



# Minutes

The Provincetown Licensing Board Public Meeting of **Tuesday, June 22, 2021** at 5:15pm in the Auditorium, Town Hall, 260 Commercial Street.

This meeting of the Provincetown Licensing Board will be held in-person at the location provided on this notice. Members of the public are welcome to attend this in-person meeting. Please note that while an option for remote attendance and/or participation is being provided as a courtesy to the public, the meeting/hearing will not be suspended or terminated if technological problems interrupt the virtual broadcast, unless otherwise required by law. Members of the public with particular interest in any specific item on this agenda should make plans for in-person vs. virtual attendance accordingly. The public is encouraged to download the Microsoft Teams meeting app on their computer or smart phone by clicking the link below.

## **Join on your computer or mobile app**

[Click here to join the meeting](#)

**Or call in (audio only)** (833) 579-7589

Phone Conference ID: 715 558 082#

To participate during public comment:

- Speak name clearly to be called on to speak.
- Please do not speak again until acknowledged by Chair or meeting moderator.
- Keep your phone muted at all times when not talking (press \*6 to mute & unmute your phone).
- Do not use speakerphone, Bluetooth devices (speakers or headphones).
- Mute all background noises, including PTV, television or computer and use only phone audio.

Members present: Robert F. Cameron (RC), Chair; Shawn Byrne (SB), Vice-Chair; Donald R. German (DG), Clerk; Russell L. Dutra (RD); Julie Knapp (JK), Alternate; Corinne Diana (CD), Alternate.

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

LF gave opening remarks at 5:15pm and called for quorum by remote; read the rules governing public Meeting under current State guidelines pursuant to the corona virus pandemic.

## **Meeting Agenda**

### ***Public Hearings***

**Special Alcohol Licenses, Special Entertainment Licenses and Noise ByLaw Waivers**

Petition from Laura Davis of Cosmos Catering, representing **McDermott/Jones Wedding** for **Special Entertainment Licenses and Special Liquor Licenses** for events to be held on, August 7, 2021 from 4:30pm to 11pm, and representing **Richards/Griffin Wedding** and **Lim Wedding** for **Special Entertainment Licenses, Special Liquor Licenses and Noise By-Law Waivers** for events to be held August 28, 2021 between 5pm to 11pm and September 24, 2021 from 5:00pm to 11:00pm; at **1 High Pole Hill Rd.** No rain dates requested.

Laura Davis presented; stated the guest count for the three weddings as such: McDermott/Jones at 125; Richards/Griffin at 75'ish; Lim at 100'ish.

LF said there is a letter on file in favor of the event but against the noise bylaw waiver.

Kaolin Davis, abutter, spoke; said she was in favor except for the noise bylaw waiver.

Ms. Laura Davis said she felt the events could forego the noise bylaw waiver; two of the weddings have bands and the third, a disc jockey. DG suggested 10:30pm as a cut-off time for amplified sound has been the standard, to which Ms. Davis said she believed the Monument signs a contract with the client for the event to go to 11pm. RC referenced a work-in-progress situation pertaining to time limits just prior to the Covid pandemic closing down the Town.

**RC made a motion to approve as presented with the condition that amplification ceases at 10:30pm. DG seconded the motion and it passed, 5-0-0; DG, SB, RD, JK, RC.**

#### **Special Alcohol License and Special Entertainment License**

Petition from Michelle Crone, representing **Simeral Wedding** for **Special Entertainment and Liquor Licenses** for events to be held on July 31, 2021 between 5pm to 10:30pm at **1 High Pole Hill**. No rain date requested.

Michelle Crone presented; said there is no noise bylaw waiver attached to the license application; caterer is Chef's Table out of Marshfield, with TIPS-certification; sound amplification to be discussed with the organizers; guest list 97-100; live entertainment.

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

#### **Amendment to Outdoor Covid Entertainment License**

Petition from David Wilson representing the **Provincetown Theater** for **an amendment to their Covid Outdoor Seating License** for events to be held on June 17, 2021 through September 2, 2021 at **Provincetown Theater, 238 Bradford Street**, between 7pm to 9pm. Rain Dates: Fridays, July 2, 9, 16, 23 and August 6, 13, 20, 27 and 9/3.

David Wilson presented; expressed the request for an increase of 26 seats from 44 to 70, despite what he reported was Building Commissioner Anne Howard's quote of a potential for 100 seats as permissible at the outdoor venue; a series of Zoom calls have been conducted with all abutters to apprise them of the construction progress and performance particulars. Steven Jacobson of 235 Bradford St, Trustee of Courtyard Condominium, spoke on behalf of five condo owners against the license amendment due to what he said was a lack of transparency – that the Theater did not reach out to him and the Association per Zoom or Town meetings; mentioned that a recent performance at the Theater was very quiet.

