

Town of Provincetown
Planning Board
Town Hall
Provincetown, MA 02657

FINDINGS AND DECISION OF THE PLANNING BOARD

August 23, 2018

Case Nos.: FY18-34 and FY18-35

Applicant: Anne Nagle, 711 Atlantic Ave., C/O Verdant Medical, Boston, MA 02111

Owner: Klaus Peter Steuermer, PO Box 10, Provincetown, MA 02657

Property: 44 Captain Bertie's Way, Provincetown, MA 02657

Assessor's ID: Map 8-2 Parcel 28

Registry: Book 11890, Page 84

The Town of Provincetown Planning Board (Board) hereby approves the application of Anne Nagle (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 +/- 3800 square-foot Marijuana Establishment, Retail on the site of an existing automobile repair facility (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 15, 2018. Board members David Abramson, Steven Baker, Ryan Campbell, John Golden and Brandon Quesnell 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 to its regularly scheduled meeting on July 26, 2018.

At the continued public hearing on July 26, 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, John Golden, and Brandon Quesnell 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 +/-2200 square-foot automobile repair facility.
2. The Project as proposed consists of the demolition of the existing automobile repair facility and construction of a +/- 3800 square-foot Marijuana Establishment in accordance with the following plan sets:

- *Site Plan, Proposed RMD, 44 Capt. Bertie's Way, Provincetown, Mass., prepared by Hayes Engineering Inc., consisting of 6 sheets, dated 5/11/2018, revised 7/12/2018*

- *Landscape Plan in Provincetown, Mass.*, prepared by Hayes Engineering, Inc., dated 7/15/2018
 - *Figure 1 Lighting Plan*, unattributed, dated 7/13/2018
 - Sheet A1.1.1: *First and Second Floor Plan*, prepared by Glidden Spina + Partners, dated 6/6/2018
 - Sheets A3.0.1 and A3.0.2: *Exterior Elevations*, prepared by Glidden Spina + Partners, dated 7/17/2018
 - Traffic Impact Assessment (including trip reduction measures), prepared by Hayes Engineering, Inc., dated January 29, 2018, revised June 11, 2018
 - Storm Water Management Report (including operations and maintenance measures), prepared by Hayes Engineering, Inc., dated May 11, 2018
3. The Project was reviewed on the Special Permit review criteria as listed in Section 5300 of the By-laws and the Site Plan Review review criteria as listed in Section 4035 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:
 - The site drive be relocated to the west side of the property so as not to conflict with traffic exiting George's Path;
 - A greater landscape buffer be provided on the east side of the property;
 - A handicap accessible route into the site be provided for those not arriving by car;
 - Details be provided on the proposed bike rack location;
 - Plantings be native and drought-resistant;
 - Exterior elevations and details on materials and fenestration be provided; and
 - The location of the proposed generator and propane tanks be detailed.
 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.
2. The applicant shall provide a directional "entrance" sign at the easterly corner of the site drive's intersection with Captain Bertie's Way as allowed under the By-laws to prevent vehicles passing the drive.
3. All fuel tanks at the site shall be underground in a location accessible from the site drive or parking area. All fueling shall occur from areas internal to the site.
4. 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.
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. Bicycle parking for no less than 14 bicycles shall be provided on-site. Bicycle racks shall be of "post and ring" or "inverted u" type.

7. 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.

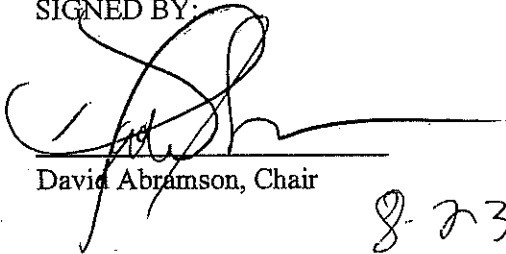
This Special Permit shall lapse twenty-four (24) months from the date of filing with the Provincetown Town Clerk (plus such time as may be required to pursue or await the determination of an appeal referred to in MGL Chapter 40A, Section 17), if a substantial use thereof or construction has not commenced.

