



Minutes

Of the Provincetown Licensing Board Public Meeting at 5:15 p.m. on **Tuesday, May 13, 2014** in the Judge Welsh Meeting Room, Town Hall, 260 Commercial Street.

Members Present: Kristin Hatch, AJ Petras, Frank Thompson, Anthony De Jacimo, Deborah Heller

Staff Present: Aaron Hobart, Rich Alves

Meeting Agenda

Public Hearings

Noise By-Law Waiver – *continued from 4/22*

Petition Richard Murray, representing **The Crown & Anchor** for a **Special Entertainment License & Noise By-Law Waiver** on July 2, 2014 at 243-249 Commercial St. Rain Date of July 3, 2014.

Kristin Hatch recuses herself as an employee of the Crown and Anchor

Rick Murray representing the Crown and Anchor

Correction of date and location approved by board

Discussion regarding event to be held in beach area behind the Crown & Anchor

No one from public to speak for or against.

Motion to Approve by Frank Thompson. Second by Anthony DeJacimo. Approved 4-0.

Special Entertainment License & Noise By-Law Waiver – *continued from 4/22*

Petition from **Lynn d'Angona**, representing **Provincetown Cares** for a **Special Entertainment License & Noise By-Law Waiver** on May 25, 2014 at 698 Commercial St. No rain date requested.

Motion to Continue by AJ Petras. Second by Frank Thompson. Approved 5-0

Special Entertainment License

Petition from Adam & Marian Peck, representing **A Gallery** for a **Special Entertainment License** (for Unamplified Acoustic Music) on June 6, 20 & 27; July 4, 11, 18, & 25; August 1, 8, 15, 22 & 29; September 5 & 12, 2014 from 7 pm to 10 pm at 192 Commercial St. No Rain Dates Requested.

Motion to continue by AJ Petras. Second by Frank Thompson. Approved 5-0

Special Entertainment License and Noise By-law Waiver

Petition from Morgan Jacobus, representing **Family Equality Council** for a **Special Entertainment License & Noise By-Law Waiver** on July 26 – August 2, 2014 at Bas Relief. No rain date requested.

Motion to Continue by AJ Petras. Second by Frank Thompson. Approved 5-0

Alteration of Licensed Premises

Petition from Robert Anderson, representing *The Gallery Catering, LLC d.b.a. The Canteen* for an ***Alteration of Licensed Premises*** at 225 Commercial St., Provincetown, MA.

Robin Reid, Robert Anderson, Loic Rossignon, and Tom Pucci representing The Canteen
Discussion of background of plans for the premises. Stuck in chapter 91. Interim plan was to use all fast food seats in the front of the building.

Robin: Got '10 best' restaurant CC Magazine. They are "innovators"

Would like to add rear yard with long single table. Flex seats are part of the plan to take and make 11 full service seats.

Zoning has approved the outdoor service area.

Robin: Discussion about concerns licensing board may have; 1. Noise – to the west is crown and anchor with the pied piper and aqua bar to the east. This is dining not a bar. 2. Control of alcohol – easy to manage and bound area. Committed to staff area. Flex to full seats won't happen often.

Photos shared with board members by licensees

Entrance through the side gate. Same service from the front with alcohol carried to the outside.

Photo of side lane shared with the board. Alcohol to be carried by staff member will carry alcohol to the back.

Open are with no cover.

No one from public to speak for or against.

Deborah: what are hours of service?

Robin: they have been operating 11 to 11 but now asking for 11 p.m. to 1 a.m.

AJ Petras: this is an enhancement to the business. Especially with the staff carrying the alcohol.

Kristin: I appreciate you bringing your lawyer when dealing with difficult items from the ABCC. Nice to see Tom as we granted license largely based on your experience with alcohol.

5 letters of support read into the record by the chair.

Anthony discloses that he is the manager of a restaurant in town.

Discussion regarding flex to 11 seats from 20 with table service.

Discussion re: glassware.

Robin: let's leave the hours from 11 to 11.

Motion to Approve by Deborah Heller. Second by AJ Petras. Approved 5-0.

