



TOWN OF BARNSTABLE Licensing Authority

David Nunheimer, Chair • John Flores, Vice Chair • Larry Decker, Clerk
• Nancy Karlson-Lidman • Jessica Sylver
Councilor Eric Steinhilber, Town Council Liaison



Licensing Authority Public Meeting AMENDED Agenda

Amended to include the Special One Day Application for Ethan Allen.

The Barnstable Licensing Authority will hold a Public Meeting on **Monday, November 13, 2023, at 9:30 a.m.** at Barnstable Town Hall, in the **James H. Crocker Jr. Hearing Room**, 2nd Floor, 367 Main Street, Hyannis.

The meeting will be televised live via Xfinity Channel 8 or high-definition Channel 1072. It may also be accessed via the Government Access Channel live stream on the Town of Barnstable's website:

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

CALL TO ORDER – Introduction of Board Members and Staff. Welcome new Associate Member, Jessica Sylver.

NOTICE OF RECORDING – This meeting of the Barnstable Licensing Authority is being recorded and broadcast on the Town of Barnstable's Government Access Channel. In accordance with Massachusetts General Laws Chapter 30A, Section 20, the Chair must inquire whether anyone else is recording this meeting and, if so, please make their presence known.

PUBLIC COMMENT

APPROVAL OF MINUTES • July 24, 2023 and August 16, 2023

SPECIAL ONE DAY APPLICATIONS

1. New Special One Day Alcohol License

An application was filed by Ethan Allen, 970 Iyannough Road, Hyannis, for a Special One Day Alcohol license on December 7, 2023, from 5:00 p.m. to 8:00 p.m. for their "**Grand Re-Opening Event**". Ethan Allen will be partnering with Figawi to raise money and donations for Heros in Transition, Inc. Alcohol will be poured by Stephanie Demuth; current TIPS certification is on file.

PUBLIC HEARINGS

1. New Annual Junk Dealer License

An application was filed by New Life Ministries dba **New Life Thrift on Main Book Seller Nook**, 58 Corporation Street, Hyannis for a Junk Dealer License to operate a thrift store at 211 Main Street, Hyannis.

2. Amend All Alcohol Common Victualler

An application was filed by GMRI Inc dba **The Olive Garden Italian Restaurant #1523**, 1095 Iyannough Road, Hyannis for a change the manager from David Allen Marshall to Melissa Lerner.

3. Amend All Alcohol Common Victualler

An application was filed by Not Your Average Joe's Inc. dba **Not Your Average Joes**, 793 Iyannough Road, Hyannis for a change the manager from Sean McDaniel to David Anthony Hamill.

4. Transfer Wine & Malt Package Store License

An application was filed by Lama Market of Barnstable, Inc. dba **Barnstable Market**, 3220 Main Street, Barnstable to transfer the Off-Premises Wine & Malt License from Smithfield Market of Barnstable, LLC dba Barnstable Market to Lama Market of Barnstable, Inc. dba **Barnstable Market**. No changes to the daily operations. The proposed manager is Tsering Lama.

5. New Annual All Alcohol License

An application was filed by Ninja House Inc dba **Ninja House**, 247 Main Street, Hyannis for an annual all alcohol license. Proposed hours of alcohol service: Monday through Thursday 11:45 a.m. to 10:00 p.m., Friday and Saturday 11:45 a.m. to 11:00 p.m., Sunday 1:00 p.m. to 9:00 p.m.

SHOW CAUSE HEARING

1. Annual Class II Auto Dealer License for Cape Quality Auto Sales, 455 Yarmouth Road, Hyannis for the following violations of the Town of Barnstable, MA Code:

501-8. E HOURS OF OPERATION – Licenses are granted to serve the public need and to that end licensees are expected to operate in the license for a substantial number of hours on all days when the premises are permitted to be open under the terms of the license.

