



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

May 14, 2020

Findings and Decision of the Planning Board

Case Number: PLN 20-26
Applicant: Eliot Parkhurst
Owner: Five Star Pet Services, LLC
Property Address: 79 Shank Painter Road
Assessor's ID: 7-3-23-D and 7-4-77-A
Deed Reference: Book 28103, Page 330
Zoning District: General Commercial (GC)
Planning Board Members: Paul Graves
Jeffrey Mulliken
Brandon Quesnell
Monica Stubner
Ross Zachs

I. Introduction

The Project proposes to: add a 1-bedroom dwelling unit on the second floor of the existing building, construct a new dormer on the left side (north) elevation, two dormers on the right side (south) elevation, construct a new deck and egress staircase on the rear (east) elevation of the existing building; and remove a shed, animal runs, and fenced pens to the east of the existing structure in order to construct a separate duplex building containing two 2-bedroom dwelling units, reconfiguring and adding parking spaces to the parking area, relocating propane tanks, adding utilities, drainage, landscaping, and appurtenant site improvements located at 79 Shank Painter Road within the General Commercial Zoning District.

The Applicant is petitioning the Planning Board for endorsement of a Request for Site Plan Review by Special Permit and Special Permit for the following approvals and relief pursuant to the Town of Provincetown Zoning By-Laws (the Zoning By-Laws):

1. Article 4, Section 4015, a. (1) Developments consisting of the aggregate of residential units that will result in three or more residential units on any parcel;
2. Article 4, Section 4015, a. (4) Development of commercial properties that have curb cuts greater than 25% of their existing or proposed street frontage; and
3. Article 4, Section 4180, Inclusionary and Incentive Zoning Bylaw; and

for relief by waiver under Section 4030 from:

- a) Section 4053, Commercial Design Standards.
 1. Access and Traffic Impact:
 - 1(a). Access and Egress to comply with Section 2474 in Zone GC;
 - 1(b). Traffic Impact Assessment to be prepared; and
 2. Landscaping:
 - 2(a). The Requirement to establish 10' wide continuous landscaped buffer strip adjacent to any public road; and
- b) Section 4150, Green Area. A minimum of every lot shall be reserved for green areas; and
- c) Section 4163 (3) Residential Design Standards. The minimum width of traveled surface within the site shall not be less than eighteen feet.

II. Decision

The Planning Board hereby grants Site Plan Review by Special Permit relief pursuant to the Zoning By-Laws, Article 4, Section 4015 a. (1), and Section 4015, a. (4), and a Special Permit under Article 4, Section 4180, Inclusionary and Incentive Zoning Bylaw, including the grant of waivers pursuant to: Article 4, Section 4053, Commercial Design Standards, 1. 1(a) Access and Egress to comply with Section 2474 in Zone GC, 1. 1(b) Traffic Impact Assessment to be prepared, and 2. 2(a) The Requirement to establish 10' wide continuous landscaped buffer strip adjacent to any public road - Waiver under Section 4030; Article 4, Section 4150, Green Area - Waiver under 4030; Article 4, Section 4163 (3) Residential Design Standards - Waiver under 4030.

III. General Findings

1. The Property is located at 79 Shank Painter Road in Provincetown, Massachusetts, is known by the Assessor's Office as Parcel ID: 7-3-23-D and 7-4-77-A, and is recorded land in Book 28103, Page 330 at the Barnstable County Registry of Deeds.
2. The Property is located in the General Commercial Zoning District.
3. The Property is 16,375± sq. ft. in size and improved with an existing multi-unit, mixed-use building that formerly contained a retail pet store, kennel, and two 1-bedroom residential dwelling units.
4. Access to the Property is from the frontage on Shank Painter Road that includes existing curb cuts for four perpendicular parking spaces in front of the west façade of the existing building and a crushed shell driveway adjacent to the southern property boundary that extends to a parking area on the east side of the building.
5. A marijuana dispensary is approved to replace the 1st floor retail pet store operation as described in Special Permit PLN 20-11 and maintains the two existing 1-bedroom residential dwelling units located on the 2nd floor.
6. The plans approved as part of this Site Plan Review by Special Permit decision are intended to supersede the plan entitled "Site Plan" prepared by Habeeb & Associates Architects, Inc. for 79 Shank Painter Road dated December 10, 2014 labeled sheet C-100 (11x17) and approved by the Planning Board on November 14, 2019 as part of the Special Permit Application PLN 20-11.
7. The proposed Project includes adding a 1-bedroom dwelling unit on the 2nd floor of the existing building, constructing a new dormer on the left side (north) elevation, two dormers

