



# Minutes

Of the Provincetown Licensing Board Public Meeting on **Tuesday, May 12, 2015** at 5:15 p.m. in the Judge Welsh Meeting Room, Town Hall, 260 Commercial Street.

**Members Present:** Frank Thompson, Kristin Hatch, Michelle Foley, Stephen Rome & Barrett Alley

**Staff Present:** Aaron Hobart, Rich Alves

## Meeting Agenda

### ***Public Hearings***

#### **New Seasonal All-Alcohol License and Common Victualer License**

Petition from Bernabe Orpilla of, Dalla Cucina, Inc., d.b.a. ***East End Eatery***, for a ***New Seasonal All Alcohol Restaurant License and Common Victualer License*** at 404 Commercial St., Provincetown.

**Withdrawn by Licensee**

#### **Special Liquor Licenses**

Petition from Erin Atwood, representing ***Provincetown Business Guild*** for ***Special Liquor Licenses*** at Town Hall on August 19, 2015 from 7:30 p.m. to 9:30 p.m. and at 7 Winthrop St. on August 18<sup>th</sup> from 3 p.m. to 5 p.m. No rain dates requested.

Ed Atwood representing the PBG

Discussion regarding two events. Repeat events from seasons past.

Cathy Nijiminy will be performing at Town Hall. Over 300 people expected. Discussion regarding TiPS trained bartenders and security. Police Detail will be in place. 8 volunteers currently with goal of 10.

**Motion to Approve Special Liquor Licenses by Kristin Hatch. Second by Michelle Foley. Approved 5-0.**

#### **Common Victualer License**

Petition from Andrew Hood, representing ***Mimere's Café*** for a new ***Common Victualer License*** at 258 Commercial St, Provincetown.

**Motion to continue by Kristin Hatch. Second by Stephen Rome. Approved 5-0.**

#### **Special Entertainment License & Noise By-law Waiver**

Petition from Lynn D'Angona, representing ***Provincetown Cares*** for ***Special Entertainment License and Noise By-law waiver*** for an event to be held at 698 Commercial St. on May 24, 2015 from 9 a.m. to 12:30 p.m. No rain dates requested.

**Motion to Continue by Kristin Hatch. Second by Stephen Rome. Approved 5-0**

**Special Liquor License**

Petition from Lynn D'Angona, representing *Provincetown Cares* for *Special Liquor Licenses* for events to be held at Town Hall on October 16, 2015 from 7 p.m. to 12:00 a.m. and on October 17, 2015 from 2 p.m. to 7 p.m.

**Motion to Continue by Kristin Hatch. Second by Stephen Rome. Approved 5-0**

**New Common Victualer**

Petition from Robin B. Reid, Esq. representing *The Gallery Catering, LLC d.b.a. Zeke's*, for a *New Common Victualer* License at 43 Race Point Rd., Unit A, Provincetown, MA 02657.

Robin Reid, Robert Anderson and Luik Rosignon (SP?)

Old Connie's Bakery space. 10 seat restaurant. Looking for CV for that location plus catering for the canteen and the Happy Camper (formerly The Little Red)

Family style table restaurant. Discussion regarding the space and the owners by Robin.

Discussion regarding hood company and old hood which was a fire hazard. New hood is up to code and installed. Neighbors have concerns about noise generated by the hoods. Committed to being good neighbors, but no answers right now on how to control. Ted Malone had to approve the hood. Engineering and state code question. Will keep trying to solve the problem.

Michelle: will the noise be all day or through the night?

Robin: through the night, no. but in order to cook in there it will be on and they intend to be busy and cooking.

Not a sewer property

Stephen: is the title V up to date?

Robin: yes it has been inspected. There is no problem with the septic and will be completely in compliance with the health regulations. New ansel system.

Kristin: I would think that a new fan would be less noisy than an old fan.

Robin presents letter from installers.

Cass Benson speaks in favor of Zeke's

Dave Shermacher speaks in favor of Zekes. New fans make more noise because of the air intakes.

