



# Minutes

Of the Provincetown Licensing Board Public Meeting on **Tuesday, May 10, 2016** at 5:15 p.m. in the Judge Welsh Room, Town Hall, 260 Commercial Street.

**Members Present:** Frank Thompson, Barrett Alley, Michelle Foley, Shawn Byrne, Zachary Luster

**Staff Present:** Aaron Hobart, Kevan Spoor

## Meeting Agenda

### ***Public Hearings***

#### **Change of Liquor Manager**

Petition from Ben deRuyter, representing Voorspoed, Inc. d.b.a. ***Aqua Bar*** for a ***Change of Manager*** at 209 Commercial St., Provincetown, MA.

***Withdrawn. Will be on next Agenda***

#### **Alteration of Licensed Premises & Amendment to Common Victualer License**

Petition from Alan Cullinane, representing ***Café Heaven***, for an ***Alteration of Licensed Premises*** and ***Amendment to the Common Victualer License*** at 193-199 Commercial St., Provincetown, MA.

Alan Cullinane representing Café Heaven

Discussion regarding the annexation of the space next to the current restaurant.

Went through EDC and Zoning processes and the Selectmen.

All approvals in place

Open until January 15<sup>th</sup>

**Motion to Approve by Zachary Luster. Second by Barrett Alley. Approved 5-0**

#### **Special Entertainment & Special Liquor License**

Petition from David Schermacher, representing ***Pilgrim Monument and Museum*** for ***Special Entertainment and Special Liquor Licenses*** on May 26, 2016 from 4-9 pm, on June 17, 2016 from 4-9 pm, on July 28, 2016 from 4-9 pm, and August 23, 2016 from 4-9 pm at 1 High Pole Hill Rd., Provincetown, MA. No rain date requested.

David Schermacher and John DeSouza representing the Pilgrim Monument.

Discussion regarding events that liquor will be served at.

Discussion about how they control alcohol at the monument. Restricted Access.

Discussion about staff that will be working the monument grounds. Only access is through the main entrance to the museum

Further discussion regarding specifics of each event at the Monument.

Will return for noise by-law waiver for one event in June

**Motion to Approve by Michelle Foley. Second by Barrett Alley. Approved 5-0**

**Noise By-law Waiver**

Petition from David Schermacher, representing *Ragnar Events LLC*, for a **Noise By-Law Waiver** for an event to be held at the Pilgrim Monument on Saturday, May 14, 2016 from 8am – 9pm. No rain date requested.

Dave Schermacher representing Ragnar Events, LLC

Follow up to Entertainment license that was previously approved. We didn't qualify for the 60 day requirement for the noise previously.

Discussion regarding the event.

**Motion to Approve by Zachary Luster. Second by Michelle Foley. Approved 5-0**

**Special Entertainment License & Noise By-law Waiver**

Petition from *Karen Driscoll*, for a **Noise By-law Waiver and Special Entertainment License** for an event on June 18, 2016 from 4:30 to 10 p.m. at the Pilgrim Monument, Provincetown, MA. No rain date requested.

Thomas Cullen representing Pilgrim Monument

Wedding at 4:30 to 10. Will have a DJ with last song at about 10 minutes to 10.

About 100 to 130 people

Barrett: abutters have been notified?

Thomas: yet

**Motion to Approved by Zachary Luster. Second by Barrett Alley. Approved 5-0**

**Special Entertainment License**

Petition from Kevin Fessler, representing *Strangers & Saints* for a **Special Entertainment License** at 404 Commercial St., Provincetown, MA on May 12, 2016 from 5:30 to 7:30 p.m. No Rain Dates Requested.

**Withdrawn**

**Special Liquor License**

Petition from Laura Ludwig, representing *Center for Coastal Studies*, for a **Special Liquor License** for an event to be held in the Town Hall Auditorium on June 11, 2016 from 6 to 10 p.m.

Laura Ludwig representing Center for Coastal Studies

40<sup>th</sup> anniversary with Gala Fundraiser

Abutters have been notified.

Discussion about event particulars

Piped in music. No band. 280 or so attendees. Wine and beer

The cater will be serving. Cosmos Catering

Detail officers will be on hand

**Motion to Approve by Barrett Alley. Second by Michelle Foley. Approved 5-0**

**Special Entertainment License & Noise By-law Waiver**

Petition from Bill Sykes, representing *National MS Society* for a **Special Entertainment License & Noise By-Law Waiver** on June 26, 2016 at 3 Jerome Smith Rd. No rain date requested.

**Motion to Continue by Frank Thompson**

**Public Statements**

Pat Franzese to speak regarding noise from Zeke's hood fans.

Complaint about noise from large “over-sized” exhaust towers. Had begged to make the approval contingent on abatement of noise.

Listened to owners and lawyer how they said they would work on noise and light pollution.

Many promises made to the board at that meeting

It was passed with one board member voting against

The promises continued in the hallway but nothing has been done in a year. No returned phone calls. Spoke on the phone to them once.

Fans turned on at 4 or 4:30 a.m.