MOTIONS

The Town of Provincetown Planning Board voted to approve, with conditions, the Special Permit for application number FY18-34 and the Site Plan Review for application number FY18-35 based on the findings set forth above on July 26, 2018. The motion passed.

Motion: Ryan Campbell Second: Steven Baker Vote: 5-0-0

SIGNED BY:



David Abramson, Chair

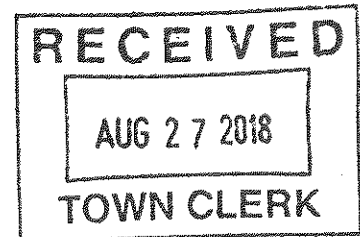
8-23-2018

DATE OF FILING:

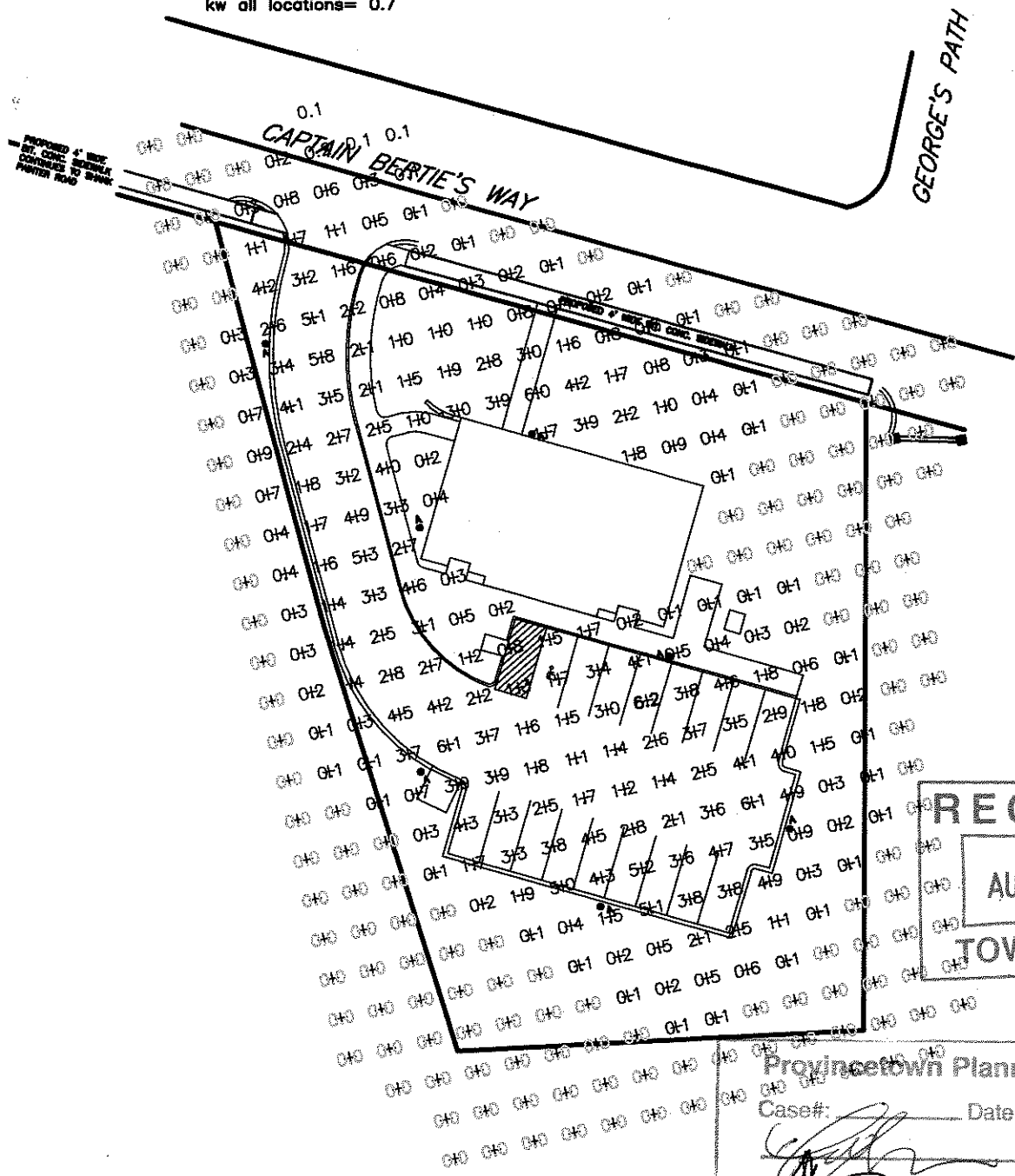
A copy of this application will be on file in the Town Clerk's Office as well as the Department of Community Development.

