



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

January 14, 2021

Findings and Decision the Planning Board

Case Number: PLN 20-34
Applicant: Keith LeBlanc
Owner: Wendy and Travis Connors
Property Address: 14 Thistlemore Road
Assessor's ID: 16-2-6-0
Deed: Book 31630, Page 184
Zoning District: Residential District 1 (Res1)
Planning Board Members: Paul Graves
Jeffrey Mulliken
Brandon Quesnell
Monica Stubner
Ross Zachs

I. Introduction

The Applicant is petitioning the Planning Board for Site Plan Review approval under Article 2, Section 2320, High Elevation Protection District and Section 4010, Administrative Site Plan Review, of the Town of Provincetown Zoning By-Laws (the Zoning By-Laws) for the Project proposing changes to parking, stairs, and walkways, and adding a wood deck, and an outdoor shower, retaining walls and appurtenant landscaping on the property located at 14 Thistlemore Road within the Residential District 1 and High Elevation Protection District A Overlay.

II. Decision

The Planning Board hereby approves the Site Plan pursuant to the Zoning By-Laws, Article 2, Section 2320, High Elevation Protection District and Section 4010, Administrative Site Plan Review by vote of 5 in favor, 0 opposed, and 0 abstaining.

III. General Findings

1. The Property is located at 14 Thistlemore Road in Provincetown, Massachusetts, is known by the Assessor's Office as Parcel ID: 16-2-6-0, and is recorded land in Book 31630, Page 184 at the Barnstable Registry of Deeds.
2. The Property is located in the Residential District 1 (Res1) zoning district and the High Elevation Protection District A Overlay.
3. The Property is 10,564± sq. ft. in size and developed with a single-family dwelling, shed, and decks.
4. The Property is pre-existing non-conforming with respect to size (10,564± sq. ft. where 16,000 sq. ft. is required) and frontage (75.7± ft. where 100 ft. is required).
5. Thistlemore Road is listed as a Private Way.
6. The proposed Project includes: rebuilding and squaring off the existing raised deck located on the southwest side of the building; relocating and rebuilding the wood stairs and decks on the north and northwest sides of the building; replacing a timber retaining wall with a relocated concrete retaining wall that will create a fully off-street parking space on the northeast side of the property; relocating steps on the northeast side of the property by replacing them with wood steps and railing; relocating the outdoor shower; adding exterior lighting and appurtenant landscaping within the Property.
7. The Applicant submitted a project narrative dated November 30, 2020 describing the Project, construction methods, proposed lighting fixture specifications, and revised plans showing where work is proposed.
8. As of December 9, 2020, there were no public comments or letters relating to the Project.
9. The project was reviewed pursuant to the relevant review criteria as outlined in Sections 2320, 4035, and 4163.
10. The Board held a public hearing on December 10, 2020. Note that the hearing was held virtually in accordance with Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, March 23, 2020 Order imposing strict limitation on the number of people that may gather in one place, and Chapter 53 of the Acts of 2020. Emma Winkler of LeBlanc Jones Landscape Architects presented the Project and the Board provided an opportunity for all those attending the public hearing to be heard.
11. The applicant submitted plans and renderings of the Project and the Planning Board members had sufficient time to review the plans prior to the hearing. Plans included:
 - a. Plans entitled "Existing Conditions" at a scale of 1"=20' dated November 20, 2020 labeled EX; "Materials and Grading Plan" at a scale of 1/8"=1' dated November 30, 2020 labeled L1.0; "Planting and Lighting Plan" at a scale of 1/8"=1', dated November 30, 2020 labeled L2.0; and "Front Wall Elevations" scale as depicted, dated February 12, 2020 labeled L3.0 all prepared by LeBlanc Jones Landscape Architects, Inc. certified by Keith P. LeBlanc, RLA No. 903, in four sheets (24x36).

IV. Applicable Law, Decision Criteria, and Specific Findings:

- A. Site Plan Review under Article 2, Section 2320, High Elevation Protection District, C. Special Regulations for HEP Districts A and B.
 2. *In its Site Plan Review, the Planning Board shall apply the following additional standards:*

