



Town of Barnstable

Regulatory Services

Thomas F. Geiler, Director

Licensing Authority

200 Main Street

Hyannis, MA 02601

www.town.barnstable.ma.us

Telephone: (508) 862-4674

Fax: (508) 778-2412

BARNSTABLE LICENSING AUTHORITY LICENSING HEARING MINUTES

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

January 29, 2007

A regular meeting of the Barnstable Licensing Authority was held on Monday, January 29, 2007. Chairman Martin Hoxie called the meeting to order at 9:30 A.M. He introduced Gene Burman, Vice Chairman; Paul Sullivan, Clerk; Thomas Geiler, Director of Regulatory Services and Licensing Agent, Lt. JoEllen Jason and Patrolman Steve Maher, Liaison from the Barnstable Police Department, and Christine Ade, Recording Secretary.

Mr. Burman asked for a moment of silence for long time Town Moderator John Alger, who recently passed away.

Requests:

One Day All Alcohol and One Day Entertainment License: Application of Paul Covell on behalf of **Barnstable County Sheriff's Association**, P.O. Box 3028, Pocasset, MA for permission for a **One Day All Alcohol and One Day Entertainment License (one guitar player)** for its annual benefit program to be held on March 2, 2007 from 6 pm to 12 am at the Greek Orthodox Church, 1130 Falmouth Road, Centerville, MA to benefit the Sheriff's youth programs.

Mr. Covell came in for this application. It is the same function they hold every year. Sheriff Cummings brought this here to the community. He would appreciate our granting of the license. Alcohol will only be dispensed by trained personnel.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the request of Paul Covell on behalf of **Barnstable County Sheriff's Association**, P.O. Box 3028, Pocasset, MA for permission for a **One Day All Alcohol and One Day Entertainment License (one guitar player)** for its annual benefit program to be held on March 2, 2007 from 6 pm to 12 am at the Greek Orthodox Church, 1130 Falmouth Road, Centerville, MA to benefit the Sheriff's youth programs.

Hearings:

Daily Live and Sunday Entertainment License: Application of International Inn, 662 Main Street, Hyannis, Arthur D. Rittel, Manager, holding an Annual All Alcohol Innholder License for a Daily Live and Sunday Entertainment License for Friday and Saturday nights from 9 pm to 1 am for karaoke with recorded music.

Mr. Rittel and Mr. Scovill came to the hearing for this application. Mr. Sullivan asked to amend the entertainment hours to 12:30 a.m. to be consistent with the quieting down period we ask for before the doors are opened at closing time.

A motion was duly made by Paul Sullivan and seconded by Gene Burman and a unanimous vote taken to approve the application of International Inn, 662 Main Street, Hyannis, Arthur D. Rittel, Manager, holding an Annual All Alcohol Innholder License for a Daily Live and Sunday Entertainment License for Friday and Saturday nights from 9 pm to 12:30 am for karaoke with recorded music and Sunday evenings 9 pm to 12:30 am.

Alteration of Premises: Application of RCSJ Group, Inc., d/b/a Fresh Ketch, 460 Main Street, Hyannis, Raymond C. Roy, Manager, holding a Seasonal All Alcohol Common Victualler License for an **Alteration of Premises** to add the following to its licensed premises description: To construct a cement patio at ground level on lounge side of building adjacent to parking lot with fence to enclose whole area, and to remove shrubs on left of front doorway and construct patio with same fenced area as outside patio next to lounge area. To put topiary plants and hanging plants over each patio.

Raymond Roy came forward for his application. He stated he has been before site plan review and Hyannis Waterfront, both of which have approved his plans. He wants to rip up the ugly bushes; add new fencing which has been approved and add some tables and chairs. They will not serve dinners or alcohol outside past 10:30 p.m. It will be for food only and maybe smoking patrons. On the right there will be 4 tables to match the others (wrought iron to conform with requirements) and on the front 3-4 to make it equal on both sides. Mr. Burman asked about the 25 foot barrier on the rear; it is nothing now but the area is existing now. He is taking out some shrubbery. Mr. Burman asked if the public could enter that area from the outside; Mr. Roy said they can only get to it from the inside. He stated it will prevent people walking out with drinks, etc. Mr. Sullivan also asked him questions about the front and parking in back. Mr. Roy stated that parking in back is private but the public does come into it. Mr. Sullivan asked when the entertainment ended; he stated 12:30. They will have no entertainment on the patio, nor any outside speakers. Tom Geiler asked if we are clear about # of tables outside – 4 already approved plus four more on the right and three more in the front – 28 seats more than presently – he does not want it crowded, but nice. Steve Maher asked about the 10:30 use outside which Mr. Roy had mentioned; Mr. Roy stated maybe people would use it to smoke and absolutely no alcohol on the patio after 10:30. He instituted that policy last year as his own choice. Mr. Geiler stated that the difficulty here is the space shown on the plans – and it would be helpful to have a plan with the tables on it and measurements between; showing the fence as it will be constructed and whether or not it will have a gate – on an existing doorway. He just wanted to verify that the Fire Dept. will have free access. He wants the town property line shown on that plan and that our motion will specify the number of tables.

