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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: December 11, 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, December 11, 2017. Chairman Martin Hoxie called the meeting to order at 9:30 A.M. He introduced; Gene Burman, Vice-Chairman; Ron Semprini, Clerk; Larry Decker, Associate Commissioner; David Nunheimer, Associate Commissioner; Richard Scali, Director of Regulatory Services; CAO Officer Therese Gallant, and Maggie Flynn, Recording Secretary. Elizabeth Hartsgrove did not attend the meeting.

Vote to accept Minutes

1. Vote to accept minutes of the 11/13/17 meeting.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to accept the minutes of the 11/13/17 meeting.

New Business:

1. **Request for Closure:** Request from Chelsea Inc. d/b/a/ Roadhouse Café, 488 South Street, Hyannis, David Colombo, manager to close for annual maintenance and repair from January 1, 2018 – February 13, 2018.

Dave Colombo appeared for the request.

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

2. **Request for Closure:** Request from 9 Lives Corp Inc. d/b/a/ The Black Cat Tavern, 165 Ocean Street, Hyannis, Scott Brownlee, manager to close for annual maintenance and renovations from January 1, 2018 – March 8, 2018.

Dave Colombo appeared; more extensive renovations this year than in the past.

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

3. **Request for Closure:** Request from New England Clambake Inc., d/b/a/ Wimpy's, 752 Main Street, Osterville, Mark Guerin Manning, Manager to close for general maintenance from January 15th- February 6, 2018.

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

4. **Request to Approve 2018 Licensing Authority Hearing Dates:** Request to approve the attached dates for 2018.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to accept the Hearing dates for 2018.

5. **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 Change of Manager on an All Alcohol Common Victualler License:** Application of Davester LLC d/b/a Embargo, 453 Main Street, Hyannis on their Annual All Alcohol Common Victualler License, for a Change of Manager from Marissa Noble to John Bush.

Dave Noble and John Bush appeared. John has been the General Manager for over 10 years.

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 a Change of Manager, Change of Beneficial Interest, New Officer, Director and Stockholder:** Hyannis Package Store Inc., d/b/a Hyannis Package Store, 775 Main Street, Hyannis, Donald M Burch, Manager, current licensee of an Annual All Alcohol Retail Package Goods Store license has filed an application for:
- Change of Manager from Donald M Burch to Cormac Brodar Fitzgerald;
 - Change of Individual Beneficial Interest from Donald M Burch to Donald M Burch 2017 Revocable Trust
 - New Officer, Director and Stockholder to Linda A Burch.

Attorney Phil Boudreau represented the application. This is not a sale of the store. Cormac Fitzgerald has been the acting manager.

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 a New Annual Common Victualler License:** Application of Cape Cod Coffee LLC. d/b/a Cape Cod Coffee., 348 Main Street., Hyannis, Jan Aggerbeck, Manager, for a new Annual Common Victualler License to be located at the Barnstable Municipal Airport, 480 Barnstable Road, Hyannis. Indoor seating of 30 as approved by the Building Commissioner on 11/16/17. Hours of operation are 5:30 AM to 6:00 PM; Daily.

Jan Aggerback appeared on behalf of the application. The old Centerville Pie location reduced the number of seats from 34-30. Mr. Scali asked about a future beer and wine license. We want to assist you in any way possible. Amend hours from application to 6pm from 1 pm.

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 to Amend an All Alcohol Common Victualler License:** Application of Sunny Boy Inc. d/b/a Downtown Bistro, 372 Main Street, Hyannis, Timothy Gaudette manager for a request to amend the All Alcohol Common Victualler License from a Seasonal License to an Annual License .

Tim Gaudette appeared for the application.

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

5. **Application for a New Annual Common Victualler License:** Application of Lorena Bakery and Café Inc., d/b/a Lorena Bakery and Café, 357 Main Street., Hyannis, Lorena Petri, Manager, for a new Annual Common Victualler license. Hours of operation will be 6:00 AM to 6:00 PM daily. There will be 16 interior seats and 14 exterior seats, as approved by the Building Commissioner on 11-22-17.

Ali Maloney and Lorena Petri appeared on behalf of the application.

