



Minutes

Of the Provincetown Licensing Board Public Meeting on **Tuesday, December 8, 2015** at 5:15 p.m. in the Judge Welsh Room, Town Hall, 260 Commercial Street.

Members Present: Frank Thompson, Michelle Foley, Regina Binder, Barrett Alley

Staff Present: Aaron Hobart, Rich Alves

Meeting Agenda

Public Hearings

Transfer of Liquor and Common Victualer License – *continued from previous meeting*

Petition from Siobhan Carew, representing **Union Wharf Holdings, LLC** for a **Transfer of Liquor License and Common Victualer License** at 99 Commercial St.

Withdrawn to be refiled for January 8th, 2016 meeting

Noise By-law Waiver

Petition from Rick Murray, representing **Crown & Anchor LLC** d.b.a. Crown & Anchor Inc. for a **Noise By-law Waiver** for an event to be held at 243-249 Commercial St. on July 3, 2016 from 1 to 6 p.m. Rain date of July 5, 2016 requested.

Rick Murray representing the Crown & Anchor

3rd year for event and noise waiver by-law

1st year concerns were addressed last year with changes to the venue. Maybe 1 complaint

Last year 1-6 p.m. instead of 12 to 7. Used a new sound company.

Day event. Rick is on-site as well as 4 managers

Clarence Walker speaks for event. Great success and improving every year.

Murray Shalom speaks regarding event 2 years ago with very loud noise. Loudest event I have ever heard in Provincetown. Hurt our business in the first year. Doesn't seem to make sense to damage business during busiest week of the year. If they had a good event with no complaints why get a noise by-law waiver. If any louder than 'every day' level of noise it will hurt the businesses.

Barrett: How off was your business.

Murray: We were off 15 to 20 percent. People would walk out immediately.

Michelle: Was last year so bad?

Murray: Last year wasn't so bad but nothing was done with complaints due to the waiver. I have no recourse to correct the noise. I wasn't in town for July 4th of last year. If it was as bad as the first year I would have heard about it.

Barret: You weren't here last year, and you are talking about two years ago. What are you here for?

Murray: My family's business is hurt. I can get numbers for last year but I know we lost two years ago.

Regina Binder reads letters of support into the record.
Rick Murray hands the Board an additional letter of support.

Rick: obviously there were some concerns the first year. I changed design, layout and sound system this past year. I tried to take into consideration the t-shirt shop's sales during the day on July 4th.

Frank: my partner was here last year and I didn't hear anything from my partner or neighbors. I didn't hear anything from anyone. It must have gone better.

Regina: I know MJ Audio is good and they do everything they can to contain the sound. I think we should grant.

Motion to Approve by Barrett Alley. Second by Michelle Foley. Approved 4-0

Transfer from Seasonal to Annual Liquor License

Petition from John Yingling, representing *Gusto, Inc.* d.b.a. Enzo for a ***Change from Seasonal All Alcoholic Restaurant License to an Annual All Alcoholic Restaurant License*** at 186 Commercial St., Provincetown, MA.

Guillermo Yingling represents Gusto, Inc.

We have more year round staff that lives here. We want to give it a shot to keep it year open. Most of what would be open would be upstairs. The restaurant would be open.

Regina: I wish we would see more seasonal go year round. Makes my heart sing. Do you have any plans to be open every day?

Guillermo: We plan now for New Year's Eve and then 7 days a week. We would bring staff from Black Fish and it would be different than what we normally do there.

Regina: will people be allowed to park at Bubala's

Guillermo: even during the summer people can park at Bubala's. It will be plowed all winter.

Discussion about other restaurants that stay open year round

Motion to Approve by Michelle Foley. Second by Regina Binder. Approved 4-0.

Special Liquor License

Petition from Richard Conley d.b.a. *Watership Inn*, for a ***Special Liquor License*** for an event on February 19, 2016 from 6 pm to 8 pm at 7 Winthrop St., Provincetown, MA. No rain date requested.

Richard Conley representing Watership Inn

Discussion regarding event to happen February 19 which is about snow bound weekend.

We will only serve beer.

Clarence Walker speaks for the event: I think the board has a real sense of what keeps the market going in the off season.

Further discussion regarding event...

Motion to Approve by Barrett Alley. Second by Michelle Foley. Approved 4-0.

Transfer from Seasonal to Annual Liquor License

Petition from Vida Hamnquist, representing *Year Rounder's Festival* for a ***Special Liquor License*** for an event on March 19, 2016 in the Town Hall Auditorium. No rain date requested.

Withdrawn for refiling for later meeting.

Change of Liquor Manager

Petition from Ben deRuyter, representing Lola Bean, Inc. d.b.a. **1620 Brewhouse** for a **Change of Manager** at 212-214 Commercial St., Provincetown, MA.

Motion to Continue Regina Binder. Second by Barrett Alley. Approved 4-0

Amend License

Other Business

Discussion regarding the Transfer of Liquor License at 99 Commercial St. (**possible vote taken**)

Lora Pepetsas and Siobhan Carew representing Sal's Place

Discussion about the transfer

Requesting extension of the ability to transfer the license to mid-February.

