



Town of Barnstable
Regulatory Services
Thomas F. Geiler, Director
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BARNSTABLE LICENSING AUTHORITY
LICENSING HEARING MINUTES

Town Hall Building, 367 Main Street, 2nd Floor Hearing Room, Hyannis, MA – 9:30 a.m.
May 20, 2013

A regular meeting of the Barnstable Licensing Authority was held on Monday, May 20, 2013, Chairman Martin Hoxie called the meeting to order at 9:30 A.M. He introduced Gene Burman, Vice Chairman; Paul Sullivan, Clerk; Dick Boy, Associate Commissioner, Ron Semprini, Associate Commissioner; Thomas Geiler, Director of Regulatory Services and Licensing Agent, Richard V. Scali, Consumer Affairs Supervisor, Patrolman Steve Maher, Liaison Officer from the Barnstable Police Department, and Christine Ade, Recording Secretary. David Nunheimer, Associate Commissioner, was absent. Lt. John Murphy was absent.

Vote to accept Minutes: Vote to accept minutes of the 4/29/13 Meeting.

A motion was duly made by Mr. Burman, seconded by Mr. Sullivan and a unanimous vote taken to accept the minutes of the 4/29/13 Meeting.

Hearings:

One Day Wine & Malt and One Day Entertainment Licenses: Application of Cindy Shulman on behalf of Osterville Village Library, 43 Wianno Avenue, Osterville, for a One Day Wine & Malt license (4 pm to 10 pm) and a One Day Entertainment License (5 pm to 8 pm) for a Steel Drum by Vernon Parris for its annual Clambake fundraising event to raise funds for general library operations, to be held on the library lawn on June 23, 2013 under a tent.

Ms. Shulman advised that this is the 19th annual event like this – it has been very successful over the years. Mr. Burman asked if the entertainment would be amplified. Ms. Shulman stated it will be, but the main neighbor is Gail Nightingale, who will not have a problem with this.

A motion was duly made by Mr. Burman, seconded by Mr. Sullivan and a unanimous vote taken to grant the application of Cindy Shulman on behalf of Osterville Village Library, 43 Wianno Avenue, Osterville, for a One Day Wine & Malt license (4 pm to 10 pm) and a One Day Entertainment License (5 pm to 8 pm) for a Steel Drum by Vernon

Parris for its annual Clambake fundraising event to raise funds for general library operations, to be held on the library lawn on June 23, 2013 under a tent.

One Day All Alcohol License: Application of Cynthia Shulman on behalf of Osterville Village Library, 43 Wianno Avenue, Osterville MA for a One Day All Alcohol License for its “Mutts and Martinis” event to be held on the lawn of the library on Thursday, August 1, 2013 from 5:30 pm to 7:30 pm with a silent auction and raffle, hors d’oeuvres and drinks.

This is the 2nd annual Mutts and Martinis event – it is a social gathering.

A motion was duly made by Mr. Burman, seconded by Mr. Sullivan and a unanimous vote taken to approve the application of Cynthia Shulman on behalf of Osterville Village Library, 43 Wianno Avenue, Osterville MA for a One Day All Alcohol License for its “Mutts and Martinis” event to be held on the lawn of the library on Thursday, August 1, 2013 from 5:30 pm to 7:30 pm with a silent auction and raffle, hors d’oeuvres and drinks.

One Day Entertainment License: Application of Ed Aramian of Elite Entertainment, Inc., 100 Grove Street, Worcester, for a One Day Entertainment License for two performances by Bill Cosby to be held at Barnstable High School Performing Arts Center, 744 West Main Street, Hyannis on August 3, 2013 at 4:00 pm and at 8:00 pm.

Me. Aramian appeared for this request. Mr. Cosby will have two shows and the ticket prices range from \$45-\$75.

A motion was duly made by Mr. Burman, seconded by Mr. Sullivan and a unanimous vote taken to approve the application of Ed Aramian of Elite Entertainment, Inc., 100 Grove Street, Worcester, for a One Day Entertainment License for two performances by Bill Cosby to be held at Barnstable High School Performing Arts Center, 744 West Main Street, Hyannis on August 3, 2013 at 4:00 pm and at 8:00 pm.

Alteration of Premises: Application of Hess Mart of Massachusetts, LLC, d/b/a Hess Express #21243, 50 Ocean Street, Hyannis, Heather Curtin, Manager for an Alteration of Premises description: Single story brick masonry bldg. at 50 Ocean Street, Hyannis with 2,268 sq. ft. floor area operating as a convenience store; single public entrance/exit facing south; with large walk-in beer cooler, beer display along back wall, two designated coolers for beer and wine in rear, and up to 2 seasonal beer displays in center of store near counter. Plan on file dated 4/8/13.