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

6. **Application for A New Annual All Alcohol Common Victualler License and Live and Non-Live Entertainment Licenses:** Application has been filed for an Annual All Alcohol Restaurant, Live and Non-Live Entertainment Licenses from 769 Iyannough Inc. d/b/a/ Ten Pin Eatery, 793 Iyannough Rd., Hyannis; James F. Mullen, manager.

Description of Premise: Premise is located at 793 Iyannough Road, Hyannis comprising 25,128 square feet. Alcoholic beverages will be dispensed from the Bar(1,254 sq. ft.), for service and consumption in the restaurant (1,662 sq. ft.), Community Seating Area(1,926 sq. ft.), VIP Flex Suite(818 sq. ft.), Game Room (3,879 sq.ft.)and Lobby(661 sq.ft.). No service or consumption is allowed in the Laser Tag Room, Briefing Room, Restrooms and areas not open to the public. Alcohol will be stored in bar and kitchen. Beer and wine will also be stored in 2 exterior walk-ins (271 sq. ft.)

Proposed occupancy is 540 with total seating of 296 at 48 tables as follows: Restaurant 28 tables, 112 seats, Bar- 3 tables, 12 seats, Bar seats- 38. Community seating- 14 tables, 98 seats, - 32 of which are bowling seats, VIP Flex – 4 tables, 36 seats- 12 are bowling seats. Five emergency exits. All approved by the Building Commissioner on 11/13/17.

Live Entertainment to include: 5 performer's maximum with 5 amplified pieces and a dance floor.

Non-Live Entertainment to include: 24 televisions and 3 projection screens, 50 video games and recorded music at conversation level. Hours of operation are 11:30 AM - 12:45 AM.

Attorney Paul Tardif, Attorney Jim Stinson and James Mullen appeared on behalf of the application. Attorney Tardif introduced the many members of this application in the audience.

The applicant is partnering with Ryan Family Amusements.

Attorney Tardif reviewed the location in the Mall. The lease is for 10 years.

Create a family entertainment center; full restaurant and bar, laser tag, bowling and games. Additionally Attorney Tardif reviewed the floor plan.

Alcohol will be in the entire location with the exception of the laser tag room. Mr. Semprini asked about alcohol with bowling and if there are any concerns. Attorney Tardif said no, there are experienced personnel. This is not the main attraction, entertainment will be. Mr. Burman asked about vacancies in the Mall. Mr. Decker asked about parking; mostly near Macy's and the Men's Warehouse. After 9pm the main corridor to the Mall will be blocked off and exiting will be at the Men's Warehouse exit.

The VIP section will have some privacy but will operate the same as the other part.

Security requirements were reviewed by Attorney Tardif. There will be cameras throughout and always a live person.

Mr. Semprini clarified the Dance Floor portion of the application.

Mr. Burman asked about the need?

Attorney Tardif stated there is a need, it will be open year round, This is a high class entertainment area.

Mr. Hewer, mall manager, received a number of requests for sit down dining. Additionally, we have received requests for entertainment. The Mall is adapting to the changing Retail needs.

Not Your Average Joes is open after the Mall hours until 11pm. Ten Pin will be open later.

Mr. Mullen discussed the menu. Chapins has been in business since 1998. We serve mainly New England fare but we will also have communal food for larger groups.

Attorney Tardif reviewed the placement of the 25 televisions throughout the site.

How many employees, approximately 125 and will be advertised locally.

Lt. Murphy, this is a large endeavor, the theme is not alcohol but entertainment. This is a family location, good luck.

Video security- do you have the details as of yet; . Robert Nichols, sophisticated security system, a company will install. All angles will be covered. Alcohol in Community Room and VIP area, a group of 4 people 2 of age and 2 not. How will alcohol not be passed? In the VIP area how is this handled?

Mr. Mullen, these areas will be no different than the restaurant areas. They will be staffed by servers.

Mr. Scali asked about the storage corridor, labelled incorrectly, this will be clear. All entrances/exits have been approved via the Building Commissioner.

Mr. Hoxie asked about the Live entertainment. We are requesting up to five but may only have 3 performers.

