



Minutes

Of the Provincetown Licensing Board Public Meeting on **Tuesday, July 12, 2016** at 5:15 p.m. in the Judge Welsh Room, Town Hall, 260 Commercial Street.

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

Staff Present: Aaron Hobart, Nikolay Velchev

Meeting Agenda

Public Hearings

Noise By-law Waiver

Petition from John DeSouza, representing *The Pilgrim Monument* for a **Noise By-law Waiver** for an event on August 23, 2016 from 4 p.m. to 9 p.m. at 1 High Pole Rd., Provincetown, MA. No rain date requested.

John DeSouza representing The Pilgrim Monument

Discussion about FADO concert to be held at monument

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

Noise By-law Waiver

Petition from Michael Roberts & Bette Warner, representing *Fine Arts Work Center* for a **Noise By-law Waiver** on August 20, 2016 from 4pm to 11pm at 24 Pearl St., Provincetown, MA. No rain dates requested.

Michael Roberts and Naya Bricher representing FAWC

Discussion about noise by-law waiver. Other permits for entertainment & liquor are in place

40th year. 100 work of fine art up for auction

Over by 9:30, 10 p.m.

Minimal noise from auctioneer and sound amplification

Auction is all inside.

Motion to Approved by Zachary Luster. Second by Shawn Byrne. Approved 5-0

Special Liquor License

Petition from Peter Lally, representing *Spectacle Management* for a **Special Liquor License** at Town Hall on August 27, 2016 from 7:00 p.m. to 11:00 p.m. No rain dates requested.

Withdrawn. Will not be serving liquor at this year's event.

Special Liquor License

Petition from Elizabeth Lovati, representing *Helping Our Women* for a **Special Liquor License** at 2 Tiny's Way on July 23, 2016 from 4:00 p.m. to 7:00 p.m. No rain dates requested.

Elizabeth Lovati and Steve Roderick representing HOW.

On July 23rd will hold fundraiser from 4 to 7 p.m.

Small area of service for food and alcohol

About 60 people attend the event.

Entrance through gate.

Liquor to be supplied through donation

Served by TiPS certified servers.

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

Special Entertainment License

Petition from Elizabeth Gawron, representing *Helping Our Women* for a **Special Entertainment License** on August 19, 2016 at from 12 to 2 p.m. at 328 Commercial St. No rain date requested.

Steven Roderick representing HOW.

Drag brunch annually held at Patio

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

Regulation Changes

The Provincetown Licensing Board will hold a Public Hearing at 5:15 p.m. on Tuesday, July 12, 2016 in the Judge Welsh Room at Town Hall, 260 Commercial Street, Provincetown, Massachusetts to hear the following proposed regulations changes:

1.01 Definition

- a) ~~The term "year round" shall mean a business that operates no less than 11 months in a calendar year.~~

1.12 Responsibilities of License Holder

- c) ~~The applicants will be responsible for obtaining any required Board approvals prior to applying for a license. An exception is made in the event that a ZBA appeal period is in effect, at which time an applicant may advertise for a hearing for a license provided that the date of the license hearing occurs after the ZBA appeal period is ended (20 days from the date of filing with the Town Clerk).~~
- e) The Licensing Board requires all new applicants and amended license applications to come before the board for approval, unless otherwise stated in Section 2.
- f) Applicants are responsible for providing either a Worker's Comp Certificate of Liability Insurance with the Town of Provincetown Licensing Board named as the certificate holder, or a Worker's Comp Insurance Affidavit. In addition, the applicant is responsible for completing and submitting a complete new business or renewal application, on-line or paper copy, all required forms (such as, but not limited to, application, new license or renewal affidavit, tax affidavit, business hours of operation, floor plans, fire alarm test reports) prior to being scheduled for any required inspections.
- i) ~~All seasonal licenses shall be picked up within two weeks of approval and all annual licenses shall be picked up within four weeks of approval, or the licenses will be void and the licensee will have to reapply; any fees already paid will be forfeited.~~

- j) All No license is to be issued unless the fees as established by the Board of Selectmen and set forth in Appendix A, shall be paid at the time of application submission, and no license will be released until all fees have been paid.
- k) Use of outdoor speakers by any licensed establishment is prohibited between the hours of 10 p.m. and 8 a.m.

2.02 Administrative Review

Abutter notification will not be required under the following circumstances and will be handled administratively before the Licensing Board with the Licensing Agent representing the Licensee:

- a) Amendment to an Entertainment, Innholder or Common Victualer license relating to a reduction in seating capacity
- b) Amendment to a Lodging License relating to a reduction in the number of lodging rooms.

3.0 ALCOHOLIC BEVERAGES LICENSES

3.04 Additional Provisions for Package Store Licenses

- b) Sunday Sales Permit
 - 1. With Licensing Board approval, stores may open at 10 a.m., otherwise stores may not open before noon.

