



# 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 LICENSING HEARING MINUTES

Town Hall Building, 367 Main Street, 2<sup>nd</sup> Floor Hearing Room, Hyannis, MA – 9:30 a.m.  
November 19, 2012

A regular meeting of the Barnstable Licensing Authority was held on Monday, November 19, 2012. Chairman Martin Hoxie called the meeting to order at 9:30 A.M. He introduced Gene Burman, Vice Chairman; Richard Boy, Associate Commissioner; Thomas Geiler, Director of Regulatory Services and Licensing Agent, Richard V. Scali, Consumer Affairs Supervisor, Lt. John Murphy and Patrolman Steve Maher, Liaison Officers from the Barnstable Police Department, and Christine Ade, Recording Secretary. Paul Sullivan, Clerk, was absent. Mr. Hoxie introduced newly appointed board member Ron Semprini, Associate Commissioner.

**Vote to accept Minutes:** Vote to accept minutes of the 10/22/12 Meeting.

A motion was duly made by Mr. Burman, seconded by Mr. Boy and a unanimous vote taken to approve the minutes of the 10/22/12 Meeting.

A second motion was duly made by Mr. Burman, seconded by Mr. Boy and a unanimous vote taken to accept the minutes of the Special Licensing Authority Meeting on November 9, 2012.

#### **Hearings:**

**Non-Live Entertainment License Clarification:** Request from Beech Tree Cantina, LLC d/b/a Beech Tree Cantina, 599 Main Street, Hyannis, for clarification of the hours on its Non-Live Entertainment license for the rear patio.

Mr. Hoxie stated he has reviewed the minutes and discussion on this hearing, which is to clarify the minutes from June 25, 2012.

Attorney Pizzuti stated they sought to change the seating in the rear patio, add an entertainer from 4 to 8 and increase the non-live entertainment time from 11 pm to 12 midnight. There was some ambiguity in the ad but the intent was to change non-live to midnight and live from 4 to 8.

Mr. Hoxie suggested the motion did not indicate what was actually discussed; Mr. Boy brought up the fact that the Monday night football was discussed and it was the intent for non-live entertainment to end at midnight to accommodate sports events.

Mr. Geiler suggested the motion be to extend the hours. Mr. Burman made a motion to extend the rear patio non-live entertainment hour until 12 midnight which was seconded by Mr. Boy and unanimously voted to approve.

Mr. Burman asked if the prior noise complaint had been addressed; Attorney Pizzuti stated the glass has been ordered. In any event, the patio is not still open at this time of year. Mr. Semprini asked where the speakers are located; Attorney Pizzuti stated two over the bar and two at ground level – nothing facing the apartments.

Mrs. Scali asked how many T.V.'s – they said 6. They will be only using the T.V. speakers on those. The free standing speakers are for low background music.

**New Class II Auto Dealer License:** Application of Carlos Tapia Inc., d/b/a Mid Cape Motors, 362A Yarmouth Road, Hyannis, MA, Jessica Tapia, Manager, for a new Annual Class II Auto Dealer License. Maximum of 18 vehicles on site; hours of operation 9:30 am to 5:00 pm.

Ms. Tapia stated it used to be Route 66 Auto Sales. Mr. Hoxie asked if they have experience – they stated that they have a 2<sup>nd</sup> location in Harwich which has been there for 3 years.

Mr. Burman asked about the repairs on site – Ms. Tapia stated there are no repairs or washing of vehicles on location. They use Claudio Auto Repair on Thornton Drive in Hyannis.

Mr. Scali stated they had originally wanted the name JC Auto here (like their Harwich location) but the name was taken here; thus the new name Mid Cape Motors.

A motion was duly made by Gene Burman, seconded by Dick Boy and a unanimous vote taken to approve the application of Carlos Tapia Inc., d/b/a Mid Cape Motors, 362A Yarmouth Road, Hyannis, MA, Jessica Tapia, Manager, for a new Annual Class II Auto Dealer License. Maximum of 18 vehicles on site; hours of operation 9:30 am to 5:00 pm. 6 days per week.

**New Lodging House License:** Application of Southworth Willowbend, LLC d/b/a Memories by the Sea, 162-66 Sea Street, Hyannis, Willowbend Country Club c/o Cathy Chauvin, Manager, for Lodging House License for an existing premises with a new corporate name (formerly One Sixty Two Sea Street, LLC) with a maximum of seven (7) lodging rooms.

