



Minutes

The Provincetown Licensing Board Public Meeting of **Tuesday, June 9, 2020** at 5:15pm in the Judge Welsh Room, Town Hall, 260 Commercial Street.

Meeting Agenda

NOTE: THIS IS A REMOTE PARTICIPATION MEETING

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Provincetown Licensing Board will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Provincetown website, at <https://www.provincetown-ma.gov/>.

For this meeting, members of the public who wish to watch/listen and participate in the meeting may do so in the following manner:

1. Watch on PTV GOV Channel 18, as well as an online livestream of PTV GOV at <http://www.provincetowntv.org/watch.html>
2. To listen and participate in this meeting, dial **(833) 579-7589** When prompted, enter the following conference number: **570 961 865#** When prompted, state your name, then press #. Please do not speak until the chair or the meeting moderator asks for public comments or questions. If possible, please mute your phone until you are called upon to speak.

No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the Provincetown website an audio or video recording or other comprehensive record of proceedings as soon as possible after the meeting.

Members Present by remote: Robert F. Cameron (RC), Chair; Shawn Byrne (SB) Vice-Chair; Carol D. Santos (CS), Clerk; Donald R. German (DG); Bernice Steisel (BS); Russell L. Dutra (RD), Alternate.

Excused Absence: Julie Knapp, Alternate.

Staff: Linda Fiorella (LF), Licensing Agent, Moderator.

LF gave opening remarks at 5:26pm and called for quorum by roll call.

RC called the meeting to order, then gave the meeting over to LF who read the rules governing Public Meeting under current State guidelines in the time of the coronavirus pandemic.

Public Hearings

Marijuana Establishment

1. Petition from Robin Reid, Esq., representing ***BWell Holdings, Inc.*** for a ***Marijuana Establishment – Retailer License*** at 220 Commercial Street.

CS made a motion to continue the hearing to the next LB meeting. DG seconded the motion and it passed, 5-0-0; CS, DG, RC, BS, RD.

2. Petition from Robin Reid, Esq., representing ***Vicio, Inc.***, for an ***Alteration of Licensed Premises & Amendment to their Common Victualler License*** at 175 Bradford St. Extension, Provincetown, MA.

LF reported that the Petition from Robin Reid for Vicio, Inc. has been withdrawn. No motion made.

Public Statements

None.

Other Business

1. Discussion with Patrik Johnson, ***Curaleaf***, 170 Commercial Street, regarding post Memorial Day Weekend Update.

Mr. Johnson presented; said business started up in January and has been going well in limited curbside operations over the past two weeks; opened yesterday in-store in a limited, 40% occupancy. RC asked if Officer Nolette was at today's meeting, to which LF said she thought not. RC asked if there was an incident with security guards last week. Mr. Johnson said there were some lessons learned as a bit of a bottle-neck was created when they first re-opened, but that those issues were worked out. RC questioned one of the guard's behavior in regards to a community service officer. Mr. Johnson said he wasn't aware of anything and RC said he would look into it. CS said she passes by the business several times a day and feels very positively how things are being run there. RD said he wasn't sure how he felt about these shops initially and is not 100% sold on the security company contracted for services, but noted that Curaleaf has set the bar pretty high; Mr. Johnson said they are receptive to feedback and an adjustment has been made with one of the guards. RC added that the incident in question had been handled swiftly, remarked on high profile of security guards in public.

Enforcement

None.

Code Compliance

1. Discussion with Aaron Hobart, Code Compliance and Zoning Enforcement

Mr. Hobart presented; said he was seeking the LB's input on enforcement, noted the Board of Health opted for education first before enforcement. DG said he felt education is always a good tool to employ prior to exercising enforcement. RC offered complete faith and support to Mr. Hobart in regards to enforcement, said he went along on a site inspection recently and that everything was done well by both Mr. Hobart and Building Commissioner, Anne Howard. Mr. Hobart said there are still a lot of rules to comply with both prior to and after the coronavirus rules and restrictions and that he didn't want the local liquor establishments to think there is any lee-way regarding State guidelines, including establishments featuring newly acquired beach access due to temporarily reconfigured outdoor seating which might impel some customers to continue libations along the shore.

Amend/Transfer License

None.

New License

General Business

1. Keren Shemesh Auxley, mgr., d.b.a. ***French Patisserie et Café Provincetown***, 353A Commercial St., Provincetown, MA 02657

Keren Shemesh presented; said mostly coffee items and French pastries to be offered in addition to breakfast and lunch featuring omelets and quiche.

DG made a motion to approve as presented. BS seconded the motion and it passed, 5-0-0; DG, BS, RC, CS, RD.

BS left the meeting at 5:53pm.