501-10.C STANDARDS OF CONDUCT AND ACTIVITY OCCURRING AT THE LICENSSES PREMISE – Any person who hinders or delays a police officer or other authorized agent of the Licensing Authority in the performance of the agent's duties or who refuses to admit to, or locks out any such agent from any place which such agent is authorized to inspect or who refuses to give to such agent such information as may be required for the proper enforcement of the General Laws shall be punished by a fine of not less than \$50 and not more than \$200 or by imprisonment for not more than two months or both.

501-14.B.1 OTHER CAUSES FOR REVOCATION, SUSPENSION AND MODIFICATION - Violation by the licensee of any provision of the relevant General Laws of the Commonwealth or the relevant Ordinances of the Town of Barnstable or of any rule or regulation of any Town of Barnstable agency or of the Alcoholic Beverages Control Commission or of any rule or regulation of the Licensing Authority;

2. Annual Lodging House License for Simmons Homestead, 288 Scudder Avenue, Hyannis for the following violations of the Town of Barnstable, MA Code:

501-5 RESPONSIBILITY OF ALL LICENSE HOLDERS: (b) License holders are required to attend any and all mandatory meetings held by the Licensing Division, or any Town of Barnstable Division as related to the business operation. **(h)** The license holder is responsible for the proper management of the premises, according to the provisions of relevant General laws of the Commonwealth or relevant Ordinances or Codes of the Town of

Barnstable, any rule or regulation of any Town of Barnstable agency or of the Alcoholic Beverage Control Commission, any business plan or management policy of said license holder, or of any other means as determined by the Licensing Authority, so that unlawful acts or unlicensed activity does not occur on the licensed premises.

501-9 PHYSICAL PREMISES b) *No licenses shall issue or shall be considered in good standing unless licensed premises comply with all statutory requirements, including all applicable building codes, fire, health, safety, trash, state and local tax obligations and other government regulations and laws. c)* *The licensed premises shall conform to the floor plan approved by the Licensing Authority with regard to the structures and the walls at the premises, as well as with regard to all tables, chairs, booths, bars, counters, barstools, dance floors or areas, railing partitions, and other barriers at the premises. Any changes in the floor plan or any renovations of any kind may not be made without notification to the Licensing Authority and the approval of the Licensing Authority. This includes substantial changes in the arrangement of moveable furniture. d)* *All premises covered by the license shall be kept in a clean and sanitary condition. g)* *The capacity set for the premises by the Building Department constitutes the maximum potential capacity for the premises, but the actual capacity of the premises may not exceed the amount approved by the Licensing Authority and stated on the license.*

506-3 GENERAL PROVISIONS a) *Every lodging housekeeper shall keep or cause to be kept, in permanent form, a register in which shall be recorded the true name and residence of every person engaging or occupying a private room averaging less than 400 square feet floor area. Such register shall be kept for a period of one year after the last entry therein, and shall be open to the inspection of the licensing authorities, their agents and the police.*

FORFEITURES

- **Chipotle Mexican Grill #3332**, 793 Iyannough Road, Hyannis – requesting **forfeiture** of the annual all alcohol license; will retain the Common Victualler license.

DISCUSSION/CORRESPONDENCE

- **Gimmy's Tavern** – Request to proceed with renewal with the lease pending.
- **Willow Street Package Store** – Notice of a second 2nd Violation received from the Alcoholic Beverages Control Commission.
- **2024 Licensing Authority Hearing & Deadline Schedule** – discussion and vote to accept proposed new meeting date and time; moving the from Mondays to the 4th Wednesday of every month except November and December where the meeting will be held on an earlier Wednesday. Also changing meeting time from 9:30am to 10:00am.

CONSENT AGENDA

1. Renewal - Special One Day

An application was filed by **Cape Cod Maritime Museum**, 135 South Street, Hyannis to host “*History on Tap: History is a ‘Brew ‘In’*”, celebrating the anniversary of the Boston Tea Party, on Saturday, December 16, 2023, at 10:00 a.m. Alcohol will be poured by Sarah Murphy – current TIPS certificate is on file.

