

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

FINDINGS AND DECISION OF THE PLANNING BOARD

December 6, 2018

Case Nos.: FY18-33

Applicant: Curaleaf Massachusetts, Inc., 2001 Washington Street, Unit B, Hanover, MA 02339

Owner: TGT Realty Trust, Thomas Tannariello Trustee, PO Box 412, Provincetown, MA 02657

Property: 170 Commercial Street, Provincetown, MA 02657

Assessor's ID: Map 7-12 Parcel 112-0002

Registry: Book 30842, Page 43

The Town of Provincetown Planning Board (Board) hereby approves the application of Curaleaf Massachusetts, Inc. (Applicant) for a Special Permit for Use under the Town of Provincetown Zoning By-laws (By-laws) Article 2, Section 2440(b)(14) and Administrative Site Plan Review under Article 4, Section 4010 for the construction of a Marijuana Establishment, Retail on the on the lower level of the existing building located at 170 Commercial Street. (Project). This decision is rendered pursuant to a vote of the Board on July 26, 2018.

The application for the Project was received on May 14, 2018. Board members David Abramson, Steven Baker, John Golden and Ryan Campbell sat on the case. On June 28, 2018 the Board opened the public hearing, the Applicant presented the Project, testimony was taken, changes and additional materials were requested, and the Board continued the public hearing. The Project was heard again by the Board on August 23, 2018.

At the continued public hearing on August 23, 2018 the Board was presented with additional information, closed the public hearing, deliberated, and voted to approve the Project with David Abramson, Steven Baker, Ryan Campbell, and John Golden in favor. The motion required 4 votes in favor, thus the motion passed and the Project was thereby approved.

**FINDINGS**

The Board finds as follows:

1. The Property is currently developed with a coffee shop and retail store. The proposed space for the Project is currently vacant and has been used previously as a fitness facility.

2. The Project as proposed consists of construction of a Marijuana Establishment in accordance with the following site plan:
  - *Curaleaf Massachusetts, Inc., Plan, Proposed Generator*
  - *Curaleaf Massachusetts, 6/28 Special Permit Application – Follow Up Information* (attached hereto as Exhibit A)
3. The Project was reviewed on the Special Permit review criteria as listed in Section 5300 of the By-laws.
4. The Board found that the location is appropriate for the proposed use. The Board required, and the Applicant incorporated, the following changes to the original application to ensure the Project would meet the applicable review criteria, with specific concern to criteria 5331(e) and 5331(f):
  - A bike rack be provided to prevent obstructions in the public way;
  - Documents verifying that the ramp to the retail marijuana facility has sufficient width to allow for queuing and passage by those in a wheelchair, again to prevent obstructions in the public way;
  - A plan to provide clear information on all marketing materials, including its website, that no parking is available at the property and the location of nearby parking lots to avoid vehicular congestion in the area;
  - Appropriate lighting to prevent loitering and reduce potential burdens on public safety services; and
  - Agreement to allow town officials to review and approve proposed windows or other safety measures to prevent theft at the premises.
5. The Project as modified fully conforms to the By-laws and the review criteria therein.
6. The Board approved the Project subject to the conditions herein.

## CONDITIONS

The Board approves the Project subject to the following conditions:

1. The Project shall be constructed and maintained in accordance with the plans and other documents referenced herein.
  - a. The applicant shall provide parking communication on all promotional materials and its website as outlined in Exhibit A so long as this permit is exercised.
  - b. Lighting shall be installed and maintained as outlined in Exhibit A. All lighting shall be dark sky compliant.
2. 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.
3. Doors and windows for the project 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.
4. Bicycle parking dedicated for use by Curaleaf customers for no less than 8 bicycles shall be provided on-site. Bicycle racks shall be of “post and ring” or “inverted u” type.
5. Prior to issuance of a Building Permit, the applicant shall supply evidence of sufficient site control to maintain the bike racks and generator on the project site.

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.

This Special Permit shall lapse twenty-four (24) months from the date of filing with the Provincetown Town Clerk (plus such time as may be required to pursue or await the determination of an appeal referred to in MGL Chapter 40A, Section 17), if a substantial use thereof or construction has not commenced.

