

BARNSTABLE
TOWN CLERK

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20 SEP -8 P4 :01

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

The April 6, 2020 public meeting of the Licensing Authority shall be physically closed to the public to avoid group congregation.

Remote Participation Instructions

Alternative public access to this meeting shall be provided in the following manner:

1. The meeting will be televised via Channel 18 and may be accessed via the Channel 18 website at:

<http://streaming85.townofbarnstable.us/CablecastPublicSite/watch/1?channel=1>

2. Real-time public comment can be addressed to the Licensing Authority utilizing the Zoom link or telephone number and access code for remote access below.

Link: <https://zoom.us/j/917955916>

Telephone Number: 888-475-4499 US Toll-free, Meeting ID: 917955916

3. Applicants, their representatives and individuals required or entitled to appear before the Licensing Authority may appear remotely and are not permitted to be physically present at the meeting, and may participate through the link or telephone number provide above. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to Richard.scali@town.barnstable.ma.us, so that they may be displayed for remote public access viewing.

DATE OF MEETING: April 6, 2020

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: Selectman's Conference Room, 2nd Floor, 367 Main Street,
Hyannis, MA**

A meeting of the Barnstable Licensing Authority was held on Monday, April 6, 2020. Chairman Martin Hoxie called the meeting to order at 9:30 AM. He introduced; David Nunheimer, Clerk and Associate Commissioners; David Hirsch, Larry Decker and Nancy Karlson-Lidman (participating remotely via telephone/Zoom), Richard Scali, Licensing Director, Officer Therese Gallant, and Lindsay Parvin, recording secretary.

Richard Scali noted that with current restrictions in place limiting access to Town Buildings, all applicants will be participating remotely via Zoom or by telephone. An agenda was posted by the Town Clerks office which included instructions for viewing and/or participating remotely.

Vote to accept Minutes:

1. Vote to accept minutes of the 3/23/2020 meeting.

A motion was duly made by Mr. Nunheimer, seconded by Mr. Decker and a unanimous vote taken to accept the minutes of the 3/23/2020 meeting.

New Business:

1. **Ammar Corporation D/B/A Peppers Pantry, 4120 Falmouth Road, Cotuit, MA 02635**

Update regarding the ongoing renovations and estimated re-opening date for extension of inactive Wine and Malt package store license.

Attorney Thomas Souza appeared on behalf of the applicant. The applicant is requesting an additional three months closure to complete ongoing renovations, noting that construction has taken longer than anticipated.

A motion was duly made by Mr. Nunheimer, seconded by Mr. Decker and a unanimous vote taken to grant the closure extension until July 15, 2020.

1. **Consent Agenda:**

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

Public Hearings:

1. ALTERATION OF PREMISES ON AN ALL ALCOHOL COMMON VICTUALLER LICENSE

Application of Pain D'Avignon II Inc.,d/b/a Pain D'Avignon Café - Boulangerie, 15 Hinckley Road, Hyannis, Mario Mariani, Manager for an Alteration of Premises description of the existing premises. Alteration of premise is to include a new dining area with 40 seats with one additional seat in patio area.

New Description: Single story building at 15 A, B, & C Hinckley Road, Hyannis. Approximately 8211 Sq. Ft. Café/Bakery serving breakfast, lunch, dinner and take out. 11 seat full bar, dining seats 80 and outdoor patio seats 20. Total inside seating 91; outside seating 20. Main entrance plus two French doors leading to outdoor patio and parking area, containing three exits. Additional exit into connecting bakery warehouse and several garage doors and side exits. All changes approved by the Building Department on 2/21/20.

Continued from March 23, 2020

Attorney Jeff Ford appeared on behalf of the applicant. He stated that the construction of a new dining room space is nearly complete. The additional space will have seating for 40. The plans include space for one additional patio seat. The seating breakdown is as follows; 11 bar seats, 80 dining room seats and 20 outdoor patio seats for a total of 111 seats.

Mr. Ford noted that no changes have been made to the ownership or management. The application is merely for an alteration to the approved space.

They did apply to amend their entertainment license to include a pool table and one additional television.

Mr. Scali noted that the amendment to the entertainment license was not part of the legal advertisement.

Attorney Ford explained that a revised plan showing the pool table was approved by Brian Florence and was subsequently forwarded to Licensing.

Mr. Scali explained that we would have to advertise the addition of the pool table and television as it was excluded from the legal advertisement.

Ms. Karlson-Lidman asked if parking has been altered as part of the remodel/addition.

Attorney Ford stated that he was not involved with any matters pertaining to the parking plan. Mr. Ford noted that the establishment has an approved valet plan in place.

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

Mr. Scali noted that the proposed pool table and additional TV must be advertised.

2. NEW LODGING HOUSE LICENSE

Application of American Youth Hostels Inc. d/b/a/ HI- Hyannis Hostel, 111 Ocean Street, Hyannis. Javier Bujanda, Manager for a New Lodging House License for 3 Buildings with 13 bedrooms and 47 lodgers.

