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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

The June 15, 2020 public meeting of the Licensing Authority shall be physically closed to the public to avoid group congregation.

### Remote Participation Instructions

Alternative public access to this meeting shall be provided in the following manner:

1. The meeting will be televised via Channel 18 and may be accessed via the Channel 18 website at:

<http://streaming85.townofbarnstable.us/CablecastPublicSite/watch/1?channel=1>

2. Real-time public comment can be addressed to the Licensing Authority utilizing the Zoom link or telephone number and access code for remote access below.

Link: <https://zoom.us/j/97854455159>

Telephone Number: 888-475-4499 US Toll-free, Meeting ID: 978 5445 5159

3. Applicants, their representatives and individuals required or entitled to appear before the Licensing Authority may appear remotely and are not permitted to be physically present at the meeting, and may participate through the link or telephone number provide above. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to [Richard.scali@town.barnstable.ma.us](mailto:Richard.scali@town.barnstable.ma.us), so that they may be displayed for remote public access viewing.

**DATE OF MEETING: June 15, 2020**

**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: REMOTE PARTICIPATION VIA ZOOM**

A meeting of the Barnstable Licensing Authority was held on Monday, June 15, 2020. Chairman Martin Hoxie called the meeting to order at 9:30am. He introduced Larry Decker, Associate Commissioner, David Hirsch, Associate Commissioner, Nancy Karlson-Lidman, Associate Commissioner, Richard Scali, Licensing Director, Officer Therese Gallant and Lindsay Parvin. David Nunheimer and Lt. John Murphy were absent.

**Vote to accept Minutes:**

1. Vote to accept minutes of the 5/26/2020 meeting.

A motion was duly made by Mr. Decker, seconded by Mr., Hirsch and a unanimous vote taken to accept the minutes of the 5/26/2020 meeting.

**New Business:**

1. **Osterville Veterans Association, 753 Main Street, Osterville**  
Request temporary closure until September, 2020

A motion was duly made by Mr. Decker, seconded by Mr. Hirsch and a unanimous vote was taken to Approve the Request of Osterville Veterans Association to temporarily close until September, 2020.

**2. Consent Agenda:**

*Mr. Scali gave an overview of the Expanded Outside Dining. Main Street has been reduced to one lane from Barnstable Road to Sea Street and allows those restaurants on the north side of Main Street to expand into Main Street. As to the One Day Event Applications, Mr. Scali noted for the record that he is not sure if each of the applications on the consent agenda will actually take place, however, the Board could accept subject to the Governor's objectives. Mr. Decker inquired if the Expanded Outside Dining applications were required to also extend their insurance. Mr. Scali assured the Board that all applicants were required to update their insurance to cover the Town on any public property. Mr. Scali also updated the members on the procedures taken regarding the Expanded Outside Dining applications in that staff is meeting weekly to review the applications and if all are in agreement that the application is complete, it is then placed on the Consent Agenda. If any member has concerns or is aware of any issues relating to businesses to reach out to him.*

A motion was duly made by Mr. Decker, seconded by Ms. Karlson-Lidman and a unanimous vote taken to accept the Consent Agenda as presented.

## Public Hearings:

### 1. APPLICATION TO TRANSFER A SEASONAL ALL ALCOHOL COMMON VICTUALLER LICENSE, NEW LIVE AND NON-LIVE ENTERTAINMENT LICENSES

An application has been filed to transfer the Seasonal All Alcohol Common Victualler License from Harborview Hotel Investors LLC., d/b/a Blue Water Grille, 213 Ocean Street, Hyannis to Lobster Girl Lobster Boy, Inc., d/b/a The Raw Bar On Ocean Street, Elizabeth Westwater, mgr., 213 Ocean Street, Hyannis.

Description of Premise: Restaurant with a total of 162 seats, 2140sq. ft. tent area with 44 seats at tables and 20 seats at the bar. A 3258 sq. ft. patio area with 98 seats, 1350 sq. ft. indoor function room, and 333 sq. ft. kitchen area. There are 7 entrances and exits, approved by the Building Commissioner on 5/7/2020.

Hours of Operation:

Father's Day-Labor Day: 7:30AM-10:00PM (weekdays)  
7:30AM-11:00PM (weekends)

May 15<sup>th</sup>-Father's Day and Labor Day-October 31<sup>st</sup>: 11:30AM-11:00PM (daily)

Live Entertainment to include: Amplified music by up to 3 performers.

