



# Town of Barnstable

## Regulatory Services

Thomas F. Geiler, Director

### Licensing Authority

200 Main Street

Hyannis, MA 02601

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### BARNSTABLE LICENSING AUTHORITY LICENSING HEARING AGENDA

Town Hall Building, 367 Main Street, 2<sup>nd</sup> Floor Selectmen's Conference Room,  
Hyannis, MA – 9:30 a.m.

July 28, 2008

#### Requests:

**Three One Day Beer & Wine, One All Alcohol, 3 Daily Entertainment and a Sunday Entertainment License:** Application of Cathrine Macort on behalf of Cape Cod Maritime Museum, 135 South Street, Hyannis for **Three One Day Beer & Wine Licenses, a One Day All Alcohol License, 3 Daily Entertainment Licenses and a Sunday Entertainment License** for the 3<sup>rd</sup> annual Cape Land and Sea Harvest Festival (CLASH) on September 25, 26, 27 and 28, 2008 in the lot behind the museum.

**Two One Day Beer & Wine and a One Day Entertainment License:** Application of Marilyn Fuller on behalf of Barnstable Historical Society, 3074 Main Street, Barnstable, for **Two One Day Beer & Wine Licenses, and One Entertainment License for 2 entertainers** for its annual summer event on August 6, 2008 from 5 pm to 9 pm (alcohol and entertainment) and its annual Septemberfest on September 14, 2008 from 4 pm to 8 pm (no entertainment), both at the Daniel Davis House, 3074 Main Street, Barnstable.

**Car Sale Permit:** Application for a Special 4 Day Permit for **Saturn of Hyannis**, 115 Bassett Lane, Hyannis, MA 02601, for an off-site fundraiser Car Sale at Barnstable High School, 744 West Main Street, Hyannis from August 14, 2008 to August 17, 2008 \$100.00 per vehicle sold will be donated to the school to be used at its discretion.

**One Day Beer & Wine License:** Application of Sarah Biggs on behalf of The Casual Gourmet, 31 Richardson Road, Centerville for **a One Day Beer & Wine** for a Chamber of Commerce event for young professionals to be held at the Tilden Arts Center at Cape Cod Community College on August 7, 2008 from 5 pm to 7 pm.

**One Day Entertainment License:** Application of Bruce Smith for Calvary Baptist Church, 25 Lincoln Road, Hyannis, MA, for **a One Day Entertainment License** for a

summer festival to help its nutrition mission to be held at the church on August 23, 2008 from noon to 7 pm.

**Hearings:**

**New Annual All Alcohol Common Victualler License:** Application of Costa Galatas, d/b/a Pizza Market, 12 Thornton Drive, Hyannis, Costa Galatas, Manager for a New Annual All Alcohol Common Victualler License, the hours of operation to be 6:00 am to 1 am.

**New Common Victualler All Alcohol License:** Application of Shree Ganesh Associates, Inc., d/b/a Cape Cod Chicken, 1671 Falmouth Road, Centerville, MA, Jaganath Iamsal, Manager, for a **New Common Victualler License**, the hours of operation to be 11:00 am to 8:30 pm.

**New Class II Auto Dealer License:** Application of Cape Cod Automotive, LLC, d/b/a Cape Cod Automotive, 600 Yarmouth Road, Hyannis, MA, Ralph Perkins, Manager, for a new Class II Auto Dealer License, hours of operation to be 8 am to 7 pm.

**Transfer of Annual All Alcohol Package Store License:** Application of Daggett's Liquors – Park Square Inc. d/b/a Capeside Wine & Spirits All Alcohol Package Store License, 101 Iyannough Road, Hyannis, MA, Thomas Haugh, Manager for transfer to Grain & Vine Spirit Shoppe, Alan O'Campbell, Manager, the hours of operation to be 10 am to 10 pm Monday through Thursday, 10 am to 11 pm Fri & Sat, noon to 10 pm Sun.

**New Annual All Alcohol Common Victualler License:** Application of Kobi House, Inc., d/b/a Kobi House, 489 Bearnse's Way, Hyannis, MA, Karen Huang-Liu, Manager, for a New All Alcohol Common Victualler License, the hours of operation to be 11:30 am to 11:00 pm. Proposed seating for 48.

