



# Minutes

of The Provincetown Licensing Board Public Meeting on **Tuesday, October 9, 2012** at 5:15 p.m. in the Town Hall Auditorium, 260 Commercial Street.

**Present:** AJ Petras, Kristin Hatch, Dallas Sowers, Frank Thompson, Rebecca Matarazzi, Richard Alves

**Staff Present:** Darlene Van Alstyne

## ***Public Hearings***

### **Show Cause Hearing**

1. The Licensing Board will consider whether to suspend, revoke, or put conditions on the Outdoor Artist License of Steven D. Lyons at a show-cause hearing to determine if he is in violation of Licensing Board Rules & Regulations Section 10.02(a): engaging in commercial activity displaying more than six paintings and one painting in progress.

(Continued from September 25, 2012 meeting)

Steve Lyons, Peter Demers, John LaCroix and, Roxanne Peres sworn in.

Staff presents evidence – file with photos and emailed complaints.

Steve Lyons states that painting is done in layers and is set outside to dry and that Peter Demers is having yard sales, not him. Mr. Lyons states that he is not displaying more than the allotted number of paintings.

AJ Petras discusses the photos of the “yard sale.” Mr. Demers explains that a gallery license is being applied for and that he has met with the Building Commissioner, and Licensing Agent regarding obtaining a gallery license, and it is in the works. Kristin Hatch states the regulations do not allow you to operate a business outside of your home.

Photo with art work in front of the house and in the back is presented. John LaCroix states that their backyard faces his living room. Mr. LaCroix shows pictures he has as evidence – people going into the house, customers in the yard and states that it is a disturbance to his household, to the neighbors, and he should obtain a license.

Roxanne Peres states that Mr. Lyons and Mr. Demers have done what they want to do, and she is upset about it.

Mr. Lyons asks if people who came to the house to buy art had been interviewed or have the abutters interviewed Mr. Lyons or Mr. Demers as to what was going on.

Dallas Sowers states that calling it a yard sale is deceptive since all of the art work for sale is created by Mr. Lyons.

Ms. Peres states that she spoke to Mr. Demers in June and was told they did not need a license to sell his artwork. Mr. Demers states that Ms. Peres said she did not have a problem with that and that

they obviously found a loop hole regarding yard sales, but are now trying to do the right thing by applying for the full gallery license.

Closing statement: Mr. Lyons does not feel he has violated his outdoor artist license and that the complaints are all based on assumptions. Mr. Lyons said that he paints in layers with acrylic paints that dry quickly for shipping and selling on the internet. Approximately 90% of the paintings sold are Steven Lyon's artwork.

**Motion by AJ Petras to close the show-cause hearing. Seconded by Rebecca Matarazzi. Approved 5-0.**

Deliberation by the board. Kristin Hatch states that ignorance of the law is not an excuse. Rebecca Matarazzi states that it is too little too late. AJ Petras agrees that they have been a gallery and that he thinks he is in violation and the license should be revoked.

**Motion by AJ Petras to revoke the outdoor artist license for Steven Lyons effective immediately, and restrict the further sale of artwork anywhere on the property located at 108 Commercial Street until and if a gallery license is formally established at that location. This action is being recommended because we have ample evidence that more than six works of art, plus one in progress, have been consistently on display by this outdoor artist at this location. Seconded by Rebecca Matarazzi.**

Discussion: The Licensing Board feels that Mr. Lyons is circumventing the law, the rules were explained to him.

**License revoked by a vote of 5-0.**

### ***Public Statements***

None.

### ***New License***

#### **Taxi Operator**

1. Samantha Kennen – Junior's Taxi

Was not informed of the meeting. Will schedule for the meeting on October 23,2012.

### ***Renewal License***

#### **Lodging**

1. Grand View Inn, LLC, Gary Vance, mgr. d.b.a. **Grand View Inn**, 4 Conant St., Provincetown, MA.

**Motion to renew by AJ Petras. Seconded by Frank Thompson. Approved 5-0.**

2. Kenneth F. Nelson d.b.a. **The Bradford-Carver House**, 70 Bradford St., Provincetown, MA.

**Motion to renew by Dallas Sowers. Seconded by Frank Thompson. Approved 5-0.**

**Correspondence** – None.

### ***Minutes – August 28, 2012***

**Motion to approve by AJ Petras. Seconded by Dallas Sowers. Approved 5-0.**

### ***Minutes – September 25, 2012***

**Motion to approve by AJ Petras. Seconded by Rebecca Matarazzi. Approved 5-0.**

**Code Compliance** – Incident reports. Hot L was issued a \$25 citation for not having occupancy sign posted. Incident report spreadsheet for next meeting.

**Old business** – Frank Thompson requests that the liquor license types be separated into groups for renewals.

***Motion by AJ Petras to adjourn. Seconded by Rebecca Matarazzi. Meeting adjourned 6:23.***