



# Town of Barnstable

## Regulatory Services

Thomas F. Geiler, Director

### Licensing Authority

200 Main Street

Hyannis, MA 02601

[www.town.barnstable.ma.us](http://www.town.barnstable.ma.us)

Telephone: (508) 862-4674

Fax: (508) 778-2412

### BARNSTABLE LICENSING AUTHORITY AMENDED LICENSING HEARING AGENDA

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

October 27, 2008

#### Hearings:

**One Day All Alcohol Permit:** Application of Michael Robinson, Cape Cod Young Professionals, P.O. Box 1302, S. Dennis, MA on for a **One Day All Alcohol License and a One Day Entertainment License** for a fundraiser event with a steel drum band on September 17, 2009 from 5:30 pm to 8:30 pm at Rectrix Aerodrome, Hyannis, MA.

**One Day All Alcohol and One Day Entertainment Licenses:** Application of Bill Sykes on behalf of **Best Buddies International**, 13 River Street, Plymouth, for a **One Day All Alcohol and One Day Entertainment License** for it's Best Buddies Challenge Bicycle Ride on May 30, 2009 from 12 pm to 9 pm, culminating with a catered event in a tent with live music and dancing at 1014 Craigville Beach Road, Centerville.

**Amended Class I Auto Dealer License:** Application of Hyannis Enterprises, Inc., d/b/a Hyannis Toyota, Jack G. Carter, Jr., Manager, 1020 Iyanough Road, 1040 Iyanough Road and 1056 Iyanough Road, Hyannis, for an **Amended Class I Auto Dealer License** to include the property at 1056 Iyanough Road, the hours of operation to be Monday - Thursday 7 am to 8 pm, Friday 7 am to 6 pm and Saturday 7 am to 5 pm. Total of 448 spaces at the 3 lots.

**New Common Victualler License:** Application of Shark City Market, d/b/a Old Village Store and Café, 2455 Meetinghouse Way, West Barnstable, MA, Alfred Schofield, Manager, for a **New Common Victualler License**, the hours of operation to be 7:00 am to 9:00 pm.

**Show Cause Hearing:** Show Cause Hearing for The Egg & I, 521 Main Street, Hyannis, MA, Peter Kappatos, Manager at he request of the Barnstable Police Department that on July 27, 2008 and again on August 10, 2008, The Egg & I was in violation of the Code of the Town of Barnstable, Massachusetts, Part V, of Section 501-23 to wit: "Licensees under this Article are subject to all applicable general rules for licensees set out in Article I above, with the exception of those parts that

refer to the sale of alcoholic beverages;” and Section 501-5-F, “The capacity set for the premises by the Building Department constitutes the maximum potential capacity for the premises but the actual capacity of the premises may not exceed the amount approved by the Licensing Authority and stated on the license,” in this case, 32 seats outdoors. On July 27, 2008 there were 46 persons on the outdoor patio and on August 10, 2008 there were 45 persons on the outdoor patio.

**Show Cause Hearing:** **Show Cause Hearing** on Ristorante Barolo, 297 North Street, Hyannis, Ann Marie Wallace, Manager, at the request of The Barnstable Police Department which has reported to the Licensing Authority that on August 16, 2008, an undercover sting was conducted by the Barnstable Police Department under written guidelines adopted by the Town of Barnstable Licensing Authority and on August 16, 2008 it was in violation of the Code of the Town of Barnstable, Massachusetts, Part V, to wit: it did sell an alcoholic beverage to a person under 21 years of age in violation of Section 501-7, paragraph F and 501-7, paragraph I of the Town of Barnstable Rules and regulations of the Licensing Authority as adopted in the Code of Regulations of the Town of Barnstable.

**Show Cause Hearing:** **Show Cause Hearing** on Osterville Veteran’s Association, Inc., 753 Main Street., Osterville, Cornelius Andres, Manager, at the request of The Barnstable Police Department which has reported to the Licensing Authority that on August 16, 2008, an undercover sting was conducted by the Barnstable Police Department under written guidelines adopted by the Town of Barnstable Licensing Authority and on August 16, 2008 it was in violation of the Code of the Town of Barnstable, Massachusetts, Part V, to wit: it did sell an alcoholic beverage to a person under 21 years of age in violation of Section 501-7, paragraph F and 501-7, paragraph I of the Town of Barnstable Rules and regulations of the Licensing Authority as adopted in the Code of Regulations of the Town of Barnstable.

**Show Cause Hearing:** **Show Cause Hearing** on Uno Chicago Grill, 574 Iyannough Road, Hyannis, Michael Sives, Manager, at the request of The Barnstable Police Department which has reported to the Licensing Authority that on August 16, 2008, an undercover sting was conducted by the Barnstable Police Department under written guidelines adopted by the Town of Barnstable Licensing Authority and on August 16, 2008 it was in violation of the Code of the Town of Barnstable, Massachusetts, Part V, to wit: it did sell an alcoholic beverage to a person under 21 years of age in violation of Section 501-7, paragraph F and 501-7, paragraph I of the Town of Barnstable Rules and regulations of the Licensing Authority as adopted in the Code of Regulations of the Town of Barnstable.