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.



EATON - STREETWORKS (FORMER COOPER LIGHTING) UTLD-AF24-100-D-U-T3-HSS
 INNOVATIONS CENTER(G1) test report no. P239676
 lamp(s): XXX
 candela file 'UTLD-AF24-100-D-U-T3-HSS.ies'
 24 lamp(s) per luminaire, photometry is absolute
 Light Loss Factor = 0.850, watts per luminaire = 96
 mounting height= 12 ft
 number locations= 7, number luminaires= 7
 kw all locations= 0.7

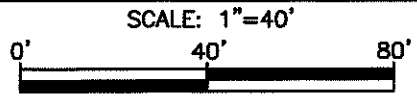


RECEIVED
 AUG 27 2018
 TOWN CLERK

Provincetown Planning Board
 Case#: _____ Date: _____

**FIGURE 1
 LIGHTING PLAN**

PROPOSED RME
 44 CAPTAIN BERTIE'S WAY
 PROVINCETOWN, MASS.



SOURCE:

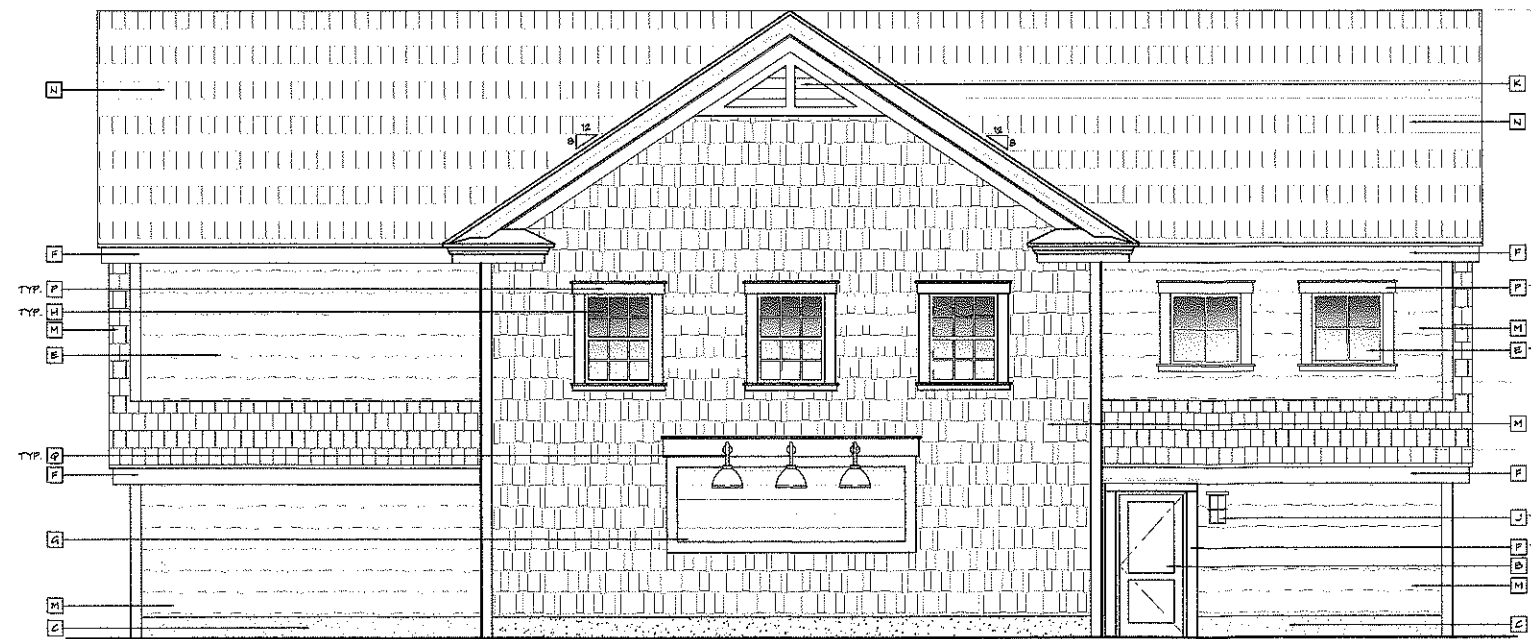


7/13/18

N:\PTN1\SP44captainBertiesR2.dwg, 7/16/2018 7:59:35 AM, TC



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



2 NORTH ELEVATION
SCALE: 1/4"=1'-0"

GENERAL NOTES

PROPOSED ELEV KEYNOTES

- A ALUMINUM FRAMED WOOD/GLASS DOOR
- B GALVANIZED HOLLOW METAL DOOR
- C CONCRETE BASE WITH TEXTURE FINISH
- D STONE CLADDING
- E ALUMINUM FRAME FIXED WINDOW WITH GRAY TINT
- F WOOD FASCIA WITH SMOOTH FINISH
- G SHOU SUG BAN WOOD CLADDING (SEE)
- H ALUMINUM FRAME WINDOW
- I WALL MOUNTED SCOOGE
- J LOWER
- K STONE BAND
- L EXTERIOR SIDING
- M ARCHITECTURAL ASPHALT SHINGLE
- N DECORATIVE TRIM WITH STUCCO FINISH
- O WALL MOUNTED LIGHT FIXTURE

RECEIVED
AUG 27 2018
TOWN CLERK

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207 SIXTH STREET
WEST PALM BEACH, FLORIDA 33401
ph: 561.884.8844 • gliddenspinna.com
FL LIC #A0200299



