remove a retaining wall that is currently holding up my hill - with no intention to replace it. It is shown as inside the "building envelope" on Lot C. And it gets better. Page 60 of the Proposal - identified as C.2.1.2. - shows an intention to dig a drywell where the retaining wall currently is. Removing a retaining wall and digging into the base of a hill is likely to cause the collapse of all or a portion of my hillside. By the way, my septic system is in that hill. The retaining wall is there for a reason. The toe of the original slope was cut into in order to obtain additional space for an outdoor eating area between the restaurant and my hill - as you can see if you compare page 58 to page 84, which shows the original "bottom of the bank". You can expect a lawsuit if you collapse my hill.

My fourth objection is to the selfish way in which the owners are trying to portray this property as an affordable housing development. If it is an affordable housing development, all units should be affordable. All units should be year-round residences. I could at least see some value in that. Instead I am being forced to live next to an over-sized building that will be three-quarters empty for at least half the year. Over-sized, in my face, and empty - this is not what Provincetown needs.



BPJC, LLC - 350 Bradford Street
24 Unit Condominium
Provincetown, MA

OWNER:

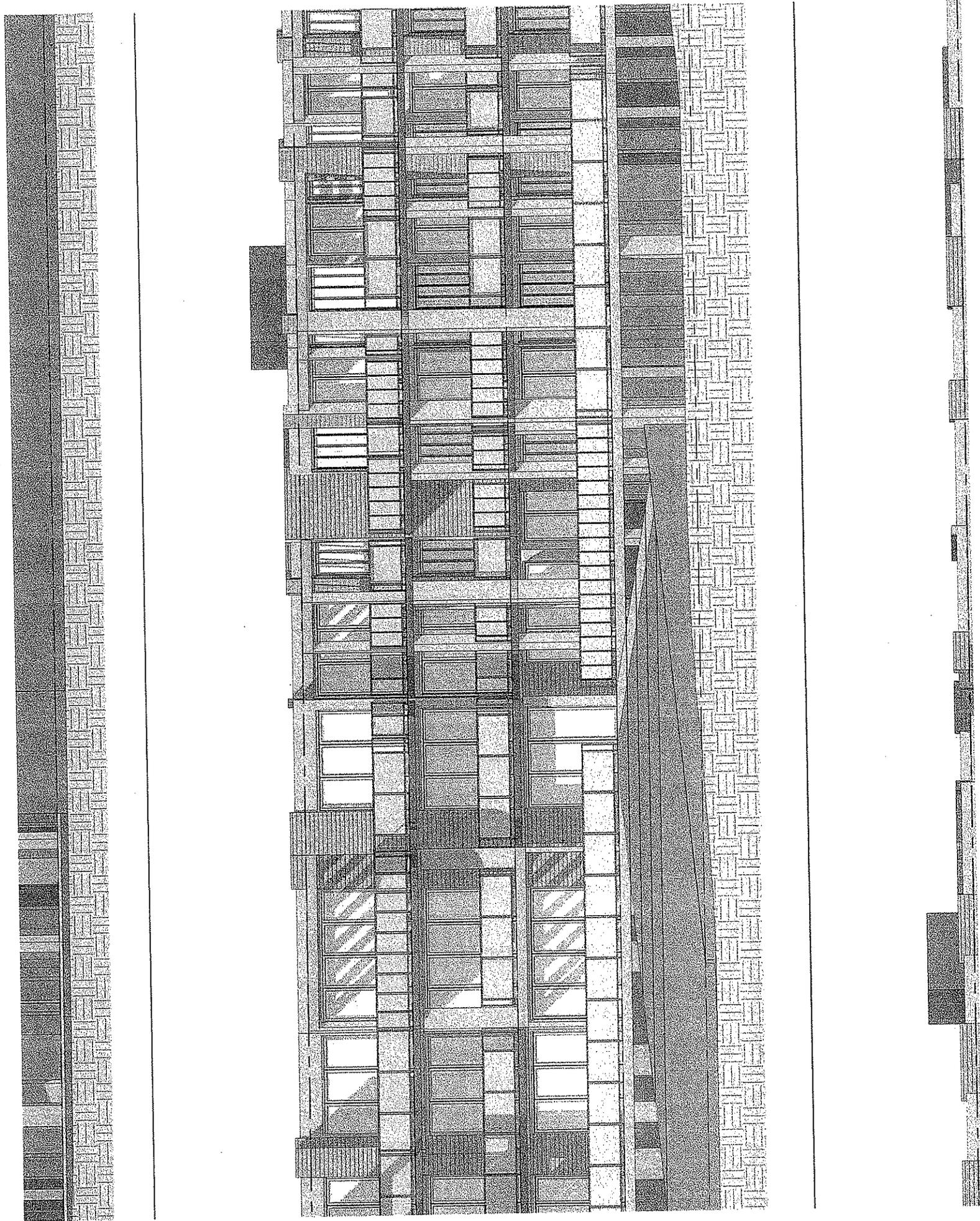
BPJC, LLC
86 WILLOW STREET
YARMOUTHPORT, MA 02675
508-362-4700

ARCHITECT:

EGA PC
12 AUBURN STREET
NEWBURYPORT, MA 01950
(978) 462-5515

CIVIL ENGINEER:

COASTAL ENGINEERING, INC
260 CRANBERRY HIGHWAY
ORLEANS, MA 02653
508-255-6511



MassHousing
Comprehensive Permit Site Approval
Application/Homeownership
Section 3 – Project Information
Subsection 3.3 – Narrative Description of Design Approach

**350 BRADFORD STREET
PROVINCETOWN, MA**

DESIGN APPROACH NARRATIVE

The proposed building replaces a non-descript one story restaurant on a site with significant grade change (+/- 45ft). The building nestles into a steep hill on the north side of the property, maintaining the primary views of the houses on top of that hill. The layout places the principle massing of the building back from the street and acts as a retaining wall for the hill, causing minimal impact to the street scape. Approaching from the east, most of the building is hidden by the hill, while an approach from the west would be disguised by the adjacent structures with most of the building massing hidden until one is right next to the property.

The massing of the proposed building is designed to minimize visual impact, reduce the overall scale of the building and improve the view opportunities of the residential units (all of them face towards the bay). The portion of the building that abuts Bradford Street is the width of a typical single family home (excluding the parking level). Facades which are visible from public ways are broken up to fit in with the surrounding structures and neighborhood character.