Jack McElhinney stated the company was sold this year to Southworth Willowbend – they have 7 lodging rooms; no changes to any of the physical aspects of the property. It is essentially a transfer with a new license being issued. Cathy is the Controller of the corporation. They own and operate 7 different courses. The personnel are all the same but the prior licensee. Mr. Burman stated his concern is noise and maintenance of the property; if it is Willowbend he has no reservations. Mr. McElhinney stated their personnel will be the same.

Mr. Geiler asked about on site manager – Mr. McElhinney stated there will not be one; Cathy will visit the site and be responsible for maintenance. There is someone over there on a weekly basis. Mr. Geiler asked if the 7 lodgers will be wanting to have overnight guests

– Mr. McElhinney stated probably not; the rooms are small. Mr. Geiler stated this is an area where there have been problems of noise after work hours – this facility has been an owner-operated lodging house for many years. He asked what assurance they could give the Town and neighbors about oversight and protecting the tranquility of the neighborhood?

Mr. McElhinney stated the same management personnel were involved in the past. They have over 200 employees; this is a facility used for employees. Problems will not be tolerated. It will be primarily golf course employees will reside here – they work 70 hrs. per week in season.

Mr. Semprini asked if they are college students. Mr. McElhinney stated they are adults who work here for the season – all males average age being about 40. They go south for the winters.

A motion was duly made by Gene Burman, seconded by Dick Boy and a unanimous vote taken to approve the application of Southworth Willowbend, LLC d/b/a Memories by the Sea, 162-66 Sea Street, Hyannis, Willowbend Country Club c/o Cathy Chauvin, Manager, for Lodging House License for an existing premises with a new corporate name (formerly One Sixty Two Sea Street, LLC) with a maximum of seven (7) lodging rooms.

**New Annual All Alcohol Common Victualler License, Daily Live Entertainment, Non-Live Entertainment and Karaoke Licenses:** Application of Savannah, LLC, dba T. Murphy's Sports Bar & Grill, 769 Iyannough Road, Unit N101C, Hyannis for a New Annual All Alcohol Common Victualler License, Gary F. Roy, Manager, as follows: Description: Main entrance/exit into Mall & to outside. Bar Area Seating: 15 stools; 5 two person tables, 4 four person booths. Total bar seats 35 plus 15 standees. Main dining area: 11 tables, 4 booths seating 80. Total seating 115. Twelve employees. Mens/Ladies' lav off bar area and in kitchen. Office space, 2 utility closets for storage. Dance floor/entertainment area 100 sq. ft., and for a Daily Live Entertainment License, amplified, for up to 2 entertainers, patron dancing, from 11 am to 12:45 am, a Daily Non-Live Entertainment License for recorded music and 12 T.V.'s from 9 pm to 12:45 am and Karaoke from 11 am to 12:45 am. Hours of operation are from 9 am to 1 am.

Attorney Lawler appeared for the application. Mr. and Mrs. Roy accompanied him with their daughter, Savannah. They are seeking an all alcohol license at the Mall – a portion of the old TGIF Friday's space. They want to have a family restaurant and sports bar at the Mall. Mr. Roy will be the General Manager and the liquor license Manager. He has 30 years experience; a culinary degree, is TIPS trained. Anyone handling alcohol will also be TIPS trained. They own a home in Nantucket but have rented a home in Yarmouth and will live here. They are running a couple businesses in Nantucket as well and may go back and forth periodically. Mr. Roy stated that he understands the Town requirements to run an appropriate business – safe and well-behaved. Mr. Roy stated he has had extensive conversations with the prior manager at TGIF about any problems; has coordinated with Mall management and security.

Attorney Lawler stated that they may not start out with the karaoke or as many T.V.'s – just asking for the maximum now so they will not need to return. He said that Mr. Roy has owned a liquor establishment in Vermont. Has a business degree in Accounting; knows how to manage. Mrs. Roy will work there periodically.

Mr. Hoxie asked when it will be operational – he stated they are doing renovations and expect to be operational by December 1. Mr. Hoxie asked if the Mall has any problems with the entertainment – Attorney Lawler stated they do not.