2024 RENEWAL APPLICATIONS

Doing Business As	Address	License Type
Adventure Café	225 Iyannough Rd, Hyannis	o Common Victualler
All Motor Auto Sales	66 Barnstable Rd, Hyannis	o Class II Auto Dealer
Audi Cape Cod	25 Falmouth Rd, Hyannis	o Class I Auto Dealer
Auto Cape	61 Falmouth Rd, Hyannis	o Class II Auto Dealer
Balise Ford	90 High School Rd Xtn, Hannis	o Class I Auto Dealer
Balise Hyundai of Cape Cod	322 Falmouth Rd, Hyannis	o Class II Auto Dealer
Bangkok Kitchen	339 Barnstable Rd, Hyannis	o Common Victualler
Barnes & Noble Bookseller	793 Iyannough Rd, Hyannis	o Common Victualler
Barnstable Market	3220 Main St, Hyannis	o Wine & Malt Package Store
BMW of Cape Cod	500 Yarmouth Road, Hyannis	o Class I Auto Dealer
Brito Auto Sales	657 Yarmouth Rd, Hyannis	o Class II Auto Dealer
Buckler's	110 Ridgewood Ave, Hyannis	o Class I Auto Dealer
Burger King #4486	2145 Iyannough Rd, W Barnstable	o Common Victualler o Non-Live Entertainment
Burger King #664	184 North Street, Hyannis	o Common Victualler o Non-Live Entertainment
Buttercup Café	3224 Main St, Hyannis	o Common Victualler o Non-Live Entertainment
Cape Cod Creamery	655 Iyannough Rd, Hyannis	o Common Victualler
Cape Cod Ocean Manor	543 Ocean Street, Hyannis	o Lodging House
Cape Cod Yoga Retreat	2415 Meetinghouse Wy, WB	o Lodging House
Cape Motors	20 Bearse Road, Hyannis	o Class II Auto Dealer
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Captain David Kelley House	539 Main St, Centerville	o Lodging House
Casual Gourmet	31 Richardson Rd, Centerville	o Common Victualler
Casual Gourmet Express	27 Park St, Hyannis	o Common Victualler
Chez Antoine Café	357 Main Street, Hyannis	o Common Victualler
Chick-Fil-A	155 Enterprise Rd, Hyannis	o Common Victualler
Club 44 Acquisition Services	1740 Old Stage Rd, WB	o Class II Auto Dealer
Copeland Chevrolet Hyannis	22 Ridgewood Ave, Hyannis	o Class I Auto Dealer
Copeland Subaru Hyannis	95/123 Falmouth Rd & 172/180 Walton Ave, Hyannis	o Class I Auto Dealer
Crisp Too Express	770 Main St, Osterville	o Common Victualler o Non-Live Entertainment
Cumberland Farms #2326	389 West Main St, Hyannis	o Common Victualler
Cycle Services	100 Ridgewood Ave, Hyannis	o Class I Auto Dealer
Domino's Pizza	237 Falmouth Rd, Hyannis	o Common Victualler
Domino's Pizza	3821 Falmouth Rd, Marstons Mills	o Common Victualler
Dunkin'	1220 Iyannough Road, Hyannis	o Common Victualler
Dunkin'	147 North Street, Hyannis	o Common Victualler
Dunkin'	1648 Falmouth Rd, Hyannis	o Common Victualler
Dunkin'	751 West Main St, Hyannis	o Common Victualler
Dunkin'	3823 Falmouth Rd, Marstons Mills	o Common Victualler
Dunkin'	156 Iyannough Rd, Hyannis	o Common Victualler
Dunkin'	317 Falmouth Rd, Hyannis	o Common Victualler
F&L Pizza and Café	700 Yarmouth Road, Hyannis	o Common Victualler

