

## Minutes

of the Town of **Provincetown Licensing Board** Regular Meeting Tuesday, May 23, 2000 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.

Present: Pat Hartzell (new member), Hunter O'Hanian (Chairman), Diana Robertson (Secretary), Keith Brickel, John Gagliardi, Jack Kelly, Greta Holman (Licensing Agent), Judith Oset (Permit Coordinator) Excused Carol Taylor Absent none

CONVENED: 5:00 p.m. ADJOURNED: 7:42 p.m.

## Public Hearing

The Provincetown Licensing Board will hold a Public Hearing to take public comment on the Licensing Board Rules and Regulations, to discuss, but not limited to, Outdoor Artists, Taxi Cab (Lettering size), Abutters notification for Special Entertainment licenses. A copy of the current Rules and Regulations is available from the Licensing Agent. First to speak, Charles P. Duffy d.b.a. **Duffy Did It** spoke on **section 9.02 Outdoor Artist or Sidewalk Artist** under **9.00 Miscellaneous licenses**. He opposes the limitation of six displays and working piece of artwork. His artwork is for display only, not for sale, examples to entice business.

Susan Wasson of the Carrie A Seaman Animal Shelter (CASAS) spoke against **section 2.01 New licenses Requiring Abutter Notification** under **2.00 Abutter Notification Requirements**.

Valerie Martin of **Cape Cab** spoke for changes in **section 8.00 Taxi Cabs**, that taking a bicycle destroys the cab, reduces the number of passengers they can carry, thus reducing their potential income. She would like either to be able to refuse taking a bicycle or a surcharge to recover some of the lost income.

Christine Hart of Café Blasé requested that **section 1.10 Causes for Revocation, Suspension, and Modification** under **General Rules for All Businesses** to include the words 'after a warning'.

## Meeting Agenda

### **Public Statements**

Philip M Gaudiano of 3 Conant Street, spoke on Scruples d.b.a. **Burger Mary's** at 149 Commercial Street, he hopes that the conditions that were on the license last year, to keep all windows and doors closed, etc, will be maintain if the board renews their common victualer license.

Evelyn Gaudiano, 3 Conant Street, also spoke about Scruples d.b.a. **Burger Mary's** at 149 Commercial Street, stating that there is a sign showing it's under new management and hopes that this will mean an improvement.

William Fitzpatrick d.b.a. West End Antiques at 146 Commercial Street also spoke his concerns about Scruples d.b.a. **Burger Mary's** at 149 Commercial Street.

### **Special Licenses**

The Provincetown Licensing Board will hold a Public Hearing to hear a petition from Crowne Pointe, Inc. d.b.a. **Crowne Pointe**, 82 Bradford Street, to apply for a Special Liquor License (wine and malt only) and a Special Entertainment License for a benefit event to be held at Crowne Pointe, 82 Bradford Street on Monday, July 3<sup>rd</sup> from 2:00 P.M. till 5:00 P.M. with a rain date of Wednesday, July 5<sup>th</sup>. The event will include live music, a DJ, and wine and malt will be served.

**Motion to approve by Jack Kelly Seconded by Pat Hartzell Vote 3-0-2 Passed (Keith Brickel and Diana Robertson)**

The Provincetown Licensing Board will hold a Public Meeting to hear a petition from **Carrie A Seaman Animal Shelter**, for a special entertainment license for an auction to be held on Sunday, June 4th from 4:00 P.M. to 7:00 P.M. upstairs at Napi's Restaurant, 7 Freeman St.

**Motion to approve by Diana Robertson Seconded by Jack Kelly Vote 5-0 Passed**

The Provincetown Licensing Board will hold a Public Meeting to hear a petition from **The Lions Club**, for a special entertainment license for an auction to be held on Saturday, May 27th from 3:00 P.M. to 1:00 AM. at the Best Inn, 698 Commercial St.

