

Town of Provincetown LICENSING BOARD minutes

Special Meeting Wednesday, May 5, 1999 in the Judge Welsh Meeting Room

The following minutes are available on-line as a service and are not the official record due to changes in formatting for the Internet. The minutes may have attachments that are not included here in this format. The official, complete paper copy can be viewed during regular office hours, Monday - Friday: 8 a.m. to 5 p.m. in the Office of the Town Clerk, 260 Commercial St. Provincetown, MA 02657.

CONVENED: 5:00 p.m. ADJOURNED: 6:55p.m.

PRESENT: Adam Erenberg, Hunter O'Hanian, Keith Brickel, Jack Kelly
EXCUSED: Jane Hee NOTE: BRIAN SHEA RESIGNED EFFECTIVE 4/28/99

Public Hearing - To hear a petition for a transfer of the food vendors license from **Herbie's Homemade Ice Cream of Provincetown, Inc. d.b.a. Herbie's Homemade Ice Cream** to **Lewis Brothers, Inc. d.b.a. Lewis Brothers Homemade Ice Cream** at 310 Commercial Street, Provincetown, MA. **David and Alan Lewis represented the applicant. 0 spoke in favor; 0 spoke against. Motion to grant by Hunter O'Hanian Seconded by Keith Brickel Passed 4-0**

Public Hearing - To hear a petition for a new common victualer license for **Maria's Café, Inc. Maria c da Lomba, manager d.b.a. Maria's Café** at 277A Commercial, Street, Provincetown, MA. **Maria c da Lomba represented herself 0 spoke in favor; 0 spoke against. Motion to grant by Hunter O'Hanian Seconded by Keith Brickel Passed 4-0**

Public Hearing - To hear a petition for a new common victualer license for **Audie Quick, d.b.a. Rainbow Cones** at 293 Commercial, Street, Provincetown, MA. **Audie Quick represented herself – indicated that she wished to open at 10:00 a.m. rather than at 11:00 a.m. because that is what her landlord is requiring 0 spoke in favor; 0 spoke against Motion to grant with amendment to open at 10:00 a.m. rather than 11:00 a.m. by Hunter O'Hanian Seconded by Keith Brickel Passed 4-0**

I. **Public Statements** – John Bennett requested that the Board move up in the agenda the renewal of float space 10W since the Marine Superintendent was present to speak to the renewal.

II. **New Licenses**

A. **Outdoor Artist**

1. Michelle Dirkson, d.b.a. **Al Fresco** at 274 Commercial Street (Cabot's Candy)
Motion to grant by Hunter O'Hanian Seconded by Keith Brickel Passed 4-0

B. **Taxi Operator**

1. Theodosia Takou at 1 Amanda Lane, Apt B4, North Truro, MA
Motion to grant by Keith Brickel Seconded by Hunter O'Hanian Passed 4-0

The Board agreed to hear the renewal of float space 10W (item K. 1) first.

III. **License Renewals**

K. **Float Spaces**

1. **Hindu of Provincetown, Inc.** at **Float Space 10W** John Bennett, manager ,
333R Commercial Street

Mr. Bennett spoke to explain an incident regarding damage to the ball of float space 10W caused by the owner of float space 9W. E. Winn Davis, Assistant Town Manager submitted a letter to the Board (read into record) and explained a conflict of 10 feet between the Town's chapter 91 license and the Chapter 91 license of the Provincetown Yacht Marina. He indicated that the conflict would be resolved as a result of the building project for MacMillan Pier. In the meantime, the Department of Regulatory Management and the Marine Superintendent are recommending that float and gangway of 10W be

shifted two feet north and that the northerly side of 10W not be utilized by any vessel with a beam greater than 9 feet. David Ditacchio, Marine Superintendent, spoke in support of Mr. Davis' assertions and also indicated his recommendations that the gangway must be repaired prior to use of the float to the public. **Motion to grant with conditions that the provisions be included as submitted by the letter from the Assistant Town Manager to the Licensing Board dated May 5, 1999 and that the required repairs to the gangway be made as stated by the Marine Superintendent. Motion by Jack Kelly Seconded by Hunter O'Hanian Passed 4-0**

A. Transient Vendors

1. Erhan Tunali d.b.a. ***Rice Thing*** at 359 Commercial Street
2. Bradford Fowler d.b.a. ***Song of Myself*** at 349 Commercial Street
3. Marla Rice and Richard Polak d.b.a. ***Rice/Polak Gallery*** at 430 Commercial Street

Motion to grant the above transient vendor license renewals by Hunter O'Hanian seconded by Keith Brickel passed 4-0

B. Common Victualer

1. Silva Enterprises, Inc. d.b.a. ***Silva's Seafood Connection*** at 175 Bradford Street Ext.
- 2 Mark Birnbaum d.b.a. ***Mojo's*** at 5 Ryder Street Ext.