Mr. Geiler asked if the only entrance/exit will be the one straight outside – not in the Mall after 9 pm. It will. Mr. Geiler stated the Mall has not had a restaurant open late for quite a while. Mr. Roy stated there are motels nearby which have indicated that this will be a good place for them to get something to eat – Mall employees also. Attorney Lawler stated there is a great menu. The kitchen will close for serving between 10 and 12 depending on season.

Mr. Semprini asked how long TGIF Friday's was open – was told it was 12:30. Mr. Burman asked who the owner is – Mr. and Mrs. Roy are 50% owners of the LLC named after their daughter.

Mr. Scali stated the ABCC looks into financing – where money came from. Attorney Lawler stated he is comfortable with that transfer. Mrs. Roy stated it was from sale of a business in Vermont. Mr. Burman asked if there is access between them and Chipotle? Mr. Roy stated no; they would have to exit one to enter the other.

Lt. Murphy stated there were some issues with TGIF requiring them to hire private security. Lt. Murphy asked about the live entertainment – what type. Attorney Lawler stated the non-live is the T.V.'s and some background music. They are leaving themselves open to low key live entertainment – not hip hop. Want to cater to 30-40 something patrons. Mr. Roy does not want the “unsavory” crowds. The only one they just included at the end was karaoke. The Mall has had its own issues in the past and they do not want those to spill into this restaurant.

Mr. Burman stated there is a very extensive drug problem near the Mall. Mr. Roy stated that he has been over this problem with every staff member– they know what to look for. The whole interior is wide open and bright – if they need security they will bring it in. They will be proactive with BPD. Mr. Roy stated all employees will be aware and they will hire more security if needed, but they do not anticipate they will need it. Mr. Roy stated he will take every precaution to not let problem people into the restaurant – they want the complete opposite clientele. If a trespass order is necessary they will get one. Lt. Murphy stated he likes the fact that Mr. Roy answered for himself about the possible problems and appreciates his words.

Mr. Semprini asked about how often the live entertainment would take place – Mr. Roy stated they are planning now just holidays and weekends.

A motion was duly made by Gene Burman, seconded by Paul Boy and a unanimous vote taken to approve the application of Savannah, LLC, dba T. Murphy's Sports Bar & Grill, 769 Iyannough Road, Unit N101C, Hyannis for a New Annual All Alcohol Common Victualler License, Gary F. Roy, Manager, as follows: Description: Main entrance/exit into Mall & to outside. Bar Area Seating: 15 stools; 5 two person tables, 4 four person booths. Total bar seats 35 plus 15 standees. Main dining area: 11 tables, 4 booths seating 80. Total seating 115. Twelve employees. Mens/Ladies' lav off bar area and in kitchen. Office space, 2 utility closets for storage. Dance floor/entertainment area 100 sq. ft., and for a Daily Live Entertainment License, amplified, for up to 2 entertainers, patron dancing, from 11 am to 12:45 am, a Daily Non-Live Entertainment License for recorded music and 12 T.V.'s from 9

pm to 12:45 am and Karaoke from 11 am to 12:45 am. Hours of operation are from 9 am to 1 am.

Mr. Geiler stated there are some tools available to him – Mass Law contains a provision protecting license holders in case an underage person uses a phony ID. The licensee would be held without harm if they can prove they checked it and recorded it. There are several cases where an establishment claims they checked the ID but there was no documentation. There is a scanner they can purchase for \$400 which can record the ID. It has to be a reasonable ID for someone to accept. It is important and most places do not protect themselves. Mr. Roy stated they have some other tests they use as well.

**Change of Manager:** Application of Outback Steakhouse of Florida, LLC d/b/a Hyannis Outback Steakhouse, 1070 Iyannough Road, Hyannis, for a Change of Manager from Jennifer Roderick to Michael Collins.

Mr. Collins appeared for this application. He was front house manager in another location. He will be General Manager here.

A motion was duly made by Gene Burman, seconded by Dick Boy and a unanimous vote taken to approve the application of Outback Steakhouse of Florida, LLC d/b/a Hyannis Outback Steakhouse, 1070 Iyannough Road, Hyannis, for a Change of Manager from Jennifer Roderick to Michael Collins.

