



Town of Provincetown
Planning Board
Town Hall
Provincetown, MA 02657

MAY 9, 2019

FINDINGS AND DECISION OF THE PLANNING BOARD

Applicant: Robin B. Reid, Esq., o/b/o BWell, Inc.
Owner: 336 Commercial Street, LLC
Property Location: 336 Commercial Street, Units 5&10
Assessor's Map and Parcel: 12-1-142
Zoning District: TCC

PLN 19-32 Application by Robin B. Reid, Esq., o/b/o BWell, Inc., requesting a Special Permit pursuant to Article 2, Districts and District Regulations, Section 2440, Permitted Principal Uses, B14, Marijuana Establishments, Retail, of the Zoning By-Laws to operate a retail marijuana establishment at the property located at 336 Commercial Street, Unit 5.

The public hearing was held on April 11, 2019 at Provincetown Town Hall, 260 Commercial St, Provincetown, MA.

The Planning Board members present were:

Dave Abramson, Chair
Jason P. Potter, Vice Chair
Brandon Quesnell
Paul C. Graves
Ross Zachs

The five members present satisfied the legal quorum requirement.

Attorney Robin B. Reid, Esq., and Karen Nash, the principal of BWell, Inc., appeared to present the applications. The application was heard in conjunction with Case PLN 19-42 for a Marijuana Establishment, Industrial.

Decision: By votes of five in favor, none opposed, none abstaining, the Planning Board approved the applications.

General Findings:

1. The Property is located at 336 Commercial Street, Unit 5 in the Town Center Commercial District.
2. The present use is retail/office.
3. The Project was reviewed pursuant to M.G.L Ch. 40A §9 and the Special Permit criteria as listed in Section 5300 of the Zoning By-laws.
4. The site has no particular unique natural, historic or scenic features.
5. The proposal protects public amenities and abutting properties from any detrimental impacts of the proposed use.
6. The project, as conditioned herein, complies with the applicable review criteria and conforms to the Zoning By-laws.
7. The project will deliver significant tax and community benefits to the Town.
8. During the public hearing the Board heard from Town Staff, from the applicant, and from the applicant's representative. One resident spoke in support of the applications and another resident spoke in opposition at the public hearing, and there were no letters from residents.

Specific Findings:

1. The proposal to operate a retail marijuana establishment at the property located at 336 Commercial Street, Unit 5, meets the requirements of Section 5330 of the Provincetown Zoning Bylaws, 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. The applicants shall make best efforts to connect to the existing generator on the site or utilize battery power backup. If such efforts fail, the applicant shall locate the backup generator to the rear of the building along the easterly lot line. If installed, routine testing of the generator shall occur between the hours of noon and 4PM on weekdays.
2. All queuing of customers shall be managed on-site.
3. Doors and windows at the site shall provide adequate security for the uses. Specifications shall be submitted for review and approval by Town staff, and shall be incorporated herein by reference.
4. Exterior lighting shall provide full cut-off of light at 90-degrees from vertical. Exterior lighting shall provide adequate security for the uses. Specifications shall be submitted for review and approval by Town staff, and shall be incorporated herein by reference.
5. The applicant shall, if feasible, provide for the installation of additional bike racks sufficient for 6 bikes at the site with the type and location to be reviewed and approved by Town staff. If the installation of a bike rack at the site is not feasible, the applicant shall make a contribution of \$1,000 to the Provincetown Bicycle Committee toward the purchase of public bike racks in Town.

PLN 19-32

6. Promotional materials, including the applicant's website, shall clearly state that there is no motor vehicle parking at the site, and shall provide directions to nearby public bicycle and motor vehicle parking.
7. There shall be no on-site consumption at, or local delivery from, these sites without a modification to these Special Permits.
8. Prior to the issuance of a Building Permit, the applicant shall evidence sufficient control over the site to execute these conditions.

MOTIONS:

The Provincetown Planning Board approved the Special Permit for Application PLN 19-32 based on the findings as set forth above.

Motion: Jason Potter Seconded: Ross Zachs Vote: 5-0-0

SIGNED BY:


Jason Potter, Vice Chair

DATE OF FILING

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.