Motion to grant the above common victualer license renewals by Hunter O'Hanian seconded by Keith Brickel passed 4-0

C. Common Victualer with Entertainment

1. Dancing Lobster, Inc. d.b.a. ***Dancing Lobster Café/Trattoria*** at 371-373 Commercial Street
2. Cerutti Restaurant Corp., d.b.a. ***Cerutti and Co.*** at 133 Bradford Street

Motion to grant the above common victualer with entertainment license renewals by Hunter O'Hanian seconded by Jack Kelly passed 4-0

D. Innholder

1. John E. Still, d.b.a. ***Cape Colony Inn*** at 280 Bradford Street

Motion to grant by Hunter O'Hanian seconded by Keith Brickel passed 4-0

E. Entertainment

1. ***The Unitarian Universalist Meeting House*** at 236 Commercial Street

Motion to grant by Keith Brickel seconded by Hunter O'Hanian passed 4-0

F. Food Vendors

1. Shafir Realty Corp., d.b.a. ***New Art Cinema*** at 214 Commercial Street
2. C-K Pilgrim Land Corp., d.b.a. ***Boston Boat Coffee*** at 353A Commercial Street

Motion to grant the above food vendor license renewals by Hunter O'Hanian seconded by Keith Brickel passed 4-0

Adam Erenberg stepped down for Lodging House renewals

G. Lodging Houses

1. Kathleen Williams d.b.a. ***The Gull Walk Inn*** at 300A Commercial Street.
2. Andrew Turocy d.b.a. ***Roomers*** at 8 Carver Street
3. Inncorp, Inc. d.b.a. ***Benchmark Annex*** at 8 Dyer Street.
4. Charles Mayo d.b.a. ***Cape Codder Guest House*** at 570 Commercial Street
5. Robert Mondoux, d.b.a. ***Burch House*** at 116 Bradford Street
6. Betty Adams, d.b.a. Windamar House at 566 Commercial Street

Motion to grant the above lodging house license renewals by Keith Brickel seconded by Jack Kelly passed 3-0

Adam Erenberg returned

H Parking Lots

1. Irene Joseph d.b.a. ***Godinho's Parking Lot*** at 35 Standish Street

Motion to grant by Jack Kelly seconded by Hunter O'Hanian passed 4-0

I. Outdoor Artist

1. William Smith d.b.a. ***Let's Face It Portrait*** at 386 Commercial Street

Motion to grant by Hunter O'Hanian seconded by Keith Brickel passed 4-0

J. Taxi Cabs

1. Two cabs for Luther Bumps of 14C Old Colony Way, Provincetown Taxi, Inc. d.b.a.
P-Town Taxi

Motion to grant by Keith Brickel seconded by Jack Kelly passed 4-0

IV. **Agenda Item**

To discuss Licensing Board's current requirement for notifying abutters and determine whether or not to increase that requirement. **It was agreed to have a work session at the May 11, 1999 meeting.**

V. **Correspondence** – Brian Shea's letter of resignation; correspondence from E. Winn Davis, Assistant Town Manager dated May 5, 1999 regarding Float Space 10W renewal.

VI. **Minutes –April 27, 1999 Motion to approve: Hunter O'Hanian seconded by Jack Kelly passed 4-0**

VII. **Licensing Board Statements**

u Adam Erenberg inquired as to whether or not there had been any feedback regarding the General-on-Premise liquor license; no negative feedback; some feedback showing support for the decision.

u Keith Brickel noted that he did not witness hawking by the carriage company as had been printed in the previous minutes.

u Jack Kelly inquired as to whether or not he could/should write a letter, as a citizen, documenting the fact that he personally witnessed hawking by the carriage company. Board members felt that he could write a letter stating such.

VIII. **Licensing Agent Statements**

IX. **Other Business – any other business which shall properly come before the board**

1. Renewal of *Float Space 7W* by *Louigi's Lobster Float, Inc.*

Motion to grant the renewal of Float Space 7W license by Jack Kelly seconded by Keith Brickel passed 4-0.

LICENSING BOARD APPROVAL:

Adam Erenberg, Chairman Hunter O'Hanian, Vice-Chair

Jane Hee, Clerk Keith Brickel, alternate

Jack Kelly, alternate