Architecture - Interior Design
Keith M. Spina # 91383448

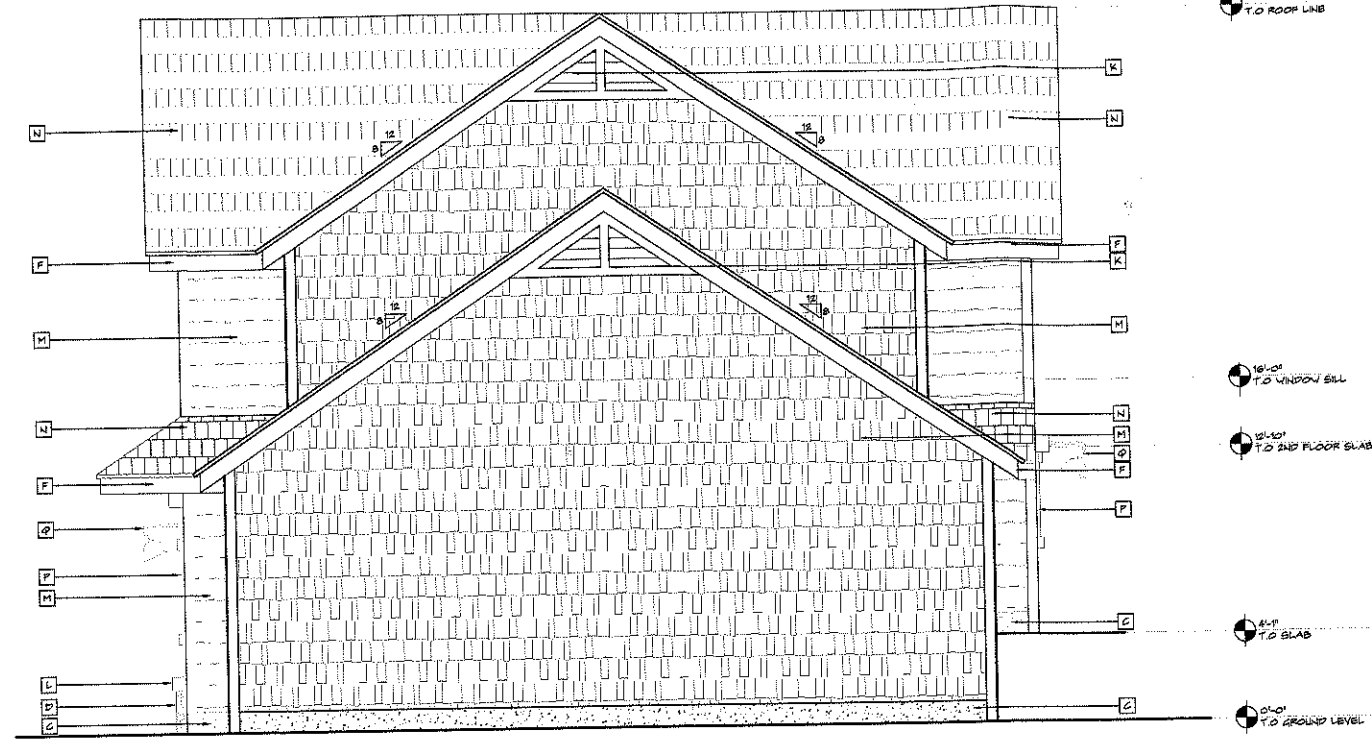
New Construction for:
Verdant Medical, INC
44 Captain Bertie's Way
Provincetown, Massachusetts