Continued from March 23, 2020

Continued to April 27, 2020

3. NEW LODGING HOUSE LICENSE

Application of Karla Taylor LLC, d/b/a Lamb & Lion Inn, 2504 Main Street, West Barnstable, Lauren Wendelowski, Manager for a New Lodging House License for 10 units.

Continued from March 23, 2020

Continued to April 27, 2020

4. NEW ANNUAL ALL ALCOHOL COMMON VICTUALLER LICENSE AND NEW LIVE AND NON-LIVE ENTERTAINMENT LICENSES

Application of Finn's Craft Beer Tap House, Inc., David M. DeMinico mgr, d/b/a Finn's located at 334 Main Street, Hyannis, for a new Annual All Alcohol Common Victualler, and annual Live and Non-Live Entertainment Licenses.

Description of Premise: One Level Restaurant with 2 large rooms for patrons and an 1100 sq. ft. outdoor patio. One room will have a bar and garage door to outdoor seating, the other room will have tables/chairs and space for entertainment. Large kitchen and prep room, a small office space and 2 public bathrooms. 7 rooms total. Total occupancy count is 157. The breakdown is as follows: 57 outside seats, 18 bar seats, 76 table seats and 6 staff members as approved by the Building Commissioner on 3/13/2020.

Hours of operation are: 11:00 AM to 12:45 AM; Monday-Saturday
11:00AM-12:00PM; Sunday

Live Entertainment to include: Amplified music for up to 6 performers. Non-Live

Entertainment to include: 6 televisions and recorded music. Hours of both Live and Non-Live Entertainment: 11:00 AM – 12:45 AM

David DeMinico appeared on behalf on the application. He intends to open a family friendly beer garden featuring craft beer from around the region. The property features a 12x7ft garage door that opens to an outdoor area with tables and lounge seating. He plans to have live music indoors during the winter months and the occasional acoustic performer on the patio area during the summer months.

Richard Scali noted that the property is located behind KKaties.

Chairman Hoxie asked if Mr. DeMinico had any experience in the sale of alcoholic beverages.

Mr. DeMinico explained that this is new venture. He previously worked as an Information Technologies Manager. His manager has been in the restaurant business for over 30 years and intends to work closely with him. He plans on taking all the applicable courses pertaining to alcohol and food sales noting that he is T.I.P.S. certified.

Mr. Decker asked if the establishment had a dedicated parking area.

Mr. DeMinico explained that patrons would use the public parking areas adjacent to the establishment.

Mr. Decker noted that 1100 sqft is a rather larger patio space.

Mr. DeMinico explained that the space had been used by a previous licensee with a larger capacity than he has proposed. He noted that the property has a 6ft. fence surrounding the space. The patio area can only be accessed through the main entrance. Emergency fire exits are located throughout the outdoor space.

Mr. Scali noted that the entertainment space pictured on the plan is located close to the sidewalk. He asked if Mr. DeMinico would consider moving the entertainment space further back.

Mr. DeMinico agreed to move the entertainment space further back from the sidewalk.

Officer Gallant said in speaking with Lt. Murphy they are particularly mindful of establishments which are adjacent to Main Street in regards to noise compliance matters. It is important to be considerate of nearby establishments when proposing outdoor entertainment. Other licensees have agreed to limit outdoor entertainment hours by adhering to an 11:00PM curfew. They also limit the number of performers, only allowing (1) to (2) performers. She asked if Mr. DeMinico would be willing to comply with such guidelines.

Mr. DeMinico confirmed that the live entertainment would consist of (1) to (2) performers. He is willing to limit outdoor entertainment hours by adhering to an 11:00PM end time.

Officer Gallant said that she is available to discuss alcohol compliance checks and is able to meet with the staff to pass along tips for spotting fake identification.

Mr. DeMinico said he would welcome the opportunity to have Officer Gallant meet with his staff and would be appreciative of any tips and suggestions she may provide.

Mr. Scali asked Mr. DeMinico if he intends to have any standees on the patio.

Mr. DeMinico explained that although the plan shows 57 seats, he expects to reduce the number of outdoor seats in hope of creating more open space.

Mr. Scali suggested filing an alternative plan that shows how the space will be set up when hosting live entertainment. The Building Commissioner would have to approve of the alternate plan as it relates to capacity.

Mr. Nunheimer asked if they plan to limit the capacity to 57 persons for both layouts.

Mr. DeMinico confirmed that the capacity of the outdoor space will not exceed the 57 persons.

Officer Gallant asked if the applicant plans on keeping the 6ft fence that currently surrounds the patio area.

Mr. DeMinico plans on keeping the fence, noting that it needs some paint and repairs.

Mr. DeMinico stated that he hopes to create a family friendly environment in a relaxed atmosphere.

A motion was duly made by Mr. Nunheimer, seconded by Mr. Decker and a unanimous vote taken to approve the application as presented. The outdoor entertainment hours shall be amended to reflect an 11:00pm end time with maximum of two outdoor performers

Mr. Scali noted a copy of the alternative entertainment plan with the Building Commissioner's approval must be submitted before the application can be forwarded to the ABCC.