on the right side (south) elevation, constructing a new deck and egress staircase on the rear (east) elevation of the existing building; and removing a shed, animal runs, and fenced pens to the east of the existing structure in order to construct a separate duplex building containing two 2-bedroom dwelling units, reconfiguring and adding parking spaces to the parking area, relocating propane tanks, adding utilities, drainage improvements, landscaping, and appurtenant site improvements that will result in three or more residential units on the parcel within the Property.

8. The Project includes making a payment in lieu of providing an affordable dwelling unit pursuant to the Inclusionary and Incentive Zoning Bylaw.
9. The Project is designed to infiltrate runoff generated from all new onsite impervious surfaces in compliance with Section 4163 and proposes dry wells for the new duplex building that will be engineered to accommodate a 25-year storm event.
10. The Project proposes to add a 1-bedroom dwelling unit to the main structure and two 2-bedroom units in the duplex, increasing the number of parking spaces required by four spaces, and four designated parking spaces are proposed to be added to the existing eight parking spaces, for a total of twelve parking spaces within the Property.
11. The Applicant submitted testimony reflecting how the Project is consistent with the goals and objectives of the Local Comprehensive Plan and the Inclusionary and Incentive Zoning Bylaw.
12. The Applicant submitted testimony that the existing lighting produces 20,638 lumens and that the proposed lighting plan is dark sky compliant and reflects a total lumen output of 14,350 lumens, resulting in a decrease of 6,288 lumens or an overall 30% reduction within the Property.
13. The duplex building is designed to be prefabricated, trucked into the site, and placed on a poured foundation to reduce construction time and potential disruption to the neighborhood.
14. The Planning Board held two public hearings on this matter (hearing on January 9, 2020 was cancelled due to a lack of quorum): January 23, 2020 and March 26, 2020. Note that the March 26, 2020 hearing was held virtually in accordance with Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law and March 23, 2020 Order imposing strict limitation on the number of people that may gather in one place. Applicant Eliot Parkhurst, Tom Walter, and David Nicolau presented the Project. A presentation was made at each hearing and the Planning Board provided an opportunity for all those attending the public hearing to be heard.
15. The Applicant submitted revised plans during the public hearing process that reflected addressing the safety, aesthetics, and wellbeing concerns, including a revised site plan showing utility connections, planting plans, lighting specification details, architectural plans, and information regarding parking and vehicular circulation, bicycle racks, and refuse/recycling storage area.
16. There will be an increase in green space on the Property from 4.1% to 20.2% and the new parking areas will be comprised of crushed shells to avoid adding impervious pavement.
17. There was no public comment, either during the meetings or submitted in writing.
18. The applicant submitted plans and renderings of the project along with project narratives accompanying the November 13, 2019 application and a revised narrative, addendum, plant list, lighting specifications, and supplemental documents received February 24, 2020,

and the Planning Board members had sufficient time to review the plans prior to the hearing. Plans included:

- a. Plan entitled “Plan Showing Existing Conditions” prepared for Five Star Pet Services, LLC, Reduced and Not to Scale, dated October 9, 2019 prepared by Coastal Engineering Co., and certified by John McElwee, PLS No. 33602 in 1 sheet labeled C1.2.1 (11x17).
- b. Plan entitled “Plan Showing Proposed Site Improvements” prepared for Five Star Pet Services, LLC at a scale of 1” = 10’ dated February 20, 2020 prepared by Coastal Engineering Co., and certified by David J. Michniewicz, PE No. 31493 in 1 sheet labeled C2.1.1 (24x36).
- c. Plan entitled “PLN-20-26 Lighting and Landscape Plan” prepared for Five Star Pet Services, LLC at a scale of 1” = 10’ dated February 20, 2020 prepared by Coastal Engineering Co., uncertified, in 1 sheet labeled SKC-1 (24x36).
- d. Plan set without title sheet prepared for Walter 79 Shank Painter Road, dated November 14, 2019, prepared by Avalon Building Systems, uncertified, at a scale of ¼” = 1’ in 7 sheets, unlabeled (11x17).
- e. Plan set without title sheet prepared for Five Star Pet Services, LLC, dated November 16, 2019, prepared by ARC Designs, LLC, uncertified, Reduced and Not to Scale, in 9 sheets, (11x17).

