



# Minutes

The Provincetown Licensing Board Public Meeting of **Tuesday, April 10, 2018** at 5:15pm in the Judge Welsh Room, Town Hall, 260 Commercial Street.

**Members Present:** Frank Thompson (FT), Chair; Shawn Byrne (SB) Vice-Chair; Zachary Luster (ZL); Robert F. Cameron (RC).

**Staff Present:** Aaron Hobart (AH), Licensing Agent; Det. Richard Alves, Enforcement Officer; Anne Howard, Building Commissioner.

## Meeting Agenda

### ***Public Hearings***

#### **Change of Liquor License Class**

Linda Vital, representing ***Coffee Pot & More, Inc.*** for a ***Change from Wine & Malt to All Alcohol Liquor License*** at 315 Commercial St., Provincetown, MA.

Linda Vital presented; said they will not be adding any hours to the full license, but that their customers often request additional alcohol over beer and wine, which has been the service for about the past five years; staff are all TIPS (*Training in Intervention ProcedureS*)-certified.

Herbie Hintze spoke from the public in support, said it's a wonderful establishment that is the first to open and the last to close.

Robert Costa, of Art's Dune Tours, spoke in favor; said it's a first-class operation.

Rachael White spoke in favor; said it's an efficient business that is kind to everyone.

**SB made a motion to approve as presented. ZL seconded the motion and it passed, 4-0-0; SB, ZL, FT, RC.**

#### **Special Liquor & Entertainment Licenses**

Camille Ives Beck, representing ***Twenty Summers, Inc.*** for ***Special Liquor and Entertainment Licenses*** on June 10, 2018 from 12 to 9:30pm at The Hofmann Studio at 76 Commercial St. No rain dates requested.

Camille Ives Beck, Executive Director of Twenty Summers, presented; said the non-profit is in its fifth season of month-long programming which will be expanded to the Hoffman Studio, in addition to the Barn; entertainment is an intimate concert featuring the female duo, Overcoats, which will start at 7:00pm and be broadcast as is customary on Martha's Vineyard public radio, WMVY; attendance is limited to 50.

Rachael White and Michela Carew-Murphy spoke from the public in favor. Ms. White said as a direct abutter she felt it was a reasonable request and that she had spoken to neighbors who agreed, especially as it is a one-off. Ms. Carew-Murphy mentioned what she said was a good record of programming by Twenty Summers and that their presence in the West End would be much appreciated.

Ms. Beck added that there will be volunteers stationed around the venue to make sure the neighbors were being respected.

AH referenced a caller who contacted him in opposition. Caller identified as Emmanuel Race (sp), who said he was disabled and therefore couldn't attend the meeting, nor did he have e-mail; stated that he was ten feet from the property line and had experienced a disturbance from a party at that location in the past and was concerned that this event would set a precedent.

ZL asked where the liquor was coming from, to which Ms. Beck said beer was being donated from the brewery, Doubles Purse (sp); added that she would be getting her TIPS certification and that two volunteers who will be on hand for the event have theirs.

**ZL made a motion to approve as presented. RC seconded the motion and it passed, 4-0-0; ZL, RC, FT, SB.**

#### **Special Entertainment License**

Christyne Douglas, representing *Run to the Top* for a *Special Entertainment License* for an event to be on May 5, 2018 from 3pm to 6pm at 1 High Pole Hill Road. No rain date requested.

**ZL made a motion to continue the hearing to the next meeting, at the applicant's request. SB seconded the motion and it passed, 4-0-0; ZL, SB, FT, RC.**

#### **New Seasonal Package Store License**

Robert Costa, representing *Art's Dune Tours, Inc.* for a *New Seasonal Wine & Malt Package Store Liquor License* at 4 Standish St., Provincetown, MA.