Lynn Davies speaks as an abutter. There has been a restaurant and its been quiet. Our concern is the area will become commercial. These blowers may have to start very early in the morning and it may not be pleasant. I would like some assurance and that someone monitor all day and especially at night. We'd like them to reduce the light and noise pollution. We like listening to the birds. I would like to hear hours of operation. Like Connie's: lunch and they are gone.

Robin: proposed hours are 7 a.m. to 5 p.m. but they would be in there before 7

Pat Frances speaks as an abutter. My immediate reaction to the installation is that they are 4 times the size of the prior. There are three of them. One intake and 2 outtake. Spoke with Anne Howard (building inspector) and was told we should speak with the police about noise. Rob heard that I was worried and he called and we had a nice conversation. Since then they have been turned on and it is like an 18 wheeler behind your house. When the crank them on at 5 am they are even louder without other noise going on. I feel the abutters have a right to enjoy their home. I respect that state requirements made them put up a new shiny system. Would have been better on the other side of the building, the paddock side near the barn. I personally don't want to listen to it any time of day. Fans run over there 24/7. I'd like to hear that their licensing approval be contingent on them doing something about this.

Ted Malone speaks in favor, as previous owner of property and current owner of the barn. Great to hear from the Canteen guys that they were going to use the space. I have not heard the fans in operation and how it compares before. It did have to go through the condo associate. The extra fan

was their understanding then the previous fan which wasn't up to regulations. Zoning board, going back to original special permit, has something in there about hours of operation. Perhaps a 2005 decision.

Robin responds to abutters concerns. They want to be good neighbors. Caught between a rock and a hard place if they want to operate there under current codes. You have a commitment from us to work this out in any way we can but it would be improper for you to condition it based on noise. This is not an entertainment license application. I think part of the problem is the space has been under-used or not used.

Stephen: would you like to live near that hood?

Robert: we live above the Canteen and the fan there is the same size.

Discussion regarding alternatives

Kristin asked question regarding the letter from the installers. Almost any restaurant we consider involves fan noise.

Discussion about using one fan at a time.

Discussion regarding light coming from basement windows at night.

**Motion to Approve by Kristin Hatch** (with note that hours comply with zoning special permit and that you mitigate as much impact as you can for the neighbors.) **Second by Stephen Rome.**

**Approved 4-1-0**

### **Special Liquor License**

The Provincetown Licensing Board will hold a Public Hearing at 5:15 p.m. on Tuesday, May 12, 2015 in the Judge Welsh Room at Town Hall, 260 Commercial Street, Provincetown, Massachusetts, to hear a petition from Dave Schermacher, representing **Pilgrim Monument & Museum** for a **Special Liquor License** for an event to be held at 1 High Pole Hill on May 28, 2015 from 4 p.m. to 10 p.m.

Dave Schermacher and Joe DeSouza representing The Pilgrim Monument

Cash bar events at the monument. Annual opening at the museum.

Joe: Monument embarking on a reawakening. Discussion regarding events to come leading up to 2020 Celebration which marks the Pilgrims arrival.

This event is from 5 to 7 p.m. Looking for one-day license.

Kristin: how many events total?

Joe: I think 5 as of now.

TiPS trained staff from Ptown Parties will work events and check IDs.

Discussion regarding carding of event goers.

Indoor event and not on the grounds

**Motion to Approve by Michelle Foley. Second by Stephen Rome.**

Kristin: About how many attendees?

Joe: 80 to 100.

Kristin: staff?

Joe: 12 board members plus Ptown Parties staff and our 3 staff members who we always have.

Discussion regarding speaking with Chief of Police regarding Police Detail

**Approved 5-0**

### **Special Liquor License**

Petition from Jef Hall Flavin, representing **Tennessee Williams Festival** for a **Special Liquor License** for an event to be held at Town Hall on May 30, 2015 from 6 p.m. to 10 p.m.

Jef Hall Flavin representing Tennessee Williams Festival

We have done this event three years running and this year at Town Hall. \$150/plate dinner.

Mac's Catering will be running the event.

They will be checking the ID's.

Barret: how many attendees?

