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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: June 11, 2018

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, June 11, 2108. Chairman Martin Hoxie called the meeting to order at 9:30 A.M. He introduced; Gene Burman, Vice-Chairman; Larry Decker, Associate Commissioner; David Nunheimer, Associate Commissioner; Nancy Karlson-Lidman, Associate Commissioner; Richard Scali, Director of Regulatory Services; CAO Officer Therese Gallant, Lt. John Murphy and Maggie Flynn, Recording Secretary.

Chairman Hoxie opened the meeting by congratulating Gene Burman on his numerous years of service to the Licensing authority and the Town of Barnstable. Thank you for your service and Chairman Hoxie called Gene "Mr. Barnstable"; a celebration will be at 200 Main Street on June 12, 2018.

Vote to accept Minutes:

1. Vote to accept minutes of the 05/21/2018 meeting.

A motion was duly made by Mr. Burman, seconded by Mr. Nunheimer and a unanimous vote taken to accept the minutes of the 5/21/2018 meeting.

New Business:

1. Consent Agenda:

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

- 2. Cape Cod Coffee LLC d/b/a/ Cape Cod Coffee:** Jan Aggerback requested to be heard by the Board to extend his operating hours to 11 PM as originally suggested by the Board. Mr. Scali suggested that the Board considers the request today and ratify at the next hearing.

A motion was duly made by Mr. Burman, seconded by Mr. Nunheimer and a unanimous vote taken to approve extending the hours to 11PM and ratification at next hearing.

Public Hearings:

- 1. Application for a New Annual Common Victualler License:** Application of Olivia Enterprises LLC., d/b/a Sea Street Cafe, 50 Sea Street., Hyannis, Atanis Proev, Manager, for a new Annual Common Victualler license. Hours of operation will be 7:00 AM to 2:00 PM, daily. There will be 48 total seats; interior only, all approved by the Building Department, May 4, 2018.

Atanis Proev appeared on behalf of the application. This is a successful business without alcohol. Extend the hours until 3pm.

A motion was duly made by Mr. Burman, seconded by Mr. Nunheimer and a unanimous vote taken to accept the application as presented with one exception of changing the closing hour to 3:00 PM from 2:00 PM; daily.

- 2. Application for an Alteration of Premises for an Annual All Alcohol Common Victualler License:** Application of Colombo's Café and Pastries Inc.,d/b/a Colombo's Café and Pastries, 544 Main Street, Hyannis, Chris M. Basley, Manager for an Alteration of Premises description of the existing premises. Alteration of premise is for additional 14 outdoor seats, no interior changes.

New Description: 1 story cement block & wood structure at 544 Main Street, Hyannis, MA with 1st floor and basement. Basement consists of men's and

women's restrooms, storage area and mechanical room. Main floor consists of an ADA handicapped accessible restroom, waitress station, 11 seat bar, main dining room (82 seats at tables, total occupancy 108), performance kitchen, separate kitchen area, 2nd 16 seat bar, 2nd dining room (28 seats, 13 standees, total occupancy 57) for a total indoor occupancy of 165. Patio/sidewalk outside dining area 26 seats at 8 tables. Total of 3 exits (main front entrance, one accessing patio from 2nd dining room and one at rear. All changes approved by the Building Department on 5/8/18.

Attorney Dan Creedon appeared on behalf of the application. Mr. Colombo will continue to operate the license as currently done; this application is to add 14 outdoor seats. This application has been approved by informal site plan review. Mr. Scali reviewed the issue of a license agreement with the Town.

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

- 3. Application for a New Annual Class 1 License:** Application of AMR Auto Holdings-LC LLC, d/b/a/ Land Rover Cape Cod, David Cuesta, Manager, for a new Class I Auto Dealer License. Licensee to be located at 70 & 76 & 100 Barnstable Road, Hyannis for 57 total spaces, 28 display, 3 customer spaces including 1 handicap space , 14 service spaces, 4 showroom spaces, and 8 service bay spaces. Employee parking will be offsite. Plans approved by the Building Commissioner and Deputy Fire Chief on 5/8/18.