#### MOTIONS

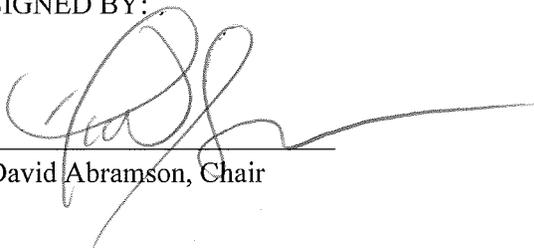
The Town of Provincetown Planning Board voted to approve, with conditions, the Special Permit for application number FY18-33 based on the findings set forth above on August 23, 2018. The motion passed.

Motion: Steven Baker

Second: Ryan Campbell

Vote: 4-0-0

SIGNED BY:



\_\_\_\_\_

David Abramson, Chair

DATE OF FILING:

A copy of this application will be on file in the 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 Barnstable County Registry of Deeds as provided in MGL Chapter 40A.

Any appeal of this 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 20 days after the date of filing of the decision with the Town Clerk.

**EXHIBIT A**



**CURALEAF MASSCHUSETTS  
6/28 SPECIAL PERMIT APPLICATION – FOLLOW UP INFORMATION**

Below is the requested information from the 6/28 Planning Board meeting where Curaleaf applied for their Special Permit in the TCC at 170 Commercial Street.

**1) Bicycle Racks**

The current owner of 170 Commercial Street Mr. Tom Tannerillo confirmed that he space where the current 36 bicycle spots are located are on the property of his building, and he would be willing to add one more rack close to Commercial Street. Making the total 45, more than most other business in Provincetown.

However most of the users of those racks are not patrons of the business located at 170 Commercial Street. If allowed we recommend putting up small signs by the racks saying that those are only intended for patrons on 170 Commercial Street.

Mr. Tannerillo also noted that patrons of Joe's Coffee, and patrons of the Bravo clothing store , would at most use 15 spots at any given time. Which would mean that there should be 30 spots available for customers of Curaleaf, more than enough from a customer flow perspective.

**2) Expected Traffic/Customer Counts**

In the 10th edition of the Institute of Transportation Engineers (ITE) Trip Generation Handbook, trip generation estimates are now available for a Marijuana Dispensary under Land Use Code 882. The estimates are based on similar facilities counted in Oregon and Colorado where marijuana is sold to patients or consumers in a legal manner. The peak periods for this type of facility were noted by ITE to occur from 11:45 am to 12:45 pm and 5:45 pm and 6:45 pm.

The table below presents the ITE trip generation estimates for the proposed 1,900 square-foot marijuana dispensary to be located at 170 Commercial Street.

Description	Size	Weekday			Saturday			Weekday AM Peak Hour			Weekday PM Peak Hour			Saturday Peak Hour		
		In	Out	Total	In	Out	Total	In	Out	Total	In	Out	Total	In	Out	Total
Marijuana Dispensary <sup>(1)</sup>	1,900 s.f.	240	240	480	247	246	493	11	9	20	21	20	41	34	35	69

(1) Based on ITE Land Use Code 882 (Marijuana Dispensary), 1,900 s.f.

According to these estimates the busiest day will be Saturdays with just under 250 customers per day, which comes out to around 23 customers per hour. Saturdays also has the busiest peak hour with 35 customers.

The average visit will be 4-5 minutes, which means that in theory only 3 bicycle spots would be needed to support 35 customers per hour. Given we have ~30 spots in total, which also assumes that everyone will arrive by bike, we believe that our bicycle racks and general setup will be able to easily support this volume.

### **3) Parking Communication**

Please refer to the Appendix for various examples of how Curaleaf would plan to educate our Provincetown patients & customers on our lack of car parking, but where to find the closest public parking.

### **4) Access Ramp**

The current owner Mr. Tannerillo confirmed, after reviewing it with Town Officials that the existing ramp to the unit is ADA compliant and has the necessary landings.

However, the Curaleaf team has engaged with a local engineer who will confirm this for the town as well.

Curaleaf will also work with Fire Chief Trovato to have the Chief review the ingress, egress and interior layout, making sure everything is compliant and meets all safety standards.

### **5) Generator Placement**

The state required generator, run via propane, will be located behind the unit according to all local regulations. It will be covered to shield and minimize any noise, and the test runs required for the maintenance will be scheduled during the middle of the day so as to not be a nuisance to neighbors in the morning and at night.