Non-Live Entertainment to include: 4 televisions and recorded music at conversation level.

Hours of Live and Non-Live Entertainment: 12:00 PM – 11:00 PM (daily)

*Mr. Decker asked for clarification on the hours of Live and Non Live Entertainment. The request is until 11:00pm daily, however, the hours of operation are only until 10:00pm weekdays. Attorney William Kildea, representing the applicant, explained that the restaurant will open for breakfast that is intended to be taken away and no need for entertainment. The restaurant will open for lunch at 12Noon and at that time televisions would be put on. Mr. Decker clarified his question that the application calls for live and non-live entertainment until 11pm, but is only open until 10:00 pm on weekdays. Chair Hoxie confirmed that the only change should be that entertainment is until 10:00pm on weekdays. Richard Scali asked if the Board would like to hear from the applicants regarding their experience. Mr. Robert Weeks was present and explained that they had been across the street at Hy-Line for 11 years and their lease was not renewed. They received the offer to come over to the Harborview Hotel and basically do exactly the same thing. Richard Scali asked if there was any thought to outdoor dining. Mr. Weeks indicated that yes, they would like to. Mr. Scali noted that this would need additional documentation after the transfer has been approved by the ABCC. Mr. Weeks confirmed that they had enough outside room for social distancing and will not need the expanded dining application. Mr. Scali confirmed with Attorney Kildea that notice to the abutters has been completed.*

*Richard Scali informed the Board that a letter had been received from Ms. Felicia Penn outlining a conversation she had with owner Mr. Cohen and his brother assuring her that the Hotel will control the sound system and she will not hear it from her residence on Daisy Lane, nothing will deviate from previous running of restaurant and that they will take immediate action if needed. Based upon her conversation with the Cohens, Ms. Penn stated she has no objection, but will follow up immediately if anything changes.*

**A motion was duly made by Mr. Decker, seconded by Ms. Karlson-Lidman and a unanimous vote taken to accept the Application to Transfer Seasonal All Alcohol License as Subject to include the adjustment of weekday hours of Live and Non Live Entertainment from 11:00pm to 10:00pm and to include letter received from Felicia Penn.**

## **2. NEW CLASS II AUTO DEALER LICENSE**

Application of Cape Motors Inc. d/b/a/ Cape Motors Inc., for a new Class II Auto Dealer License at 20 Bears Road, Hyannis, for a maximum of 14 vehicles; 11 display, 1 customer, 1 employee and 1 handicap.

*Zee Feriera, applicant was present and Mr. Scali asked him to provide the Board with his history of experience. Mr. Feriera stated that he has been in business since 2003 and has 12+ years experience elsewhere. He is looking to expand to a new location. Mr. Scali asked the applicant for confirmation that abutters had been notified and Mr. Feriera stated he did not notify abutters, but would do so today. Mr. Scali explained that they needed to be notified prior to the Hearing by certified return receipt mail. This application will need to be re-advertised and notice to abutters confirmed.*

**Application was continued to June 29, 2020 pending re-advertisement and notice to abutters.**

## **3. NEW CLASS II AUTO DEALER LICENSE**

Application of Cape Quality Collision Inc. d/b/a/ Cape Quality Car Sales, for a new Class II Auto Dealer License at 455 Yarmouth Road, Hyannis, for a maximum of 25 Vehicles; 18 display, 4 customer, 2 employee and 1 handicap.

*Applicant was represented by Mr. Murray, Owner and Manager Taylor Gomes. Mr. Murray stated that he is new to the selling of cars but has been in the business of car repair and owns an auto body shop. He goes to auctions and sometimes repairs and then sells the cars he purchases. Mr. Scali asked if abutters have been notified and Ms. Gomes confirmed that she has. Mr. Scali asked her to send confirmation of this to the Licensing Department. Officer Gallant wished to inform the applicant that she has received noise complaints regarding the auto body shop*

*on Route 6A and wanted him to be aware that no used cars can be displayed or stored at the Route 6A location, only at the Yarmouth Road location. Mr. Murray asked if he could repair the cars at the Route 6A location and Mr. Scali confirmed that repairs could take place, but that no display or selling of cars can be conducted. Mr. Scali then asked if they have applied for their Repair Bond and applicant responded that they had and are awaiting receipt. Mr. Scali stated to send a copy to Licensing Department when received. Mr. Scali reiterated to submit the confirmation of abutter notification, bond and payment of fee before opening. Upon receipt, a License will be issued and you can open.*

**A motion was duly made by Mr. Decker, seconded by Ms. Karlson-Lidman and a unanimous vote taken to accept the Application as Submitted.**

#### **4. NEW CLASS II AUTO DEALER LICENSE**

Application of Carlos Tapia Inc., d/b/a/ The Car Store Cape Cod, for a new Class II Auto Dealer License at 744 Beares Way, Hyannis, for a maximum of 21 vehicles; 6 display, 2 customer, 2 employee and 1 handicap.

