



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

October 22, 2020

Findings and Decision of the Planning Board

Case Number: PLN 20-2007
Applicant: BWell Holdings, Inc.
Owner: John M. Fay, trustee, Nova Property Trust
Property Address: 45 Court Street
Assessor's ID: 7-4-36-A
Deed Reference: Book 25196, Page 207
Zoning District: General Commercial (GC)
Planning Board Members: Paul Graves
Paul Kelly
Jeffrey Mulliken
Brandon Quesnell
Ross Zachs

I. Introduction

The Project proposes to reconfigure an interior portion of the premises presently occupied by an existing motor vehicle service business (Bay 2) to a marijuana production business with exterior site changes limited to installation of a generator, security lighting, designated parking spaces, and a bike rack on the parcel located at 45 Court Street within the General Commercial zoning district.

The Applicant has a Special Permit from the Planning Board for a retail marijuana establishment at 220 Commercial Street. The Applicant will relinquish this production marijuana use Special Permit should it be successful in obtaining approval for this application. The Applicant is petitioning the Planning Board for a Special Permit for a production marijuana establishment under Article 2, Section 2440, Permitted Principal Uses, B15 Marijuana Establishments, Industrial.

II. Decision

The Planning Board hereby approves granting a Special Permit pursuant to Article 2, Section 2440, Permitted Principal Uses, B15 Marijuana Establishments, Industrial by vote of 5 in favor, 0 opposed, and 0 abstaining.

III. General Findings

1. The Property is located at 45 Court Street in Provincetown, Massachusetts, known by the Assessor's Office as Parcel ID: 7-4-36-A, and is recorded land in Book 25196, Page 207 at the Barnstable County Registry of Deeds.
2. The Property is located in the General Commercial zoning district.
3. The Applicant will have 5 dedicated parking spaces within the Property, is providing a bicycle rack and in addition to onsite parking, the Fire Station public parking area is 400± ft. from the Property.
4. The Property is 22,265± square feet in size and improved with a building, shed, decks, and parking areas.
5. The Property is not located within a radius of 100 feet of a school or daycare center where the 100-foot distance is measured in a straight line from the nearest point of the parcel of the school or daycare center to the nearest point of the proposed parcel of the facility or business.
6. The proposed Project includes: reconfiguring the interior portion of the premises presently occupied by an existing motor vehicle service business (Bay 2) to create a marijuana production business with exterior site changes limited to installation of a generator, security lighting, designating parking spaces, and a bike rack within the Property.
7. A public hearing was conducted on September 24, 2020. Note that the hearing was held virtually in accordance with Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, March 23, 2020 Order imposing strict limitation on the number of people that may gather in one place, and Chapter 53 of the Acts of 2020. Robin B. Reid represented the Applicant and presented the Project.
8. The Applicant submitted a security policy and exhibits showing the proposed Project that included a security floor plan for BWell Production prepared by Helix Security, and lighting manufacturer specification sheets for Ketra tunable lamps.
9. The Applicant submitted plans, exhibits, and a project narrative, and the Planning Board members had sufficient time to review the plans prior to the hearing. Plans included:
 - a. Plan entitled "General Layout" prepared for BWell, prepared by R. Campbell dated February 7, 2020, uncertified, at a scale of 1" = 10' in 1 sheet labeled A101.
 - b. Plan entitled "Site Plan" prepared for BWell, prepared by R. Campbell dated February 7, 2020, uncertified, at a scale of 1/8" = 1.0' in 1 sheet labeled A201.

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

1. Massachusetts General Laws Chapter 40A, Section 9 (Special Permits):
Zoning ordinances or by-laws may provide that certain classes of special permits shall be issued by one special permit granting authority and others by another special permit granting authority as provided in the ordinance or by-law. Such special permit granting authority shall adopt and from time to time amend rules relative to the issuance of such permits, and shall file a copy of said rules in the office of the city or town clerk. Such rules shall prescribe a size, form, contents, style and number of copies of plans and specifications and the procedure for a submission and approval of such permits.