**Motion to approve by Pat Hartzell Seconded by Keith Brickel Vote 5-0 Passed**

The Provincetown Licensing Board will hold a Public Meeting in the Judge Welsh Room, Town Hall, 260 Commercial Street, Provincetown, Massachusetts, to hear a petition from Robert Larson, **Larson Gallery**, for a special entertainment license for a Hurty Gerty Band to play on Friday thru Sunday, May 26<sup>th</sup>, 27<sup>th</sup>, & 28th from 7:00 to 9:00 P.M. with a rain date of June 2<sup>nd</sup> and 3rd from 7:00 to 9:00 P.M. at Larson Gallery, 398 Commercial St

**After a telephone call to the requester, he cancelled his request.**

## ***New Licenses***

### **Taxi Operators**

1.R. Bunny Clinton, 4 Railroad Ave. #2 Provincetown for ***Cape Cab***

**Motion to approve by Keith Brickel Seconded by Diana Robertson Vote 5-0 Passed**

### ***Transfer***

#### **Lodging House**

1.Stephen J. Sauchuk d.b.a. ***Normandy House*** at 184 Bradford Street, transferred to Tait Accommodations, Inc  
d.b.a. ***Normandy House*** 184 Bradford Street.

**Keith Brickel stepped down for this vote; John Gagliardi replaced him Motion to approve by Jack Kelly Seconded by John Gagliardi Vote 5-0 Passed. Keith Brickel rejoined the board.**

### ***License Renewal with D.B.A. change***

#### **Transient Vendor/Art Gallery**

1.Erhan Tunali d.b.a. ***Soloi***, 359 Commercial St. (d.b.a. change from Rice Things)

**Two actions were needed for this applicant. 1) Motion to approve the renewal of the license Motion to approve by Jack Kelly Seconded by Keith Brickel Vote 5-0 Passed, 2) motion to approve the d.b.a. change, Motion to approve by Jack Kelly Seconded by Keith Brickel Vote 5-0 Passed**

### ***License Renewal with reduction in the number of rooms***

#### **Lodging House**

1.Peter L Boyle d.b.a. ***Anchor Inn***, 175 Commercial St

**Keith Brickel stepped down for this vote; John Gagliardi replaced him Motion to approve by Jack Kelly Seconded by Diana Robertson Vote 5-0 Passed. Keith Brickel rejoined the board.**

### ***License Renewals***

#### **Common Victualers with Entertainment**

1.Cerrutti Restaurant Corp d.b.a. ***Cerrutti's and Co.*** 131-133 Bradford St.

2.T-UNA-S, Inc. d.b.a. ***Euro Island Grill & Café.***

**Pat Hartzell stepped down for this vote and John Gagliardi replaced her, Motion to approve by Keith Brickel Seconded by Diana Robertson Vote 5-0 Passed, Pat Hartzell rejoined the board.**

#### **Common Victualer**

1.Provincetown Food Service Inc d.b.a. ***Mario's Meditereoano***, 267 Comm. St

2.Blasé Inc d.b.a. ***Café Blasé***, 328 Commercial St.

3.Scruples, Inc d.b.a. ***Burger Mary's*** 149 Commercial St.

**1) Motion to approve by Pat Hartzell Seconded by Keith Brickel Vote 5-0 Passed**

**2) Motion to approve by Keith Brickel Seconded by Pat Hartzell Vote 5-0 Passed**

**3) Motion to approve amendment that conditions show that proof of TIPS training will be submitted prior to the July 11<sup>th</sup> by Keith Brickel Seconded by Jack Kelly Vote 5-0, Motion to approve as amended by Jack Kelly Seconded by Diana Robertson Vote 5-0 Passed.**

#### **Transient Vendor/Art Gallery**

1.Jorge Betancourt d.b.a. ***Dirty White Boy***, 191 Commercial St.

2.Robert Clibbon d.b.a. ***Clibbon Gallery***, 427 Commercial St.