*Application represented by Carlos and Jessica Tapia. Ms. Tapia informed the Board that they have been in business since 2009 and are taking over this business from the previous owner. They also operate a car lot in Harwich. Mr. Scali asked if notification to the abutters have been done and it was confirmed and that confirmation was submitted to the Licensing Department. Mr. Scali also confirmed that the correct location of the business is 744 Bearse Way. Mr. Scali noted that this application also went through Site Plan Review and was approved by Building Commissioner, Brian Florence.*

**A motion was duly made by Mr. Decker, seconded by Ms. Karlson-Lidman and a unanimous vote taken to accept the Application as Submitted.**

#### **5. ALTERATION OF PREMISES FOR A SEASONAL ALL ALCOHOL CLUB LICENSE AND NEW LIVE AND NON LIVE ENTERTAINMENT LICENSES**

Application of The Beach Club, Inc. d/b/a, The Beach Club, 27 Long Beach Road, Centerville, Scott Smith, Manager for an Alteration of Premises and New Live and Non-Live Entertainment Licenses.

New Description: Structure consists of a main floor with a lobby, handicap restroom, bar/lounge, dining room, food service counter/kitchen, men's and ladies locker rooms with restrooms/showers, and a TV room. The second floor has additional men's and ladies locker spaces with restrooms/showers, as well as 5 offices and a staff restroom. The additional space is 120' X 36' of uncovered, outside, single floor deck adjacent to the main building. There is a 6' boardwalk

around the deck that includes both stairs and a handicap ramp down to the beach area. The approximate total square footage of the deck including boardwalk is 5,796 sq. ft. The deck seating area consists of 4320 sq. ft.

Hours of operation: Monday-Sunday 8:00AM-1:00AM

Live Entertainment to include: Dancing by Patrons, Live Music by up to 10 performers. Hours of Live Entertainment: Sundays from 1:00PM-4:30PM and select Fridays and Saturdays from 5:00PM-12:00AM. Non Live entertainment to include 2 TV's. Hours of Non-Live Entertainment: same as operating hours.

*Application represented by Scott Smith who explained that he took over as manager last year and discovered during the renewal this year of the license that there were outstanding issues with the deck which was never included, but has been there for many years. They are simply trying to legalize the deck to be included in the license. Ms. Karlson-Lidman asked if they were going to limit the number of people on the deck. Mr. Smith explained that they applied for what could be allowed, but during these times will be limiting seating. The deck would have been approved for 31 tables of 6, but they will only be seating 16 tables of 6. Mr. Scali inquired about the request for up to 10 person band and if this was strictly for special events. Mr. Smith explained that this was for their special events, but at this time, they have cancelled all special events. They do, however, hope to have a one-piece musician on Sunday 1:00-3:30pm out on the deck. Mr. Scali informed the applicant that the regulations do not allow for an live entertainment outdoors at this time. Notification to abutters was confirmed and receipt of notification was received by Licensing Department.*

**A motion was duly made by Mr. Decker, seconded by Ms. Karlson-Lidman and a unanimous vote taken to accept the Application as Submitted.**

**6. Application for a One Day Live Entertainment License and (16) One Day All Alcohol Licenses**

Application of Scott Smith on behalf of The Beach Club, 27 Long Beach Road, Centerville for a One Day Live Entertainment License and (16) One Day All Alcohol Licenses. The events are to take place on the following dates:

7/4/2020, 7/5/2020, 7/11/2020, 7/12/2020, 7/18/2020, 7/19/2020, 7/25/2020, 7/26/2020, 8/1/2020, 8/2/2020, 8/8/2020, 8/9/2020, 8/22/2020, 8/23/2020, 8/29/2020, 8/30/2020

*Represented by Scott Smith who explained that since they are not allowed indoor activities they are looking for approval to allow for service outside on their private beach. These are not special events. Mr. Hoxie asked for clarification that one day licensing are for special events. Mr. Scali confirmed and explained that this should*

