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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: April 14, 2014

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 3/24/14 Meeting.

Hearings:

One Day Beer and Wine License: Application of Renee Voorhees on behalf of The Marstons Mills Public Library, 2160 Main Street, Marstons Mills for a One Day Wine and Malt Tasting License for a charity silent auction to be held at The Marstons Mills Public Library, 260 Main Street, Marstons Mills, on May 1, 2014 from 5:30 pm to 8:30 pm.

One Day Beer and Wine License: Application of Joanne M Stelma on behalf of The Rockland Trust Company, 442 Main Street, Hyannis for a One Day Wine and Malt License for a Hyannis Chamber of Commerce Business After Hours to be held at Rockland Trust, 442 Main Street, Hyannis on April 16, 2014 from 5:30 pm to 7:30 pm.

One Day Beer and Wine License (2) and One Day Entertainment License: Application of Beatrice E White on behalf of The Holy Ghost Society of Santuit & Cotuit, 53 Main Street, Cotuit for two One Day Wine and Malt Licenses for their annual Portuguese Feast to be held all

outside at their premises on June 14 (5 PM to 11 PM) and June 15, 2014 (12 PM to 6 PM) and an Entertainment License for June 14, 2014 8 PM to 11 PM.

One Day Entertainment License: Application of Elaine Grace on behalf of Wheldon Memorial Library, Meeting House Way, W Barnstable, for a One Day Entertainment License for the Spring Antiques Show and Sale to be held at BWB Elementary, Barnstable. Event to be held on April 19, 2014 from 10 am to 4 pm.

Six One Day Live Entertainment Licenses: Application of Joe Bondaryk, Wackenhammer Corp., on Wackenhammer Arcade, 541 Main Street, Hyannis, for 6 One Day Live Entertainment Licenses for Friday Family Fun Nights on 7/11, 7/18, 7/25, 8/1, 8/8 and 8/15/14 from 6:00 pm to 6:30 pm and 7:00 pm to 7:30 pm as follows:

- 7/11 Odaiko Taoko drummers (2 or 3 performers)
- 7/18 Sunny the Horse (2 handlers, 1 miniature horse)
- 7/25 Jenny the Juggler (1 performer)
- 8/1 Airly Acrobats (2 performers)
- 8/8 Zak Morgan (1 children's musician, acoustic guitar)
- 8/15 Marcus the Magician and Facepainter (2 performers)

New Annual Common Victualler License: Application of Little Miss Cupcake, Inc. d/b/a Little Miss Cupcake, 388 Main Street, Hyannis, MA, Tonya and Taylor Stump, Managers, for a New Annual Common Victualler License, to be operated 9 am to 7 pm. Seating for a maximum of 40 seats, 5 employees, in accord with plan signed by Building Commissioner.

New Annual Common Victualler All Alcohol License: Application of JDCamas, LLC, d/b/a Tumi Ceviche Bar Ristorante, Angel Rodrigo Camas Calle, Manager, 592 Main Street, Hyannis: Renovated wood and brick structure at 592 Main Street, Hyannis consisting of 2,520 sq. ft. +/- . Entrance through brick patio (750 sq. ft. +/-) with 5 tables, 19 seats on patio. Entrance through 6' doorway. 5' hallway to the left of main dining room/bar (56' x 21' , 1,176 sq. ft. +/-) for a total of 67 seats in the main dining room/bar area (7 bar seats, 6 seats at ceviche bar & 54 seats at tables in open dining area). Total of 81 seats indoors. Two emergency exits in dining room/bar area. Private dining room to the right of the entrance (13' x 14', 182 sq. ft. +/-) with 14 seats. Kitchen in the rear (56' x 12', 672 sq. ft. +/-) with emergency exit; 4 bathrooms including one handicap. Remaining square footage is hallways and storage, as shown on plan dated 2/27/14 signed by Building Commissioner. Hours 11:30 am -11 pm. Also requested are licenses for Daily Live Entertainment for a max of 3 entertainers and Non-Live Entertainment (recorded music & t.v.) from 7 pm to 11 pm.

Change of D/B/A: Application of Prova Brazil Steakhouse, LLC, d/b/a Prova Brazil Steakhouse, 415 Main Street, Hyannis, Fabio DeOliveira, Manager, for a change of d/b/a on its Annual All Alcohol Common Victualler License to Toro Restaurant and Bar.

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. Continued from 11/18/13.

Mr. Hoxie stated this would be continued to 4/14/14 at the request of the complainants.

Request to postpone suspension imposed at Show Cause Hearing on 1/13/14: At the request of the Town of Barnstable Building Division and Barnstable Police Department, a Show Cause Hearing was held on Ferreira's, 85 Old Yarmouth Road, Timothy J. Ferreira, Manager for the purpose of determining if its Annual Junk Dealer License should be modified, suspended, revoked or otherwise conditioned due to the following violation pursuant to a Police Report dated October 25,: Violation of the restriction on its current Junk Dealer's License, to wit: "Recycling bins and related equipment to be utilized and stored within the existing building." At that hearing a 30 day suspension was imposed, of which 15 days was to be served commencing on February 13, 2014. An appeal was filed by the Attorney for Ferriera's. Request that the Board vote to postpone this suspension until the appeal is finalized, or to 3/24/14. It was voted 2-1 to further postpone this hearing to 4/14/14.

Renewals:

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

Seasonal All Alcohol Common Victualler:

The Islander, 330 West Bay Road, Osterville
Eclectic Cafe, 606 Main Street, Hyannis

Daily Live Entertainment License:

Eclectic Cafe, 606 Main Street, Hyannis

Daily Non-Live Entertainment License:

Eclectic Cafe, 606 Main Street, Hyannis

Seasonal Common Victualler:

Coffee Table Cafe, 230A Ocean Street, Hyannis

Junk Dealers:

Sweet Pea's Nest, 4083 Main Street, Cummaquid
Diamond Perfections, 422 Main Street, Hyannis
Historical Military Antiques, 1127 Route 132, Hyannis
Newbury Comics, Cape Cod Mall, Hyannis
JCM Metals, Inc., 142 Corporation Street, Hyannis
Best for Less American Treasures, 207 Iyannough Road, Hyannis
Ferreira's Recycling, Inc., 85 Old Yarmouth Road, Hyannis
Atomic Dimestore, 187 C West Main Street, Hyannis
Cash Point, 640 Main Street, Hyannis
Quality For Less, 235 Iyannough Rd., Hyannis
Hannoush Jewelers, Cape Cod Mall, Hyannis
Gamestop, Inc. Cape Cod Mall, Hyannis

Business Meeting:

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

Request from Michael Macheras on behalf of Macheras Main Street Corp., d/b/a Schooner's, to extend its timeframe for closing until April 30, 2014 to repair roof leaks, causing damage to the ceiling and wall.

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.