



# Minutes

Of the Provincetown Licensing Board Special Public Meeting at 5:15 p.m. on **Tuesday March 11, 2014** in the Town Hall Auditorium, Town Hall, 260 Commercial Street.

**Members Present:** Kristin Hatch, Frank Thompson, AJ Petras

**Staff Present:** Aaron Hobart, Rich Alves

## Meeting Agenda

### ***Public Hearings***

**Amendment of Common Victualer License** – continued from 2/11/14

Petition from James Farley representing ***Far-Land Provisions*** for an ***Amendment of their Common Victualer License*** due to an increase in seating at 150 Bradford St., Provincetown, MA.  
**Motion to Continue by AJ Petras. Second by Frank Thompson. Approved 3-0.**

### **Change of License Type from Wine & Malt to All Alcohol**

Petition from Devon Ruesch, d.b.a. ***Devon's Deep Sea Dive***, for a ***Change of Seasonal License Type from Wine & Malt to All Alcohol*** at 31 Bradford St., Provincetown, MA.

Devon Ruesch representing Devon's Deep Sea Dive

Similar to what I'm doing at Devon's. Similar types of drinks.

No bar just table service.

First season went well.

Kristin: please discuss your experience

11 season's at Devon's. Crowd is not a drinking crowd. More a compliment to the food.

Hours will be what State allows for

Discussion regarding drink specials and other mistakes licensees make

**Motion to Approve by Frank Thompson. Second by AJ Petras. Approved 3-0**

### **Alteration of Licensed Premises and Change from Seasonal to Annual Liquor License**

Petition from MacGregor Hay, representing ***Mac's Ptown Fish & Oyster***, for an ***Alteration of Licensed Premises and Change from Seasonal to Annual Liquor License*** at 85 Shank Painter Rd., Provincetown, MA.

Sam Bradford and MacGregor Hay representing Mac's

Switch from seasonal to annual.

Looking to add outdoor space/picnic patio area.

Will fence in area and put 6 picnic tables

Left side is hosted seating

Right side would be seat yourself

Kristin: great to go from seasonal to annual. Closure for only 30 days.

MacGregor: looking to stay open year round without closing but may close for short times for repair  
Fish market open year round

Discussion regarding signage on the outdoor area. Not signed yet as they opened in winter.

Similar to Mac's Shack where alcohol is monitored.

Area is contained and gated.

Discussion regarding supervision of new outdoor area

Would serve the new outdoor area with cocktail staff

Just food through front window.

AJ: discusses coming up with standards to be set for outdoor service. (e.g. signage, staffing, etc.).

We have concerns with inconsistencies around town when it comes to both "take out service" and outdoor seating. Our Board hopes to address this before we have additional applications to which these possible regulations may apply.

**Motion to Approve by AJ Petras** with friendly amendments as follows: for the outside seating area near the takeout window, a server must handle the alcoholic beverage order and delivery. All alcohol to be served in glassware. There must be a clearly marked sign stating that alcohol cannot be taken outside of the seating area. Should the Licensing Board update requirements regarding outdoor seating and/or take away service, those new regulations would apply to this licensee over riding any previous related restrictions that were put only the license. **Second by Frank Thompson. Approved 3-0.**

### **Transfer of Annual Liquor License**

Petition from Cesar Gerena , representing Ross' Grill LLC, d.b.a. **Ross' Grill**, for a **Transfer of Annual Liquor License** at 237 Commercial St., Provincetown, MA.

MacGregor: delaying the acceptance would put a burden on our process and decisions. Comes down to the business owner to be responsible. Action can be taken when reports come up about service issues.

Discussion re: fencing of outdoor areas.

Discussion re: restrictions on amendment of conditions

Discussion re: glassware used in outdoor areas

Motion to Approve by AJ Petras

With friendly condition that alcoholic beverages served in picnic patio be served in glass until regulations are changed at which time they will apply to outdoor space. Signage reading 'no alcohol to be taken from area' be in place.