*really be an extension of outdoor dining. Licensing. Because it is a private beach and not on public property is acceptable.*

**A motion was duly made by Mr. Decker, seconded by Ms. Karlson-Lidman and a unanimous vote taken to approve a one day extension of licensing for 8/1/2020 and 16 one day All Alcohol License on the dates submitted.**

## **7. AMEND LOCATION OF CLASS I AUTO DEALER LICENSE**

Application of CapeHY, Inc., d/b/a Balise Hyundai of Cape Cod, David Cuesta, Manager to amend the Class I Auto Dealer License to include the following locations: 32 Corporation Street, Hyannis and 322 Falmouth Road, Hyannis. The following locations will be removed from the license: 574, 516, 528 Bearses Way, Hyannis and 45, 57, 20 Corporation Street, Hyannis.

*Represented by Attorney John Kenney. Attorney Kenney explained that previously they came before this Board for approval to move to Corporation Road. Now moving to the former Nissan location. No site plan change, simply changing from Nissan to Balise. Most of the previous addresses for the former Nissan do not exist today. Mr. Scali asked if abutter notifications were sent and Attorney Kenney stated that they were advised that notification was not needed as they are not adding addresses, simply removing those that do not exist. Mr. Scali asked Attorney Kenney for exact number of vehicles and there will be 27 customer, 30 employee and 131 display. Mr. Scali asked if Attorney Kenney could resubmit the plan for their files.*

**A motion was duly made by Mr. Decker, seconded by Ms. Karlson-Lidman and a unanimous vote taken to accept the Application as Submitted.**

## **8. NEW POOL TABLE LICENSE AND NON-LIVE ENTERTAINMENT LICENSE**

Application of Pain D'Avignon II, Inc., d/b/a/ Pain D'Avignon Café Boulangerie, Mario Mariani, Manager, 15 Hinckley Road, Hyannis, MA, for a new annual Pool Table License, (one table). Hours of use to be from 10:00am to 12:45am, daily. Non Live Entertainment to include: one television.

*Mr. Scali explained to the Board that this application came before the Board previously, but there was an issue with the advertising so it needed to be re-advertised. The applicant was advised that no one was required to attend the hearing.*

**A motion was duly made by Mr. Decker, seconded by Ms. Karlson-Lidman and a unanimous vote taken to accept the Application as Submitted.**

## **Hyannis Main Street Business Improvement District (BID) Informal Discussion on upcoming One Day Event Licenses for Friday Night Drive in Movies**

*Elizabeth Wurfbain, Director of the Hyannis Main Street BID was present to give the Board an update on the proposed Friday Night Drive in Movies to be held in the 500 Block parking lot. Mr. Scali noted that this was not on the Agenda and will be placed on the Consent Agenda for June 29, 2020. They have secured the screen, permission from the owner and will practice social distancing with the cars. Movies will be scheduled beginning July 3, 2020 and run through August. The screen will be removed each night after the movie and the Clean Team will arrive the following morning. Tickets will go on sale every Monday via the BID's website so as to give everyone a chance to participate. The Board members wished the BID luck and will vote on the License at the next Hearing June 29, 2020. .*

### **SHOW CAUSE HEARING:**

The Barnstable Licensing Authority will hold a Show Cause Hearing relative to the Lodging House License for the Sea Beach Inn Co. d/b/a Sea Beach Inn, 388 Sea Street, Hyannis, Catherine Darling, Manager, for the following violations of the Town of Barnstable Rules and Regulations: Section 501-9 Physical Premises (subsection b), 501-11 Environs of Licensed Premises (subsection f) and 501-14 Other Causes for Revocation, Suspension and Modification of the Town of Barnstable Rules and Regulations (subsection b).

