



March 4, 2026

**By Email**

Alex Peterson, Esq., Legal & Regulatory Specialist  
Cape Cod Commission  
3225 Main Street  
Barnstable, MA 02630

RE: The Pier Hotel, Provincetown  
CCC Project File No. 23025

Dear Alex:

This correspondence follows our recent discussions with Commission staff regarding the Provincetown Pier Hotel Project. As requested, we are providing additional details to support approval of the proposed Development of Regional Impact with a waiver from Coastal Resiliency Objective CR1.

**A. Waiver Request for Coastal Resiliency Objective CR1**

In further support of the Applicant's request for a waiver from Coastal Resiliency Objective CR1, the Applicant provides the following additional information regarding the proposed mitigation in connection with the Project:

1. **Storm Management Plan.** The Applicant has discussed a storm preparedness/post-storm management plan for the Project Site with staff and agrees to developing a plan as a condition of obtaining a final certification of compliance.
2. **Beach Berm.** The proposed beach berm is a low-profile feature constructed of sand of compatible grain size designed to function more like beach nourishment than a sacrificial dune. The Provincetown Conservation Commission carefully evaluated the proposed berm conditions in comparison to existing site conditions and determined that the berm will result in no adverse effect on the wetland resource areas.

The berm will be sited within the footprint of the existing structure at 227R Commercial Street and will extend across the Site, tying into the adjacent dune system on either side of the Property. It will introduce approximately 32 cubic yards of sand into the beach and dune system, with a peak elevation of 10 feet NAVD88. By increasing sediment volume along the landward beach margin, the berm will help limit beach scour during flooding events.

Importantly, the Order of Conditions (DEP File No. 58-0715) includes explicit conditions addressing both berm replenishment and monitoring throughout the life of

*A Legal Beacon since 1969*

the Project. The Applicant must monitor the berm, provide nourishment as needed, and submit periodic reports to ensure continued compliance.

3. **Educational Signage.** The Applicant agrees to include signage on the proposed Pier to educate the public about the importance of eel grass in coastal resiliency efforts and if desired, will include a graphic showing the historic pier and prior development on the Site.

## **B. Wetlands Resources Objective WET1**

Objective WET1 requires the protection of wetlands and their buffers from vegetation and grade changes. Wetlands and their buffers must not be altered except in the limited circumstances identified in the Technical Bulletin and where the applicant can show that there is a public benefit, there is no feasible alternative to alteration, and that the impacts from the alteration are minimized and mitigated. For water-dependent structures and uses, the development proximate to wetlands should not change the vegetation, grade, hydrology, sun exposure, or nutrient inputs to wetland or buffer areas. For water-dependent structures in coastal resource areas, the applicable standard further requires that a public benefit be demonstrated, impacts be minimized, and the applicant show that no feasible alternative exists.

### **1. The Proposed Pier Provides a Significant Public Benefit**

Currently, the Site contains an abandoned pile field—the remnants of a historic pier that once supported Provincetown’s vibrant marine commercial activity. The proposed Pier would restore a meaningful connection to the waterfront by providing ADA-accessible public access along the shoreline and over the water sheet where no such access exists today. In doing so, it not only reactivates a long-dormant portion of the Site but also creates a significant public benefit.<sup>1</sup> For these reasons, the Pier is an essential and integral component of the Project.

### **2. The Pier Will *Not* Alter the Vegetation, Grade, Hydrology, Sun Exposure, or Nutrient Inputs to the Land Under Ocean and Land Containing Shellfish**

The Pier was originally designed to extend approximately 685 feet. In its current configuration, it varies slightly in length but is generally about 260 feet long—a reduction of roughly 425 feet, or more than *half* of the original length—and varies in width from 40 to 65 feet. Notably, the proposed Pier is also approximately 40 feet *shorter* than the historic pier and is significantly smaller than other nearby piers extending into Provincetown Harbor, including MacMillan Pier and Provincetown Wharf. The proposed deck elevation is set at 17 feet NAV88

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<sup>1</sup>The Pier’s significant public benefit has been consistently recognized and affirmed throughout the permitting process. The Secretary of Energy and Environmental Affairs determined that the proposed Pier will provide a public benefit by improving the public’s access to flowed tidelands in its October 24, 2025 Public Benefit Determination. Likewise, the Provincetown Zoning Board of Appeals and Planning Board similarly concluded that the Pier represents a significant public benefit. See Zoning Board of Appeals Decision dated June 3, 2021 (“[T]he Board considers the proposed pier as a public benefit.”); Planning Board Decision dated June 10, 2021 (“The proposed Project protects public amenities...through...the addition of a public pier.”).