Special Entertainment License

Petition from Joshua Prager, representing *Twenty Summers, Inc.* for a ***Special Entertainment License*** on May 16 from 8 to 11 pm, May 17 from 8 to 11 pm, May 23 from 7:30 pm to 10 pm, May 24 from 10 am to 5 pm, and 8 pm to 11 pm, May 31 from 8 pm to 11 pm, June 5 from 5:30 pm to 11 pm, June 7 from 10 am to 3 pm & 8 pm to 11 pm and June 14 from 10 am to 6 pm and 8 pm to 11 pm, 2014 at 29 Miller Hill Rd. No Rain Dates Requested.

Joshua Prager representing 20 Summers, Inc.

Discussion regarding date of first event.

Joshua: "I was wrong and unaware." Long record of getting all permits in town. Sean McNulty let me know about the licensing portion with apologies for lateness. Got letters out to abutters. It won't happen again as I am well aware now. I have addressed the event closing issue with my neighbors and they will now go to 9:30 p.m.

Joshua reads letter into the record, including history of 20 Summers and programming schedule.

No parking on Miller Hill. No alcohol whatsoever. Gave my number to all abutters and because of three conversations we have limited concerts to 9:30 p.m.

Thank you to the local businesses that have helped.

Erik Angstrom speaks against application. In April came home to smoke in the house and an industrial generator in the driveway of the barn.

Shares photo of generator with the board.

Spoke with police officer about the generator who visited with Mr. Prager who had claimed he had a permit from town's building inspector. He told officer he needed the generator to heat the barn during a stay with his parents. I was told it could not be turned off. I contacted Brian Carlson in the health department. Mr. Prager called me to tell me he absolutely needed generator to heat the barn. Told that he had OK from town building department and that there was nothing prohibiting their use. These large generators are supposed to be used in open air spaces. They have known carcinogens. My background is in health. Mr. Prager changed fuel source to alleviate the smell to biodiesel. Unfortunately in doing so made things worse. It took several town officials and selectmen with conference call with owners of property to get him to turn off the generator.

Kristin: tell me what you think about the events

Erik: I am torn. He has been less than effective in managing the process and ignorance is no excuse. How can we trust someone who does this type of thing to their neighbors.

Deborah Minsky speaks in favor of 20 Summers, as regrettable as the generator issue is, this young man has a workable dream to make something historically irreplaceable part of our legacy.

Disclosure: I just wrote an article in the banner about this project but I am speaking as a citizen. Important to keep the Hawthorne Barn as it was.

Cathleen Bacon (resident of Welfleet) speaks in favor. I am part of this project with a lot of experience managing events. There will be lots of volunteers. We have two parking areas with Ptown Pedicab and Cape Cab to get people to the Hill. As an artist I look at this man as a visionary. The level of talent is nothing like Provincetown has ever seen. Article in the Globe and on NPR and tonight on WGBH. I urge you to pass the licenses.

Jim Pelisino at 59 Harry Kemp Way speaking . Need to take a broader look at the event. I am concerned that the actual owners of the barn are not present today. Field card states residential with no heat source. Was told by Outer Cape that we had Particulate Matter due to the generator. Discussion regarding living arrangement at the barn

Jim discusses the parking on Harry Kemp Way. We live there and will be impacted. Does the fire department need to sign off on something like this? It is a densely populated area in a forested area. Will there be cigarette smoking? Will there be a generator? Questions statement that he followed all rules of the town when he lived in the barn before May 15th. Could be a liability for the town.

Jim Bakker speaks in favor of the event as resident and abutter. Very impressed with his ability to generate press and exposure for the town and the event. Disclosure: I am moderator for the first session. Confident that Josh will address the concerns and hope you rule in a favorable manner.

Jef Hal-Flavin of Provincetown and Tennessee Williams Festival. Speaks in favor. "head of an organization that had a scrappy beginning." We were told by town manager. No handbook for running event in town. The good to the town by our event has outweighed our rough start. The only way the public can participate is through Josh's vision. It will take a year to see how neighbors will co-exist with festival.