The style of the building is “contemporary” with a nod towards traditional “Cape Cod” in the use of natural siding. The façade of the building is a series of vertical planes, broken into alternating glazed and opaque sections. The glazed sections are mostly glass with an EIFS or similar material as the infill, while the opaque sections are uninterrupted natural siding, to provide the connection to the traditional architecture of Provincetown and to provide warmth. In order to keep the height of the building down (to limit the impact of the building on the neighbors on the hill to the north and west) the roof line is simple, with subtle differentiation of the vertical sections. Most of the northern and western elevations are siding.

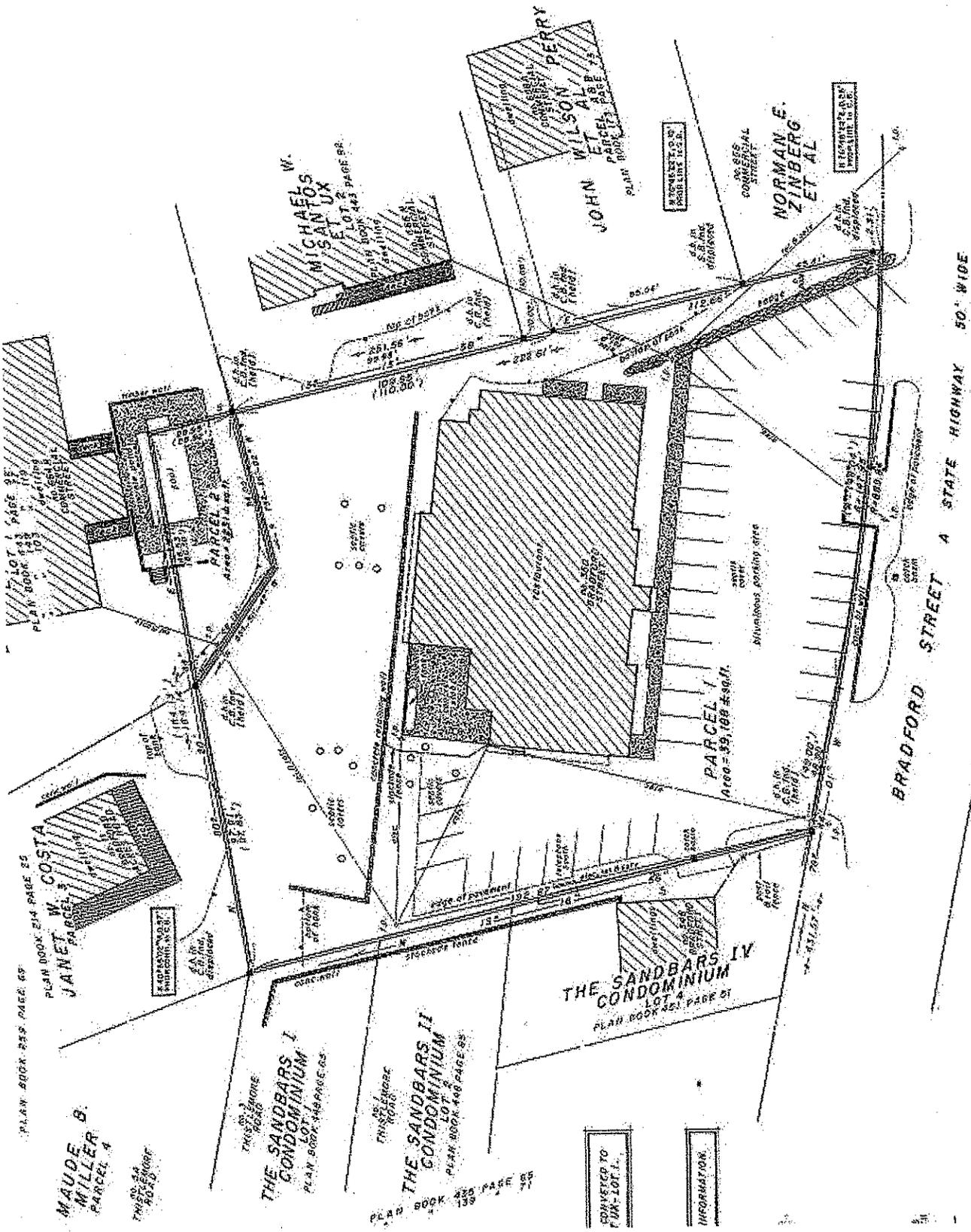
RCR
SCALE: 1/4" = 1'-0"