Furthermore, the Curaleaf team has engaged with a local engineer who will spec out the exact location for the town as well.

### **6) External Lighting**

Please refer to the Appendix for the placement and light spread of the four proposed lights to go on the wall of the building above the dispensary entry.

APPENDIX

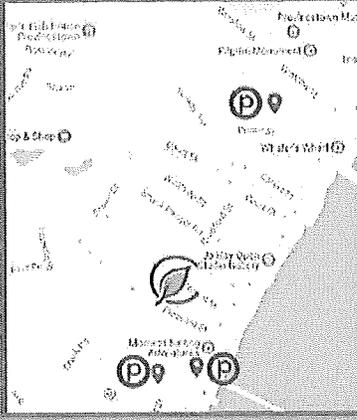
Sample Parking Communication

Grand Opening Flyer

# NOW OPEN!

## CURALEAF PROVINCETOWN

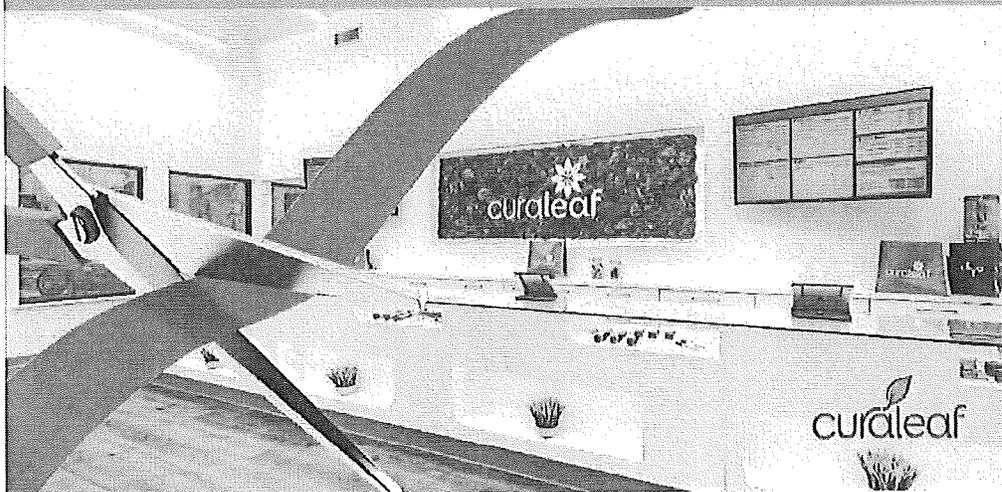
170 COMMERCIAL ST PROVINCETOWN, MA



Please note, there is no parking, or stopping in front of our store on 170 Commercial Street.

There are many parking lots within walking distance of our Dispensary! The closest and most convenient parking areas located in close proximity are:

- Montello-Bradford Parking Lot- 33 Bradford St, Provincetown, MA 02657
- 7 Tremont St Parking Lot- 7 Tremont St, Provincetown, MA 02657
- Grace Hall Parking Lot- At the intersection of Prince St and Bradford St, Provincetown, MA 02657



**Website – Find A Dispensary page**

**Curaleaf Hanover** 200 Washington Street Unit B Hanover MA 02339

**Hours:**  
 Mon-Fri 9am – 7pm  
 Sunday 10am – 2pm

**Curaleaf Oxford** 435 Main Street Oxford MA 02320

**Hours:**  
 Mon-Fri 9am – 7pm  
 Sat, Sun 10am – 2pm

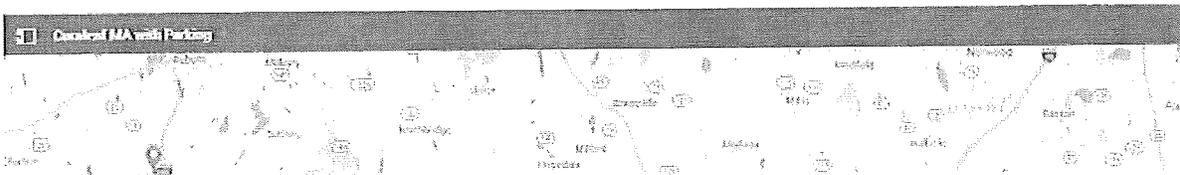
**Curaleaf Provincetown** Opening Summer 18