IV. Applicable Law, Decision Criteria, and Specific Findings:

A. Site Plan Review under Article 4, Section 4035, Review Criteria:

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.*

The Planning Board hereby finds the following:

- a) That the Project is in accordance with the Provincetown Zoning By-Laws and is consistent with the Economic Development Goals of the Local Comprehensive Plan where the Project locates work within a previously developed parcel and proposes mitigation measures to minimize the adverse impacts associated with development.
- b) That the Project meets the design requirements outlined in Section 4163 as described herein.

- c) That the Project does not require a Development Impact Statement where the scope of the project and previous impact studies performed for the Property as part of PLN 20-11 do not indicate a need, and therefore the requirements of Section 5331 have been adequately addressed.
- d) That the Project's size and scope within a multi-unit, mixed-use building and Property located in the General Commercial zoning district avoids detrimental impacts and protects adjacent public and abutting residential properties where the Project maintains existing screening within the easternmost portion of the property, provides landscaping, proposes dark sky compliant light fixtures, and maintains the existing uses within the Property.
- e) That the Project maintains the unique, natural, scenic, and historic features of the Property where proposed uses comply with the General Commercial zoning district, including the additions/alterations to the existing building and addition of a separate duplex building reuses a previously developed property.
- f) That the Project maintains the existing 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 where four existing parking spaces on the west façade of the building will be maintained, and the Project is designed to provide the total number of required parking spaces required for the additional residential dwellings.
- g) That this standard is not applicable where there are no flood hazard areas within the Property.
- h) That the Project conforms to the Illumination Standards of Section 3430 Illumination where this Decision conditions proposed exterior lighting to be mounted not more than 15 feet high and to be dark sky compliant so as not to create light overspill onto adjacent premises or roadways or cast observable shadows, and so that it does not create glare from unshielded light sources where the following are met:
 - a. No new internally illuminated signs are proposed on the Property as part of this Application.
 - b. No new externally illuminated signs are proposed on the Property as part of this Application.
 - c. Exterior lighting fixtures will be mounted not more than 15 feet high.
 - d. The Applicant proposes reducing the lumen output by 30% from existing conditions.

B. Site Plan Review under Article 4, Section 4053 Commercial Design Standards:

In its review of the site plan the Planning Board shall consider the design standards in Section 4163. In addition to the requirements of 4163, the following shall apply to Commercial Business (retail, wholesale, service, warehousing) and Industrial Developments:

1. Access and Traffic Impact:

- a. *Access and egress must comply with Section 2474 in Zone GC. In all other zones, curb cuts shall be limited to two per business (clearly marked 'entrance' and 'exit') limited to 18' in width each.*
- b. *A Traffic Impact Assessment shall be prepared including: a detailed assessment of the traffic safety impacts of the proposed project on the*

carrying capacity of any adjacent road, a plan to minimize any such impacts, adequate pedestrian and bicycle access including sidewalks to provide access to adjacent properties and between individual businesses within a development.

2. *Landscaping:*

- a. *In Zone GC: A landscaped buffer strip at least 10' wide continuous except for approved driveways shall be established adjacent to any public road to visually separate parking and other uses from the road and which shall be planted with medium height plant materials set back a sufficient distance at intersections to prevent any traffic visibility hazard.*
- b. *In Zone TCC: 5% of the front and/or side setback area shall be permanently landscaped.*
- c. *Large parking areas shall be subdivided with landscaped islands so that no paved surface shall extend more than 80' in width. At least one (minimum 2" caliper) trees per 35 parking spaces shall be provided.*
- d. *Exposed storage areas, machinery, service areas, truck loading areas, utility buildings and structures and other unsightly uses shall be screened from view from neighboring properties and streets using dense evergreen plantings, earthen berms or tight fences with evergreen plantings.*
- e. *All landscaped areas shall be properly maintained. Shrubs or trees which die shall be replaced within one growing season.*

3. *Appearance/Architectural Design:*

Architectural design shall be compatible with historic character and scale of buildings in the Town (including compliance with Article 3 section 3300 of these By-laws) through use of appropriate building materials, screening, breaks in roof and wall lines and other architectural techniques. Variation in detail, form and siting shall be used.

