



# 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.

May 19, 2008

A regular meeting of the Barnstable Licensing Authority was held on Monday, May 10, 2008. Chairman Martin Hoxie called the meeting to order at 9:30 A.M. He introduced Gene Burman, Vice Chairman; Paul Sullivan, Clerk; Thomas Geiler, Director of Regulatory Services and Licensing Agent, Patrolman Steve Maher, Liaison Officer from the Barnstable Police Department, and Christine Ade, Recording Secretary. Lt. JoEllen Jason was absent.

#### Requests:

**One Day and Sunday Entertainment Licenses:** Application of Linda Mawhinney on behalf of Cape Cod Symphony Orchestra, 712A Main Street, Yarmouth Port, for **9 Daily One Day Entertainment Licenses and 9 Sunday Entertainment Licenses** for concerts to be held at the Barnstable High School Performing Arts Center, 744 West Main Street, Hyannis on the following dates:

<u>Friday</u>	<u>Saturdays</u>	<u>Sundays</u>
December 5, 2008 - 8 pm	Sept. 27, 2008 - 8 pm	Sept. 7, 2008 - 6 pm
	Oct. 11, 2008 - 8 pm	Sept. 28, 2008 - 3 pm
	Nov. 1, 2008 - 8 pm	Oct. 12, 2008 - 3 pm
	Dec. 6, 2008 - 3 pm & 8 pm	Nov. 2, 2008 - 3 pm
	Jan. 24, 2009 - 8 pm	Dec. 7, 2008 - 3 pm
	Feb. 14, 2009 - 8 pm	Jan. 25, 2009 - 3 pm
	April 4, 2008 - 8 pm	Feb. 15, 2009 - 3 pm
	May 2, 2009 - 8 pm	April 5, 2009 - 3 pm
		May 3, 2009 - 3 pm

Linda Mawhinney appeared for the application. This is the same license requested each year for the season. Paul Sullivan asked about the admission – it ranges from \$23 to \$58.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the application of Linda Mawhinney on behalf of Cape

Cod Symphony Orchestra, 712A Main Street, Yarmouth Port, for **9 Daily One Day Entertainment Licenses and 9 Sunday Entertainment Licenses** for concerts to be held at the Barnstable High School Performing Arts Center, 744 West Main Street, Hyannis on the following dates:

<u>Friday</u>	<u>Saturdays</u>	<u>Sundays</u>
December 5, 2008 - 8 pm	Sept. 27, 2008 - 8 pm	Sept. 7, 2008 - 6 pm
	Oct. 11, 2008 - 8 pm	Sept. 28, 2008 - 3 pm
	Nov. 1, 2008 - 8 pm	Oct. 12, 2008 - 3 pm
	Dec. 6, 2008 - 3 pm & 8 pm	Nov. 2, 2008 - 3 pm
	Jan. 24, 2009 - 8 pm	Dec. 7, 2008 - 3 pm
	Feb. 14, 2009 - 8 pm	Jan. 25, 2009 - 3 pm
	April 4, 2008 - 8 pm	Feb. 15, 2009 - 3 pm
	May 2, 2009 - 8 pm	April 5, 2009 - 3 pm
		May 3, 2009 - 3 pm

**One Day All Alcohol, One day Beer & Wine & Sunday Entertainment Licenses:**

Application of Osterville Village Library, 43 Wianno Avenue, Osterville for a **One Day All Alcohol License** for an auction and preview party to be held on June 27, 2008 from 4 pm to 10 pm in a tent on the library lawn and a **One Day Beer & Wine License and Sunday Entertainment License** for a clambake with entertainment on June 29, 2008 from 4 pm to 10 pm, also on the library lawn.

Gail Nightingale appeared for her application as President of the Board. The event is on the lawn. The Sunday entertainment is a one piece steel drum. Mr. Burman stated that they have been advised that all of the liquor must be purchased from a wholesaler. He cautioned Mrs. Nightingale about that. Mr. Hoxie asked if we have been collecting a fee for the libraries; Christine Ade stated we have not – we have been waiving same. It was agreed to waive the Town fee.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the application of Osterville Village Library, 43 Wianno Avenue, Osterville for a **One Day All Alcohol License** for an auction and preview party to be held on June 27, 2008 from 4 pm to 10 pm in a tent on the library lawn and a **One Day Beer & Wine License and Sunday Entertainment License** for a clambake with entertainment on June 29, 2008 from 4 pm to 10 pm, also on the library lawn and to waive the Town fees.

