



Minutes

The Provincetown Licensing Board Public Meeting of **Tuesday, January 28, 2020** at 5:15 pm in the Judge Welsh Meeting Room, Town Hall, 260 Commercial Street.

Members Present: Robert F. Cameron (RC), Chair; Shawn Byrne (SB), Vice-Chair; Carol D. Santos (CS); Julie Knapp (JK), Alternate.

Excused Absence: Bernice Steisel.

Staff: Linda Fiorella (LF), Licensing Agent; Jennifer Nolette, Enforcement Officer.

Meeting Agenda

Public Hearings

New Marijuana Establishment License

Petition from Patrik Jonsson, representing ***Curaleaf Massachusetts, Inc.*** for a ***Marijuana Establishment – Retailer License***.

Patrik Jonsson, President of Curaleaf Massachusetts presented; said he believes they are the first dual-use marijuana establishment licensee in Town, located at 170 Commercial St., proposed off-season hours of Mon. through Sat., 10:00am to 6:00pm; Sunday, 10am to 5pm; and 9a-9p in the summer, May through September, possibly Memorial Day weekend as the kick-off to the season.

No public comments. SB read a letter in opposition from a resident, Jim Mauro, at 167 Commercial St., Unit #5, who cited the potential for those exiting the Boatslip after tea dance to make bad choices, as well as traffic-flow issues.

RC said that as this is a new venture no one can determine how it will turn out, but that the hope was all for the best; requested a review in June, following today's approval, to assess the new business.

A woman asked from the audience when the establishment would be open if approved today, to which Mr. Jonsson said by tomorrow at noon.

CS asked that Mr. Jonsson consider the concerns of the neighbor who wrote the letter during operations, to which he replied he would.

SB made a motion to approve as presented with the request that the applicant appear for a follow-up with the LB at the June 9, 2020 meeting. CS seconded the motion and it passed, 4-0-0; SB, CS, RC, JK.

Special Entertainment License & Noise By-law Waiver

Petition from Richard Murray, representing Crown & Anchor LLC d.b.a. **Crown & Anchor Inc.**, for a **Special Entertainment License & Noise By-law Waiver** for events to be held on July 2, 2020 from 12 to 6 pm. Rain date of July 3, 2020 requested.

No one presented.

SB made a motion to move the decision to the end of the meeting pending representation. CS seconded the motion and it passed, 4-0-0; SB, CS, RC, JK.

Transfer of Common Victualer and Liquor Licenses

Petition from Omar M. Neil, representing **NEIL INC.**, d.b.a. **Front Street** for a **Transfer of Common Victualer and Seasonal All Alcohol Licenses** at 230 Commercial St.

Christopher Fiset, Attorney, and Omar Neil presented. Mr. Fiset said Mr. Neil is currently employed by Front Street restaurant where he has worked for many years, in addition to many other restaurants; said the establishment would run the same.

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

Weekday Entertainment License Amendment

Petition from Grace Ryder-O'Malley, representing **Provincetown Art Association and Museum** for an amendment to the Weekday Entertainment License.

Grace Ryder-O'Malley presented; said that the Museum does not do live theater and hasn't in some time and so would like to remove that aspect from their license at a savings of \$100, or \$110.

SB made a motion to approve the amendment to the license of PAAM to remove the live theater component. CS seconded the motion and it passed, 4-0-0; SB, CS, RC, JK.

SB made a motion to table the hearing for the Special Entertainment License & Noise By-law Waiver for Crown & Anchor, Inc. to the next meeting. CS seconded the motion and it passed, 4-0-0; SB, CS, RC, JK.

Public Statements

None.

Other Business

Discussion: pets in taxis, the need for written complaints

LF said she received a call from Sgt. Enos pertaining to a complaint about a taxi driver who had their pet in their lap while driving; a citation was not written and there is no recorded complaint; asked the Board how it would like to proceed on the matter. Officer Nolette said the complaint qualifies as impediment of operation which covers a broad spectrum but is something for which a driver would be

cited; suggested the LB document future incidents to facilitate action. JK said she has witnessed the same scenario and LF added that she has secured her own cats while driving to and from Town.

LF suggested a blanket notification on the matter would not be out of order for all taxi businesses, and encouraged those watching LB meetings or reading the meeting minutes to send her an e-mail or write a letter with the particulars of witnessed offenses.

SB said it makes sense that having a pet on one's lap would be unlawful, but that he wasn't aware it was a violation as such. CS agreed with the proposal to make contact with the companies about the complaints, and to not make a bigger issue on the subject unless it is warranted in the future.

SB made a motion that LF reach out to taxi cab companies to inform them that pets must not be allowed on drivers' laps when operating vehicles. CS seconded the motion and it passed, 4-0-0; SB, CS, RC, JK.

Enforcement

None.

Code Compliance

None.

Amend/Transfer License

New License

Renew License

Lodging

None.

