



TOWN COUNCIL  
Committee to Review Zoning and Permitting Regulations  
Selectmen's Conference Room

Thursday July 20, 2017 – 5:30pm

Councilors:

Vice-President James Crocker, Precinct 5 (CHAIR)

Councilor Jessica Rapp-Grassetti, Precinct 7

Councilor John Norman, Precinct 12

Councilor Fred Chirigotis, Precinct 4

Councilor Deborah Dagwan, Precinct 8

## MEETING MINUTES

**PRESENT:** Chair of Committee, Vice-President James Crocker Jr.; Councilor Jessica Rapp-Grassetti, Councilor Fred Chirigotis;

**Also in Attendance:** David Noble, Jen Villa, The West End Restaurant, Hyannis, Hank Farnham representative of the Barnstable Economic Development Commission;

**ABSENT:** Councilor John Norman, Councilor Deborah Dagwan

Meeting was called to order at 6:05pm by the Chair of Committee, Vice-President James Crocker Jr., Vice President James Crocker Jr, thanked both David Noble, Jen Villa of The West End Restaurant, located in Hyannis at the West End Rotary, for coming in to speak about the process in which they both went through to get their restaurant to open, Vice President James Crocker Jr. stated he understood there to be some concerns regarding the process, so he would like to hear what they went through we are concerned about our ability to quick fix zoning and long term zoning, so we have our Town Manager, Mark S. Ells here to take notes on the regulatory process, so the difficult thing for you guys, and I know a little bit about this because I too have to chase permits, so the beginning is always rocky so you chase a few things and then you finally get the permit, that you forget what you all had to go through to get that permit, so today I beg you to remember if you can the process from the beginning to the end when you received the permit to open. So that we can understand where the Town was friendly, where the process was not so friendly, so please do not sugar coat anything, we need to understand where we need to fix this process, or at least understand where it goes so wrong. Mr. Noble stated he had only one zoning issue to deal with and that was the sign we choose to have above the restaurant. Chair of the Committee asked how that process went, Mr. Noble stated horrible. We submitted the application 2-3 times, hired a professional sign maker, we did not want a bigger sign, we were going with the same sign that hung there before with the other restaurant that occupied that space; all we did was change the name of the sign from one to another, keeping the same size; we filled out the application and were denied because the sign was too big, 11 square feet is the actual written zoning, what had happened was the previous owners received a permit for an 11 square foot sign, but it wasn't ever actually measured, so when we submitted our sign name change they came out and measured and said the sign was too big and denied the application, yet the other sign that was above the other establishment had been there for years. So we redesigned the sign size, Did you invite the Town individuals to come and look at the sign and did they come and look at it to see that you changed nothing other than the name, Mr. Noble stated I went by several times and offered to have them come over now, I called at least twenty times to get someone to come out, but no one ever did; so we moved onto other projects going and would try again in a few days to see if anyone would come out. We were told we had to deal with one person only and she would not return our calls. There are there zones on that piece of property alone, so when we finally did get

someone there to answer our questions, they determined that they would allow in a wooden sign not lit, even though the Hotel has a lit sign and Subway has a lit sign, we were not allowed, and they also assigned the lowest size possible due to the 3 types of zoning, so if say zone 1 said you can have a 40ft sign, and zone 2 said you can have a 20ft sign and zone three said you can have a 5ft sign, they went with the lowest possible, so we just agreed and said okay, the sign cost us \$20,000. The second time around we submitted the permit again and it was denied again, so we did not know what to do at this point, so our sign design specialist lit the internal letters of the sign, not the actual sign, it was built on site over the existing structure that had always been there, and we figured that if she came by and said turn the sign off, at least the letters were still lit. We moved on to the other things we need to do stated Ms. Villa, there is so much to do when you are opening a restaurant, that we were spending a lot of time on this, we have done what we can and called as many times as we can to have it inspected, there was only so much we could do to communicate with her, or to get her to communicate with us. Ms. Villa stated we went by during lunch, non-lunch hours, at the end of the day, the beginning of the day, and we were always told she was not there; our sign specialist even went there numerous times to get someone to meet with him so that he could design it the way she wanted it, but he never was met with anyone, so that is where the frustration starts, right up front. Town Manager Mark S. Ells asked how long was it before you received the approval for the sign. Both Mr. Noble and Ms. Villa answered about a month in a half, but we really never received the approval, it just showed up, no one came to inspect it, we just received the permit in the mail for it. Councilor Jessica Rapp Grassetto asked; when you applied for the permit did you specify the size of the sign at the counter and it was denied, both answered yes. The Chair of the Committee asked both if they ever asked anyone from the Town to come out and measure the sign with you there, both answered yes, several times, that was the problem, we were not changing the sign, we were putting an overlay so to speak over the existing structure that has hung above that building for years.