Jef: about 100 people

Detail has been requested

**Motion to Approve by Kristin Hatch. Second by Michelle Foley. Approved 5-0**

### **Special Liquor Licenses**

Petition from Tessa Bry d.b.a. *Peregrine Theater Ensemble* for a series of **Special Liquor Licenses** at 12 Winslow Street from 6 p.m. to 10 p.m. Dates of events as follows: August 6, 7, 13, 14, 21, 27, 28, & September 3, 4, 7, 8, 9, 10, 11, 17, & 18.

Adam Berry, Tessa Bry and Beth Singer representing Peregrine Theater Ensemble

Discussion regarding Theater Ensemble and events at the Elementary School

Drama camp at the school as well.

Liquor covers *Carrie the Musical* and the Tennessee Williams plays

TiPS certified staff at door and bar. Open to public at 6:45. Before show and during intermission are the only times for the people to purchase a beverage.

Discussion of layout of school and the security of liquor after show ends. Dr. Singer's office will be locked and the closet in her office where we will store liquor will also be locked.

Average audience attendance is 23 people and the largest 40.

School committee approved application. Dr. Singer discusses agreement with Peregrine Theater and the larger scope of their involvement in the school. Money will be made and put towards the restoration of the school building. We see this as a very positive arrangement.

10 volunteers each evening and bartenders will be permanent all season. Box office space staff will also be permanent.

Cass Benson speaks as member of the School Committee. In favor of having a professional theater. As bar owner and former chair of licensing 'she knows the regulations'

Discussion about non-profits designation

Discussion regarding splitting the one-day permits. Discussion about not setting precedent as this is a unique situation in a unique location.

Tessa: bar is a service for our customers

Discussion of wine/malt versus all-alcohol

Discussion regarding times for open and intermission.

**Motion to Approve by Kristin Hatch. Second by Michelle Foley. Approved 5-0**

### **Special Liquor Licenses**

Petition from Adam Berry d.b.a. *Peregrine Theater Ensemble* for a series of **Special Liquor Licenses** at 12 Winslow Street from 6 p.m. to 10 p.m. Dates of events as follows: June 29 & 30, July 1, 6, 7, 8, 13, 14, 15, 20, 21, 22, 27, 28, 29 & August 3, 4, 5, 10, 11, 12, 17, 18, 19, 24, 25, 26, 31 & September 1 & 2.

**Motion to Approve by Michelle Foley. Second by Stephen Rome. Approved 5-0**

### ***Amend License***

#### ***Other Business***

Discussion with Robert Fleming regarding MA Driver's license requirements

Robert Fleming has worked for 7 years for Cape Cab.

Bought property in Florida and now has a FL state license.

Robert discusses regarding valid licenses and inter-connected state systems.

Discussion regarding insurance coverage.

Rich: discusses need to get a license after 30 days

Discussion regarding licensing agents discussion with Department of Utilities Division of Transportation Services.

Woody Shimko discusses his experience with the Postal Service and driving.

Discussion regarding F.O.G. and the Provincetown Sewer System as it relates to Food Service Establishments in Provincetown

Discussion regarding Provincetown Sewer system and "Fats, Oils, and Greases (F.O.G.)" and how the system is affected.

Discussion regarding licensing board regulations 5.05

Discussion about education

Discussion about business vs. private property owner.

Discussion regarding fines.

## ***Transfer License***

### ***New License***

#### **Retail**

1. Lu Z. Rome, mgr, d.b.a. ***Ella's***, 349 Commercial St., Provincetown, MA 02657  
Stephen Rome disclosed Lu is his wife.  
Retail store with home accessories, clothing, jewelry, and art. A boutique. Asian traditional style items.  
Business names after her daughter.

#### **Art Gallery**

1. G. Woody Shimko, mgr., d.b.a. ***Woodman Shimko Gallery***, 398 Commercial St., Provincetown, MA 02657  
G. Woody Shimko representing Woodman Shimko Gallery.  
Represents artists in Provincetown and Palm Springs. Has a gallery in FL  
Not open in winter.  
**Motion to Approve by Michelle Foley. Second by Kristin Hatch. Approved 4-0-1**
2. Gale Crosman Moore, mgr., d.b.a. ***Gale Crossman Moore Designs***, 174 Commercial St., Provincetown, MA 02657  
Licensee did not appear