Please note that there is no parking or stopping in front of our store on 170 Commercial Street

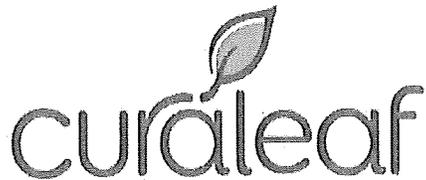
There are many parking lots within walking distance of our dispensary. The closest and most convenient parking area is located on the street

- Maritime-Broadway Parking Lot- 33 Bradford St Provincetown MA 02857
- 7 Thimble St Parking Lot- 7 Thimble St Provincetown MA 02857
- Grace Hall Parking Lot- At the intersection of Grace St and Bradford St Provincetown MA 02857

For more parking options please visit <http://www.provincetown-ma.gov/visitors/7180766>



**Post Cards**



**Live life well.**

Find out how with Curaleaf,  
dedicated to providing the  
highest standards of  
cannabinoid-based  
products and care.



**Provincetown**  
170 Commercial St  
Provincetown, MA

**Please note: Curaleaf Provincetown  
has no onsite parking.**

There are many parking lots within walking  
distance of our Dispensary!

We recommend:

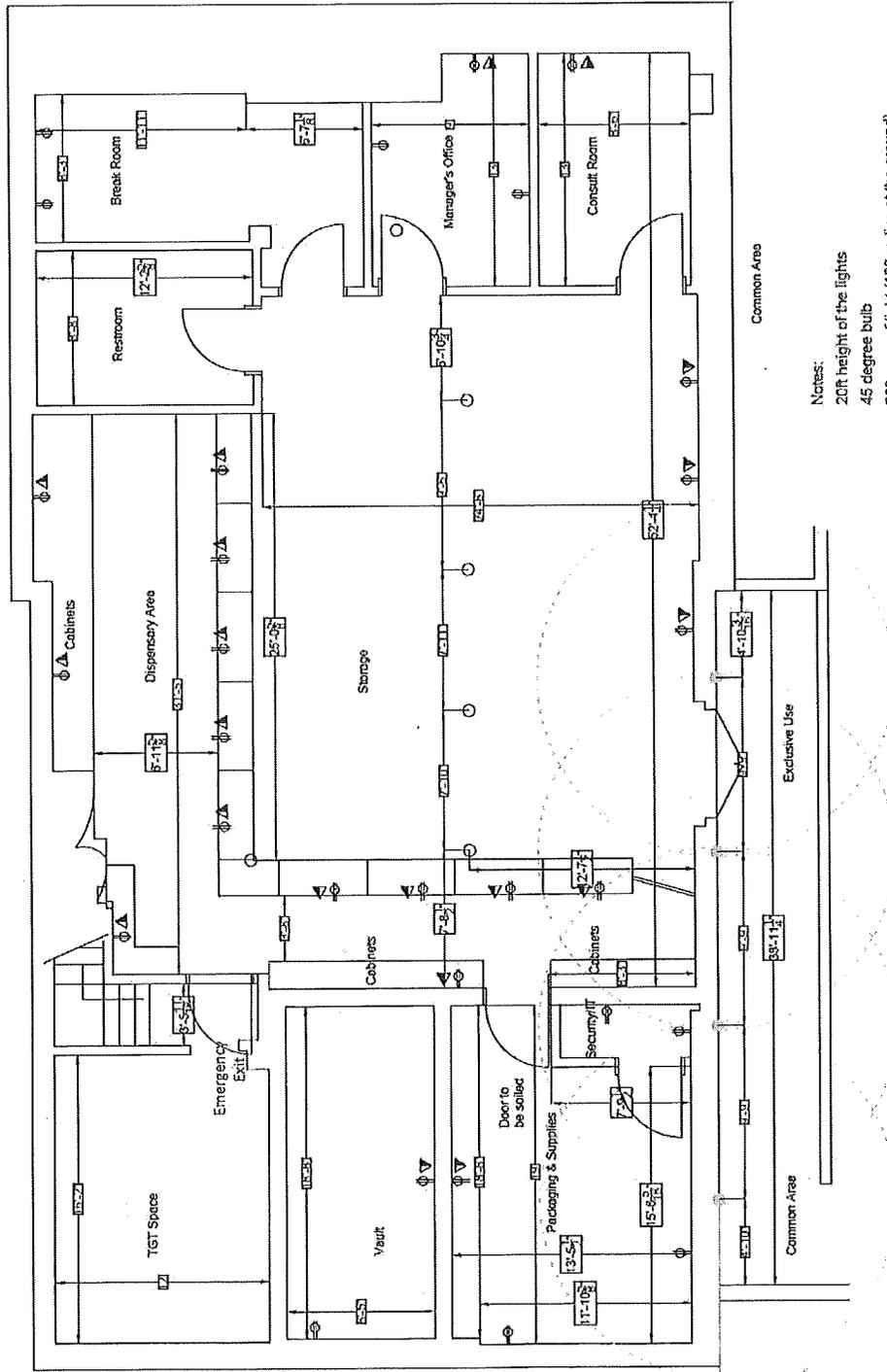
Montello-Bradford Parking Lot  
33 Bradford St, Provincetown, MA 02657  
7 Tremont St Parking Lot

