



Town of Provincetown
Planning Board
Town Hall
Provincetown, MA 02657

12 SEPTEMBER 2019

Findings and Decision of the Planning Board

Case Number: 19-45 and 19-50
 Applicant: The Haven Center, Inc.
 Owner: Christopher G. Taloumis
 Property Address: 308-310 Commercial Street, Units A3, A4, and A5
 Assessor's ID: 11-3-112-1-A03
 11-3-112-1-A04
 11-3-112-1-A05
 Deed Book: Bk. 31805 Pg. 233
 Zoning District: TCC
 Public Hearings: July 11, 2019
 August 8, 2019
 Zoning Members: Brandon Quesnell, Chair
 Paul Graves
 Ross Zachs
 John Peters-Campbell

loc 43: 308-310 COMMERCIAL STREET, PROVINCETOWN
BOOK 31805, PAGE 233

Introduction

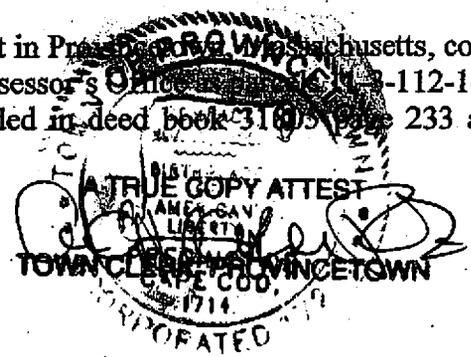
Application by **Haven Center, Inc.** requesting a Special Permit pursuant to Article 2, Section 2440, Permitted Principal Uses, B14, Marijuana Establishment, Retail, and Site Plan Review pursuant to Article 4, Section 4010, Administrative Site Plan Review of the Zoning By-Laws for a change in use from retail clothing to retail recreational/adult-use marijuana sales on the property located at **308-310 Commercial Street** (the "Property").

Decision

The Planning Board approved this application by a vote of 4 in favor, 0 opposed, and 0 abstaining.

General Findings

1. The property is located at 308-310 Commercial Street in Provincetown, Massachusetts, consists of 3 commercial condominium units known by the Assessor's Office as 11-3-112-1-A03, 11-3-112-1-A04, and 11-3-112-1-A05, and is recorded in deed book 31805 page 233 at the Barnstable County Registry of Deeds.
2. The property is located in the TCC zoning district.



3. The property was most recently used as a t-shirt store and a souvenir store.
4. The project consists of the combination of the three units with the space fronting on Commercial Street to be used for general retail purposes and the two spaces fronting on Standish Street to be used as a retail marijuana establishment.

Applicable Law and Decision Criteria

Article 4 Section 4035 of the Provincetown Zoning By-laws provides:

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.*

Article 5 Section 5330 of the Provincetown Zoning By-laws provides:

5330 Consideration Special Permits (other than those specified in Section 3420) shall be granted by the Special Permit Granting Authority only upon its written determination 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.

Specific Findings

1. Minimal changes to the exterior of the property are proposed as part of the project with the exception of limited lighting as proposed on the project plans.
2. The Board considered, in particular, vehicular traffic on Commercial Street and Standish Street, impacts from a proposed permanent backup generator, and impacts from lighting on the area.
3. The applicant addressed these concerns by providing an "opening day" operational plan, switching to a battery and portable generator for backup power, and providing a lighting plan.
4. The property cannot accommodate a bike rack. The applicant proposed to make a payment to the Town to provide for additional bike racks in the area to mitigate potential congestion created by bike parking.
5. The Board finds that the social, economic or other benefits of the Project for the neighborhood or town outweigh any adverse effects such as hazard, congestion or environmental degradation.

Accordingly, the Planning Board finds that all criteria outlined in Article 4, Section 4035 and Article 5 Section 5330 of the Provincetown Zoning By-laws have been met and therefore issues this Special Permit and Site Plan-Review by Special Permit approval subject to the following conditions:

Conditions

1. All queuing of customers shall occur internal to the site.
2. Traffic shall be managed in accordance with the "Opening Day: Customer Management, Traffic and Queuing Plan" provided by the applicant with such provisions to continue after opening day as necessary.
3. All promotional materials and the website for the marijuana facility shall clearly and prominently state that there is no parking at the site and provide directions to public parking options nearby.
4. The applicant shall make a payment of \$2000 to the Provincetown Bicycle Committee for the purchase of bike racks to be installed throughout town.
5. 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.
6. 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.
7. No permanent, fuel-powered back-up generator for the facility shall be installed at the property without modification of this decision. Testing of a portable generator shall occur during the hours of noon and 4pm on weekdays or at other appropriate times to avoid nuisance to neighbors.
8. 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.

Signed By:

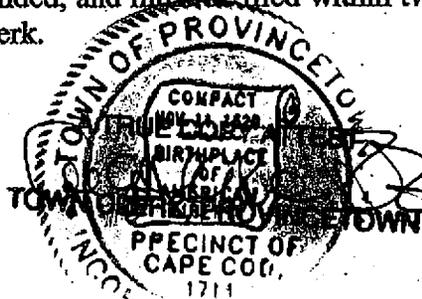
Brandon Quesnell, Vice Chair

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 Special Permit and Site Plan Review by Special Permit approval and shall require further review by this Board. Furthermore, the Special Permit issued hereunder shall not be valid until recorded at the Registry of Deeds in Barnstable as provided in MGL 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.