Attorney Scott Silverman appeared on behalf of the application along with David Cuesta.

Mr. Scali reviewed the site plan review process for this applicant and subsequent approvals and stressed that the cars need to be on the lot not the sidewalk.

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

- 4. Application for a Change of Manager on an All Alcohol Common Victualler License:** Application of Shenanigans Inc. d/b/a Bobby Byrne's Hyannis Pub, 489 Bearse's Way, Hyannis on their Annual All Alcohol Common Victualler License, for a Change of Manager from Robert Steven Klock to Fiona Slattery.

Fiona Slattery appeared on behalf of the application; she has worked for Bobby Byrne's for 10 years, her parents met at Bobby Byrne's 30 years ago.

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

5. Application for a New Live Entertainment and Karaoke Licenses on a Seasonal All Alcohol Common Victualler License:

Application of Mitchell's Café Inc. d/b/a The Dockside Restaurant, 110 School Street, Hyannis on their Seasonal All Alcohol Common Victualler License, for a new Live Entertainment and Karaoke licenses.

Live Entertainment to include: 3 performers with 3 pieces that will be amplified; also requesting a separate karaoke license. Entertainment hours will be daily from 11:00 AM to 12:45 AM.

Attorney Lawler represented the Licensee. He is requesting that we reduce the live entertainment to 2 people for live entertainment and Karaoke from 3 as the application stated. This is for inside only. Mr. Hoxie stated that all noise will be contained on the premises. Mr. Burman brought up last year's parking issues. They have been resolved. The Licensee did serve a 3 day suspension as a settlement according to Officer Gallant relative to the previous parking issues.

Officer Gallant updated the Board that the Dockside did not attend the mandatory meeting this year. There is a history of violations at this establishment; they in fact lost their entertainment license. There is a concern about management at this location. The intent of this is to fill in the gaps when the weather is bad and people are inside. Virtually every restaurant in the Town has entertainment. A limitation on the amp is also possible according to Attorney Lawler. Mr. Hoxie reiterated that any violations would be a loss of license.

Alan Goddard appeared as a resident of Hyannis. A reduction of 3 to 2 for entertainment does not mean much. They have not requested to lose the amplification completely. They have had problems with entertainment in the past, may start well.

It has been four years since the entertainment was removed. This is intended to be a request for a second chance.

Lt. Murphy said is it difficult to find some common ground. There seems to be some polar opposite views. There is a need for peace and quiet and a need for the business to succeed. The Board must find a way to find these 2 things to co-exist. No one intends to violate; things happen. The BPD wants a successful business community and to have Mr. Goddard have peace and quiet. This Board did grant a license, and then revoked and now they are looking for a second chance. Find a solution for both.

Grant One Day licenses for the month of June and then grant an annual license.

Ms. Karlson- Lidman asked if there is any baffling mechanism to keep the noise down. Attorney Lawler stated the intent is for it to be low to begin with.

Mr. Scali confirmed that Lt. Murphy's idea is a good one. Temporary license until July 9th is a possibility. A thirty day license for both Live and Entertainment and Karaoke were issued with the following conditions 2 performers, 2 pieces amplified, indoors only with windows closed- 11 AM to 11:30 PM, daily. To be reviewed at the 7/09/18 Licensing Authority Hearing.

6. **Application to Amend an Annual Common Victualler Wine and Malt License:** Application of Pizzeria Barbone LLC d/b/a/ Pizzeria Barbone, 390 Main Street, Hyannis, Jason O'Toole manager, for a request to amend the Annual Wine and Malt Common Victualler License to include cordials.

Jason O'Toole appeared on behalf of the application. The request is to offer cordials. There is a list of cordials list, lower proof.