4. *Erosion Control:*

- a. *Exposed or disturbed areas shall be permanently stabilized within six months of (permanent or final) occupancy of a structure.*
- b. *During construction runoff shall be trapped on site.*

5. *Infrastructure:*

The applicant must demonstrate that the proposed development will not overburden public water, septage or solid waste facilities (as indicated in Section 5331).

The Planning Board hereby finds the following:

1. a. That there is an existing traveled surface that is approximately 12 ft. wide and that the Applicant is requesting a waiver of this requirement.
1. b. That a traffic study was prepared in 2015 for the Property, that the increase in four parking spaces associated with the proposed residential dwellings is not a significant or materially adverse impact to the accommodation or access of the public to the commercial space by car, bicycle or pedestrian, and that the Applicant is requesting a waiver of this requirement.
2. a. That the Property is previously developed with existing perpendicular parking spaces adjacent to Shank Painter Road, such there is no undeveloped land or

landscaping adjacent to the road within the Property and the Applicant is requesting a waiver of this requirement.

2. b. That this standard is not applicable where the Project is not located in the Town Center Commercial zoning district.
 2. c. That this standard is not applicable where the Project does not propose a large parking area with either paved surfaces more than 80 ft. in width or 35 parking spaces.
 2. d. That this standard is not applicable where the Project does not propose exposed storage areas, machinery, service areas, truck loading areas, utility buildings.
 2. e. That this standard is being met where the Project is conditioned to have all plantings on the property be native species, drought-tolerant and shrubs or trees which die shall be replaced within one growing season.
 3. That the Project maintains the architectural elements of the existing 1½-story structure and the proposed duplex building incorporates complimentary features within a contemporary design, such as Cape Cod cedar shakes on the front façade, 1x6 corner boards, and other architectural features.
 4. a. That the Project proposes manufactured housing units as part of the work stage 2 to reduce construction time and minimize erosion from exposed or disturbed areas, and the landscaping plan shows permanent stabilization with proposed grass, shrubs, and trees.
 4. b. That the Project is conditioned for both during and after construction, all stormwater runoff from proposed impervious surfaces will be fully contained within the Property and recharged on site using stormwater management system(s) designed to handle a 25-year storm.
 5. That the Project will not overburden public water, septage or solid waste facilities where the Property is serviced by Town water and sewage and the addition of three residential units after discontinuance of the kennel operations will not result in an increased demand.
- C. Site Plan Review under Article 4, Section 4163, Residential Design Standards:
In its review of the site plan, the Planning Board shall require that the following minimum standards be met if applicable. The Planning Board may waive any design standard which would be unreasonable to enforce due to the peculiarities of the site or size of the development.
1. *Ways within the site shall not intersect another way without the site or street outside the site at less than sixty degrees.*
 2. *Curb radii at street intersections shall not be less than twenty-five feet.*
 3. *The minimum width of traveled surface within the site shall not be less than eighteen feet.*
 4. *Where unusual topographical conditions exist, the Board may permit center line grades to be up but not greater than twelve percent.*
 5. *All storm water drainage is to be contained within the site in a manner acceptable to the Planning Board.*
 6. *In new construction utility service shall be underground.*
 7. *Surfaces of parking area should be suitable for the purpose planned.*

The Planning Board hereby finds the following:

- 1) That this standard is not applicable where no ways are proposed.
- 2) That this standard is not applicable where no new intersections are proposed.
- 3) That there is an existing traveled surface that is approximately 12 ft. wide and that the Applicant is requesting a waiver of the minimum width requirement where the surface is proposed to be extended and/or its use intensified.
- 4) That this standard is not applicable where no new ways are proposed.
- 5) That the Project is designed to contain stormwater drainage within the Property where all new onsite impervious surfaces will be infiltrated in compliance with Section 4163 and the Project proposes dry wells for the new duplex building that will be engineered to accommodate a 25-year storm event.
- 6) That the Project is proposing one above-ground utility pole to transfer above-ground power from the existing electrical source located offsite to the north of the property in order to transfer the electrical utilities underground within the Property, such that utilities for the proposed duplex building will be underground to the maximum extent practicable, as depicted on the proposed site plan.
- 7) That the proposed crushed shell driveway and parking surface is suitable for the purposed parking area associated with the Project.