Second by Frank Thompson. Approved 3-0

Robin Reid and Cesar Gerena and Kenn Ross representing Ross' Grill

Robin: I represent Ken Ross

Cesar has 25 years experience with 12 at Ross' and 5 as a manager

AJ: no issues over the years

Ken will be there for the transition

**Motion to Approve by AJ Petras** *contingent upon the closing of the sale.* **Second by Frank Thompson. Approved 3-0**

### **Transfer of Seasonal Liquor License** - *withdrawn*

Petition from **Kristyn Samok**, representing **Tiny's Local Food**, for a **Transfer of Seasonal Liquor License** at 336 Commercial St., Provincetown, MA.

**Application for Special Liquor License, Entertainment Licenses and Noise by-law Waiver**

Petition from David Schermacher, representing *Ragnar Events LLC*, for a ***Special Entertainment License, Special Liquor License and Noise By-Law Waiver*** for an event to be held at the Pilgrim Monument on Saturday, May 10, 2014 from 8am – 10pm. No rain date requested.

David Schermacher, Courtney Mitchell & Ameena Khan representing Ragnar

Reverend Hugh McCullough speaks to issues from last year's event. Parking lot at church filled with patrons of the event. No place to park for churchgoers. Worried about cemetery as well.

Tom Cullen of The Pilgrim Monument speaks in support of Ragnar Events

Raphael Richter speaks in favor of event

Kristin reads letter of concern into the record from Patricia Benati

AJ asks Reverend McCullough about parking situation and contact afterward from Ragnar.

Reverend McCullough stated that there was nobody to contact at Ragnar, nor did they get follow up response.

Discussion re: ratio of volunteers to participants

Not on same day as the Run to the Top

David: parking change will again be in effect. All parking at the Seashore. No cars in church property or the VFW. Police will be in charge of this. Parking at monument will be vendor only.

Ragnar good to tell where volunteers can park with shuttle to monument. Ragnar invites team to enjoy the town and stay here.

Race ends at 7. We will work on keeping the parking lot of the church empty.

5500 participants expected this year with 40 volunteers at finish line.

Kristin: PMC has 5000 participants with 300 volunteers. You are a for-profit event and this is a big ongoing problem with your set up. You need people directing traffic and parking. We want to work with you on how this can be helped. The PanMass Challenge also had problems when they first started with lots of complaints. A dramatic increase in volunteers is needed.

AJ: we welcome this event to town. Good for the town but we have to be conscious of those who live here.

Discussion re: parking issues at St. Peter's Church

Kristin: suggests having 100 volunteers and a discussion with stakeholders in town

Ameena – We are meeting with Chief Golden this week

Rich: will recommend having officers roaming cemetery area. It's the Police's job to monitor public urination and property destruction and not the event organizers.

Discussion re: face-to-face communication with people in affected neighborhoods

Discussion re: carding all event-goers in front of monument so once they are on the grounds they have a stamp or wristband on already.

Official charity is the Mass Special Olympics with some fund to others such as the Lions Club and Dana Farber

**Motion to approve by AJ Petras with condition that appropriate staff are engaged to meet concern of residents with 3 assigned to St. Peter's and regulations set forth by Police Department are also met. Second by Frank Thompson. Approved 3-0**

**Application for Special Liquor License, Entertainment Licenses and Noise by-law Waiver**

Petition from Susan Pesaturo, representing **Pan Mass Challenge**, for a **Special Liquor License at 28 Winslow Street, Special Entertainment Licenses** on August 3, 2014 at 1 Commercial St. and Motta Field, and a **Noise By-Law Waiver at 28 Winslow St., 1 Commercial St. and Motta Field**. No rain date requested.

Susan Pesaturo and Peter Grosso representing Pan Mass Challenge.

Is the volunteer coordinator working with event for 23 years

Discussion re: use of Hotel with a beer tent to be consumed inside. Not visible from the street

Security will be in place

Discussion regarding use of Motta Field for liquor service

Discussion with Peter regarding the history of liquor service on Motta Field

The Recreation Commission has OK'd use of the field.

Aaron: They will have to come back for use of that area as it will have to be noticed with a public hearing.

Peter: PMC is a first class operation with volunteers, paid staff and police.

AJ: re: event held on sports fields and grass insurance to repair destroyed areas

Peter: deposit is paid by the PMC for use of the field to repair damage

**Motion to Approve by AJ Petras. Second by Frank Thompson. Approved 3-0**

**Application for Special Liquor License - withdrawn**

Petition from Heather Reed, representing **The Water's Edge Cinema** for a **Special Liquor License** for an event on March 2, 2014 from 6pm until 12am at 237 Commercial St, Provincetown, MA.