3.Annie Dewaniero d.b.a. ***Annie Dew Original Art***, 385 Commercial St

4.Coleen Curley d.b.a. ***The Bead Garden***, 3 Ryder St ext.

5.Sarah G Thompson d.b.a. ***Henna Tattoo at the Third Eye***, 194 Comm. St

6.Clyde Mellert d.b.a. ***Provincetown Second Hand Store***, 389 Commercial St

**Motion to approve by Diana Robertson Seconded by Keith Brickel Vote 5-0 Passed**

#### **Lodging House**

1.Andrew Turocy d.b.a. ***Roomers***, 8 Carver St.

2.G. Bruce Head d.b.a. ***Atwood Inn Guest House***, 4 Atwood Ave.

3.Peter Bez d.b.a. ***Admirals Landings***, 158 Bradford St

4.Lovinger Nominee Trust d.b.a. ***Lotus Guest House***, 296 Commercial St

5.Betty Adams d.b.a. ***Windamar House***, 566-568 Commercial St

6.Florence E Corea d.b.a. ***Corea's Guest House Parking Lot***, 5 Cottage St

**Keith Brickel stepped down for this vote; John Gagliardi replaced him Motion to approve by Jack Kelly Seconded by Pat Hartzell Vote 5-0 Passed. Keith Brickel rejoined the board.**

#### **Parking Lots**

1.***United Methodist Church***, 20 Shankpainter Road.

2.Florence E Corea d.b.a. ***Corea's Guest House Parking Lot***, 5 Cottage St

3. Charles Silva d.b.a. **Charles Silva's Parking Lot**, 57 Shankpainter Rd

4. **St Peter's The Apostle Church Parking Lot**, 11 Prince St

2) Withdrew request due to illness so it was not inspected

1, 3 & 4) Motion to approve by Keith Brickel Seconded by Diana Robertson Vote 5-0 Passed  
Class I and II

1. Mark S. Silva d.b.a. **Rod's service Station**, 42 Conwell St.

Motion to approve by Pat Hartzell Seconded by Keith Brickel Vote 5-0 Passed

**Taxi Operators**

1. Luana Dalmeida, Provincetown, for **Cape Cab**

2. Katrina A Parker, Provincetown for **Mercedes Cab**

Motion to approve by Keith Brickel Seconded by Diana Robertson Vote 5-0 Passed

**Correspondence**

Philip M Gaudio of 3 Conant Street, on Scruples d.b.a. **Burger Mary's** at 149 Commercial Street

The Gifford House wrote in support of Kross Inc and their request for a Liquor license. This license was pulled from this agenda and moved to the June 13<sup>th</sup> meeting due to the need to re-advertise.

**Minutes— May 09, 2000 Motion to approve as amended by Diana Robertson Seconded by Keith Brickel Vote 5-0 Passed**

*Licensing Board Statements*

*Licensing Agent Statements*

**OTHER BUSINESS – ANY OTHER BUSINESS WHICH SHALL PROPERLY COME BEFORE THE BOARD**

**Float Spaces**

Correction of Float space 1W, Edward Salvador, 35 Franklin St, Float Space 1W, missed one vessel on the license, **JUNIE L**. The license should show both the **Wendy JO** and **JUNIE L**.

Motion to approve by Diana Robertson Seconded by Pat Hartzell Vote 5-0 Passed effective as of the date of the renewal.

AFTER DISCUSSION THE FOLLOWING CHANGES WERE PROPOSED FOR THE LICENSING BOARD'S RULES & REGULATIONS (ALL CHANGES ARE SHADED AND UNDERLINED)

**2.00 ABUTTER NOTIFICATION REQUIREMENTS**

**2.01 New Licenses Requiring Abutter Notification and Public Hearing**

Abutters within a 75 foot radius shall be notified via certified letter if any of the following are applied for:

- a) New Common Victualers licenses
- b) New Entertainment licenses
- c) New Innholder licenses
- d) New Liquor licenses
- e) New Boarding, Lodging, Guest House, or Tourist Home licenses
- f) New Parking Lot licenses
- g) New Stable licenses