CIVE
07/2/02

105



WILLIAM R. COSTA
LICENSE NO. 10000
STATE OF FLORIDA
MECHANICAL
NO. 10000

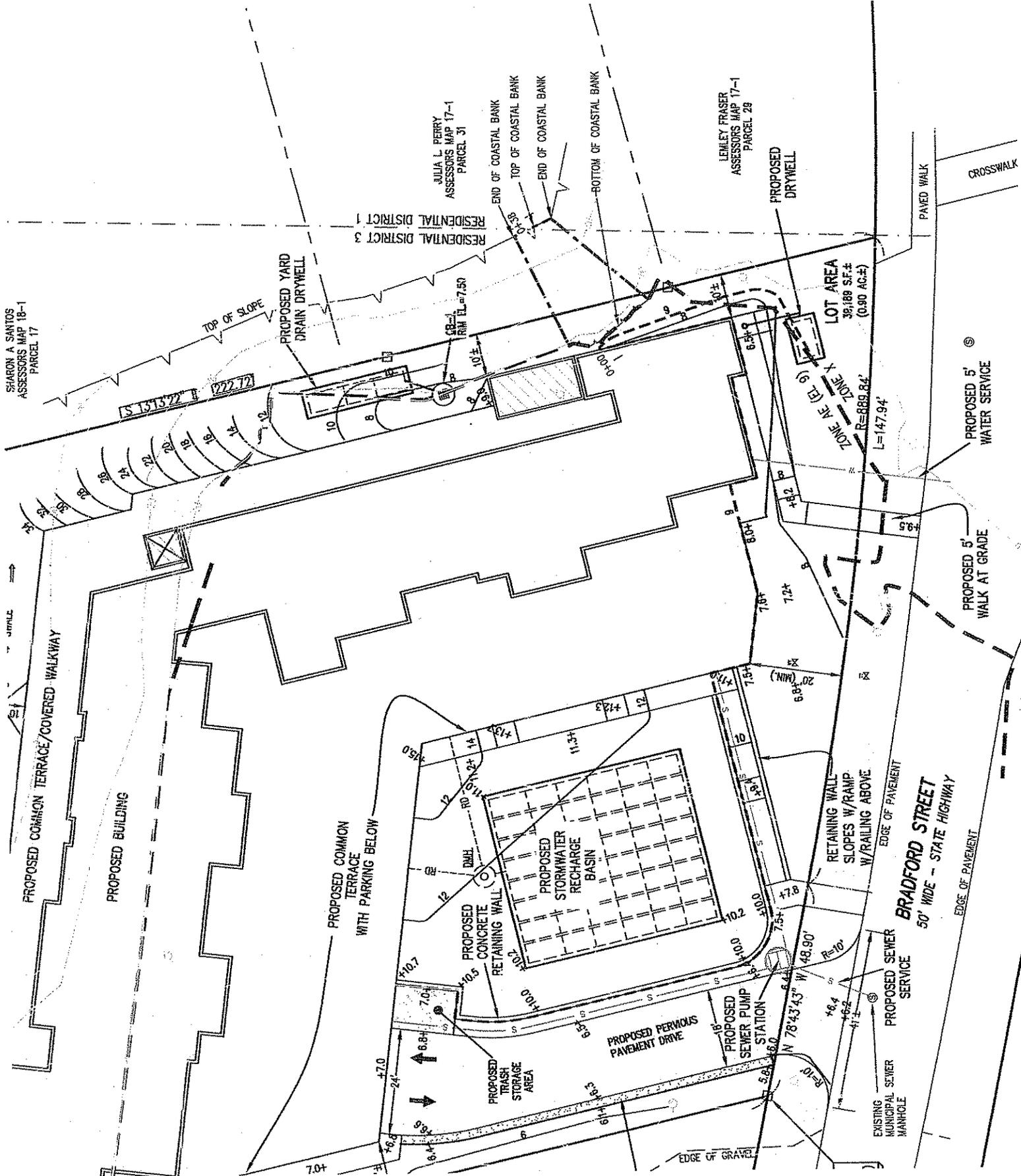


UNDER THE SUBDIVISION
LAW NOT REQUIRED: DEED,
PLAT, AND TOWN PLANNING BOARD
TOWN PLANNING BOARD
W. R. Costa
07/2/02

SEARON A SANTOS
ASSESSORS MAP 18-1
PARCEL 17

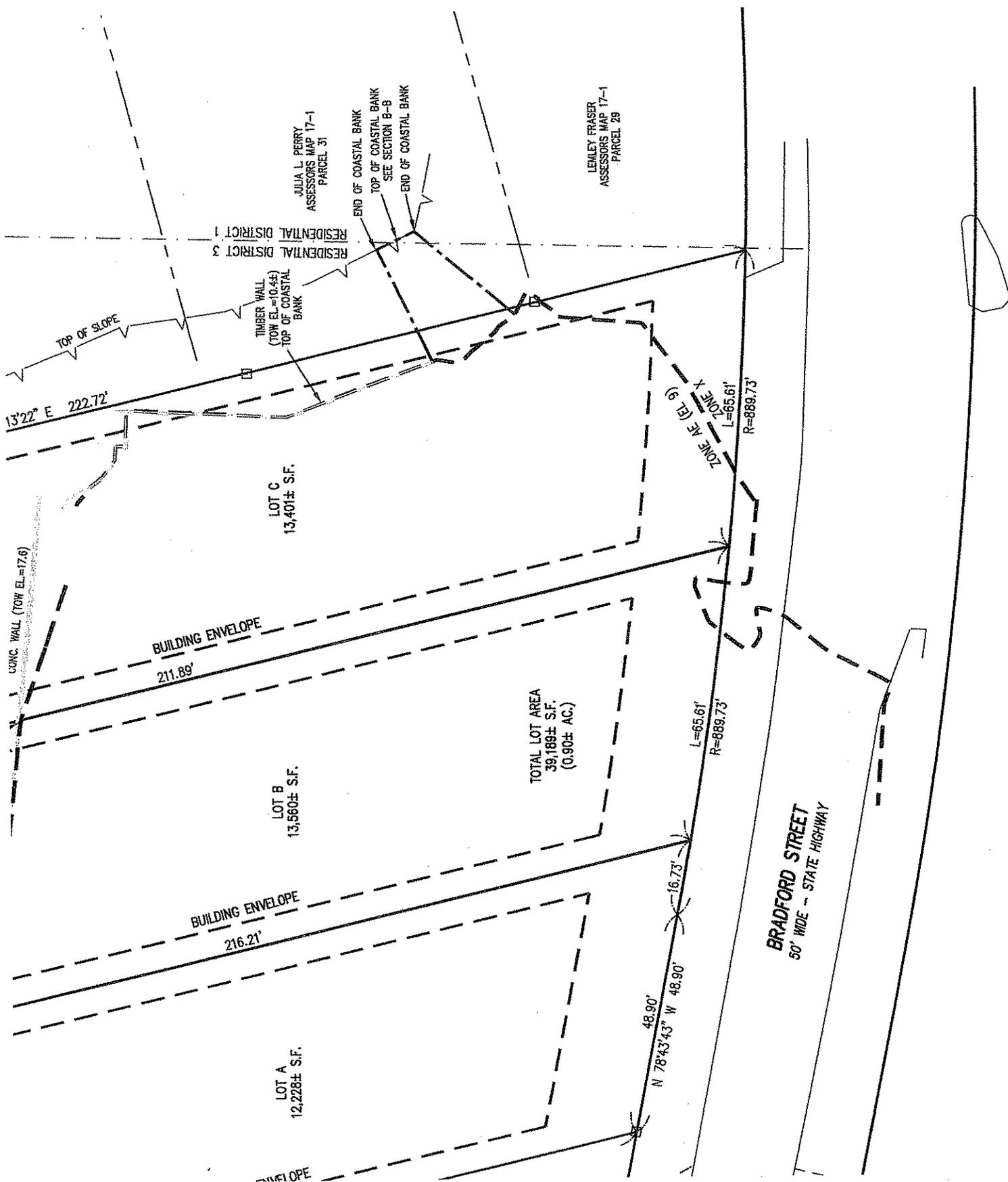
JULIA L. PERRY
ASSESSORS MAP 17-1
PARCEL 31

