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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 Agenda

DATE OF MEETING: August 10, 2015

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: 2nd Floor Hearing Room, 367 Main Street, Hyannis, MA

Vote to accept Minutes:

1. Vote to accept minutes of the 07/13/15 Meeting

Public Hearings:

1. **Change of Manager on Annual All Alcohol Common Victualler License:** Application of GMRI, Inc. d/b/a The Olive Garden, 1095 Iyannough Rd., Hyannis on their Annual All Alcohol Common Victualler License, for a Change of Manager from Traci Kempaner to Nicole Lopes.
2. **New Annual Common Victualler License:** Application of Gracie Fitness Hyannis LLC., d/b/a Gracie Fitness, 92 Barnstable Road, Hyannis, Juliano Coutinho, Manager, for a New Annual Common Victualler License, to be operated 9:00 am to 10:00 pm, daily. Interior seating of 12 patrons at juice bar and tables as approved by the Building Commissioner.

3. **Amendment of Annual Common Victualler License:** Application of Little Sandwich Shop Inc, d/b/a Little Sandwich Shop, 223 Stevens St., Hyannis, Dean Walton, Manager, for an amendment to an existing Annual Common Victualler License to a different location. The new location address is: 428 Main Street, Hyannis. Seating in the new location will be 50 interior with 6 employees all approved by the Building Commissioner on 7/6/2015. Hours of operation are 8:00 AM to 8:00 PM; Daily.
4. **Change of Manager on Annual All Alcohol Package Store License and Pledge of License:** Application of Osterville Market Partners, Inc d/b/a Fancy's Market, 699 Main Street, Osterville, on their Annual All Alcohol Package Store License, for a Change of Manager from Frank J. Falcone to Jeffrey R. Lindsey. Application for a pledge of license to Bank of Cape Cod.
5. **Change of Corporate Name and DBA for an Annual Wine and Malt Retail Package Store:** Application of Hess Mart Of Massachusetts, LLC, d/b/a Hess #21243, 50 Ocean Street, Hyannis, MA, Mark Barbi, Manager, for a Change of Corporate Name and DBA from Hess Mart of Massachusetts, LLC d/b/a Hess #21243 to Speedway of Massachusetts, LLC d/b/a Speedway.
6. **Change of Manger on Annual All Alcohol General on Premise License:** Application of New Sedgewick, Inc. d/b/a Puff the Magic, 649 Main St., Hyannis on their Annual All Alcohol General on Premise License, for a Change of Manager from David M. Wood to James Spindler.
7. **Amendment of Annual Common Victualler License:** Application of Cape Cod Enterprises LLC, d/b/a Dunkin' Donuts, 3823 Falmouth Rd. Marstons Mills, Donna Snarsky, Manager, for an amendment to an existing Annual Common Victualler License to a different location; purchased building located at the same address. The new location address is the same: 3823 Falmouth Rd., Marstons Mills. Seating in the new location will be 15 interior inclusive of 1 handicap with 15 employees all approved by the Building Commissioner on 7/16/2015. No exterior seating. Hours of operation are 5:00 AM to Midnight; Daily.
8. **New Annual Common Victualler License:** Application of GCMB Enterprises Inc., d/b/a Tropical Smoothie Cafe, 489 Bearses Way, Hyannis, Ana and Gil DeSousa, Managers, for a New Annual Common Victualler License, to be operated 7:00 am to 10:00 pm, daily. Total seating of 71. Interior seating of 55 patrons at smoothie bar, common table, dining area and wifi rooms. Outside seating of 16 with 8 employees as approved by the Building Commissioner on July 23, 2015.

New Business:

1. **New One Day Beer and Wine and Entertainment Licenses:** Application of Heidi Filmer-Gallagher on behalf of the Mass Audubon Long Pasture for a Summer Soiree Benefit to be held at the Long Pasture, 325 Bone Hill Road, Cummaquid, Ma. Event to be held on August 13, 2015 with 3 piece live band from 5:30 to 9:00 PM.
2. **New Pedicab Operator Licenses:** Applications for 3 new pedicab drivers; Brian Kilcoyne, Alexandria N. Heusser and Joseph Bowman.
3. **New One Day Beer and Wine and Entertainment Licenses:** Application of Susan Griffin on behalf of the New England Society for Abandoned Animals for an Under the August Moon fundraiser. Event to be held at The Meetinghouse Farm, 330 Willow Street, West Barnstable on August 29, 2015 from 5:00 to 7:00 PM. Event will also include live entertainment of 2 performers.
4. **Consent Agenda:**

Show Cause Hearings :

