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## TOWN OF BARNSTABLE

NOTICE OF MEETINGS OF TOWN DEPARTMENT AND ALL TOWN BOARDS  
As Required by Chapter 28 of the Acts of 2009 which amends MGL Chapter 30 A

### Licensing Authority Agenda

**DATE OF MEETING:** April 29, 2013

Check below which one applies

The Clerk's office has this meeting date already posted  X

This is a special meeting which has not been posted \_\_\_\_\_

**TIME:** 9:30 a.m.  
**PLACE:** 2<sup>nd</sup> Floor Hearing Room, 367 Main Street, Hyannis, MA

**Vote to accept Minutes:** Vote to accept minutes of the 4/08/13 Meeting.

Hearings:

**One Day Wine & Malt & 1 Day Entertainment and 2<sup>nd</sup> 1 Day Entertainment Licenses:** Application of Jennifer Williams on behalf of Osterville Historical Museum, 155 West Bay Road, Osterville, for a One Day Beer & Wine License and a One Day Entertainment License for a Fundraiser for the Historical Society at the museum outside in a tent, on July 14, 2013 called Summer Sampler: Pigs & Pearls, with food samples from local chefs & vendors from Osterville Farmer's Market with soft jazz and a silent auction from 5 pm to 7 pm and a One Day Entertainment License for its 22<sup>nd</sup> Annual Antique Show outside at the Museum on August 15, 2013 from 9 am to 4 pm (rain date August 16, 2013).

**One Day Entertainment License:** Application of Brenda J. Cottingham, of Maidstone, England, to hold a One Day Entertainment License for her 4<sup>th</sup> Annual "Evening of Clairvoyance" to be held in the Warren Hall at the Unitarian Church of Barnstable, Main Street, Barnstable, on September 13, 2013 from 7 pm to 10 pm.

**One Day Entertainment License:** Request of Suzan Felows, 70 Stetson Street, Hyannis, for a One Day Entertainment License for Brenda Cottingham of Maidstone, England for the 4<sup>th</sup> Annual Evening of Clairvoyance to be held in Warren Hall at the Unitarian Church on Main Street, Barnstable on September 13, 2013 from 7 pm to 10 pm.

**One Day All Alcohol and One Day Entertainment License:** Request of Michael Brooks on behalf of Cape Cod Synagogue, 145 Winter Street, Hyannis for One Day All Alcohol and One Day Entertainment License for One Day event with alcohol, a raffle and a Jack Leyden and the Accent Band to be held at the Synagogue on May 11, 2013 from 7 pm to 11 pm.

**One Day Entertainment License:** Request of Amy DeFeudis of Dance Designs, 11 Enterprise Road, #17&18, Hyannis, for a One Day Entertainment license for dance recitals featuring 200 students to be held at Barnstable High School Performing Arts Center on June 22 and June 23, 2013 from 4 pm to 6 pm each day.

**Carnival License:** Application of Carmela White, Rockwell Amusement & Promotions, Inc., 10 Red Oak Drive, Johnston, RI, for a **Special Permit for a Carnival** with 15 rides and 15 games for Monday, June 3, 2013 through Sunday, June 9, 2013, David Bertozzi, Manager, to be held at the Cape Cod Mall rear parking lot, 769 Iyannough Road, Hyannis. Set up will be on 6/03 and 6/04/2013, and the carnival will be operating from 6 pm to 10 pm Wednesday & Thursday, 6 pm – 11 pm Friday, noon to 11 pm Saturday and 1 pm to 10 pm Sunday.

**New Junk Dealer License:** Application of Ocean 5 Enterprises, LLC, d/b/a Cottage by the Sea, 8 West Bay Road, Osterville, for a New Annual Junk Dealer License, James Boucher, Manager, for sale of household furniture and décor, maximum hours of operation to be 9 am to 9 pm.

**New Class II Auto Dealer License (change to corporate name):** Application of All Motors Auto Sales, Inc., d/b/a All Motors Auto Sales, 66 Barnstable Road, Hyannis, Luis Fernandez, Manager, for a new Class II Auto Dealer license (license is currently in name of owner/manager rather than corporate name) with a maximum of 28 total vehicles on site, hours of operation to be 9 AM to 5 PM.

**Alteration of Premises:** Application of Brasilia Foods, LLC, d/b/a FOGO Brazilian Barbeque, 39 Iyannough Road, Hyannis, Elizabeth Hurley, Manager, for a Change in License Description to read: Single story restaurant at 39 Iyannough Road, Hyannis. Dining room seating 35 with buffet area, bar area seating 28, deck seating 20. Five entrances/exits. Three restrooms including one which is handicap accessible. All as shown on plan dated 3/18/13.

**New Common Victualler License:** Application of Andrew B. Milk, d/b/a Kalmus Beach Concession, 670 Ocean Street, Hyannis, MA, Andrew B. Milk, Manager, for a New Common Victualler License, with outdoor seating, hours of operation to be 9 am – 5 pm.

**New Annual Common Victualler Wine & Malt License:** Application of Ralph Binder, d/b/a The Mad Platter, 480 Barnstable Road, Hyannis (The Airport), Ralph Binder, Manager, for a New Annual Common Victualler Wine & Malt License, hours of operation to be 6 am to 8 pm, alcohol service Mon-Sat 8 am to 8 pm and Sundays 10 am to 8 pm with seating for 34 with 6 employees and 10 standees per plan dated 3/26/13 signed by the Building Commissioner.

