

Minutes of the Town of **Provincetown Licensing Board** Regular Meeting Tuesday, November 14, 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: Keith Brickel (Vice Chairman), Diana Robertson (Secretary), Jack Kelly, Pat Hartzell, John Gagliardi (alternate), Greta Holman (Licensing Agent), **Excused** Hunter O'Hanian (Chairman), **Absent** none, **Others Present:**

CONVENED: 5:00 p.m.

ADJOURNED: 7:15 p.m.

Public Hearings

Meeting Agenda

Public Statements

Special licenses

To hear a petition from Peter Grosso representing the **Provincetown Lions Club**, PO Box 559 Provincetown, to apply for a Special Entertainment License for a Monte Carlo Night to held in the Best Inn at 698 Commercial Street on Saturday, March 10th from 8:00 P.M. till 1:00 A.M. with no rain date

Motion to approve by Jack Kelly Seconded by Pat Hartzell Vote 5-0 Passed

To hear a petition from Peter Grosso representing the **Provincetown Lions Club**, PO Box 559 Provincetown, to apply for a Special Parking Licenses for both the Pilgrim Memorial Monument and Veterans Memorial Elementary school to may 26th & 27th 2001, July 4th, 2001, August 16th, 2001 and September 1st & 2nd, 2001 from noon till 5:00 P.M. all dates, with no rain dates.

Motion to approve by Jack Kelly Seconded by John Gagliardi Vote 5-0 Passed

To hear a petition from Terry Catalano representing **Tcatco**, 8 Pearl Street, Provincetown, to apply for a Special Entertainment License for a art auction to held in the Crown and Anchor at 243 Commercial Street on Saturday December 2nd and Saturday, December 30th from noon till 4:00 P.M. for preview and 4:00 P.M. till 6:00 P.M. for the live auction with no rain date

Motion to approve by John Gagliardi Seconded by Diana Robertson Vote 5-0 Passed

To hear a petition from Pauline Richmond or Kathryn Olsen representing the **VMES 6th Grade Class**, Mayflower rd., Provincetown, to apply for a Special Parking Licenses for the Veterans Memorial Elementary school, Mayflower Rd., on Wednesday November 22nd, 2000 from noon till 11:00 P.M. with no rain dates.

Motion to approve by Diana Robertson Seconded by Pat Hartzell Vote 5-0 Passed

Agenda Item

Atty. E. James Veara representing Family tran, Inc, d.b.a. **Szechuan Restaurant**, 179 Commercial street, to discuss the licensing Agents letter of 09/13/00 regarding the renewal of their liquor license. Represented by Atty. E. James Veara, Atty. Jay Murphy and Dieu Tran.

Atty. Veara argued that the description of the premise on the license has been ok for decades and couldn't understand why it needed to be changed now. "There was never a wood deck, only a brick patio." Therefore, the change of the word deck to patio is the appropriate move at this time. Requiring Mr. Tran to amend his license at this time opens it up to possible appeals. He also argued that the appeal that was in the courts now was regarding the service of food, not alcohol and that this Board had voted last summer to allow the restaurant to continue to send their customers outside on the 'patio' with their drinks. Whether or not the building is a 2 or 3 story building will be left to the discretion of Warren Alexander, Building Commissioner. Licensing Agent Greta Holman stated that the restaurant had an All Alcohol Common Victualler license and required that outside service (food or alcohol) would have to be allowed by

zoning or the area of the patio must be considered part of the 'legal description of premise'. Currently, due to the zoning decision, the outside patio is not part of the legally described premise.

Jack Kelly stepped down from this topic. It was moved to take no action on the changes on the license till the resolution of the Zoning Appeal that is scheduled for January, 2001. Therefore no action will be taken at this time, the decision of 9/13/00 will stand till the conclusion of the appeal process.

Motion to take no action at this time by Diana Robertson Seconded by Pat Hartzell Vote 4-0 Passed

321 Commercial Street Trust operating as Clambake, Inc, d.b.a. **The Lobster Pot**, represented by Mary joy McNulty, requests to be closed for ten weeks for major renovation of the kitchen (building permits already approved).

Represented by Joy McNulty

Motion to approve by Pat Hartzell Seconded by Jack Kelly Vote 5-0 Passed

Amended Licenses

Innholders

1. C-K Pilgrim land Corporation d.b.a. **The Red Inn**, 15 Commercial Street, change of manager, Robert J. Kulesza to Michael P. Clifford.

No Action Taken as Applicants were not present

This next license was moved down to the renewal section to allow board members to only step down once.

Lodging House

1. James Baer d.b.a. **The Captain and His Ship**, 164 Commercial Street was Bed & Breakfast and now just a Lodging house.

Motion to approve by Jack Kelly Seconded by Pat Hartzell Vote 3-0

New Licenses

Taxi Operator

2. Robert A Scott, Provincetown

Motion to approve by Diana Robertson Seconded by John Gagliardi Vote 5-0 Passed

License Renewals

Common Victualler

3. Gallerani's, Inc. d.b.a. **Gallerani's**, 133 Commercial, Street

Motion to approve by Pat Hartzell Seconded by John Gagliardi Vote 5-0 Passed

Innholder with Entertainment

2. Draper-Rigg Inc. d.b.a. **The Commons**, 386 Commercial, Street

Motion to approve by Diana Robertson Seconded by John Gagliardi Vote 5-0 Passed

Lodging House

1. John Randall House, Ltd. d.b.a. **The John Randall House**, 140 Bradford St
3. Thomas Michael Realty Trust d.b.a. **Thomas Michael Realty Trust**, 89 Bradford Street
4. John Peterneil and Richard Golon d.b.a. **The Archer Inn**, 26 Bradford St
5. Sandpiper Management Trust d.b.a. **The Sandpiper Beach House**, 165 Commercial street
6. James Baer d.b.a. **The Captain and His Ship**, 164 Commercial Street
7. Noble Guest House Inc, d.b.a. **Dexter's Inn**, 6 Conwell Street
8. COVGAR II, LLC d.b.a. **Christopher's By the Bay**, 8 Johnson Street
9. Ann Mac Dougall/Laura Borge d.b.a. **Rose and Crown Guest house**, 158 Commercial Street.

Keith Brickel and John Gagliardi stepped down from the Board and Diana Robertson chaired the vote

Motion to approve all nine by Pat Hartzell Seconded by Jack Kelly Vote 3-0 Passed

Keith Brickel and John Gagliardi rejoined the Board.

Entertainment - Weekday and Sunday

1. Of the Sun, Inc. d.b.a. **Chaser's**, 293 Commercial St

Motion to approve by John Gagliardi Seconded by Diana Robertson Vote 4-0-1 Passed (Jack Kelly)

Correspondence

Minutes –October 05, 10, 24 & November 09, 2000

Motion to approve all four by Diana Robertson Seconded by John Gagliardi Vote 5-0 Passed

Licensing Board Statements

Licensing Agent Statements

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

Licensing Board Approval:

Hunter O'Hanian , Chairman

Keith Brickel (Vice-Chair)

Diana Robertson (Clerk)

Jack Kelly

Patricia Hartzell

John Gagliardi