D. Site Plan Review by Special Permit:

The proposed Project is subject to Section 4015 (a)(1) *Developments consisting of an increase of residential units that will result in three or more residential units on any parcel;* and Section 4015 a. (4) *Development of commercial properties that have curb cuts greater than 25% of their existing or proposed street frontage.*

The Planning Board hereby finds the following:

- a) That the Project proposes to create three new residential dwelling units, one 1-bedroom unit within the existing multi-unit, mixed-used building, and two 2-bedroom units within the proposed duplex building, for a total of five residential dwelling units, requiring 7,500 sq. ft. (1,500 sq. ft. per unit) under Section 4120 Density Schedule and will be accommodated within the 16,375± sq. ft. Property.
- b) That the Project proposes four additional parking spaces within the parking area located east of the existing building that will not modify the existing curb cuts or access to the Property, which is from the frontage on Shank Painter Road that includes curb cuts for four perpendicular parking spaces in front of the west façade of the existing building and a crushed shell driveway adjacent to the southern property boundary that extends to a parking area on the east side of the building.
- c) As a result of the General and Specific Findings above (Section III and IV), 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.

- E. Special Permit, Article 4, Section 4180, Inclusionary and Incentive Zoning By-Law, 4. A.: *Development of 2 to 5 new dwelling units shall require the granting of a Special Permit by the Planning Board and a Payment in Lieu of providing a fractional unit to be made to the Housing Fund to fulfill the Affordable/Community Housing requirement.*
- 1) *Payment shall be made in accordance with the following formula, so that the Affordable/Community Housing requirement is equal to the total number of new dwelling units multiplied by 16.67%, and based on 1/3 or 1/2 of the affordability gap, as follows:*
 - *For 2-3 new dwelling units, the Payment in Lieu= (total # of new dwelling units)x(16.67%)x(affordability gap)x(33%)*
 - *For 4-5 new dwelling units, the Payment in Lieu= (total # of new dwelling units)x(16.67%)x(affordability gap)x(50%)*
 - 2) *The Payment in Lieu shall be made at and upon the sale or certificate of occupancy of each unit, whichever occurs sooner.*
 - a. *Year-round rental unit development: When the development consists of year-round rental units, a lien shall be filed against the property which states that the Payment in Lieu shall be deferred until such time as the year-round rental use ceases, with the full balance due upon change of use.*
 - b. *The developer shall enter into a binding written agreement with the Town of Provincetown, before the issuance of the first Building Permit and with appropriate payment surety arrangements, to provide the required payment(s) to the Housing Fund, and with a notice of the required payments to be recorded against the property before any Certificate of Occupancy is issued if full payment has not been made at the time an application is filed for a Certificate of Occupancy.*

Where the Project proposes creating three new residential dwelling units, the Applicant proposes making a payment in lieu of providing an affordable dwelling unit pursuant to the Inclusionary and Incentive Zoning Bylaw and this decision has been conditioned accordingly herein. The Planning Board finds that the Project fulfills the Affordable/Community Housing requirement of the Inclusionary and Incentive Zoning Bylaw of the Zoning By-Laws.

- F. Waivers. The Planning Board finds that as a result of the General and Specific Findings above (Section III and IV), the following waivers may be granted:
- Section 4053, Commercial Design Standards.
 1. Access and Traffic Impact:
 - 1(a). Access and Egress to comply with Section 2474 in Zone GC;
 - 1(b). Traffic Impact Assessment to be prepared; and
 2. Landscaping:
 - 2(a). The Requirement to establish 10' wide continuous landscaped buffer strip adjacent to any public road; and
 - Section 4150, Green Area. A minimum of every lot shall be reserved for green areas; and
 - Section 4163 (3) Residential Design Standards. The minimum width of traveled surface within the site shall not be less than eighteen feet.