(~24 feet above substrate), rising to 19 feet at the upland connection to match the Pier Waterfront Hotel and ensure ADA-accessibility. The structure will be supported by approximately 205 piles spaced 10- to 12- feet. As a redevelopment project, there is no feasible alternative location for the proposed Pier.

By being located landward of the eelgrass meadow, the Pier does not alter any vegetation in the nearshore. Indeed, the Pier maintains a minimum 25-foot buffer to the mapped eelgrass margin to avoid any direct impacts, which is a substantial improvement over the historic pier, which had a broad pile field that extended up to—and in some cases directly into—the eelgrass meadow. Moreover, the Pier is oriented in a northwest-southeast direction, so the sun – which moves across the southern sky – will cast any shadows landward and not seaward over the eel grass meadow.

The pile-supported Pier will not change the harbor’s naturally fluctuating bottom elevations. Instead, by increasing the pile spacing from 4- to 8-feet (existing pile field) to 10- to 12-feet and reducing the number of piles from 230 to 205, the Pier will improve sediment transport and not interfere with natural migration of the beach. By spacing the piles farther apart than the historic pier and reducing the total number of piles, the Pier will also improve water flow in this area, which will in turn benefit pelagic fishes, and occupy less benthic habitat which benefits shellfish and crustaceans. Additionally, eliminating the marina component of the Pier fully avoids potential indirect impacts to eelgrass and shellfish that could otherwise result from anchoring, propeller wash, or vessel grounding.

### **3. Any Impacts to the Wetlands are Minimized and Mitigated**

In addition to the design features set forth above, which minimize any impact to the wetland resource areas, the Applicant is also required pursuant to the Order of Conditions to monitor and report on the condition of the adjacent eelgrass meadow for three years post-construction. If any eelgrass is impacted by the Project, the Applicant is further required to mitigate by planting new eelgrass. Accordingly, the proposed Pier fully satisfies each of the applicable WET1 standards.

### **4. The Following Alternatives to the Proposed Pier Design were Analyzed and Ultimately Dismissed by the Project Team**

The Pier as currently proposed represents the feasible alternative that achieves the most balanced and appropriate outcome under Objective WET1. Nonetheless, the Project Team evaluated the following additional alternatives before determining that they were not practicable.

- a) **No-Action Alternative.** This option would fail to improve access to tidelands and would substantially limit the Project’s public benefits. As such, it is not a feasible alternative.
- b) **Narrower Pier Alternative.** The Team evaluated reducing the Pier width from the proposed 40–65 feet to 30 feet and centering it on the Pier Hotel Waterfront

Building. While this approach would slightly reduce temporary pile-driving impacts and marginally decrease the number of piles, it would not meaningfully increase the eelgrass buffer or reduce long-term impacts, as the eelgrass meadow lies seaward of the Pier footprint.

At the same time, narrowing the Pier would significantly undermine the Project's public purpose. It would constrain pedestrian circulation, limit safe occupancy, reduce the Pier's functionality as a public gathering space, and compromise efforts to activate and revitalize the Harbor waterfront.

An alternative that materially diminishes public benefit without meaningfully reducing environmental impact is not feasible under the governing standard.

- c) **A shorter pier.** The proposed Pier is already substantially shorter than both the historic footprint and the original design. Wetland impacts – particularly to eelgrass, which Commission staff have indicated is the primary concern – have been carefully avoided and minimized through thoughtful siting, elevation, orientation, and buffer design. In addition, the Order of Conditions already requires mitigation in the event the Project results in an impact to eelgrass. As a result, any further reduction in the length of the proposed Pier would not yield meaningful additional protection to the eelgrass meadow.

It is also important to recognize that this area does not support eelgrass growth due to extremely shallow water at low tide and consistent boat traffic. *See* PowerPoint Presentation titled “Eelgrass Mapping Provincetown Harbor” prepared by the Office of the Harbormaster dated March 2026, attached as **Exhibit A.** The proposed Pier footprint lies within a zone that is regularly exposed at low tide and routinely subject to nearby vessel activity. *See* Photographs taken March, 2026 of the historic pier remnants at low tide, attached as **Exhibit B.** Under these conditions, eelgrass is not expected to migrate further landward into this area. Significantly, these constraints are driven by natural tidal patterns and existing harbor use – not by the presence or design of the proposed Pier. *See* Exs. A and B.

