

(clock in stamp)

(TIMESTAMP ALL 3 COPIES IN TOWN CLERK'S OFFICE –  
LEAVE ONE TO FILE FOR OUR RECORDS -ONE TO POST IN  
TOWN HALL - KEEP ONE COPY FOR YOUR RECORDS).

## 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: September 19, 2016**

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**

1. Vote to accept minutes of the 8/22/16 meeting.

### **New Business:**

1. **99 Closure and Opening Celebration:** Requesting a 3 day closure to refurbish restaurant in the interior. Entertainment approved with annual live license.
2. **Application for a New Pedi-Cab Operator's License:** Application of Pierre Nguyen for new pedi-cab operator's license for Cape Cod Padi Cab, 541 Main Street, Hyannis.
3. **Application for a One Day Wine and Malt and Entertainment Licenses:** Application of Anita Bennet on behalf of the Centerville Library for a one day wine and malt and entertainment licenses for the Boots and Books; Harvest Fundraiser. Event to take place inside and outside at the Centerville Public

Library, 585 Main Street, Centerville on October 8, 2016 from 6:00 PM-9:00 PM. Entertainment to include a five piece and 5 performer band. 2

**4. Application for a One Day Wine and Malt and Entertainment Licenses:**

Application of Jeff Marcotte on behalf of Cape Cod Community College for a one day wine and malt and entertainment licenses for the Music Concert to be held at the Tilden Arts Center, 2240 Iyannough Rd., Hyannis. The event is to take place on October 22, 2016 from 4:00 PM – 10:00 PM. Entertainment is to include an amplified one piece with one performer.

**5. Consent Agenda:** None at this time

**Show Cause Hearings:**

**1. Continuation of Show Cause Hearing for Brito's Auto Sales:**

The Licensing Authority held a continued show cause hearing update, on April 11, 2016, July 18, 2016 and August 22, 2016 from December 14, 2015 for violating Code of the Town of Barnstable, Massachusetts, §228-1, Town of Barnstable's Class I & II Regulations and M.G.L. c.140 §59 as cited in letter dated October 20, 2015, at the Brito's Auto Sales located at 657 Yarmouth Road, Hyannis and on Town property located at 629 Yarmouth Road.

**2. Continuation of Show Cause Hearing for The Car Guys:** The Barnstable Licensing Authority will hold a Continued Show Cause Hearing from July 18, 2016 for The Car Guys, Inc. d.b.a. The Car Guys, 551 Yarmouth Road, Hyannis, MA, Ryan DeVincent, Mgr., for violations of M.G.L. c.140 §58 and the Town of Barnstable's Class I&II Regulations: parking vehicles on the licensed premise not in accordance with the floor plan approved by the Building Commissioner and the Licensing Authority.

**3. Show Cause Hearing for Greenhouse Restaurant:** The Barnstable Police Department and Licensing Division have requested a Show Cause Hearing be called before the Licensing Authority for Mad Hatter, LLC, d/b/a Greenhouse Restaurant, Christopher Connolly, Manager, 1127 Route 132, Hyannis for the following violation of the Town of Barnstable, MA Code:

•**501-7 Section 7I:** Alcoholic beverages sales and laws: (1 count for the sale or delivery of an alcoholic beverage to a person under 21 years of age; July 14, 2016).

**4. Show Cause Hearing for Saga Fusion:** The Barnstable Police Department and Licensing Division have requested a Show Cause Hearing be called before the Licensing Authority for Ling & K, Inc., d/b/a Saga Fusion, Hui Ling Chen, Manager, 1560 Old Post Road, Unit C, Marstons Mills for the following violation of the Town of Barnstable, MA Code:

•**Section § 501-7I:** Alcoholic Beverages Sales and Laws. (1 count – sale or delivery of an alcoholic beverage to a person under 21 years of age; July 9, 2016).