### **Continued from May 26, 2020**

*Represented by Attorney Early and Kathryn Dowling. Officer Gallant submitted a 3 page report to the Members and gave a synopsis of the details. Ms. Dowling and a tenant each filed complaint with the Courts. The tenant was locked out of his room and not allowed to retrieve his belongings. On April 2, 2020 the Court allowed the tenant to enter the room and retrieve his belongings. That did not happen. As a result the Court issued 2 Warrants on Ms. Dowling but no response was taken by Ms. Dowling. Officer Gallant notified Ms. Dowling to appear today before this Board because she did not allow the tenant back into room to retrieve belongings. Officer Gallant has spoken to Attorney Early and understands an agreement was made between the parties, but the matter is still open in the Court. Attorney Early thanked Officer Gallant for her assistance and confirmed that the tenant dispute has been resolved. He can assure the Board that Ms. Dowling will use appropriate steps and seek his counsel on any future issues. He is hopeful that the Court matter can be taken care of shortly. Officer Gallant confirmed that Ms. Dowling is living at the property and is the resident manager. Attorney Early noted that Officer Gallant has both Ms. Dowling's telephone number and email address if any issues arise and requests that he be included in any communication. Mr. Scali thanked Attorney Early and advised the Board that until the matter is settled in the Court, this file will need to remain open and should be placed on the August 17, 2020 Agenda.*

### **Continued to August 17, 2020**



## NEXT MEETING OF THE LICENSING AUTHORITY

A motion was duly made by Mr. Decker, seconded by Ms. Karlson-Lidman and a unanimous vote taken to schedule the next Hearing on June 29, 2020.

### Licensing Division Updates:

#### 1. Licensing Department updates

\*Chair Hoxie informed the members that he has received the resignation of member Ron Semprini effective immediately. Mr. Semprini was a member for 7 years and will be greatly missed.

\*Mr. Scali noted that they have been very busy with the guidelines for the expanded outside dining and that the seasonal licenses are coming in. Only 1-2 businesses still deciding on whether to open.

#### 2. Police Department updates

Officer Gallant noted that she just began working on an issue that she will have for them at the next Hearing.

- 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. Meetings of a local public body, notice shall be filed with the municipal clerk, and posted in a manner conspicuously visible to the public at all hours

The meeting adjourned at 11:17am.

Respectfully submitted,

*/s/ Marylou Fair*

Marylou Fair, Administrative Assistant  
Town of Barnstable

David Nunheimer, Clerk  
Barnstable Licensing Authority

**Town of Barnstable**  
**Licensing Authority**  
**200 Main Street**  
**Hyannis, MA 02601**  
**www.town.barnstable.ma.us**

Telephone: (508) 862-4674

Fax: (508) 778-2412

**BARNSTABLE LICENSING AUTHORITY**  
**CONSENT AGENDA**  
**June 15, 2020**

**1. Application for (4) One Day Live Entertainment Licenses and (1) Beer and Wine License**

Application of Mary Colombo on behalf of Osterville Village Library for (4) One Day Entertainment Licenses and (1) Beer and Wine License for the 2020 Summer Celebration Fundraising Events. The events are to take place at the Osterville Village Library, 43 Wianno Ave, Osterville. One Day Beer and Wine License requested for July 11<sup>th</sup> Plein Air event. Hours of the event: 5:30PM-7:30PM. Entertainment events to take place from 6:00PM-7:00PM on the following dates: July 16<sup>th</sup>, 23<sup>rd</sup>, 30<sup>th</sup> and August 6<sup>th</sup>. Entertainment is to include live music by up to 15 performers.

**Renewals:**

**Seasonal Common Victuallers:**

1. **Craigville Beach Association** d/b/a CBA Snack Bar, 915B Craigville Rd., Centerville
2. **RTPK Association** d/b/a RTPK Association, 590 Sandy Neck Road, Barnstable

**Outdoor Patio Expansion Requests:**

1. **Fresh Ketch, 462 Main Street, Hyannis:** Requesting expansion to both Town and Private Property.
2. **Alberto's Ristorante, 360 Main Street, Hyannis:** Requesting expansion in rear parking lot adjacent to building in two separate locations.
3. **Flashback Restaurant, 294 Main Street, Hyannis:** Requesting expansion onto Town property.
4. **West End, 20 Scudder Ave., Hyannis:** Requesting expansion into private parking lot in front of restaurant.
5. **Gannon's Tavern, 959 Bearses Way, Hyannis:** Requesting parking lot seating.

6. **Buttercup Café, 3224 Main Street, Barnstable:** Requesting expansion into private parking lot.
7. **Chart Room at Crosby's, 330A West Bay Rd., Osterville:** Requesting expansion into private parking lot.
8. **Palio Pizza, 435 Main Street, Hyannis:** Requesting expansion on Town and Private property in addition to parking spaces on Main Street.
9. **Dolphin Restaurant, 3250 Main Street, Barnstable:** Requesting expansion into the rear parking lot.
10. **Barnstable Brewing, 485 West Main Street, Hyannis:** Requesting expansion onto private patio.