		○ Non-Live Entertainment
Five Guys Burgers and Fries	793 Iyannough Rd, Hyannis	○ Common Victualler
Four Seas Ice Cream	360 So Main St, Centerville	○ Common Victualler
Garrett's Family Market	1617 Falmouth Rd, Centerville	○ Common Victualler
GOL Supermarket	55 Iyannough Rd, Hyannis	○ Common Victualler
Gone Acai	561 Main Street, Hyannis	○ Common Victualler ○ Non-Live Entertainment
Great House of Zou	1600 Falmouth Rd, Centerville	○ Common Victualler
Harbor Auto Sales	380 Yarmouth Rd, Hyannis	○ Class II Auto Dealer
Hometown Juice Co Osterville	1 Wianno Ave, Osterville	○ Common Victualler
Honey Dew Donuts of Hyannis	313 Iyannough Rd, Hyannis	○ Common Victualler
Hyannis Marina	1 Willow Street, Hyannis	○ Class I Auto Dealer
Jersey Mike's Subs	793 Iyannough Rd, Hyannis	○ Common Victualler
Long Dell Inn	436 So Main Street, Centerville	○ Lodging House
Marlou's Coffee	1481 Iyannough Rd, Hyannis	○ Common Victualler
Mazda Cape Cod	141 Stevens St, Hyannis	○ Class I Auto Dealer
Morning Glory Café	211 Cotuit Rd, Hyannis	○ Common Victualler
Osterville Fish Too	275 Millway, Barnstable	○ Common Victualler
Panera Bread	790 Iyannough Rd, Hyannis	○ Common Victualler ○ Non-Live Entertainment
Papa Gino's	1600 Falmouth Road, Hyannis	○ Common Victualler ○ Non-Live Entertainment
Premier Cape Cod	500 Yarmouth Rd, Hyannis	○ Class I Auto Dealer
Robbie Trapp	120 Yarmouth Rd, Hyannis	○ Class II Auto Dealer
Rotary Collision Center of Hyannis	345 Barnstable Rd, Hyannis	○ Class II Auto Dealer
Route 132 Motors	609 Iyannough Rd, Hyannis	○ Class II Auto Dealer
SMP Realty Investment	791 Pitchers Way, Hyannis	○ Lodging House
Starbuck's Coffee @ Target	793 Iyannough Rd, Hyannis	○ Common Victualler
The Car Store Cape Cod	744 Bearse's Way, Hyannis	○ Class II Auto Dealer
Trader Joe's	655 Iyannough Rd, Hyannis	○ Wine & Malt Package Store
Tropical Smoothie Café	489 Bearse's Way, Hyannis	○ Common Victualler
United Gas	199 Falmouth Road, Hyannis	○ Common Victualler
Volvo Cars Cape Cod	270 North Street, Hyannis	○ Class I Auto Dealer
Willow Street Motors	519 Yarmouth Rd, Hyannis	○ Class II Auto Dealer

TEMPORARY CLOSURES – continued consent agenda

- Temporary notice of closure submitted by **The Black Cat Tavern**, 165 Ocean Street, Hyannis. Requesting permission to close from December 24, 2023, to March 14, 2024.
- Temporary notice of closure submitted by **Cape Cod Beer**, 1336 Phinney's Lane, Hyannis. Requesting a temporary closure from Christmas to New Years and a reduction in hours (closed Monday – Wednesdays) until April.
- Temporary notice of closure submitted by **Finn's Craft Beer Tap House**, 16 Barnstable Road, Hyannis. Requesting closure on Mondays and Tuesdays from the present time to May 2024.
- Temporary notice of closure submitted by **The West End**, 20 Scudder Avenue, Hyannis. Requesting closure beginning February 19, 2024, through March 19, 2024, for annual maintenance and cleaning.

- Temporary notice of closure submitted by **Cape Cod Melody Tent**, 41 West Main Street, Hyannis. Requesting closure from September 2023 to June 2024.
 - Temporary notice of closure submitted by **The Knack**, 1120 Iyannough Road, Hyannis. Requesting closure from December 24, 2023, through January 3, 2024, for planned maintenance.
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LICENSING UPDATES

1. Licensing Authority & Division Updates
2. Police Department Updates

Next two meetings: December 11, 2023 & December 27, 2023

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 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.

ADJOURNMENT

Town of Barnstable - Licensing Division

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508.862.4774 (P)

<https://www.townofbarnstable.us/boardscommittees/LicensingAuthority/>

Staff Support:

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