**Temporary Alteration of Premises (1 Day) to parking lot and lawn for food and alcohol service and Entertainment License – One Day:**

Application of Harry's, 350 Stevens Street, Hyannis, for **Extension of its All Alcohol Common Victualler License and Entertainment License** to include a fenced in area in their parking lot and lawn at the corner of Main and Stevens Streets, to be held on May 25, 2008 from 1 pm to 6 pm for a Community Day to benefit the Duffy Health Center.

Elyse DeGroot from the Duffy Center and Fred Durham appeared for this application – it is like the Chili Challenge they have without the chili. All alcohol is to be served by their bartenders – TIPS certified. Food will be cooked inside and brought outside. There will be temporary fencing put up. The benefits go to Duffy Health Center. Mr. Sullivan asked who started this – it was Mrs. Durham and a person at Duffy's. He then commended their efforts as being very worthwhile, stating it is nice to see the business community help out. Mr. Burman expressed concern about the parking. Fred stated the parking lot at the bottom of the hill is virtually empty on Sundays and they have permission to use it. He went on to say that lots of good bands will be there.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the application of **Harry's**, 350 Stevens Street, Hyannis, for **Extension of its All Alcohol Common Victualler License and Entertainment License** to include a fenced in area in their parking lot and lawn at the corner of Main and Stevens Streets, for a community day to be held on May 25, 2008 from 1 pm to 6 pm for a Community Day to benefit the Duffy Health Center.

**One Day Wine Only License and One Day Entertainment License:** Application of A. Patricia Cronin on behalf of Cotuit Library Assn., 144 Piquickset Cove Road, Cotuit for **a One Day Wine Only License and a One Day Entertainment License** for an event at which wine will be offered with singers and piano music, to be held on June 20, 2008 from 5 pm to 9 pm.

Mrs. Cronin appeared for the application. She also requested waiver of our fees. The event was also held last year – Tedi Marsh will perform. Andy's Market contributes the wine and serves it. The location is at a private home. It was very successful last year. Funds benefit the library. Mr. Burman offered a word of caution – stating that we have been advised that the alcohol must be purchased from a licensed wholesaler. Mr. Hoxie also asked the Board to waive the fee on this application (all libraries) and it was agreed to do so.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the application of A. Patricia Cronin on behalf of Cotuit Library Assn., 144 Piquickset Cove Road, Cotuit for **a One Day Wine Only License and a One Day Entertainment License** for an event at which wine will be offered with singers and piano music, to be held on June 20, 2008 from 5 pm to 9 pm with Town fees to be waived.

**One Day All Alcohol License:** Application of Kathy Pina on behalf of St. Anthony's Charity Club of Osterville, 308 Osterville West Barnstable Road, Osterville for its annual Feast Day of St. Anthony of Padua, to be held on June 14, 2008 from noon to 6 pm, Hyannis, for **a One Day All Alcohol License** on their grounds at 515 Old Mill Road, Osterville.

Kathy Pina came forward for her application for the feast which has taken place since 1932 (used to be at a different location).

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the application of Kathy Pina on behalf of St. Anthony's Charity Club of Osterville, 308 Osterville West Barnstable Road, Osterville for its annual Feast Day of St. Anthony of Padua, to be held on June 14, 2008 from noon to 6 pm, Hyannis, for a **One Day All Alcohol License** on their grounds at 515 Old Mill Road, Osterville.

### **Hearings:**

**Alteration of Premises:** Application of O.D.A.A.T. Corporation, d/b/a The Original Gourmet Brunch, 517 Main Street, Hyannis, John E. Cotellessa, Manager, **to alter the premises** as follows: Include in the existing description as the last sentence, "A patio adjacent to the front of the building with six tables of four, increasing the total seating at the restaurant to 94." Continued at the applicant's request from 4/14/08.

John Cotellessa appeared for his application. Mr. Cotellessa will be putting in a patio – and the walkway will be finished to the sidewalk. There will be 5 tables and if the birch tree doesn't survive, 6 tables.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the application of O.D.A.A.T. Corporation, d/b/a The Original Gourmet Brunch, 517 Main Street, Hyannis, John E. Cotellessa, Manager, **to alter the premises** as follows: Include in the existing description as the last sentence, "A patio adjacent to the front of the building with six tables of four, increasing the total seating at the restaurant to 94."

