



## TOWN OF BARNSTABLE Licensing Authority

David Nunheimer, Chair • John Flores, Vice Chair • Larry Decker, Clerk  
• Nancy Karlson-Lidman • Jessica Sylver  
Town Council Vice President, Craig Tamash - Liaison



# Licensing Authority Meeting Minutes

The Barnstable Licensing Authority held a Public Meeting on **Wednesday, June 26, 2024**, at **10:00 a.m.** at Barnstable Town Hall, in the **James H. Crocker Jr. Hearing Room**, 2nd Floor, 367 Main Street, Hyannis.

**Authority Members Present:** David Nunheimer, Chair; John Flores, Vice Chair; Larry Decker, Clerk; Nancy Karlson-Lidman, Jessica Sylver

**Staff Present:** David Anthony, Director of Asset Management; Officer Chris Kelsey, Consumer Affairs Officer

Chair Nunheimer opened the meeting then called for public comment. There was no public comment.

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### NEW BUSINESS

#### 1. Discussion and a possible vote

JKD Restaurant Group, Inc. dba **Willow Street Tavern**, formerly located at 477 Yarmouth Road, Hyannis. Discussion regarding status of common victualler all alcohol license. Possible vote to cancel the license based on the absence of a legal right to occupy the licensed premises.

*The owners of JKD Restaurant Group, Inc. were not present at this meeting. Chair Nunheimer noted that Licensing staff was in receipt of the lease which had been dissolved. With no legal right to occupy the premise, Nunheimer called for a motion to cancel the all-alcohol common victualler license.*

*Motion: John Flores moved, seconded by Larry Decker, to cancel the license for JKD Restaurant Group dba Willow Street Tavern. So voted aye, unanimously.*

#### 2. New Special One Day Entertainment License

An application was filed by Homeless Not Hopeless, Inc., to hold **Fr. Ray Kelly Benefit Performance** at John Paul II High School on October 12, 2024, beginning at 7pm. The event organizers are seeking a one-day entertainment license to include a live amplified singing performance.

*Richard was present. They currently have housing for 50 individuals. They were seeking an entertainment license for this fundraising event. Nunheimer confirmed that there is no alcohol being served.*

*Motion: Larry Decker moved, seconded by John Flores, to approve the Special One Day Entertainment license for Homeless Not Hopeless, Inc. as submitted. So voted aye, unanimously.*

### **3. (3) New Special One Day Entertainment License**

An application was filed by Hyannis Main Street BID, 491 A Main Street, Hyannis, to hold **Music on Main**, a live amplified music event on Main Street in Hyannis. Amplified musician will perform in front of Palio's Pizzeria, Katie's Ice Cream, Boarding House, and the JFK Museum. Dates of these events are July 12<sup>th</sup>, 19<sup>th</sup>, 26<sup>th</sup>, and August 2<sup>nd</sup>, 9<sup>th</sup>, and 16<sup>th</sup>. From 7pm to 9pm.

*The applicant was not present. David Anthony advised that the application has been reviewed by licensing staff and is ready for consideration. Officer Kelsey requested a police detail for these events.*

*Motion: Larry Decker moved, seconded by John Flores, to approve the Special One Day Entertainment licenses to be held on July 12<sup>th</sup>, 19<sup>th</sup>, and 26<sup>th</sup> as well as August 2<sup>nd</sup>, 9<sup>th</sup>, and 16<sup>th</sup>, noting that approval is subject to one police detail [at each event]. So voted aye, unanimously.*

### **4. Amend Annual All Alcohol Common Victualler License**

An application was filed by New England Clambake, Inc. dba **Wimpy's**, 752 Main Street, Osterville, for the addition of outdoor dining. Wimpy's ownership proposes to operate with two floor plans. A summer plan and an off-season plan. The off-season plan provides seating for 236; the summer plan removes 36 seats from the interior and moves them outside; 16 tables will be located out front along Main Street, and 20 seats near the parking lot entrance. Seating capacity will not exceed 236 at any given time.

*Sean Richards was present to represent the application. John Flores confirmed with Mr. Richards that the dining will not be on the sidewalk and is on private property.*

*Motion: Larry Decker moved, seconded by John Flores, to approve the Special One Day Entertainment licenses to be held on July 12<sup>th</sup>, 19<sup>th</sup>, and 26<sup>th</sup> as well as August 2<sup>nd</sup>, 9<sup>th</sup>, and 16<sup>th</sup>, noting that approval is subject to one police detail [at each event]. So voted aye, unanimously*

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## **PUBLIC HEARINGS**

### **1. New Annual All Alcohol Common Victualler *Continued from the May 22, 2024, Hearing***

An application has been filed by Willows Hospitality Group, LLC dba **Woolfie's Bakery**, 477 Yarmouth Road, Hyannis, for a new annual all alcohol common victualler license. Hours of alcohol service are daily from 12:00 p.m. to 12:00 a.m. Seating inside for 47 and outside seating for 11. The proposed alcohol manager is Dale Shadbegian.