Page 3 of 3
REC'D TOWN CLERK
SEP 17 2019 AM 11:04

Town of Provincetown
Office of the Town Clerk



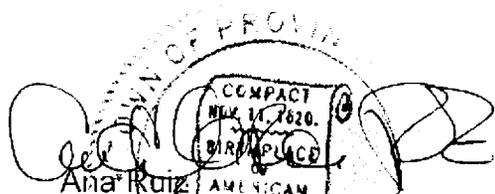
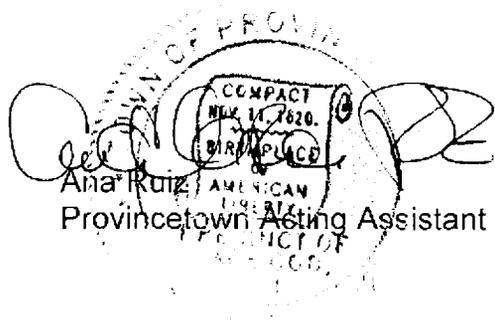
Town Hall, 260 Commercial Street
Provincetown, Massachusetts 02657
Facsimile (508) 487-9560
Telephone (508) 487-7013

I, Ana Ruiz, Acting Assistant Town Clerk of the Town of Provincetown, hereby certify that this decision of the Planning Board of the Town of Provincetown was filed in this office on September 17, 2019 and no notice of appeal was received during the 20 days following receipt and filing of the decision.

Decision No. FY 19-45 & 19-50

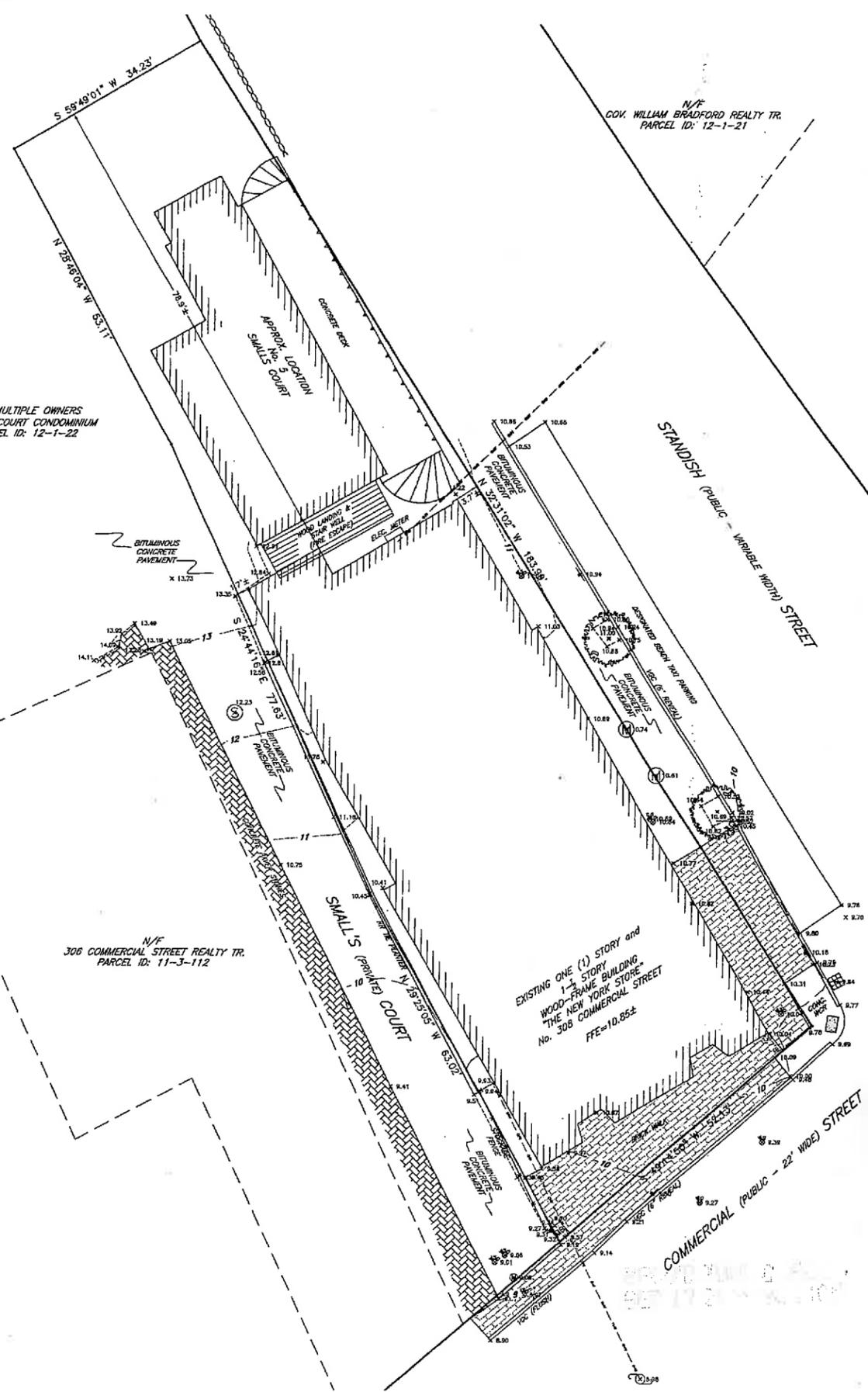
Applicant's Name The Haven Center Inc. / Christopher G. Taloumis.