LEWLEY FRASER
ASSESSORS MAP 17-1
PARCEL 28

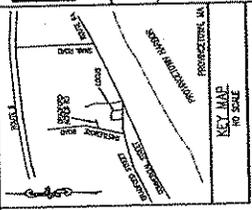


C-2-1.2

11-1-02
95



PROJECT	AS NOTED
DATE	05/11/2014
BY	JCB
CHECKED BY	M
DATE	

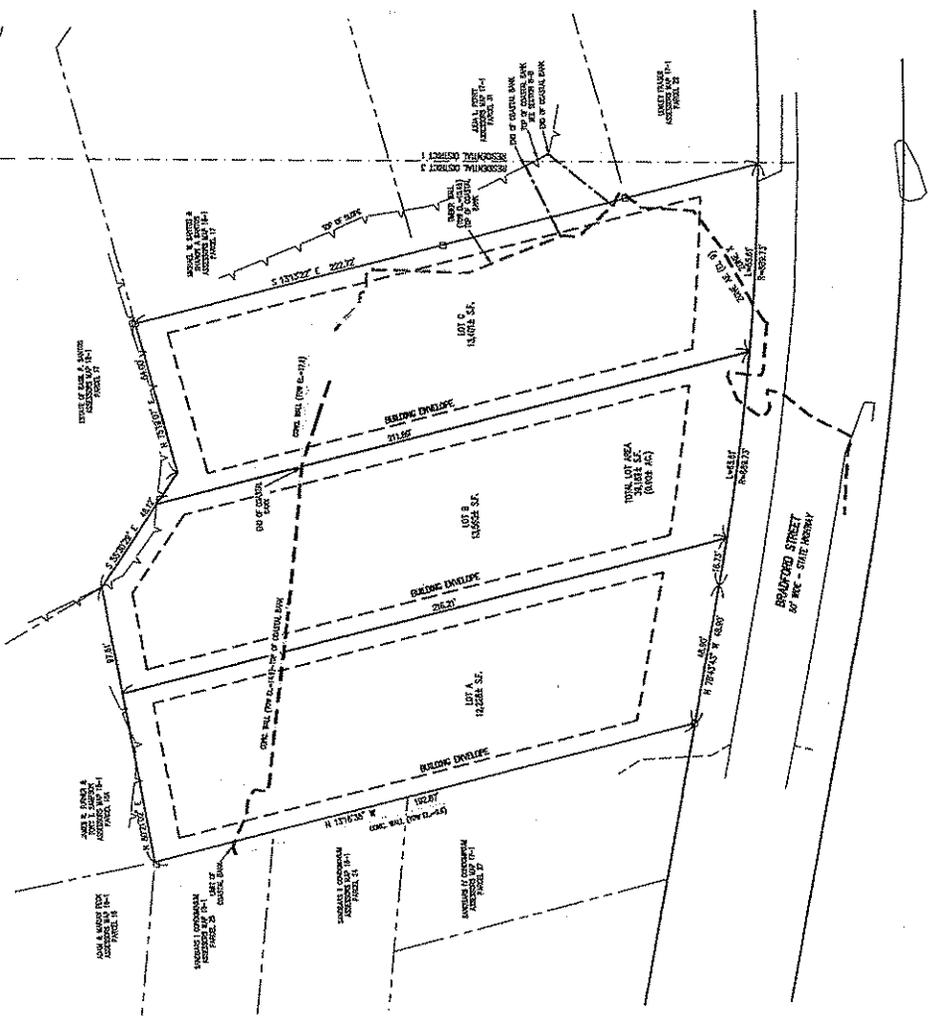


PLAN REFERENCES:
 ASSASSING MAP 14-1, PARCEL 28
 PLAN BOOK 962, PAGE 50

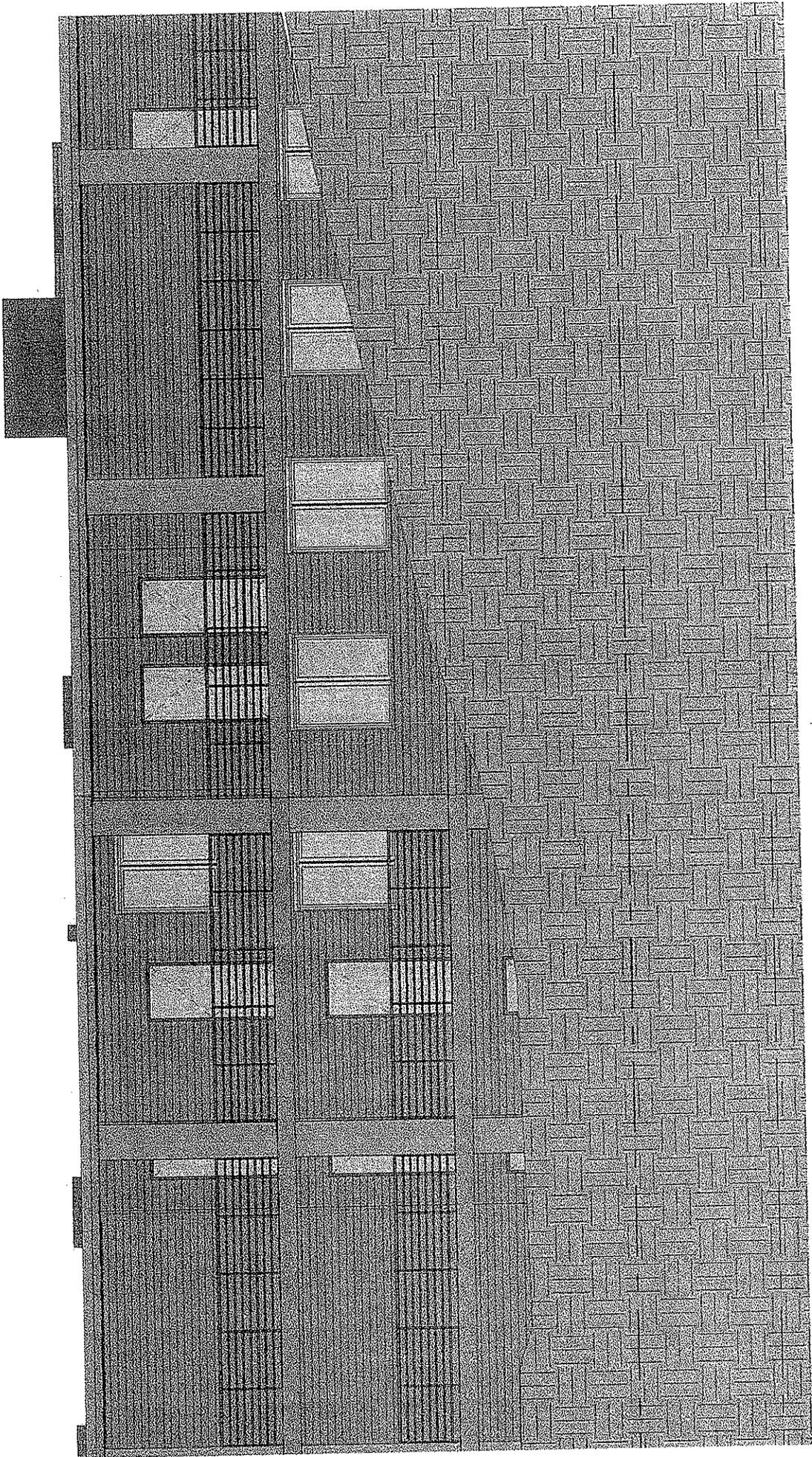
FLOOD NOTE:
 THIS PLAN IS SUBJECT TO
 FLOODING AS SHOWN ON
 FEDERAL FLOOD INSURANCE
 STUDY MAPS DATED
 FEBRUARY 18, 2014

