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TOWN OF BARNSTABLE

NOTICE OF MEETINGS OF TOWN DEPARTMENT AND ALL TOWN BOARDS
As Required by Chapter 28 of the Acts of 2009 which amends MGL Chapter 30 A

Licensing Authority Minutes

DATE OF MEETING: March 21, 2016

Check below which one applies

The Clerk's office has this meeting date already posted X

This is a special meeting which has not been posted _____

TIME: 9:30 a.m.

PLACE: 2nd Floor Hearing Room, 367 Main Street, Hyannis, MA

A meeting of the Barnstable Licensing Authority was held on Monday, March 21, 2016. Chairman Martin Hoxie called the meeting to order at 9:30 A.M. He introduced Gene Burman, Vice Chairman; Ron Semprini, Clerk ;David Nunheimer, Associate Commissioner; Larry Decker Associate Commissioner Richard V. Scali, Director of Regulatory Services; Elizabeth G. Hartsgrove, Consumer Affairs Supervisor; Lt. John Murphy and Patrolman Stephen Estey, Liaison Officers from the Barnstable Police Department; and Maggie Flynn, Recording Secretary.

Vote to accept Minutes

1. Vote to accept minutes of the 3/07/16 meeting.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to accept the minutes as written.

New Business:

1. **Closure Request:** Request received from Beech Tree Cantina, 699 Main Street, Hyannis to remain closed until April 15, 2016 due to renovation delays.

Attorney Pizzuti has requested the extension to the closure request. Construction has not been completed; expect to be completed by 4/15/16. Mr. Scali asked if there are other changes occurring at the restaurant; yes there are.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to accept the request as written.

2. **Closure Request:** Request to close from Osterville Veterans Association, 753 Main Street, Osterville from April 3 to April 28, 2016 for electrical and septic improvements.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to accept the request as written.

3. **Application for a New One Day Entertainment License:** Application received from Pete Lally on behalf Spectacle Management for a new one day entertainment license for the Capitol Steps event. This event will be held at the Barnstable High School Performing Arts Center, West Main Street, Hyannis on April 2, 2016 at 7:30 PM.

Pete Lally appeared on behalf of the application. The tickets range for \$39-59. It is a comedy revue type of show. Spectacle Management is promoting the show.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to accept the application as written.

4. **Application for (2) New One Day Beer and Wine Licenses:** Applications received from Paula Tropeano on behalf of Spoon and Seed for two new beer and wine licenses for the following events. The first event will take place on March 24, 2016 at Spoon and Seed, 12 A Thornton Drive, Hyannis for an "All Dressed Up" wine dinner. This event will require a one day wine only license. The second event is for a one day beer and wine license for a Canapes Party for Cape Cod Health. The event is to be held at Spoon and Seed, 12 A Thornton Drive, Hyannis on April 7 from 4:30-7:00 PM.

Paula Tropeano appeared on behalf of the applications. Paula reviewed the events. They are planning to apply for a full liquor license.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to accept the applications as written.

- 5. Application for a New One Day All Alcohol License:** Application received from Stacie Hevener on behalf of the Marstons Mills Public Library for a one day all alcohol license for the Roaring 20's Trivia Contest. The event is a fundraiser to be held at the Liberty Hall, 2160 Main Street, Marstons Mills on April 1, 2016 beginning at 6:30 PM.

Stacey Hevener appeared on behalf of the application. The libraries need to raise funds for operating of purposes. The event will be at Liberty Hall. Stacey reviewed the details of the application.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to accept the applications as written.

- 6. Consent Agenda:**

Cannot renew Ferreira's junk dealer license, add to the Agenda for 4/11/16.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to accept the Consent Agenda as written with the exception of Ferreira's Recycling, Inc.

Public Hearings:

- 1. Application for Four New Lodging House Licenses:** Application of United Camps Conferences and Retreats Inc., d/b/a Craigville Retreat Center, 39 Prospect Ave., Centerville, Cynthia Diggs, Manager for 4 New Lodging House Licenses as follows:

Grove House, 125 Ocean Ave., Centerville - 12 rooms

Lodge, 45 Prospect Ave., Centerville – 44 rooms

The Inn, 208 Lake Elizabeth, Centerville – 63 rooms

Manor, 19 Prospect Ave – 23 rooms

A total of 142 rooms all approved by the Building Commissioner.

******Continued from 3/7/16 Hearing******

Cynthia Diggs appeared on behalf of the application. All numbers referenced rooms but it should have been numbered beds. The Health department is requiring 60 sq. ft. per occupant. This would diminish the occupancy in half. Ms. Diggs asked if they were a camp would they be under the same regulations. We are a place of service. Jim Lane, president of Christian Camp Meeting Association stated the lodge has been in existence for over 60 years. Individuals have been living there for over 100 years. We need to continue this. The manager change and corporate name change triggered all of the inspections and the process. Mr. Scali stated that they will need to appeal to the Health

Department. The Fire Department does come in approximately the last 2 years. Mr. Burman asked if there have ever been any complaints. We are currently open. **** **Continue to Monday, April 25, 2016******.

