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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: November 18, 2013

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: Vote to accept minutes of the 10/28/13 Meeting.

Hearings:

Two One Day Entertainment Licenses: Application of Susan Mendoza Friedman on behalf of Dancing for a Cure, 39 Rosewood Lane, Cotuit for Two One Day Entertainment Licenses for productions to be held at Barnstable High School Knight Auditorium, West Main Street, Hyannis on December 14, 2013 from 2 pm to 3:30 pm and 7 pm to 8:30 pm, and December 15, 2013 from 2 pm to 3:30 pm.

Two One Day Entertainment Licenses: Application of Coby Vincent on behalf of Coastal Dance Company, 49 John Maki Road, West Barnstable for two One Day Entertainment Licenses for productions to be held at Barnstable High School Performing Arts Center, West Main Street, Hyannis on December 14, 2013 from 2 pm to 4 pm and December 15, 2013 from 2 pm to 4 pm. A third performance will be on December 13, 2013 from 10 am to 12 pm for the school only.

One Day Charity Wine Pouring License: Application of Kevin Howard on behalf of Arts Foundation of Cape Cod, 3 Patti Page Way, Centerville for a One Day Charity Wine Only

Pouring License for a charity Winter Art Exhibit opening reception to be held at Cotuit Center for the Arts, 4404 Falmouth Road, Cotuit, on January 11, 2014 from 7 pm to 9 pm.

Amend Class II Auto Dealer License: Application of Used Auto Cape, LLC, d/b/a Used Auto Cape, 61 Falmouth Road, Hyannis, Aramayis Melikyan, Manager, to amend its Class II Auto Dealer license to 3 customer and 33 display vehicles as noted on plan signed by the Building Commissioner 9/26/13.

Amend Class II Auto Dealer License: Application of Big Bad One, Inc., d/b/a Ziggy's, 832 Bearses Way, Hyannis, William H. Baron, Manager, to amend its Class II Auto Dealer license to 3 employee, 7 customer, 12 rear storage, 15 display, a handicap vehicle and 16 inside vehicles (54 total) as noted on plan signed by the Building Commissioner 9/27/13.

Amend Class I Auto Dealer License: Application of Xiphias Enterprises, Inc., d/b/a Hyannis Honda Annex, 405 West Main Street & 57 Shady Lane, Hyannis, James B. Goodwin, Manager, to amend its Class I Auto Dealer license to include a total of 79 spaces as shown on updated plan signed by the Building Commissioner 10/15/13.

Amend Class I Auto Dealer License: Application of Tracy Volkswagen, Inc., d/b/a Tracy Volkswagen/Cape Cod Auto Body, 686 Iyannough Road, 151 Iyannough Road, 138 & 140 Cedar Street and 63 Cit Avenue, Hyannis, Bradford W. Tracy, Manager, to amend its Class I Auto Dealer license to include in its d/b/a "Cape Cod Auto Body," and to include a lot at 63 Cit Avenue, Hyannis with a steel building to be used as a prep center with car wash bay and shop area with 3 lifts. Lot is fenced in and has a maximum of 44 vehicles as shown on plan approved by the Building Commissioner on 10/7/13.

New Seasonal Non-Live Entertainment, Automatic Amusement and Carousel Licenses: Application of Wackenhammer Corp., d/b/a Wackenhammer Arcade, 541 Main Street, Hyannis, Tim Burns, Manager, for a Seasonal Non-Live Entertainment License, Automatic Amusement License for 40 games and a Carousel License (Sun-Sat 11 am – 11 pm Memorial Day through Labor Day; Fri 6 pm – 11 pm, Sat 11 am – 11 pm & Sun noon – 6 pm from April 1 - May 31 & day after Labor Day – Jan 15).

New Annual Common Victualler License: Application of Hyannis Y's Choice Cafe, Inc., d/b/a Y's Choice Cafe, 2245 Iyannough Road, West Barnstable, Dylan Jordan, Manager, for a New Annual Common Victualler License, to be operated 6 am to 6 pm 7 days. Seating for a maximum of 16.

Amend Class II Auto Dealer License: Application of Cape Cod Auto Connection, Inc., 152 Ridgewood Avenue, Hyannis, Tom Lundquist, Manager, to amend its Class II Auto Dealer license to include 108 vehicle spaces, 4 employee spaces and 6 customer spaces (118 total) as noted on plan dated 10/3/13.