**New Common Victualler License:** Application of Alcimir S. Lopes, d/b/a Trem de Minas Restaurant, 459 Main Street, Hyannis, MA for a New Common Victualler License, Odorico DeLazari, Manager, hours of operation to be 6 am to 11 pm.

Mr. Lopes appeared for his application. He has had businesses just for the summer (beach concessions – Veteran's Beach and Sandy Neck Beach) for many years and would like a year-round restaurant. The location used to be a small restaurant. It is next to Embargo on the left and in the back – there is a store in front. They have their food service permit.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the application of Alcimir S. Lopes, d/b/a Trem de Minas Restaurant, 459 Main Street, Hyannis, MA for a New Common Victualler License, Odorico DeLazari, Manager, hours of operation to be 6 am to 11 pm.

**New Annual Lodging House License:** Application of MCM Development Company, LLC for a **New Lodging House License** for 34 Yarmouth Road, Hyannis, MA, Kate Mitchell & Neil Cinelli, Managers.

Attorney Kate Mitchell came forward for her application – it is an existing licensed lodging house, currently owned by Ron Bourgeois. Closing is this Wednesday. They would like to continue the 8 room lodging house with no changes other than ownership. She stated that Mr. Bourgeois has done a lot of work on the building this past year. There is a new driveway and it has all been repainted. Number one on the list is insulation for the future. She and her partner, Neil Cinelli will be managing this. Neil works for the National Park Service, Kate is an attorney.

Cynthia Cole came forward to oppose the application; she asked to speak, having public comment. She asked us to go back in the records – she stated the allowed use is wrong; She also wanted to report 190 police calls to this location within a year and a half. She stated it is not safe. She stated that Mr. Bourgeois will not return her phone calls. There has been another place he runs on Main Street which has also been a problem. Mr. Hoxie asked Attorney Mitchell about this comment. Kate Mitchell stated she will be a hands on Manager with Mr. Cinelli. She stated this location has had a lodging house license since the 80's – continuously. The Building Department has something in the file confirming that it very much conforms to the intended use. She was not familiar with the 190 police calls and will absolutely look into it. She stated that Mr. Bourgeois has owned it for just over a year. She stated some of the tenants have been there for years – several are new; Mr. Bourgeois did get rid of a few who were not so desirable. She stated she will be happy to reply to any complaints. She maintains it is an approved non-conforming use. Mr. Boy asked about transfer of the license; she stated she is applying for a NEW license. Mr. Geiler reiterated that the Building Commissioner has signed off on this application. There is no need for them to appear before the Board of Appeals.

Allen Goddard appeared as well; he thinks neighbors should be alert to these applications. Mr. Hoxie stated the Building Department has signed the Zoning Approval Form in the file. Cynthia Cole asked the date of sign-off by the Building Dept. – it was 4/22/08. She asked Ms. Mitchell if she will be living there; Ms. Mitchell stated that she resides in West Barnstable – 10 minutes away but that one or the other of the managers will be there at least 3 times a week. Officer Steve Maher will check into the police complaints. Cynthia then stated ever since Mr. Bourgeois took over she believes his Main Street property has gone downhill. She respectfully requested the Board at the very least continue this application for further clarification. Ms. Mitchell stated Mr. Bourgeois had put up a fence to keep it separate from #28 (nextdoor), which Christine Ade stated she had witnessed personally have probably 95% of the police calls from working in the building which side windows are facing those properties. Ms. Cole again came to the podium and stated there is no reason why the P&S cannot be continued until these problems can be explored. She asked the Board to talk with Town Attorney and get some opinions about the non-conforming use for this property. Mr. Geiler stated again that there is NO zoning issue. Cynthia stated she will look into an appeal on this application, as we are trying to clean up the community. Mr. Sullivan stated that he is hearing that the problems are with the current owner – not with this new owner. Mr. Sullivan is in favor of these new owners for the lodging house. Cynthia stated that

the Growth Incentive Zone changed the zoning 2 years ago. However, the Board stated the license is active and valid.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the application of **MCM Development Company, LLC** for a **New Lodging House License** for 34 Yarmouth Road, Hyannis, MA, Kate Mitchell & Neil Cinelli, Managers.

**New Common Victualler License:** Application of Nirvana Coffee Co., Inc. d/b/a **Nirvana Coffee Company**, 3206 Main Street, Barnstable, David Lancaster, Manager, hours of operation to be 6 am to 4:30 pm.