2. **Application for an Alteration of Premises for a Seasonal All Alcohol**

License: Application of 13 Live's Corp., d/b/a The Black Cat Harbor Shack, 159 Ocean Street, Hyannis, Scott C Brownlee, Manager, for an Alteration of Premises description to change the existing premises description to:

Current Description: 2 Story wood frame structure at 159 Ocean Street, Hyannis, MA with frontage on Ocean Street used for food preparation, window service, patron bathroom and a rear wood frame structure for service and raw bar. No interior seats in structures.

Alterations include: Add new service area to the second story of the existing front porch roof structure with 38 seats; completely enclosed accessible by lift and two stairways (construction required). Eliminate ground level patio seating of 15; therefore proposing a net increase of 23 seats. New seating total is 106 exterior seats from existing 83 seats. All changes have been approved by the Building Commissioner.

******Planning Board Meeting scheduled for March 28, 2016******

Attorney Dan Creedon and David Colombo appeared on behalf of this application. Currently licensed premise to add new service area, 38 new seats and elimination of 15 lower seats to a net of 23 seats. Mr. Hoxie stated the At there are letters of support on file. Mr. Scali stated that the Planning Board will be meeting on 3/28/16. Parking is the issue in planning and a setback issue. Mr. Scali stated that the parking issue is controversial. Mr. Colombo stated that a lot of his activity is foot traffic.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to accept the application as presented subject to the approval of the planning board.

3. **Application for an Alteration of Premises for an Annual General on Premise**

License: Application of Cotuit Center for the Arts Inc., d/b/a, Cotuit Center for the Arts Inc., 4404 Falmouth Rd., Cotuit, David Kuehn, Manager, for an Alteration of Premises description to change the existing premises:

Alterations to include: Expansion of licensed premises for alcohol at 4404 Falmouth Road, Cotuit to include patio, 1428.25 sq. ft. with a maximum occupancy of 50 people and adjacent lawn area when holding live theatre, art exhibits and concert events within the Main Theatre.

Also to expand license premises to serve alcohol at the Black Box theatre located in the Annex at 4404 Falmouth Rd., Cotuit. The Annex location is a two story wood building with a basement; 1792 total sq. ft. First floor sq. footage is 1216 with a maximum occupancy of 49 and enclosed deck of 176sq. ft. Two entry/exits and two bathrooms. Alcohol will be limited to the first floor.

Extend premises for alcohol in a defined lawn area, 3000 sq. ft. with a maximum occupancy of 100 people, running between the Main Theatre, the Annex and the Arts Education Building to allow patrons to enjoy all three buildings during theatre performances, art exhibits, events and outdoor concerts.
All changes have been approved by the Building Commissioner.

David Kuehn appeared on behalf of the applications. He is the Executive Director of the Cotuit Center of the arts. There is a new Theatre that has been completed. The bar is generally open 1 hour before a theatre and 15 minutes at performance time.

Mr. Scali reviewed the issues with an abutter, questioning about paving and expansion. Site plan review is required for any expansion specific to Savinelli Road. Any and everything will be brought before site plan review. Mr. Semprini asked about enclosure of the open area.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to accept the application as presented.

4. **Application for a New Annual All Alcohol Common Victualler License and New Live and Non Live Licenses:**

Application has been filed by KKatie's Hyannis Inc., Kathryn F. McSorley mgr, d/b/a KKatie's Burger Bar located at 334 Main Street, Hyannis, for a new Annual All Alcohol Common Victualler, and annual Live and Non-Live Entertainment Licenses.

Description of Premise: First floor premise, total area of 2490 sq.ft. Total seating of 100 seats. Dining/bar area total of 1210 sq.ft. with 80 seats. Outside/front seasonal dining with 20 seats(10 tables). Additional 820 sq.ft. of kitchen/bathroom/office /storage area and 460 sq. ft. of to go area. Two entrances/exit, one in front of the building on Main Street and one on the side of building on Barnstable Road. All approved by the Building Commissioner.

Live Entertainment to include: Amplified music by up to 2 performers. Non-Live Entertainment to include: 5 televisions, jukebox and radio. Hours of both Live and Non-Live Entertainment: 9 AM – 12:00 AM

Keith Seiding and Kathryn McSorley appeared on behalf of this application. Joe Phelan, attorney completed the ABCC application. We are making the location only 2500 sq. ft. We want a neighborhood location. Full service bar. No dancing.

