



# Minutes

Of the Provincetown Licensing Board Public Meeting on **Tuesday, April 14, 2015** at 5:15 p.m. in the Judge Welsh Meeting Room, Town Hall, 260 Commercial Street.

**Members Present:** Frank Thompson, Michelle Foley, Deborah Heller, Stephen Rome

**Staff Present:** Rich Alves

## Meeting Agenda

### ***Public Hearings***

#### **Revision the Licensing Board Rules & Regulations**

The Provincetown Licensing Board will hold a Special Public Meeting at 5:15 p.m. on **Tuesday, March 24, 2014** in the Judge Welsh Room at Town Hall, 260 Commercial St., Provincetown, Massachusetts, to hear the merit of revising the Provincetown Licensing Rules & Regulations as described below:

#### 1.00 GENERAL RULES FOR ALL BUSINESSES

##### 1.01 Definition

c) ~~The term "seasonal" shall mean a business that operates 10 months or less in a calendar year~~ only apply to seasonal liquor licenses.

##### 1.12 Responsibilities of the License Holder

b) Renewal Application to be submitted and all applicable fees paid before license expiration date. Licensees who fail to submit application before expiration date will be subject to additional fees as stated in Appendix A of the Licensing Board Rules & Regulations.

\* - The current b-i will slide down one spot to become c-j. Text of the full change can be viewed at the Town Clerk's Office.

#### 8.01 TAXICAB/LIVERY OWNERS

(p) The total Taxicab/Livery License fee is \$72 plus the application fee of \$30.

1) All Taxicab/Livery Licenses will expire on December 31<sup>st</sup> of each year.

2) An Application fee of \$30 will be charged for changes to the Taxicab/Livery License during the licensing year

Discussion regarding changes to regulations and change over to Accela licensing software

**Motion to Accepted changes as written by Michelle Foley. Second Deborah Heller.**

**Approved 4-0**

**Special Entertainment and Liquor Licenses**

Petition from Don Murphy, representing the *Provincetown Portuguese Festival* for a **Special Entertainment License** for events to be held on Ryder St. on June 26 and 27; and in front of Town Hall on June 28. Rain date of June 27 in Town Hall Auditorium for Ryder St. activities requested and **Special Entertainment and Special Wine & Malt Licenses** for events to be held in the Town Hall Auditorium on June 27; at the Bas Relief from June 25 to June 27; and at Macmillan Pier on June 28. Don Murphy and Susan Leonard representing Provincetown Portuguese Festival

Discussion regarding history of the Festival

Entertainment may change slightly. Begins Thursday of the last full week in June.

Food events at Bas Relief with Entertainment at Ryder St., The Peir and Motta Field.

Blessing of the Fleet with food at the Pier during the event.

Discussion regarding alcohol service at Bas Relief.

Discussion regarding farmer's market not occurring during the festival

**Motion to Approve by Deborah Heller. Second by Stephen Rome. Approved 4-0**

**Special Liquor License**

Petition from Kelly Gilpatrick, representing *Water's Edge Theater*, for a **Special Liquor License** for an event to be held on May 3, 2015 from 12:45 p.m. to 3:30 p.m. at 237 Commercial St.. No rain date requested.

Kelly Gilpatrick representing Water's Edge Theater

Special screening of film with pre-screening reception for ½ hour

Discussion regarding carding and TiPS trained staff.

**Motion to Approve by Deborah Heller. Second by Michelle Foley. Approved 4-0**

**Special Liquor License**

Petition from Steve Katsurinis, representing *8 Dyer Hotel*, for a **Special Liquor License** for an event to be held on April 24, 2015 from 6 to 9 p.m. at 8 Dyer St.. No rain date requested.

Steve Katsurinis and Brandon Quesnel representing 8 Dyer Hotel

Discussion regarding event and times

Semi-private event. Not really open to the public.

