

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 February 22, 2021 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.

<https://zoom.us/j/96496743419>

Meeting ID: 964 9674 3419

Telephone Number: 888-475-4499

US Toll-free, Meeting ID: 964 9674 3419

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: February 22, 2021

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:** Via Zoom

A meeting of the Barnstable Licensing Authority was held on Monday, February 22, 2021. Chairman, Mr. Martin Hoxie called the meeting in order at 9:30am. He introduced Mr. Richard Scali, Director of Licensing to explain how this zoom meeting will work and introduced all the participants. Mr. Scali introduced Commissioner, David Nunheimer, Commissioner, Larry Decker, Associate Commissioner, Mr. David Hirsch and Associate Commissioner, Ms. Nancy Karlison-Lidman. Also, in attendance was Lt. Murphy, Consumer Affairs Officer, Therese Gallant and Licensing Assistant, Lindsay Parvin.

Vote to accept Minutes:

1. Vote to accept minutes of the January 25, 2021 hearing.

A motion was duly made by Mr. Nunheimer, seconded by Mr. Larry Decker and a unanimous vote was taken to accept the minutes of the 1/25/2021 meeting as printed.

New Business:

1. Consent Agenda:

Mr. Scali reports that no items requiring approval appear on the February 22, 2021 Consent Agenda.

2. Per the Licensing Authority's request: An update from the following business regarding delayed renewal fees due to Covid-19 challenges:

Davester LLC d/b/a Embargo, 453 Main Street, Hyannis

Mr. Scali reports that David Nobel of Embargo submitted the full payment on Friday, February, 19, 2021 and is in compliance.

Public Hearings:

1. **CHANGE OF MANAGER ON AN ANNUAL ALL ALCOHOL RETAIL PACKAGE STORE LICENSE**

Application of Hyannis Wine & Spirits Inc., d/b/a Kappy's Fine Wine & Spirits, 333 Iyannough Road, Hyannis on their Annual All Alcohol Retail Package Store License, for a Change of Manager from Brian Wheeler to Todd Cohen.

Attorney Farnsworth and Todd Cohen appeared on behalf of the application. Attorney Farnsworth stated that Mr. Cohen has been an employee of Kappy's Fine Wine & Spirits for 3 years. Attorney Farnsworth reports that Mr. Cohen is T.I.P.S. certified and fully qualified to assume the role of Manager.

Mr. Cohen stated that he has worked at the location since it opened in 2017. He is TIPS certified and fully compliant with regulations pertaining to alcohol sales and customer identification requirements. Mr. Cohen stated that the business closes at 8:00pm Sunday through Thursday and 9:00pm on Friday and Saturday.

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

2. NOTICE OF PUBLIC HEARING FOR A NEW CLASS I AUTO DEALER LICENSE

Application of CopeCodder Enterprises Corp., d/b/a Copeland Subaru Hyannis, Bryan Scarpellini, Manager, for a new Class I Auto Dealer License to be located at 24 Ridgewood Avenue, Hyannis and also at 20, 25 and 58 Ridgewood Avenue for a total of 105 spaces. Breakdown is as follows: 27 customer, 46 display, 27 employee, 3 showroom and 2 handicap vehicle spaces.

Bryan Scarpellini appeared on behalf of the application.

Mr. Scali asked Mr. Scarpellini if the franchise agreement had been submitted.

Mr. Scarpellini stated that the letter of intent from the franchise is forthcoming and will submit it upon receipt.

Mr. Hirsch asked if this was a change in ownership.

Mr. Scarpellini and his business partner, Dan Copeland will be taking over ownership from Prime Motor Group. He will continue to serve as manager of both dealerships. Mr. Scarpellini noted that there will be no changes to the parking plan or daily business operations.

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

3. NOTICE OF PUBLIC HEARING FOR A NEW CLASS I AUTO DEALER LICENSE

Application of CopeCodder Acquisition Corp., d/b/a Copeland Chevrolet, Bryan Scarpellini, Manager, for a new Class I Auto Dealer License to be located at 22 Ridgewood Avenue, Hyannis

and also at 20, 25 and 58 Ridgewood Avenue for a total of 181 spaces. Breakdown is as follows: 44 customer, 88 display, 40 employee, 6 showroom and 3 handicap vehicle spaces.

Mr. Scarpellini appeared on behalf of the application. He stated that along with the Subaru dealership, they will be assuming ownership of the adjacent Chevrolet dealership, also currently by owned Prime Motor Group.

Mr. Decker asked for clarification of the parking plan.

Mr. Scarpellini noted that both properties are on a shared parcel, but licensed separately. The number of parking spaces as presented on the plan account for each dealership separately.