Kate has 20-30 years' experience as the manager. Our sales are 70% food, not much alcohol. We would like to be open the end of May. The back portion will be re-leased. The entertainment will be removing 2 tables. Lt. Murphy did make some calls to the Plymouth Police Department, and they were endorsed as a quality operation. Last call will be 12:30. The bar exit and entrance will be at the front. New handicapped accessible bathrooms will be built. Deliveries will take place off Barnstable Road. The lease is for 10 years.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to accept the application as presented.

5. **Application for a New Annual All Alcohol Common Victualler License and New Live and Non Live Licenses:**

application has been filed by South Sea Village Inc., Wai Ming Lam mgr, d/b/a Jasmine Blossom located at 574 Iyannough Road, Hyannis, for a new Annual All Alcohol Common Victualler, and annual Live and Non-Live Entertainment Licenses.

Description of Premise: One story masonry structure containing 2 dining areas of 80 seats, one private dining room of 54 seats, sushi bar 10 seats, bar with 23 seats, dining room with 24 seats and outdoor patio with 20 seats. Total seats are 211, 191 interior and 20 exterior. There are waiting and host areas and storage in the basement and Handicapped accessible bathrooms and 6 means of egress, all approved by the Building Commissioner. Hours of Alcohol service are 11:30 AM to 12:45 AM; daily.

Live Entertainment to include: Amplified music by up to 3 performers and a stage for 2 performer comedy show. Non-Live Entertainment to include: 5 televisions and radio. Hours of both Live and Non-Live Entertainment: 11:30 AM – 12:45 AM

Attorney Pizzuti represented the applicants. Wai Ming Lam is the manager. This is the old Pizzeria Uno location. His nickname is Eric. This will be an Asian fusion restaurant similar to their 7 locations. Trip Advisor reviews are 4 or more stars out of 5. There is no other restaurant similar to theirs on Cape Cod. Attorney Pizzuti reviewed Wei Ming Lam's experience since childhood. They bring in smart people to invest in the business. Looking to open in September; a substantial amount of renovation time is needed. There will be talk shows, no dancing. There will be 15 seats removed for entertainment. The lease is for 10 years. No to karaoke. On Wednesday there is a zoning hearing. Zoning decision decided not to have take out. Would like to have this modified to allow take out. There should not be any issue due to the numerous improvements to Rote 132. Lt. Murphy asked about the entertainment. Is it the same at other locations, we do not have any entertainment. The Cape is a tourist location, possible comedy show. Mr. Scali asked if the location in Dedham is one of theirs, yes; it is very lovely.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to accept the application as presented.

6. **Application for a Transfer of Corporate Stock and Change in Corporate Officers and Directors:**

Application of Not Your Average Joe's Inc., d/b/a Not Your Average Joe's, 793 Iyannough Road, Hyannis, Bruce Randon, Manager, for a Transfer of Stock, and a change in Officers & Directors.

Joe McGuire represented the application of behalf Not Your Average Joe's; they are adding a new director.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to accept the application as presented.

7. **Work Session** – Licensing Authority Rules and Regulations

Ms. Hartsgrove reviewed her process. This is an open forum, not a hearing, it will be advertised as a hearing once finalized. Red type indicates all changes.

Mr. Hoxie asked for suggestions and comments. 501-2 Mr Burman asked why 2 readings? We are meeting the 48 hour rules.

Add that the compliance meetings be mandatory.

Next step is an advertised public hearing and then adoption.

Sheilah MulCalhey and Paul Logan address the issue of ADA awareness, 502 and 504 sections. We need to incorporated ADA compliance with renewals and new applications. This will ensure ADA compliance within the Town. Check-off section on application for ADA compliance. A new business should be totally compliant. Hope to get a policy approved within the Town. This will not be an easy process. Businesses should have appropriate parking; disabled individuals should be able to get in through front door and restrooms. It will be ratcheted up each year. The basic will be to begin with parking. Currently the regulation requires that at a certain dollar amount of renovation ADA compliance comes in to play. This change would be to include all applications. It depends on the age of the building; hardship could come in to play. The minimal concern is accessibility. There is a formula in place, 4 per every hundred and then the formula changes. Start at the beginning, change the mentality of the town.

Mr. Nunheimer stated that the Licensing Authority may not be the place to review/approve the ADA law complexities. The Building Commissioner should interpret this.

The Licensing Authority should know that the Board of Health and Building Commissioner has reviewed ADA compliant. Mr. Logan is looking for the Licensing Authority to include this interpretation as policy.

Dave Colombo stated there is a conflict between Board of Health and Building. The Building department is taking this over. There has to be a table accessible for a handicapped bar patron. Mr. Scali stated that the Health department also reviews.

Mr. Colombo asked about allowing restaurants to close for 2 months. Change to 10 months per year. The concern is on both sides. This is a case by case basis. Mr. Colombo stated that often times he has personnel later than 1:30 AM in his restaurant, use common sense he was advised.