October 23, 2019
Date


Ana Ruiz, AMERICAN
Provincetown Acting Assistant Town Clerk




N/F MULTIPLE OWNERS
SMALL'S COURT CONDOMINIUM
PARCEL ID: 12-1-22



ZONE	TCC	
	REQUIRED/ALLOWED	EXISTING ⁽¹⁾
DIMENSIONAL CONTROLS		
FRONT YARD SETBACK	10 ft.	3.7± ft.
SIDE YARD SETBACK	5 ft.	1.7± ft.
REAR YARD SETBACK	10 ft.	78.9± ft.
MIN. FRONTAGE	50 ft.	52.13 ft.
MIN. LOT AREA	5,000 s.f.	8,130± s.f.
MAX. BUILDING HEIGHT	2 1/2 story	1 1/2 story
MAX. LOT COVERAGE	80%	63.4±%
PARKING	Exempt in TCC per Sec. 2437	

⁽¹⁾ There are no proposed changes in building footprint associated with this project that would change the existing setbacks. The structure was constructed in 1900 (based on Assessor's Records) and is existing non-conforming.

PLAN TITLE	SHEET DESIGNATION
EXISTING CONDITIONS	C1
GRADING & LAYOUT	C2
UTILITIES	C3
LANDSCAPE AND LIGHTING	C4



Prepared For:
Applicant
The Haven Center
Chris Tabornia
245 Route 6A
Dreems, Mass.
508-360-9644
02853

Prepared By:
Hayes
Hayes Engineering, Inc.
603 Salem Street
Wareham, MA 01980
PH: 781-249-2800
FAX: 781-249-7296
www.hayeseng.com

GENERAL NOTES:

BOUNDARY INFORMATION SHOWN ON THIS PLAN IS BASED UPON RECORD INFORMATION DEPICTED ON BARNSTABLE COUNTY REGISTRY OF DEEDS PLAN BOOK 434 PLAN 79 AND AN INSTRUMENT SURVEY BY HAYES ENGINEERING, INC. PERFORMED ON JULY 22, 2019.

TOPOGRAPHIC INFORMATION IS FROM AN INSTRUMENT SURVEY PERFORMED WITHIN THE LIMITS OF WORK BY HAYES ENGINEERING, INC. ON JULY 22, 2019.

TOPOGRAPHIC INFORMATION DEPICTED OUTSIDE THE LIMITS OF WORK IS BASED ON MASSGIS LIDAR INFORMATION.

THE EXISTING BUILDING AT No. 308 COMMERCIAL STREET LOCATED IN THE FIELD BY HAYES ENGINEERING, INC. ON JULY 22, 2019. LOCATION OF No. 308 SMALL'S COURT TAKEN FROM BARNSTABLE COUNTY REGISTRY OF DEEDS PLAN BOOK 434 PLAN 79.

HORIZONTAL DATUM IS MASSACHUSETTS STATE PLANE COORDINATE SYSTEM (MSPCS)

VERTICAL DATUM IS NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88)

THE SITE IS LOCATED IN FLOOD HAZARD ZONE AE (ELEV.13) AS SHOWN ON FLOOD INSURANCE RATE MAP (FIRM) PANEL No. 25001C0116J EFFECTIVE 7/16/2014.

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN COMPILED FROM FIELD SURVEY INFORMATION AND AVAILABLE EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. FURTHER, THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES AND DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR CHECKING AND VERIFYING THE LOCATIONS, SIZES AND ELEVATIONS OF ALL EXISTING UTILITIES SHOWN OR NOT SHOWN ON THESE PLANS AND SHALL NOTIFY THE ENGINEER IN WRITING OF ANY UTILITIES INTERFERING WITH THE PROPOSED DESIGN AND THE APPROPRIATE REMEDIAL ACTION PRIOR TO PROCEEDING WITH THE WORK.

THE CONTRACTORS ARE RESPONSIBLE FOR CONTACTING DIG SAFE AT (800) 322-4844 PRIOR TO THE START OF ANY CONSTRUCTION

THIS PLAN WAS PREPARED FOR REVIEW BY AND TO OBTAIN APPROVAL FROM PUBLIC AGENCIES AND IS NOT INTENDED AS CONSTRUCTION DOCUMENTS.

SITE CONSTRUCTION NOTES:

ACCESSIBLE ROUTES, PARKING SPACES, RAMPS, SIDEWALKS AND WALKWAYS SHALL BE CONSTRUCTED IN CONFORMANCE WITH THE FEDERAL AMERICANS WITH DISABILITIES ACT (ADA), MASSACHUSETTS ARCHITECTURAL ACCESS BOARD (AAB) STANDARDS, AND ALL LOCAL LAWS AND REGULATIONS (WHICHEVER ARE MOST STRINGENT);

AREAS DISTURBED DURING CONSTRUCTION AND NOT RESTORED WITH IMPERVIOUS SURFACES SHALL RECEIVE 6-INCHES OF LOAM AND SEED;

TRAFFIC SIGNAGE AND PAVEMENT MARKINGS SHALL CONFORM TO THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (MUTCD);

IN THE EVENT THAT SUSPECTED CONTAMINATED SOIL, GROUNDWATER, AND OTHER MEDIA ARE ENCOUNTERED DURING EXCAVATION AND CONSTRUCTION ACTIVITIES BASED ON VISUAL, OLFACTORY, OR OTHER EVIDENCE, THE CONTRACTOR SHALL STOP WORK IN THE VICINITY OF THE SUSPECT MATERIAL TO AVOID FURTHER SPREADING OF THE MATERIAL, AND SHALL NOTIFY THE OWNER IMMEDIATELY SO THAT APPROPRIATE TESTING AND SUBSEQUENT ACTION CAN BE TAKEN.