An amended motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the application of RCSJ Group, Inc., d/b/a Fresh Ketch, 460 Main Street, Hyannis, Raymond C. Roy, Manager, holding a Seasonal All Alcohol Common Victualler License for an **Alteration of Premises** to add the following to its licensed premises description: To construct a cement patio at ground level on lounge side of building adjacent to parking lot with fence to enclose whole area, and to remove shrubs on left of front doorway and construct patio with same fenced area as outside patio next to lounge area. Seven new tables of 28 seats plus the existing 4 for sixteen seats are being approved subject to a plan satisfactory to the Licensing, Building and Police departments to be presented to Mr. Geiler.

Change of Location & Change of Manager: Application of Ocean Partners, Inc., d/b/a The Island Merchant, 10 Ocean Street, Hyannis, Michael Burk, Manager for a **Change of Location** to 302 Main Street, Hyannis and a **Change of Manager** to Joseph Patrick Dunn, II.

Joseph Dunn came forward for his application. Commissioner Burman recused himself from the hearing. They are closing up at 10 Ocean Street. They have a variance hearing on the 15th for a grease trap. Mr. Dunn has 20 years of managing and/or owning restaurants and liquor establishments. They are currently allowed a 3 piece ensemble until 12:30 a.m. and wish to keep that.

A motion was duly made by Paul Sullivan and seconded by Martin Hoxie and a unanimous vote taken to approve the application of Ocean Partners, Inc., d/b/a The Island Merchant, 10 Ocean Street, Hyannis, Michael Burk, Manager for a **Change of Location** to 302 Main Street, Hyannis and a **Change of Manager** to Joseph Patrick Dunn, II pending granting of the variance from the Health Department and the entertainment license for 3 entertainers until 12:30 am.

Transfer of Annual All Alcohol Common Victualler License: Application of Don Patchin, d/b/a Kettle Ho, 12 School Street, Cotuit, MA, Don Patchin, Manager, for **Transfer of its Annual All Alcohol Common Victualler License** to Clartin, Inc., d/b/a Kettle Ho, Stephen Curtin, Manager.

Stephen Curtin came forward for the Kettle Ho application for transfer. It is their intention to reinstitute breakfast on weekends. He has 35 years in the industry; partner has 8 years experience also. Staff will all be TIPS trained and have Serv Safe certificates. They have met with the Health Inspector and Fire Department on his concerns. On due diligence they found abutters and neighbors had issues before our Board – they assured the Authority they would like to restore the Kettle Ho to more of a restaurant operation. They propose posting of notices on exits about this being a residential area – and for patrons to be quiet when leaving the premises; may institute monthly meetings with the residents to make sure the restaurant is run to their satisfaction. They purchased the business and leased the property. They have only non-live entertainment. Ron Mycock as a direct abutter came forward. He stated he hopes they are extremely successful and that it sounds like they fully intend to cooperate with the neighbors. He also stated he hopes none of the adverse “baggage”

will stick to the new owners. He did have a problem with a dumpster placement – on Town property and had just happened a week ago. He is very glad to hear Kettle Ho will be revitalized. Mr. Curtin came back to the podium. Mr. Burman asked Christine Ade if all the neighbors who were in last summer were notified and Christine stated they were all notified by email or regular mail. Donald MacEachern appeared as a neighbor and encourages the new owners – hopes they will be very successful and hopes they can work well together with the neighborhood.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the application of Don Patchin, d/b/a Kettle Ho, 12 School Street, Cotuit, MA, Don Patchin, Manager, for **Transfer of its Annual All Alcohol Common Victualler License** to Clartin, Inc., d/b/a Kettle Ho, Stephen Curtin, Manager subject to their doing what they have proposed and serving breakfast, lunch and dinners.