Joseph Laham addressed the board. Make a level playing field. Visual maintenance of Yarmouth Road is inconsistent. Auto Sales must be your principal business.

Lt. Murphy confirmed Mr. Laham's comments. The hope is that through these meetings we can vette out licensees that do not deserve to hold a license. Mr. Hoxie stated that the best we can do is to ensure that they are reputable, the right size setbacks etc.

Licensing Division Updates:

- Licensing Department updates:** - Renewals and the Compliance meetings. On-premise licenses have been assigned times. This has been completely revamped. In May, we will hold compliance meetings for private parking lots and Class I and Class II dealers.
- Police Department updates:** Lt. Murphy will be delivering the notices to ensure Attendance at the Compliance Meetings.

Release of Executive Session Minutes, if any (0).And any other new business to come before the Licensing Authority.

- **Matters not reasonably anticipated by the Chair**

The list of matters, are those reasonably anticipated by the president/chair, which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law. It is possible that if it so votes, the sub-committee may go into executive session. For your information the section of the M.G.L. that pertains to postings of meetings is as follows: Except in an emergency, in addition to any notice otherwise required by law, a public body shall post notice of every meeting at least 48 hours prior to such meeting, excluding Saturdays, Sundays and legal holidays. In an emergency, a public body shall post notice as soon as reasonably possible prior to such meeting. Notice shall be printed in a legible, easily understandable format and shall contain: the date, time and place of such meeting and a listing of topics that the chair reasonably anticipates will be discussed at the meeting.

The meeting was adjourned at 12:10

Respectfully submitted,

Margaret D. Flynn, Recorder
Town of Barnstable Licensing Authority

Ron Semprini, Clerk
Town of Barnstable Licensing Authority

Town of Barnstable

Consumer Affairs

Elizabeth G. Hartsgrove, Supervisor

Licensing Authority

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BARNSTABLE LICENSING AUTHORITY

CONSENT AGENDA

March 21, 2016

Renewals:

1. **Application for a (18) One Day Entertainment Licenses:** Application of Linda Mawhinney on behalf of the Cape Cod Symphony for 18 One Day Entertainment licenses for the 2016-2017 Concert schedule (attached). All concerts are to be held at the Barnstable High School Performing Arts Center, West Main Street, Hyannis.
2. **Application for 8 One Day Beer and Wine Licenses:** Application of Richard Penn on behalf of Puritan Cape Cod for 8 one day beer and wine licenses for various fundraisers and vendors. All events (scheduled attached) will be held at the Puritan Cape Cod store location 408 Main St., Hyannis.

All Alcohol Club with Entertainment:

1. The Beach Club, 27 Long Beach Rd., Centerville
2. Baxter's Boathouse Club, 177 Pleasant St., Hyannis
3. Cotuit Highground, 31 Crocker's Neck Rd., Cotuit

Common Victualer All Alcohol with Entertainment:

1. Trader Ed's, 1 Willow St., Hyannis
2. Eclectic Café, 606 Main St., Hyannis
3. Mattakeese Wharf, 271 Mill Way, Barnstable
4. Black Cat Harbor Shack, 159 Ocean St, Hyannis
5. Spankys Clam Shack, 138, Ocean Street, Hyannis
6. Fresh Ketch, 462 Main St, Hyannis
7. Gringo's, 577 Main St., Hyannis

8. Blue Water Grille, 213 Ocean St., Hyannis

Innholder All Alcohol with Entertainment:

1. Hyannis Inn Motor Hotel, 473 Main St, Hyannis

Common Victualler All Alcohol:

1. Kian n Rylee's, 561 Main St., Hyannis

Common Victualler Wine and Malt with Entertainment:

1. Cape Cod Melody Tent, 41 West Main St., Hyannis

Common Victualler Wine And Malt

1. Cooke's Seafood Hyannis, 1120 Iyannough Rd., Hyannis

Junk Dealer:

1. Historical Military Antiques, Holiday Inn, 1127 Iyannough Rd., Hyannis
2. AJ Marks, 973 Iyannough Rd, Hyannis
3. Kay Jewelers, Cape Cod Mall, Hyannis
4. Cape Abilities, 3239 Main St., Barnstable
5. Cash Point, 640 Main Street, Hyannis
6. Ferreira's, 85 Old Yarmouth Rd., Hyannis***need amended plan***
7. JCM Metals, 142 Corporation St., Hyannis
8. Edythe & Co, 805 Main St., Osterville
9. Simply Vintage, 1600 Falmouth Rd., Centerville
10. New England Jewelry, 342 Main St., Hyannis

Common Victualler:

1. Hot Diggity Dogs, 569 Main St., Hyannis
2. Egg and I, 521-525 Main St., Hyannis