LF spoke of the LB's process last summer that businesses with current licenses should be permitted to skip the abutter notification waiting period so that their establishments would not have to lose revenue by waiting for the standard notification to play out and that it was determined businesses that came before the LB this year prior to the State of Emergency being lifted should also be afforded the same waiver regarding abutter notification out of fairness.

CD remarked that all meeting notices are posted on the Town's website, to which Mr. Jacobson said he couldn't know if there was a license application or amendment unless he was notified. Mr. Wilson said pods would still be employed to keep audiences at safe distances even as Covid restrictions have been lifted.

RD said he had an issue with a seating increase in lieu of abutter and neighbor issues which he had previously acknowledged. JK said he had wondered why the Theater didn't initially go for the full 100 seats that would have been permissible by Town standards and that it was considerate that they only went for 44; suggested granting the request with the ability to revisit the amendment should there be issues.

Derrick McCormick, spoke from the public; said he works at the Theater and asked if someone were to call in and complain would the license be in jeopardy, to which JK said the agreement would be revisited if there were complaints, as has been the case with prior approvals.

**RC made a motion to approve the amendment as presented with the condition that if there are complaints or future problems, the LB retains the right to call in the applicant for a show-cause hearing. DG seconded the motion and it passed, 4-1-0: DG, SB, JK, RC, in favor; RD, opposed.**

RC excused himself from the meeting at 5:55pm; SB took over as Chair.

### **Special Alcohol License**

Petition from Natessa Brown, representing *Irie Eats* for a **Special Liquor License** for an event to be held on June 26, 2021 between 6pm to 10pm at **70 Shank Painter Road**. No rain dates requested.

Natessa Brown presented online. No public comments or letters.

JK requested a synopsis of the event. Ms. Brown said there is a small group that is requesting beer and wine for an small gathering. RD asked how many guests were expected, to which Ms. Brown said they have three tables for 7-10 people at the most

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

### **Special Alcohol License**

Petition from Roland Landry, representing *Gold Dust Orphans* for a **Special Liquor License** for events to be held on Mondays between June 28, and September 6, 2021 from 9pm to 11pm at **12 Winslow St**. No rain dates requested.

Ryan, um, Roland, Landry presented; said he has lived in Town since 1979 and has produced Show Girls for the past 30 years; had to move his operations from the High School to the Pilgrim House due to the unexpected cancellation of Peregrine Theater Company's annual summer show and is now seeking an alcohol license to return to the School for performances.

No public comments or letters.

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

### **Alteration of Licensed Premises**

Petition from Ken Horgan and Lucas Amarilla, representing *The Pilgrim House, LLC. d.b.a. Sage Inn & Lounge* for an **Alteration of Licensed Premises** and **Change of D.B.A.** at **336R Commercial Street**, Provincetown, MA.

LF said the applicant could not attend today and the motion is to continue the hearing to the next meeting.

**SB made a motion to continue the hearing to the meeting of July 13, 2021. DG seconded the motion and it passed, 5-0-0; DG, RD, JK, CD, SB.**

### ***Public Statements***

David McFarlane and Ken Hassett (sp) presented. Mr. McFarlane said he is the president of the Bradford East Condo Association at 208 Bradford St., responding to an art gallery license for Two Molecules, LLC, Steve Azar, mgr., dba, *Stowaway Guesthouse*, at 210 Bradford. Mr. McFarlane read from a prepared statement in advance of a future presentation by the establishment whereby he noted 60 abutters weighing in against the proposal and citing zoning concerns.

Patrick Kimball, representing 10 owners of a 4 Willow Drive, a neighboring condo complex, spoke against the proposal as did Talilla Shuster, representing four year-round units at 211 Bradford St., who said her mother and others were all greatly affected negatively by the noise levels last year at the venue based, in part, on the owners cutting down adjoining trees.

### ***Other Business***

1. Special Parking Lot Outermost Hostel

Peter Grasso, representing Sheila and Tom Conklin, owners of the Hostel, seeking to help make some much needed additional revenue with new parking spaces directly in front of the cottages.

**SB made a motion to approve the special parking license at Outermost Hostel. DG seconded the motion and it passed, 5-0-0; DG, RD, JK, CD, SB.**

2. Conditions Old Colony Tap

**SB made a motion to add the following conditions to the 2021 Licenses for Old Colony Tap, 323 Commercial St., Provincetown MA 02657: A Chapter 34 review of the Existing Building Code for all structural aspects of the building completed by a Registered Design Professional shall be delivered by letter to the Provincetown building department no later than 4:00 PM on July 15, 2021. If this letter is not received by July 15, 2021 it will affect the rest of the 2021 license season. DG seconded the motion and it passed, 5-0-0; DG, RD, JK, CD, SB.**

***Enforcement***

None.

***Code Compliance***

None.

***Amend/Transfer License***

None.