*Dale Shadbegian was present representing his application. Nunheimer asked Shadbegian what the status is. While they are branded as a bakery, they will be serving lunch and dinner. They are hoping to turn a portion of the premises into a commissary. Nunheimer called for public comment; seeing none the meeting was open to board discussion. Vice Chair Flores asked Shadbegian to explain the commissary use. Shadbegian noted that there are two sides to the property. One side was restaurant, the other side was a nightclub used a few nights per week. He proposes to use the space as a commercial kitchen not for public use.*

*Motion: Larry Decker moved, seconded by John Flores, to approve the annual all-alcohol common victualler license for Willows Hospitality Group, LLC dba **Woolfie's Bakery**, 477 Yarmouth Road, Hyannis, as submitted. So voted aye, unanimously.*

## **2. New Annual Common Victualler & Entertainment License**

An application was filed by Back to Brazil Inc dba **Back to Brazil**, located at 573 Main Street, Hyannis a new annual common victualler license as well as daily live and daily non-live entertainment. Seating for 19; 3 inside and 16 outside from 7am to 1am, daily. Proposed live entertainment for 2 amplified performers from 11:30am to 1am, daily. Daily non-live entertainment consists of recorded music at conversation level and 1 TV during operating hours.

*Isaia is present to represent the application. His wife and daughters hope to open this week. Nunheimer confirms the location. Nunheimer called for public comment. Officer Kelsey noted that the entertainment request is until 1:00 a.m. He noted that most establishments along Main Street have 10pm licenses for outside music and recommended doing the same to remain consistent. Nunheimer expressed concern over the live music and recommended restricting the live entertainment to 10pm.*

*Motion: Larry Decker moved, seconded by John Flores, to approve the annual common victualler license and the live and non-live entertainment as submitted, subject to a change in the closing hours for entertainment to 10pm.*

## **3. New Seasonal Common Victualler License**

An application was filed by **Island Café & Grill, LLC dba Island Café & Grill Express**, located at Cape Cod Gateway Airport, 480 Barnstable Road, Hyannis, for a new seasonal common victualler license with seating for 36. Daily hours of operation are 7am to 9pm.

*Prior to discussions taking place, Vice Chair Flores advised that as a member of the Airport Commission, he would be recusing himself from this application. Flores exited the room. Chair Nunheimer appointed Nancy Karlson-Lidman as a voting member for the purposes of this application.*

*Erica & Patrick Sterling were present to represent their application. Nunheimer confirmed this is a second location for the Sterling's. Nunheimer asked for public comment, seeing none, he opened the meeting up for board discussion. Asset Management Director, David Anthony, noted that the Airport Commission is in support of this application.*

*Motion: Larry Decker moved, seconded by Nancy Karlson-Lidman, to approve the seasonal common victualler license as submitted. So voted aye, unanimously.*

## **4. Transfer Annual All Alcohol Common Victualler License**

An application was filed by Fairway Tavern, LLC dba **Tavern on the Green**, for a transfer of the annual all alcohol common victualler license from Tavern on the Fairway, LLC dba Tavern on the Green to Fairway Tavern, LLC dba Tavern on the Green, 1460 Route 149, Marstons Mills. The proposed alcohol manager is Jill Jenkins. No changes in daily operations.

*Vice Chair Flores returned to the meeting.*

*Lauren DeCarlo and Jill Jenkins are present to represent the application. Nunheimer confirmed the change with DeCarlo.*

Motion: Larry Decker moved, seconded by John Flores, to approve the transfer of the all-alcohol common victualler license as submitted. So voted aye, unanimously.

## CONSENT AGENDA

### 1. Renewal - Special One Day Beer, Wine & Entertainment

An application was filed by St. George Greek Orthodox Church, 1130 Falmouth Road, Centerville, to host **Greek Food Fest**, on July 12, 2024, from 4pm to 10pm and July 13, 2024, from 12:00pm to 11pm. The event will offer beer & wine as well as live amplified music as well as recorded music. Current TIPS certificate is on file.

### 2. Renewal - Special One Day Beer & Wine

An application was filed by the Historical Society of Santuit & Cotuit, 1148 Main Street, Cotuit, to host **Taste of Cotuit**, an annual fundraising event, to be held on July 20, 2024, from 5pm to 8pm. The event will offer beer & wine. Current TIPS certificate is on file.

### 3. Renewal - Special One Day Beer & Wine

An application was filed by Cotuit Library Association, 871 Main Street, Cotuit, to hold the **Annual Cornhole Tournament**, a fundraising event, scheduled for July 12, 2024, from 4:30pm to 8pm. The event will offer beer & wine. Current TIPS certificate is on file.