Provincetown Planning Board
Case#: 19-50-5 Date: 9/12/19

[Signature]



Design By: AMC
Drawn By: AMC
Checked By: PJO
Project File: PTN-0002
Comp. No: PTN2
 Issued For Permit
 Issued For Review
 Issued For Bid
 Issued For Construction
 Not For Construction

No.	Date	Revision
1		
2		
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10		

Scale: 1" = 10'
0' 5' 10' 20'

Date: July 30, 2019

Drawing Title:
**SITE PLAN CENTER
THE HAVEN CENTER
308 COMMERCIAL STREET
PROVINCETOWN, MASS.**

Drawing No.:
C1
EXISTING CONDITIONS
SHEET 1 OF 4

GENERAL NOTES:
 NO EXTERNAL SITE CHANGES ARE PROPOSED WITH THIS APPLICATION.

Prepared For:
 Applicant:
 The Haven Center
 Chris Tolcums
 245 Route 6A
 Cheema, Mass.
 02653
 508.350.5944

Prepared By:

 Hayes Engineering, Inc.
 603 Salem Street
 Weymouth, MA 01980
 Tel: 781.268.7598
 www.hayeseng.com

Design By: AMC
 Drawn By: AMC
 Checked By: PJD
 Project File: PTN-0002
 Comp. No: PTN2
 Issued For Permit
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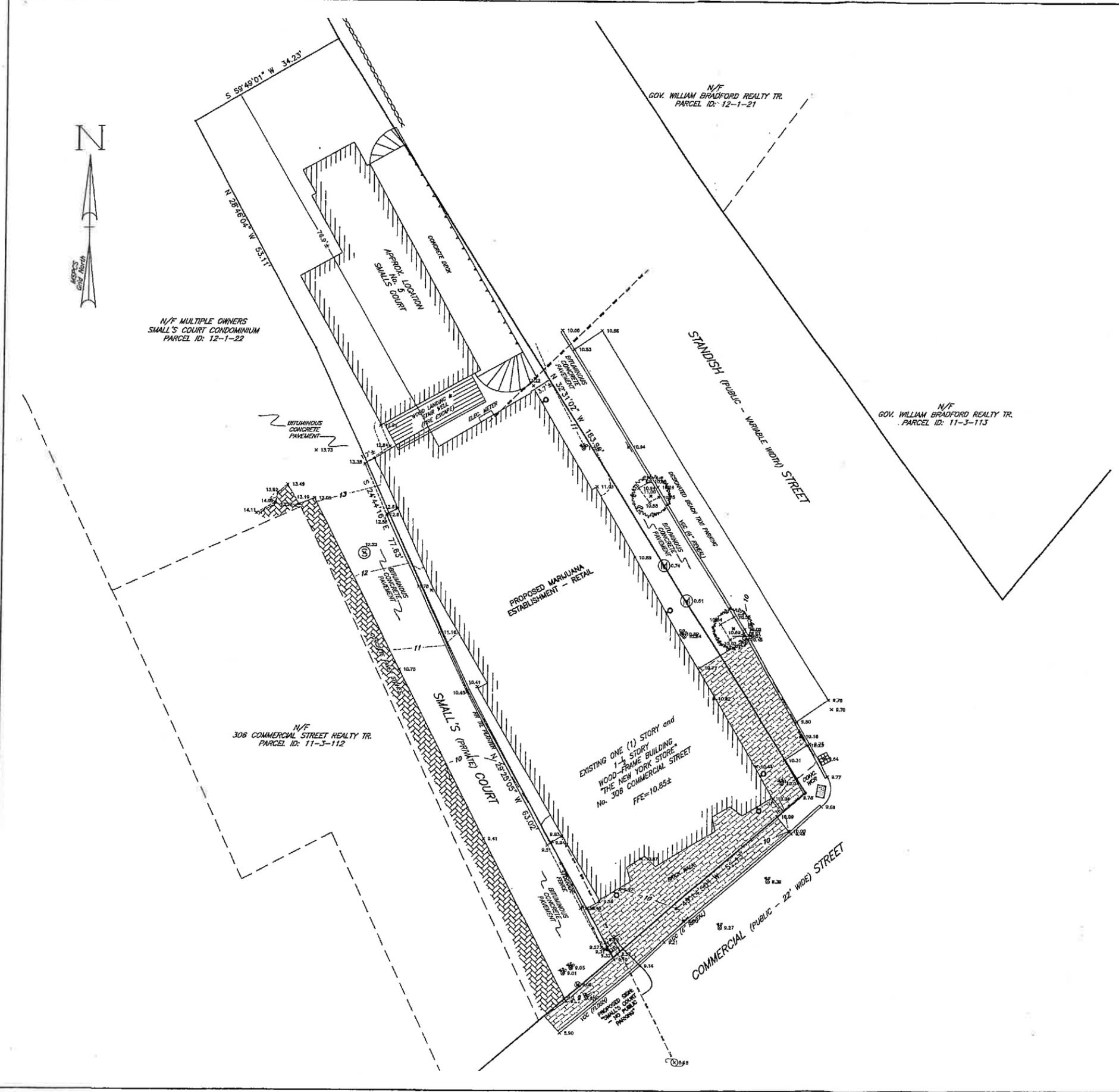
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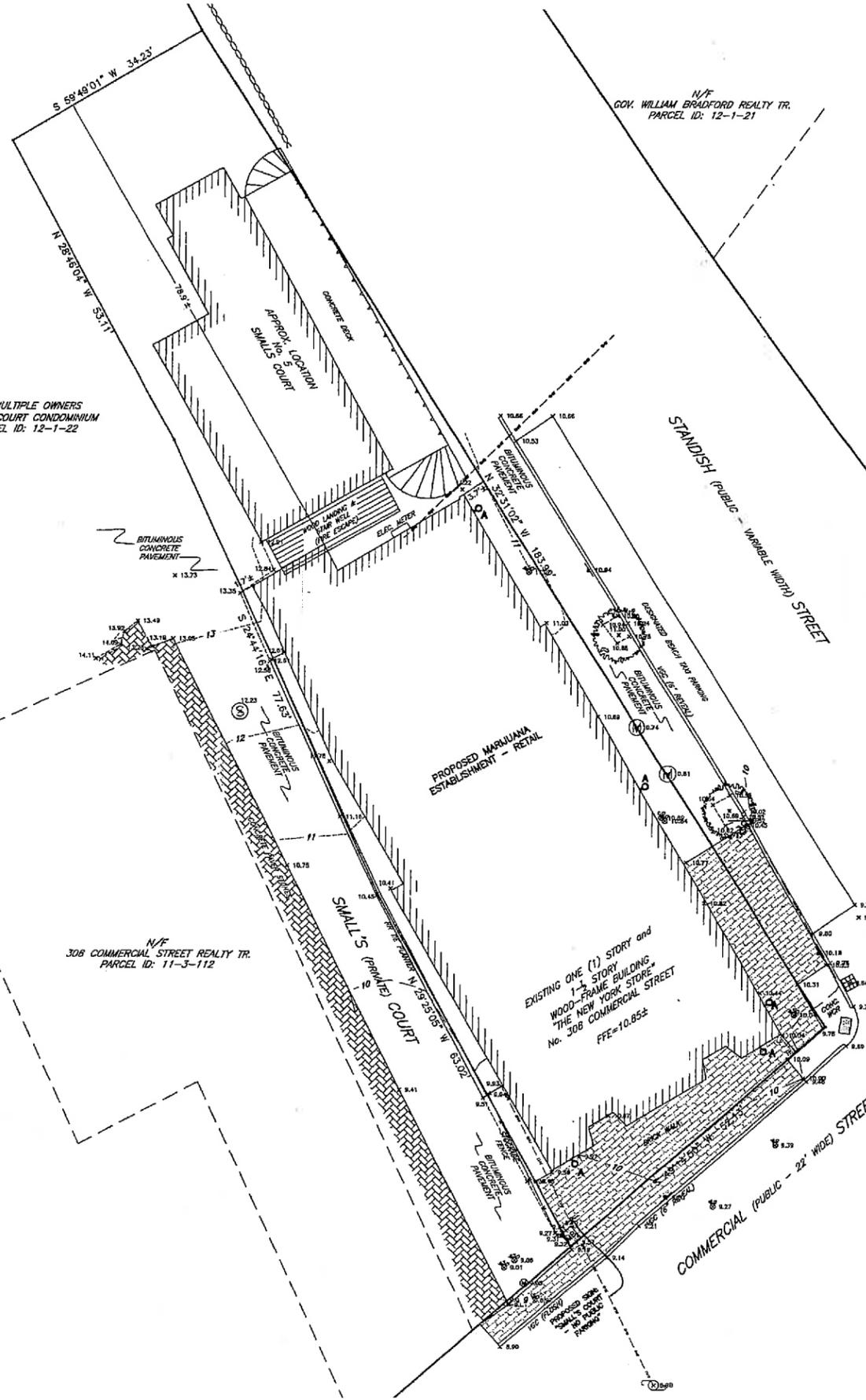
Drawing Title:
 SITE PLAN
 THE HAVEN CENTER
 308 COMMERCIAL STREET
 PROVINCETOWN, MASS.

Drawing No.:
 C2
 GRADING & LAYOUT
 SHEET 2 OF 4





N/F MULTIPLE OWNERS
SMALL'S COURT CONDOMINIUM
PARCEL ID: 12-1-22



N/F
308 COMMERCIAL STREET REALTY TR.
PARCEL ID: 11-3-112

EXISTING ONE (1) STORY
WOOD-FRAME BUILDING
"THE NEW YORK STORE"
No. 308 COMMERCIAL STREET
FFE=10.85±

COMMERCIAL (PUBLIC - 22' WIDE) STREET

N/F
GOV. WILLIAM BRADFORD REALTY TR.
PARCEL ID: 12-1-21

N/F
GOV. WILLIAM BRADFORD REALTY TR.
PARCEL ID: 11-3-113

GENERAL NOTES:

APPLICANT SHALL INSTALL AN EXTERNAL HOOK UP FOR A PORTABLE GENERATOR CAPABLE OF POWERING ESSENTIAL BUILDING SYSTEMS FOR A MINIMUM OF 24 HOURS.