Robert Costa presented. AH said the address associated with the business is technically 308-310 Standish St. Mr. Costa said it is the 72<sup>nd</sup> year of Art's Dune Tours and that they've recently purchased the building that they are in and, as part of the proposed expansion of the business, are seeking an opportunity to sell beer and wine to their customers who have enjoyed cocktails while out at the dunes on tour and yet have had to purchase those goods elsewhere. Mr. Costa said these sales on the premises will serve as a convenience for their customers as well as help the business obtain additional, needed revenue with a new mortgage, and that the goods will not be consumed on the premises.

Rachael White spoke from the audience in favor, said Mr. Costa has done a wonderful job is taking over the business from his father and anything he proposes will be a boon to the Town.

Herbie Hintze spoke enthusiastically in favor of the proposal, and of Mr. Costa as a person, as did Linda Vital.

AH requested that Mr. Costa be in touch with the Health Director about protocols.

SB read a letter in favor of Mr. Costa's application from Rick Murray, owner of the Crowne & Anchor and Mussel Beach Gym.

**ZL made a motion to approve as presented. SB seconded the motion and it passed, 4-0-0; ZL, SB, FT, RC.**

**New Seasonal Lodging Liquor License**

Ellen Blood, representing **59 Provincelands Rd OPCO, LLC**, d.b.a. Awol for a **New Seasonal All Alcohol Liquor License** at 59 Provincelands Rd., Provincetown, MA.

AH specified the property was formerly known as The Inn at the Moors.

Ellen Blood, part-owner, presented; said the license will cover guests only, not guests of guests as initially proposed as, based on the septic system limitations, the designation was changed per the Health Department's recommendation; said there will one single point of service from the interior of the lobby and all servers will be TIPS-certified; hoping to open June 1<sup>st</sup>, but are currently taking reservations starting on June 15<sup>th</sup>.

No public comments or letters.

Ms. Blood said they would comply with abutters' letter requests submitted to Zoning that service cease at 9:00pm.

**RC made a motion to approve as presented. SB seconded the motion and it passed, 4-0-0; RC, SB, FT, CS.**

**Special Liquor License**

Bob Sweeney, representing **Gays for Patsy** for a **Special Liquor License** for an event to be held on April 28, 2017, from 8pm to 11:30pm in the Town Hall Auditorium.

AH said the applicant has had an issue with its mailing date and requested a postponement.

**ZL made a motion to continue the hearing to the next meeting, at the applicant's request. SB seconded the motion and it passed, 4-0-0; ZL, SB, FT, RC.**

***Public Statements***

None.

***Other Business***

**Discussion with owners of Sal's Restaurant.**

Michela Carew-Murphy, co-owner, presented. AH stated the reason for this meeting was due to last year's fundraising event at the West End Racing Club which, at the time, AH said he understood to be a private function; said he then had mistakenly informed the applicant that they could use the entire property for their event, including the rear, but that he later learned from the ABCC that a permit was required from another, or third party, that is not Sal's. Secondly, AH said he later discovered that the private event had been posted on Facebook as an event listing which then made it qualify as a public event, according to the ABCC, and that meant the rear portion or beach portion of the property could not be used under the approved license.

Ms. Carew-Murphy said she would request a license from Zoning for the beach that extends from the property. Anne Howard, Building Commissioner, spoke on the matter, said the mean high-tide would then come into play. ZL recommended roping off the intended area regarding the beach. AH said Ms. Carew-Murphy could rope off what is a part of 99 and then talk to the Town regarding anything outside of that area, to which Ms. Howard said would also require a noted occupant load.

AH referenced a letter which Ms. Carew-Murphy said concerned the removal of her deck by her neighbor who also has fencing around the perimeter of his property; said the letter addressed the status of the bar at Sal's Place which is not, she said, a service area but a waiting area where sometimes patrons might receive a splash of wine until their table is ready.