Kathy Carter speaks in favor as artist who will work in the barn. First time I stepped in the barn was last week. It is phenomenal. I agree with previous speaker that you need to give it a try. My take on it with all that is proposed is more on the level of a dinner party than a concert. Parking in two businesses and not on street. I am in favor.

Sean McNulty speaks in favor I am part of this organization for many reasons. I am aware of the traffic on Harry Kemp and Howland. In my opinion with 50 to 70 seats we are lucky to have 25 cars.

Most people come to events and come for the day and they park wherever. We are offering public transportation.

Sean reads letter into the record regarding his history with the town and the barn. Economic impact will help all of Provincetown and its businesses. People from all over New England are excited.

Letters for and against read into the record.

Chair closes public portion.

Kristin: I didn't see any parking plans or security plans.

Cathleen Bacon: Parking will be at insurance agency and Harry Kemp way. 48 spaces but don't think we will have 48 vehicles. 7 volunteers per event. 4 for parking and 3 to manage property. 2 port potties and trash service. I have worked at preservation hall and in the restaurant business.

Kristin: amplification?

Cathleen: gently, yes. All egresses will be well lit. 9:30 at the latest for the end times. Hope to have the property completely vacant by 10 p.m.

Deborah: are windows open?

Cathleen: they will be closed.

AJ: Egress will be lit. Approved for 150 but not more than 75. Have all building codes been met? What happens on a chilly night?

Joshua: no generators. Wood burning stove is the only heat source.

AJ: what if there is a funeral

Joshua: we will use the insurance lot

Anthony: concerned about getting people to and from lots. People won't be walking?

Cathleen: people may walk but we are offering pedicabs and cabs to the foot of Miller Hill Road.

Deborah: program is rich and exciting but at the same time you have neighbors and it is residential.

That is a tension that exists a lot in this town. I was taken by Jeff's statement about a bumpy start. Is there a process that can be done at the end for what worked and what didn't work? It is a wonderful idea. It is hard to say no but I'd like us to let neighbors have a voice.

Joshua: I am not indifferent to the neighbors. I have approached them many times.

Deborah: I'm looking for a formal process

Cathleen: if awarded these license we have 19 other summers to iron it out.

Joshua: we have an agreement with the barn for 7 summers.

Kristin: During these events we get sucked into discussion about art. I was on Miller Hill and was told by people you can hear conversation from one house to the next. Is this now an entertainment venue, but now an entertainment venue. Fire concerns, impact to the community. Sound like a great event but I have concerns. I have been hearing from people all week about unresponsiveness. Valid to be worried about noise and traffic. This is our job to represent the public. If the board were to say no what would you do?

Joshua: Nothing. We wouldn't have the event.

Kristin: what are we looking for? Parking plan, no alcohol. This might go a lot better if you hire a police detail for the event. A witness to noise levels.

Joshua: That's fine.

Kristin: everyone would feel better about it. You are asking for an entertainment license for the building that make it an entertainment venue.

Joshua: spoke with Russ about becoming ADA compliant.

AJ: we do have to look out for the public. Did she contact you?

Joshua: an email from the owners of the barn from them and tried to get together with them. I spoke to them on the phone.

AJ: speaks to letter mentioning irate renters renting next to an entertainment venue. This is a dilemma. Outstanding programming but concerns.

Kristin: Sell 50 and give 10 to the neighbors.

Motion to Approve by AJ Petras. *With the condition that 1.) A police detail be hired for each event, 2.) that you limit number of participants to no more than 75, 3.) that parking contained to two lots mentioned and that shuttle be made available, 4.) and that a minimum of 7 volunteers and/or staff are used at each event.* **Second by Frank Thompson.**

Kristin: where do proceeds go.?

Joshua: 20 Summers for the perpetuation of the event, and to Cape Cod School of Art.

Kristin: non-profit benefits?

Joshua: to the continuation of the programming in future years.

Kristin: I suggest you look for other venues. You can make more money in a larger venue.

AJ: if there is an issue during the event you should approach the detail officer record your complaint.