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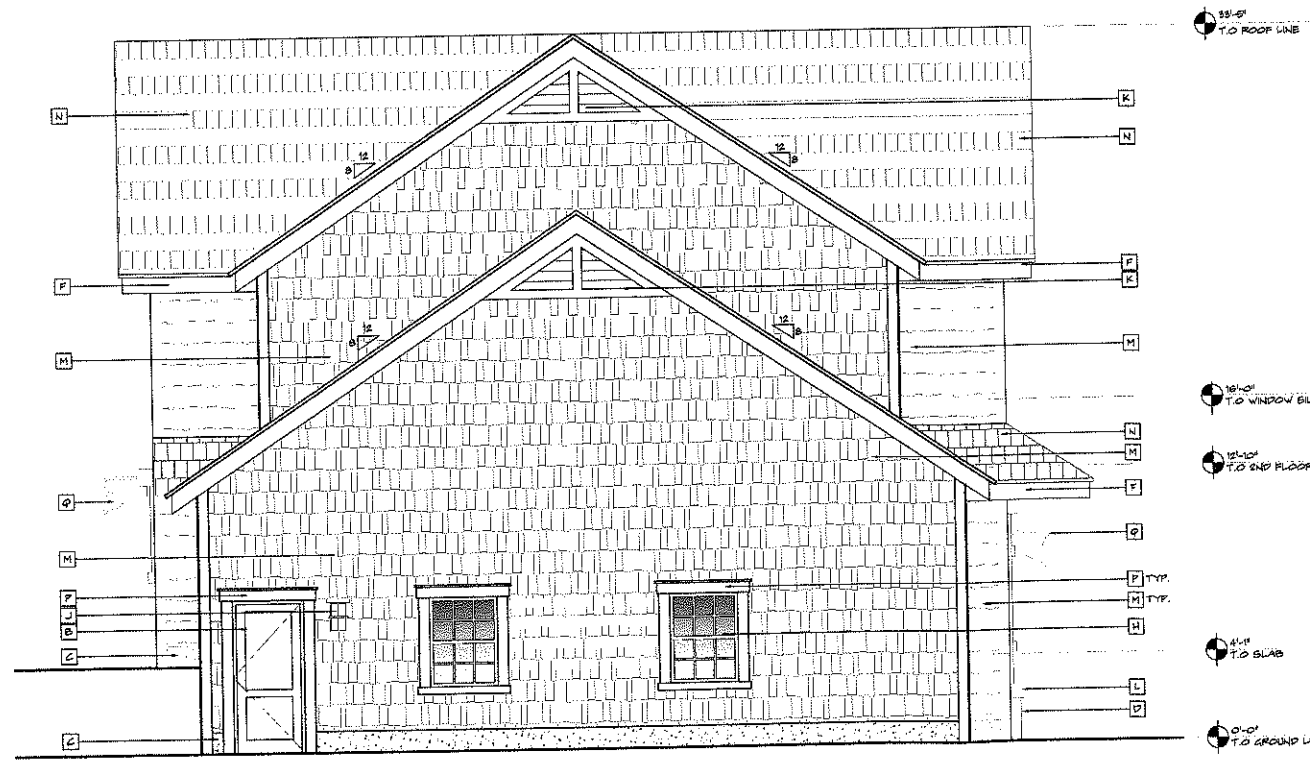
Revisions:	
Project no:	18026
Date:	07.17.18
Drawn by:	MAR
Project Architect:	MJR