Attorney Paul Tardif appeared with the Manager and corporate representative Peter Fraterola for Hess Express #21243. They are adding more beer display and storage. They acquired the license in 2009 on a transfer from Christy’s. Mr. Hoxie confirmed there is no structural change – there is not. Officer Maher stated now there is a separate room; his concern is that one clerk on duty could not maintain diligence for shoplifters and watching who is getting it. They have provided to have two employees on for each shift. Mr. Burman stated it looks like they are becoming not a convenience

store but a package store. Attorney Tardif stated the coolers are at the back of the store; there is not a liquor sign in front. Their main sale item is still gas. They also still have a number of aisles for sundries and groceries. Alcohol will be in the rear and on the wall without windows. Mr. Burman stated he wants management to be aware they have to be vigilant. Attorney Tardif stated they take care of themselves too – they have internal stings. Mr. Geiler asked if Hess has TIPS training; the corporate representative stated they do training twice a month every month through the BARS program. Mr. Geiler stated it does the same thing the town would do except that if they catch it they control it. Attorney Tardif stated that policy is immediate termination if caught and the manager given one chance. Employees who sell alcohol are all 18 – 30 and tobacco 21-30. Mr. Geiler stated that in reality this is a package store; subject to all the rules and regulations of a package store. He commended them for being proactive to conduct their own checks. Mr. Boy asked what a beer cave is – Attorney Tardif told him it is a small isolated area with larger quantity packs getting cold. They do not entertain singles in the coolers. Mr. Semprini asked if they are just selling beer; Mr. Frateroli stated a small amount of wine also. Hours they are open are 6 – 11; they do not start alcohol sales until 11 am.

A motion was duly made by Mr. Burman, seconded by Mr. Sullivan and a unanimous vote taken to approve the application of Hess Mart of Massachusetts, LLC, d/b/a Hess Express #21243, 50 Ocean Street, Hyannis, Heather Curtin, Manager for an Alteration of Premises description: Single story brick masonry bldg. at 50 Ocean Street, Hyannis with 2,268 sq. ft. floor area operating as a convenience store; single public entrance/exit facing south; with large walk-in beer cooler, beer display along back wall, two designated coolers for beer and wine in rear, and up to 2 seasonal beer displays in center of store near counter. Plan on file dated 4/8/13.

Mr. Scali re-confirmed hours they sell alcohol; they sell 11 -11 M-F and Sat, Sun noon to 11.

New Seasonal Common Victualler License: Application of P&L, LLC, d/b/a Lobstahs, 569 Main Street, Hyannis, Peter Costill, Manager, for a New Seasonal Common Victualler License, to be operated 10 am to 10 pm. There is seating for 6 indoors and 16 outdoors.

Mr. Costill appeared for this application; they purchased the business recently from the prior owner who only had it one season. Mr. Semprini asked about the hours – Mr. Costill confirmed it is open from 11 – 10, 7 days a week and he will be working these hours.

A motion was duly made by Mr. Burman, seconded by Mr. Sullivan and a unanimous vote taken to approve the application of P&L, LLC, d/b/a Lobstahs, 569 Main Street, Hyannis, Peter Costill, Manager, for a New Seasonal Common Victualler License, to be operated 10 am to 10 pm. Seating for 6 indoors and 16 outdoors.

Alteration of Premises and Amend Daily Live Entertainment License: Application of Savannah, LLC, d/b/a T. Murphy's Bar & Grill, 769 Iyannough Road, Hyannis, Gary Roy, Manager for an Alteration of Premises description: 769 Iyannough Road, Hyannis (Cape Cod Mall Unit N101C) with main entrance/exit into mall and to outside. Seating total 145 seats: 8 two person tables, 15 bar stools, 15 standees and 114 seated at tables or booths. Twelve employees. Mens/ladies lav off bar area and in kitchen. Office space, 2 utility closets for storage. Dance floor, alternate floor plan seating 109 at 8 two person tables, 15 bar stools, 51 standees and 78 seated at tables or booths. Plan on file dated 4/25/13. Also requested is to amend the Daily Live Entertainment License for 3-5 entertainers, from 9 am to 12:45 am and relocate the dance floor according to plan SK-3S-1384 dated 4/25/13.

The General Manager, Andrew Glassman, appeared and advised that he had neglected to do the certified mailing.

A motion was duly made by Mr. Burman, seconded by Mr. Sullivan and a unanimous vote taken to continue this hearing to June, 2013 for re-advertisement and so the abutters could be notified.

New Annual Common Victualler License: Application of Elaine Stathe & Yong Mavor, d/b/a Elaine & Yong's Place, 572 Main Street, Hyannis, MA, Yong Mavor, Manager, for a New Common Victualler License, 46 seats indoors and 28 seats at a back patio. Hours of operation to be 5 am to 2 pm.