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

4. AMEND LOCATION OF CLASS I AUTO DEALER LICENSE

Application of 499 Route 6A Inc., d/b/a Premier Cape Cod, Joseph Laham, Manager to amend the Class I Auto Dealer License to include the following locations: 518 and 556 Yarmouth Road, Hyannis to include a total of 467 total parking spaces. Parking capacity at 600 Yarmouth Road, Hyannis and 93 Rosary Lane, Hyannis will be decreased from 309 total spaces to 86 total spaces for the construction of a car wash and dealership building.

Attorney Jeff Ford appeared on behalf of the applicant. Attorney Ford stated that the applicant is seeking to amend the current license in order to reflect changes to the parking configuration as needed to accommodate for the construction of a new car wash and dealership building. Attorney Ford stated that the applicant also seeks to add the parcels located at 518 and 556 Yarmouth Road to the license. Mr. Ford noted that final plans for the additional parcels have yet to be decided. The applicant hopes to utilize the space as it is adjacent to the current location.

Mr. Scali asked if the location was to remain a Chrysler dealership and if the franchise agreement had been updated to include the new parcels.

Attorney Ford stated that the franchise agreement is currently with Jeep/Dodge/Ram which falls under the umbrella of the Chrysler Corporation. He noted that no changes will be made regarding the franchise agreement or dealership operations. The applicant is seeking to utilize the adjacent parcels for overflow parking in conjunction with his current dealership.

Mr. Scali requested that the current franchise agreement noting the additional parcel be submitted.

Attorney Ford stated that he will forward the current franchise agreement for the property file.

A motion was duly made by Mr. Nunheimer, seconded by Mr. Decker and a unanimous vote was taken to approve the application as presented pending the submittal of the Franchise agreement noting the amended locations.

5. APPLICATION FOR A NEW ANNUAL COMMON VICTUALLER LICENSE WITH LIVE AND NON-LIVE ENTERTAINMENT LICENSES

Application of Great Awakening Coffee House Inc., d/b/a Great Awakening Coffee House, 20 Independence Drive, Hyannis, Victoria Dawe and Andrew Taylor, Managers, for a new Annual Common Victualler license. Hours of operation will be, 7:00 AM to 9:00 PM, Monday-Saturday and 1:00 PM-9:00 PM, Sunday. Seating is for 19 interior seats.

Non-Live Entertainment is for recorded music and 1 TV. Non-Live entertainment hours are 7:00 AM to 9:00 PM, Monday-Saturday and 1:00 PM-9:00 PM, Sunday.

Live Entertainment is for amplified live music with a maximum of four performers/pieces. Live entertainment hours are Friday-Saturday, 5:00PM-9:00PM

Proposed amendments* Andrew Taylor, Manager, Live Entertainment hours, Sunday, 5:00PM-9:00PM, Non-Live Entertainment for (2 TV's)

Inna Taylor appeared on behalf of the application. Ms. Taylor stated that their mission is to serve specialty coffee with a purpose. They worked with Architect, Matthew Eddy to create both a floor and parking plan. Ms. Taylor noted that it is a small space, which allows for a capacity of 19 seats. They hope to feature locally roasted specialty coffee and vegan/organic baked goods. They hope to host small open mic nights once a month featuring live performances.

Mr. Hoxie asked what business is currently at the location.

Ms. Taylor stated that it was a Sprint Store, but the location has been vacant for some time.

Mr. Decker asked for clarification of the amendments noted in the description.

Mr. Scali explained that changes to the application were made following the placement of the legal advertisement.

Mr. Scali asked if Ms. Taylor notified abutters.

Ms. Taylor confirmed that all applicable abutters had been notified.

Mr. Scali asked Ms. Taylor to describe her plans for live entertainment.

Ms. Taylor stated that when Covid restrictions are eased; they intend to host workshops and open mic nights featuring live performances. Her husband is a music teacher at a local private school and hopes to provide a musical outlet for the community.

Mr. Scali asked if they plan to have amplified music.

Andrew Taylor stated that they had originally intended to have amplification, but noted that the small size of the space tends to amplify sound without electronic assistance. He is cognizant of his abutters and is committed to being a respectful neighbor.

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

6. INFORMATIONAL - BLUE MOON AT 431 MAIN STREET INC. d/b/a BLUE MOON

Blue Moon, 431 Main Street, Hyannis, discussion with management relative to licensing concerns noted in October of 2020.

Aubrey Foster, Manager and Charlton Ferguson were present on behalf of the Blue Moon.

Lt. Murphy stated that the investigation into the October, 2020 incident is ongoing and noted that the management and staff of the Blue Moon have been fully cooperative thus far. Although the investigation is ongoing, The Police Department is confident that the incident did not involve employees and has no objections to extending the license for the full year.

Lt. Murphy stated that although the incident didn't involve employees, potential license violations have been observed on the surveillance video.