OTHER NOTES: SEE 2 - RESUBMIT, SHEET 3
 FOR FLOODING PROTECTION OUTLET DETAIL A

RESOURCE DELINEATION NOTE:
 THE LIMIT OF THE RESOURCE AREAS AND COASTAL BANK
 DELINEATION ARE SHOWN ON THE PLAN. THE COASTAL BANK
 DELINEATION IS BASED ON THE 1982 COASTAL BANK
 DELINEATION MAP (P.L. 96-38) AND THE 1982
 DELINEATION MAP (P.L. 96-38).



PLAN



Carol Plesser

RECEIVED
BOS - Vermont

APR 21 2015

CC: BOS/TM/ATM

April 21, 2015

Michelle Jarusiewicz
Assistant Town Manager
Town of Provincetown

To whom it may concern:

My family has owned the cottage at 648 Commercial Street for over 110 years. The town, especially the East End, is near and dear to the hearts of six generations of our clan. I am writing to express alarm over the proposed 40B development at 350 Bradford Street. I would like to stress that I am not opposed to something being built at what used to be the beloved Howard Johnsons of my childhood. Nor am I opposed to affordable housing; town does need more. But I am opposed to a group of developers using the state of Massachusetts' good intentions to bypass the town departments whose purpose it is to ensure that new construction in Provincetown makes the best use of our very limited resources, protects our fragile eco-system and serves the greater good. Trying to cram a 24 unit, modern high-rise (by Provincetown's standards) onto a lot suited for perhaps 8 units appears to be a money grab disguised as affordable housing. I will be more specific about my concerns:

The underground parking – A few years ago this neighborhood underwent an extensive de-watering project so that underground tanks could be installed for the town's sewer system. The water table is very close to the surface here. How on earth will an underground garage even be constructed, let alone be useable? And without parking, where will the 50 or so cars associated with a building of this size park? There is extremely limited parking area.

Sewer/septic – The town's sewer system is already at capacity with waiting lists for minimal expansion. How will all the wastewater and sewage be handled on this overcrowded proposal?

Dune integrity – It is my understanding that the dunes and an existing retaining wall will have to be removed to accommodate a building this size. After decades of trying to preserve dune integrity, why would the state allow this sort of disruptive impact?

Aesthetics – 350 Bradford Street is a gateway to the town. It is one of the lots visitors see. The building drawing published in the paper is of a size and style totally inconsistent with the character of Provincetown. The Zoning and Planning Boards go to great lengths to ensure that new construction or remodeling efforts fit in with the character of the town's history. When we remodeled our cottage in the late 90's we had to keep the front of house unchanged as it was deemed an historic house. We were not allowed to add a small tower room as it would have exceeded the town's height limits. But this modern, boxy and tall structure would be allowed because the 40B permit would enable the developers to circumvent the town's involvement, advise and oversight?

I am astonished that Massachusetts, of all places, a state that prides itself on its environmental activism and interest in historic conservation, would allow a project like this to go forward. I hope the state will see the inappropriateness of *this* building on *this* site and not be manipulated into granting a 40B permit. And I hope the Provincetown Board of Selectmen will do everything in their power to stop this construction. If possible, I would like my concerns to be read into the public record of any meeting that takes place on this project. Provincetown and the East End deserve better than this boondoggle.

Sincerely,
Carol Fraser Plesser

Lori Pressman

Michelle Jarusiewicz

From: Lori Pressman <lori@loripressman.com>
Sent: Thursday, April 02, 2015 3:20 PM
To: Michelle Jarusiewicz; Loretta Dougherty
Subject: 40B site eligibility request for 350 Bradford Street.

April 2, 2015

Dear Assistant Town Manager Michelle Jarusiewicz and Provincetown Selectmen,

This letter is to provide comments on the first agenda item of today's meeting of the Board of Selectmen, -the 40B site eligibility request for 350 Bradford Street.

Thank you for your hard work on behalf of Provincetown.

My folks started coming to the East End of Provincetown in 1960 when I was 3. We made friends, -porches are good for making friends, and kept coming back for the magical and spiritually renewing mix of beauty and community. My Mom talked my Dad into buying 655 Commercial St., across from Rego Automotive and the current Hot L in 1977. Now I'm an owner and caretaker by choice, having bought out a family member in 04.

Over the years, we, collectively, bought ice cream at HoJo's, swam, dined at Basil's and Michael Shay's, drove each other to medical appointments, walked each other's pets, played scrabble, provided hugs in good times and bad, shared tomatoes, and watched the stars.

Just last weekend, our community called in a chimney fire, first reported by one neighbor to another, who then visited the smoking house and determined, that yes, the owner should call the fire department, and then called. Last summer, our neighborhood kept a boat off the rocks (Provincetown Banner, July 10, 2014).

I whole heartedly support and welcome affordable housing and the year round jobs, residents, and the economic diversity which foster a sustainable community.

The current 40B proposal strikes me as inconsistent with those goals in many ways. A significant change, as the current plan appears to be, to a neighborhood merits significant neighborhood input and notice, and to hear that the town has been working with the developer for an extended period, -apparently without public notice, on this project is disappointing. If it was publicized, I apologize for not being aware of the notice.

Given the prior issues with the sewer, and the complicated groundwater situation on the Cape, do we know that this amount of water and sewer usage will not have undesirable unintended consequences to the rest of Provincetown, or to the surrounding communities?

What provisions have been made that residency rules for 40B beneficiaries will be enforced? Does rental housing count as "affordable" housing?

Without addressing these and other questions, it is too easy to perceive this 40B application as a trick for irresponsible real estate development.

This is an opportunity to come together and think of something better, first, for this project, and then for a sustainable well managed community in general. In the spirit of starting a conversation, -not because I have researched them extensively, here are few suggestions:

It is worth investigating some of the tools of land conversation, <http://www.mountgrace.org/farm-conservation> where nonprofits buy easements on land and sell for and uses goals (in this case affordable housing) other than maximization of profit.

Why only 6 affordable units? See above question on rental properties, -rental units would expand the pool of beneficiaries. Have there been submissions from parties who may not have known about 40B? Perhaps, in due course, these, and others could be revisited and encouraged.