2. Site Plan Review under Article 2, Section 2440, Permitted Accessory Uses, B15 Marijuana Establishments, Industrial.

PB, a use authorized by Special Permit from the Planning Board.

Footnote 19: The Planning Board shall be the Special Permit Granting Authority for Marijuana Establishments. Except no facility or business shall be permitted with a radius of 100 feet of a school or daycare center. The 100 foot distance is measured in a straight line from the nearest point of the parcel of the school or daycare center to the nearest point of the proposed parcel of the facility or business.

3. Section 5330 of the Zoning Bylaw

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.

The Planning Board hereby finds the following:

- a) There were no letters in support or opposition to the Project.
- b) That the Property is not located within a radius of 100 feet of a school or daycare center where the 100-foot distance is measured in a straight line from the nearest point of the parcel of the school or daycare center to the nearest point of the proposed parcel of the facility or business.
- c) That anticipated vehicular traffic to the site will be less than the existing motor vehicle service business where the Applicant anticipates 3-5 employees for the proposed business, deliveries of products will be made off-hours, by a licensed cannabis transportation company, and the Property has five designated parking spaces.
- d) That the Applicant's proposed operation will generate minimal waste where all trash will be handled inside the premises until pickup by an appropriate commercial hauler and the Applicant's waste practices will comply with all Massachusetts Cannabis Commission regulations.
- e) That the project proposes dark sky compliant exterior security lighting using motion detection.
- f) That the proposed business is a locally owned and operated small business that will operate year-round and is anticipated to provide year round employment, with benefits, for at least 3 people, in addition to the applicant's principal.
- g) That the Applicant's host agreement calls for a 1% community impact fee and a 1% contribution to the Town's charitable fund provides a social and economic benefit to the Community.
- h) 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.

4. Waivers. No waivers were requested as part of the application.

V. Vote

PLN 20-2007:

Motion by Jeffrey Mulliken to approve the granting of a Special Permit pursuant to Article 2, Section 2440, Permitted Principal Uses, B15 Marijuana Establishments, Industrial. The Motion was seconded by Paul Graves.

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

VI. Conditions:

1. Proposed exterior lighting shall be mounted not more than 15 feet high and shall be dark sky compliant.
2. Any required 'exercising' of the generator shall be limited to weekdays between 12 Noon and 4 PM.

Signed By:

Thaddeus J. Soule

 Planning Board
on behalf of the Board

Oct. 22, 2020

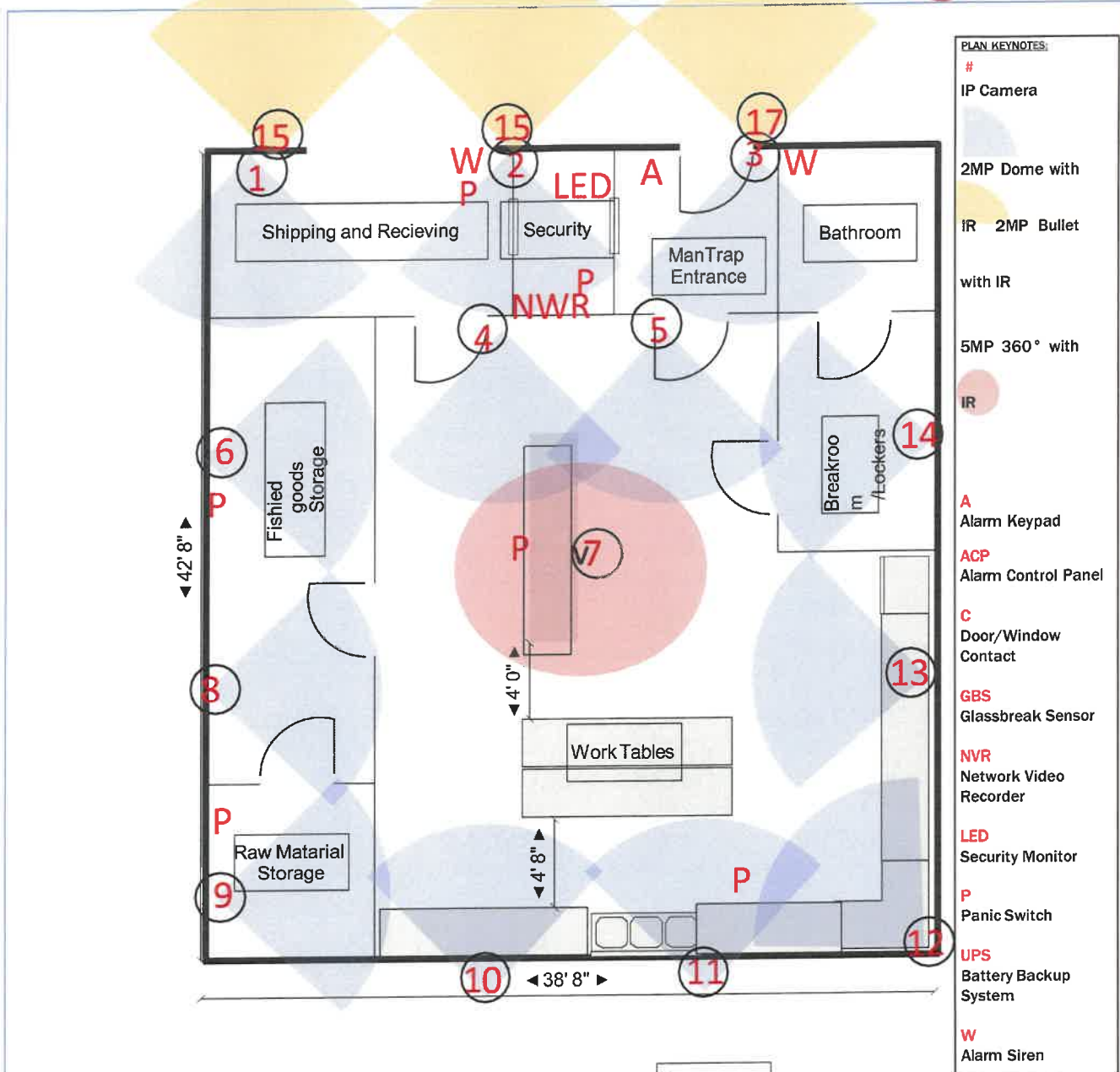


Date of Filing with the Town Clerk:

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.



- PLAN KEYNOTES:**
- # IP Camera
 - 2MP Dome with IR 2MP Bullet with IR
 - 5MP 360° with IR
 - A Alarm Keypad
 - ACP Alarm Control Panel
 - C Door/Window Contact
 - GBS Glassbreak Sensor
 - NVR Network Video Recorder
 - LED Security Monitor
 - P Panic Switch
 - UPS Battery Backup System
 - W Alarm Siren

Total Sq Feet
1621.50

BWELL PRODUCTION
45 COURT ST BAY 2
PROVINCETOWN, MA 02657

CAMERA COVERAGE

The shaded area for each camera represents the direction of coverage and the horizontal angle of view. Actual camera coverage extends beyond the shaded area.

Site: 45 Court St Bay 2	Drawing: 801506	Project: 0000416	Drawn:	Notes:	BWell Holdings, Inc 220 Commercial St Provincetown, MA 02657
Title: BWell Production	Scale: 1/4"=1'0"	Date: 01/20/20	Rev: A		



Bwell
Mfg. Facility - 45 Court St.

No.	Description	Date
1	Schematic Design	2/7/2020

General Layout
Project number 2020003
Date
Drawn by Author
Checked by Checker

A201
Scale 1/8" = 1'-0"

1 Level 1
1/8" = 1'-0"