5.00 COMMON VICTUALERS LICENSES

5.05 Licensing Regulations Pertaining to the Licensing of Businesses with Food Service Permits
Preamble

~~These following regulations are being promulgated to protect Provincetown’s municipal sewer system as well as private onsite sewage systems. Due to the nature of grease and its potential for clogging sewer and septic lines with the result of businesses and residences being shut down, The Provincetown Licensing Board recognizes the importance of the proper use and maintenance of grease catchment devices – including internal grease interceptors and external grease traps. how crucial it is that the grease trap and pumping requirements addressed in 310 CMR Title 5, Section 15.351, Provincetown Sewer Regulations, Section 7 C, D, & G and Provincetown Board of Health Regulations Part VII, Article 1, Section 1 and Article 17 be strictly adhered to. While the failure of an onsite septic system only affects the business it serves, the clogging of a sewer line will affect all sewer users down gradient. Therefore, in support and cooperation with the Board of Health and the Water and Sewer Board the following regulations are being issued:~~

~~All business owners with a Common Victualer’s License and a Food Service Permit from the Board of Health, other than a retail food service permit, and an external grease trap, whether connected to the municipal sewer or on a private septic system, are required to attend an educational class on Fats, Oils and Grease (FOG) offered free of charge by the Health Agent Department. Each attendant will receive a Certificate of Completion which will act as proof of attendance of this class which will expire at a time determined by the Health Department. Owners Applicants will shall be required to present this a valid proof of attendance prior to to receive a Common Victualer’s License. ~~renewing an existing Business Permit for the following year. Should a new business be constructed or an existing business be sold, the new owner(s) will be required to attend this educational class prior to beginning operation.~~~~

~~All business owners with a Common Victualer’s License, Food Service Permit and an external grease trap whether connected to the municipal sewer or on a private septic system,~~

~~will be required shall~~ each year to ~~present~~ submit proof of compliance with a Health Department-approved grease management program ~~having conducted the required pumping~~ (i.e. receipt from a licensed pumper or log of internal interceptor cleanings) for the previous year prior to issuance of the any Licenses.

Pumping requirements are as follows:

1. ~~For external grease traps with the required monitor—A minimum of twice a year or whenever the monitor determines that the level of grease in the grease trap is at 25% capacity; which ever comes first.~~
2. ~~For external grease traps not yet fitted with the required monitor—A minimum of every 90 days or when the level of grease is at 25% capacity; whichever comes first.~~

Failure to adhere to the above referenced regulations pertaining to compliance with a Health Department-approved grease management program ~~proper maintenance and pumping of external grease traps will~~ may result in denial of a permit and referral of the case to the Water and Sewer Board for fining, the fines addressed in the Provincetown Sewer Regulations, Section 7 H being imposed.

6.00 INNHOLDER LICENSES

6.20 Kitchen Facilities

All Innholders must have kitchen facilities at a standard determined by the Board of Health a food permit from the Board of Health.

APPENDIX A

LICENSE FEES

<i>LICENSES ISSUED BY BOARD OF HEALTH</i>	
Camps & Cabins	150.00
Renters Certification	120.00
Stable	50.00
Caterer	100.00
Residential Kitchen: Continental Breakfast	50.00
Residential Kitchen: Full Breakfast	100.00
Food Service Establishments:	
No Seating	100.00
1-25 seats	200.00
26-50 seats	300.00
51+seats	400.00
Manufacturer of Candies	100.00
Manufacturer of Ice Cream	100.00
Retail Food Sales	100.00
Retail Food Sales/Food Service Combination	200.00

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

Public Statements

Other Business

Code Compliance

Warnings issued to: Provincetown Bookshop. Violations Issued to: Kiehl's, Marine Specialties & Toys of Eros

Discussion about violations and warnings

Discussion regarding

Amend License

Retail

1. Tom Sharp Designs, LLC, Tom Sharp, mgr., d.b.a. ***Tom Sharp Designs***, 145 Commercial St., Provincetown, MA 02657
Motion to continue by Zachary Luster. Second by Barrett Alley. Approved 5-0

New License

Outdoor Artist

1. Mark Lane-Davies
Mark Lane Davies representing himself
In the tradition of Anne Packard would like to sell his art in the open air rather than through an art gallery.
Artist tradition in Provincetown
Has approached a few owners.
Discusses where he might work but does not have a location yet.
Wood with frame paintings.
Motion to Approve pending receipt of a letter of the owner a property in town by Zachary Luster. Second by Shawn Byrne. Approved 5-0.

Renewal License

Art Gallery

1. Room 68 Design LLC, Brent Refsland, mgr., d.b.a. ***Room 68***, 377 Commercial St., Provincetown, MA 02657
Motion to Approve by Michelle Foley. Second by Barrett Alley. Approved 5-0

Correspondence

Minutes

Motion to Approve the minutes of 5/10/16 by Zachary Luster. Second by Michelle. Approved 5-0

Motion to Approve the minutes of 6/28/16 by Zachary Luster. Second by Shawn Byrne. Approved 5-0

Enforcement

Old business

New Business

Licensing Board Statements

Michelle: will not be able to attend last meeting in July or first meeting in August.

Licensing Agent Statements

***Motion to Adjourn by Zachary Luster. Second by Michelle Foley. Approved 5-0.
5:48 p.m.***