Attorney Mark Boudreau appeared with the principals. After going through the process and being approved, they were unable to open at the location previously granted. This time they have a new location; two owners and 3 employees. They are asking for 28 seats on both the front and rear patios and inside dining for 46. They will be open 5 am to 2 pm. This was formerly the Samba Grill, Rangel's, Backyard Buffet. Mr. Scali asked if the front patio is on private or Town property; Attorney Boudreau stated it is on Kennedy Studio property. He stated that they have an approved sandwich board. Mr. Geiler stated they will not need a Town Manager license for the front patio – will just have to get approval for historic for the front patio. Mr. Semprini noticed they applied as sole proprietors; stating they need to check about Worker's Comp insurance now that they are having employees.

A motion was duly made by Mr. Burman, seconded by Mr. Sullivan and a unanimous vote taken to approve the application of Elaine Stathe & Yong Mavor, d/b/a Elaine & Yong's Place, 572 Main Street, Hyannis, MA, Yong Mavor, Manager, for a New Common Victualler License, 46 seats indoors and 28 seats at a front patio and 28 seats at a back patio. Hours of operation to be 5 am to 2 pm.

New Lodging House License: Application of DND Ventures, LLC d/b/a The Beechwood Inn, 2839 Main Street, Barnstable, Nancy Driscoll, Manager, for a Lodging House License for a maximum of six (6) lodging rooms, 12 lodgers and 8 parking spots. Use Variance on File dated 7/22/96 on ZBA Appeal No. 1996-69.

Attorney Jim Cossis appeared with the Driscolls for their Lodging house application. The property is currently being operated. It is a place they have purchased and will be running once approved. A use variance was approved in the '90's. They will be living there full time and it will be an inn. Mr. Scali stated there had been an issue on the prior license – they had 16 lodgers; the variance only approves 6 rooms, 12 lodgers. Mr. Geiler stated they can always return to the Board of Appeals to ask for more lodgers approved if they wish to do so.

Mr. Geiler asked if they accept children; Mr. Driscoll stated 12 and older. Mr. Geiler stated children under 18 are not usually counted. That way if a couple brought a child it would not affect the parking.

A motion was duly made by Mr. Burman, seconded by Mr. Sullivan and a unanimous vote taken to approve the application of DND Ventures, LLC d/b/a The Beechwood Inn, 2839 Main Street, Barnstable, Nancy Driscoll, Manager, for a Lodging House License for a maximum of six (6) lodging rooms, 12 lodgers and 8 parking spots. Use Variance on File dated 7/22/96 on ZBA Appeal No. 1996-69.

Junk Dealer License (relocation of existing licensee): Application of Richard Paige and Joan Berglund, d/b/a Atomic Dimestore, 187 West Main Street, Hyannis, Richard Paige, Manager, for a new location for his New Annual Junk Dealer License, hours of operation to be 11 am to 6 pm, Mon - Sat.

Mr. Sullivan recused himself from the hearing and Mr. Semprini will be sitting in his place. Mr. Paige advised this is where Il Maestro used to be. He stated business has been o.k. He will be operational by the end of the week hopefully. He has been closed for about 10 days. He has a new sign coming. It was commented by the Board that this should be a busier location.

A motion was duly made by Mr. Burman, seconded by Mr. Sullivan and a unanimous vote taken to approve the application of Richard Paige and Joan Berglund, d/b/a Atomic Dimestore, 187 West Main Street, Hyannis, Richard Paige, Manager, for a new location for his New Annual Junk Dealer License, hours of operation to be 11 am to 6 pm, Mon - Sat.

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

Common Victualler:

Craigville Beach Grill, 974 Craigville Beach Road, Centerville

A motion was duly made by Mr. Burman, seconded by Mr. Sullivan and a unanimous vote taken to approve the application above for a Common Victualler license.

Junk Dealers:

Best Buy, CC Mall, Hyannis
Best Buy Mobile, CC Mall, Hyannis
Second Time Around, 631 Main Street, Hyannis
Cape Abilities, 3239 Main Street, Barnstable

A motion was duly made by Mr. Burman, seconded by Mr. Sullivan and a unanimous vote taken to approve the applications above for a Junk Dealer license.

Live Entertainment:

Cape Cod Melody Tent, 41 West Main Street, Hyannis

A motion was duly made by Mr. Burman, seconded by Mr. Sullivan and a unanimous vote taken to approve the application above for a Daily Live Entertainment license.

Business Meeting:

Release of Executive Session Minutes, if any (0).

And any other new business to come before the Licensing Authority.

Mr. Hoxie advised that Mr. McEvoy will not be using his Lodging House license this year due to issues with the heating system having to be replaced, although he did renew the license.

Adjourned at 10:05 am.

Respectfully submitted,

Christine P. Ade, Recorder
Barnstable Licensing Authority

Paul Sullivan, Clerk
Barnstable Licensing Authority