**Show Cause Hearing:** **Show Cause Hearing** on DJ’s Wings, Ribs, Subs ‘n More, 165 Yarmouth Road, Hyannis, Dennis Carlin, Manager, at the request of The Barnstable Police Department which has reported to the Licensing Authority that on August 16, 2008, an undercover sting was conducted by the Barnstable Police Department under written guidelines adopted by the Town of Barnstable Licensing Authority and on August 16, 2008 it was in violation of the Code of the Town of

Barnstable, Massachusetts, Part V, to wit: it did sell an alcoholic beverage to a person under 21 years of age in violation of Section 501-7, paragraph F and 501-7, paragraph I of the Town of Barnstable Rules and regulations of the Licensing Authority as adopted in the Code of Regulations of the Town of Barnstable.

**Show Cause Hearing: Show Cause Hearing** on The Island Merchant, 302 Main Street, Hyannis Joe Dunne, Manager, at the request of The Barnstable Police Department which has reported to the Licensing Authority that on August 16, 2008, an undercover sting was conducted by the Barnstable Police Department under written guidelines adopted by the Town of Barnstable Licensing Authority and on August 16, 2008 it was in violation of the Code of the Town of Barnstable, Massachusetts, Part V, to wit: it did sell an alcoholic beverage to a person under 21 years of age in violation of Section 501-7, paragraph F and 501-7, paragraph I of the Town of Barnstable Rules and regulations of the Licensing Authority as adopted in the Code of Regulations of the Town of Barnstable.

**Show Cause Hearing: Show Cause Hearing** on Fazio's Trattoria, 294 Main Street, Hyannis, Thomas Fazio, Manager, at the request of The Barnstable Police Department which has reported to the Licensing Authority that on August 16, 2008, an undercover sting was conducted by the Barnstable Police Department under written guidelines adopted by the Town of Barnstable Licensing Authority and on August 16, 2008 it was in violation of the Code of the Town of Barnstable, Massachusetts, Part V, to wit: it did sell an alcoholic beverage to a person under 21 years of age in violation of Section 501-7, paragraph F and 501-7, paragraph I of the Town of Barnstable Rules and regulations of the Licensing Authority as adopted in the Code of Regulations of the Town of Barnstable.

**Show Cause Hearing: Show Cause Hearing** for Shanghai Chinese Restaurant, 11 Ridgewood Avenue, Hyannis, MA, Henry Yang, Manager, at the request of the Barnstable Police Department, which has reported to the Licensing Authority the following violations of the Code of the Town of Barnstable, Massachusetts, Part V, to wit: § 501-1 Availability of rules and regulations sections A and D - The rules and regulations of the Town were not readily available and the employees had not read the regulations (5/11/08 & 8/16/08); § 501-2 Posting and signs sections A and B – signs and permits were not posted (5/11/08); § 501-5 Physical premises section G – children not allowed in the kitchen and behind the bar (8/16/08); § 501-7 Alcoholic beverage sales and laws Section B – No drink list available (8/16/08); § 501-8 Environs of licensed premises sections A and C for lack of supervision and allowing patrons to loiter and congregate in front of the licensed premises, inside the establishment and in the parking lot and allowing the same patrons to walk in and out of the premises at short intervals (11/13/07, 12/4/07, 12/25/07, 2/8/08, 7/10/08, 7/11/08, 8/126/08); § 501-12 Illegal activity on the licensed premises, by failing to pay attention to activities on the premises of known drug users or drug dealers; using diligence in observing and taking action against persons who make unusually frequent trips in and out of the premises or in and out of the rest rooms and/or persons visited at the premises by an unusually large number of people or by one or

more people with packages (matchbooks, cigarette packs, bags, paper squares, plastic or foil containers, or other containers) or payments of money (11/13/07) and failure to call for police assistance as necessary to protect patrons against injury or to evict unruly patrons or to uncover unlawful conduct or to give medical assistance and providing police with requested information.

**Renewals:**

**The following renewals have been submitted without any changes from the previous year for Licensing Authority approval.**

**Class I Auto Dealers:**

Cycle Services JD Signs  
Premier Cape Cod  
Cadillac Saab of Cape Cod  
Trans-Atlantic Motors

**Class II Auto Dealers:**

ES Auto Sales  
Robert J. Trapp, Inc.  
Image Motors  
Barnstable Road Auto Repair  
Club 44 Acquisition Services  
AB Auto Sales  
Nantucket Auto Sales  
Earl LeGeyt Auto Sales  
Ron's Truck Stop

**Lodging Houses:**

Friends of Prisoners  
The Mains'l  
Tidewater Inn  
The Old Hundred House  
Captain David Kelley House  
Salt Winds B&B & Guesthouse  
Maple Street Inn  
Sail Inn  
Jean F. Clark - 961 Pitcher's Way  
Jean F. Clark - 975 Pitcher's Way  
Jean F. Clark - 989 Pitcher's Way  
Simmons Homestead Inn  
Josiah Sampson House

**Common Victualler:**

Pizza 1 and Subs 2  
Marylou's Coffee  
Burger King 2145 Iyannough Road  
Burger King 184 North Street  
Coffee Table Café  
Persy's Place  
Four Seas Ice Cream  
Sarku Japan  
Kentucky Fried Chicken  
BJ's Wholesale Club  
Cooke's Seafood  
Caffe e Dolci

**Daily Live Entertainment**

Barnstable Comedy Club

**Daily Non-Live Entertainment:**

Burger King 2145 Iyannough Road  
Lightning Falls  
Island Carousel

**Carousel:**

Island Carousel

**Cinema/Theatre:**

Barnstable Comedy Club

**Video Games:**

Burger King 2145 Iyannough Road

**Mini Golf:**

Lightning Falls

**Sunday Entertainment:**

Island Carousel  
Barnstable Comedy Club

**Business Meeting:**