EXTERIOR ELEVATION

A3.0.1



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



2 WEST ELEVATION
SCALE: 1/4"=1'-0"

GENERAL NOTES

PROPOSED ELEV KEYNOTES

- A ALUMINUM FRAMED WOOD/GLASS DOOR
- B GALVANIZED HOLLOW METAL DOOR
- C CONCRETE BASE WITH TEXTURE FINISH
- D STONE CLADDING
- E ALUMINUM FRAME FINED WINDOW WITH GRAY TINT.
- F WOOD FASCIA WITH SMOOTH FINISH.
- G SHOU BUG BAN WOOD CLADDING [2021]
- H ALUMINUM FRAME WINDOW
- I WALL MOUNTED SCORGE
- J LOUNGER
- K STONE BAND
- L EXTERIOR SIDING
- M ARCHITECTURAL ASPHALT SHINGLE
- N DECORATIVE TRIM WITH STUCCO FINISH
- O WALL MOUNTED LIGHT FIXTURE

207 SIXTH STREET
WEST PALM BEACH, FLORIDA 33401
ph: 561.684.6844 • gliddenspina.com
FLIC #1A000279



Architecture • Interior Design
Regen M. Spina • 90155448

New Construction for:
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Revisions:

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Project no: 18025
Date: 07.17.18
Drawn by: MAR
Project Architect: MR

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EXTERIOR ELEVATIONS
A3.0.2

Landscape Plan in PROVINCETOWN, MASS.

Hayes Engineering, Inc.
Civil Engineers & Land Surveyors
603 Salem Street
Wakefield, MA 01880