AH mentioned an approved floor plan that indicated the separation between the designated areas. ZL said he didn't understand why patrons couldn't be served at the bar. AH said the designation was based on a stipulation by Zoning that no one could be served alcohol at the bar unless they were eating a meal and that from the staff's position this area is not a licensing issue but a conditions-issue to which he referenced Section H, indicating that patrons cannot be served alcohol unless they are also dining.

RC said he felt a more definitive delineation for the roped-off area might help, which Ms. Carew-Murphy said the neighbors marked with planters. ZL suggested changing out the bar and maintaining the waiting area.

AH addressed the abutter's lawyer's letter's talking points as such: outdoor service for alcohol shall not include any part of the client's property; outdoor service not permitted on any part of the alley; a caveat concerning outdoor events; license holder of Sal's must have a fence rail or supportive rope along the property divide with 101. Ms. Carew-Murphy agreed with AH that when the deck goes back in this measure will serve to satisfy the issue of delineation.

AH suggested the LB address the question of what constitutes a service area where money is not exchanged and a splash of wine is offered or a small plate of food. Ms. Howard reminded the LB that when the bar was originally put in at Sal's Place it was licensed to be only used for service when food or meals were offered in order to appease the neighbors who objected to a bar in the neighborhood.

**ZL made a motion to continue discussion on numbers 2 and 5 on page 3 of the packet concerning the dispute between 99 and 101 Commercial St. SB seconded the motion and it passed, 4-0-0; ZL,SB, FT, RC.**

SB said that while he seconded the motion he wanted to have an opportunity to read through the previous agreement. FT said the original restaurant had it written into the deed that a full liquor license would not be permitted and, under Sal Del Dio, only beer and malt allowed, but that this eventually got over-turned when Lora Papetsas took over the business.

Ms. Carew asked if she would be asked back to meeting as she wasn't applying for anything and AH indicated they would make contact as things develop with the Board.

Ms. Howard said the piles under the main structure of 99 Commercial St. need to be addressed and confirmed that she would be available to the LB at the next meeting concerning the issue at 99/101 Commercial.

### ***Amend/Transfer License***

#### ***New License***

##### **Vehicle for Hire**

1. **Conway Cabbie:** Reg#LV79209; VIN#2C4RDGDG9FR581253; 2015 Gray Dodge Grand Caravan, Van.

Akeem (sp) presented; said he was replacing an old van which AH said was already out of service.

**ZL made a motion to approve pending inspection. SB seconded the motion and it passed, 4-0-0; AL, SB, FT, RC.**

2. **Jeffrey's Taxi Cab:** Reg#: LV79210; VIN#2C4RDGBG6FR135859; 2018 White Dodge Grand Caravan, Van.

Jeffrey Haley presented; said he was replacing the 2016 model with the 2018 van and that last year when the company was having a lot of vehicles for hire it occurred to him that the LB

might want to make these approvals a matter of administration and not require a presence at meeting – to lightened the staff's workload.

**ZL made a motion to approve as presented. RC seconded the motion and it passed, 4-0-0; ZL, RC, FT, SB.**

**ZL made a motion to consider all the Lodging Renewal License requests as a group. SB seconded the motion and it passed, 4-0-0; ZL, SB, FT, RC.**

SB read the Lodging Renewal License requests into the record as follows:

***Renew License***

**Lodging**

1. Lexvest Colony, LLC, Eric Shapiro, mgr., d.b.a. ***Cape Colony Inn***, 280 Bradford St., Provincetown, MA 02657
2. Yi Zhao-Weiner, mgr., d.b.a. ***Howard's End Guest House***, 5 Winslow St., Provincetown, MA 02657
3. Ranchwood, Inc., Mathew Babin, mgr., d.b.a. ***Crew's Quarters***, 198 Commercial St., Provincetown, MA 02657