In short, further shortening the Pier would produce only a negligible environmental benefit – such as a minimal reduction in the number of piles – while providing no further benefit to the eelgrass. A reduction in length would, however, significantly compromise public access, safety, and overall functionality of the Pier. For these reasons, additional reduction in the Pier's length was not considered a feasible alternative.

### **C. Community Design Objective CD1 - Consistency with Regional and Local Scale of Development**

As detailed in the application materials, the building is 2.5 stories, which complies with the height requirements in the Provincetown Zoning Bylaw. The first occupiable floor sits above

the Design Flood Elevation as established by FEMA and required by the Massachusetts Building Code. As a result, the proposed building appears to be taller than its neighbors, but as these neighboring properties are required to elevate buildings, the perceptible differences in height will diminish. Any reduction in either the eaves or the ridge height of the building would all but eliminate the potential for third floor occupiable space in this building.

The proposed length of the 227R building is to provide sufficient open space between itself and the buildings at 227-229 Commercial and to set the building's mass ten feet farther back from the waterfront than the existing building. The proposed width of the 227R building is directly related to both providing adequate setbacks along the sides, including sufficient area for an ADA-accessible public ramp to the public Pier, and providing a minimum dimension for a double-loaded corridor plan layout for the proposed hotel rooms. Indeed, the building cannot be reduced in width without sacrificing an entire corridor of hotel rooms.

The overall massing of the building is divided into three parallel parts comprised of two parallel gable sheds and the center portion in the space between the two gable sheds. This formal move is inspired by the historic buildings and urban patterns of the Provincetown waterfront and substantially diminishes the apparent overall mass of the building. Furthermore, the two gable buildings are staggered in plan at the waterfront side of the building. This further enhances the reading as multiple buildings side-by-side and follows the historic pattern of staggered buildings on the waterfront.

This design is in keeping with the Provincetown Zoning Bylaw and patterns of historic and new buildings along Commercial Street, which is full of large, long structures that reflect the historic fishing and whaling uses. Also, the roof has cut-out balconies that break up the roof surface and reduce the apparent and actual mass of the buildings, and the elevations have balconies that partially protrude and partially recess into the façade, eliminating a planar reading of the facades by providing substantial depth and shadow. And, the first-floor facades on the east and west sides of the building are materially differentiated toward the waterfront, in relation to the material of the rest of the first floor on the landward side, so that at the level nearest to human occupation on the ground and pier, the building feels like it is comprised of multiple parts.

### **1. The 227R Building is Consistent with the Scale of Local Development**

As proposed, the 227R building is compatible with the scale of local and regional development. One building away to the east is Whaler's Wharf, a 3-story structure of 430,320 cubic feet. Immediately adjacent to that building is the Crown and Anchor Hotel, another 3-story structure of 237,040 cubic feet. The proposed 227R project is a 2.5 story structure with a scale of 231,990 cubic feet. There are other large buildings to the west to the immediate west that range from 88,000 cubic feet to 160,000 cubic feet. The building on the directly abutting property to the east (Marine Specialties) is a very long industrial building with a gable roof. The Marine Specialties building is nearly twice as long as the proposed building at 227R. Finally, the proposed 4-story building at 227-229 Commercial Street was lauded by the Massachusetts Historical Commission for recreating the architecture of the historic 5-story Colonial Ice Storage Building that was built circa 1850.

These examples make clear that the proposed 227R structure is fully consistent with the established scale of development in this neighborhood of Provincetown. The project does not introduce a new or out-of-character intensity of development; rather, it reflects the dimensional patterns and built form already present in the surrounding area.

Importantly, the local regulatory authorities charged with evaluating scale and neighborhood compatibility have already reviewed and approved the proposal as presented. The Provincetown Zoning Board of Appeals specifically approved the building scale and appropriateness of massing and size relative to nearby developments for the 227R building, and the Provincetown Historic District Commission determined that the scale of the entire Project is “Appropriate” for the Site and in the context of the surrounding area.<sup>2</sup> Further, in her February 8, 2024 correspondence to Secretary Tepper, Ms. Simon of the Massachusetts Historical Commission expressly concluded that “the new building at 227R Commercial Street is contextually appropriate.”