TiPS certified server will be hired

Max 40 people can be accommodated. Have to be pre-registered.

Letter of support mentioned by chair.

**Motion to Approve by Michelle Foley. Second by Deborah Heller. Approved 4-0**

**Transfer of Liquor License, Change of d/b/a, Alteration of Licensed Premises & Change of License Type**

Petition from Ben deRuyter, representing *Lola Bean, Inc.* for a **Transfer of Liquor License, Change of d/b/a, Alteration of Licensed Premises & Change of License Type** at 214 Commercial St., Provincetown, MA.

Ben DeRuyter representing Art House

Discussion regarding renovations happening at property. No change in seating from Blondie's Burgers former seating numbers.

Discussion regarding transfer. Change of d/b/a to 1620 Brewhouse.

Discussion to change to Restaurant Type license from General On Premise

Michelle: How are the renovations progressing and when will you open?

Ben: We had discussed a May 1<sup>st</sup> open but a best case for us now is May 14<sup>th</sup>.

Michelle: as a member of the disability commission I ask will you be handicap accessible.  
Discussion regarding infrastructure changes.

**Motion to Approve by Deborah Heller. Second by Michelle Foley. Approved 4-0**

**Transfer of Entertainment Licenses & New Common Victualer License**

Petition from Ben deRuyter, representing *Lola Bean, Inc.* for a **Transfer of Entertainment Licenses and New Common Victualer License** at 214 Commercial St., Provincetown, MA.

Ben DeRuyter representing Art House

Discussion regarding need to transfer Common Victualer License

**Motion to Approve Entertainment Licenses by Michelle Foley. Second by Stephen Rome. Approved 4-0.**

**Change of Licensed Location**

Petition from Vincent Duarte representing *Big Vin's Liquor, Inc., d.b.a. Big Vin's Liquor* for a **Change of Location** from 248 Commercial St. to 252 Commercial St.

Christopher Snow representing Big Vin's Liquor. Also in attendance Vincent Duarte Sr. and Vincente Duarte Jr.

Discussion regarding switch in location for Adam's and Big Vin's Liquor

Discussion regarding the transmittal of the application to Boston in absence of Licensing Agent's vacation.

**Motion to Approve by Deborah Heller. Second by Stephen Rome. Approved 4-0**

**Noise By-law Waiver**

Petition from David Schermacher, representing *Ragnar Events LLC*, for a **Noise By-Law Waiver** for an event to be held at the Pilgrim Monument on Saturday, May 9, 2015 from 8am – 8pm. No rain date requested.

David Schermacher representing Ragnar Events, LLC

Already have parade, entertainment, and liquor licenses but because of 60 day requirement for noise by-law waiver we are here now.

Event ended last year at 6 p.m. That is when staff left.

Discussion regarding event

**Motion to Approve by Michelle Foley. Second by Stephen Rome. Approved 4-0**

**Special Entertainment and Liquor Licenses**

Petition from Lisa Potter, representing *The Cape Cod Firefighter EMS Cancer Relief Fund*, for a **Special Entertainment License & Special Liquor License** for an event to be held at the Pilgrim Monument on Saturday, May 2, 2015 from 11 am – 8 pm. No rain date requested.

Christine Douglas representing Run to the Top event

Cape Cod Firefighters Relief Fund

Requesting entertainment license for 3 or 4 piece band and honor guard

Beer only event. TiPS certified staff

Ptown Parties staff will work the event.

**Motion to Approve by Deborah Heller. Second by Stephen Rome. Approved 4-0.**

**Special Entertainment Licenses and Noise By-law Waivers**

Petition from Joshua Prager, representing *Twenty Summers, Inc.* for **Noise By-Law Waivers** on May 15, 16, 22, 23, 24, 29 & 30 and June 6, 7, 13 & 14 from 5 to 9:30 pm and **Special Entertainment Licenses** on May 15 from 7 to 9:30 pm, on May 16 from 7 to 9:30 pm, on May 23 from 7 to 9:30 pm, on May 24 from 7 to 9:30 pm, on May 29 from 7 to 9:30 pm, on May 30 from 7 to 9:30 pm, on June 6 from 7 to 9:30 pm, on June 7 from 10:30 am to 12 pm, on June 13 from 7 to 9:30

pm and June 14 from 10 am to 2 pm. A rain date for the event on May 15 is requested for May 16 from 10:30 a.m. to 12 p.m.

