



Minutes

The Provincetown Licensing Board Public Meeting of **Tuesday, July 14, 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: **118 916 291#** 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; Bernice Steisel (BS); Donald R. German (DG); Russell L. Dutra (RD), Alternate.

Excused Absence: Julie Knapp (JK), Alternate.

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

LF gave opening remarks at 5:15pm and called for quorum by remote.

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.

Public Hearings

Marijuana Establishment

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

RC made a motion to continue the hearing to the meeting of July 21, 2020. DG seconded the motion and it passed, 4-0-0; RC, DG, BS, RD.

Public Statements

None.

Other Business

1. Steven Azar - Stowaway

Steven Azar presented to address “movie night” at the Stowaway establishment; said he didn’t mean any disrespect to the LB or to cause any controversy in holding movie night without securing the required paperwork; didn’t realize it was illegal to put up a screen outside on his premises, was not open to the public, only for his guests and no admission was charged; John Cameron Mitchell gave a presentation, which he considered an honor.

LF said movies are included in Special Entertainment and a license required. Mr. Azar related that his first step in the advent of the pandemic was to approach the Town to figure out how his business might be able help out the Town during this time, but that it seemed complicated and uncertain as a process, so he came up with the idea of hosting a movie night at his guest house which he established as a venue for visiting queer artists. LF said she wasn’t trying to give the impression that Mr. Azar was looking to circumvent the system or make a profit from his event, but that it was made clear a Special Entertainment License would be required and that a complaint per the venue had been lodged to Compliance Officer, Aaron Hobart.

Mr. Hobart said the complaint mostly consisted of a socially distancing issue to which Mr. Azar said they had blankets and hand sanitizers available; that masks were mandatory and the screening was held on the front yard, visible from the street.

DG said he could understand how such an honest mistake might be made by someone not quite as familiar with the Town's policies. BS said she hoped it wouldn't happen again and that the LB would be watching. RD said that as a City Planner, Mr. Azar might have known better and that the LB has to be vigilante about businesses that abuse the Town's bylaws.

Mr. Azar said he would be going for his Entertainment License but was still unclear what was the illegal nature of the event he sponsored; i.e., the difference between showing a movie for some friends inside his residence verses projecting it outside, on the property.

RC suggested that the matter has been properly discussed and trusted that Mr. Azar will follow through with his paperwork and work with the Town staff going forward.

Enforcement & Code Compliance

Update from Aaron Hobart, Compliance Officer

Mr. Hobart said he issued verbal re-direction on July 4th as the first phase of the Governor's Orders, to both the Harbor Hotel and Provincetown Inn, both of which had been allowing patrons to order from the bar without benefit of wait staff which is not allowed until Phase IV of the Governor's State Order; noted there were two lines, 20-30 person deep, at the bar at the Provincetown Inn and that the manager seemed unfamiliar with the current protocols in place. Mr. Hobart said he also witnessed a customer walking down to the beach with a drink at the establishment and that he later issued a \$100 fine as a regular, non-COVID, violation for alcohol leaving the premises.

Two weeks later, Mr. Hobart said he returned to the Harbor Hotel and found stanchions with yellow tape jutting out about 5', but that these measures seemed to be applied just for appearances as there were still two long lines by the cones in place; also did not see any wait staff on hand, which is also required for bars to operate with mandatory food offered for sale and that no any food items were evident on the tables during the time he was on hand.

Mr. Hobart said he also re-visited the pool at the Provincetown Inn and did find wait staff on hand and hand sanitizers available at the entrance, but noted the lounge chairs not set up for proper social distancing; issued written Level 2 warnings for both establishments; added that each offense is considered a separate offense with its own set of steps to be taken.

BS said she'd like to have the establishments brought in for a meeting as she's seen pictures from the P-Town Inn that are lacking social distancing. SB said he wasn't sure they needed to come in based on Mr. Hobart's report. DG said he agreed with BS to hear the other side of the story and that having the owners or reps come in is the proper second step. RD agreed with BS. SB said he agreed with DG, but requested clarity and uniformity on when people are brought in following warnings. RC said he was at the pool at the Provincetown Inn during the 4th of July holiday and saw hundreds of people gathered closely without masks.