Approved last week by Zoning. Will be in 20 day appeal period hopefully on the 18th.

Discussion regarding possible delays in reading of the decision.

Motion to extend deadline to transfer business licenses to February 15th by Regina Binder.

Second by Michelle Foley. Approved 4-0

Vote on 2 year end items:

1. 2016 Meeting Calendar

Motion to approve by Regina Binder. Second by Michelle Foley. Approved 4-0

2. 2016 ABCC Population Estimate

Discussion regarding the process for estimating the number of seasonal and annual residents on July 10th of 2016.

Licensing

Motion to Approve estimate of 30,000 by Michelle Foley. Second by Frank Thompson.

Approved 3-0-1

Transfer License

1. **Secret Garden Inn** transfer from Four Columns, LLC, Michael Staz, mgr., to Loren Holtz, 300A Commercial St., Provincetown, MA 02657

Joe Dimartino representing buyers of Secret Garden Guest House.

Owners live in Missouri and will be here full time. They close on January 8th.

No change in operation. They will get their feet wet the first year.

Motion to Approve by Michelle Foley. Second by Barrett Alley. Approved 4-0.

License to be held until closing on property.

New License

Public Statements

Renewal License

Parking Lot

1. Marlene Sawyer, mgr., d.b.a. **Sawyer's Parking**, 152 Commercial St., Provincetown, MA 02657

Motion to Approve by Regina Binder. Second by Michelle Foley. Approved 4-0

Lodging

Motion to take as a group by Regina Binder. Second by Michelle Foley. Approved 4-0

1. White Horse Inn, Inc., Mary J. Martin Schaefer, mgr., d.b.a. **White Horse Inn**, 500 Commercial St., Provincetown, MA 02657
2. Somerset House LLC, Bob Klytta, mgr., d.b.a. **Somerset House**, 378 Commercial St., Provincetown, MA 02657
3. Carpe Diem Guest House & Spa, Inc., Paul Graves, mgr., d.b.a. **Carpe Diem Guest House**, 14 Johnson St., Provincetown, MA 02657
4. Carpe Diem Guest House & Spa, Inc., Paul Graves, mgr., d.b.a. **Carpe Diem Guest House**, 12 Johnson St., Provincetown, MA 02657
5. Victoria House, LLC, Richard Murray, mgr., d.b.a. **Victoria House**, 5 Standish St., Provincetown, MA 02657

Motion to Approve group by Regina Binder. Second by Michell Foley. Approved 4-0

Common Victualer

1. Mark Birnbaum, mgr., d.b.a. **Mojo's**, 5 Ryder St. Ext., Provincetown, MA 02657
Motion to Approve by Regina Binder. Second by Barrett Alley. Approved 4-0
2. The Galley Catering, LLC, Robert Anderson, mgr., d.b.a. **The Canteen**, 225 Commercial St., Provincetown, MA 02657
Motion to Approve by Barret Alley. Second by Regina Binder. Approved 4-0

Art Gallery

1. White Sands Beach Club, Thanassi Kuliopulos, mgr., d.b.a. **Thanassi Gallery**, 234 Commercial St., Provincetown, MA 02657
Motion to Approve by Regina Binder. Second by Barrett Alley. Approved 4-0

Taxi/Livery

1. **Pride Taxi Service**: REG# LV59390; VIN# 2C4RC1BG4DR775198; 2013 Black Chrysler Town & Country Van; REG# TA277C; VIN# 4T3ZF19C1YU279930; 2000 Green Toyota Sienna Van;
Motion to Approve Town & Country van by Regina Binder. Second by Michelle Foley. Approved 4-0.

Motion to Continue Green Toyota by Regina Binder. Second by Michelle Foley. Approved 4-0

Taxi Operator

1. **Gail Gibbs** – Pride Taxi Service
Motion to Approve by Michelle Foley. Second by Barrett Alley. Approved 4-0

Correspondence
Minutes

Enforcement

Rich discusses the Last Drink Report and establishments that end up on the report.

These lists come from the Court. They ask "Where was your last drink" which may have been a long time after the incident.

They don't give any context to the question when asked. Many go to parties after the restaurant. I don't think there are any issues with the establishment that is on both lists from quarter 1 and quarter 2.

I wouldn't weigh too heavily on this unless there is a pattern of 5, 10 or 15 mentions of an establishment.

Frank: we are lucky that with all the alcohol we do have in town that we don't have more mentions
Discussion regarding TIPS trained staff

Code Compliance

Old business

Barrett discusses the \$100 per incident fine. Would like to meet with Sarah Peake to discuss the state regulation that limits the fine. We denied someone last year and they went ahead and did it.

Michelle is not in favor of sending letters to Sarah Peake. This is a resort town and there are going to be times that it is loud.

Discusses that she is opposed to fines for such events.

Discussion regarding Livery vehicle that was standing in a taxi stand.

Rich: Officers are writing tickets.

Discussion re: taxi stands

Discussion regarding the process to appeal a fine/ticket to Orleans District Court.

New Business

Licensing Board Statements

Licensing Agent Statements

Have a great holiday everyone!

Motion to Adjourn by Regina Binder. Second by Michelle Foley. Approved 4-0. 6:17 p.m.