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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 Minutes

DATE OF MEETING: April 10, 2017

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: 2nd Floor Hearing Room, 367 Main Street, Hyannis, MA

A meeting of the Barnstable Licensing Authority was held on Monday, April 10, 2017. Chairman Martin Hoxie called the meeting to order at 9:30 A.M. He introduced Gene Burman, Vice Chairman; Ron Semprini, Clerk; David Nunheimer, Associate Commissioner, Richard Scali, Director of Regulatory Services; Elizabeth G. Hartsgrove, Consumer Affairs Supervisor; CAO Officer Therese Gallant, and Maggie Flynn, Recording Secretary. Lt. John Murphy attended after introductions.

Vote to accept Minutes

1. Vote to accept minutes of the 3/20/17 meeting.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to accept the minutes of the 03/20/17 meeting

New Business:

1. **Closure Request for a Wine and Malt Retail Package Goods Store License:** Speedway of Massachusetts LLC d/b/a Speedway, 50 Ocean St., Hyannis. The store will be closing on April 1, 2017. Disposition of the license is under discussion.

Ms. Hartsgrove updated the Board; they are seeking alternative locations or possibly sell the licensed. Request that they appear at the next meeting.

2. **Application for a One Day Beer and Wine License:** Application of Christine Bologna on behalf of The Cooperative Bank of Cape Cod, 25 Benjamin Franklin Way, Hyannis for a One Day Wine and Malt License for the Greater Hyannis Chamber of Commerce Business After Hours Event. The event is to take place on April 19, 2017 from 5:30-7:30 PM at the Cape Cod Cooperative Hyannis Branch, 695 Attucks Lane, Hyannis.

No one appeared for this application.

3. **Consent Agenda:**

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to accept the Consent Agenda as presented.

Public Hearings:

1. **Application for a new Annual Common Victualler License:** Application of Melchor Siguencia., d/b/a Rancho Cafe, 477 Yarmouth Rd., Hyannis, Diana Zhiyentayeva, Manager, for a new Annual Common Victualler license. Hours of operation will be 6:00 am to 2:00 pm daily. There will be 47 interior seats: 35 table and 12 bar seats and 11 exterior seats for a total of 58 seats with 3 employees as approved by the Building Commissioner on 3-7-17.

Melchor Siguencia appeared at the hearing. Mr. Scali asked about his experience and confirmed that this will be open for breakfast and lunch. Mr. Semprini asked about Entertainment. There will be 2 TV's requested for Non-Live.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to accept the application as presented.

2. **Application for an Alteration of Premises for an Annual All Alcohol Common Victualler License and a new Non live Entertainment License:** Application of Brazilian Grill Inc., d/b/a The Brazilian Grill, 676-78 Main Street,

Hyannis, Kelly A dePaula, Manager, for an Alteration of Premises description to change the existing premises description to:

Wood frame building at 676-78 Main Street, Hyannis with 1340 square foot kitchen and prep area, 825 square foot upper dining room with 66 seats, 680 square foot lower dining room with 50 seats and buffet bar, 950 square foot glassed-in dining room with 51 seats, 250 square foot Bar room with 16 seats, 250 square foot Cocktail area with 12 seats, 250 square foot indoor waiting, 162 square foot reception area and 3 restrooms with handicap provisions. There is 1 entrance on Main Street, 2 exits to the rear of building. Glassed-in dining room has 1 entrance from central dining corridor and 2 emergency exits to sidewalk. Total seating remains 195, alterations removes 16 outdoor seats and places inside along with 60 employees all approved by the Building Commissioner on 3/2/17.

Non-Live Entertainment to include 5 TV's.

Attorney Anthony Mazzeo and Kelly DePaula appeared on behalf of the application. This is a reallocation of 16 exterior seats to the interior in addition to the 5 TV's. There will be no exterior seats. Ms. DePaula stated there will be a few benches outside for waiting patrons.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to accept the application as presented.

3. Application for Amendments on an Annual All Alcohol Common Victualler

License: Application of Beech Tree Cantina LLC d/b/a Beech Tree Cantina, 599 Main Street, Hyannis on their Annual All Alcohol Common Victualler License, for a Change of Manager from Benjamin Surro to Shawn Jeffries. For a d/b/a change from the Beech Tree Cantina to Twisted Tree/Dancing Tomato/Beech Bar and a change in hours to the following : Mon-Fri 11 am to 12:45 am, Sat 10:00 am – 12:45 am, Sun 10:00 am – 12:00 am. Change is to open 1 hour earlier on Sat and Sun.

Alteration of Premises to include new names. Seating remains the same at 309 in total.