APPLICANT TO REUSE EXISTING UTILITIES. ALL EXISTING UNDERGROUND SANITARY PIPING SHOULD BE CAMERA INSPECTED PRIOR TO REUSE. THOSE UTILITIES IN POOR CONDITION SHOULD BE REPLACED.

Prepared For:

Applicant
The Haven Center
Chris Talbourn
245 Route 6A
Orleans, Mass.
508.360.8644
02853

Prepared By:

Hayes
Hayes Engineering, Inc.
603 Salem Street
Woburn, MA 01880
Ph: 781.246.2800
Fax: 781.246.7596
www.hayeseng.com

Design By: AMC
Drawn By: AMC
Checked By: PJO
Project File: PTN-0002
Comp. No: PTN2
 Issued For Permit
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No.	Revision	Date
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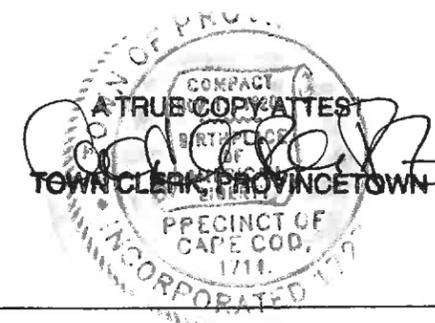
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Date: July 30, 2019

Drawing Title:

SITE PLAN
THE HAVEN CENTER
308 COMMERCIAL STREET
PROVINCETOWN, MASS.

Drawing No.:

C3
UTILITIES
SHEET 3 OF 4



DATE:	3 JUNE 2019
REVISIONS	

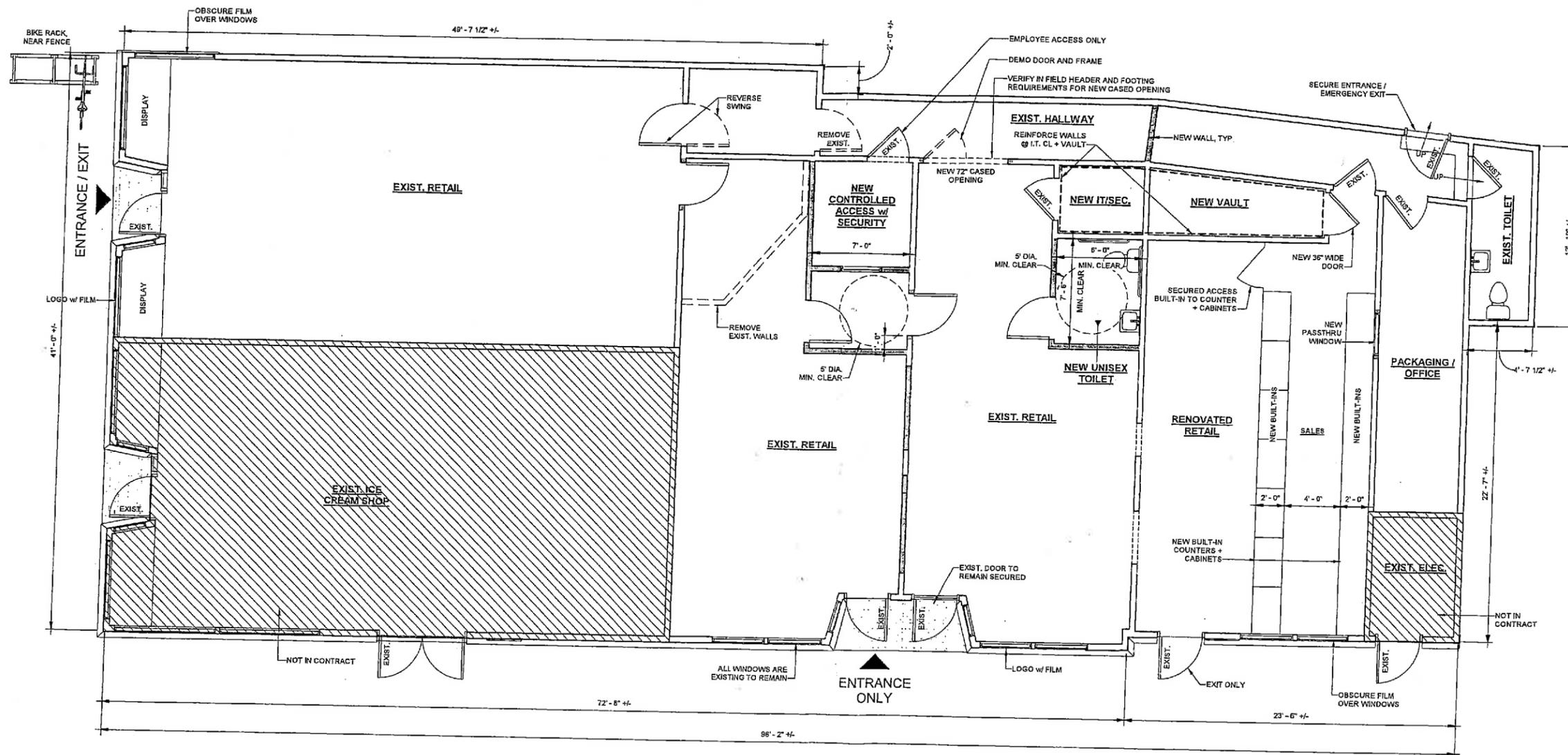
KEENAN + KENNY ARCHITECTS, LTD.
 109 Main Street
 Provincetown, Massachusetts 02546
 508-460-0001 office@keenanarchitects.com
 508-460-0002 keenanarchitects.com