V. VoteVote PLN 20-26:

Motion by Jeffrey Mulliken to grant Site Plan Review by Special Permit relief pursuant to the Zoning By-Laws, Article 4, Section 4015 a. (1), and Section 4015, a. (4), and a Special Permit under Article 4, Section 4180, Inclusionary and Incentive Zoning Bylaw, including the grant of waivers pursuant to: Article 4, Section 4053, Commercial Design Standards, 1. 1(a) Access and Egress to comply with Section 2474 in Zone GC, 1, 1(b) Traffic Impact Assessment to be prepared, and 2. 2(a) The Requirement to establish 10' wide continuous landscaped buffer strip adjacent to any public road - Waiver under Section 4030; Article 4, Section 4150, Green Area - Waiver under 4030; Article 4, Section 4163 (3) Residential Design Standards - Waiver under 4030, with the conditions noted herein. The Motion was seconded by Ross Zachs.

VOTE: By 5 in favor, 0 opposed, and 0 abstaining the Planning Board Approved this application.

VI. Conditions:

1. The conditions of Special Permit PLN 20-11, issued by the Planning Board on November 14, 2019 and recorded at the Barnstable Registry of Deeds Book 32696, Page 167, to the extent that they relate to the operation of the retail marijuana establishment, shall remain in force as part of Said Special Permit and the conditions approved as part of this Site Plan Review by Special Permit decision are intended to supersede any duplicate or conflicting conditions related to the Property.
2. Should the Property include a generator, routine testing and exercising of such generator shall occur between noon and 4pm on weekdays.
3. The Property shall include adequate bicycle racks that are "post and ring" or "inverted U" type racks and located as shown on the site plan.
4. The Property shall have one accessible parking spot and exterior walkways and ramps shall conform to the Americans with Disabilities Act.
5. A review of traffic safety associated with the operation of the retail marijuana establishment shall be scheduled with the owner/operator and appropriate town staff between 12 months and 14 months after the retail establishment receives a Certificate of Occupancy. A report shall be provided to the Planning Board by the Town Planner outlining any issues discussed and any recommended changes to address the issues. The Planning Board shall determine whether any agreed upon changes are within the scope of this approval or require the filing for an amendment to the approved Special Permit.
6. In order to mitigate for anticipated increase in pedestrian traffic to the Property, the owner/operator shall work with town staff to coordinate the possible addition of a crosswalk on Shank Painter Road and the applicant may be required to pay for the initial installation of the crosswalk (materials and labor) if deemed appropriate by town staff. No ongoing maintenance of the potential crosswalk is required and this condition is considered fulfilled upon issuance of a letter from the Director of Public works stating that a crosswalk is not necessary.

- 7. Proposed exterior lighting shall provide adequate public safety, be mounted not more than 15 feet high, and shall be dark sky compliant.
- 8. All plantings on the Property shall be native, drought-tolerant species, and any shrubs or trees that die shall be replaced within one growing season.
- 9. All stormwater runoff from proposed impervious surfaces will be fully contained within the Property and recharged on site using stormwater management system(s) designed to handle a 25-year storm.
- 10. The Payment in Lieu of \$65,539 [(3 total new dwelling units)x(16.67%)x(\$397,129 affordability gap for FY 2020)x(33%)] shall be paid at and upon the sale or prior to the issuance of a certificate of occupancy, whichever occurs sooner.
- 11. The developer shall enter into a binding written agreement with the Town of Provincetown, before the issuance of the first Building Permit and with appropriate payment surety arrangements, to provide the required payment(s) to the Housing Fund, and with a notice of the required payments to be recorded against the property before any Certificate of Occupancy is issued if full payment has not been made at the time an application is filed for a Certificate of Occupancy.

Signed By:

Planning Board

_____/_____/_____

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 Decision and shall require further review by this Board. Furthermore, the Decision issued hereunder shall not be valid until recorded at the Registry of Deeds in Barnstable as provided in the Provincetown Zoning By-Law and G.L. 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.

Note: or as such timeframes are suspended and extended pursuant to Section 17 of Chapter 53 of the Acts of 2020.