### 4. Renewal - Special One Day Beer & Wine

An application was filed by the Cape Cod Maritime Museum, 135 South Street, Hyannis, to hold **History on Tap: Sketches and Investigations**, to be held on July 5, 2024, from 5pm to 7pm. Current TIPS certificate is on file.

### 5. Renewal - Special One Day Entertainment Licenses

Applications were filed by Cape Symphony, to hold the following live, amplified, performances at the Barnstable Performing Arts Center, 744 W. Main Street, Hyannis.

<b>Event Name</b>	<b>Date</b>	<b>Time</b>
<i>Star Wars: The Empire Strikes Back in Concert</i>	<i>Saturday, July 27, 2024</i>	<i>7:30pm</i>
	<i>Sunday, July 28, 2024</i>	<i>3pm</i>
<i>Concert 1 – Pictures at an Exhibition</i>	<i>Saturday, September 21, 2024</i>	<i>7:30pm</i>
	<i>Sunday, September 22, 2024</i>	<i>3pm</i>
<i>Concert 2 – Dancing in the Street: The Music of Motown</i>	<i>Saturday, October 19, 2024</i>	<i>7:30pm</i>
	<i>Sunday, October 20, 2024</i>	<i>3pm</i>
<i>Concert 3 – Fantastique</i>	<i>Saturday, November 16, 2024</i>	<i>7:30pm</i>
	<i>Sunday, November 17, 2024</i>	<i>3pm</i>
<i>Concert 4 – Holiday on the Cape</i>	<i>Friday, December 6, 2024</i>	<i>4pm &amp; 8pm</i>
	<i>Saturday, December 7, 2024</i>	<i>3pm &amp; 7:30pm</i>
	<i>Sunday, December 8, 2024</i>	<i>1pm &amp; 5pm</i>
<i>Concert 5 – Passport to Rome</i>	<i>Saturday, January 25, 2025</i>	<i>7:30 pm</i>
	<i>Sunday, January 26, 2025</i>	<i>3pm</i>
<i>Concert 6 – And the Winner is ...</i>	<i>Saturday, February 22, 2025</i>	<i>7:30pm</i>
	<i>Sunday, February 23, 2025</i>	<i>3pm</i>
<i>Concert 7 – Beethoven: The Revolutionary</i>	<i>Saturday, April 5, 2025</i>	<i>7:30pm</i>
	<i>Sunday, April 6, 2025</i>	<i>3pm</i>
<i>Concert 8 – Sing Us a Song: The Music of Billy Joel</i>	<i>Saturday, May 17, 2025</i>	<i>7:30pm</i>
	<i>Sunday, May 18, 2025</i>	<i>3pm</i>
<i>Concert 9 – To the Sea</i>	<i>Saturday, June 14, 2025</i>	<i>7:30pm</i>
	<i>Sunday, June 15, 2025</i>	<i>3pm</i>
<i>Star Wars: Return of the Jedi in Concert</i>	<i>Saturday, July 26, 2025</i>	<i>7:30pm</i>
	<i>Sunday, July 27, 2025</i>	<i>3pm</i>

## 6. Renewal - Special One Day Beer & Wine

An application was filed by the New Life Ministries International Inc. to hold **Praiz Fest 2024**, a live performing gospel concert, at the Barnstable Performing Arts Center, 744 West Main Street, Hyannis on July 21, 2024, from 7pm to 10pm.

*Officer Kelsey recommends one police detail for application #1, Greek Food Festival.*

*Motion: Larry Decker moved, seconded by John Flores, to approve the consent agenda noting the requirement for one police detail for the Greek Festival. So voted aye, unanimously.*

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## LICENSING UPDATES

1. Licensing Authority & Division Updates – *David Anthony draws the public's attention to the recent Alcoholic Beverages Control Commission advisories.*
2. Police Department Updates – *Officer Kelsey noted the to-go drinks are a problem. He noted that we have received some noise complaints. He added that there have been a handful of establishments that have met with staff about issues. This is a first step before having to elevate the matter to the licensing board. Officer Kelsey noted that this is a courtesy and is not a requirement. Nunheimer noted that [the lack of this first step meeting] is not a defense for being called in front of the authority.*

**Next two meetings: July 24, 2024, & August 28, 2024**

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## 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

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## ADJOURNMENT

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### Town of Barnstable - Licensing Division

367 Main Street, 3<sup>rd</sup> Floor, Hyannis, MA 02601

508.862.4774 (P)

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

*Staff Support:*

*Erin Logan, Licensing Division*

[Erin.logan@town.barnstable.ma.us](mailto:Erin.logan@town.barnstable.ma.us)

*Chris Kelsey, Consumer Affairs Officer - Barnstable Police Department*

[Chris.kelsey@town.barnstable.ma.us](mailto:Chris.kelsey@town.barnstable.ma.us)