



Public Meeting

The Provincetown Licensing Board Public Meeting of **Tuesday, April 27, 2021** 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: **791 293 821#** 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); Corinne Diana (CD), 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 corona virus pandemic.

Public Hearings

Special Entertainment and Alcohol Licenses

Petition from Seth Kaplowitz, representing the ***Provincetown Arts Society*** for ***Special Entertainment and Special Alcohol Licenses*** for events to be held on Fridays between May 21, 2021 and September, 10, 2021 (5/21, 5/28, 6/4, 6/11, 6/18, 6/25, 7/2, 7/9, 7/23, 7/30, 8/6, 8/20, 8/27, 9/3, and 9/10) between 7pm and 11pm. Rain date to be the Sunday after the scheduled Friday showing.

Seth Kaplowitz presented; said the event is a continuation of a series started last summer by the Provincetown Arts Society in conjunction with the Provincetown Film Society of Friday night film screenings to be held at 466 Commercial St.; Provincetown Arts Society is an imprint of St. Joseph's Arts Society which, like the Provincetown Film Society, is a registered 501-3-c foundation; refreshments to include a small box of food from Liz's Café and a small box of wine, possibly by Truro Vineyards; referenced last year's provisional grant as a hold against any complaints, which he believes did not arise.

Michaela Murphy of 99 Commercial Street spoke on behalf of herself and her mother, Siobhan Carew, to give enthusiastic support for the series which, she said, provides entertainment for the community while raising money for the Town.

Blythe Frank, Interim Executive Director, spoke of a wonderful collaboration they have with the team at the Mary Heaton Vorse House.

Mary Glasspool, abutter at 6A Cook Street, spoke about a lot of noise from last season's events and a letter she and her partner wrote in complaint to the Town; issued her concerns as they've had no consult with property owner Ken Faulk nor were the neighbors consulted; requested that such a forum be ordered up before the event could be allowed to proceed this year.

LF confirmed for RC that there have been abutter notifications posted for this event.

RD mentioned his being against this event last year based on the considerations of the neighbors but Covid conditions made the program possible; however, this year things have improved in terms of the pandemic and he feels that 15 screenings is too many for neighbors to have to put up with; noted that previous speaker, Ms. Murphy, would experience no fall-out being at the other end of the Town and that Liz's Café has a financial interest in issuing its support.

Mr. Kaplowitz expressed that it is a bit of a mis-characterization to say the neighbors don't support the program and that Liz of the Café provides libations at cost; related that the program is for the benefit of the Town and its cultural institutions, not about individuals but for the welfare of the Town's non-profit organizations; spoke about working to mitigate negative impacts of the program such as noise and traffic.

DG agreed with RD in noting negative connotations, asked why the series is being staged in the middle of a residential neighborhood; supports the arts and the Film Society, but wishes the program could be held in a more commercial zone. Mr. Kaplowitz replied that this is the location that has been graciously donated for the fundraising measure. DG asked why 11:00pm is scheduled as an end-time, to which Mr. Kaplowitz cited the nightfall hour as well as length of titles being screened. RC related that the event had morphed into something much bigger than in its debut and BS said she agreed that the end time was too late

LF referenced last year's hours from the September agenda as being 6:30pm to 9:30pm, while the events started in July – without approval – and no alcohol approved for service. DG pointed out the differences this year such as the program was starting in May and screenings going to 11pm; recommended compromises.

Gene Tartaglia, with the Provincetown Arts Society, said he partnered with the Provincetown Film Society last year and hadn't been made aware of any complaints, but that if he had he would have adjusted the sound and addressed any issue; offered that the time frame this year can be adjusted down from 11:00pm; films start at 8:20pm at the latest based on the sunset, but can be changed for the neighbors; invited the abutters and neighbors to be their guests at a future screening

CD suggested limiting the alcohol served to wine only. Mr. Kaplowitz noted that the area of screenings is the gallery district, a public zone including the Beachcombers' Club and Arts Association; clarified that alcohol service is confined to the equivalent of a glass of boxed wine; added that he is a graduate of Provincetown High School, and has lived in Town since 1974.