David Lancaster came forward for his application for a coffee house type restaurant which used to be an ice cream shop. He plans to open in about 3 weeks. Mr. Burman asked about parking. He stated he has adequate parking for his staff.

Attorney Paul Tardif came forward representing an abutter – the Ferrera’s. They are opposed to the application – based on the menu that was submitted and definition of a “restaurant” under MGL ch 56, a restaurant in this zone needs Zoning Board of Appeals approval. He also stated it has insufficient parking for the staff and/or public. There has been an ongoing problem with the Barnstable General Store lot being used for this other building; those spaces are assigned for tenants of that area – not abutters and their customers. Attorney Tardif stated he is awaiting a response from Tom Perry, Building Commissioner, who is returning to the office today. He will pursue this with an appeal if it is in fact approved by the Licensing Board today. He stated there is a minimum of 11 spaces needed on site – the ordinance states the parking must be in the same district as the building, which the main courthouse complex is not, should he plan to utilize this parking area. There is not much parking there as it is – it is a serious problem trying to get a parking place. Mr. Ferrara stated he was contacted by Mr. Lancaster requesting to purchase parking spaces from him; he did not agree to that request. He then thought that those spaces were needed to open the restaurant. Mr. Hoxie asked again what the main concern is – and Attorney Tardif stated it is conditioned on special permit from the Zoning Board of Appeals but the bigger issue is the parking issue – they need the parking they have (Ferrara property) and do not want the restaurant owner’s customers to park there. The bank formerly at the property also caused a parking problem but not so much as a restaurant would bring.

Mr. Lancaster stated he is a coffee house – food is ancillary. The “seats” are chairs – not tables where people are waited on. There is no service – the items are “to go” – no porcelain, all to go. Mr. Geiler stated the application is for a restaurant license; in his opinion the customers are invited to sit down and enjoy their purchases. Absent that it would be a retail food establishment. He also stated that the Building Commissioner has signed the application.

Attorney Tardif submitted a copy of an ordinance that states what a “restaurant” is considered to be. Mr. Geiler stated that it is a Dept. of Revenue document for tax purposes; it does not govern our license. However, it does include take out.

Mr. Lancaster stated he has spent about \$100,000 renovating this building. He has had many people stop in and state that they cannot wait for him to open. He stated he has never NOT been able to park right across from his restaurant. He does not want a restaurant – just a takeout place. He wants the walk around traffic from the village and court complex.

Mr. Sullivan stated he would like to clarify this somewhat with Building and Zoning prior to granting a license. Mr. Lancaster said he will post signs for his customers not to park in the other lot or they will be towed. Mr. Geiler stated again that the application is signed off by the Building Commissioner’s office. Mr. Hoxie stated the problem has arisen at this hearing that it possibly requires ZBA approval. If that is the case, he would have to go to ZBA. Mr. Hoxie asked to continue the hearing to see if the application requires ZBA action and also determine what his alternative is for a retail food permit only.

Attorney Tardif stated there are others here who would like to testify. Mr. Hoxie stated we first have to determine if it needs ZBA action and to advise the applicant what his alternatives are at that point. Mr. Hoxie asked Mr. Geiler if we can get that determination quickly. Mr. Hoxie stated we can do this in a relatively short period of time. The Building Department could then notify the applicant IF a special permit is needed. This hearing will be continued to 6/23/08 and Attorney Tardif asked for notice of what is decided. Mr. Geiler stated he did not know the timetables for appeal. He stated that the Zoning form was signed on 4/22.

Mr. Burman asked for the other people to be heard who have appeared today so they need not appear at the next hearing as well. Nancy Smith, Owner of the Dolphin, came forward with the parking issue as well. She wanted it on record that parking is already a problem. Bob Medeiros, owner of the Barnstable General Store, said he is right next door. The problem would not go away changing to a retail food license – he would still have to have at least 5 parking spots and it would be a hardship for them. Dick Schiffman, a tenant on Main Street (real estate) also came forward with the thought that parking is atrocious there. It is almost an accident waiting to happen. It is too congested as is. Susan Feingold, Barnstable Restaurant and Tavern, also came forward. They have a lot of delivery trucks as a restaurant – where will the deliveries park for this establishment? Where will dumpsters go for trash? The cars also - it does not seem like there is enough space. Lynn Medeiros, co-owner of the Barnstable General Store stated the aggressive buildout has been done before a lot of approvals came in – the Board of Health just came into her store and asked what is going on next door? She stated it is because SPR was not conducted on this property. Even retail will have impact the community – the location is the problem. It will negatively impact both abutters and the extended neighborhood. She stated we are probably surprised by

how many people are here today about this application. They would have come forward before this had they had a venue (like SPR).