***New License***

**Vehicle for Hire Operator**

1. Evelyn Gonzalez – Conway Cabbie

**SB made a motion to continue the hearing to the meeting of July 13, 2021, DG seconded the motion and it passed, 5-0-0; DG, RD, JK, DC, SB.**

**Art Gallery**

1. Two Molecules, LLC, Steven Azar, mgr., d.b.a. **Stowaway Guesthouse**, 210 Bradford St., Provincetown MA 02657

Steven Azar presented; addressed his neighbors by saying he valued and respected them and requested the same treatment, invited all to have a conversation with him; is committed to showcasing queer, young and other artists for which he does not make a commission; believes he got off on the wrong foot by having amplified sound at their first two events for which he had approved licensure two years ago, and has not had amplified music since; due to Covid, no events held last year; expressed his intentions for having harmony in repudiating any allegations that he is seeking to create another Crown & Anchor.

DG asked per gallery stroll hours, to which LF said she wasn't sure but concurred that these are by and large indoor events, with alcohol only allowed on Friday nights.

RD asked why Mr. Azar wanted to add an art gallery to a guest house in a residential neighborhood; doesn't see the need for another art gallery in a Town which has many already established. Mr. Azar said that the artists he features do not typically have proper representation and that he is trying to help bring these voices to the community in the tradition of the Town; spoke of the hotel as having gone through many iterations and that the site has been the one of the only such for trans guests in the 70s and 80s.

DG noted that Mr. Azar has made the claim some opponents of his business have no vocal or listening skills. Mr. Azar said he stands by this claim as he has reached out repeatedly to his neighbors to discuss their concerns, baked cookies, invited all to a barbeque, and in return has received nothing from them in the way of an open dialogue. DG said he is aware of an abutter who claims to have received none of these gestures from Mr. Azar, who replied that he would be glad to reach out to this person, adding that he did not know any of the neighbors present speaking against his proposal presently in the Judge Welsh Room.

SB polled the Board: SB, CD in favor; RD, DG, JK, opposed.

**SB made a motion to continue the hearing to a later meeting. CD seconded the motion and it passed, 5-0-0; CD, DG, RD, JK, SB.**

2. Ode De Soie, LLC, Christopher Bartick mgr., d.b.a. **Respoke**, 145 Commercial St., Provincetown, MA 02657

Christopher Bartick presented; said they want to join the gallery stroll.

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

3. Sheftel Associates, LLC, Joseph Sheftel, mgr., d.b.a. **Joe Sheftel Gallery**, 445 Commercial St., Provincetown MA 02657

Seth Kaplowitz presented; said his clients request a license and to appear in the gallery stroll.

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

4. Saki LLC, Steven Schnitzer, mgr., d.b.a. Saki John Dough / Velvet 258 Commercial St., Provincetown MA 02657

Steven Schnitzer presented; said they are suffering like everybody else with employment and, as such, are cherry-picking where and how they open their businesses; recognizes that they are not a full-fledged gallery but would like to broaden usage of the space, whether it is once a month on a Friday or the shoulder season, to be a part of the gallery scene in Town.

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

### ***Renew License***

#### **Art Gallery**

1. Berta Walker Gallery, Grace Hopkins, mgr., d.b.a. **Berta Walker Gallery**, 208 Bradford St., Provincetown MA 02657

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

#### **Common Carrier**

1. Art's Dune Tours, Inc., Robert Costa, mgr., d.b.a. **Art's Dune Tours**, (cars #1, 2, 3, 4, 5, 7, 10, 11), 308-310 Commercial St., Provincetown MA 02657

**SB made a motion to approve as printed in the agenda. DG seconded the motion and it passed, 4-0-0; DG, JK, CD, SB. [NOTE: RD recused.]**

#### **Common Victualler**

1. Tong Baba's Food, Inc., Chuang Tong, mgr., d.b.a. **Kung Fu Dumpling**, 293 Commercial St., Provincetown MA 02657

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

**Lodging**

1. Two Molecules, LLC, Steven Azar, mgr., d.b.a. **Stowaway Guesthouse**, 210 Bradford St., Provincetown MA 02657

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

**Parking Lot**

1. Provincetown Public Parking LLC, Steve Riley, mgr., d.b.a. **Provincetown Public Parking** 134 Bradford St., Provincetown MA 02657

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

***Correspondence***

LF referenced a police report pertaining to a taxi driver which she had sent to the Board. SB advised tabling discussion until Chair Cameron could be present.

**SB made a motion to discuss the matter concerning a police report involving a Town taxi driver to a later meeting with a fuller Board. DG seconded the motion and it passed, 5-0-0; DG, RD, JK, CD, SB.**

***Minutes***

LF said the new minutes had come in too late to distribute and SB said they can be voted on at the next meeting.

***Old business***

None.

***New Business***

None.

***Licensing Board Statements***

None.

***Licensing Agent Statements***

None.

**DG made a motion to adjourn the meeting at 6:49pm. CD seconded the motion and it passed, 5-0-0; DG, CD, RD, JK, SB.**

Respectfully Submitted,  
Jody O'Neil