Anthony: I am going to vote against. Not because of the events but because of the residential nature of the area and the traffic from the lots to the events. I think the idea is great

Approved 4-1-0.

Other Business

Lodging

1. Ranchwood Inc., Robert LaPlume, mgr., d.b.a. **Crew's Quarters**, 198 Commercial St. Provincetown, MA 02657

Discussion regarding the modification of the conditions placed on the Guest House license

Thomas Masters, Robert LaPlume, George Goen, Brian DeLaurentis

Discussion regarding updates on situation on the 3rd floor

Discussions ongoing with Russ Braun for egress issue

Letter from Russ Braun read into the record by chair.

Kristin: they are giving you time.

Anne Howard speaks as to the building departments intention to allow use of the third floor

Motion to remove conditions with compliance with building departments recommendations by AJ Petras. Second by Frank Thompson. Approved 5-0.

Amend License

Special License

Special Parking Lot

1. Petition from Peter Grosso representing **Provincetown Lions Club** for **Special Parking Lot Licenses** at Motta Field, on August 21, 2014; at St. Peter's Church on July 4 and August 21, 2014; and at the VMCC on May 25, July 4, and August 31, 2014;

Peter Grosso represents Lions Club

Speaks regarding Lions Club parking for over 20 years.

Motion to Approve by Frank Thompson. Second by Deborah Heller. Approved 5-0.

2. Petition from Peter Grosso representing **Outermost Hostel** for **Special Parking Lot Licenses** at 28-30A Winslow St. on July 4, 2014; August 21, 2014; and Saturdays and Sundays from May 24 through October 13, 2014;

Kristin: why not go for full parking lot license

Peter: very expensive for process including detailed plot plan

Discussion regarding street for Ragnar

Motion to Approve by Deborah Heller. Second by Frank Thompson. Approved 5-0.

New License

Retail

1. Kohi Coffee Company, Inc., Ryan Campbell, mgr., d.b.a. ***Kohi Coffee Company***, 199 Commercial St. Provincetown, MA 02657
Ryan Campbell and Jame DeRoacher representing Kohi Coffee
Under construction and set to open Memorial Day weekend
New to business. Both come from retail businesses or professional businesses
Now residents of Provincetown.
Next to Café Heaven and Melt where Coffey Men used to be.
2. Pop + Dutch, LLC, Sean Gardner, mgr., d.b.a. ***Pop + Dutch***, 147 Commercial St. Provincetown, MA 02657
No one in attendance from Pop + Dutch
3. Room 68 Design, LLC, Brent Refsland, mgr., d.b.a. ***Room 68***, 377 Commercial St. Provincetown, MA 02657
Eric Portnoy and Brent Refsland
Have store in Jamaica Plain. Explored a move to Provincetown.
Right next to Wired Puppy where Silk and Feathers was for years.
Furniture and fine art.
Discussion regarding switch to a gallery license and what it means to have opening.
4. James Robert Williams, d.b.a. ***James Art***, 359 Commercial St. Provincetown, MA 02657
No one in attendance from James Art
5. Lisa Ventre, mgr., d.b.a. ***Lisa Ventre Hats***, 357 Commercial St. Provincetown, MA 02657
Lisa Ventre representing Lisa Ventre Hats
One Summer retail space.

Taxi Operator

1. Katherine Rossmore – *Driving for Cape Cab*
Katherine Rossmore represents herself.
Discusses history with Provincetown
Motion to Approve by Frank Thompson. Second by Deborah Heller. Approved 5-0
2. Eric Oxtoby – *Driving for Cape Cab*
Eric Oxtoby represents himself
Discusses history in town
Motion to Approve by Deborah Heller. Second by Anthony DeJacimo. Approved 5-0
3. Tessa Bry – *Driving for Mercedes Cab*
Did not attend meeting
4. Dodie Pereira – *Driving for Pride Taxi Service*
Dodie Pereira represents herself
Discusses experience in town
Motion to Approve by Deborah Heller. Second by Frank Thompson. Approved 5-0