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

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

Art Gallery

1. Provincetown Art Association & Museum, Inc., Christine McCarthy, mgr., d.b.a. ***Provincetown Art Association & Museum***, 460 Commercial St., Provincetown, MA 02657
2. The Schoolhouse Gallery, Mike Carroll, mgr., d.b.a. ***The Schoolhouse Gallery***, 494 Commercial St., Provincetown, MA 02657
3. Julie Tremblay Inc., Julie Tremblay, mgr., d.b.a. ***Julie Tremblay Gallery***, 277 Commercial St., Provincetown, MA 02657

CS made a motion to approve the Art Gallery Renewal Licenses as presented. SB seconded the motion and it passed, 4-0-0; CS, SB, RC, JK.

Common Victualer

None.

Parking Lot

None.

Bicycle/Motorized Bicycle Rental

1. Elizabeth Athineos, mgr., d.b.a ***Bike Shack***, 63 Shank Painter Rd, Provincetown, MA 02657

SB made a motion to approve the Bicycle/Motorized Bicycle Rental license as presented. CS second the motion and it passed, 4-0-0; SB, CS, RC, JK.

Correspondence

LF said the taxi driver who has been notified pending a complaint is out of town and not currently operating a cab; that she had received an e-mail response to her certified mail, but that the driver was unable to address the mail's contents as yet. LF said she would follow up once contact is made.

Minutes

CS made a motion to approve the January 14, 2020 LB meeting minutes. SB seconded the motion and it passed, 4-0-0; CS, SB, RC, JK.

Old business

Discuss Noise Bylaw Waiver policies

LF addressed the general bylaw pertaining to Noise Bylaw Waivers and the LB's role in its implantation as referenced in documents included in today's packet.

RC spoke of the complaints that arose from an event last season during the Drag Brunch in the day-time on Commercial Street wherein a huge problem was found in the size of the crowd and the level of profanity from some participants. JK said she recalled the issue and that families were offended. Officer Nolette said it would be impractical for her to suggest people watch their language if there is nothing prohibitive in the Noise Bylaw. RC specified the positions of the objectionable performers during the event in question per their locations. LF said she has an application from the Crown & Anchor for the 2020 July 4th event, but not the Drag Brunch and questioned if it might not be scheduled this year; said she would place the current discussion on the Agenda for future meetings.

Officer Nolette responded to RC's question for best method of communicating with the PD per Bylaw Waivers following LB meetings by requesting notifications be sent to both Chief Golden and herself.

Helmets for Bicycles/Motorized Bicycles

Per SB's inquiry on mandatory helmets when riding bicycles or motorized bikes or scooters, JK said they were required for children and RC added also for adults depending on the speed of operation.

Low-Speed Vehicles

Per RC's ask, LF said she reached out to a contact from the State, but has since been ghosted and is hoping yet to get a clear response from the State on the laws pertaining to low-speed vehicles, such as shuttles used by guest houses in Town. Officer Nolette said such vehicles need to be registered if operating on public streets, and LF said the question is the classification as livery, or other. JK said hotels should not be charging for passage when used as part of their business service.

RC questioned hotels and guest houses who offer golf carts or other low-speed vehicles as an amenity that comes with one's room, and LF concurred that regulation is needed to that end.

LF suggested it may not be a blanket law on all low-speed vehicles but a variable that is required policy; stressed the need for precise specifications from the State.

Pedi-cabs

JK asked if the pedi-cabs came with a set fee, to which LF said, no, that it was a negotiated fee. LF said she's been working on changes to the pedi-cab regulations including a requirement for displayed licensure and individual cab identification. JK asked if there exists a speed-limit on pedi-cabs to which LF replied is not apparent in the printed regulations on hand, but that she would look into it.

RC asked if a person who may be injured or otherwise involved in an incident concerning pedi-cabs may address that situation on the spot. Officer Nolette said they could by requesting the operator's license and calling it in, along with the details of the incident, to the PD.

Officer Nolette asked if a set driver is to be assigned to a specific pedi-cab without interchanging operators, to which LF suggested would probably not be the case.

Board Membership

RC asked the Board if anyone would object, or felt Bernice Steisel might object, if Ms. Steisel was asked to step down from a Full Member designation to an Alternate Member status as new Alternate, Julie Knapp, is available to attend meetings for 12 months, year-round, and could better fill that position. The Board agreed with RC's recommendation.

New Business

LF encouraged all annual or seasonal Liquor Renewal License holders to get their applications and ancillary paperwork turned in on time and offered to help facilitate the renewal process for those in need.

Licensing Board Statements

SB welcomed JK to the Board.

Licensing Agent Statements

None.

SB made a motion to adjourn the meeting at 6:11pm. CS seconded the motion and it passed, 4-0-0; SB, CS, RC, JK.

Respectfully Submitted,
Jody O'Neil