What subsidies (governmental or other nonprofit) are available for LEED housing? This year Provincetown is one of three communities/regions eligible for Solarize Massachusetts subsidies: <http://www.masscec.com/solarizemass> .

How can the design itself foster community, -a community garden perhaps? All affordable and all renewable energy? What about the small house movement? <http://smallhousesociety.net/> . There are so many innovative possibilities for our town. Aim high.

Thank you for your time and consideration.

Lori Pressman

Elizabeth Read #1

Michelle Jarusiewicz

From: Elizabeth Read <capesquad@mac.com>
Sent: Friday, April 03, 2015 9:03 AM
To: Michelle Jarusiewicz
Cc: Gloria McPherson; Cheryl Andrews; Erik Yingling
Subject: 350B Bradford Street.... 1.5% status

Good Morning,

I attended the BOS meeting last night and wanted to thank you for the information gathered and presented re the 350 Bradford Street 40B Eligibility process.

I would like to request that the Selectmen ask the town (or if appropriate the Cape Cod Commission) to complete an analysis of whether Provincetown has met the 1.5% land area calculation with regard to subsidized housing. As opposed to the 10% threshold which we do not meet, Provincetown is ideal for this method of measurement because it has a small eligible land area + a lot of high density of houses. They don't don't measure the dunes, beaches, woods, wetlands, etc.

It is important that this calculation be performed now because regulations require the Board of Appeals to announce the Town's compliance with the 1.5% status within 15 days of the opening of their hearing on a comprehensive permit.

Like you, I'm grateful for the extra 30 days to digest this application. I am an abutter and I loathe pretty much everything about this application. I share Michelle's preference for affordable rentals as opposed to affordable housing in that spot. My ideal would have the entire project be year round rentals (no summer sublets allowed). Ten or so small cottages a' la the flower cottages in Truro. The designs for 'small houses' now is incredible. It could be landscaped cheaply and simply in seagrass, rock and barrels of geraniums. :)

Sincerely,

Elizabeth Read
674A Commercial St
Provincetown, MA 02657

Elizabeth Read
#2

Michelle Jarusiewicz

From: Elizabeth Read <capessquad@mac.com>
Sent: Sunday, May 03, 2015 6:07 PM
To: Michelle Jarusiewicz
Subject: Fwd: 1.5% Area Land Calculation as it applies to 350 Bradford St

Begin forwarded message:

From: Elizabeth Read <capessquad@me.com>
Subject: 1.5% Area Land Calculation as it applies to 350 Bradford St
Date: May 3, 2015 10:01:41 AM EDT
To: tdonegan@provincetown-ma.gov, ldougherty@provincetown-ma.gov,
eyingling@provincetown-ma.gov, candrews@provincetown-ma.gov,
rrichter@provincetown-ma.gov, ranthony@provincetown-ma.gov
Cc: Jon Witten <jon@hugginsandwitten.com>, Barbara Huggins
<barbara@hugginsandwitten.com>, Zygmunt Plater <plater@bc.edu>

Mr. Thomas N. Donegan
Chair of the Board of Selectmen
Town Hall, Provincetown 02657
Secretary to Board of Selectmen: Loretta Dougherty
ldougherty@provincetown-ma.gov

Dear Mr. Donegan,

On April 3rd, I wrote to Board of Selectmen requesting that the town, or, if appropriate, the Cape Cod Commission complete an analysis of whether Provincetown has met the 1.5% land area calculation. What I learned at the April 29th meeting is that you have performed the calculations and we are in fact over this important threshold, closer to 1.8%.

To quote from our attorney Jon Witten's letter to you, "The Town of Provincetown Appears to Have Met the "1.5%" threshold of Chapter 40B and is therefore "Consistent with Local Needs." Simply put, meeting this threshold does not stop Mass Housing from issuing the site eligibility permit, but it does give control back to the town to deny the proposal or approve it with the very restrictions that other developers would be subject to without the ability for the developer to appeal to the state.

The Board of Selectmen and the various boards weighing in on the letter to MA Housing have received in excess of 100 letters from this community on the subject of 350 Bradford Street. Not one of those letters is in favor of this project. You have heard from people directly affected by the loss of their views, their privacy, their peace and quiet, and their property values. You have heard from residents concerned about every facet of this proposal: 'It's ugly'; 'It's enormous'; 'It looks like it belongs on a turnpike'; 'What about the sewer?'; 'What about flooding?'; 'My house will fall down the bank!'; 'My septic will be exposed.'; 'It will destroy the feel of the East End forever.'; 'I thought this was zoned for 9 units?'; and on, and on, and on.

Chris Wise's inability to offer constructive or specific information or answers to our questions about his building proposal at the 4/29 meeting was more than frustrating. He can't say what the building materials will be? The 'artist's rendition' isn't really what he proposes? How in the world did he estimate his costs for the application? His repetitive assurances that he wanted to work with the community to build a quality product were supported by nothing in the way of details.

This is our community. All I have heard about the 40B from the start of this nightmare was that it is an all encompassing permit issued by the State (MA Housing) that gives developers the right to bypass all local boards and appear only before the ZBA and further that the zoning board would have little, if any, of its normal powers. I also understand that the 40B approval is pretty much 'rubber stamped' as long as the developer offers 25% of the units as affordable housing.

Provincetown, because of our long history of working with responsible builders to address affordable housing, does have a choice. We have met the 1.5% criterion. This achievement is the exact same as meeting the 10% threshold. We are in a position of power that no other town on the Cape enjoys, use this accomplishment!

I'm writing to ask you to advocate for your town in opposition of these developers that we have so clearly told you we don't want.

Yours sincerely,

Tony Sampson ✓

RECEIVED
BOS - Vermont RA

APR 28 2015

TO the PROVINCETOWN BOARD OF SELECTMAN

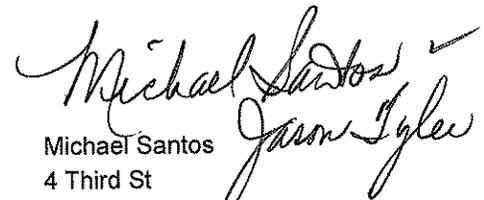
I AM WRITING TO VOICE MY OPPOSITION TO THE PROPOSED OVER DEVELOPMENT OF 350 BRADFORD ST. BY BRUCE MACFARLANE AND CHRISTOPHER WISE.

THIS PROJECT HAS NOTHING TO DO WITH PROVIDING AFFORDABLE HOUSING. IT IS CLEARLY A PERVERSION OF THE 40B STATUTE IN ORDER TO CRAM IN LUXURY CONDOS WITH A MINIMUM NOD TO THE AFFORDABLE UNITS THAT HAVE NO GUARANTEE THAT THEY WILL BE SOLD TO ANYONE LOCAL.