Show Cause Hearing: Show Cause Hearing requested by the Barnstable Police Department for Cape Cod Auto Connection, 152 Ridgewood Avenue, Hyannis, Tom Lundquist, Manager, alleging that it was not in compliance with regard to the total number of vehicles allowed on the

licensed premises on the following dates: 8/30/13, 9/16/13 and 9/24/13, did not get back to the Police or file anything with the Licensing Authority with regard to the overage of vehicles (95 when approved for 70) by September 20, 2013 as requested.

Show Cause Hearing: Show Cause Hearing requested by the Barnstable Police Department for Prime Pre-Owned Center, 95 Falmouth Road, Hyannis, Matt McGovern, Manager, alleging that it was non-compliant with regard to the total number of vehicles allowed on the licensed premises on the following dates: 8/30/13, 9/16/13 and 9/24/13, and have an additional storage lot not contained on the licensed premises, and despite conversations with the manager advising on the last visit to file by September 20, 2013 a Show Cause Hearing would be requested, no-one has filed to amend the license. (Application for change to be heard at 12/9/13 hearing).

Show Cause Hearing: A Show Cause Hearing is called on Beech Tree Cantina/Off the Hook Sushi & Raw Bar, 599 Main Street, Brian D. Beatty, Manager, on a complaint from Unit Owners and a tenant of the Condo Association of the Residences at 615 Main Street, Hyannis in accordance with the Town of Barnstable Noise Ordinance, i.e., It shall be considered a violation whenever the noise level created by a licensed entertainment is clearly audible on property abutting the licensed premises. It shall be the responsibility of every license holder, licensed under Chapter 138 or 140 of the General Laws of the Comm. of MA to conduct entertainment, to contain the noise created by said entertainment to their own property. Failure to do so shall be sufficient grounds for revocation or suspension of their entertainment license. This regulation requires the management to take whatever steps are necessary to ensure that the noise created by their entertainment does not disturb the neighbors.

Renewals:

The following renewals have been submitted without any changes from the previous year for Licensing Authority approval.

Class I Auto Dealers:

Cycle Services JD Signs LLC, 100 Ridgewood Avenue, Hyannis
BMW of Cape Cod, 25 Falmouth Road, Hyannis
Volvo of Cape Cod, 25 Falmouth Road, Hyannis
Hyannis Marina, 1 Willow Street, Hyannis
Land Rover Cape Cod, 100 Barnstable Road, Hyannis
Everett H. Corson, Inc., 1019 Iyannough Road, Hyannis
Buick, GMC, Cadillac of Cape Cod, 600 Yarmouth Road, Hyannis
Hyannis Toyota, 1020, 1040 & 1056 Iyannough Road, Hyannis
Kia of Cape Cod, 1020, 1040, 1056 Iyannough Road & 756 Bearse's Way

Class II Auto Dealers:

Montero's Motor Sales, 455 Yarmouth Road, Hyannis
Trans-Atlantic Motors, 49 Bearse Road, Hyannis
Cape Cod Cars and Trucks, 319 Barnstable Road, Hyannis
Joe's Auto Sales, 744 Bearses Way, Hyannis
Robert J. Trapp, Inc., 123B Falmouth Road, Hyannis

Cape Cod Auto Auction, 700 Bearses Way, Hyannis
Willow Street Motors, 519 Yarmouth Road, Hyannis
Image Motors, 491 Iyannough Road, Hyannis
Quality Auto Center, 91 Barnstable Road, Hyannis
Adymar's Auto and Truck Repair, 31 Thornton Drive, Hyannis
Ziggy's Auto Sales, 832 Bear5se's Way, Hyannis
Club 44 Acquisition Svcs., 1740 Old Stage Road, Centerville
Nantucket Auto Sales, 89 Bassett Lane, Hyannis
Prime Pre-Owned Center, 95 Falmouth Road, Hyannis
Jack Ellis Foreign Auto, 515 West Main Street, Hyannis
Mid Cape Motors, 362A Yarmouth Road, Hyannis
Hyannis Toyota/Scion/Kia, 756 Bearse's Way, Hyannis
MBM Auto Sales, 115 Iyannough Road, Hyannis