SB said he felt that without any complaints last year and a revised 10:00pm end-time, the application could be approved. RC remarked on the Governor's new outdoor relaxed mask policy that came out today; suggested the applicant go back, speak to the neighbors, and refine the program. RD said he would like to see the alcohol dropped, screenings scaled back in terms of number and end time; would make a motion to deny the license today.

LF replied to RC's point of clarity is stating that the hearing can be continued to the next meeting when the LB's conditions and/or recommendations have been addressed by the applicant.

SB asked for mention of the (39) letters in support and (1) against, to which LF said it was perhaps (2) opposed and a bit over (30) in favor. RD mentioned that the ones in favor are not in the neighborhood, to which LF corrected to state that some residents in the area did write in support.

RC made a motion to postpone the hearing to the meeting of May 11, 2021. DG seconded the motion and it passed, 4-1-0: DG, BS, RD, RC, in favor; SB, opposed.

New Marijuana Retail License

Petition from Andrew Kouijis, representing *Hennep, Inc. d.b.a. Hennep* for a *Marijuana Establishment – Retailer License* at 246 Commercial Street.

Andrew Kouijis presented.

RC asked the Board if there were any comments or remarks, noted that the Police Chief has completely signed off on the business plan. None were fielded.

RC made a motion to approve as printed in the agenda with the condition that the applicant returns in approximately three months to give an update and review on the operation. SB seconded the motion and it passed, 5-0-0; SB, BS, DG, RD, RC.

New Common Victualler License

Petition from Mark Mitchell, representing *Perfect Picnic Ptown LLC., d.b.a. Perfect Picnic Ptown @ the Pier* for a *New Common Victualler License* at 293 Commercial Street.

Mark Mitchell presented; said the business is a grab-n-go including cured meats, cheese, baguettes, etc.; applying for the 12 seats previously available for this space.

No public comments or letters.

SB asked if the 12 seats are additional or included in the former license, to which LF said she wasn't sure of the specific designation and would check, reported no prior complaints on record.

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

Public Statements

None.

Other Business

None.

Enforcement

None.

Code Compliance

None.

Amend/Transfer License

None.

New License

Bike Rental

1. 1links Scooter, Dawn Brissett, mgr., d.b.a. **1links Scooter**, Concierge Rentals, Provincetown MA 02657

Richard Wallace, brother of the applicant presented; said he is looking to rent electric scooter bikes and will follow all rules and regulations; has two scooter bikes now but will seek to expand to four with an approved license. LF said these electric bikes are not like the ones available at Coast, but look more like an electric bicycle just a bit fancier. Applicant rep not on the line for reply.

[NOTE: Mr. Wallace's connection had been a weak during the call.]

DG asked for the speed of the units. LF said the applicants understand that the bikes they rent must comply with all State and local rules; said she ran the application by the PD and was told that as long as the business operated within the laws of Massachusetts it was permitted. RC recalled a discussion with the previous Licensing Agent, Aaron Hobart, per the applicability of speed. LF added there were no problems last with the scooter bikes and that there had been a previous discussion about parking two or three years ago as to if they should be in a regular parking spot; no complaints.

DG asked if the bicycle committee should be notified; questioned speeds. LF said her issue with bringing in another committee is that no other committees were engaged when Coast and electric bikes came in to Town so it would be setting a precedent; said to RC that pedi-cab updates can be discussed under *New Business*. CD asked if electric bikes can drive both ways on Commercial Street, to which LF said she thought they could only go with car traffic laws and a cap on the speed.

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

Common Carrier

1. Topless Tours Ptown, Kristen Becker, mgr., Reg.# LV97196; VIN # 1C4BJWDG0GL186938
Black Jeep Wrangler

Kristen Becker presented; said she has been a performer for about 20 years and is seeking to create a concierge-style, open-air sight-seeing experience; approved for commercial use authorization by the Park Service for four tours: on-road/off Commercial St.; High Head; Race Point; and Parabolic Inner Dune Road; people to be picked up at their personal locations and then dropped back off.

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

Retail

1. Seaborn, Sofiya Bailey, mgr., d.b.a. **Seaborn**, 336 Commercial St., Provincetown MA 02657

LF said the applicant has not been invited to present, but the notice is included to alert the LB.