A 24 UNIT POORLY DESIGNED STRUCTURE OF WHICH THE ARCHITECT, DEVELOPER AND OWNER SHOULD BE EMBOSSED BY, WILL RUIN THE EAST END ENTRY TO PROVINCETOWN FOREVER, CAUSE TRAFFIC DISRUPTION, DESTROY THE FRAGILE DUNE COASTAL BANK AND REEK HAVOC ON A QUIET, DIVERSE COMMUNITY.

PLEASE DO THE RIGHT THING AND DO NOT SUPPORT THIS PROJECT.

Tony Sampson
11 BRADFORD ACRES RD.



Michael Santos
4 Third St
Hudson, Ma 01749
&
496 Commercial St
Unit 2
Provincetown, Ma 02657

Mr. Thomas N Donegan
Chair of the Board of Selectmen
Town Hall, Provincetown 02657
Secretary to Board of Selectmen: Loretta Dougherty
ldougherty@provincetown-ma.gov

May 11th, 2015

Dear Mr. Donegan,

When I was first made aware of the 350 Bradford St 40B Application, I was shocked that such a large project would be considered for the location stated. The proposed structure would not fit into the established neighbourhood style and environment. The size alone would clash with our community. It concerns me that any developer would propose such a design. A developer not only should be concerned about their design but also how it fits into the community as a whole.

In addition to the above, as I engaged with our citizens of Provincetown, we all became educated around the 40B process. I became troubled as it became apparent to me that there exists abuse of this process by developers to achieve their goals. Such abuse is solely used to circumvent zoning laws and supersede the towns' ability to manage its growth, environment and community effectively.

I agree that the town is in need of more affordable housing for our citizen who meet those requirements both full time and part-time. However, the manner in which the builder and developer are going about it is unreasonable and in my opinion criminal. It is apparent that they are proposing a structure that exceeds the land so as to gain financial benefit.

I would ask that our elected town officials to a stance on this matter and deny the application as it currently stands and preserve our community for decades to come. It would be a shame to see Provincetown become another overdeveloped tourist attraction where we loose the quaintness of what Provincetown is truly about and that draws thousands and thousands back every year. Let's not let greed and misrepresentation destroy what has taken decades to build.

I thank you for your time and consideration.

Yours sincerely,

Michael Santos &

Jason Tyler

Joan Smart
Lisa Cook ✓

Loretta Dougherty

From: Lisa Cook
Sent: Tuesday, April 28, 2015 10:19 AM
To: Loretta Dougherty
Subject: 350 Bradford St. Project

Dear Selectmen,

We would just like to formally voice our opposition to the proposed 350 Bradford St. Project. After reviewing the plans of this monstrosity we feel this project would be a detriment to the town and may set a precedent to the future development in this lovely town of ours. It is obvious the opportunistic developers of this project are not sympathetic to the character and scale of the existing architecture here in Provincetown. Is it possible for Provincetown to provide growth and still provide a sense of continuity? Yes, it can be done!

Respectfully submitted,
Joan Smart & Lisa Cook
Provincetown

"Bob" R.S. Steinberg

Michelle Jarusiewicz

From: R. S. Steinberg <rss@post.harvard.edu>
Sent: Thursday, April 02, 2015 2:55 PM
To: Michelle Jarusiewicz
Subject: Proposed changes at Michael Shay's

Dear Michelle Jarusiewicz,

As abutters who see Michael Shay's out the window every day, my wife Lise Motherwell and I are horrified by and opposed to the proposed changes there.

The drawings of the structure we have seen look like a suburban apartment complex, not the Provincetown we love. The idea that such a structure (which, we believe, will lie lower than our house at 651 Commercial Street) will be dry seems fanciful.

What's more, it's enormous. When we winterized 651 Commercial Street about twelve years ago, a volume calculation limited what we could do to a house essentially the same size as the old house--although it would have been nice to have a third bedroom. Are the proposed changes not subject to the same rules the Town applies to everyone else?

We do not want to have such a structure towering over us and everything around it, and hope that permission to build it will be refused.

Sincerely,
--Bob Steinberg

*Susan Sweeney
Read Family*

Michelle Jarusiewicz

From: Susan Sweeney <ssweeney@cox.net>
Sent: Thursday, April 02, 2015 9:30 AM
To: Michelle Jarusiewicz
Subject: Agenda: 350 Bradford St

As a five generation near neighbor to this property, the Read Family would like to register our objection to the development plans currently proposed for this location.

We are not opposed to all development. We have supported the development of the Santos family home property, nearby, to allow a single home to be replaced by a reasonable number of well planned townhouses that were designed to respect the community and accommodate the environmental issues of our town. We would welcome a comparably appropriate residential development on the old HoJo site.

The current proposal for 350 Bradford St is not remotely appropriate to the neighborhood in scale or size, or, most importantly, because of the negative environmental impact it will have on our town's fragile water supply and ecosystem.

The impact of that many new showers and toilets and sinks and dishwashers and washing machines and cars all in one spot is far beyond what our sandbar can sustain. The strain it will place on our expensive new sewer and water system is devastating. Putting parking underground in a flood zone would be ludicrous if it wasn't so dangerous.

The short term tax income and minimal gains in affordable housing this project offers will be overwhelmed long term by the drain it will become on our future environmental viability.

We respectfully request that the Selectmen block the development of this damaging project.

Sincerely,
Susan Read Sweeney
Read Family
674 Commercial St
Provincetown, MA
ssweeney@cox.net

Sent from my iPhone

Jose Vargas

Mrs. Jarusiewicz

My name is Jose Vargas, resident of 14 Bradford acres road, and I am writing to you to express my concern regarding to the proposal for the development at 350 Bradford st. I have been a resident since 2009 and I chose to buy my condo in the East End because I liked the quietness and the beauty that the neighborhood has to offer.

I think this proposal is too large for the lot and would have many consequences for the neighborhood. The scope of this development will add a lot more traffic and the fact that the developer will be cutting into the dunes and the coastal bank should be something very serious to be consider by the board. I am not opposed to the development but one that is sensible to the size of the lot and although I am all for affordable housing, the market prices are nothing but affordable.

Thank you for listening to my concerns and the concern of many neighbors.

Jose Vargas

RECEIVED
BOS - Vernon *ls*

MAY 14 2015

CC: BOS/TM/ATM

Louise Venden

Michelle Jarusiewicz

From: Louise Venden <lvenden@gmail.com>
Sent: Wednesday, April 29, 2015 11:55 AM
To: Michelle Jarusiewicz
Subject: 350 Bradford letter
Attachments: Louise Venden 4.29.docx

I would like this read tonight at the BOS meeting. I will send it to Cheryl in hopes that she will do so.

