



# Minutes

The Provincetown Licensing Board Public Meeting of **Tuesday, August 10, 2021** at 5:15pm in the Judge Welsh Room, Town Hall, 260 Commercial Street.

## Meeting Agenda

Pursuant to Chapter 20 of the Acts of 2021, this meeting will be conducted in person and, as a courtesy, via remote means in accordance with applicable law. 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 required by law.

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**

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

**Phone Conference ID: 639 125 508#**

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: Shawn Byrne (SB), Vice-Chair; Donald R. German (DG), Clerk; Russell L. Dutra (RD); Corinne Diana (CD), Alternate; Cass Benson, (Alternate).

Absent: Robert F. Cameron (RC), Chair.

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

LF gave opening remarks at 5:15pm and called for quorum by remote before reading the rules governing Public Meeting under current State guidelines pursuant to the corona virus pandemic. SB assumed the Chair.

## ***Public Hearings***

### **Amend Alcohol and Common Victualler Licenses**

Petition from Robin B. Reid, Esq., representing ***Jabong Enterprises, Inc. d.b.a. Jimmy's Hideaway*** for an ***Alteration of Licensed Premises and an Amendment to a Common Victualler License*** at 179 Commercial Street U1, Provincetown, MA. (continued)

LF announced a request to continue the hearing to the meeting of September 14, 2021.

**RD made a motion to continue the hearing to the meeting of September 14, 2021. DG seconded the motion and it passed, 5-0-0; RD, DG, CD, CB, SB.**

Petition from Robin B. Reid, Esq, representing ***The Red Inn at Provincetown, Inc., d.b.a. THE RED INN*** for an ***Alteration of Licensed Premises, Amend Common*** Victualler and ***Change of Manager*** at 15 Commercial Street, Provincetown, MA

Robin Reed and Philip Mossy, principle, presented. Ms. Reid said the request is to add (20) full service restaurant seats and to change management from David Silva to Philip Mossy; seats have been approved by the ZBA and the Board of Select, referred to seating plans, pre-pandemic and proposed; (16) seats to go on narrow deck, with a picnic table for (4) in the front yard; existing (74) seats as re-arranged post Covid can be found in another plan. Ms. Reid said Mr. Silva is retiring and that Mr. Mossy has been a chef at the Red Inn for (20) years. Ms. Reid remarked that the (45) letters in opposition consist of (42) identical submissions with the remaining (3) having modified the template; said none of the letters in opposition are from abutters and that the letters present inaccurate information; that all are effectively from one neighbor and that commercial use of the property for food and lodging was legally established in 1915, predating the properties at 19 and 21 Commercial St.; noted (6) abutter letters on file in support.

Brian Stevens of 19 Commercial St. spoke; said there are probably (66) people who sleep next to the Red Inn in the summer and that he has (10) guest rooms wherein the Red Inn has (8); said it is hard to sleep in the evening after 11pm; that he has spoken to the City and was advised to call the Police, which, he said, he doesn't want to do, expressed concerns of the noise issue pre-date Covid.

CB asked to what time food is served at the Inn, to which Mr. Mossy cited 10:30 as the last seating, normally, but added that it depends on the guests in attendance and the composition of the evening; offered that most guests are out by midnight, or a little after.

Ms. Reid objected to the public speakers in claiming hat they are not abutters or even local residents, to which Kenley Moy corrected Ms. Reid by stating he was speaking as a frequent guest at 19 Commercial where the guests have reported a good deal of noise at the Red Inn occurring after 10:30 pm. Mr. Stevens said there are 7'8" between his property and the tent at the Red Inn; that while his home is not an inn, he has up to (20) guests staying at the house; added that he loves the Red Inn and thinks it's great, but for the noise factor.

Bob Cohen spoke remotely in opposing the late noise after 11pm from the Red Inn, although he said it is a great place; referenced a letter he has submitted for the files.

Mr. Mossy explained that the outside tent is next to their neighbor's bedroom and that he understands the neighbor has been affected by the outdoor seating due to the Covid plan and that once these Covid mandates are withdrawn, the Red Inn will return to its normal seating wherein no noise complaints are fielded, in general.

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

### **Special Entertainment and Special Alcohol Licenses**

Petition from Blythe Frank and Christine Barker representing *Provincetown Film Society* for ***Special Entertainment and Liquor Licenses*** for events to be held on August 28 and August 29, 2021 from dusk to 2 to 4 hours after dusk at 1 MacMillan Pier. No rain dates requested.