PROPOSED RENOVATIONS TO:
HAVEN CENTER
 308 COMMERCIAL STREET
 PROVINCETOWN, MA

SHEET TITLE:
 PROPOSED FIRST FLOOR PLAN

PROJECT NO.
 SCALE:
 1/4" = 1'-0"

A1.1



A TEMPORARY FIRST FLOOR
 1/4" = 1'-0"

HAVEN CENTER	=	3,112 SF +/-
ICE CREAM SHOP	=	775 SF +/-
TOTAL	=	3,887 SF +/-

WALL TYPES:

EXIST. WALLS TO REMAIN	=====
WALLS TO BE DEMO'd	-----
NEW WALLS	=====



6/3/2019 8:25:03 AM

DATE:
3 JUNE 2019

REVISIONS

JK
KEENAN + KENNY ARCHITECTS, LTD.
109 Main Street
Falmouth, Massachusetts 01940
508-540-0000, office@keenanandkenny.com
www.keenanandkenny.com

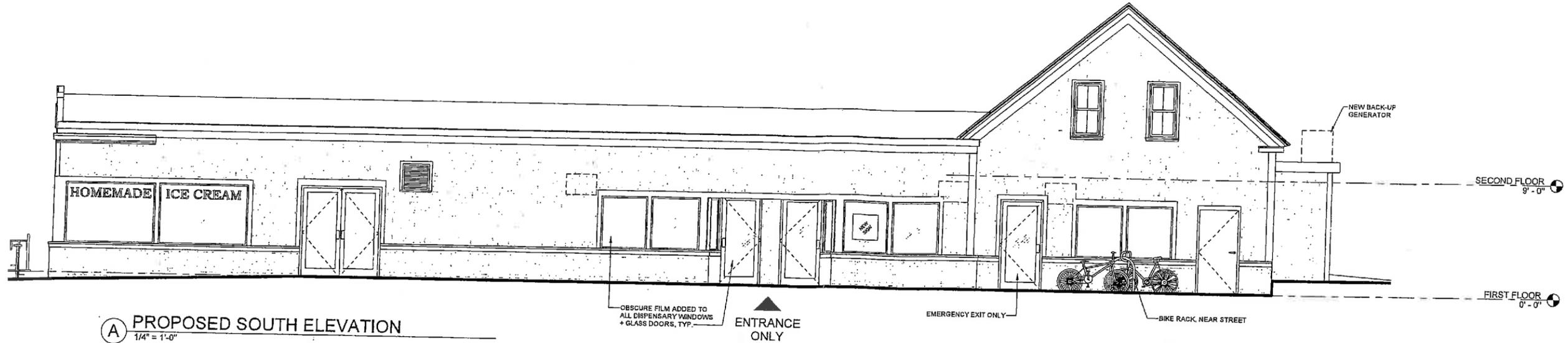
PROPOSED RENOVATIONS TO:
HAVEN CENTER
308 COMMERCIAL STREET
PROVINCETOWN, MA

SHEET TITLE:
PROPOSED BUILDING
ELEVATIONS

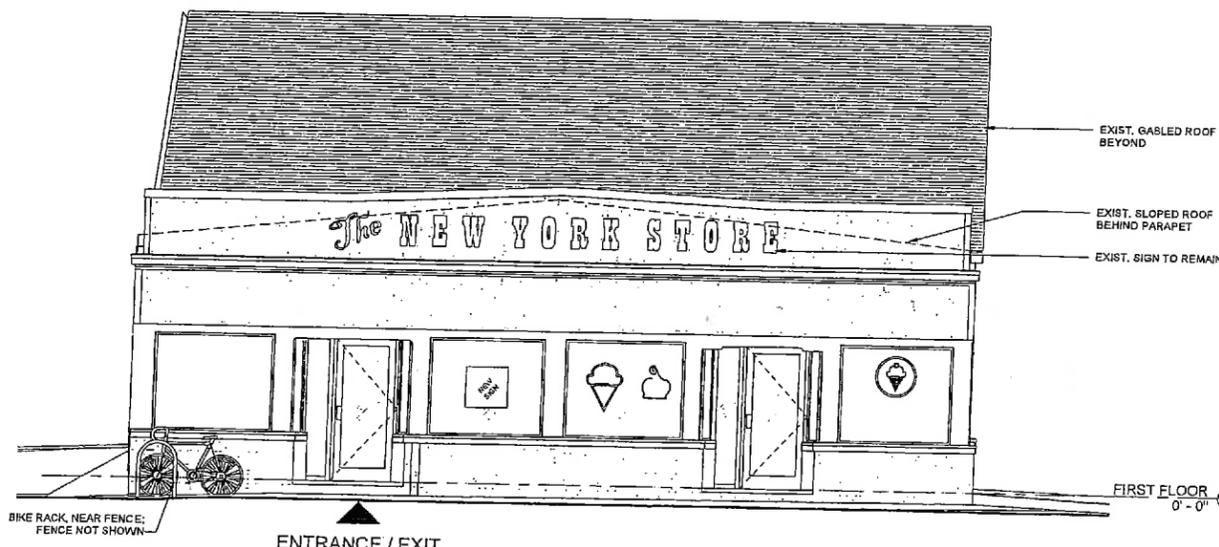
PROJECT NO.