Lodging Houses

Bursley Manor, 651 Main Street, West Barnstable
The Mains'l, 535 Ocean Street, Hyannis
Friends of Prisoners, 84 Bearses Way, Hyannis
The Captain David Kelley House, 539 Main Street, Centerville
The Long Dell Inn, 436 South Main Street, Centerville
The Old Hundred House, 1211 Craigville Beach Road, Centerville
Tidewater Inn, 275 Ocean Street, Hyannis
Fernbrook Inn, 481 Main Street, Centerville
Honeysuckle Hill B&B, 591 Main Street, West Barnstable
Cape Cod Ocean Manor, 543 Ocean Street, Hyannis
Centerplate, 300 Sea Street, Hyannis
Sea Beach Inn, 388 Sea Street, Hyannis

Common Victuallers

Cooke's Seafood, 1120 Iyannough Road, Hyannis
Hot Diggity Dogs, 569 Main Street, Unit D-11, Hyannis
Honey Dew Donuts, 313 Iyannough Road, Hyannis
Marylou's Coffee, 1481 Iyannough Road, Hyannis
Regina Pizzeria, CC Mall, Hyannis
Mitie's Sushi House, 225 Iyannough Road, Hyannis
Sarku Japan, CC Mall, Hyannis
International House of Pancakes, Rte 132 Capetown Plaza, Hyannis
Rendez Vous Cafe & Creperie, 394 Main Street, Hyannis
Great House of Zou, 1600 Falmouth Road, Centerville
KFC/Taco Bell, 314 Barnstable Road, Hyannis
D'Angelo's, 793 Iyannough Road, Hyannis
D'Angelo Sandwich Shop, 187 Falmouth Road, Hyannis
BJ's Wholesale Club, 420 Attuck's Lane, Hyannis
McDonald's, 654 Iyannough Road, Hyannis
McDonald's, 175 North Street, Hyannis
Centerville Pie Company, 1671 Falmouth Road, Centerville
Earthly Delights, 15 West Bay Road, Osterville
Nutrition & Food Svcs. – CC Hospital, 27 Park Street, Hyannis

Osterville Village Cafe, 3 Wianno Avenue, Osterville
Ruby Thai, Cape Cod Mall, Hyannis
Osterville Fish Too, 275 Millway, Barnstable
Friendly's #736, 1090 Iyannough Road, Hyannis
Burger King #664, 184 North Street, Hyannis
Burger King #4486, 2145 Iyannough Road, West Barnstable
Burger King #17712, 793 Iyannough Road, Hyannis
Papa Gino's, Bell Tower Mall, Hyannis
Barnes & Noble, CC Mall, Hyannis

Mini Golf

Lightning Falls, 455 West Main Street, Hyannis

Non-Live Entertainment:

Lightning Falls, 455 West Main Street, Hyannis
Island Carousel, Inc., CC Mall, Hyannis
Papa Gino's, Bell Tower Mall, Centerville
CC Mall Stadium 12, CC Mall, Hyannis

Cinema/Theatre

CC Mall Stadium 12, CC Mall, Hyannis

Cinema Screens

CC Mall Stadium 12, CC Mall, Hyannis

Carousel

Island Carousel, Inc., CC Mall, Hyannis

Automatic Amusement/Video Games

Cape Cod Mall Stadium 12
Papa Gino's, Bell Tower Mall, Centerville

Business Meeting:

Request to Appeal Suspension Dates: Request of Davester, LLC, d/b/a Embargo, 453 Main Street, Hyannis, David Noble, Manager to change the dates of suspension imposed for November 29th and 30th, 2013 in accord with letter from Attorney Robert A. Bianchi. Also filed was an appeal to the ABCC, which stays the suspension dates, copies of which are attached for your review.

Release of Executive Session Minutes, if any (0).

And any other new business to come before the Licensing Authority.

PERSONS INTERESTED ARE ADVISED THAT, IN THE EVENT ANY MATTER TAKEN UP AT THE MEETING REMAINS UNFINISHED AT THE CLOSE OF THE MEETING, IT MAY BE PUT OFF TO A CONTINUED SESSION OF THIS MEETING, WITH PROPER POSTING.

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. For 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 in or on the municipal building in which the clerk's office is located.