**New Junk Dealer License:** Application of Tim Ferreira, d/b/a **Mid Cape Metal Recycling**, 31 Thornton Drive, Hyannis, Tim Ferreira, Manager for a **New Junk Dealer's License**, hours of operation to be 7 am to 4 pm.

**Show Cause Hearing:** The Barnstable Police Department has reported to the Licensing Authority that on May 26, 2008 at 9:57 p.m., VN Management Corp., d/b/a Cape Cod Inn, 447 Main Street, Hyannis, Johnny Vo, Manager, did violate the Code of the Town of Barnstable, Massachusetts, Part V, Section 501-15, Paragraph D to wit, "no members of the public may be on the licensed premises at any time during suspension periods," and further that "the licensee may be on the premises only if it is in the process of actively cleaning up or doing office work at the premises.

**Show Cause Hearing:** The Barnstable Police Department has reported to the Licensing Authority that on May 26, 2008 at 1:30 a.m., Phu Bros., Inc., d/b/a

Hannah's Fusion Bar and Bistro, 615 Main Street, Hyannis, Binh Phu, Manager, did violate the Code of the Town of Barnstable, Massachusetts, Part V, to wit:

Section 501-3, Paragraph J, "Licensees are not permitted to lock the front door of the premises until the last patron has exited from the premises;"

Section 501-7, Paragraph C, 1: "No licensee or employee or agent of licensee shall offer or deliver any free drinks to any person or group of persons;"

Section 501-7, Paragraph I: "Whoever makes a sale or delivery of any alcoholic beverages or alcohol to any person under 21 years of age, either for his own use or for the use of his parent or any other person, or whoever, being a patron of an establishment licensed under § 12 or 15 of General Laws Chapter 138 delivers or procures to be delivered in any public room or area of such establishment any such beverages or alcohol to or for use of a person who he knows or has reason to believe to be under 21 years of age or whoever procures any such beverages or alcohol for a person under 21 years of age in any establishment licensed under § 12, or procures any such beverage or alcohol for a person under 21 years of age who is not his child, ward or spouse in any establishment that is a package store, shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than six months or both. (N.B.: Alcoholic beverages may be procured for an underage child, ward or spouse in a package store by a parent, guardian or spouse but may not be so procured for such underage person in an on-premises drinking establishment). (General Laws, Ch. 138, § 34);"

Section 501-7, Paragraph R: "No alcoholic beverages shall be served after the closing hours indicated on the license;"

Section 501-7, Paragraph R: "All glasses, bottles, or other containers used for or containing alcoholic beverages shall be removed from all tables, bars, counters, patrons and public areas no later than 15 minutes after the approved closing time on the license for the sale of alcoholic beverages;"

Section 501-7, Paragraph R: ".No alcoholic beverages shall be consumed after the closing hours on the license;"

Section 501-8, Paragraph A: "It shall be obligation of licensees to ensure that a high degree of supervision is exercised over the conduct of the licensed establishment at all times. Each licensee will be held accountable for all violations that are related to the licensed premises to determine whether or not the licensee acted properly in the given circumstances.;"

Section 501-10, Paragraph D: "No entertainment may take place at a licensed premises and no member of the public may be at the licensed premises except during the hours and days when the Licensing Authority has approved the premises to be open to the public. It shall be a violation of the food or beverage license if

entertainment is conducted on the premises prior to the opening hour set by the Licensing Authority or subsequent to the closing hour set by the Licensing Authority for the exercise of the food or beverage license or during any period when the food or beverage license has been suspended.”

**Show Cause Hearing:** Show Cause Hearing for the purpose of determining if the lodging house licenses held by Park Square Trust III, Mark Sheehan, Trustee, Errol Foster, Manager at 156 Main Street and West Wind Trust, Mark Sheehan, Trustee, Errol Foster, Manager, 80 Yarmouth Road, Hyannis, MA should be renewed for the remainder of the calendar year.

**Renewals:**

**Other Business:**

Adoption of Sting Guidelines by the Licensing Authority for use by the Barnstable Police Department.