



Town of Barnstable

Regulatory Services

Richard V. Scali, 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.
June 9, 2014

A regular meeting of the Barnstable Licensing Authority was held on Monday, June 9, 2014. Chairman Martin Hoxie called the meeting to order at 9:30 A.M. He introduced Gene Burman, Vice Chairman and Temporary Clerk; Dick Boy; Associate Commissioner; Ron Semprini, Associate Commissioner; Richard V. Scali, Director of Regulatory Services and Licensing Agent, Lt. John Murphy and Patrolman Steve Maher, Liaison Officers from the Barnstable Police Department, and Maggie Flynn, Recording Secretary.

Vote to accept Minutes: Vote to accept minutes of the 5/19/14 Meeting. Not voted on at this meeting.

Hearings:

New (Two) One Day Live Entertainment Licenses: Application of Pete Lally on behalf of Spectacle Management for two One Day Live Entertainment Licenses for concerts of The Irish Rovers and Vienna Boys Choir. The Irish Rovers event to be held at the Barnstable High School Performing Art Center, 744 Main Street, Hyannis on August 22, 2014 from 8:00 PM to 11:00 PM. The Vienna Boys Choir event is also to be held at the Barnstable Performing Arts Center on December 10, 2014 from 7:30 PM to 11:30 PM.

Tony Raine appeared for this application. Mr. Hoxie asked if there was a charge for the events; \$55 for both events. Mr. Lally was unable to make it to the meeting so he was appointed.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to approve the application of Pete Lally on behalf of Spectacle Management for two One Day Live Entertainment Licenses for concerts of The Irish Rovers and Vienna Boys Choir. The Irish Rovers event to be held at the Barnstable High School Performing Art Center, 744 Main Street, Hyannis on August 22, 2014 from 8:00 PM to 11:00 PM. The Vienna Boys Choir event is also to be held at the Barnstable Performing Arts Center on December 10, 2014 from 7:30 PM to 11:30 PM.

New (Two) One Day Live Entertainment Licenses: Application of Amy DeFeudis on behalf of Dance Designs, 11 Enterprise Road, Hyannis, for two One Day Live Entertainment Licenses for annual dance recitals. The events will be held at The Barnstable High School Performing Arts Center, 744 West Main Street, Hyannis on June 14, 2014 from 7:00 PM to 9:00 PM and June 15, 2014 from 2:00 PM to 4:00PM.

Amy DeFudis, owner; has had a longtime studio in the area. This is an annual event, well attended, \$15 admission price.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to approve the application of Amy DeFeudis on behalf of Dance Designs, 11 Enterprise Road, Hyannis, for two One Day Live Entertainment Licenses for annual dance recitals. The events will be held at The Barnstable High School Performing Arts Center, 744 West Main Street, Hyannis on June 14, 2014 from 7:00 PM to 9:00 PM and June 15, 2014 from 2:00 PM to 4:00PM.

New One Day All Alcohol License: Application of Kathy Pina on behalf of St Anthony's Charity Club of Osterville, 809 Osterville West Barnstable Road, Osterville, for a One Day All Alcohol License for an annual feast on June 14, 2014 from 12:00 pm to 6:00 pm to be held outside on corner of Swift and Old Mill Roads .

Kathy Pina appeared. Yes, this is another year for their event. Admission is free, donations are accepted. Over 75 active years, the past 35 years located on Old Mill Road. All kinds of great food is served, come on by.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to approve application of Kathy Pina on behalf of St Anthony's Charity Club of Osterville, 809 Osterville West Barnstable Road, Osterville, for a One Day All Alcohol License for an annual feast on June 14, 2014 from 12:00 pm to 6:00 pm to be held outside on corner of Swift and Old Mill Roads.

New Annual Common Victualler License: Application of Tam Phan, d/b/a Snowflakes Shaved Snow Bar, 424 Main Street, Hyannis, Hoa Von, Manager, for a New Annual Common Victualler License, to be operated 10:30 am to 11:00 pm, Monday-Sunday; indoor seating for 16 as approved by the Building Commissioner.

Tam Phan is the owner and spoke on behalf of the application. A new shaved ice that tastes like ice cream. Mr. Hoxie asked is this a new product. It is available in California and no ice cream is healthy. Do you have different sizes and flavors, yes, and will be serving coffee and tea. Mr. Scali asked what is in the location now. Used to be Michael's Bakery, smaller location. Mr. Hoxie inquired about his experience. Mr. Phan stated that he has owned a nail salon, sprint store and yogurt store in the past 10 years. He is hoping to be open this weekend.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to approve the application of Tam Phan, d/b/a Snowflakes Shaved Snow Bar, 424 Main Street, Hyannis, Hoa Von, Manager, for a New Annual Common

Victualler License, to be operated 10:30 am to 11:00 pm, Monday-Sunday; indoor seating for 16 as approved by the Building Commissioner.