Renew License

Art Gallery

1. Margaret Reynolds, mgr., d.b.a. **Reynolds Gallery** 174 Commercial St., Provincetown MA 02657
2. Gallery 444 Ptown LLC, Wendy Cressey, mgr., d.b.a. **Gallery 444**, 444 Commercial St., Provincetown MA 02657

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

Lodging

1. Masthead Inc, John Ciluzzi, mgr., d.b.a. **The Masthead Resort and Cottages**, 31-41 Commercial St., Provincetown MA 02657

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

Common Victualer

1. Southern Coffee Company, Marina Velikova, mgr., d.b.a. **Wired Puppy**, 379 Commercial St., Provincetown MA 02657

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

Parking Lot

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

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

Weekday Entertainment

1. Provincetown Art Association & Museum Inc., Grace Ryder O'Malley, mgr., d.b.a. ***Provincetown Art Association & Museum***, 460 Commercial St., Provincetown, MA 02657.

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

Correspondence

None.

Minutes

RC announced that the LB meeting minutes submitted for April 13, 2021 would be approved at the next meeting.

Old business

None.

New Business

1. Meet with Aaron Hobart

LF said she spoke with Aaron Hobart and he will make himself available for the LB to discuss compliance or related issues, whether as a work session or agenda item, in the weeks ahead. RC said it would be an excellent idea to get together and discuss compliance issues. LF said there is a draft which she will re-forward to the Board prior to the meeting with Mr. Hobart. BS agreed with the plans for a meeting. CD asked if the meeting with Mr. Hobart would have to be a public meeting. Jody O'Neil mentioned Executive Session with Town Consul as private, non-recorded meetings.

1. Review Process for Motions and Votes

LF referenced the Roberts Rules Cheat Sheet which she forwarded to the Board and clarified how motions are made in practice, adding that amendments can also be inserted and voted on. CD thanked LF for the Cheat Sheet and said it was her understanding that the Chair cannot make a motion unless he/she relinquishes the chair to someone else. LF said she wasn't aware of that.

RC directed the Board to read through the Rules and consider a revamp of the way the LB engages in making motions, feels there is room for improvement. DG said he read through the Roberts Rules and found them excellent, suggested the Board follow the guide more closely than it currently does. RC said he would have no problem adopting the Roberts Rules as an official guide and suggested making a vote to that end at the next meeting after all have had a chance to review. BS concurred.

Licensing Agent Statements

Meeting Etiquette

LF referenced an e-mail she had sent out to the Board regarding Board responses at meetings which can be hard for applicants, abutters and the public to gage when there is no visual to go along with the commentary, such as body language or a nod of approval, and which can possibly come across as cold and impersonal. BS remarked that LF's comment was very well stated and she appreciated the feedback. LF said Jody O'Neil had mentioned that other boards have a designated person second all motions, to which RC asked if the item is in Robert's Rules. LF replied it was perhaps not but that the practice could still be employed if the LB feels it would be helpful move meetings along.

Licensing Board Statements

Pedi-Cabs

RC requested LF drag up the draft of the pedi-cab regulations; asked how inspections were being done currently. LF said she does not do inspections for pedi-cabs but does do taxi inspections which had previously been done by the PD; that pedi-cab inspections had previously been done by a local mechanic; said she does make sure completed inspection sheets are submitted, as well as liability and workmen's comp insurance forms.

LF said she informed the new pedi-cab operator of the LB's guidelines; said Ptown Pedi-Cabs has not yet completed its renewal app for this year; noted not many pedi-cabs on the road last year.

Reporting Cab Violations

RD asked what the procedure is when a Board member notes several different violations from a cab company in Town but, as a Board member, cannot register the complaint; asked if the LB must wait for a member of the public to make the complaint before the Board can act on it. LF offered that the best bet would be to call the PD no matter who is witnessing the violation if it warrants immediate action; suggested this as a better solution to calling her as she would probably not be in the best position to act on the complaint. RD stated his observed violations as a driver going at least double the speed limit, another who drives with his foot elevated and hand around his knee to work the wheel and one driving with her dog in her lap. LF again referred these observations of violations to the PD as these would be a violation of the law; recommended getting the cab # and time of day. LF said she would do a little investigation into past reports of this nature and get back to the Board.

DG made a motion to adjourn the meeting at 6:59pm. RC seconded the motion and it passed 5-0-0; DG, SB, BS, RD, RC.

Respectfully Submitted,
Jody O'Neil