## **2. The 227R Building Cannot Be Reduced in Size Without Losing Vital Programming**

Since 2011, Provincetown has lost more than 25% of its hotel rooms. In just the last two years alone, the total number of hotel rooms has declined from 1,380 in 2024 to 1,284 in 2026 — a loss of approximately 7%. *See* Document detailing decrease in hotel rooms based on data obtained from the Provincetown Tourism Department, attached as **Exhibit C**. A significant portion of these former hotel properties have been converted into residential condominiums or private homes. Many of those residences are then used as short-term rentals, further exacerbating the Town’s housing challenges while simultaneously driving up average hotel room rates due to reduced supply.

Against this backdrop, the Pier Hotel Project fills a critical gap in the local market. It is uniquely positioned to provide year-round hotel rooms, along with meeting space, event venues, and diverse dining options — amenities that are currently limited in Provincetown, particularly outside the peak summer season.

This is not simply a lodging facility; it is envisioned as a year-round destination capable of hosting conferences, weddings, cultural events, community gatherings, and medium-sized functions that Provincetown currently struggles to accommodate. The scale of the Project is what makes that programming possible. The result is an establishment that builds the local tourism economy, supports local businesses, creates sustained year-round employment, reactivates the Harbor waterfront, and provides meaningful spaces for both residents and visitors. The Town’s strong support for the Project reflects this broader public benefit and the year-round vitality it promises to bring.

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<sup>2</sup> In fact, the Zoning Board and Historic District Commission approved the 227R building at a scale slightly larger than what is being included in the Cape Cod Commission application. During the local permitting process, a portion of the building on the landward side was eliminated in response to abutters’ concerns.

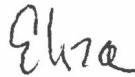
Any reduction in the massing of the 227R building would directly and materially reduce that programming capacity. Narrowing the building, shortening its length, or lowering the gable roof heights would necessarily eliminate vital hotel rooms.<sup>3</sup> The loss of hotel rooms – even as few as 5 units – would fundamentally change the nature of the Project. It would be unable to function as a year-round destination, nor would it have the critical mass necessary to support larger events and gatherings. Instead, it would become a significantly smaller, more seasonal operation, unable to sustain the economic and community benefits that define the proposal.

In sum, further reductions to the 227R building to lessen perceived visual massing would disproportionately impact revenue-generating space while leaving core costs largely unchanged. Any additional decrease in size would necessarily eliminate hotel rooms, which would in turn limit the Project's programming and undermine its viability as a year-round destination capable of hosting larger events. Equally important, such reductions are not necessary to achieve compliance with Objective CD1.

#### **D. Concluding Remarks**

In closing, we appreciate the thoughtful comments and continued dialogue with Commission staff throughout this review. As outlined above, the Project meets all objectives of the Technical Bulletin with the exception of Coastal Resiliency Objective CR1. With respect to CR1, the record demonstrates that the waiver criteria are fully satisfied, including the mitigation component. Accordingly, we respectfully submit that the Project is consistent with the governing standards and may be approved with the requested CR1 waiver.

Very truly yours,



Eliza Cox

Enclosures  
cc: Applicant (w/encls)

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<sup>3</sup> Relocating the 227R Building farther landward is likewise not a viable option. Doing so would block a significant amount of sunlight to the abutting property to the west (a restaurant) and create a sense of overcrowding. Further landward movement is also constrained by zoning setback requirements, the required separation between the 227R and 227–229 buildings, and applicable building code, fire safety, and ADA accessibility requirements for this public-use site.

# EXHIBIT A



# Eelgrass Mapping Provincetown Harbor

Impacts Assessment for the  
Provincetown Pier Hotel Development

Prepared by the Office of the Harbormaster  
Town of Provincetown, Massachusetts  
March 2026