Mr. Hobart said the State Guidance is available online for businesses to study and use as a guide which is their responsibility. RC concurred with Mr. Hobart and encouraged the Board to also read up on the rules and regulations for meetings going forward. Mr. Hobart remarked that the Provincetown Inn seems to want to comply but could be timelier in its responses. RC said he felt the pools are doing the minimum it is required and that this is not acceptable. Mr. Hobart said the pools have been the larger problem-area at this time.

RD asked if the pools are open to the general public or only guests. Mr. Hobart said Building Commissioner, Anne Howard, had been by the Boatslip Pool and noted there was social distancing and it was fairly quiet, and that a visit to the Crown & Anchor pool found no one present. RD asked if there are stipulations in place for people having house parties. Mr. Hobart said he is not directly involved in house parties on private property and that is more of a police issue.

SB thanked Mr. Hobart for his participation at today's meeting.

Amend/Transfer License

Weekday and Sunday Entertainment License

1. Bottoms Up LLC, Christopher Hartley, mgr., d.b.a. ***Provincetown Brewing Co.***, 141 Bradford St., Provincetown

Chris Hartley presented; said they seeking to continue their weekly Trivia Night outdoors and to add other outdoor events on their patio; hours of operation will probably go from 4pm to 9pm at the latest; ambient music for an upcoming beer blast with a d.j. and a drag night for later in the summer with a probable 2-hr max., ending by 9:00pm; speakers would be directed away from the neighboring property; said they have discussed their operations with the hair salon abutter; announced Events Director, Trevor, will be on hand for all events.

RC advised having ushers in place for the end of events to practice social distancing at exits. SB said he appreciated the way Mr. Harley is communicating with his neighbors, which, he said, is the way to go. RD asked if there were any barricades planned to provide safety measures. Mr. Hartley said they felt that Trivia Night would not require additional barriers for its 2-hr. time-frame but would take the measure into consideration for other, future events.

RC made a motion to approve as presented with the condition that no shows run past 9:00pm. DG seconded the motion and it passed, 4-0-1: RC, DG, SB, BS, in favor; RD, abstained.

RD said he was abstaining for lack of a snow fence on the premises for events as proposed.

BS left the meeting at 4:15pm.

New License

Parking Lot

1. Provincetown Marina, Thomas Ryan, mgr., d.b.a. ***Provincetown Marina Parking Lot***, 9 Ryder St. Ext., Provincetown, MA 02657

Tom Ryan presented, said he's been the manager at the lot since May of 2020.

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

Renew License

Vehicles for Hire

RC made a motion to take the Vehicle for Hire Renewal Licenses as a group. DG seconded the motion and it passed, 4-0-0; RC, DG, SB, RD.

DG made a motion to accept the Vehicle for Hire Renewal Licenses as follows:

1. Pride Taxi – Vin#2A8HR54P38R697509; Reg#LV84186 2008 Chrysler Gray Town and Country Van
2. Pride Taxi – VIN#2C4RC1BG4DR775198; Reg#LV59390 2013 Chrysler Black Town and Country Van
3. Pride Taxi – VIN#5TDXK23C97S086953; Reg#LV75753 2007 Toyota Blue Sienna Van

RC seconded the motion and it passed, 4-0-0; DG, RC, SB, RD.

Correspondence

None.

Minutes

RC made a motion to approve the LB meeting minutes of July 7, 2020, and July 8, 2020, Special Meeting. SB seconded the motion and it passed, 4-0-0; RC, SB, DG. RD.

Old business

None.

New Business

RC reiterated his appeal to the Board to review the Governor's Guidance pertaining to phases of enforcement as these are very different from what everyone is used to per the ABCC. DG added that it will be helpful to include the dates of the phases with the details of reported violations. LF agreed.

Licensing Board Statements

None.

Licensing Agent Statements

None.

DG made a motion to adjourn the meeting at 6:24pm. RC seconded the motion and it passed, 4-0-0; DG, RC, SB, RD.

Respectfully Submitted,
Jody O'Neil