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

7. **Application for a New Annual All Alcohol Common Victualler License:** Application of 959 Bearses Inc. d/b/a Gannons Tavern, 959 Bearses Way., Hyannis, Michael S. Gannon manager for a new Annual All Alcohol Common Victualler License.

Premise Description: 959 Bearses Way, Hyannis is of brick and wood construction, approximately 4,330 sq. ft. consisting of kitchen, bar with seating for 20, dining room with seating for 72 and outside seating for 28. Storage and office area in basement with employee restrooms. Premise has 120 total seats all approved by the Building Commissioner on 05-24-2018.

Operation hours are: 11:30 AM to 1:00 AM; Daily

Mike Gannon appeared on behalf of this application. Gannons Tavern will be a casual upscale American Bar and Grill. There will be entertainment. A huge benefit being located next to the Cape Codder hotel. This will be an approachable business, family run. Been in the business for 27 years, corporate and independent. The lease is for 5 years for 2 options after. We did purchase the property.

Ms. Karlson-Lidman asked about the location of the outside seating. We will be cleaning up but not changing the interior; we will not open without alcohol.

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

1. **Update on Application Status:** GA Hyannis LLC d/b/a Harborview Restaurant and Bar, 235 Ocean Street, Hyannis; Scott Crowley, Manager

Attorney Jeffrey Ford provided an update on the status of this location. He reviewed all the history. The Building Commissioner requested that the Architectural Board review be done. The transfer of the new license will be heard on July 9th.

Mr. Decker stated that a man approached himself as the owner. Mr. Crowley stated that Mr. Gustafson does report to him and the intention is to transfer the license.

- 2. Police Discussion:** R&Y Enterprises Inc. d/b/a/ Ying's Sushi Bar & Lounge, 59 Center St., Hyannis

Officer Gallant asked the manager to come to the Board today. There has been a lot of police response recently. There have been noise complaints and marijuana smoke in the building. Lt. Murphy does concur. Ying's has been an anchor business in the East End for quite some time. The issue is to clear the air and get on the same page. Sundays has had an Entertainment change.

Attorney James Connors appeared to assist the licensee. Want to formulate a road map for compliance. Sundays is being closed down and may resolve the issue at hand. This may be a DJ issue; we have not had management issues. This is an educational piece; we are trying to get in front of this. The marijuana aspect has opened Pandora's Box for many establishments. The BPD is working on guidelines for marijuana.

Licensing Division Updates:

- 1. Licensing Department updates-** Thank you to the commissioners that came to the ML meeting.
 - 2. Police Department updates:** Lt Murphy added his name to the list of kudos to Mr. Burman. You have provided me with a lot of wisdom.
- 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

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BARNSTABLE LICENSING AUTHORITY
CONSENT AGENDA
June 11, 2018

Renewals:

- 1. Application for A One Day Entertainment License:** Application of Amy DeFeudis on behalf of Dance Designs for a One Day Entertainment License for the 2018 Dance Designs Dance Recitals. There will be two recitals on June 23, 2018 at 1:00 PM and 5:00 PM at the Barnstable Performing Arts Center, 744 West Main Street, Hyannis.
- 2. Application for a One Day Wine and Malt and Entertainment Licenses:** Application of Stephen Hemberger on behalf of the Historical Society of Santuit and Cotuit for a One Day Wine and Malt and Entertainment licenses for the Taste of Cotuit Annual Fundraiser. The event is to take place on July 28, 2018 from 6:00 PM – 9:00 PM. Entertainment is for a one performer with one amplified piece.
- 3. Application for a One Day Wine and Malt and Entertainment Licenses:** Application of Lisa Kopecky on behalf of Cape Cod Concerts for a One Day Wine and Malt and Entertainment licenses for the Marc Cohn event. The event is to take place on June 22, 2018 beginning at 7:30 PM. Entertainment is for 4 performers.

The meeting was adjourned at 10:25 AM

Respectfully submitted,

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

Martin Hoxie; Chairman
Town of Barnstable Licensing