5. **Show Cause Hearing for Lambert’s Rainbow Fruit:** The Barnstable Police Department and Licensing Division have requested a Show Cause Hearing be called before the Licensing Authority for ML Fruit & Produce, Inc., d/b/a Lambert’s Rainbow Fruit, Matthew Lambert, Manager, 1000 West Main Street, Centerville for the following violation of the Town of Barnstable, MA Code:  
•**Section § 501-7I:** Alcoholic Beverages Sales and Laws. (1 count – sale or delivery of an alcoholic beverage to a person under 21 years of age; July 14, 2016).
6. **Show Cause Hearing for Puff the Magic:** The Barnstable Police Department and Licensing Division have requested a Show Cause Hearing be called before the Licensing Authority for New Sedgewick, Inc., d/b/a Puff the Magic, James Spindler, Manager, 649 Main Street, Hyannis for the following violation of the Town of Barnstable, MA Code:  
•**Section § 501-7I:** Alcoholic Beverages Sales and Laws. (1 count – sale or delivery of an alcoholic beverage to a person under 21 years of age; July 9, 2016).
7. **Show Cause Hearing for Tiki Port:** The Barnstable Police Department and Licensing Division have requested a Show Cause Hearing be called before the Licensing Authority for Pacific Bay, Inc., d/b/a Tiki Port Restaurant, Wai Fai Mah, Manager, 720 Route 132, Hyannis for the following violation of the Town of Barnstable, MA Code:  
•**Section § 501-7I:** Alcoholic Beverages Sales and Laws. (1 count – sale or delivery of an alcoholic beverage to a person under 21 years of age; July 9, 2016).
8. **Show Cause Hearing for Fancy’s Market:** The Barnstable Police Department and Licensing Division have requested a Show Cause Hearing be called before the Licensing Authority for Osterville Market Partners, d/b/a Fancy’s Market, Jeffrey Lindsey, Manager, 699 Main Street, Osterville for the following violation of the Town of Barnstable, MA Code:  
•**Section § 501-7I:** Alcoholic Beverages Sales and Laws. (1 count – sale or delivery of an alcoholic beverage to a person under 21 years of age; July 14, 2016).
9. **Show Cause Hearing for Old Village Store of West Barnstable:** The Barnstable Police Department and Licensing Division have requested a Show Cause Hearing be called before the Licensing Authority for Old Village Store of West Barnstable, LLC, d/b/a Old Village Store of West Barnstable, Daniel Devlin, Manager, 2455 Meetinghouse Way, W. Barnstable for the following violation of the Town of Barnstable, MA Code:

•**Section § 501-7I:** Alcoholic Beverages Sales and Laws. (1 count – sale or delivery of an alcoholic beverage to a person under 21 years of age; July 14, 2016).

## **Public Hearings:**

- 1. Town of Barnstable Rules and Regulations:** The Barnstable Licensing Authority will hold a public hearing in accordance with Chapter 138 and 140 of the General Laws, and Barnstable Town Code, to hear the merits of adopting proposed amendments to Part V of the Town Code: Licensing Rules and Regulations.
- 2. Application to Amend Annual Live Entertainment license and to Include Live Music on Upstairs Deck:** Application of Lobster Girl Lobster Boy, Inc. , d/b/a Raw Bar on Ocean Street, Elizabeth Westwater, Manager, 230 Ocean Street, Hyannis. Amend request is to include live music on the upstairs deck. Request is for 1 performer with 1piece. Hours of live music are Thursday-Sunday 5:00 PM to 8:00 PM.
- 3. Amendment of an Annual Wine and Malt License to include Cordials and Liquors:** Application has been filed by Ocean Street Café and Deli Inc., Fredy Chavez manager, d/b/a Ocean Street Café and Deli located at 10 Ocean Street, Hyannis, for an amendment to the existing Annual Wine and Malt Common Victualler license to include Cordials and Liquors.
- 4. Application for Change of Manager for an All Alcohol Common Victualler License:** Application of The Harbour Club Inc. d/b/a/ Trader Ed's, 11 Willow Street, Hyannis on their Seasonal All Alcohol Common Victualler License, for a Change of Manager from Wayne Kurker to Paul R. Gayewski.
- 5. Application to Transfer an Annual Wine and Malt Common Victualler and A New Non Live Entertainment Licenses:** Application has been filed to transfer the Annual Wine and Malt Common Victualler License and a New Non-Live Entertainment License from NXBP LLC d/b/a Pizza Wave, Nestor J Xhupi, mgr, 3864 Falmouth Rd., Cotuit to Cape Cod Pizza Wave Inc. d/b/a Pizza Wave, Stella Mesialides, mgr, 3864 Falmouth Rd., Cotuit.  
Description of Premise: Part of a one story strip mall and consists of approximately 1500 sq. ft. with dining area seating of 42 and employees ranging from 7-9 all approved by the Building Commissioner on 8-16-16. Kitchen, prep area and 2 restrooms entrance/exit at front and rear of premises.  
Hours of alcohol sales: 11am – 11 pm Daily.  
Non-Live Entertainment to include: 2 televisions. Hours of entertainment 11:00 am -11:00 pm, daily.
- 6. Application for a New Annual All Alcohol Common Victualler License:** Application has been filed for a new All Alcohol Common Victualler License for