SCALE:
1/4" = 1'-0"

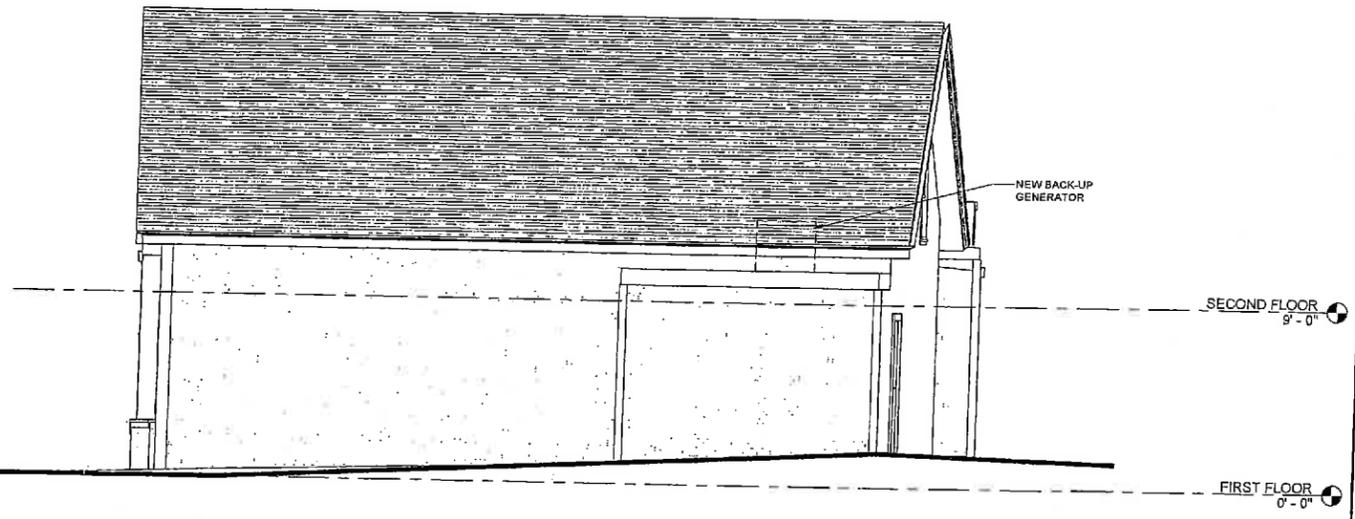
A2.1



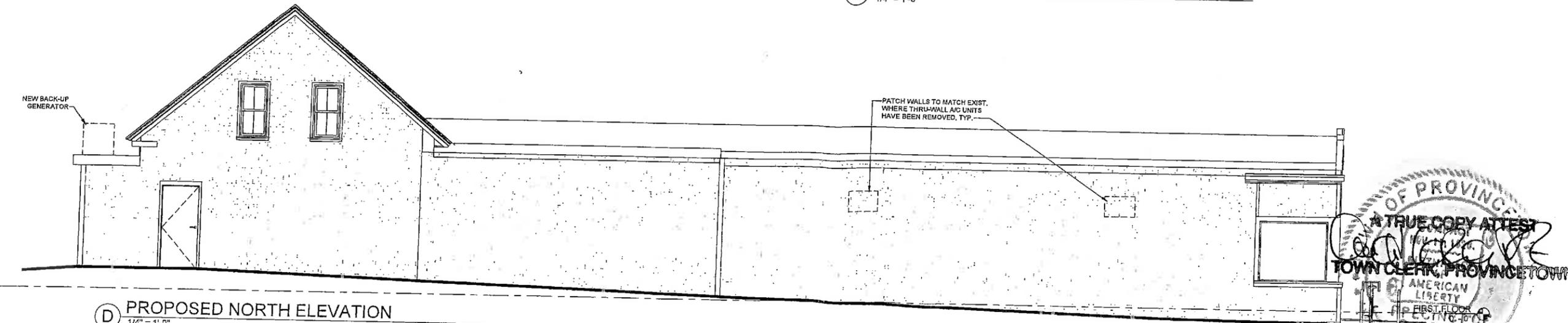
A PROPOSED SOUTH ELEVATION
1/4" = 1'-0"



B PROPOSED WEST ELEVATION
1/4" = 1'-0"



C PROPOSED EAST ELEVATION
1/4" = 1'-0"



D PROPOSED NORTH ELEVATION
1/4" = 1'-0"

A TRUE COPY ATTEST
 TOWN CLERK, PROVINCETOWN
 AMERICAN LIBERTY
 FIRST FLOOR
 100 STATE ST
 PROVINCETOWN, MA 01940
 TEL: 508-540-0000
 FAX: 508-540-0001
 WWW.PROVINCETOWNMA.COM

PROGRESS SET 3 JUNE 2019

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