Alteration of Premises and Daily Live and Sunday Entertainment: Application of Macheras Main Street Corp., d/b/a Schooner's, 372 Main Street, Hyannis, Tracy Macheras, Manager **to alter the premises to increase the interior seating to 92 as approved by the Building Commissioner and for Daily Live and Sunday Entertainment**, maximum of 3 entertainers, with a belly dancer 1-2 nights, Sunday through Thursday 9 pm to 12:30 am, Friday and Saturday 7 pm to 12:30 am.

Attorney Mark Boudreau came forward to report that the mailing to abutters did not happen – asked for a continuance to do so to the February 12, 2007 hearing and to re-advertise. Mr. Macheras also had requested permission to close for 2 weeks but has asked for another 3 days until the 8th of February.

Mr. Burman stated he would like a more definitive plan for the entertainment – Mr. Geiler stated it has been approved by Building but there is no signature on the plan itself which would help as well. Licensing will explain to the attorney what is needed on the plan.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to continue the application of Macheras Main Street Corp., d/b/a Schooner's, 372 Main Street, Hyannis, Tracy Macheras, Manager **to alter the premises to increase the interior seating to 92 as approved by the Building Commissioner and for Daily Live and Sunday Entertainment**, maximum of 3 entertainers, with a belly dancer 1-2 nights, Sunday through Thursday 9 pm to 12:30 am, Friday and Saturday 7 pm to 12:30 am to the February 12, 2007 Hearing and to grant the additional 3 days closure to February 8, 2007.

New Lodging House License: Application of Liberina Pinheiro, 7 Quaker Road, Hyannis, MA, Liberina D. Pinheiro, Manager, for a **New Annual Lodging House License**.

Mark Rittel came forward with the applicant to translate for her. He represented that she owns the house and the Building and Fire Dept. has approved it. She is renting out the rooms – she does not live there. She is renting 6 rooms and a shared kitchen. Mr.

Geiler stated it has been a lodging facility for a long time. Mr. Geiler stated that the applicant must “oversee” this place and make sure it has no negative impact on the neighborhood. Mr. Sullivan asked about it being a lodging house in the past; Mr. Geiler confirmed. Mr. Burman asked about the “owner-occupied” part of the license; Mr. Geiler stated it requires the person licensed to live there but it predates the zoning.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the application of Liberina Pinheiro, 7 Quaker Road, Hyannis, MA, Liberina D. Pinheiro, Manager, for a **New Annual Lodging House License** for 6 lodgers. Mr. Geiler thanked Mr. Rittel for his help and kindness.

Modification to Entertainment Licenses: Smiling Jack’s Restaurant Group, LLC, d/b/a **La Paz Surf Cantina**, Sean Downes, Manager, 573B Main Street, Hyannis, MA has petitioned the Barnstable Licensing Authority to add to the present number of entertainers (1-2) to up to 5 entertainers (from the period 8-12 pm), to extend the hours of entertainment from 5 pm to 10 pm to 4 pm to 12 midnight, and to allow outside speakers for non-live music only.

Christine Ade explained that an application for Alteration of Premises is forthcoming along with Change from Annual to Seasonal License and requested the Licensing Authority dismiss this hearing for modification to entertainment license at the request of the applicant, who will not pursue that.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to dismiss the application of Smiling Jack’s Restaurant Group, LLC, d/b/a **La Paz Surf Cantina**, Sean Downes, Manager, 573B Main Street, Hyannis, MA has petitioned the Barnstable Licensing Authority to add to the present number of entertainers (1-2) to up to 5 entertainers (from the period 8-12 pm), to extend the hours of entertainment from 5 pm to 10 pm to 4 pm to 12 midnight, and to allow outside speakers for non-live music only.

Other Business:

Mr. Geiler requested that the Island Merchant application be held to the next meeting pending the variance and whether or not it needs to be reworked or re-advertised. He was looking for a much more complete plan submitted for the new location.

Renewal:

Common Victualler:

Sol e Lua

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the late-filed renewal application of Sol e Lua for an annual Common Victualler license.

Adjourned at 10:35.

Respectfully submitted,

Christine P. Ade, Recorder
Town of Barnstable Licensing Authority

Paul Sullivan, Clerk
Town of Barnstable Licensing Authority