**New Class II Auto Dealer License:** Application of Saturn of Hyannis, Inc., d/b/a 141 Stevens Street, Hyannis, Edward Leslie, Manager, for a new Class II Auto Dealer license with a maximum of 89 total vehicles on site, hours of operation to be 8 AM to 5 PM.

**Transfer of Common Victualler Wine & Malt License:** Application of J&S Montero, LLC, d/b/a Vista De Mare Diner, 430 Main Street, Hyannis, Sergio Montero, Manager, for a New Annual Common Victualler Wine & Malt License, hours of operation to be 7 am to 4 pm, alcohol service Mon-Sat noon to 4 pm and Sundays 10 am to 4 pm with seating for 40 inside and 24 outside on the patio (no change from current seating plans).

**Transfer of Seasonal All Alcohol Common Victualler License and Non-Live Entertainment License:** Application of T.J. Enterprises, Inc., d/b/a Kian n' Rylee's Pub & Patio, Tara Jean Whelehan, Manager, 561 Main Street, Hyannis to LE Concepts, Inc., d/b/a Kian n' Rylee's, Matthew D. Giglio, Manager: Wood frame bldg. with 2 entrances/exits to Main Street, 2 entrances/exits to rear of bldg. Seating for 40 inside including 10 bar seats located in front room. Dining area totaling 623 sq. ft. Kitchen approx 900 sq. ft. Outside seating area for 40 seats on patio approx 942 sq. ft. Also requested is a Non-Live Entertainment license for radio and recorded music from 8 am to 12:45 am, and 4-5 T.V.'s,

**Alteration of Premises:** Application of International Inn, Inc., 662 Main Street, Hyannis, Ravi Ahuja, Manager for an Alteration of Premises description: 1<sup>st</sup> Floor 41 rooms, 2<sup>nd</sup> Floor 42 rooms, wooden bldg. at rear 29 rooms on 1<sup>st</sup> Floor, 29 rooms on 2<sup>nd</sup> Floor, 6 storage rooms, basement storage, lobby, coffee shop, conference rooms, restaurant with 95 total seats and lounge with 45 total seats with live entertainment, 48 seats on outdoor patio with music and outdoor pool area. Plan on file dated 4/5/13.

**Daily Live Entertainment License:** Application of C&D Shamrock, Inc., d/b/a The Nineteenth Hole, 11 Barnstable Road, Christopher Doherty, Manager, for a Live Entertainment License for 2 pieces, 2 performers, amplified, on Fridays from 5 pm to 8 pm at an area shown on plan filed April 4, 2013 and with the condition that the back room will be blocked off during the entertainment (also as shown on plan).

**New Annual Wine & Malt Retail Package Store License:** Application of Food Port International Market, LLC, 338 Main Street, Hyannis, Fredy Chavez, Manager, for an Annual Wine & Malt Retail Package Store License: 338 Main Street, Hyannis. Main floor 3 rooms, 2 entrances/exits; main entrance on Main Street. 12 x 11 room for liquor display at furthest corner of store away from entrances/exits. Back room 18 x 24 used

as work room including utility closet, hallway and stairs to basement of approx 2200 sq. ft. with 2 10x6 restrooms and a large 35 x 24' storage area for food and liquor.

**Show Cause Hearing:** Show Cause Hearing for Maloney Realty Trust, d/b/a The Embassy Inn, 98 High School Rd, Hyannis, holding a Lodging House license, on a complaint forwarded by the Building Commissioner for safety hazards concerning overcrowding and overcapacity of beds up to potential of 31 lodgers; use of two additional rooms and storage areas as bedrooms; lack of inspection allowed of quarters over the garage. The license is approved for 6 rooms and 12 lodgers. Also in the complaint is the use of 104 High School Rd as a lodging house, which location is not licensed. **Request to continue filed by Attorney for April 8 or April 29, 2013 hearing.**

**The following renewals have been submitted without any changes from the previous year for Licensing Authority approval:**

**Junk Dealers:**

Atomic Dimestore, 255 Main Street, Hyannis  
Spinnaker Records, 596 Main Street, Hyannis  
Simply Vintage, 5 Main Street, Cotuit  
Silva Jewelers, 863 Main Street, Osterville  
Play It Again Sports, 425 Lyannough Road, Hyannis  
Kay Jewelers, Cape Cod Mall, Hyannis

**Business Meeting:**

Release of Executive Session Minutes, if any (0).

And any other new business to come before the Licensing Authority.

**PERSONS INTERESTED ARE ADVISED THAT, IN THE EVENT ANY MATTER TAKEN UP AT THE MEETING REMAINS UNFINISHED AT THE CLOSE OF THE MEETING, IT MAY BE PUT OFF TO A CONTINUED SESSION OF THIS MEETING, WITH PROPER POSTING.**

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For your information the section of the M.G.L. that pertains to postings of meetings is as follows: Except in an emergency, in addition to any notice otherwise required by law, a public body shall post notice of every meeting at least 48 hours prior to such meeting, excluding Saturdays, Sundays and legal holidays. In an emergency, a public body shall post notice as soon as reasonably possible prior to such meeting. Notice shall be printed in a legible, easily understandable format and shall contain: the date, time and place of such meeting and a listing of topics that the chair reasonably anticipates will be discussed at the meeting. For meetings of a local public body, notice shall be filed with the municipal clerk and posted in a manner conspicuously visible to the public at all hours in or on the municipal building in which the clerk's office is located.