



Minutes

The Provincetown Licensing Board Public Meeting of **Tuesday, June 23, 2020** at 5:15 pm in the Judge Welsh Room, Town Hall, 260 Commercial Street.

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 Historic District Commission 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/>.

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

Excused Absence: Julie Knapp, Alternate.

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

LF gave opening remarks at 5:18pm 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 pursuant to the coronavirus pandemic.

Meeting Agenda

Public Hearings

Marijuana Establishment

1. Petition from Robin Reid, Esq., representing **BWell Holdings, Inc.** for a **Marijuana Establishment – Retailer License** at 220 Commercial Street. **Continued from June 9, 2020.**

Licensing Agent Report: At the time of preparation for the Motion Sheet, the Police Sign-off for the establishment had not been received.

RC made a motion to continue the hearing to the meeting of July 7, 2020. SB seconded the motion and it passed, 6-0-0; RC, SB, CS, BS, DG, RD.

Public Statements

Sophie Amiach spoke by phone, asking per the guidelines for a street entertainer license. LF replied, confirming that there are certain designated areas in Town where street performers are permitted to work and that this license is procured through the police department; requested Ms. Amiach send her an e-mail so she can clarify the current rules as applicable

PTV interrupted the meeting to address a weak signal from remote call-ins.

Other Business

1. Outside Entertainment during Covid, State guidance, local requirements and process

Licensing Agent Report: I placed this on the Agenda in case further Guidance was released by the State over the weekend. The Board may use the opportunity to further discuss the application and approval process.

LF reported no new Guidance released by the State over the weekend. RC said he'd prefer to continue the discussion when there is more information or changes to the current protocols. DG, BS, SB and CS all concurred.

2. Crown & Anchor Entertainment during Covid

Licensing Agent Report: Rick Murray requested to be on this agenda in order to discuss his Entertainment Licenses during Covid and to be prepared to begin Entertainment at his establishment as soon as possible after the Governor announces Entertainment may begin. We have received no word from the Governor and no specific Guidance from the State on Entertainment, other than:

*Theaters and performance venues (such as concert halls) of moderate capacity.
Phase 3 – both indoor and outdoor large performance.*

Rick Murray presented; said SB and RC were on the Board in August, 2018 when the issue arose per his outside performance license in presenting Drag Brunch. At the time, Dr. Murray had received approval and validation that his licensure included the entirety of the perimeter of his property and, as such, is on hand today seeking further validation from the LB to determine that, once the Governor proceeds with Phase III, or the date for entertainment to be re-instated in the State, that his business will be ready to roll out without delay and under the controls of his currently held license.

RC said he did not recall the specifics on the August 2018 issue. LF said Zoning approves the location on a property and that she needs to locate the Special Permit for Dr. Murray's Entertainment License which she has not be able to do as yet; encouraged Dr. Murray to send a copy along if it is in his possession. Dr. Murray referenced Zoning Board decision # 98-112 pertaining to 243-249 Commercial Street, April 1, 2001; noted that he was on the Board of the ZBA at that time. LF asked for clarification that this ZBA decision of approval from 2001 pertained to the previous owner, to which Dr. Murray said that permits since 1863 go along with the property and are transferred to new owners. LF said she needed to do more research as she was not entirely clear that this is the case.

Dr. Murray said he's had entertainment on the beach for the past 20 years and that while he understands LF hasn't had the time to do the necessary research to validate his license as he proposes, he is trying to be pro-active for when July 6th comes around and entertainment business can resume at his establishment; added that he appreciates all the hard work done by LF and the LB. LF related to Dr. Murray that she didn't think he needed to have any concern about his license, that the LB has been given special, temporary authority to grant entertainment licenses once the State determines re-opening and that she will pass along any new information as it comes down.

SB said he hoped everything is worked out in a timely manner. RC said the Board is focused on getting things in black and white with necessary paperwork in order; to provide for consistency and a fair arrangement for all businesses in Town.

3. Waive Public Hearing for Certain Common Victualer Licenses During Covid

Licensing Agent Report: The purpose of updating this process is to allow certain establishments to open in phase 2, or phase 3, by expanding their food offerings and updating their food permits. As such, they will now be restaurants with seats and will therefore require a Common Victualer License.

RC made a motion as follows:

To temporarily waive the Public Hearing requirement of new Common Victualer licenses to allow existing establishments to expand their food service options provided they meet the requirements of the Provincetown Board of Health, The Town of Provincetown Health Department, and that they abide by Massachusetts Safety Standards for Restaurants. These Common Victualer licenses shall only be valid during the State of Emergency.

SB seconded the motion and it passed, 6-0-0; RC, SB, CS, BS, DG, RD.

Enforcement

None.

Code Compliance

None.

Amend/Transfer License

None.

New License

Art Gallery

Todd Perry, mgr., d.b.a. **Hammock Shop Gallery**, 361C Commercial St., Provincetown, MA 02657

Mr. Perry has not run a business in Provincetown, but is the owner of the property. He has been invited to attend.