New Annual Common Victualler License: Application of Barnacle Enterprises Inc., d/b/a The Barnacle, 988 Craigville Beach Road, Centerville, Tony Ninivaggi, Manager, for a New Annual Common Victualler License, to be operated 11 am to 9 pm. Maximum number of 40 exterior seats as approved by the Building Commissioner.

Tony Ninivaggi owner appeared at the hearing; purchased the property in April. Owns the property next door too, bought the competition so to speak. Intent on keeping all the items local on the menu, tried to step up the quality of the food.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to approve the application of Barnacle Enterprises Inc., d/b/a The Barnacle, 988 Craigville Beach Road, Centerville, Tony Ninivaggi, Manager, for a New Annual Common Victualler License, to be operated 11 am to 9 pm. Maximum number of 40 exterior seats as approved by the Building Commissioner.

New Annual Common Victualler License: Application of Laxmimata Inc, d/b/a Kebab N' Curry, Cape Cod Mall, 793 Iyannough Road, Hyannis, Pradip Budhathoki, Manager, for a New Annual Common Victualler License; hours of operation to be regular Cape Cod Mall hours, food court seating.

Pradip Budhathoki appeared on behalf of the application. Service will be at the Cape Cod Mall; all the bread will be baked at the location. This food is from South Asia with some Indian spice, lamb, chicken similar to a barbeque. Mr. Hoxie asked if this type of food was served anywhere else: yes in Plymouth. He closed that location. Have you ever heard of the NAN oven, it is a very interesting concept. Ron Semprini asked the location in the mall; located in the food court.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to approve the application of Laxmimata Inc, d/b/a Kebab N' Curry, Cape Cod Mall, 793 Iyannough Road, Hyannis, Pradip Budhathoki, Manager, for a New Annual Common Victualler License; hours of operation to be regular Cape Cod Mall hours, food court seating.

New Annual Farmer Brewery Pouring License: Application for a new Annual Farmer Brewery Pouring License, Barnstable Brewing LLC, 485 West Main Street, Hyannis, MA, with Peter Connor, Manager. Pouring service would be from 10:00 a.m. to 6:00 Mon-Sat. Inside, 5 tables, 12 seats as approved by the Building Commissioner; no outside seating.

Application will be re-advertised or placed on hold due to abutter notification deficiencies

Mr. Scali updated the Board as to the status of this application. At the Zoning hearing the application was approved but there is also an appeal process pending. There are also background and notification issues. The application must be re-advertised and the applicant will let us know.

Renewals: (0)

Business Meeting:

Skyline Motors Inc.: Philip Boire is withdrawing the Class II license issued on May 19, 2014 due to failed negotiations. Mr. Scali updated the Board that Skyline Motors is withdrawing his license and the previous dealer is operating at that location.

Alcohol Mailing: A second mailing was sent on 6/2/2014 to 62 businesses that failed to attend the previous meetings. The police department has decided that they will give the licensee holders a second chance. They have been notified that on June 12 at 9:00 AM there will be another meeting. If they do not show there will be a show cause hearing in front of the Licensing Authority.

LT Murphy discussed the Compound restaurant show cause for 7/9/14 at 1:00 PM. Chief MacDonald and Officer Maher will have to represent the police department as Lt. Murphy cannot attend due to a scheduling conflict. Mr. Scali reminded the Board that the Compound has an application on the same hearing for an Alteration of Premises for outside service/dining. The Compound has decided to remove the roof off of the sunroom. Mr. Hoxie stated that the show cause hearing should be held prior to the application for Alteration of Premises.

Officer Maher informed the Authority that an additional request was submitted for a show cause hearing for the House of Buds due to excessive noise. This will be heard at the August Meeting as Officer Maher has a scheduling conflict for the July 28th meeting.

Continuation on BarbyAnn's Hearing at the ABCC to July, lack of DUA payments is the issue.

Mr. Hoxie stated to the Board for all to read the letter to the editor written by Mr. Semprini in the Barnstable Patriot.

Release of Executive Session Minutes, if any (0). There were none.

The meeting was adjourned at 9:55

Respectfully submitted,

Margaret D. Flynn, Recorder
Town of Barnstable Licensing Authority

Martin Hoxie, Chairman
Town of Barnstable Licensing Authority