**2.02 New Licenses Requiring Abutter Notification**

- a) Special Entertainment licenses (only for locations other than those who already have an entertainment license)
- b) Special Liquor licenses

**2.03 Other Transactions Requiring Abutter Notification and Public Hearing**

Abutter notification by the applicant via certified letter is required for the following liquor license transactions:

- a) Change of location
- b) Altering premises
- c) Change of seasonal to annual
- d) Addition of cordials and liqueurs

Motion to approve by Diana Robertson Seconded by Keith Brickel Vote 5-0 Passed

**Change #2 Section 8.00**

- a) Licensing Board's Rules & Regulations, State and local laws may result in a suspension or revocation of license.
- b) Taxicab owners shall notify the Licensing Board when drivers leave the company.
- c) TAXI RATES: To/from Herring Cove Beach or the Visitor Center is \$4.00 per person. To/from the Airport or Race Point Beach is \$5.00 per person. All other fares in Provincetown are \$3.00. Children (under 12 years of age) - \$1.00 off when accompanied by an adult. \$2.00 surcharge per fare from 1:00 a.m. to 6:00 a.m.

\$5.00 surcharge per bicycle.  
\$60.00 hourly rate in Provincetown.

- d) Multiple fares may be carried concurrently. A fare shall be a person or persons picked up and dropped off together.
- e) The Licensing Agent or Licensing Board is authorized to issue a temporary operator's license and a temporary vehicle swap after a vehicle inspection by the designated officer. Temporary license may be valid for not more than ten (10) days.
- f) No smoking is allowed in taxicabs at any time.

**Motion to recommend to the Board of Selectmen to approve a surcharge of \$3.00 by Diana Robertson  
Seconded by Pat Hartzell Vote 5-0 Passed**

**Motion to approve a change in surcharge from \$3.00 to \$5.00 by Jack Kelly Seconded by Keith Brickel Vote 5-0  
Passed**

## **9.00 MISCELLANEOUS LICENSES**

### **9.01 Peddlers**

- a) No person may sell or display wares in Provincetown without a Provincetown peddler license issued by the Licensing Board.
- b) No peddler may sell or display wares within 100 ft. of a store selling similar wares.
- c) No peddler except one doing business in Provincetown prior to May 24, 1971 may sell wares on any town wharf, town parking lot, or town way, other than Bradford Street, except that a peddler may sell wares on Commercial Street between October 1 and May 15 of each calendar year.
- d) Each peddler must follow the flow of traffic and must keep moving when not engaged in the process of selling.

### **9.02 Outdoor Artist or Sidewalk Artist**

The Provincetown Board of Selectmen voted to establish a license category for outdoor artist. (7/24/86)

- a) Sidewalk artist engaged in commercial activity will be limited to a number of outdoor display works approved by the Licensing Board.
- b) The artist shall solely offer his/her own work.
- c) A license can be granted only after zoning and electrical requirements are satisfied.
- d) No artist shall work after 11:00 p.m.
- e) These rules shall not apply to artists working in public, while not engaged in commercial activity.
- f) The display and work in progress should not impede motor or pedestrian traffic.

**Motion to approve by Diana Robertson Seconded Jack Kelly Vote 5-0 Passed effective when the new hearing approves the proposed changes.**

**Motion to reconsider Crowne Pointe vote by Diana Robertson Seconded by Jack Kelly – withdrawn by Diana Robertson, all agree to withdraw the motion.**

**Motion to suggest to the Board of Selectmen that Boards be given more time to respond to requests for goals, Motion to approve by Hunter O'Hanian Seconded by Keith Brickel Vote 5-0 Passed**

Licensing Board Approval:

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Hunter O'Hanian , Chairman Keith Brickel (Vice-Chair)

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Diana Robertson (Clerk) Jack Kelly

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Patricia Hartzell John Gagliardi

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Carol Taylor