Mr. Lancaster again came forward – stating the building has been an ice cream shop, a restaurant. It has been a retail shop and a bank with an ATM machine. It has been all of these things – he believes the perceived threat of competition is what is driving these complaints in reality. He has applied with us, and gone about this the right way. Mr. Hoxie continued the hearing to 6/23/08.

**Modification of Seasonal All Alcohol Common Victualler License to include outside service from 11:00 am to 11:30 pm:** Application of RCSJ Group, Inc., d/b/a **Fresh Ketch**, 462 Main Street, Hyannis, Raymond C. Roy, Manager, to modify the outside service of alcohol hours from 11:00 am to 11:30 pm.

Raymond Roy came forward for this request. He recently told the Board he would only serve outside alcohol until 10:30; Mr. Geiler stated he had to go through the hearing process to make this change to 11:30 legal. Mr. Roy stated his reasoning is that they serve dinner until 11 pm outside and will continue to do so. The 11:30 alcohol service outside would help them. All the other restaurants on Main Street can serve to 1 am. They DO serve alcohol outside until 12:30 or so. Mr. Burman asked Officer Maher if this was a problem. He stated it is not – but the outside parking lot needs a little oversight. Mr. Roy stated they have their own parking there. They have posted signs but a lot of people are parking there who shouldn't be. They are having to tow these people and pay a parking lot attendant.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the application of RCSJ Group, Inc., d/b/a **Fresh Ketch**, 462 Main Street, Hyannis, Raymond C. Roy, Manager, to modify the outside service of alcohol hours from 11:00 am to 11:30 pm.

**New Junk Dealer License:** Application of Tim Ferreira, d/b/a **Mid Cape Metal Recycling**, 31 Thornton Drive, Hyannis, Tim Ferreira, Manager for a **New Junk Dealer's License**, hours of operation to be 7 am to 4 pm

Attorney James Connors appeared at the hearing with a “business plan” which was requested by the Board some time ago. He passed it out to the Board. He stated they have conducted business at 30D, 53 and 31 Thornton Drive. The other two locations are not in his possession at present. There is confusion about what Mr. Ferreira is really doing with these two businesses.

The Board asked if the Superior Court action was still pending. Attorney Connors stated the suspension appeal is still pending. They no longer have a license on that property but felt the suspension would carry onto the new property. He stated he would withdraw the appeal at Superior Court if we dismissed the suspension.



He represented that Mr. Ferreira is now operating out of 31 – not 30D, but has permission from Landlord to use 30D if this application is not approved. He would give up 30D if we approve this. Officer Maher asked about the containers next to the property...to the right of the driveway - is that Ferreira's property? Is the fenced in area on his property? Looking at 31 along the side where the asphalt starts is a flatbed and truck. Mr. Ferreira stated his property goes to the aviation pole only and he will have nothing past it. Officer Maher asked about confrontations with owners on the street. Attorney Connors represented that the problem will no longer occur. Paul Sullivan asked which property had the apartment – Attorney Connors stated the Board determined there was no apartment, but it was at 30D. Officer Maher also stated allegations have been made that business starts prior to 7 am at Mr. Ferreira's locations – Mr Ferreira stated he DOES start with Mid Cape Metal and Ferreira's early but thought it was o.k. as this is an industrial zone. Officer Maher stated operations are starting at 6 am and this is too early. Mr. Hoxie asked if Ferreira's is there also. Attorney Connors stated both businesses are at 31. Mr. Hoxie stated we need to look at the business plan more thoroughly. Attorney Connors stated they will abide by any Town regulations. Officer Maher again stated there are complaints about startup time (application says 7) and he starts at 6, and that there are other complaints on the machinery and trucks parked on the street. Ferreira's has the permits for 31.

Mr. Hoxie asked for public comment.

Cornelius Trowbridge came forward with pictures for the Board of the Ferreira equipment and trucks parked outside of Ferreira property. He wondered if the property owner is aware of what is going on at this location. He does not believe #31 has enough room on for his businesses. Mr. Trowbridge stated that Mr. Ferreira uses 3 locations OTHER than his own location. He thinks the road itself would be clearer if marked with a center line – then it would be easier to see how much space the trucks are taking up on the road.. He wondered aloud why Town rules and regulations are not enforced. He stated that more congestion on this road is definitely not needed.