Officer Gallant reviewed the need for crowd managers.

Mr. Burman asked about security for Mall Stores. Mr Hewer stated that there is a dedicated security person for the staff. Also, there is another individual via radio.

Ten Pin will provide inside security.

Lt Murphy thinks this is a positive step in the right direction as a personal opinion. Hope to be fully operational in the spring.

Lt. Murphy has spoken to Chief MacDonald, the Mall plays a vital role in the town and success would be welcomed.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to accept the application as presented with the following clarification that Entertainment is from 11:30 AM to 12:45 AM and Hours of Service are from 8:00 AM to 1:00 AM.

Additional Public Comment:

Attorney Andrew Upton on behalf of Speedway requested a few minutes to address the Authority. At request of his client, where might they be able to go? We have 2 other Speedway's. We have retained a liquor license broker. North Street and Lyannough Rd. are the other 2 locations. Lyannough Rd has a saturation issue, North Street is near the homeless shelter, thus 317 was the chosen location.

Mr. Semprini stated that he still has reservations. A buyer outside of the village of Hyannis would be considered. Additionally, would consider the North Street location will be considered.

Mr. Scali stated you can appeal the original decision or file for reconsideration. I am trying to get a sense of direction.

Lt. Murphy stated the BPD did not dictate your location, the North Street location posed some concern to the Police Department. Are there conditions that could be placed on the license to mitigate the concerns of the North street location? If the store is managed properly no one at risk should be served.

Mr. Nunheimer suggested having a conversation with the Salvation Army and the Church.

Mr. Burman asked stated that you might want to come before the Board on the 27th to ask for a 6 month extension. Be inactive up to 6 months.

This is a dilemma as previously stated by Chairman Hoxie.

Attorney Nunheimer asked about delaying the previous decision. Mr. Scali stated that the actual decision has not been done.

Attorney Upton stated that Speedway wants to use this license.

Attorney Upton will be on the Agenda for the 27th.

Licensing Division Updates

1. Licensing Department updates: None

2. Police Department updates: None

- **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

The meeting was adjourned at 11:00 AM

Respectfully submitted,

**Margaret D. Flynn, Recorder
Town of Barnstable Licensing Authority
Authority**

**Ron Semprini, Clerk
Town of Barnstable Licensing**

Town of Barnstable

Consumer Affairs

Elizabeth G. Hartsgrove, Supervisor

Licensing Authority

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BARNSTABLE LICENSING AUTHORITY

CONSENT AGENDA

December 11, 2017

Renewals:

Common Victualler All Alcohol License with Entertainment:

1. Sam Diego's, 950 Iyannough Rd., Hyannis
2. Not Your Average Joe's, 793 Iyannough Rd., Hyannis
3. 99 Restaurant & Pub, 1600 Falmouth Rd., Centerville
4. Five Bays Bistro, 825 Main Street, Osterville
5. Tavern on the Green, 1460 Route 149, Marstons Mills
6. Kettle Ho, 12 School Street, Cotuit
7. Bamboo, 574 Iyannough Rd., Hyannis
8. Villaggio Ristorante, 4631 Falmouth Rd., Hyannis

General On Premise All Alcohol with Entertainment:

1. Cotuit Center for the Arts, 4404 Falmouth Rd. Cotuit

Common Victualler Wine and Malt License with Entertainment:

1. Craigville Mexican and Pizza, 618 Craigville Beach Rd., Centerville

All Alcohol Club License with Entertainment:

1. Wequaquet Lake Yacht Club, 150 Annable Point Rd., Centerville
2. Osterville Veterans Association, 753 Main St., Osterville
3. Wianno Club, 107 Sea View Ave., Osterville
4. Oyster Harbors Club, 170 Grand Island Dr., Osterville

All Alcohol Club License Without Entertainment:

1. Wianno Club, 389 Parker Road, Osterville
2. Kings Grant Racquet Club, 12 Old kings Rd., Cotuit

All Alcohol Retail Package Goods Store License:

1. Cotuit Liquors, 3858 Falmouth Rd., Marstons Mills
2. Cape Cod package Store, 1495 Falmouth Rd., Centerville
3. Craigville Package Store, 2946 Falmouth Rd., Centerville
4. Seven G's Liquors, 990 Rte. 6A, West barnstable