Joshua Prager & Julie Glass representing 20 Summers

Discussion regarding last year's event

Discussion regarding this season's programming

Michelle Haynes speaks for MilHil Condo Association represents 8 members in support of event.

Mr. Prager has proven to be thoughtful neighbor. We watched barn fade slowly away and Mr. Prager brought it back to life. Proud to have him as a neighbor. Noise and congestion from people and parking is completely non-existent.

Erik Engstrom speaks as abutter and year round resident in favor of restoration of the barn but speaks against event. Not safe for public events. Not enough egress. Call into question the use of the barn for public events. No fire control and no access for emergency vehicles. Committee a year ago was very clear that it was a one time only request.

Joshua Prager re: fire issue. Met with Geoffrey Larson (building commissioner) and reads letter into record. No need for fire suppression system. Speaks about fire extinguishers and lit exit signs.

Frank: what did fire commissioner say?

Joshua: I did not meet with the fire commissioner. Speaks about conversations with current and previous building commissioners.

John Kirker and Don Bellam at 27 Miller Hill Road speaks in favor. No disturbance at all. Concerts not disturbing in the least. Volunteers did a great job. Patrons very respectful of neighborhood setting. We support this event this year and for years to come. We are very close to the barn.

Shawn McNulty speaks in favor of event. Asks Mr. Eckstrom if he's been inside the barn. Response is 'no' from Mr. Eckstrom. This event brings great awareness to the history of the barn. Bringing in first class entertainment. This is in the best interest of Provincetown. With hand rails, police detail, etc. I plead to the board to vote for the continuance of this cause.

Mark Westron speaks in favor of the event. To speak about a different venue would create a museum with no visitors to the barn. Speaks of his 30 plus years in Provincetown. Many local faces I recognized at the events. Had the sense that 20 Summers was drawing a number of us from town to that special location.

Michelle: sounds like an outstanding program

Deborah: are the 6 criteria in place.

Joshua: the one that I can't see that we don't need but we will pay for, if required, is a detail officer. We will if you would like us to.

Deborah: I think it will be a little safer if they are there.

Joshua speaks of letter from owners of the barn in favor

Frank discusses the historic significance of the barn.

**Motion to Approve by Deborah Heller. Second by Stephen Rome. Approved 4-0**

## ***Amend License***

### **Change of Manager**

1. **Harbor Hotel** change in manager from Michael Dougherty to James Sichta at 698 Commercial St., Provincetown, MA 02657

James Sichta, Christopher Snow and Jim Capel representing the Harbor Hotel  
Mr. Snow speaks to Mr. Sichta's experience as a manager  
Discusses Harbor Hotel and the challenges to the business  
Discussion regarding taxes paid by Hotel to town and the off-season business  
**Motion to Approve by Michelle Foley. Second by Deborah Heller. Approved 4-0**