Officer Gallant stated that in viewing the surveillance footage, the capacity exceeded the restrictions imposed at the time. Several patrons can be seen without masks on. Officer Gallant also noted that loud music was playing and patrons were seen dancing. Officer Gallant clarified that the Blue Moon does not have a current live entertainment license. In order for a live entertainment license to be obtained, the application must be properly advertised and abutters notified.

Officer Gallant stated that the license currently allows for 38 seats inside (which includes the six seats at the bar). The outside patio is licensed for 24 seats. The total capacity is 62 seats. Current capacity restrictions due to covid-19 allow for a maximum of 15 indoor seats.

Mr. Foster stated that he understands the capacity restrictions and the need to apply for a valid entertainment license.

Officer Gallant asked Mr. Foster if he intends to reopen Blue Moon and if so, who will be managing the business.

Mr. Foster stated that he had intended to wait for the outcome of the hearing to determine his direction. Charlton Ferguson would serve as manager upon reopening.

Officer Gallant stated that Mr. Foster is currently listed as Manager. In order for Mr. Ferguson to assume the role of manager, he would be required to properly apply.

Mr. Foster stated that he had hoped to open in April and will formally submit the entertainment and change of manager applications as required.

Lt. Murphy thanked Mr. Foster for his cooperation and urged him to reach out to Officer Gallant if he has any questions or concerns regarding the imposed restrictions.

Mr. Decker asked if the Licensee has paid the 2021 Licensing fees and if the State Safety Certificate has been issued.

Mr. Scali stated that the fees have been paid and he would check with Building Commissioner, Brian Florence as to the status of the State Safety Certificate.

Officer Gallant advised Mr. Foster to confirm that he is in full compliance with the Health Department prior to opening.

Mr. Decker suggested putting off approval of the 2021 License until the outstanding issues have been addressed.

A motion was duly made by Mr. Decker, seconded by Mr. Nunheimer and a unanimous vote was taken to postpone approval of the 2021 License to the March 22, 2021 hearing where at such time the change of manager and entertainment applications will be considered pending submittal of the required documents.

1. SHOW CAUSE HEARING:

The Barnstable Licensing Authority will hold a Show Cause Hearing for the Sea Beach Inn Co. d/b/a Sea Beach Inn, 388 Sea Street, Hyannis, MA, Catherine Darling, Manager, holder of a Lodging House license for violations of the Town Code s. 501-5, h) Responsibilities of License Holder, of the Town of Barnstable's Licensing Authority's Rules and Regulations relative to the management of the premises, violations of s.501-11, Environs of Licensed Premises, a.) and f.) supervision over the conduct of the licensed establishment to include the licensed premise becoming the focal point for police attention, s. 501-14, b) 1) violations by the licensee to include any provision of the relevant MGL of the Commonwealth, Ordinances of the Town of Barnstable, or any rule or regulation of the Licensing Authority.***

Officer Gallant stated that she has been working closely with Attorney Early and acting property Manager, David Darling to address the areas of concern at the property. She noted that both David Darling and Attorney Early have been very responsive to her requests. In examining the police reports, Officer Gallant noted a significant increase in service calls to the address following Ms. Darling's ownership. Several calls related to civil disturbances between Ms. Darling and her tenants. Officer Gallant stated that the property was not being managed effectively and prospective tenants were not properly vetted.

Officer Gallant noted that since the David Darling has taken over management duties the calls for service have significantly dropped. Mr. Darling has been very responsive to her concerns and is fully committed to rectifying the past issues.

Lt. Murphy stated that he applauds Officer Gallant's dedication and commitment to getting matters resolved as well as Attorney Early's cooperation. He fully supports Officer Gallant's recommendation for proceeding.

Officer Gallant recommends keeping the matter open until the May 28, 2021 hearing where at such time she will provide the Board with an updated report and the Board may vote on the findings.

Mr. Decker is pleased that calls for service have dropped significantly. Too many calls were made to the police department in an attempt to settle civil disputes.

Captain Webb of Hyannis Fire agreed with Officer Gallant's recommendation

A motion was duly made by Mr. Nunheimer, seconded by Ms. Karlson-Lidman and a unanimous vote was taken to keep the hearing open until May 22, 2021 and to resume the hearing for an updated report and recommendation from Officer Gallant and to vote on findings and disposition at that time.

Licensing Division Updates:

1. Licensing Department updates

Mr. Scali reports that the seasonal renewal applications will be mailed shortly. Licensing has been working with the IT department on the implementation of the new OpenGov software which will allow applicants to submit forms electronically. Mr. Scali also reports that the staff is currently transitioning over to office space at 367 Main Street. A licensing inbox is still located at 200 Main Street for submittals.

2. Police Department updates

Officer Gallant had nothing to report.

The meeting was adjourned at 10:45 AM

Respectfully submitted,

L. Parvin

**L. Parvin, Recorder
Town of Barnstable Licensing Authority**

Larry W. Decker

**Larry Decker, 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

February 22, 2021