5. John Tully – *Driving for Pride Taxi Service*
John Tully represents himself
In town 33 years. Driving 52 years
Driving for Pride Taxi
Discussion regarding livery vehicles not picking up hails or parking in
Motion to Approve by Anthony DeJacimo. Second by Deborah Heller. Approved 5-0

Pedicab Operator

1. Ryan Oberhelman – *Riding for Ptown Pedicab*
Ryan Oberhelman represents himself
Discussion about pedicabs and speed
Motion to Approve by Anthony DeJacimo. Second by Frank Thompson. Approved 5-0
2. Adam Dalicandro – *Riding for Ptown Pedicab*
Did not attend meeting

Outdoor Artist

1. Michael Gredler, 27 Center St. Provincetown, MA 02657
Motion to Continue by AJ Petras. Second by Frank Thompson. Approved 5-0

Fortune Teller

1. Daniel Geist – 177 Bradford St.
Daniel Geist represents himself
Discusses reasons for opening his business in an amazing, magical, healing place
Working in his home.
Deborah: you live in a single family?
Daniel: 7 units
Deborah: do your condo docs allow for this business
Motion to Approve by Deborah Heller. Second by Anthony DeJacimo. Approved 5-0.

Public Statements

Renewal License

Common Victualer

Motion to approve items 1, 3 & 4 as a group by AJ Petras. Second by Deborah Heller. Approved 5-0

1. Weiner Stand, Inc., Mark Janoplis, mgr., d.b.a. ***John's Foot Long Hot Dog Stand***, 309 Commercial St. Provincetown, MA 02657
2. Maria's Café, Inc., Maria Silva mgr., d.b.a. ***Café Maria***, 277A Commercial St. Provincetown, MA 02657
3. Mark Birnbaum, mgr., d.b.a. ***Mojo's***, 5 Ryder St. Provincetown, MA 02657
4. Glaceteria, Inc., Brian Hart, mgr., d.b.a. ***Ben & Jerry's***, 258 Commercial St. Provincetown, MA 02657

Motion to Approve group by AJ Petras. Second by Frank Thompson. Approved 5-0

Lodging

Motion to approve items 1 - 6 as a group by AJ Petras. Second by Deborah Heller.

Approved 5-0

1. John Barnett, mgr., d.b.a. **Shiremax Inn**, 5 Tremont St. Provincetown, MA 02657
2. Lexvest Colony, LLC, Eric Shapiro, mgr., d.b.a. **Cape Colony Inn**, 280 Bradford St. Provincetown, MA 02657
3. C-Side Holdings, Inc., Brian McGuinness, mgr., **The Archer Inn**, 26 Bradford St. Provincetown, MA 02657
4. Bowd Hotels, LLC, Kevin O'Shea, mgr., d.b.a. **Salt House Inn**, 6 Conwell St. Provincetown, MA 02657
5. Helen Valentine, mgr., d.b.a. **Valentine Guest House**, 88 Commercial St. Provincetown, MA 02657
6. Plan B Adventures, LLC, Nadine Licostie, mgr., d.b.a. **Seaglass Inn & Spa**, 105 Bradford St. Ext. Provincetown, MA 02657

Motion to approve as a group by AJ Petras. Second by Deborah Heller. Approved 5-0

Weekday & Sunday Entertainment

1. Provincetown Public Pier Corp., Rex Mckinsey, mgr. d.b.a. **Provincetown Public Pier**, 24 Macmillan Pier, Provincetown, MA.

Motion to Approve by AJ Petras. Second by FrankThompson. Approved 5-0

Art Gallery

Motion to approve items 1 - 4 as a group by AJ Petras. Second by Frank Thompson.