### ***Other Business***

1. Discussion with the Harbor Hotel regarding extended closures  
Discussion regarding repairs to the building  
Sought permission to close for the off-season  
Deborah: when are you opening?  
Chris: May 1<sup>st</sup>.  
Michelle: I have a real problem with this. Discusses the past two off-seasons. 214 Commercial St. was renovating all winter long. I have a hard time with this. I think the Harbor Hotel is into playing games here. If you don't want to be open year round then get a seasonal liquor license. People who live in town look to have places open.  
Chris: we respect that sentiment. Our excuse isn't lack of contractors. There was a management issue that impeded getting things done. They understand that there is a promise to the public to serve the community year round.  
Michelle: is there anticipation of closure next winter  
Chris: yes, a short closure. Discussion regarding proposed timeline. 30 days is a given. They will need an extension unless there is something that is done to drive traffic to the town in the winter. Discusses convention business.  
Jim: discusses last season's closure. Discusses current repairs being done. We are invested in the building and in Provincetown.  
Michelle: the projects you had lined up did they impact the restaurant?  
Jim: the HVAC is directly over the lounge. It was replaced.  
Frank: discusses off-season business and year-round licensing  
Chris: discusses plans to make a more attractive year round destination

### ***Transfer License***

#### **Parking Lot**

1. Transfer of Duarte's Parking Lot from Duarte Motors Inc. to Provincetown Public Parking, LLC, Steve Riley, mgr., d.b.a. ***Provincetown Public Parking***  
Steve Riley representing Provincetown Public Parking  
Frank reads note from Licensing Agent as a reminder to go to zoning for any changes to the layout of the parking lot  
**Motion to Approve by Deborah Heller. Second by Stephen Rome. Approved 4-0**

Stephen Rome exits the room due to illness.

### ***New License***

#### **Lodging**

1. Robert Mondoux, mgr., d.b.a. ***Burch House***, 116 Bradford St., Provincetown, MA 02657  
Discussion regarding the history of the Burch House licensing by Frank  
**Motion to Approve by Deborah Heller. Second by Michelle Foley. Approved 3-0**

#### **Art Gallery**

1. Frederick Design Group & Assoc., Inc., James Frederick, mgr., d.b.a. **Frederick Studio Provincetown**, 237 Commercial St., Provincetown, MA 02657  
James Frederick representing Frederick Studio  
Cartoonist, Graphic Designer. Not open to public except by appointment. Will open for open studio nights and gallery strolls. Will serve as his work space.  
**Motion to Approve by Michelle Foley. Second by Deborah Heller. Approved 3-0**

#### **Common Carrier**

1. Mayflower Trolley, LLC, Raphael Richter, mgr., d.b.a. **Mayflower Trolley**, 200 Seaport Blvd., Boston, MA 02210  
Raphael Richter representing Mayflower Trolley  
Common Carrier license to travel over roadways.  
Michelle: Separate from other trolley in Town of Provincetown  
Raphael: yes, totally separate  
Raphael: park at pier and hopefully on Standish St.  
**Motion to Approve by Deborah Heller. Second by Michelle Foley. Approved 3-0**

### **Public Statements**

#### **Renewal License**

#### **Lodging**

**Motion to Approve as a group by Deborah Heller. Second by Michelle Foley. Approved 3-0**

1. Yuanye, LLC, Yuanye Hao, mgr., d.b.a. **Elephant Walk Inn**, 156 Bradford St., Provincetown, MA 02657
2. Bowd Hotels, LLC, Kevin O'Shea, mgr., d.b.a. **Salt House Inn**, 6 Conwell St., Provincetown, MA 02657
3. West End Inn, Inc., Warren Leftowich, mgr., d.b.a. **West End Inn**, 44 Commercial St., Provincetown, MA 02657
4. Helen Valentine, mgr., d.b.a., **Valentine's Guest House**, 88 Commercial St., Provincetown, MA 02657
5. Paul Gumbleton, mgr., d.b.a. **Center Street Inn**, 17 Center St., Provincetown, MA 02657

**Motion to Approve by Deborah Heller. Second by Michelle Foley. Approved 3-0**

#### **Innholder**

1. Lexvest Colony, LLC., Eric Shapiro, mgr., d.b.a. **Cape Colony Inn**, 280 Bradford St., Provincetown, MA 02657  
**Motion to Approve by Michelle Foley. Second by Deborah Heller. Approved 3-0**