7 Tremont St, Provincetown, MA 02657  
Grace Hall Parking Lot  
At the intersection of

Prince St and Bradford St, Provincetown, MA 02657

[www.curaleaf.com](http://www.curaleaf.com)

## External Lighting & New Proposed Interior Layout



### Provincetown Exterior Lighting

F:\SDSKPROJ\C18000\C18929-01\C18929-01.dwg Aug 13, 2018 - 5:10pm

ASSESSORS MAP 7-2 PARCEL 113  
JAMES F. FOSS

ASSESSORS MAP 7-2 PARCEL 106  
THE INN AT 7 CENTRAL

ASSESSORS MAP 7-2 PARCEL 107  
RONALD & CAROL PAVAO

ASSESSORS MAP 7-2 PARCEL 107A  
RONALD & CAROL PAVAO

ASSESSORS MAP 7-2 PARCEL 111 JAMES  
168 COMMERCIAL STREET CONDOMINIUM

COMMON AREA WITH  
PARKING SPACE EASEMENTS

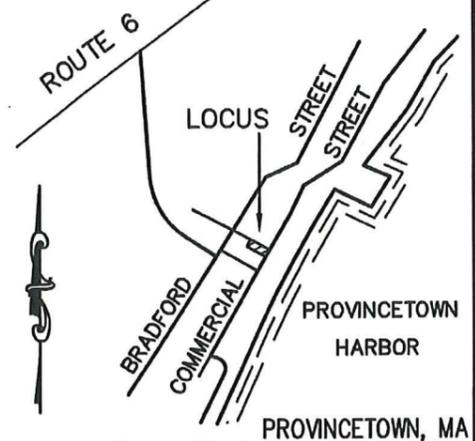
COMMON  
AREA  
PROPOSED  
GENERATOR  
4'x3'  
PROPANE FUEL  
SOURCE

EXCLUSIVE USE  
PARKING AND  
EASEMENT PARKING

WINTHROP STREET  
(UNDEFINED TOWN WAY)