Joshua McCarthy came forward – he works for Mr. Ferreira. He stated any material they bring in is put immediately in a container on the property – it is packaged, boxed, or shipped out. It is not a junkyard. Attorney Connors stated this is not a salvage yard for automobiles.

Mr. Hoxie asked how it would affect his business if he did not have the Junk Dealer License at the property. Attorney Connors stated that Ch 140 Section 56 lets him go from his location to someone's home to pick up and return it to his property to process. Mr. Geiler made a comment that a Junk Dealer's License is Section 54, not 56. This is not for a "collector" permit – it is a license to buy or sell second hand articles. It was mentioned that the business plan shows a repair facility, trash hauling business, septic repair business; recycling metal business; where are all the vehicles going to go? There are still a lot of unanswered questions. Certainly the garage is not large enough for all of that. He suggests it be continued so they can provide us a plan showing where equipment, vehicles are to be located & where customers go. He stated that they can't

just overflow onto the street or neighboring properties. Mr. Geiler then stated that there IS a section 56 but that does NOT say that a Junk Dealer's license authorizes what is contained therein.

Mr. Hoxie asked how you get a license to collect things. Mr. Geiler stated it would be a hawker and peddler license, which would cover buying and selling from place to place – not our Junk Dealer License. Attorney Connors stated the process is two-fold. Mr. Hoxie did not know if the business plan covers all these operations.

Mr. Ferreira stated his businesses all have to do with recycling. Officer Maher stated that the photos just handed to us show the vehicles labeled Ferreira's all over Thornton Drive. Attorney Connors asked to see the photos. The vehicles Mr. Ferreira stated are parked by "Allen's" (a friend of his property) – and he said he has permission to park there for short periods. Mr. Geiler asked if they have any plans to show where things will be located – not an engineered plan...what will be outside, where will customers park, where will employees park, etc. Attorney Connors stated they will be happy to supply an informal plan.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to continue this hearing to 6/23/08, along with the renewal hearing for 30D Thornton Drive. He stated we should have had the business plan much earlier so it could be considered along with the application. Now he requests a new plan of where equipment will be parked; what types of businesses will be conducted where on the property. Once we have that plan we will communicate with Attorney Connors if anything further is needed.

**Alteration of Premises:** Application of C&C Foods, Inc., d/b/a **Regatta of Cotuit**, 4631 Falmouth Road, Cotuit, Weldon Fizell, Manager, for an **Alteration of Premises** to add an outside patio with 5 tables and 20 seats on the west side of the building.

Mr. Fizell came forward for his request. The new patio will be on the west side of the building where the sun sets. It will be seasonal for the summertime. He will think about lunches if it goes well.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the Application of C&C Foods, Inc., d/b/a **Regatta of Cotuit**, 4631 Falmouth Road, Cotuit, Weldon Fizell, Manager, for an **Alteration of Premises** to add an outside patio with 5 tables and 20 seats on the west side of the building.

**Alteration of Premises and Modification to Daily Live, Non-Live and Sunday Entertainment Licenses to 12:45 am from 12:30 am.** Application of Hyannis Property, LLC d/b/a British Beer Company, d/b/a 412 Main Street, Hyannis, Jacquelyn McCarthy, Manager, for an **alteration of premises** to increase occupancy after 10:00 p.m. from a total of 185 to a total of 287 and to modify the Daily Live, Non-Live and Sunday entertainment licenses to 12:45 a.m. from 12:30 a.m.

Attorney Lawler requested a continuance to 6/23/08.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to continue the application of by Hyannis Property, LLC d/b/a British Beer Company, d/b/a 412 Main Street, Hyannis, Jacquelyn McCarthy, Manager, for an **alteration of premises** to increase occupancy after 10:00 p.m. from a total of 185 to a total of 287 and to modify the Daily Live, Non-Live and Sunday entertainment licenses to 12:45 a.m. from 12:30 a.m.

**Modification to Daily Live, Non-Live and Sunday Entertainment Licenses to 12:45 am from 12:30 am:** Application has been made by Pufferbellies, Inc., d/b/a Pufferbellies, 183 Rear Iyannough Road, Hyannis, Jean Aroustamian, Manager, for **Modification to its Daily Live, Non-Live and Sunday Entertainment Licenses**, to 12:45 am from 12:30 am.