**Transfer of Seasonal All Alcohol Restaurant License and Common Victual License**

Petition from **Joseph Dagnello**, representing **KRC, LLC. d.b.a. Backstreet** for a **Transfer of the Seasonal All Alcohol Restaurant License and Common Victualer's License** at 133 Bradford St., Provincetown, MA.

Joseph Dagnello and Rasa Ryupte representing Backstreet

Purchased Ten Tables with no changes to liquor service

Rasa managed and worked for 10 years for Clem and Ursies and 5 years at Victor's with no infractions

Joseph: family owned bar and pizzeria with 5 year's at Victor's

Gregory Daniels speaks in favor Backstreet and Joseph Dagnello

Discussion regarding use of Backstreet name. Gifford House uses Backstreet in their corporate name. Worry over incorrect delivery.

**Motion to Approve by Frank Thompson. Second by AJ Petras. Approved 3-0.**

**Public Statements**

Raphael Richter speaks regarding timing of taxi regulations. Would be pushing Memorial Day when changes could take effect. Taxi companies would be happy to come in early on the 25<sup>th</sup> of March.

**New License**

**Retail**

1. Purltown, LLC, Burt Grossman, mgr., d.b.a. **Curio Café & More**, 353A Commercial St. Provincetown, MA 02657

Hira Kavon representing Curio Café & More

Happy to be here and contributing to the town

Big point of pride to have a business in Provincetown

Name will change to 'Curio More Than Coffee'

2. Mimere's Legacy, LLC., Andrew Hood, mgr., d.b.a. **Mimere's Legacy**, 281 Commercial St. Provincetown, MA 02657  
Andrew Hood representing Mimere's Legacy  
Small batch specialty foods. Food license in Dartmouth

**Taxi Operator**

1. **John McQuade** – driving for Junior's Taxi  
John McQuade has driven previously in Provincetown  
**Motion to Approve by Frank Thompson. Second by AJ Petras. Approved 3-0**

***Amend License***

**Change of Manager**

1. Honbets Three, Inc., Betsy Melamed, mgr., d.b.a. **Bayside Betsy's**, 177 Commercial St. Provincetown, MA 02657  
**Motion to Approve by Frank Thompson. Second by AJ Petras. Approved 3-0**

***Transfer License***

***Renewal License***

**Lodging**

**Motion to take items 2-6 as a group by AJ Petras. Second by Frank Thompson. Approved 3-0**

1. Carpe Diem, Inc., Rainer Horn, mgr., d.b.a. **Carpe Diem Guesthouse**, 14 Johnson St. Provincetown, MA 02657
2. West End Inn, Ltd., Warren Lefkowich, mgr., d.b.a. **West End Inn**, 44 Commercial St. Provincetown, MA 02657
3. Furchin, Inc., Dale Chin, mgr., d.b.a. **The Clarendon House**, 118 Bradford St. Provincetown, MA 02657
4. Atlantic Light Inn, LLC., Steven Benjamin, mgr., d.b.a. **Atlantic Light Inn**, 11 Pearl St. Provincetown, MA 02657
5. Dakota II, Inc., William Wilkins, mgr., d.b.a. **Snug Cottage**, 178 Bradford St. Provincetown MA 02657
6. White Wind Hospitality, Inc., Michael Valenti, Jr., mgr., d.b.a. **White Wind Inn**, 174 Commercial St. Provincetown, MA 02657

**Motion Approve by AJ Petras. Second by Frank Thompson. Approved 3-0**

**Common Victualer**

1. Evangelos Lambrou, mgr., d.b.a. **Provincetown House of Pizza**, 50 Bradford St. Provincetown, MA 02657  
**Motion to Approve by AJ Petras. Second by Frank Thompson. Approved 3-0**
2. KLKTOO, Inc., Krista Kranyak, mgr., d.b.a. **Ten Tables**, 133 Bradford St. Provincetown, MA 02657  
**Motion to Approve by AJ Petras. Second by Frank Thompson. Approved 3-0**