2. Downtown Brown Inc., Elizabeth Lovati, mgr., d.b.a. ***One Love***, 205 Commercial St., Provincetown MA 02657

RC made a motion to approve as presented. SB seconded the motion and it passed, 5-0-0; RC, SB, CS, DG, RD.

3. D. Flax, Inc., Jonathan Guevara, mgr., d.b.a. ***Seas the Cape***, 214 Commercial St., Provincetown MA 02657

RC made a motion to approve as presented. SB seconded the motion and it passed, RC, SB, CS, DG, RD.

Renew License

Lodging

RC made a motion to take the following (4) Lodging Renewal License requests as a group. SB seconded the motion and it passed, 5-0-0; RC, SB, CS, DG, RD.

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

1. CBTB LLC, Jim Rizzo, mgr., d.b.a. **Christopher's By the Bay**, 8 Johnson St., Provincetown MA 02657
2. West End Inn, Inc., Warren Lefkowich, mgr. d.b.a. **West End Inn**, 44 Commercial St., Provincetown MA 02657
3. Hunter Property Management, Don Collins, mgr., d.b.a. **John Randall House**, 140 Bradford St., Provincetown MA 02657
4. The Gaslamp Bed & Breakfast, LLC, Jeff Slater, mgr., d.b.a. **The Gaslamp Bed & Breakfast**, 97 Bradford St., Provincetown MA 02657

SB made a motion to approve as read. RC seconded the motion and it passed, 5-0-0; SB, RC, CS, DG, RD.

Art Gallery

1. Brian Galloway, mgr., d.b.a. **William Scott Gallery**, 437 439 Commercial St., Provincetown MA 02657

RC made a motion to approve as presented. DG seconded the motion and it passed, 5-0-0; RC, DG, SB, CS, RD.

Bike Rental

1. Bilmead, Ltd., Bill Mead, mgr., d.b.a. **Ptown Bikes**, 42 Bradford St., Provincetown MA 02657

DG made a motion to approve as presented. RC seconded the motion and it passed, 5-0-0; DG, RC, SB, CS, RD.

Parking Lot

1. Cheri Smith, mgr., d.b.a. **Kitty's Realty Trust**, 67 Shank Painter Rd., Provincetown MA 02657

RC made a motion to approve as presented. CS seconded the motion and it passed, 5-0-0; RC, CS, SB, DG, RD.

Correspondence

None.

Minutes

RC made a motion to approve the LB meeting minutes for May 12, 2020, May 27, 2020 and June 3, 2020. SB seconded the motion and it passed, 5-0-0; RC, SB, CS, DG, RD.

Old business

None.

New Business

RC reported that CS would be leaving the Board. The LB and LF thanked Ms. Santos for her service and wished her well. CS thanked the Board for its support and wished everyone well.

Licensing Board Statements

Regularly Scheduled Licensing Board Meetings

LF asked if the Board wanted to discuss changes to the meeting schedule; noted an Agenda must be posted 48 hours in advance and the meeting itself held no less than 48 hours from booking. RC remarked that with only three for a quorum needed and as he and SB are mostly always available asked the others for their thoughts on a 48 hour turnaround for additional meetings to the regular monthly schedule. DG said he was fine with it and noted that 12 noon on Friday would need to be the deadline for any forthcoming Tuesday afternoon meeting. LF sought guidance on what might constitute calling for a Special Meeting, i.e., what would be helpful to get a business open expediently with a common victualer license or what would involve a discussion for policy that is not currently pending, such as items affected by Phase III of the Governor's Order. SB, DG and RD agreed. RD asked if regularly set meetings could be pre-set, then cancelled as needed. SB said he felt this was a great idea. DG agreed, proposed a convenient time for LF to set the Agenda for the Town. LF said she would check availability with Town Clerk. Times and nature of special meeting were discussed; every Tuesday at 5:15pm was decided on as an optimum time, if in sync with Town Hall schedule.

Other Business

RC proposed granting LF the authority to issue emergency or special licenses on an as-needed basis. LF said she was not comfortable with the measure as she was still learning her job, hadn't gone through a summer season yet and is not qualified to approve licenses under COVID-19 rules, but could possibly handle renewals.

SB said he has been approached frequently over the last few days from the public asking licensure questions under the new guidance. LF said she's been sending info to the Board as it comes in but noted that, at times, questions are raised by the public which are not yet covered in the ordinances and that guidelines are changing weekly and at times come with a lack of clarity or through-line.

Licensing Agent Statements

LF announced a Town-sponsored Q&A proposed for Thursday at 4pm, specifically for retailers to ask questions; directed the public to reach out to her via email for more information.

SB made a motion to adjourn the meeting at 6:39pm. RC seconded the motion and it passed, 4-0-0; SB, RC, DG, RD.

Respectfully Submitted,
Jody O'Neil