- a. *Placement of buildings, structures, or signs shall not detract from the site's scenic qualities and shall blend with the natural landscape.*
- b. *Building sites shall be directed away from the crest of hills in order to preserve the visual and physical integrity of the dune unless such siting shall be more detrimental to the physical integrity of the dune.*
- c. *Developments for more than one structure shall incorporate variable setback and multiple orientation.*
- d. *Foundations shall be constructed to reflect natural slope of the terrain; excessive support members or mechanical systems shall be covered and screened.*
- e. *Landscaping shall consist primarily of native trees and plants.*
- f. *Retaining walls shall be screened with appropriate materials.*
- g. *Any grading or earth-moving shall be planned and executed in such a manner that final contours are consistent with existing terrain both on and adjacent to the site.*
- h. *Utilities shall be constructed and routed to minimize detrimental effects on the visual setting.*
- i. *Storage of petroleum products shall be placed on a diked impermeable surface.*
- j. *All run-off from impervious surfaces shall be recharged on site by being diverted to storm water infiltration basins designed to handle a 25-year storm and covered with natural vegetation.*
- k. *No area totaling 2000 square feet or more on any parcel or contiguous parcels in the same ownership shall have existing vegetation clear-stripped or be filled 6 inches or more so as to destroy existing vegetation unless special controls are approved to control run-off, avoid erosion, and either a constructed surface or cover vegetation provided and mulched by end of August. No such areas shall remain through the winter without plant material cover.*

The Planning Board hereby finds the following:

- a) That the Project proposes rebuilding and squaring off the existing raised deck located parallel to remove a triangular portion of the deck closest to the wetlands located in the western portion of the property; use steps and terraced wood decks with some re-grading to mimic the natural slope of the property on the north and northeast sides of the building; replacing a timber retaining wall with a relocated concrete retaining wall that will create a fully off-street parking space on the northeast side of the property; and that the proposed work is generally in keeping with the contemporary architectural style of the existing building, such that the Project will not detract from the site's existing scenic qualities.
- b) That the Project's location is within a portion of the existing decks and stairs adjacent to the existing building and adjacent to the gravel driveway where there is an existing concrete retaining wall proximate to Thistlemore Road; and that decks on the north side of the building are designed to be within 24 in. of the proposed grades such that it matches the existing developed nature of the dune; and further employing a cast in place concrete wall that will be clad with wood is designed to preserve the physical integrity of the dune and soften the appearance from the road.
- c) That the standard does not apply where the Project is not a development for more than one structure.

- d) That the Project proposes steps, decks, and grading will mimic the natural slope of the property, and use of wood cladding for the existing and proposed concrete wall softens the visual appearance of the structured landscape feature that is designed to improve off-street parking adjacent to Thistlemore Road.
 - e) A significant portion of the proposed work is within the existing decks and gravel driveway. Existing landscaping is largely composed of mulched areas that are proposed to be planted with mostly native shrubs and groundcovers. The planting plan proposes plant species to stabilize the slope and re-graded landscaped areas.
 - f) The existing wood timber wall on the southeast side of the property will remain; the existing concrete retaining wall and proposed cast in place concrete wall to the north that is replacing the wood timber retaining wall will both be clad with wood to screen the concrete; and the proposed stairs and railing adjacent to the walls will be made of wood and provide an enclosed storage area beneath.
 - g) That the Project includes excavating a 4 ft. by 11 ft. by 23 ft. area within the northern portion of the property adjacent to the existing gravel driveway in order to create a fully off-street parking space for a vehicle as well as grading and earth-moving to excavate the sand necessary to install the foundations and footings required for the proposed decks, steps, wood stairs, and landscaping and is proposed to be executed in such a manner that maintains the existing terrain contours on all adjacent parcels.
 - h) That this standard is not applicable where no utilities are proposed outside the structure.
 - i) That existing propane tank is proposed to be buried and shifted towards the street approximately 11 ft. to allow for taller landscape plantings near the building and the outdoor shower.
 - j) That although the Project will result in some minimal additional impervious surfaces from the proposed concrete wall and blue stone pavers, the proposed expanding parking area will be pervious gravel to match the existing and the improved landscaping will stabilize areas disturbed by grading; and proposed grades will not significantly modify the drainage infiltration capacity within the Property.
 - k) That this standard is not applicable where no vegetation will be clear-stripped and left exposed where a planting plan proposes vegetation for stabilization.
- B. Site Plan Review under Article 4, Section 4035, Review Criteria:
- In its review of the site plan, the Planning Board shall consider the following:*
- a. *That the plan is in accordance with the Provincetown Zoning By-Laws and is consistent with the goals of the Local Comprehensive Plan.*
 - b. *That the plan meets the design requirements outlined in Section 4163.*
 - c. *That the plan shall address the requirements of Section 5331.*
 - d. *Protection of public amenities and abutting properties through the mitigation of any detrimental impacts of any proposed use;*
 - e. *Protection of unique, natural, scenic, or historic features of the site,*
 - f. *The safety and convenience of pedestrian and vehicular movement within the site, and in relation to rights-of-way and properties in proximity to the site;*

- g. Protection of the public health and safety within and adjacent to flood hazard areas;*
- h. That the plan shall conform to the Illumination Standards of Section 3430 Illumination.*

The Planning Board hereby finds the following:

- a) That the Project is in accordance with the Provincetown Zoning By-Laws and is consistent with the Economic Development Goals of the Local Comprehensive Plan where the Project locates development so as to preserve Provincetown's environmental and cultural heritage, minimize adverse impacts, and enhance the quality of life.
 - b) That the Project meets the design requirements outlined in Section 4163 as described herein.
 - c) That the Project does not require a Development Impact Statement where the scope of the project is a single-family dwelling and the characteristics of the location do not indicate a need, and therefore the requirements of Section 5331 have been adequately addressed.
 - d) That the Project's size and scope within a single-family dwelling protects adjacent Provincetown Conservation land, located to the south, and abutting properties by avoiding detrimental impacts and maintaining existing residential uses consistent with the Res1 Zoning District.
 - e) That the Project's size and scope avoids significant expansion or detrimental impacts.
 - f) That the Project maintains the existing safety and convenience of pedestrian movement within the site, that the proposed retaining wall is designed to improve off-road parking adjacent to Thistlemore Road and will likely enhance vehicular safety and in relation to the rights-of-way and properties in proximity to the site.
 - g) That this standard is not applicable where work is proposed outside of any flood hazard areas located within the southernmost portion of the Property.
 - h) That the Project conforms to the Illumination Standards of Section 3430 Illumination where this Decision conditions proposed exterior lighting to be dark sky compliant so as not to create light overspill onto adjacent premises or roadways or cast observable shadows, and so that it does not create glare from unshielded light sources where the following are met:
 - a. No internally illuminated signs are proposed on the Property.
 - b. No externally illuminated signs are proposed on the Property.
 - c. Exterior lighting fixtures include downward facing landscaping lighting, shielded downward facing wall fixtures, and are proposed to be mounted in compliance with the Massachusetts Building Code.
 - d. No floodlighting is proposed on the Property.
- C. Site Plan Review under Article 4, Section 4163, Residential Design Standards:
In its review of the site plan, the Planning Board shall require that the following minimum standards be met if applicable. The Planning Board may waive any design standard which would be unreasonable to enforce due to the peculiarities of the site or size of the development.

1. *Ways within the site shall not intersect another way without the site or street outside the site at less than sixty degrees.*
2. *Curb radii at street intersections shall not be less than twenty-five feet.*
3. *The minimum width of traveled surface within the site shall not be less than eighteen feet.*
4. *Where unusual topographical conditions exist, the Board may permit center line grades to be up but not greater than twelve percent.*
5. *All storm water drainage is to be contained within the site in a manner acceptable to the Planning Board.*
6. *In new construction utility service shall be underground.*
7. *Surfaces of parking area should be suitable for the purpose planned.*

The Planning Board hereby finds the following:

- 1) That this standard is not applicable where no ways are proposed.
- 2) That this standard is not applicable where no new intersections are proposed.
- 3) That this standard is not applicable where no new traveled surfaces are proposed.
- 4) That this standard is not applicable where no new traveled surfaces are proposed.
- 5) That the Project will not result in significant modification to water drainage where runoff from the minimal additional impervious surfaces will be infiltrated onsite, the proposed expanded driveway area will be pervious gravel, and proposed grading is designed to mimic the existing topography such that the drainage infiltration capacity will be maintained within the Property.
- 6) That this standard is not applicable where no new utility service is proposed.
- 7) That the proposed expanded gravel parking area is suitable for a single-family dwelling.

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

V. Vote

PLN 20-34:

Motion by Jeffrey Mulliken to approve the Site Plan pursuant to the Zoning By-Laws, Article 2, Section 2320, High Elevation Protection District and Section 4010, Administrative Site Plan Review, for the Project proposing changes to parking, stairs, and walkways, and adding a wood deck, and an outdoor shower, retaining walls and appurtenant landscaping on the property located at 14 Thistlemore Road, with the conditions noted herein. The Motion was seconded by Paul Graves.

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

VI. Conditions:

1. Proposed exterior lighting shall be dark sky compliant and mounted in compliance with the Massachusetts Building Code.
2. All stormwater runoff from proposed impervious surfaces will be fully contained within the Property.

Signed By:

Planning Board

Date

Date of Filing with the Town Clerk:

A copy of the application in this matter, bearing the stamp of this Board, the signatures of the sitting members, and the date of this decision, will be on file in the Provincetown Department of Community Development. The applicant is hereby put on notice that any deviation from the above referenced application shall invalidate this Decision and shall require further review by this Board. Furthermore, the Decision issued hereunder shall not be valid until recorded at the Registry of Deeds in Barnstable as provided in the Provincetown Zoning By-Law and G.L. ch. 40A.

Important: Any appeal from the decision of the Planning Board can be made only to the Court and must be made pursuant to MGL ch. 40A, § 17, as amended, and must be filed within twenty (20) days after the date of filing of the decision with the Town Clerk.

Note: or as such timeframes are suspended and extended pursuant to Section 17 of Chapter 53 of the Acts of 2020.