Provincetown Planning Board  
Case: 18-33 Date: 10/11/2018

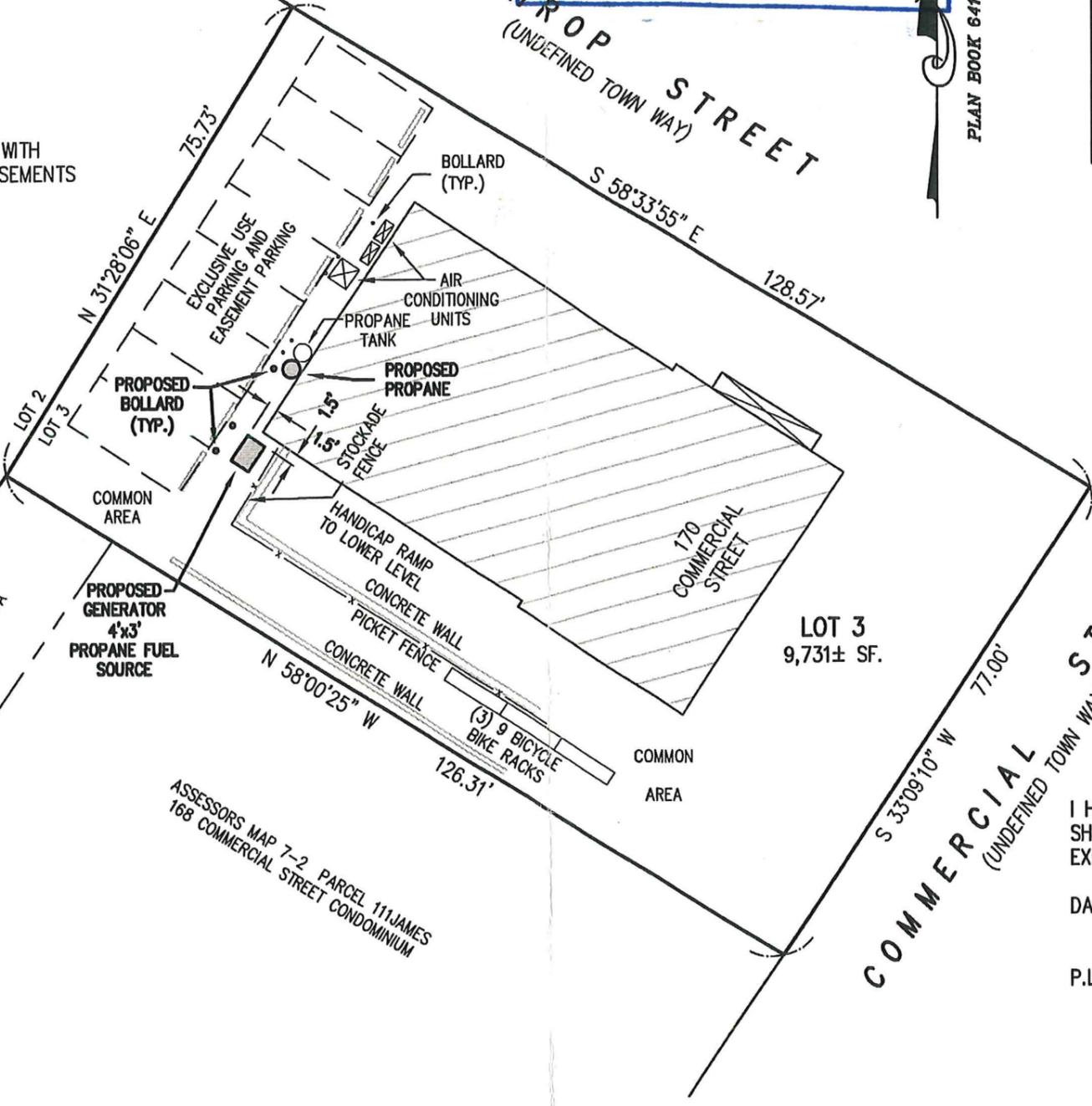
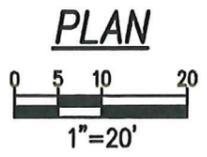
PLAN BOOK 641 PAGE 27



KEY MAP  
NO SCALE

PLAN REFERENCES:

ASSESSORS MAP 7-2 PARCEL 112  
PLAN BOOK 641, PAGE 27  
170 COMMERCIAL STREET CONDOMINIUM  
OWNER OF RECORD: TGT REALTY TRUST  
DEED BOOK 30842, PAGE 43



LOT 3  
9,731± SF.

COMMERCIAL STREET  
(UNDEFINED TOWN WAY)

I HEREBY CERTIFY THAT THE CONDITIONS  
SHOWN HEREON ARE LOCATED AS THEY  
EXISTED ON THE GROUND AS OF 07-18-18.

DATE 8/13/18

P.L.S. [Signature]  
McELWEE  
No. 33602  
PROFESSIONAL  
LAND SURVEYOR

C18929-01.dwg  
DRAWN BY: JDM  
Coastal Engineering Co., Inc. © 2018



PROJECT NO.	C18929.01
SCALE	1"=20'
DATE REVISED	8/13/18
SHEET NO.	SKC-1
PROJECT	CURELEAF MASSACHUSETTS, INC.
PLAN	PLAN PROPOSED GENERATOR
PROVINCETOWN, MA	170 COMMERCIAL STREET