#### **Special Parking Lot**

**Motion to take Speical Parking out of order by Kristin Hatch. Second by Barrett Alley. Approved 4-0-1**

1. Peter Grosso representing ***Provincetown Lions Club***, at the VMCC and Motta Field on May 24, July 4, August 20, and September 6, 2015  
Discussion regarding Lions Club special parking permits and where the funds go (hearing aids, eye wear for needy, etc.)  
Working with Outer Cape vision center to fund operations. Will be up and running soon.  
Discussion regarding Lions Club  
**Motion to take both special parking to gether by Kristin Hatch. Second by Stephen Rome. Approved 5-0**
2. Peter Grosso representing ***Provincetown Lions Club***, at 30 Winslow Street on July 4, August 20, and on Weekends from May 23 to October 31, 2015.

**Motion to Approve group by Kristin Hatch. Second by Barrett Alley. Approved 5-0**

**Taxi/Livery License**

1. **Atlantic Rides**: Reg #TA767C, VIN #2D4RN4DE4AR138964, 2010 White Dodge Caravan;  
Neil Hennigan representing Atlantic Rides  
Name change from Black & White taxi.  
Sabrina from Junior Taxi Service will be taking over the rest of Black & White  
After 6 years ready to slow down. Losing stress of multiple cars and big staff.  
**Motion to Approve by Kristin Hatch. Second by Michelle Foley. Approved 5-0.**

**Outdoor Artist**

1. **Jon Swart** – 220 Commercial St. & 432 Commercial St.  
Jon Swart representing himself  
Discussion regarding art and plans. Works at DeLuca Gallery. Also sells items at the two  
Quintessential Cape Cod Stores.  
Discussion regarding art  
**Motion to Approve by Kristin Hatch. Second by Barretty Alley. Approved 4-0-1**

**Fortune Teller**

1. **Sherry Frank** – 234 Commercial St.  
Sherry Frank represents her self  
Discussion regarding work at shop under Thanassi Gallery  
Has a shop in Boston  
**Motion to Approve by Barrett Alley. Second by Kristin Hatch. Approved 5-0**

***Public Statements***

***Renewal License***

**Lodging**

**Motion to take as a group by Kristin Hatch. Second by Stephen Rome. Approved 5-0**

1. Robert Couldron, mgr., d.b.a. **Shiremax Inn**, 5 Tremont St., Provincetown, MA 02657
2. ZZAZZ, Inc., Gurci Lovinger, mgr., d.b.a. **Lotus Guest House**, 296 Commercial St., Provincetown, MA .02657
3. Samuel Graybill, mgr., d.b.a. **8 Tremont**, 8 Tremont St., Provincetown, MA 02657
4. Samuel Graybill, mgr., d.b.a. **8 Tremont**, 6 Tremont St., Provincetown, MA 02657
5. CBB Management, LLC, James Rizzo, mgr., d.b.a. **Christopher's By The Bay**, 8 Johnson St., Provincetown, MA 02657

**Motion to Approve by Kristin Hatch. Second by Stephen Rome. Approved 5-0.**

**Common Victualer**

1. Medium Rare, LLC, Anthony Edwards, mgr., d.b.a. **Burger Queen**, 331 Commercial St., Provincetown, MA 02657  
Motion to continue by Kristin Hatch. Second by Stephen Rome. Approved
2. Weiner Stand, Inc., Mark Janoplis, mgr., d.b.a. **John's Foot Long Hot Dog Stand**, 309 Commercial St., Provincetown, MA 02657

**Motion to Approve by Kristin Hatch. Second by Stephen Rome. Approved 5-0**

**Weekday and Sunday Entertainment**

1. The Unitarian Universalist Meeting House, April Baxter, mgr., d.b.a. ***UU Meeting House***, 236 Commercial St. Provincetown, MA

**Motion to Approve by Kristin Hatch. Second by Stephen Rome. Approved 5-0**

**Taxi License**

2. ***Junior's Taxi***: Reg #TA770C, VIN #2B4GP45R0XR119480, 1999 White Dodge Caravan;