Noise is as loud as an 18 wheeler idling. You can hear it with windows shut. No way to enjoy your backyard with this noise.

Asking to pull license as their promises were disingenuous.

Asking what can be done to help us. They have done nothing. Their lawyer did not contact us about what they have done to work on the noise and light issues.

I don't want to hear any more lip service from the owners.

Board discusses the vetting of the business

Back and forth with neighbors

Robert Anderson speaks for Zeke's

Lines of communication were broken as I don't deal well with threats that were very aggressive and angry.

We did install blinds and have had companies through to see how to limit noise.

We have permits and they are made to the town's specifications

Discussion about last year's licensing board meeting

I grew up in the mid-west and care about my community and the neighbors. It's not worth the aggravation in my day

Barrett Alley speaks to owner of Zeke's. Why are you not answering her phone calls? Your lawyer is not answering.

Discussion regarding communications between abutter and business owner.

Barrett: “How about we yank your license if you don't fix it.”

Licensing agent reminds board that public statements is not necessarily meant as a back and forth with the public but rather a chance for the public to be heard by the board. Larger conversations should take place as an agenda item.

Zachary Luster suggests a work session in the near future to work with owners and neighbors.

**Motion to set up a work session by Zachary Luster. Second by Shawn Byrne.**

**Approved 4-1-0**

## ***Other Business***

### **Farmer's Market Liquor License**

Downeast Cider, Nicolas Enriquez, mgr., d.b.a. Farmer Willie's, at the Provincetown Farmer's Market on Ryder St.

Discussion about absence of Nicolas

Licensing Agent: without local approval there won't be any ginger beer at the Farmer's Market

Next opportunity for them will be May 24<sup>th</sup> but the market starts May 18<sup>th</sup>

### **Special Parking**

Peter Grosso representing the Lions Club for **Special Parking Licenses** on May 29, July 4, & September 4 at the VMCC from 8 a.m. to 8 p.m.; and on July 4, & August 18 at Motta Field from 8 a.m. to 8 p.m.

Peter Grosso representing Lion's Club

Speaks to the charities that benefit from the funds from the parking

**Motion to Approve by Michelle Foley. Second by Barrett Alley. Approved 5-0**

Peter Grosso representing Sheela Cochran for **Special Parking Licenses** on July 4, August 18, and Weekends from May 29 through October 9 at 28-30 Winslow St., Provincetown, MA 02657

Peter Grosso representing Sheela Cochran

Helping Sheela to earn a little more money for her business.

**Motion to Approve by Zachary Luster. Second by Michelle Foley. Approved 5-0**

### Lodging Transfer

Bunkhouse Properties LLC, d.b.a. **The Bunkhouse**, from Paul Gumbleton at 17 Center St., Provincetown, MA 02657

Robert Anderson representing Bunkhouse Properties

Purchased two weeks ago

Will be operated as a guest house focused on seasonal workers

Around 14 people will be living there.

Cottages will be year round

**Motion to approve by Zachary Luster. Second by Barrett Alley. Approved 5-0**

### Fortune Teller

Discussion with regarding waiver of MA Requirement for residency for a Fortune Teller license at 288 Commercial Street.

Peter discusses his last attempt to purchase property in Provincetown fell through

Cheaper to buy then rent in Ptown. We have an inspection on another property

Discussion about MAGL Section 185I

Discussion about finding rentals in Provincetown

Barrett: suggests going to speak with Sarah Peake

Discussion about the board's inability to do anything with a State Law. There is no variance to be granted.

### Regulation Changes

Discussion re: regulation changes from work session. **Vote(s) may be taken.**

### **Amend License**

### **New License**

#### Retail

1. Barbara Ives, mgr., d.b.a. **Christof's**, 237 Commercial St., Provincetown, MA 02657  
*Will be discussed at next board meeting*

#### Art Gallery

1. SC Gallery, LLC, Stewart Clifford, mgr., d.b.a. **Stewart Clifford Gallery**, 359 Commercial St., Provincetown, MA 02657  
Stewart Clifford representing Stewart Clifford Gallery  
Selling primarily sister's artwork.  
Discussion about artists that will be represented by the gallery  
Near the Harbor Lounge  
**Motion to Approve by Michelle Foley. Second by Barrett Alley. Approved 5-0**

2. Gaa Gallery , LLC, Bettina Rosarius, mgr., d.b.a. **Gaa Gallery**, 494 Commercial St., Provincetown, MA 02657  
Erin Woodbury representing Gaa Gallery  
Opening in May at the end of the month  
Open May through New Year's  
**Motion to Approve by Zachary Luster. Second by Barrett Alley. Approved 5-0**

### Lodging

1. Yi Zhao-Weiner, mgr., d.b.a. **Howard's End Guest House**, 5 Winslow St., Provincetown, MA 02657  
Yi Zhao representing Howard's End Guest House  
Discussion of history of guest house  
Yi's partner Howard passed away last year  
Will try to open this season as a trial  
Chair makes recommendation to licensee  
**Motion to Approve Zachary Luster. Second by Shawn Byrne.**