5. NEW ANNUAL ALL ALCOHOL COMMON VICTUALLER LICENSE AND NEW LIVE AND NON-LIVE ENTERTAINMENT LICENSES

Application of The Karibbean Lounge LLC., Aniela Bodah mgr, d/b/a The Karibbean Lounge located at 662 Main Street, Hyannis, for a new Annual All Alcohol Common Victualler, and annual Live and Non-Live Entertainment Licenses.

Description of Premise: Building consists of a full kitchen with two bars totaling 5210 sq. feet. Restrooms are located in the lobby which is beside the main restaurant entrance. One full bar has 10 stools; the second bar has 4 stools and will be used for private functions. Total seating capacity of 134; 86 inside seats, 48 outside seats, 9 employees and 20 standees.

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

Live Entertainment to include: Amplified music for up to 4 performers. Non-Live Entertainment to include: 4 televisions and radio. Hours of both Live and Non-Live Entertainment: 11:00 AM – 12:45 AM Monday-Saturday
11:00AM – 11:00PM Sunday

Aniela Bodah appeared on behalf of the application

Mr. Scali asked Ms. Bodah to explain her experience and plans for the location.

Ms. Bodah stated she will be working with two co-owners. She has previously worked as a banquet server at Ocean Edge Resort. Co-owner Duane Martin has worked as a cook at the Sea Crest Resort and the Hearth and Kettle and co-owner, Allannah Bodah has worked at the Cove and Ocean Edge. They all have experience in the hospitality industry.

They intend to feature a mixture of American and Caribbean cuisine. The establishment has two bars. One of which is a full bar and the other will mainly be used for private functions. The outdoor dining area has 48 seats.

Mr. Scali asked if they plan on operating separate from the attached hotel.

Ms. Bodah explained that she will be renting the space from the hotel but will be operating separately.

Mr. Scali asked Ms. Bodah to describe their plans for entertainment.

Ms. Bodah explained that they plan on having a variety of family friendly entertainment such as Karaoke and live musical performers. They plan to have theme nights which feature a live band or DJ showcasing different styles of music. They plan to have dancing by patrons.

Mr. Scali noted that the Building Commissioner has yet to approve the proposed plan. The applicant will also need to provide an alternate entertainment plan for approval.

Ms. Bodah explained that she submitted the plans for approval but Mr. Florence has been on vacation and hasn't reviewed it yet.

Mr. Decker asked Ms. Bodah to clarify the details of the private function area.

Ms. Bodah stated that the space will primarily be used for private functions. The space has (20) seats with an additional (4) stools at the bar.

Mr. Decker asked when they hope to open.

Ms. Bodah stated that she hopes to open once she receives approval from all departments. The space required minimal cosmetic repairs.

Officer Gallant asked if she plans on having entertainment in the outdoor space.

Ms. Bodah stated that she does not intend on having outdoor entertainment.

Officer Gallant noted that the west end of Main Street has more residential properties and asked that the applicant be vigilant of the indoor entertainment spilling out onto the outdoor patio. Officer Gallant stated she is always available to answer any questions related to alcohol compliance checks and tips for recognizing false Identification.

Mr. Scali recommends continuing the application until the plan has been reviewed by the Building Commissioner.

A motion was duly made by Mr. Nunheimer, seconded by Mr. Decker and a unanimous vote taken to approve the application as present, subject to the approval of the Health Department and the Building Commissioner's approval of the standard plan and alternative entertainment plan.

Licensing Division Updates:

1. Licensing Department updates –

Mr. Scali received notification from the ABCC that State has approved the sale of beer and wine for takeout throughout the duration of the crisis. The product must be sold in a sealed container and must be accompanied by a food order. The establishment must be able to provide receipt from the sale. All rules pertaining to the sale and consumption of alcohol to minors still apply.

2. **Police Department updates-**
Officer Scali informed the Board she will not be holding the annual meeting with licensees at this time.

The meeting was adjourned at 10:42AM

Respectfully submitted,



L. Parvin, Recorder
Town of Barnstable Licensing Authority



David Nunheimer, Clerk
Town of Barnstable 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

Town of Barnstable
Licensing Authority
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BARNSTABLE LICENSING AUTHORITY
CONSENT AGENDA
April 6, 2020

Renewals:

Seasonal Common Victuallers:

1. 327-005 Ben & Jerry's, 352 Main Street, Hyannis

Seasonal Common Victuallers All Alcohol:

1. 326-039, Black Cat Harbor Shack, 159 Ocean Street, Hyannis
2. 308-113, Tequila Charlie's, 577 Main Street, Hyannis

Junk Dealer/ Second Hand Good License:

1. 117-052, Edythe & Co., 805 Main Street, Osterville
2. 293-022, JCM Metals, Inc., 142 Corporation Street, Hyannis