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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

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**DATE OF MEETING: December 30, 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: 2<sup>nd</sup> Floor Hearing Room, 367 Main Street, Hyannis, MA**

**Vote to accept Minutes: Vote to accept minutes of the 12/09/13 Meeting.**

**Hearings:**

**Request to Close:** Request to close submitted by WKC Inc., d/b/a Misaki, 379 West Main Street, Hyannis, Karen Butler, Manager from January 2, 2013 to February 12, 2014.

**Request to Close:** Request to close submitted by Barnstable Restaurant, Inc., d/b/a Barnstable Restaurant and Tavern, 3176 Main Street, Barnstable, Susan Finegold, Owner to close Mondays and Tuesdays for January, February and March and to close the entire month of February.

**New Class II Auto Dealer License:** Application of Hyannis Imported Cars, Inc., 268 Stevens Street, 30 Mitchell's Way and 24 Holmes Lane, Hyannis, Paul Bornstein, Manager, for a New Class II Auto Dealer license for a total of 118 vehicles on the sites; 4 handicap spots, 10 employee spots, 10 customer spots and 94 display/unregistered vehicle spaces, as shown on plan signed by the Building Commissioner on 11/1/13.

**New Annual Common Victualler License:** Application of Old Kings Highway, LLC, d/b/ The Blue Plate Diner, 3224 Main Street, Barnstable, Patrick Sullivan, Manager, for a New Annual Common Victualler License, to be operated 6 am to 2 pm. Seating for a maximum of 36 people.

**New Class I Auto Dealer License:** Application of 500 Colony Place, Inc., d/b/a Premier Mazda, for a new Class I Auto Dealer License at 141, 145 & 151 Stevens Street and 91 Bassett Lane, Hyannis, Joe Laham, Manager, for 44 customer/employee spaces and 83 display/unregistered spaces, a total of 127 spaces on the sites.

**Transfer of Annual Common Victualler Wine & Malt License:** Application of Scott L. Lopes, LLC, d/b/a Pizza Wave, 3864 Falmouth Road, Marstons Mills, Scott Lopes, Manager for transfer of its Annual Common Victualler Wine & Malt License to NXBP, LLC, d/b/a Pizza Wave, Branko Pishev, Manager.

**Change of Manager:** Application of Beech Tree Cantina, LLC d/b/a Beech Tree Cantina/Off the Hook Sushi & Raw Bar, 599 Main Street, Hyannis, Brian D. Beatty, Manager for a Change of Manager to Paul Beatty.

**Show Cause Hearing:** The Licensing Authority received a formal complaint from Christine Campbell that funds were paid to Barnstable Motors Wholesale, 689 Yarmouth Road, Hyannis, Pandula Suriyaarachi, Manager, for a vehicle which does not pass inspection and for which funds were not returned to her, and that the vehicle has not been fixed so it will pass a safety inspection.

Also, that the Manager of record (Mr. Suriyaarachi) and the two partners on record for this license (Mr. Suriyaarachi and Mr. Johnson) were not available. When asked who ran the business, a third party stated that he is running the business. This is in violation of M.G.L. c. 140 §58 (c).

**Show Cause Hearing:** Show Cause Hearing on Auto Smart, LLC, 202 Yarmouth Road, Hyannis, Darrell Fietz, Manager, pursuant to a complaint from Venturcap Financial Group, LLC dba CarNow Acceptance Company, 1675 Main Street, Brockton, that the account from which the check was written to pay off the loan of Penney Ryder did not have sufficient funds (see attached documents). This hearing is called pursuant to M.G.L. c 140 §58 (c)(v) and M.G.L. c. 140 §58 (c). **COMPLAINT WITHDRAWN BY MS. CAMPBELL AND OTHER ISSUES RESOLVED.**

**Addition of Regulations for Class I & Class II Auto Dealers as proposed by the Barnstable Police Department as follows:**