Chair of the Committee asked about how the inspections go inside with the Board of Health and others. Mr. Noble said he submitted the application and it went through everyone that it had to go before and received unanimous approval from everyone, and it was now to go before Mr. Scali, and when it reached him, it was sent back, Mr. Noble said now we had to have this on an Agenda and we had some deadlines that we needed to meet, so two weeks went by and we did not know that it was sent back for any reason, so we wasted two weeks, and it did not make the Agenda, they thought over at 200 Main that we were opening a nightclub, now our permitting was not for a night club, but because I own another place that has that type of permit, they assumed I was going to do that here as well, I had told them I was not going to do that, we sent our business plan, we sent our menu's, that still was not enough. Mr. Noble stated he put \$18,000 into a sprinkler system because they thought it would be a nightclub at some point, so we spent the money to get the permit, it is way too much of a system for that place, but we did it. Ms. Villa said they applied for a permit for one of their function rooms there for a small dancefloor, the permit was denied, we could revisit at some point, however it was denied up front. Councilor Jessica Rapp Grassetto asked who denied you, Mr. Noble stated Mr. Scali. Mr. Noble stated he took his family on vacation and spent his entire vacation on the phone regarding the plans only and it was 8 weeks for that. We changed nothing inside layout wise for tables and seating, everything is the same from the 2 business prior. Mr. Noble said he finally went to 200 Main and through a fit, and said if we do not get a building permit then I am going to board up the building and you will have a vacant building on your hands for over a year until we can get the process going again. Mr. Scali arranged a meeting with the Department Heads and myself, which by the way was a huge waste of my time and theirs, they made me lower my capacity, increase our employees, the Nor Easter had 20 employees, I wanted 45 employees, they said no, I explained there are times that people stand near the bar waiting for their table, they told me no one can stand they have to have seats, then they changed their mind and said where are the people going to be standing, Mr. Noble this whole time is in Mexico with his family, how do you mark on a floor plan where people are going to stand, I can't. The bottom line is I went on vacation knowing after an already lengthy process, that I had all the signatures need, that is the hard part, I did not know it had

one more hurdle at Mr. Scali's office that stopped the entire process again. Mr. Noble said he had to draw a balloon around the bar like a cartoon drawing, and write people standing, and that was good. Town Manager Mark S. Ells said did you go through site plan review and state that you were a restaurant. Mr. Noble stated he did, Manager Ell's said you should have never gone through the rest of what you went through if you went through a formal site plan review. Mr. Noble said I had to remove the dance floor as well in the function room, so we do not have the dance floor right now; we literally had to remove everything to get the occupancy permit to open. The entire kitchen is brand new, we replaced everything, but that also caused a huge issue with the Board of Health, they gave the Nor'easter an "A" rating and the equipment there was disgusting, I could not put food in the refrigerators, let alone cook in the ovens. Councilor Jessica Rapp Grassetti stated it seems the decisions are made arbitrarily. The Town Manager stated it would have been a better process if there was someone that directed you to where you needed to go first then go here, do you think that would have been better if there was a point person that can walk you through the process. Mr. Noble and Ms. Villa stated yes it would make it a whole lot easier. Mr. Noble and Ms. Villa stated they understand that that department can get overwhelmed, but communication is important, and there isn't any. Councilor Jessica Rapp Grassetti stated congratulations on opening, and she looks forward to trying out the establishment. Mr. Noble and Ms. Villa said there is no consistency in the answers, if they are mad at you, or have something against you then everything you do you have to jump through hoops, and others do not, they walk out with permits. Ms. Noble said she knows of others that have left because it's too difficult to do business in Barnstable; they went to Plymouth or Yarmouth. Town Manager Mark S. Ells stated that there are changes that are going to be made at 200 Main for various reasons. Councilor Phil Wallace spoke about Mr. Noble and Ms. Villa, he is here to speak on behalf of them, Mr. Noble has a special needs child just like myself, he does an incredible amount of fundraising and a lot of advertising to bring people to Hyannis, and Councilor Wallace was horrified to hear about the process and what they had to go through. Councilor Wallace asked how much time in reality would it have taken you to open up a restaurant without any issues with permitting or anything else you had to do. Mr. Noble stated approximately 6 weeks, ours took months. Councilor Wallace hopes that this Committee will be able to make some strong recommendations to the full Council regarding the process in which these business individuals go through. Mr. Farnham stated someone who has a position to show these folks where to go and what they need is something he has advocated for; for a long time. The zoning process and regulatory process can be very confusing and complicated, so anyone put in place there would be an added benefit. Town Manager Mark S. Ells stated there are going to be some positive changes there, but promises change, and apologized to Mr. Noble and Ms. Villa for the process they had to endure. The Chair of the Committee thanked both for coming in and sharing their story.

Chair of the Committee asked for a motion to approve the meeting minutes of June 1, 2017. Councilor Jessica Rapp Grassetti made the motion to accept the meeting minutes of June 1, 2017 as written, Councilor Fred Chirigotis seconded the motion, all members voted in favor or accepting the meeting minutes of June 1, 2017 as written.

Chair of the Committee asked for a motion to adjourn, Councilor Frederick Chirigotis made the motion to adjourn; Councilor Jessica Rapp Grassetti seconded the motion, all members voted in favor of adjournment.

**NEXT MEETING:** October 5, 2017, 6PM

**ADJOURNMENT:** 6:53pm