### Taxi/Livery

1. **Pride Taxi Service**: REG#LV73573; VIN#5TDZA23C05S234942; 2005 Yellow Toyota Sienna, Van  
Gail Gibbs representing Pride Taxi Service  
Replacing one car with another.  
Barrett: you operate year round?  
Gail: yes  
Barrett: some don't operate year round correct?  
Gail: I believe so Kevan you approved it  
**Motion to Approve by Zachary Luster. Second by Michelle Foley. Approved 5-0**

### Gallery License

1. Douglas McCall to open Gallery 281 Commercial St. called Limelight Gallery and Gifts  
**Motion to Approve Michelle Foley. Second by Zachary Luster. Approved 5-0**
2. Yuri Litvinov of Country Craft at 384 Commercial St.  
Will be selling items made of wood  
**Motion to Approve by Zachary Luster. Second by Shawn Byrne. Approved 5-0**

## **Renewal License**

### Outdoor Artist

1. **Duffy Did It** at 308 Commercial St.  
**Motion to Approve by Zachary Luster. Second by Michelle Foley. Approved 5-0**

### Lodging

**Motion to take as a group by Zachary Luster. Second by Barret Alley. Approved 5-0**

1. Gurli Lovinger, mgr., d.b.a. **Lotus Guest House**, 296 Commercial St., Provincetown, MA 02657
2. John Barnett, mgr., d.b.a. **Shiremax Inn**, 5 Tremont St., Provincetown, MA 02657

3. CBB Management, LLC., David McGlothlin, mgr., d.b.a. **Christopher's By the Bay**, 8 Johnson St., Provincetown, MA 02657
4. T & R Management, Inc., Don Collins, mgr., d.b.a. **John Randall House**, 140 Bradford St., Provincetown, MA 02657
5. West End Inn, Ltd., Warren Lefkowich, mgr., d.b.a. **West End Inn**, 44 Commercial St., Provincetown, MA 02657

**Motion to Approve group by Michelle Foley. Second by Zachary Luster. Approved 5-0**

#### **Art Gallery**

**Motion to take as a group by Michelle Foley. Second by Barrett Alley. Approved 5-0**

1. Charles-Baltivik Gallery, Inc., Katherine Baltivik, mgr., d.b.a. **Charles Baltivik Gallery**, 432 Commercial St., Provincetown, MA 02657
2. Angela Russo, mgr., d.b.a. **Karilon Gallery**, 447 Commercial St., Provincetown, MA 02657
3. Marla Rice, mgr., d.b.a. **Rice/Pollack Gallery**, 430 Commercial St., Provincetown, MA 02657
4. The William Scott Gallery, Inc., Brian Galloway, mgr., d.b.a. **William Scott Gallery**, 439 Commercial St., Provincetown, MA 02657
5. Valdreas Designs, Ltd., Johniene Papandreas, mgr., d.b.a. **Gallery Voyeur**, 444 Commercial St., Provincetown, MA 02657
6. Michael Carroll, mgr., d.b.a. **Schoolhouse Gallery**, 494 Commercial St., Provincetown, MA 02657

**Motion to Approve the group by Barrett Alley. Second by Michelle Foley. Approved 5-0**

#### **Parking Lot**

1. Gael Poltrack, mgr., d.b.a. **Kibbe Cook House Parking**, 466 Commercial St., Provincetown, MA 02657

**Motion to Approve by Michelle Foley. Second by Barrett Alley. Approved 5-0.**

#### **Taxi/Livery**

1. **Pride Taxi Service:** REG#59390; VIN#2C4R1BG4DR775198; 2013 Black Chevrolet Town&Country Van

**Motion to Approve pending inspection by Zachary Luster. Second by Shawn Byrne. Approved 5-0**

#### ***Correspondence Minutes***

**Motion to Approve the minutes of April 26, 2016 by Michelle Foley. Second by Zachary Luster. Approved 5-0**

#### **Enforcement**

Discussion regarding party in hot tub at Queen Vic Guesthouse that resulted in two noise complaints.

#### **Code Compliance**

## **Discussion regarding warning sent to Anchor Inn**

### **Old business**

Discussion by Barrett Alley about change to taxi regulations.

Barrett: Seasonal taxi companies who do not run all year should be limited to livery licenses

Board discusses the proposal

**Motion to invite taxi companies to discuss the possible change by Zachary Luster. Second by Barrett Alley. Approved 5-0**

Michelle: discusses grease trap issue at Surf and is that taken care of?

Licensing Agent: yes that has been taken care of

### **New Business**

#### ***Licensing Board Statements***

#### ***Licensing Agent Statements***

Discussion about TiPS classes May 19<sup>th</sup> and June 16<sup>th</sup> from 10 a.m. to 3 p.m. at Town Hall

Discussion about possible date (June 15<sup>th</sup> from 12 to 2) for security training.

**Motion to Adjourn by Zachary Luster. Second by Barrett Alley. Approved 5-0. 6:30 p.m.**