Thanks,

Louise

--

Louise Venden
617-694-1389

You are either part of the solution or you are part of the problem.

Louise Venden
16 Thistlemore Road
Provincetown, MA 02657

Michelle Jarusiewicz, Housing Specialist
Board of Selectmen
Town Hall
Provincetown, MA 02657

April 29, 2015

RE: Comments on 40B application for 350 Bradford site development

My comments are made as a private citizen, a real estate professional, and a community activist. I am sorry that I am not able to present my comments in person, but I wanted to express my views as part of the public comments as I visit my foot doctor yet again.

Provincetown residents have spoken and voted in favor of efforts to create a more robust year round economy and more affordable and middle income rental and ownership housing. Town staff, especially Housing staff led by Michelle Jarusiewicz, Provincetown 365 group, Town housing committees, the Finance Committee and the Board of Selectmen have held hearings and endorsed both Town investment in Community Housing and in public/private partnerships to increase the inventory of year round rental and ownership housing.

While I share the concerns voiced by most of my neighbors about the size, height and exterior cladding of the proposed building, I must go on record supporting the type of project being proposed. I have real estate development experience and understand Town housing needs and our ability to fund projects to meet those needs. The criticisms of the project are understandable, but the tone and attitude do not suggest a willingness to work with this developer to make modifications that would be more acceptable to them. The very quick organization of opposition and hiring of legal counsel will not only deter this developer, but will diminish the possibility of private/public housing development in the future.

According to recent research by Barry Bluestone cited at the January MMA meeting on Massachusetts communities that have successfully increased year round business growth, employment and housing; the most important factors were availability of sites, community economic development marketing and timeliness of the approval process. Provincetown does not have many sites for business or housing development, our approval process is neither timely nor set forth in clear language and requirements, and the attitude reflected in recent public discussions and actions toward new businesses (Shank Painter Road) and real estate development (Winslow farms and 350 Bradford St) is a strong deterrent, not a display of encouragement for private investment here. Provincetown cannot achieve the robust year

round economy or mix of housing we say we want without private investment, and private investment is actively discouraged here. The tax base is too small, the debt load already too high, and the operating expenses growing beyond our taxing authority while key infrastructure replacement and maintenance demand more capital investment.

The 350 Bradford Street Development would create 6 affordable units of housing for those who want to own homes and enjoy the building of financial stability that home ownership has provided to so many of us. The proposed prices of these units would enable family members to contribute relatively modest down payments as my grandmother did when I bought my first home in 1969. The developer of 350 Bradford has put together a reasonable pro forma showing a 12.38% investment return when private developers typically require a 20-25% return. In this case the risks of development on that site and in this Town environment are high, so it is truly remarkable that the developer has put together this proposal since even that profit may be wiped out if the project is delayed or encounters site development or construction problems and additional costs.

This letter is long because the Town's reaction to this proposal is another very public statement about the attitude of Provincetown toward welcoming private investment fostering economic development, and it is not a positive one.

Thank You,

Louise Venden

William Walker ✓

Loretta Dougherty

From: Will Walker <willwalker@earthlink.net>
Sent: Monday, April 27, 2015 5:17 PM
To: Loretta Dougherty
Subject: 350 Bradforn st.

To whom it may concern:

I am writing to express alarm over the proposed 40B development at 350 Bradford Street.

To echo the concerns of others whom I know have written on this subject, let me briefly mention a few problem areas: underground parking; septic issues; dune integrity; and aesthetics.

Breaking the project down into problem areas, however, seems to me to fail to address how completely awful a project this is. It violates all historical uses in the neighborhood, and ignores environmental and legislative guidelines. To look at the architect's presentation of this project is to get some sense of the shocking heavy-handedness with which it strives to promote a proposal with all the charm of a suburban medical complex. I can't think of anyplace I'd be excited to see this project built, and certainly it's not right for anyplace in Provincetown.

Yours truly,
William Walker
summer resident: 616 Commercial St. #16

Hazel Warner
Klaus Betten

RECEIVED
BOS - Vermont

APR 28 2015

To: The Board of Selectmen

CC: BOS/TM/ATM

Re: 350 Bradford St. proposed project

We believe that the enormous scale of this project is out of place in this Town and will prove to be a detriment to the neighborhood. This will not provide the needed year round rentals that are needed. The 25% of sales (not rentals) will most likely go to out of towners re the State lottery. Rather than State controlled projects the Town would do better to buy an apartment building a year and provide rentals to our residents only. There must be a way to discuss with State officials to not allow this project. Hazel Warner & Klaus Betten 269 Bradford St.

Lisa Westervelt

Michelle Jarusiewicz

From: Lisa <lisawest19@aol.com>
Sent: Tuesday, April 28, 2015 2:31 PM
To: Michelle Jarusiewicz; Loretta Dougherty
Subject: 350 Commercial Street, Comprehensive Permit "Project Eligibility/Site Approval"
application to MassHousing

To the Honorable Members of the Board of Selectmen,

I am appalled at the massive 24 unit condominium building proposed for the site at 350 Commercial Street, at the historic gateway to our town, and request that you add my letter of opposition into the record.

There are many reasons this proposed development should be turned down, from environmental and flooding concerns (it will obliterate a coastal bank used for flood control and storm damage prevention and ignore established principles of environmental justice), to neighborhood scale, traffic, and historic considerations. Also, from what I understand, the proposed project literally scores a zero using MassHousing's scoring criteria. Finally, the proposed project will not address -- AT ALL -- the pressing need for affordable rental units in our community.

This proposed project defies common sense and should be nipped in the bud at an early juncture, so that other projects of appropriate scale and use may be put forth and considered for this site.

Respectfully submitted,

Lisa M. Westervelt
Provincetown, MA

Sewall Whittemore ✓

Loretta Dougherty

From: sandra anderson <cora02657@gmail.com>
Sent: Wednesday, April 29, 2015 5:58 PM
To: Loretta Dougherty
Subject: 350 Bradford Street

Dear Board of Selectmen,

I am writing to object to the proposed development by BPJC, LLC of 24 units at 350 Bradford St. I find this to not be appropriate for this area in its possible destruction of sensitive dunes in the rear area of the proposed development. Surely there can be some way to stop this based on an Environmental protection basis. Please do what is necessary to block this in whatever manner you can find.

Best Regards,
Sewall Whittemore
10 Seashore Park Dr Unit P
Provincetown MA 02657