REGULATIONS FOR TOWN OF BARNSTABLE CLASS I AND CLASS II AUTO DEALERSHIPS  
TO BE ADOPTED ON DECEMBER 30, 2013

1. Total vehicle count shall include the numbers of displayed/unregistered vehicles, customer vehicles and employee vehicles. The plan shall be approved by the Building Commissioner and Fire Department. This shall apply to all new, transferred or amend license applications.
2. A sign is required on the property, whether it is a free standing sign or displayed in the door or window, listing the name of the business and hours of operation.
3. All dealerships shall have a repair facility or provide repairs themselves, available and listed on the application and renewal of the license. This information shall be provided yearly.
4. An approved parking plan shall be available on site for any inspections. This shall apply to all new, transferred or amended license applications
5. All spaces delineated on the approved parking plan, shall be marked out with lines, on the surface of the property, except for lots that are storage or non-asphalt surfaces.
6. All Class II dealers who do not display vehicles on the licensed property or who only conduct business via the internet, shall submit to the Licensing Authority a quarterly report of all vehicle transactions, as delineated in the Used Vehicle Inventory Book.
7. All licensees shall use a computer-generated version of the Used Vehicle Inventory Book, so long as it is approved by the Mass. DOR.

8. A physical vehicle count may be conducted quarterly by the police/inspectors of all Class I and Class II dealerships.
9. An inspection of the Used Vehicle Inventory Book for each dealership, may be conducted by the police/inspector, at least once a year.

### **Renewals:**

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

### **Package Store Wine & Malt:**

Big Daddy's Pizza, 4120 Falmouth Road, Cotuit **TAKE OFF IF PROOF NOT IN PLACE**

### **Common Victualler All Alcohol (appealed disapproval from 12/9/13):**

The Steakhouse Sports Bar, 72 North Street, Hyannis

### **Class I Auto Dealers:**

Balise Ford, 90 High School Rod Ext., Hyannis  
Balise Hyundai, 518&556 Yarmouth Road, Hyannis]  
Balise Nissan, 322 Falmouth Road, Hyannis  
Hyannis Honda Annex, 405 West Main Street & 57 Shady Lane, Hyannis  
JMR Honda, 741 Yarmouth Road, Hyannis

### **Class II Auto Dealers:**

Brico Autoworks, 178 Thornton Drive, Hyannis  
Hyannis Auto, Inc., 478 West Main Street, Hyannis  
All Motors Auto Sales, 66 Barnstable Road, Hyannis  
Cape Auto Sales, 58 Willow Avenue, Hyannis  
Used Auto Cape, 61 Falmouth Road, Hyannis  
Mutual Motors, 537 Yarmouth Road, Hyannis  
AB Auto Sales, 415A Barnstable Road, Hyannis  
Barnstable Motors Wholesale, 669 Yarmouth Road, Hyannis  
Hi Line Auto Sales, 367 Yarmouth Road, Hyannis  
Cape & Island Motors, 153 Corporation Street, Hyannis  
Auto Smart, 202 Yarmouth Road, Hyannis  
Ultra Clean, 30 Cit Avenue, Hyannis  
Cape Wide Auto & Marine II, 730 Bearses Way, Hyannis  
Harbor Auto Sales, 380 Yarmouth Road, Hyannis  
Wheels to Work, 15 LaFrance Avenue, Hyannis  
Tillo's Cars and Trucks, 20 Bearse Road, Hyannis

### **Common Victuallers:**

Nirvana, 3206 Main Street, Barnstable  
Wendy's, 554 Rte 132, Hyannis  
Wianno Green Cafe, 29 Wianno Avenue, Osterville

Four Seas Ice Cream, 360 So. Main Street, Centerville  
Bangkok Kitchen, 339 Barnstable Road, Hyannis  
Panera Bread, 790 Iyannough Road, Hyannis  
Box Lunch, 357 Main Street, Hyannis  
The Mad Platter, Barnstable Municipal Airport  
JJ's Roast Beef, 770 Main Street, Osterville  
The Mills Restaurant, 149 Cotuit Road, Marstons Mills  
Green Lotus Cafe, 349 Main Street, Hyannis

**Lodging House:**

Edmund J. Flynn, 791 Pitcher's Way, Hyannis  
High Pointe Inn, 70 High Street, West Barnstable  
The Lamb & Lion Inn, 2504 Rte 6A, Barnstable  
Cape Cod Yoga Retreat and B&B, 2415 Meetinghouse Way, West Barnstable  
The Pilot House, 86 South Street, Hyannis

**Business Meeting:**

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.**

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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.