**ZL made a motion to approve as presented. RC seconded the motion and it passed, 4-0-0; ZL, RC, FT, SB.**

**Common Victualer**

1. Weiner Stand, Inc., Mark Janoplis, mgr., d.b.a. ***John's Footlong***, 309 Commercial St., Provincetown, MA 02657

**ZL made a motion to approve as presented. RC seconded the motion and it passed, 4-0-0; ZL, RC, FT, SB.**

2. R2R Ventures, Inc., Courtney Hurst, mgr., d.b.a. ***Mojo's***, 5 Ryder St. Ext., Provincetown, MA 02657.

**SB made a motion to approve as presented. RC seconded the motion and it passed, 4-0-0; SB, RC, FT, ZL.**

**Parking**

1. Provincetown Public Parking, LLC, Steven Riley, mgr., d.b.a. ***Provincetown Public Parking***, 134 Bradford St., Provincetown, MA 02657

**ZL made a motion to approve as presented. RC seconded the motion and it passed, 4-0-0; ZL, RC, FT, SB.**

**ZL made a motion to consider all the Art Gallery Renewal License requests as a group. SB seconded the motion and it passed, 4-0-0; ZL, SB, FT, RC.**

SB read the Art Gallery Renewal License requests into the record as follows:

**Art Gallery**

1. Packard Gallery, Inc., Stephen Rome, mgr., d.b.a. **Packard Gallery**, 418 Commercial St., Provincetown, MA 02657
2. Packard Print Gallery, LLC, Stephen Rome, mgr., d.b.a. **Packard Print Gallery**, 372 Commercial St., Provincetown, MA 02657
3. Donald German, mgr., d.b.a. **Ray Wiggs Gallery**, 432 Commercial St., Provincetown, MA 02657
4. Hutson Gallery, Inc., Mary Feeley, mgr., d.b.a. **Hutson Gallery**, 432 Commercial St., Provincetown, MA 02657
5. Tucker Galleries, Inc., Barbara Tucker, mgr., d.b.a. **Kiley Court Gallery**, 445 Commercial St., Provincetown, MA 02657

**RC made a motion to approve as presented. SB seconded the motion and it passed, 4-0-0; RC, SB, FT, ZL.**

**Fortune Teller**

1. **Marc Grab**: 244 Commercial St.

**ZL made a motion to approve as presented. RC seconded the motion and it passed, 4-0-0; ZL, RC, FT, SB.**

2. **Larry Grab**: 244 Commercial St.

**SB made a motion to approve as presented. RC seconded the motion and it passed, 4-0-0; SB, RC, FT, ZL.**

***Correspondence***

AH reported that there was no additional correspondence beyond the previously submitted letters.

***Minutes***

**SB made a motion to approve the meeting minutes of January, 23, 2018. RC seconded the motion and it passed, 4-0-0; SB, RC, FT, ZL.**

***Enforcement***

Det. Alves noted nothing to report beyond the two taxi inspections he would be conducting upon leaving the meeting, which he then did.

***Code Compliance***

AH reported that Tony Zamirez (sp) received a \$300 bylaw violation and that they were seen as being open last Saturday; said they would receive another \$300 code violation if the LB saw fit and that they had gotten their application in today. AH said they have outstanding safety issues that, according to Ms. Howard, would take under \$100 to fix; said he would be in touch with the owner tomorrow about being inspected on Thursday.

AH reported that Christophe's, Marine Specialties and Toys of Eros have been notified and that these three are repeat offenders each year in operating without a license.

FT asked after the problem regarding a local taxi person, to which AH said she is not on the road.

**Old business**

None.

**New Business**

None.

***Licensing Board Statements***

SB asked about the test that the LB needs to take. FT said he had received an e-mail from Town Clerk, Darlene Van Alstyne, but that the e-mail was incomplete in not including an attachment for the Ethics test. AH said the test is good for three years. SB and RC said they hadn't received the e-mail in question from the Town Clerk.

***Licensing Agent Statements***

None.

**ZL made a motion to adjourn the meeting at 6:33pm. SB seconded the motion and it passed, 4-0-0; ZL, SB, FT, RC.**

Respectfully Submitted,  
Jody O'Neil