



Town of Barnstable

Regulatory Services

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Licensing Authority

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BARNSTABLE LICENSING AUTHORITY LICENSING HEARING AGENDA

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

March 16, 2009

Hearings:

One Day Entertainment: Application of Eli Aguiar on behalf of Alegra Brasil Gospel Book Store, 192 Iyannough Road, Hyannis, MA for a One Day Entertainment license for a performance by Lazaro and Band on April 12, 2009 from 3 pm to 5 pm at the Barnstable High School Performing Arts Center, West Main Street, Hyannis.

Change from Seasonal to Annual All Alcohol Club License: Application of Cotuit Highground Golf Club, Inc., Paul Heher, Manager, 31 Crocker Neck Road, Cotuit for a **Change from a Seasonal All Alcohol Club License to an Annual All Alcohol Club License.** **WITHDRAWN 3/3/09.**

Change of Manager: Application of TGI Friday's, Cape Cod Mall, Route 132, Hyannis, MA, Christopher Craig, Manager for a **Change of Manager on the All Alcohol Common Victualler License** to Donald James Raymond.

Change in Description – Common Victualler License: application of Ralph Crossen on behalf of Kefalonites, Inc., d/b/a The Egg & I, 521 Main Street, Hyannis, Peter Kappatos, Manager, for change in the description on its Common Victualler License to include total seating 180; with a maximum of 124 outdoors. License is subject to Site Plan Review 042-08 conditions with seating plan approved by the Building Commissioner on 1/8/09, Historic District Commission conditions on application approved 1/7/09, and letter of conditions from the Public Health Division dated 1/29/09.

New Common Victualler License: Application of Ocean, Inc., a subsidiary of Boston Restaurant Associates, d/b/a Regina Pizzeria Cape Cod Mall, 793 Iyannough Road, Hyannis, MA, Francis E. Fawcett, Manager, for a new Common Victualler License, the hours of operation to be regular Cape Cod Mall hours.

New Daily Live and Non-Live Entertainment Licenses: Application of Pain D'Avignon, II, Inc. d/b/a Pain D'Avignon, 15 Hinckley Road, Hyannis, Mario C.

Mariani, Manager, for a new Daily Live Entertainment License for up to 4 entertainers, from 12 pm to 12 am and for a new Daily Non-Live Entertainment License for the same hours.

Change of Manager: Application of Pufferbellies, Inc., 183R Iyannough Road, Hyannis, MA, Jean Aroustamian, Manager for a **Change of Manger on the All Alcohol General on Premises License** to Michael B. Travers.

Alteration of Premises: Application of Country Club Elite, Inc., d/b/a Philbrick's, 1480 Route 149, Marstons Mills, MA, Ian Philbrick, Manager, **to alter the premises description** to include: "and 18 holes on golf course."

Extension of Hours: Application of Marylou's News, Inc., d/b/a Marylou's Coffee, 1481 Iyannough Road, W. Barnstable, MA, Arleen Simpson, Manager, for a **Change of Hours** to 5 am to 8 pm starting in mid-March.

Changes to Junk Dealer Rules and Regulations: The Barnstable Licensing Authority will hold a public hearing on proposed amendments to the Rules & Regulations of the Licensing Authority, Chapter 502, Junk Dealers. Copies of the proposed regulation changes can be found on the Town Of Barnstable web site: www.town.barnstable.ma.us. Click department menu, Regulatory Services, Consumer Affairs, and then Licensing. Hard copy versions may be obtained at the Regulatory Services Department, Licensing Office, 200 Main Street, Hyannis MA 02601 Continued so that everyone could fully review the brief of counsel submitted by one of the Junk Dealers. Continued from 2/2/09 and 2/23/09 hearing.

Show Cause Hearing: Show Cause Hearing for Timothy J. Ferreira, d/b/a Mid Cape Metal Recycling, 31 G&H Thornton Drive, Hyannis, at the request of the Barnstable Police Department relative to violations of the restrictions incorporated as part of, and printed on his Junk Dealer's License to wit: "No unregistered vehicles may be left outdoors on the property, no motor vehicles may be bought or sold under this license, no hazardous materials may be stored except minimal amounts required for normal building cleaning or maintenance, no storage of junk, old metals or scrap metals or secondhand articles outside the building and no storage containers outside of the building on the property except for one trash container. These restrictions must be adhered to even if the activities are allowed under any other permits or licenses you may hold." The alleged violations are as follows: 11/26/08: One unregistered vehicle; three storage containers filled with scrap metal outside on the licensed property; 11/30/08: One storage container filled with scrap metal on the licensed property; 12/2/08: One storage container filled with scrap metal on the licensed property; 12/6/08: Three full containers filled with scrap metal on the licensed property including a vehicle frame in one of them and an unregistered vehicle on a flatbed tow truck on the licensed property; 12/12/09: Two storage containers filled with scrap metal on the licensed property; 12/18/08: Two storage containers filled with scrap metal, scrap metal on the ground and an unregistered vehicle on a flatbed tow truck on the licensed property; 12/23/08: Four

storage containers filled with scrap metal on the licensed property; 12/31/08: Four storage containers filled with scrap metal on the licensed property and one unregistered vehicle as well as a Ferreira's truck parked on the side of the street; 1/12/09: Four storage containers filled with scrap metal on the licensed property and three unregistered vehicles on the licensed property and a Ferreira's truck parked on the side of the street; 1/19/09: Five storage containers filled with scrap metal, several piles of scrap metal on the ground including water heaters, grease hoods and a refrigerator with a door still attached on the licensed property; 1/25/09: Three full containers of scrap metal on the licensed property as well as five unregistered vehicles; 1/31/09: Three full containers of scrap metal on the licensed property and scrap metal on the ground as well as one unregistered vehicle on the licensed property. In addition, there were several containers observed by the Police Department left on the south side of Kids Hill Road on property owned by the Town of Barnstable. On 1/31/09 one container had a marking on it indicating it was owned by Mr. Ferreira. The total violations are: "No unregistered vehicles outside on the property" – 13 counts; "No storage of junk, old metals or scrap metals or secondhand articles outside the building" – 2; "No storage containers outside the building on the property except one trash container - 35 counts; container left on property at Kids Hill Road – 1 count; Ferreira's truck parked on the side of the street – 2 counts. **WILL BE CONTINUED TO APRIL 13, 2009 AT WRITTEN REQUEST OF LICENSEE'S ATTORNEY.**

Business Meeting:

Discussion and vote with regard to changes to Ch 501-25 sanctions requested by the Licensing Authority and prepared by Attorney Houghton and Mr. Geiler.

Board Vote to release Executive Session Meeting Minutes from 9/18/08 regarding Show Cause Hearing now resolved and unappealed.