#### **Renewals:**

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

A motion was duly made by Mr. Burman and seconded by Mr. Boy and a unanimous vote taken to approve the Class I Auto Dealer renewals as submitted below:

#### **Auto Dealer Class I:**

BMW of Cape Cod, 25 Falmouth Road, Hyannis  
Volvo of Cape Cod, 25 Falmouth Road, Hyannis  
Hyannis Honda, 830-880 West Main Street, Hyannis  
Hyannis Honda Body Shop, 1364 Phinney's Lane, Barnstable  
Buick GMC Cadillac of Cape Cod, 600 Yarmouth Road, Hyannis  
Cycle Services, JD Signs, 100 Ridgewood Avenue, Hyannis  
Hyannis Marina, 1 Willow Street, Hyannis  
Everett H. Corson, Inc., 1019 Iyannough Road, Hyannis  
Land Rover Cape Cod, 100 Barnstable Road, Hyannis  
Land Rover Cape Cod, 100 Barnstable Road, Hyannis

A motion was duly made by Mr. Burman and seconded by Mr. Boy and a unanimous vote taken to approve the Class II Auto Dealer renewals as submitted below:

#### **Auto Dealer Class II:**

Club 44 Acquisition Services, 1740 Old Stage Road, W. Barnstable  
AB Auto Sales, 415A Barnstable Road, Hyannis

Cape Cod Cars and Trucks, 319 Barnstable Road, Hyannis  
Image Motors, 491 Iyannough Road, Hyannis  
Hyannis Honda Annex, 405 West Main Street, Hyannis  
Trans-Atlantic Motors, 49 Bearse Road, Hyannis  
Prime Pre-Owned Center, 95 Falmouth Road, Hyannis  
Cape Cod Auto Connection, 152 Ridgewood Avenue, Hyannis  
Robert J. Trapp, Inc., 123B Falmouth Road, Hyannis  
Nantucket Auto Sales, 89 Bassett Lane, Hyannis  
MBM Auto Sales, 115 Iyannough Road, Hyannis  
Barnstable Motors Wholesale, 669 Yarmouth Road, Hyannis  
Joe's Auto Sales, 744 Bearse's Way, Hyannis  
Huhtanen's Auto Sales, 972 East Main Street, West Barnstable  
Ziggy's Auto Sales, 832 Bearse's Way, Hyannis

A motion was duly made by Mr. Burman and seconded by Mr. Boy and a unanimous vote taken to approve the Cinema/Theatre renewals listed below:

**Cinema/Theatre:**

Cape Cod Mall Stadium 12, 793 Iyannough Road, Hyannis

It was brought to the attention of the Board by Mr. Geiler that Panera Bread, missing it's Certificate of Good Standing, should not be approved – it is now policy that every renewal restaurant must supply this certificate and it should not be on today's agenda without it.

A motion was duly made by Mr. Burman and seconded by Mr. Boy and a unanimous vote taken to approve the Common Victualler renewals as submitted below EXCEPT for Panera Bread, which will be held until the Certificate of Good Standing is received:

**Common Victualler:**

Honey Dew Donuts, 313 Iyannough Road, Hyannis  
Osterville Fish Too, 275 Millway, Barnstable  
BJ's Wholesale Club, 420 Attuck's Lane, Hyannis  
Great House of Zou, 1600 Falmouth Road, Centerville  
Friendly's, 1090 Iyannough Road, Hyannis  
Cooke's Seafood, 1120 Iyannough Road, Hyannis  
Marylou's Coffee, 1481 Iyannough Road, Hyannis  
The Centerville Pie Company, 1671 Falmouth Road, Centerville  
The Casual Gourmet, 31 Richardson Road, Centerville  
The Casual Gourmet Express, CC Hospital, 27 Park St., Hyannis  
The Casual Gourmet Express, CC Mall, 769 Iyannough Rd., Hyannis  
Scudder Family Cafe, 141 Bassett Lane, Hyannis  
International House of Pancakes, Rte 132, Hyannis  
KFC/Taco Bell, 314 Barnstable Road, Hyannis  
Burger King #664, 184 North Street, Hyannis  
Burger King #4486, 2145 Iyannough Road, West Barnstable  
Burger King #17712, 793 Iyannough Road, Hyannis  
Willow Tree Market, 15 Charles Street, Hyannis  
Panera Bread, 790 Iyannough Road, Hyannis - missing CGS

A motion was duly made by Mr. Burman and seconded by Mr. Boy and a unanimous vote taken to approve the Lodging House renewals as submitted below:

**Lodging House:**

Bursley Manor, 651 Main Street, West Barnstable  
Sea Beach Inn, 388 Sea Street, Hyannis  
Friends of Prisoners, 84 Bearses Way, Hyannis  
Old Hundred House, 1211 Craigville Beach Road, Centerville  
Centerplate, 300 Sea Street, Hyannis  
Lamb & Lion, 2504 Route 6A, Barnstable  
Hostelling International – Hyannis, 111 Ocean Street, Hyannis  
Bass River Properties – 80 Yarmouth Road, Hyannis  
Bass River Properties – 156 Main Street, Hyannis  
Bass River Properties – 164 Main Street, Hyannis  
Bass River Properties – 18 Quaker Road, Hyannis  
Fernbrook Inn, 481 Main Street, Centerville  
Honeysuckle Hill, 591 Main Street, West Barnstable  
High Pointe Inn, 70 High Street, W. Barnstable  
Long Dell Inn, 436 South Main, Centerville  
Flaherty's II, 805 Pitcher's Way, Hyannis

A motion was duly made by Mr. Burman and seconded by Mr. Boy and a unanimous vote taken to approve the Daily Non-Live Entertainment renewals listed below:

**Daily Non-Live Entertainment:**

Lightning Falls, 455 West Main, Hyannis  
Cape Cod Mall Stadium 12, 793 Iyannough Road, Hyannis

A motion was duly made by Mr. Burman and seconded by Mr. Boy and a unanimous vote taken to approve the Mini Golf renewal listed below:

**Mini Golf:**

Lightning Falls, 455 West Main, Hyannis

**Business Meeting:**

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

Notification of ABCC Hearing on Licensee for MGL c. 10 § 33, 961 CMR 2:20 (1).

Additions to Town Code – 10/22/12 re: Licensing Authority composition (three associate members) and Abutter notification to owners AND occupants.

Discussion - # of All Alcohol Retail Package Store Licenses – procedure to follow. Mr. Scali stated there will be an application on the agenda for an all alcohol package store December 3<sup>rd</sup>. Mr. Scali stated he has called Bill Kelly at the ABCC twice last week on this as we still have nothing in writing. Mr. Kelly had stated verbally that we have one and possibly tow.

Mr. Geiler stated we do not have a quota on restaurants. We have not had an available all alcohol package store license available for a long time. These licenses are under quota. We now have an application for one. We don't have an answer from the ABCC as to what we have. Where it changes is with population. We are hoping to make the public aware that there is an application which will be heard. We need to make people aware they could also apply at the same time – the plan is to open that hearing and continue it to the next or possible one following hearing. Mr. Geiler asked Ms. Ade for the deadline for the next one from 12/3 and it was 11/15 to apply so the ad could be placed.

Mr. Burman stated that the all alcohol license for this same location was turned in and the license granted was only for beer and wine; they are now requesting all alcohol. Mr. Scali stated there is another complication where seasonal licenses were converted to annual some years ago; Mr. Kelly stated there is one regular quota license and one from the converted category.

Mr. Semprini asked about quotas to familiarize himself. Mr. Geiler stated restaurant and other pouring licenses have no quota but package stores do.

Discussion – renewal signature requirements. Mr. Geiler stated that if the current named manager is no longer available to sign he suggests the establishment call us to clarify who signs the paperwork so it is not returned by the ABCC.

Abutter Notification requirements – Mr. Geiler stated the Town has an ordinance to supersede the abutter requirements, to notify the occupants. It is more encompassing than what we used to do.

Lt. Murphy stated that BPD had a meeting November 12<sup>th</sup> and everyone agreed they had a pretty successful summer relating to the bars and closing times. Their concern is still the sidewalk at closing time – Main Street being a busy road at that time. They plan to have another meeting in the Spring. He advised that there were only 2 serious incidents all summer, which is pretty remarkable. He thanked the Board. Mr. Hoxie stated it is a tribute to the Licensees as well as BPD.

Mr. Hoxie thanked Mr. Burman for participating this morning as he is battling a bad cold.

The meeting was adjourned at 10:35 am.

Respectfully submitted,

\_\_\_\_\_  
Christine P. Ade, Recorder  
Town of Barnstable Licensing Authority

\_\_\_\_\_  
Gene Burman, Vice-Chairman  
Town of Barnstable Licensing Authority