Akira Sushi, Inc., d/b/a Akira Sushi, Emily M Clarindo-Faria, mgr., 575 Main Street, Hyannis.

Description of Premise: Single story restaurant consisting of two 24 +/- square foot restrooms. 56 +/- square foot cleaning room, 237 +/- square foot kitchen, 20 +/- square foot storage room, approximately 1000 square feet restaurant and bar area with 48 interior and 16 exterior seats all approved by the Building Commissioner on 8-18-16.

Hours of alcohol sales: 11: 30 am – 10:30 pm Daily.

7. **Application of an Alteration of Premises for an Annual All Alcohol**

**Innholder License and Amended Auto Amusement Licenses:** Application of Hearth 'n Kettle of Hyannis Inc., d/b/a Cape Codder Resort, 1225 Iyannough Rd., Hyannis, William Catania, Manager, for an Alteration of Premises description to change the existing premises description to:

**Current Description:** Concrete block with Brick and Wood veneer building with one entrance/exit on Route 132 & (3) entrances/exits on Bearse's Way. 261 unit hotel containing 9 meeting rooms, one lounge, one restaurant. Basement has 5 meeting rooms; seating capacity totaling 718 as well as assorted office space. 1st floor has two restaurants (seating 125 & 215) 1 Lounge, seating 121 and 4 meeting rooms with a seating capacity totaling 1020.

**New Description:** Concrete block with Brick and Wood veneer building with one entrance/exit on Route 132 and one entrance on Bearse's Way. 261 unit hotel containing 9 meeting rooms, lobby, one lounge, two restaurants, deck, outdoor pool, courtyard, indoor pool and waterpark with café, spa, fitness center and arcade. Basement has 5 meeting rooms, seating capacity totaling 634 as well as assorted office space. First floor has seating capacity totaling 1046; 2 restaurants (seating 82 & 279), one lounge seating 94, lobby, 5 meeting rooms with seating for 591. Outdoor pool seating 80, waterpark and café seating 258, courtyard, fitness center, guest rooms and arcade.

All changes have been approved by the Building Commissioner on 8/25/16.

Auto Amusement license amendments include an increase of 2 video games to 8 and the addition of 24 coin-op machines.

**Licensing Division Updates:**

1. **Licensing Department updates:**
2. **Police Department updates:**

**Executive Session: Litigation Strategy and updates for ABCC Appeals:**

1. **New England Clambake Inc., d/b/a Wimpy's, 752 Main Street, Osterville, MA. 02655**
2. **Venditti Enterprises Inc., d/b/a Mattakeese Wharf, 271 Millway, Barnstable, MA. 02360**
3. **Tap City Grille LLC, d/b/a Tap City Grille, 586 Main Street, Hyannis, Ma 02601**

Release of Executive Session Minutes, if any (0). And any other new business to come before the Licensing Authority.

- **Matters not reasonably anticipated by the Chair**

---

The list of matters, are those reasonably anticipated by the president/chair, which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law. It is possible that if it so votes, the sub-committee may go into executive session. 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. 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

# **Town of Barnstable**

## **Consumer Affairs**

**Elizabeth G. Hartsgrove, Supervisor**

**Licensing Authority**

**200 Main Street**

**Hyannis, MA 02601**

**[www.town.barnstable.ma.us](http://www.town.barnstable.ma.us)**

Telephone: (508) 862-4674

Fax: (508) 778-2412

### **BARNSTABLE LICENSING AUTHORITY**

# **CONSENT AGENDA**

**September 19, 2016**

#### **Renewals:**

1. **Application for a One Day Wine Only One Day Entertainment License:**