Approved 5-0

1. Valdeas Designs, Inc., Johniene Papanreas, mgr., d.b.a. **Gallery Voyeur**, 444 Commercial St. Provincetown, MA 02657
2. Shank Painter Co., Inc., Ewa Nogiec, mgr., d.b.a. **Gallery Ehva**, 74 Shank Painter Rd. Provincetown, MA 02657
3. Thomas Antonelli, mgr., d.b.a. **Antonelli Giardelli Gallery**, 416 Commercial St. Provincetown, MA 02657
4. Lede Bao, mgr., d.b.a. **Tao Water Gallery**, 352 Commercial St. Provincetown, MA 02657

Motion to Approve as a group by AJ Petras. Second by Anthony DeJacimo. Approved 5-0

Parking Lot

1. Pat's Happy Park, Inc., Elena Hall, mgr., d.b.a. **Pat's Happy Park**, 397 Commercial St. Provincetown, MA 02657

Motion to Approve by AJ Petras. Second by Frank Thompson. Approved 5-0

Common Carrier

1. Provincetown Trolley, Inc., Yvonne Cabral, mgr., d.b.a. ***Provincetown Trolley***, 37C Court St. Provincetown, MA 02657
Motion to Approve by AJ Petras. Second by Anthony DeJacimo. Approved 5-0

Taxi Cab

Motion to take items 1-4 as a group by AJ Petras. Second by Frank Thompson. Approved 5-0.

1. ***Pride Taxi Service***: Reg #LV59390, VIN #2FMGK5DC5ABA66713, Black Ford Flex SUV;
 2. ***Cape Cab***: Reg#TA299C, VIN# 1GNDM19W9XB151444, Green Chevrolet Astrovan;
 3. ***Mercedes Cab***: Reg# LV61979, VIN # WBAHJ6321RGD24126, White Mercedes Sedan; Reg#TA294C, VIN# WDBAB93A5EF017449, Blue Mercedes Station Wagon; Reg#TA295C, VIN#1GBDM19W8YB106557, Blue Chevrolet Astro Van; Reg#LV61997, VIN# WBAHJ6321RGD24126, Black BMW Station Wagon;
 4. ***Funk Bus***: Reg#BU3877B, VIN#1FDXE45F7YHB30676, Yellow/Black Ford Corbei Bus;
- Motion to approve as a group by AJ Petras. Second by Frank Thompson. Approved 5-0.**

Taxi Operator

Motion to approve items 1 & 2 as a group. AJ Petras. Second by Frank Thompson . Approved 5-0

1. Jacob Azer – *driving for Cape Cab*
2. Neil Hennigan – *driving for Black & White Taxi*

Motion to group by AJ Petras. Second by Frank Thompson . Approved 5-0

3. Sabrina Hash – *driving for Junior's Taxi*
4. Selene Burke – *driving for Junior's Taxi*
5. Mary Jo Dorman – *driving for Junior's Taxi*

Outdoor Artist

1. Charles Duffy, d.b.a. ***Duffy Did It***, 308 Commercial St. Provincetown, MA 02657
Motion to Approve by AJ Petras. Second by Frank Thompson. Approved 5-0

Pedicab Operator

1. Bertrand Boudier – *Riding for Ptown Pedicab*
Motion to Approve by AJ Petras. Second by Frank Thompson. Approved 5-0
2. Mindy Parnes – *Riding for Ptown Pedicab*
Motion to Approve by AJ Petras. Second by Frank Thompson. Approved 5-0

Correspondence

Letter from Allan MacKinnon
Discussion about traffic on Arch Street
Discussion about sign posted by resident.
Rich: we can bring hand held to Arch Street

Minutes

Enforcement

Underground would not let in a citizen with Det. Alves
Teaching to security on June 17th here at Town Hall

Code Compliance

Friends of Heart assessed double fees for opening without a license

Old business

Vote on proposed changes to the Licensing Regulations regarding taxi fares as posted in the Provincetown Banner May 1st and May 8th, 2014

Motion to Approve by AJ Petras. Second by Frank Thompson. Approved 5-0

Discussion regarding extension of closure for the Harbor Hotel
Discussion with manager at Hotel: only cosmetic changes with no building permits

New Business

Licensing Board Statements

TiPS training on June 11th.

Frank: Renters Certificates for renting to the public.

Aaron: to clarify, you don't need it if renting in a roommate situation. A room in your home.

Kristin: Welcomes new Board of Select

Licensing Agent Statements

None.

**Motion to Adjourn by Kristin Hatch. Second by Anthony DeJacimo. Approved 5-0
7:35 p.m.**