Todd Perry presented; said the gallery would be a mix of new work and historic representations of Provincetown, shorter open times in the spring, longer in the summer season; said previous owner of the former hammock shop passed away and that they would be making changes next year.

RC made a motion to approve as presented. DG seconded the motion and it passed, 6-0-0; RC, DG, SB, CS, BS, RD.

Renew License

Art Gallery

RC made a motion to take the following Art Gallery Renewal licenses as a group. CS seconded the motion and it passed, 6-0-0; RC, CS, SB, BS, DG, RD.

CS read the Art Gallery Renewal licenses into the record as follows:

1. Michael McGuire, mgr., d.b.a. **McGuire Gallery**, 465 Commercial St., Provincetown MA 02657
2. Gallery 444 Ptown, LLC, Wendy Cressey mgr., d.b.a. **Gallery 444**, 444 Commercial St. Provincetown MA 02657
3. Marla Rice, mgr., d.b.a. **Rice/Polak Gallery**, 430 Commercial St., Provincetown MA 02657

RC made a motion to approve as read. BS seconded the motion and it passed, 6-0-0; RC, BS, SB, CS, DG, RD.

Taxi Operator

1. Dorothy Conway – Conway Cab

RC made a motion to approve as read. SB seconded the motion and it passed, 6-0-0; RC, SB, CS, BS, DG, RD.

2. Gail Gibbs - Pride Taxi

RC made a motion to approve as read. DG seconded the motion and it passed, 6-0-0; RC, DG, SB, CS, BS, RD.

3. Deborah Spang Dionne – Pride Taxi

RC made a motion to approve as read. DG seconded the motion and it passed, 6-0-0; RC, DG, SB, CS, BS, RD.

Vehicles for Hire

1. **Atlantic Rides** – VIN#2C4RDGBG8JR225904; Reg# LV85188; 2018 Gray Dodge Grand Caravan

RC asked if there had been any new known issues involving Neil Hennigan. LF said she thought not and doesn't think he has been driving at this point.

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

Pedicab Owner

1. **Ptown Pedicabs:** Reg #101, Light Blue; Reg #102, Pink; Reg #103, Purple; Reg #104, Yellow; Reg #105, Blue; Reg #106, White.

LF said the company has renewed six cabs while eight have been inspected; co. starting with a smaller number this season due to COVID-19 and may return to renew two more later in the summer. SB asked if the new conditions had been applied. LF replied that SB was the lead on the follow-up and SB concurred, said he had spoken to one of the owners and that they were very amenable to making proposed changes. LF suggested waiting until the fall for the changes when they are not as busy. RC said he felt it was fine to cut some slack as everyone is trying to survive the summer. SB seconded RC's opinion. BS agreed as did DG and RD, who said he could go either way but did wish the company's drivers would be more cooperative in the summer. CS said she was fine with moving forward while agreeing with RD that it will be good to see the cabs numbered as conditioned. RC said he has the impression that the numbers have been changed or added.

RC made a motion to approve as presented. SB seconded the motion and it passed, 6-0-0; RC, SB, CS, BS, DG, RD.

Parking Lot

1. Gael Poltrack, mgr., d.b.a. **Kibbe Cook House Parking Lot**, 195 Bradford St., Provincetown MA 02657

RC made a motion to approve as read. DG seconded the motion and it passed, 6-0-0; RC, DG, SB, CS, BS, RD.

2. Pat's Happy Park, Inc., Michael Gaucher, mgr., d.b.a. **Pat's Happy Park**, 401 Commercial St., Provincetown MA 02657

LF said that as Michael Gaucher, acting manager or executor, is running the late Elena Hall's estate exactly as previously, she felt this license was a renewal rather than a new entity.

RC made a motion to approve as read. DG seconded the motion and it passed, 6-0-0; RC, DG, SB, CS, BS, RD.

Fortune Teller

LF said the Grabs are associated with Mystic Moon.

1. Larry Grab

RC made a motion to approve as read. SB seconded the motion and it passed, 6-0-0; RC, SB, CS, BS, DG, RD.

2. Marc Grab

RC made a motion to approve as read. BS seconded the motion and it passed, 6-0-0; RC, BS, SB, CS, DG, RD.

Correspondence

None.

Minutes

LF said several completed sets of minutes will be presented for approval at the July 7th meeting.

Old business

None.

New Business

None.

Licensing Board Statements

RC called upon the Board to stay focused during the next weeks as frequent meetings will be vetted to process licenses and perform other business.

Licensing Agent Statements

CS announced that this is her last LB meeting and thanked the Board for its collegiality and cooperation in wishing everyone the best. RC said he was grateful for CS's service to the Board as did and LF.

CS made a motion to adjourn the meeting at 6:07pm. DG seconded the motion and it passed, 6-0-0; CS, DG, RC, SB, BS, RD.

Respectfully Submitted,
Jody O'Neil