1. **Show Cause Hearing for the Nor'Easter Restaurant:** The Barnstable Police Department has requested a Show Cause Hearing before the Licensing Authority to consider suspension, modification or revocation of the Annual All Alcohol Common Victualler and Entertainment licenses for G.E.L.S., LLC d/b/a The Nor'easter, 20 Scudder Avenue, Hyannis, Andrew J. Glassman, Mgr., due to the following violation of the Town of Barnstable, MA Code: **501-8A. Environs of licensed premise** - Licensee failed to appear to mandatory alcohol licensing meeting on June 25, 2015 offered by the Barnstable Police Department.
2. **Show Cause Hearing for the Eclectic Cafe:** The Barnstable Police Department and the Licensing Division have requested a Show Cause Hearing before the Licensing Authority to consider suspension, modification or revocation of the Annual All Alcohol Common Victualler and Entertainment licenses be called for Robin's Nest Grill Inc., d/b/a Eclectic Cafe, Edward Rosario, Manager, 606 Main Street, Hyannis for the following violations of the Town of Barnstable, MA Code: **501-8A. Environs of licensed premise** - Licensee failed to appear to mandatory alcohol licensing meeting on April 29 and June 25, 2015 offered by the Barnstable Police Department. (Same violation occurred in 2014 resulting action taken through Show Cause) **501-14A1. 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; failure to submit MA Department of Revenue Certificate of Good Standing for new officers/directors application approved by the Licensing Authority on September 29, 2014.

3. **Show Cause Hearing for the International Inn:** The Barnstable Licensing Authority will hold a Show Cause Hearing for the International Inn Bar & Grill d.b.a. International Inn, 662 Main Street, Hyannis, MA, Ravi Ahuja, Mgr., for violation of Code of the Town of Barnstable, Massachusetts, §501-14A1, Other causes for revocation, suspension and modification due to various Health Code violations found during an on-site inspection conducted on July 16, 2015 resulting in the closure of the operation.

4. **Show Cause Hearing for Scotties Famous Pizza:** The Barnstable Licensing Authority will hold a Show Cause Hearing for MacFraga, Inc., d.b.a. Scottie's Famous Pizza, 11 Ridgewood Avenue, Hyannis, MA, Alex MacDonald, Mgr., for violations of the Code of the Town of Barnstable, Massachusetts §501-14A1 Other causes for revocation, suspension and modification due to a number of Health violations, as cited in the Public Health Division Food Establishment Inspection Report dated July 9, 2015, and violations of Chapter 240 – 61H Prohibited Signs; A-Frame sign, portable sign, occurring on July 10 and July 13, 2015 as reported warnings and citations issued by the Barnstable Zoning Enforcement Officer.

5. **Show Cause Hearing for Beechtree Cantina:** The Barnstable Licensing Authority will hold a Show Cause Hearing for Beech Tree Cantina, LLC., d.b.a. Beech Tree Cantina, 599 Main Street, Hyannis, MA, Jared Pane, Mgr., for violations of the Code of the Town of Barnstable, Massachusetts:
Section § 501-4A. Hours of Operation. (1 count - allowing non-employees on property after the 30-min limit upon closing);
Section § 501-4B. Hours of Operation. (1 count – on premise after hours while not actively engaged in cleaning, making emergency repairs or providing security to premise);
Section § 501-5B. Physical Premises. (1 count – additional walk-in Cooler installed in rear without approval from Licensing Authority);
Section § 501-7R. Alcoholic Beverages Sales and Laws. (1 count – allowing glasses and bottles to remain on bar after the 15 min. requirement to remove them);
Section § 501-7T. Alcoholic Beverages Sales and Laws. (1 count – employees must be off premise 60 minutes after closing except as allowed by law);
Section § 501-8A. Environs of licenses premises. (1 count – failing to follow the rules and regulations of the town as described);
Section § 501-9C. Hours of Operation. (1 count – not having a current employee list available);
Section § 501-10D. Entertainment at premise which serves food or beverage to be consumed on the premises. (1 count – allowing a television to

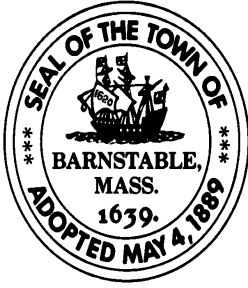
be utilized after the time allowed on the establishment's entertainment license); **501-14A1. Other causes for revocation, suspension, and modification.** (cited Public Health Division critical and non-critical violations and recurrence of violations at establishment on December 16, 2014, May 27, June 4 and June 10, 2015.)

Licensing Division Updates:

1. Licensing Department updates

2. Police Department updates

Release of Executive Session Minutes, if any (0). And any other new business to come before the Licensing Authority.



Town of Barnstable

Consumer Affairs

Elizabeth G. Hartsgrove, Supervisor

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

August 10, 2015

- 1. Application for (2) One Day Entertainment and (2) One Day Beer and Wine Licenses:** Application of Amanda Converse on behalf of Love Yoga LLC for the Annual Love Yoga Fest 2015 at the Cape Cod Maritime Museum and Aselton Park, Hyannis, MA. The Yoga Fest event will be held from 8/14/2015-8/16/2015. Live entertainment to include 4 performers. Recorded music and dancing by patrons will also be allowed. Beer and Wine will be served at the Welcome Party on 8/14/2015 from 6:00 to 9:00 PM and the Wrap-Up Party on 8/16/2015 from 5:30 PM to 6:30 PM: complete event details are available at the following website: www.loveyogafest.com.