New Description: Wood Frame building at 599 Main St, Hyannis with 2 kitchens. Kitchen (1) 801 sq. ft. with prep area Kitchen (2) 400 sq. ft. with prep area. Twisted Tree: Exterior dining and lounge 38 seats, 705 sq. ft. Interior lower dining area 38 seats, 576 sq. ft. Upper dining area, 71 seats, 1150 sq. ft. Upstairs waiting area 8 seats, 3898 sq. ft. Dancing Tomato: 50 interior seats, 1150 sq. ft with 9 exterior dining seats. Beech Bar: 95 seats, 2500 sq. ft. Total entrances and exits =9. All approved by the Building Commissioner 3/13/17.

Bill Pane and Shawn Jeffries appeared on behalf of the application. Mr. Pane started the Beech Tree and left and now is back to make it good again. The names have been changed to produce a variety of food. Mr. Jeffries has worked with me for 25 years; Jared will be there to help.

Mr. Hoxie asked about the Dancing Tomato. It will have pizza and 8 Italian entrees. Variety will attract the maximum number of people. Mr. Hoxie asked about Mr. Jeffries experience. Mr. Semprini has concerns about the 12:45 license. We have made an effort to call last call at Midnight. The outside is checked vigorously, we have 7 people working. The violation was indoors at a private party. We have been diligent. As for noise Mr. Pane said we bought one of the 3 condos, there are 2 others, there is only outside entertainment to 8pm. Last call at 12:00 and get people out of there by 12:15 am; encourage police presence. Entertainment is usually inside. Lt. Murphy said the Beech Tree is asking their patrons to have an early last call. When you do that early closing the sidewalk congestion on the sidewalk can be large, please have your staff pay attention to this. Mr. Burman expressed the concern with the revolving door of managers. Mr. Jeffries stated that he has no intention of leaving. He will also become a part owner of the place. Officer Gallant reiterated the annual compliance meetings.

Elizabeth Wurbain expressed her support for the restaurant. She reviewed the history of the restaurant. We need to keep reinventing ourselves to be relevant.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to accept the application as presented.

4. Application for a New Seasonal All Alcohol Common Victualler License and Live and Non-Live Entertainment Licenses:

Application has been filed by Villa Noble LLC, David S. Noble manager, d/b/a The West End located at 20 Scudder Ave., Hyannis, for a new Seasonal All Alcohol Common Victualler, and annual Non-Live and Live Entertainment Licenses.

Description of Premise: One story building containing approximately 6200 square feet, dining room with 104 seats, 2 bathrooms, Kitchen with rear exit, lounge area with 22 seats, bar with 12 stools, parlor area with 17 seats and a bathroom, garden room with 25 seats, a dividable banquet room with 34 and 19 seats. Basement storage and attic office.

Total seating is 233 and 20 standees, interior only, with 35 employees. All approved by the Building Commissioner on 3/9/17.

Hours of Alcohol service are: 11:00 AM to 12:45 AM; Daily

Non-Live Entertainment to include: 2 televisions and recorded music below and at conversation level. Hours of Live and Non-Live Entertainment: 11:00 AM – 12:45 AM. Live Entertainment to include 3 performers with 3 pieces.

Attorney Bob Bianchi, Dave Noble and Jen Villa appeared for the application. Attorney Bianchi introduced the business as a fine dining/elegant operation. The menu is elegant and plan to use locally sourced foods. Approximately \$350,000 will be placed into the building alone.

Elizabeth Wurbain stated that the Melody Tent, Main Street and the Conference Center are very excited about this restaurant.

Mr. Scali thanked Mr. Noble about working with the Town. Please update the public. Marketing will be Jen's responsibility. Jen provided the vision. This will be more like what you will see in Boston. Speak Easy type of look with live jazz. We will have 2 small areas of entertainment. Plan to be open in 8 weeks when ABCC approval is received.

Lt. Murphy has had a positive working relationship with Embargo. Some concerns about parking. Mr. Noble never expects to have Entertainment to 12:45 unless there is a function. We will not book functions on Melody Tent nights. We do not have more seats than the Paddock. Do you have off-site parking agreements? Not yet, there were agreements in the past.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to accept the application as presented.

Licensing Division Updates:

- 1. Licensing Department updates-** Compliance meetings are this week and the Class I & II were held on March 29, 2017. Jamie Binienda will be spearheading an Alcohol Task force.
- 2. Police Department updates-** Lt. Murphy touched on the Question 4, marijuana issue as it pertains to outside smoking area.s

Executive Session:

The Licensing Authority may vote to enter into executive session pursuant to G. L. c. 30A s. 21(a)(3) to discuss strategy with respect to the following litigation if the chair declares that discussion in an open meeting may have a detrimental effect on the litigating position of the Authority.