**Art Gallery**

**Motion to take items 1-6 as a group by Frank Thompson. Second by AJ Petras. Approved 3-0**

1. Adam Peck, mgr., d.b.a. **A Gallery**, 192-194 Commercial St. Provincetown, MA 02657
2. Adam Peck, mgr., d.b.a. **Adam Peck Gallery**, 137 Commercial St. Provincetown, MA 02657
3. Elizabeth Zeldin, mgr., d.b.a. **Silver and Glass**, 237 Commercial St. Provincetown, MA 02657
4. Packard Gallery, Inc., Steven Rome, mgr., d.b.a. **Packard Gallery**, 418 Commercial St. Provincetown, MA 02657
5. Stephen Rome, mgr., d.b.a. **Packard Gallery II**, 372 Commercial St. Provincetown, MA 02657
6. Michasel DelViso, mgr., d.b.a. **MDV3 Gallery**, 142 Commercial St. Provincetown, MA 02657

**Motion to Approve by Frank Thompson. Second by AJ Petras. Approved 3-0**

**Weekday and Sunday Entertainment**

1. The Unitarian Universalist Meeting House, April Baxter, mgr., d.b.a. **UU Meeting House**, 236 Commercial St. Provincetown, MA
- *Moved to next meeting due to lack of inspection*

**Outdoor Artist**

1. **Alyssa Schmidt**, 3 Allerton St., Provincetown, MA 02657

**Motion to Approve by AJ Petras. Second by Frank Thompson. Approved 3-0**

***Other Business***

**Correspondence**

Bruce VanAllen of Ptown Pedicabs submits changes he is proposing this evening at the traffic hearing in the Judge Welsh Room.

Kristin: we will have a work session with Pedicabs

Letter of resignation from Scott Caldwell

Kristin; thanks to Scott for your service

**Minutes**

Minutes from February 11<sup>th</sup>, 2014

**Motion to Approve by Frank Thompson. Second by Kristin Hatch. Approved 2-0-1**

**Enforcement**

Scott - When reports are requested no protective custody issues will be forwarded. Only totals can be given out to the public

Reports ran only showed one item regarding an inebriated man trying to gain access to Governor Bradford and the establishment called the police.

Discussion re: proper tagging of items in the field by officers so reports get to licensing

Photo sent to Rich about Junior's Taxi with Mass passenger plate and not taxi or livery plate. Aaron should be able to issue a citation based on the evidence collected. This is a major violation.

Discussion re: changes to taxi regulations and perhaps having a meeting on the 9<sup>th</sup> or 10<sup>th</sup> of April or Thursday April 3<sup>rd</sup> with a work session before.

### **Code Compliance**

Warning issued to Burger Queen for grease trap violation. Pumped once in 2013 and once in 2014 but regulations call for two in one calendar year.

### **Old business**

1. Discussion regarding Hot L  
Dana Heilman representing Hot L  
Requesting closure for two more weeks  
Discussion business and new people to take business over  
New prospective owners talking with the town  
Kristin: why not surrender  
Dana: surrendering license will cause break in lease  
Discussion regarding closure and 2 week extension  
Discussion regarding ability to reopen in two weeks if agreement made with prospective owners.  
Kristin: recommend closure to March 31<sup>st</sup> a little more than 30 days  
**Motion to extend closure to March 31<sup>st</sup> or license be surrendered by AJ Petras.  
Second by Frank Thompson. Approved 3-0**
  
2. Discussion regarding Surf Club  
Not allowed to open without fixing grease trap issues.  
Given a deadline by the Board of Health to comply  
Discussion re: possibility of suspending of Common Victualer license with Mr. Enos coming to the board for reinstatement.  
Kristin: what are grounds  
AJ: There are health code violations that have not been fully addressed.
  
3. Discussion regarding appointment of Vida Hamnquist as second alternate to the Licensing Board  
AJ: worried about her ability and transparency to sit as she is a licensee with a liquor license  
Kristin: She would have to recuse herself, and although not voting, counts towards quorum to hold a vote.  
**Motion to Approve AJ Petras. Second by Frank Thompson. Approved 3-0**

### **New Business**

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

Kristin: thank you to Scott Caldwell

AJ: I will be in Asia for the 2<sup>nd</sup> meeting in April

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

**Motion to Adjourn by AJ Petras. Second by Frank Thompson. Approved 3-0. 7:17 p.m.**