Common Victualler License:

1. Pineapple Caper Café, 29 Wianno Ave., Osterville
2. Amie Bakery, 3 Wianno Ave, Osterville
3. IHOP, 790 Iyannough Rd., Hyannis
4. Wendy's, 554 Iyannough Rd., Hyannis
5. Starbuck's, 655 Iyannough Rd., Hyannis
6. D'Angelo Sandwich Shop, 187 Falmouth Rd, Hyannis
7. Whole Foods, 990 Iyannough Rd., Hyannis
8. Nirvana Coffee Company, 3206 Main St., Barnstable
9. Five Guys, 769 Iyannough Rd., Hyannis
10. Marylou's Coffee, 1481 Iyannough Rd., Hyannis
11. Chick-Fil-A, 155 Enterprise Rd., Hyannis
12. D'Angelo's, 793 Iyannough Rd., Hyannis
13. Barnes and Noble, 769 Iyannough Rd., Hyannis
14. Regina Pizzeria, 793 Iyannough Rd., Hyannis
15. Kebab N Curry, 793 Iyannough Rd., Hyannis
16. Burger King #4486, 2145 Iyannough Rd., Hyannis
17. The Casual Gourmet, 31 Richardson Rd., Centerville
18. Four Seas Ice Cream, 360 So. Main St., Centerville
19. Papa Ginos, 1600 Falmouth Rd., Centerville
20. Honey Dew, 313 Iyannough Rd., Hyannis
21. Morning Glory Café, 211 Cotuit Rd., Marstons Mills

Lodging House License:

1. Hillcrest B&B, 70 Gosnold St., Hyannis
2. The Inn at Craigville Retreat, 208 Lake Elizabeth Dr., Centerville

Class I Auto Dealer License:

1. Hyannis Honda Body Shop, 1364 Phinney's Lane, Hyannis
2. Hyannis Honda, 830 West Main Street, Hyannis
3. Hyannis Honda Annex, 405 West Main Street, Hyannis
4. Hyannis Toyota, 756 Bearse's Way, Hyannis
5. Hyannis Toyota, 1020 Iyannough Rd., Hyannis
6. Premier Mazda, 141 Stevens Street, Hyannis
7. Volvo Cars Cape Cod, 270 North street, Hyannis

8. Dick Beard, 20-25 Ridgewood Ave., Hyannis
9. Land Rover Cape Cod, 100 Barnstable Rd., Hyannis
10. Buckler's, 100-116 Ridgewood Rd., Hyannis

Class II Auto Dealer License:

1. Auto Cape, 61 Falmouth Rd., Hyannis
2. All Cape Auto Sales, 711 Yarmouth Rd., Hyannis
3. Mutual Motors, 537 Yarmouth Rd., Hyannis
4. Barnstable Motors Wholesale, 689 Yarmouth Rd., Hyannis
5. Leadership Motors, 455 Yarmouth Rd., Hyannis
6. Mid-Cape Motors, 362a Yarmouth Rd., Hyannis
7. Robert J Trapp, 120 Old Yarmouth Rd., Hyannis
8. Willow Street Motors, 517 Yarmouth Rd., Hyannis
9. Harbor Auto Sales, 380 Yarmouth Rd., Hyannis
10. Cape Motors, 477 B Yarmouth Rd., Hyannis
11. All Motors Auto Sales, 66 Barnstable Rd, Hyannis
12. MBM Auto Sales, 115 Iyannough Rd., Hyannis
13. Prime Pre-Owned, 95 Falmouth Rd., Hyannis
14. Rotary Collision, 345 Barnstable Rd., Hyannis
15. Joe's Auto Sales, 744 Bearnse's Way, Hyannis
16. Ziggy's Auto Sales, 832 Bearnse's Way, Hyannis
17. Cape Cod Carz, 153 Corporation Rd., Hyannis
18. Cape Wide Auto & Marine, 230 Bearnse's Way, Hyannis
19. Executive Auto & Sales, 515 West Main St., Hyannis