**Motion to Approve by Michelle Foley. Second by Stephen Rome. Approved 5-0**

**Art Gallery**

**Motion to take as a group by Kristin Hatch. Second by Barrett Alley. Approved 5-0**

1. Linda Tennyson Loiselle, mgr., d.b.a. ***Metamorphosis/Tennyson Gallery***, 344 Commercial St., Provincetown, MA 02657
2. The William Scott Gallery, Inc., Brian Galloway, mgr., d.b.a. ***William Scott Gallery***, 439 Commercial St., Provincetown, MA 02657
3. Charles-Baltivik Gallery, Inc., Katherine Baltivik, mgr., d.b.a. ***Charles-Baltivik Gallery***, 432 Commercial St., Provincetown, MA 02657
4. Marian Peck, mgr., d.b.a. ***A Gallery***, 192 Commercial St., Provincetown, MA 02657
5. Adam Peck, mgr., d.b.a. ***Adam Peck Gallery***, 137 Commercial St., Provincetown, MA 02657
6. Michael McGuire, mgr., d.b.a. ***McGuire Gallery***, 465 Commercial St., Provincetown, MA 02657
7. Karen Katzel, mgr., d.b.a. ***Karilon Gallery***, 447 Commercial St., Provincetown, MA 02657
8. Galeria Cubana, LLC, Michelle Wojcik, mgr., d.b.a. ***Galeria Cubana***, 357 Commercial St., Provincetown, MA 02657
9. Amp/Art Market Provincetown, LLC, Debbie Nadolney, mgr., d.b.a. ***Amp/Art Market Provincetown***, 148 Commercial St., Provincetown, MA 02657
10. Julie Tremblay, mgr., d.b.a. ***Julie Tremblay***, 277 Commercial St., Provincetown, MA 02657
11. Framed and Matted, Inc., Steve Bowersock, mgr., d.b.a. ***Bowersock Gallery***, 373 Commercial St., Provincetown, MA 02657
12. Evaul, Inc., William Evaul, mgr., d.b.a. ***Evaul Studios and Gallery***, 347 Commercial St., Provincetown, MA 02657

**Motion to Approve group by Kristin Hatch. Second by Barrett Alley. Approved 4-0-1**

**Parking Lot**

**Motion to take as a group by Kristin Hatch. Second by Barrett Alley. Approved 5-0**

1. Irene Joseph, mgr., d.b.a. ***Godinho's Parking Lot***, 35 Standish St., Provincetown, MA 02657

2. Charles Silva, mgr., d.b.a. **Silva's Parking**, 57 Shank Painter Rd., Provincetown, MA 02657

3. Charles Silva, mgr., d.b.a. **Silva's Parking**, 70-74 Shank Painter Rd., Provincetown, MA 02657

**Motion to Approve group by Kristin Hatch. Second by Barrett Alley. Approved 5-0**

**Outdoor Artist**

1. **Duffy Did It** – 308 Commercial St.

**Motion to Approve group by Kristin Hatch. Second by Barrett Alley. Approved 5-0**

**Fortune Teller**

1. **Lisa Miller** – 234 Commercial St.

**Motion to Approve group by Kristin Hatch. Second by Stephen Rome. Approved 5-0**

***Correspondence***

Letter from Town Clerk Doug Johnstone

Discussion regarding spaces available on the Licensing Board

***Minutes***

Motion minutes of March 23<sup>rd</sup> to Approve by Kristin Hatch. Second by Michelle Foley.  
Approved 4-0-1

**Enforcement**

Discussion regarding Ragnar. Only issue was one complaint (yearly complaint) and not medical calls. Getting tighter each year.

Licensing checks have gone well.

No violations with ABCC visit last week.

**Code Compliance**

**Old business**

May 20<sup>th</sup> TiPS training at Town Hall from 10 to 2

Security training to follow around June 15<sup>th</sup>

Discussion regarding system of scanning licenses

Discussion regarding TiPS training for Package Store staff via email blast

AMP Entertainment event discussed. Reading or Play ? Fine or no fine?

Discussion regarding lower taxi rates given to riders and the new practice of advertising on social media.

**New Business**



***Licensing Board Statements***

***Licensing Agent Statements***

Licensing Agent welcomes new member Barrett

***Motion to Adjourn by Kristin Hatch. Second by Michelle Foley. Approved 5-0. 7:50 p.m.***