



Town of Provincetown
Planning Board
Town Hall
Provincetown, MA 02657

JANUARY 24, 2019

FINDINGS AND DECISION OF THE PLANNING BOARD

Findings and Decisions of the Planning Board

Applicant: Hennep Inc., 139 Damon Rd. #5, Northampton, MA 01060

Owner: Andrew Koudijs, 200 Brookline Ave. #3, Boston, MA 02215

Property Location: 246 Commercial Street, Provincetown, MA

Assessor's Map and Parcel: 11-3-50

Zoning District: TCC

PLN 19-22 application by Ezra Parzybok, on behalf of Hennep, Inc., requesting a Special Permit pursuant to Article 2, Section 2440, Permitted Principal Uses, B14, Marijuana Establishment, Retail, of the Zoning By-Laws for a change of use to establish a retail marijuana facility in the structure located at 246 Commercial Street.

The public hearing was held on January 10, 2019 at Provincetown Town Hall, 260 Commercial St, Provincetown, MA.

Planning Board members present were:

Dave Abramson, Chair

Jason P. Potter

Paul C. Graves

John Golden

The four members present satisfied the legal quorum of four members.

Decision: By votes of four in favor, none opposed, none abstaining, the Planning Board approved this application.

General Findings:

1. The property is located at 246 Commercial Street in the Town Center Commercial District.
2. The property consists of a mixed use building containing 2 retail spaces and 2 residential units.
3. Present use is as a retail space.
4. The Project as proposed consists of renovating one of the retail spaces to serve as a Marijuana Establishment in accordance with the site plan "Site Plan of Land #246 Commercial Street," prepared by Outermost Land Survey, dated November 12, 2018 and the floor plan, Sheet A-1, "Renovation for Hennep, Plans," prepared by A3 Architects, revision dated January 18, 2019.

5. The Project was reviewed on the Special Permit criteria as listed in Section 5300 of the By-laws.
6. The proposal is in accordance with the Provincetown Zoning By-Laws.
7. The proposal as conditioned meets the requirements of §5331.
8. The proposal protects public amenities and abutting properties from any detrimental impacts of the proposed use.
9. The applicants shall deliver significant tax and community benefits to the Town.

Specific Findings:

1. The use as proposed meets the requirements of Section 5330 of the Provincetown Zoning By-laws, Special Permits. The Planning Board determined that the social, economic or other benefits of the proposal for the neighborhood or town outweigh any adverse effects such as hazard, congestion or environmental degradation.

Based on the findings, the **Planning Board voted to grant a Special Permit** pursuant to Article 2, Districts and District Regulations, Section 2440, Permitted Principal Uses, B14, Marijuana Establishments Retail **with conditions as outlined below.**

CONDITIONS: The Planning Board voted to impose the following conditions:

1. Routine testing of the generator shall occur between the hours of noon and 4:00PM on weekdays so as to be least impactful to abutters.
2. Doors and windows for the building shall provide adequate security for the use. Prior to issuance of a Building Permit for the project, detailed specifications on doors and windows shall be submitted for review and approval by Town staff and incorporated by reference into the decision.
3. Lighting shall provide adequate public safety while complying with the Zoning By-laws. Prior to issuance of a Building Permit for the project, detailed specifications on lighting fixtures and locations shall be submitted for review and approval by Town staff and incorporated by reference into the decision.
4. All promotional materials and the website for the marijuana facility shall provide a clear statement that there is no parking on-site and information on public parking options nearby.
5. All queuing shall occur inside. Any queuing outside of the building along Commercial Street shall be dispersed by the applicant.
6. Local delivery of retail product to customers and/or on-site consumption shall not be allowed at the site without modification of this Special Permit.

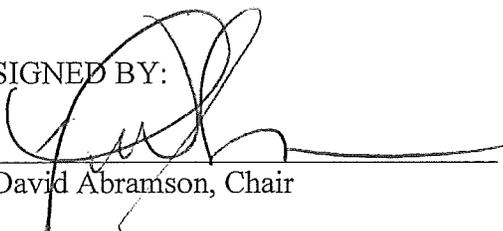
PLN 19-22

MOTIONS:

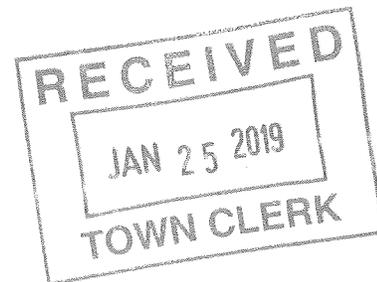
The Provincetown Planning Board approved the Special Permit for Application PLN 19-22 based on the findings as set forth above.

Motion: John Golden Seconded: Jason Potter Vote: 4-0-0

SIGNED BY:



David Abramson, Chair



DATE OF FILING

1/24/2019
DATE

A copy of this application, bearing the signatures of the sitting members, and the date of this decision, will be on file in the Provincetown Town Clerk's Office as well as the Department of Community Development.

The Special Permit issued hereunder shall not be valid until recorded at the Registry of Deeds in Barnstable as provided in MGL c.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 Chapter 40A, Section 17, as amended, and must be filed within twenty (20) days after the date of filing of the decision with the Town Clerk.