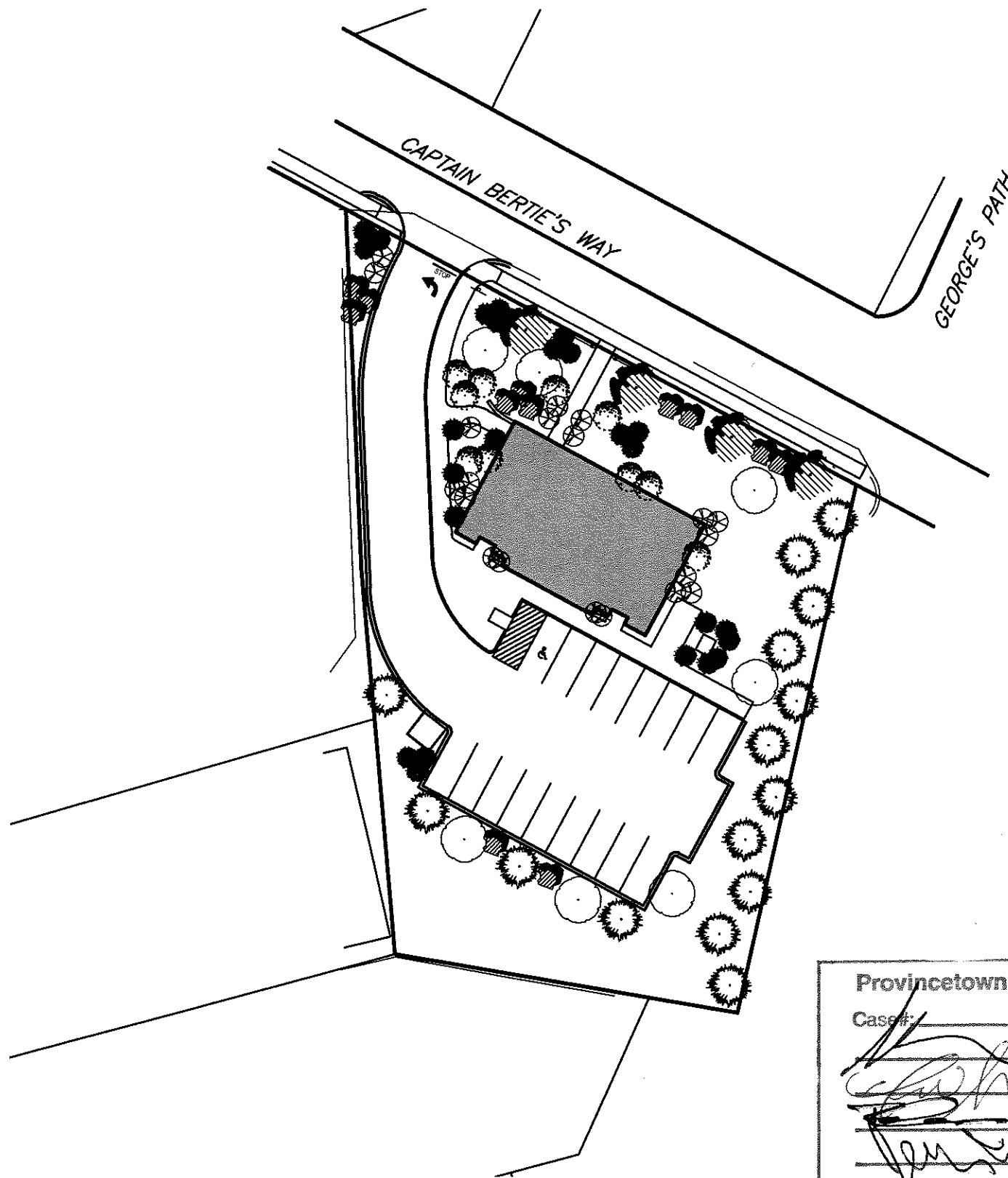
Telephone: 781.246.2800
Facsimile: 781.246.7596
www.hayeseng.com

Hayes

Scale: 1" = 40'



July 15, 2018



Provincetown Planning Board
Case #: _____ Date: _____

PLANT SCHEDULE					
QTY.	KEY	SYMBOL	SCIENTIFIC NAME	COMMON NAME	SIZE
TREES:					
8	BP		BETULA POPULIFOLIA	GRAY BIRCH	2" Ø
4	NS		NYSSA SYLVATICA	BLACK TUPELO	2" Ø
15	JV		JUNIPERUS VIRGINIANA	EASTERN RED CEDAR	4" Ø
SHRUBS:					
12	MP		MYRICA PENNSYLVANICA	BAYBERRY	5 gal.
10	IV		ILEX VERTICILLATA	COMMON WINTERBERRY	3 gal.
20	CA		CLETHRA ALNIFOLIA	COASTAL SWEET PEPPERBUSH	3 gal.
GRASSES:					
25	VP		VACCINUM PALLIDUM	LITTLE BLUESTEM GRASS	3 gal.