Attorney Lawler came forward for Pufferbellies request. This came about because on 1/1/09 all the entertainment licenses will be standardized to cease at 12:45 am. He requests this one be extended until 12:45 am for the summer season.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the application of Pufferbellies, Inc., d/b/a Pufferbellies, 183 Rear Iyannough Road, Hyannis, Jean Aroustamian, Manager, for **Modification to its Daily Live, Non-Live and Sunday Entertainment Licenses**, to 12:45 am from 12:30 am.

**New Class II Auto Dealer's License:** Application of Argus Auto Sales & Repair, Inc., d/b/a Argus Auto Sales, Roberto Gustavo Rios, Manager, 119 Thornton Drive Road, Hyannis, Roberto Gustavo Rios, Manager, for a **Class II Auto Dealer License**, the hours of operation to be 8:30 am to 5 pm.

Mr. Rios came forward for his application. He said he has owned the business since 2004. He wants to change the name (it is a corporation now – with a new partner) and he wants more display vehicles. The Building Inspector approved 12 TOTAL vehicles. Mr. Geiler stated the cars for sale need to be on THIS property, as Mr. Rios stated his friend on an adjoining property lets him keep some cars there. . Mr. Rios also brought to the hearing his resume and application for his new surety bond. Mr. Burman reiterated that the total vehicles on the lot are 12. Mr. Geiler stated that to add more vehicles (with Landlord next door) we will need a lease for that. Employee, customer or repair vehicles can go next door but NOT vehicles for sale as they must be on the licensed premises..

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the application of Argus Auto Sales & Repair, Inc., d/b/a Argus Auto Sales, Roberto Gustavo Rios, Manager, 119 Thornton Drive Road,

Hyannis, Roberto Gustavo Rios, Manager, for a **Class II Auto Dealer License**, the hours of operation to be 8:30 am to 5 pm with a total of 12 vehicles on the property.

**New Class II Auto Dealer's License:** Application of Big Bad One Inc., d/b/a **Ziggy's Auto Sales**, David Crowell, Manager, 832 Bearses Way, Hyannis, for a **Class II Auto Dealer License**, the hours of operation to be 9 am to 6 pm M-F, 10 am – 4 pm Sat.

William Baron and David Crowell came forward for the application. They currently have an auto repair business which has operated since 1972. William bought it in 2002. They have been approved for 17 total vehicles. Mr. Burman asked if ever there were auto sales there? Mr. Baron said no. Mr. Geiler asked if it would be a traditional auto sales lot; they stated it is.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the Application of Big Bad One Inc., d/b/a **Ziggy's Auto Sales**, David Crowell, Manager, 832 Bearses Way, Hyannis, for a **Class II Auto Dealer License**, the hours of operation to be 9 am to 6 pm M-F, 10 am – 4 pm Sat. with a total of 17 vehicles.

#### **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. Sullivan and a unanimous vote taken to approve the Common Victualler renewals as submitted below:

#### **Common Victuallers:**

Keyes/Sea Street Beach

A motion was duly made by Mr. Burman and seconded by Mr. Sullivan and a unanimous vote taken to approve the Junk Dealer License renewal as submitted below:

#### **Junk Dealers:**

Spinnaker Records

The junk dealer renewal for Mid Cape Metal Recycling – 30D Thornton Drive was continued to 6/23/08:

#### **Other Business:**

Vote to release Executive Session Minutes from 4/2/07 with regard to Kendrick's to the public. Case no longer pending with the ABCC.

A motion was duly made by Mr. Burman and seconded by Mr. Sullivan and a unanimous vote taken to approve the release of the Executive Session Minutes from 4/2/087.

ABCC Seminar 6/2/08. Mr. Geiler stated this is a very basic seminar. Another will be held for Licensees the same morning. Everyone plans to attend including Lt. Jason. Christine Ade is to RSVP for the Board.

Steve Maher stated a Police Dept. Seminar will be held in June; they will be inviting someone from the ABCC.

Mr. Geiler stated for the record that Regatta of Cotuit submitted a very nice plan showing where the outside dining area will be – we try to get them to submit as much information as possible so the file is complete and the Board can see what really is going to be approved.

Meeting adjourned at 11:47 am.

Respectfully submitted,

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Christine P. Ade, Recorder  
Town of Barnstable Licensing Authority

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Paul Sullivan, Clerk  
Town of Barnstable Licensing Authority