#### **Parking**

**Motion to Approve as a group by Deborah Heller. Second by Michelle Foley. Approved 3-0**

1. Pat's Happy Park, Inc., Elena Hall, mgr., d.b.a. **Pat's Happy Park**, 401 Commercial St., Provincetown, MA 02657
2. Cape Cod Pilgrim Monument Assn., Thomas Cullen, mgr., d.b.a. **Pilgrim Monument & Museum**, 1 High Pole Hill Rd., Provincetown, MA 02657

3. Duarte Motors, Inc., Margaret Duarte, mgr., d.b.a. **Duarte's Parking**, 132 Bradford St., Provincetown, MA 02657

**Motion to Approve by Michelle Foley. Second by Deborah Heller. Approved 3-0**

**Common Victualer**

**Motion to Approve as a group by Deborah Heller. Second by Michelle Foley. Approved 3-0**

1. Provincetown Portuguese Bakery, Inc., Tibor Bago, mgr., d.b.a. **Provincetown Portuguese Bakery**, 299 Commercial St., Provincetown, MA 02657
2. Spiritus Enterprises, Inc., John Yingling, mgr., d.b.a. **Spiritus Pizza**, 190 Commercial St., Provincetown, MA 02657
3. Maria Silva, mgr., d.b.a. **Café Maria**, 277A Commercial St., Provincetown, MA 02657
4. Weiner Stand, Inc., Mark Janoplis, mgr., d.b.a. **John's Footlong Hot Dog Stand**, 309 Commercial St., Provincetown, MA 02657

**Motion to Approve by Michelle Foley. Second by Deborah Heller. Approved 3-0**

**Weekday Entertainment**

1. Spiritus Enterprises, Inc., John Yingling, mgr., d.b.a. **Spiritus Pizza**, 190 Commercial St., Provincetown, MA 02657

**Motion to Approve by Deborah Heller. Second by Michelle Foley. Approved 3-0**

**Art Gallery**

**Motion to Approve as a group by Deborah Heller. Second by Michelle Foley. Approved 3-0**

1. Michael DelVisco, mgr., d.b.a. **MDV3 Gallery**, 142 Commercial St., Provincetown, MA 02657
2. Tucker Galleries, Inc., Barbara Tucker, mgr., d.b.a. **Kiley Court Gallery**, 445 Commercial St., Provincetown, MA 02657
3. James R Bakker Antiques, Inc., James Bakker, mgr., d.b.a. **James R Bakker Antiques**, 359 Commercial St., Provincetown, MA 02657
4. Thomas Antonelli, mgr., d.b.a. **Antonelli Giardelli Gallery**, 416 Commercial St., Provincetown, MA 02657
5. Room 68 Design, LLD, Brent Refsland, mgr., d.b.a. **Room 68**, 377 Commercial St., Provincetown, MA
6. Shirl Roccapiore, mgr., d.b.a. **Oils by the Sea Gallery**, 437 Commercial St., Provincetown, MA 02657

**Motion to Approve by Deborah Heller. Second by Michelle Foley. Approved 3-0**

**Outdoor Artist**

1. **Alyssa Schmidt** – 3 Allerton St. Provincetown, MA 02657

**Motion to Approve by Deborah Heller. Second by Michelle Foley. Approved 3-0**

***Correspondence***

***Minutes***

**Enforcement**

Program for Security should be put together with a date by the next meeting  
Discussion regarding TiPS certification renewal dates

**Code Compliance**

**Old business**

**New Business**

***Licensing Board Statements***

Frank: This is Deborah's last meeting

Deborah: Thank you for the honor of participating on the Licensing Board and good luck to you.

Michelle: Good luck to Deborah and thank you for introducing me to the Licensing Board

Frank: We now have two full time vacancies on the Licensing Board that need to be filled.

***Licensing Agent Statements***

**Motion to Adjourn by Deborah Heller. Second by Frank Thompson. Approved 3-0. 7:04 p.m.**