# Harbor Mapping Project Overview

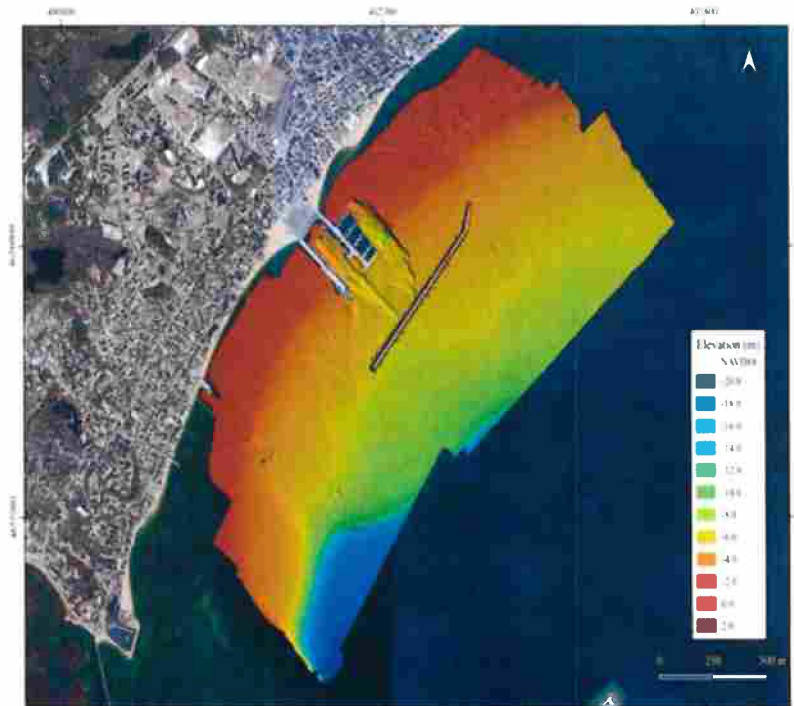
## Survey Partnership

In October 2025, the Town of Provincetown contracted the Center for Coastal Studies (CCS) to perform a high-resolution sidescan sonar and bathymetric survey of Provincetown Harbor. The survey mapped 2.6 km<sup>2</sup> of harbor floor over two days using dual-frequency sonar technology.

**2.6 km<sup>2</sup>** Survey Area  
of harbor floor mapped

**232** Sonar Lines  
dual-frequency passes

**50 cm** Resolution  
bathymetric grid



*Bathymetric survey of Provincetown Harbor (Oct 2025)*

# Survey Methodology & Data Quality

The Center for Coastal Studies conducted the survey using industry-standard equipment and methods, ensuring scientifically defensible results suitable for regulatory review.

## Dual-Frequency Sidescan Sonar

550 kHz for vegetation mapping, 850 kHz for hard target detection. Each frequency optimized for its purpose.

## Multibeam Bathymetry

50 cm resolution depth grid providing complete 3D model of the harbor floor, referenced to NAVD88.

## 232 Survey Lines

Full coverage over 2 days (Oct 7 & 10, 2025), 78.9 km of linear track at 5.5 knots average.

## Professional Analysis

Data processed in SonarWiz 8 by CCS oceanographers. Eelgrass boundaries delineated from acoustic texture signatures.

# Sidescan Sonar — Eelgrass Detection



*550 kHz sidescan with eelgrass boundaries*

*550 kHz mosaic with eelgrass extent overlay*

The 550 kHz frequency provides superior texture resolution for identifying submerged aquatic vegetation. Eelgrass beds appear as distinctive textured regions in the sonar imagery, clearly differentiated from sand and sediment.

# Eelgrass Analysis at Project Site

## No Existing Eelgrass & No Significant Regrowth

The project site does not contain eelgrass currently due to the shallow water at low tides and historical presence of the previous pier. The green line indicates the extent of eelgrass. It is patchy in that general area due to extremely low water (often no water at very low tides) and extensive boat traffic.

The potential for significant eelgrass regrowth in this area (assuming perfect site conditions due to complete remediation of the existing pier remnants) is extremely low and will not provide erosion control, wave attenuation, or other benefits regardless of the amount of eelgrass because it is already in an area where these issues are not present due to other harbor features (breakwater, large floating docks nearby).



# Protecting Provincetown's Marine Environment

The Town of Provincetown is committed to data-driven environmental stewardship. This harbor mapping project provides the scientific foundation for protecting eelgrass habitat while supporting responsible coastal development.

**Pete Whinn, Harbormaster**

Town of Provincetown • [pwhinn@provincetown-ma.gov](mailto:pwhinn@provincetown-ma.gov)

Data: Center for Coastal Studies | October 2025 • Prepared March 2026

# EXHIBIT B







# EXHIBIT C

Year	Number of Hotel Rooms	Percentage decrease
2011	1722	-
2021	1495	13.18%
2024	1380	7.69%
2026	1284	6.96%
<b>Total</b>	<b>15</b>	<b>-438</b>
		<b>25.44%</b>