Blythe Frank, Executive Director of Provincetown Film Society, presented by remote; said event screenings will take place at the end of MacMillan Pier; working with a company called Fun Flex, which they have employed for two previous screenings, at Motta Field and Herring Cove, both of which went off without incident; screenings to begin at dusk, looking to wrap by 10pm or 10:30pm and possibly earlier. Films include Mamma Mia! and Cry-Baby.

CD asked if permission was required from the Pier Corp. Ms. Frank concurred that approval has been received from the Pier Corp. and that beer and wine only would be served in enclosed containers. CB asked per TIPS trained staff and i.d.s to be checked, both of which were confirmed.

DG recused himself based on his association with the Pier.

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

### ***Public Statements***

Jay Critchely presented his annual benefit event, Swim for Life, to take place this year at the new Waterfront Park; previous alcohol vendor at the former Boatslip venue, Far Land Provisions, is no longer available as the prior business does not currently holding an alcohol license due to Covid restrictions. Mr. Critchley said his request is to waive the standard notification process and grant the event an alcohol license for another vendor.

No other Public Statements presented.

LF clarified that there will not be time for the abutter notification as the next LB meeting is scheduled for August 24<sup>th</sup>; offered that the options for the LB would be to waive the abutter notification as was done in 2020 due to Covid, or to schedule a special meeting for a LB vote in order to facilitate abutter notification; a third option would be to simply refuse the event/alcohol request this year. SB said he would be in favor of option #2 in order to get back to business as usual with proper abutter notifications. CD said she would be in favor of waving abutter notification today and to vote on the proposal for the alcohol service specifics at a later meeting. DG said he agreed with CD as only the vendor is changing. RD agreed, as well.

LF advised that the abutter notification could be waived today and approval would be pending a submitted special alcohol license application.

CD made a motion to waive the abutter notification for the Swim for Life annual event and invite the applicant to apply by application for a special license for that date. DG seconded the motion and it passed, 5-0-0; CD, DG, RD, CB, SB.

***Other Business***

None.

***Enforcement***

None.

***Code Compliance***

None.

***Amend/Transfer License***

None.

***New License***

**Art Gallery**

1. The Provincetown Commons, Jill Stauffer, mgr., d.b.a. ***The Commons***, 46 Bradford St., Provincetown MA 02657

Jill Stauffer, Executive Director, presented; explained that while they are not an art gallery as they don't sell art, they would like the license to have the option to pour a glass of rosé at an opening on a Friday night as they wish.

RD asked Ms. Stauffer to describe the Commons' mission. Ms. Stauffer explained The Provincetown Commons as a non-profit organization which opened in 2019 with a mission of economic development for year-round artist opportunities, including shared studio space and exhibition opportunities; artists apply for 3, 6 or 12 month stays and can renew twice; four meeting rooms are made available for professionals, featuring ergonomically correct chairs; Ms. Stauffer invited the LB in for a tour.

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

***Renew License***

**Art Gallery**

1. John Carney, mgr., d.b.a. ***Four Eleven Gallery***, 411 Commercial St., Provincetown MA 02657
2. Exuma, Inc., Gunter Hanelt, mgr., d.b.a. ***Nature's Lies***, 281-283 Commercial St., Provincetown, MA 02657
3. Hilda Neily, mgr., d.b.a. ***Hilda Neily Gallery***, 364 Commercial St., Provincetown, MA 02657

SB made a motion to approve the Art Gallery Renewal Licenses as written, DG seconded the motion and it passed, 5-0-0; DG, RD, CD, CB, SB.

**Common Carrier**

1. Mayflower Trolley #1, #2, #3

**SB made a motion to approve the Common Carrier Renewal License as written. DG seconded the motion and it passed, 5-0-0; DG, RD, CD, CB, SB.**

***Correspondence***

None.

***Minutes***

SB said he would abstain on today's minutes vote as he had not been at the meeting in question. CB recused as well, having recently joined the LB.

**SB made a motion to approve the LB meeting minutes of July 27, 2021. DG seconded the motion and it passed, 3-0-0; DG, RD, CD.**

***Old business***

None.

***New Business***

RD asked when the Compliance Officer will return to the LB meetings. LF said that until Covid is completely cleared up the Compliance Officer can be presented online as needed, adding that the officer listens in by remote when available.

***Licensing Board Statements***

SB welcomed Cass Benson to the Board.

***Licensing Agent Statements***

LF also welcomed Ms. Benson to the LB.

**DG made a motion to adjourn the meeting at 5:58pm. SB seconded the meeting and it passed, 5-0-0; DG, RD, CD, CB, SB.**

Respectfully Submitted,  
Jody O'Neil