- 1. Review of ABCC Appeal: New England Clambake Inc. d/b/a Wimpy's, 752 Main St., Osterville, Ma, Daniele Siscoe, Manager.**
- 2. Review of ABCC Appeal: Mitchell's Café Corp d/b/a/ The Dockside, 110 School St., Hyannis, Ma, Velma Roberts, Manager.**

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

Telephone: (508) 862-4674

Fax: (508) 778-2412

BARNSTABLE LICENSING AUTHORITY

CONSENT AGENDA

April 10, 2017

Renewals:

1. **Application for (19) One Day Entertainment Licenses:** Application of Linda Mawhinney on behalf of the Cape Symphony for 19 One Day Entertainment licenses for the 2017- 2018 Concert schedule.(See attached) All concerts will be held at the Barnstable Performing Arts Center, 744 West Main St., Hyannis.

Junk Dealer Licenses:

1. Hannoush Jewelers, Cape Cod Mall, Hyannis
2. Edythe & Co., 805 Main Street, Osterville
3. Kay Jewelers, Cape Cod Mall, Hyannis
4. Atomic Dimestore, 187 West Main Street, Hyannis
5. Silva Jewelers, 1112 Main Street, Osterville
6. AJ Marks Jewelers, 973 Iyannough Rd., Hyannis
7. Best Buy, Cape Cod Mall, Hyannis
8. Best Buy LP, Cape Cod Mall, Hyannis
9. JCM Metals Inc., 142 Corporation St., Hyannis
10. Cape Cod Jewelers, 366 Main St., Hyannis
11. Jewelcraft, 585 Main St., Hyannis
12. Gamestop, Cape Cod Mall, Hyannis
13. Sweet Pea's Nest, 4083 Main St., Cummaquid
14. Newbury Comics, Cape Cod Mall, Hyannis
15. New England Jewelry, 342 Main St., Hyannis
16. Simply Vintage of Cape Cod, 1600 Rt. 28, Centerville

Innholder all Alcohol License:

1. Hyannis Inn Motor Hotel, 473 Main St., Hyannis

Club All Alcohol License with Entertainment:

1. The Beach Club, 27 Long Beach Rd., Centerville
2. Baxter's Fish N' Chips, 177 Pleasant St., Hyannis
3. Cotuit Highground, Golf Club, 31 Crockers Neck Rd., Cotuit

Common Victualler Wine and Malt License with Entertainment:

1. Cape Cod Melody Tent, 41 West Main St., Hyannis
2. Cooke's Seafood, 1120 Iyannough Rd., Hyannis

Common Victualler All Alcohol License with Entertainment:

1. Mattakeese Wharf, 271 Millway, Barnstable
2. Fresh Ketch, 462 Main St., Hyannis
3. Gringos, 577 Main St., Hyannis
4. Black Cat Harbor Shack, 159 Ocean St., Hyannis
5. The Dockside, 110 School St., Hyannis
6. Kian N Rylees, 561 Main St., Hyannis
7. Spanky's Clamshack, 138 Ocean St., Hyannis
8. Harbor Point, 156 Harbor Point Rd., Cummaquid
9. Trader Ed's, 11 Willow St., Hyannis
10. Blue Water Grille, 213 Ocean St., Hyannis
11. Eclectic Café, 606 Main St., Hyannis

Common Victualler License:

1. Coffee Table Café, 230 Ocean St., Hyannis

The meeting was adjourned at 10:25 to go into Executive Session and returned to open session at 10:43 and adjourned again at 10:45.

Respectfully submitted,

Margaret D. Flynn, Recorder
Town of Barnstable Licensing Authority

Ron Semprini, Clerk
Town of Barnstable Licensing Authority

Re-Open Session:

Review of ABCC Appeal: New England Clambake Inc. d/b/a Wimpy's, 752 Main St., Osterville, Ma, Daniele Siscoe, Manager.

The Licensing Authority voted on April 10, 2017 with respect to the decision dated November 16, 2015 on the show cause hearing for violation by New England Clambake, Inc. d.b.a. Wimpy's of section 501-7I, sale or delivery of an alcoholic beverage to a person under 21, that the following be substituted for "action" to take effect upon dismissal of the pending appeal, with prejudice, without costs, and waiver of any appeal to the decision as substituted:

ACTION: that the Annual All Alcohol Common Victualler license be suspended for 1-day to be served on Monday April 17, 2017 based upon compliance by Wimpys with section 501-7I during the 2016 compliance check except that take-out food service only can continue during the suspension; the license is to be turned in during the suspension; a white sign is to be posted on the front and rear doors stating the establishment is closed except for take-out service; and in all other respects the decision dated November 16, 2015 is ratified and confirmed.