

BARNSTABLE
TOWN CLERK

20 SEP 18 P3:46

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TOWN HALL - KEEP ONE COPY FOR YOUR RECORDS).

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 Minutes

The April 27, 2020 public meeting of the Licensing Authority shall be physically closed to the public to avoid group congregation.

Remote Participation Instructions

Alternative public access to this meeting shall be provided in the following manner:

1. The meeting will be televised via Channel 18 and may be accessed via the Channel 18 website at:

<http://streaming85.townofbarnstable.us/CablecastPublicSite/watch/1?channel=1>

2. Real-time public comment can be addressed to the Licensing Authority utilizing the Zoom link or telephone number and access code for remote access below.

Link: <https://zoom.us/j/98041002510>

Telephone Number: 888-475-4499 US Toll-free, Meeting ID: 98041002510

3. Applicants, their representatives and individuals required or entitled to appear before the Licensing Authority may appear remotely and are not permitted to be physically present at the meeting, and may participate through the link or telephone number provide above. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to Richard.scali@town.barnstable.ma.us, so that they may be displayed for remote public access viewing.

DATE OF MEETING: April 27, 2020

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: Selectman's Conference Room, 2nd Floor, 367 Main Street,
Hyannis, MA**

A meeting of the Barnstable Licensing Authority was held on Monday, April 27, 2020. Chairman Martin Hoxie called the meeting to order at 9:30 AM. He introduced; Associate Commissioners; David Hirsch, Larry Decker and Nancy Karlson-Lidman (participating remotely via telephone/Zoom), Richard Scali, Licensing Director, Officer Therese Gallant, and Lindsay Parvin, recording secretary.

Richard Scali noted that with current restrictions in place limiting access to Town Buildings, all applicants will be participating remotely via Zoom or by telephone. An agenda was posted by the Town Clerks office which included instructions for viewing and/or participating remotely.

Vote to accept Minutes:

1. Vote to accept minutes of the 4/6/2020 meeting.

A motion was duly made by Mr. Decker, seconded by Mr. Hirsch and a unanimous vote taken to accept the minutes of the 4/6/2020 meeting.

New Business:

1. Consent Agenda:

Mr. Scali noted that the Portuguese Festival has been cancelled.

A motion was duly made by Mr. Decker, seconded by Ms. Karlson-Lidman and a unanimous vote taken to accept the Consent Agenda as printed.

Public Hearings:

1. NEW COMMON VICTUALLER LICENSE

Application of MGP Corporation, d/b/a Garrett's Family Market, 1617 Falmouth Rd., Centerville, Benjamin Bolen, Manager, for a new Annual Common Victualler License. Hours of operation will be 3:00 am to 1:00 am daily. There will be 10 interior seats only.

Peter Garrett appeared on behalf of the application. He stated that they have begun the rebuild of the property which is the former site of the Sunoco gas station. The property will feature gas bays and a convenience store. The project is currently under construction. They plan is to open by mid-July. The convenience store will have ten seats and will feature typical convenience store items.

Chairman Hoxie asked the applicant to confirm that a drive-thru was not approved.

Mr. Garrett confirmed that a drive-thru was not part of the approved plan.

Mr. Decker questioned if the establishment plans to offer table service.

Mr. Garrett explained that the checkout area will be located in the center of the store. The seats will be available for customers to sit down briefly and have cup of coffee. They will not be offering table service and wouldn't consider it to be a dine-in establishment.

Mr. Decker stated the he has been contacted by members of the Centerville Civic Association and they are questioning why the establishment is requesting to be open 22 hours a day.

Mr. Garrett explained that the other stores they operate in Massachusetts and New Hampshire remain open 24 hours a day. A local bylaw prevents operation during the hours of 1:00am-3:00am. He noted that their nearby competition operate for 22 hours a day as well. It is typical for such businesses to operate for extended hours to service commuters and third-shift employees.

Mr. Decker expressed concern that the business would generate excess traffic. He asked if a traffic assessment had been completed.

Mr. Garrett stated that the traffic report has been approved by both the Zoning Board and Planning Commission. He noted that studies have shown that gas stations and convenience stores do not generate traffic, but feed off the existing traffic.

Mr. Scali reminded that Mr. Garrett that he must contact the Weights and Measures Department prior to opening so the gas pumps may be sealed.

Mr. Garrett agreed. He noted that he is familiar with the requirements and procedures as they own other establishments in Barnstable County.

Mr. Scali asked the applicant to provide an updated lease that lists MPG Corporation as the tenant as opposed to Volta Oil.

Ms. Karlson- Lidman asked if they plan to offer the full menu all 22 hours.

Mr. Garrett explained that they plan to offer grab-and-go items for breakfast, lunch and dinner.

Officer Gallant clarified that the 1:00am to 3:00am shut-down was put into place ten years ago to deter crowds from gathering outside 24 hour convenience stores after the bars close.

Chairman Hoxie asked if the site has been determined to have adequate parking.

Mr. Garrett stated that the proposed parking capacity exceeded the requirements.

A motion was duly made by Mr. Hirsch, seconded by Mr. Decker and a unanimous vote taken to accept the application as presented.

2. NEW LODGING HOUSE LICENSE

Application of American Youth Hostels Inc. d/b/a/ HI- Hyannis Hostel, 111 Ocean Street, Hyannis. Javier Bujanda, Manager for a New Lodging House License for 3 Buildings with 13 bedrooms and 47 lodgers.

Continued from April 6, 2020

Aaron Chaffee, Vice President of American Youth Hostels appeared on behalf of the application. He stated that American Youth Hostels operate throughout the United States, having done so for 80 years. They offer affordable dormitory style lodging that is staffed at all times to allow for those with lesser means the opportunity to travel and experience culture in different parts of the country. They service both domestic and international travelers.

The original creation of the hostel was done so by use of the Rusher Trust which was established for the specific purpose of creating a hostel. Zoning compliance was taken care of by a regulatory amendment to ensure that a hostel could be operated at the location. The trust was operated in partnership with their sister organization, Inter-New England Council of Hostel International USA. From 2012-2014 26 separate corporate entities were merged into one entity, American Youth Hostels Inc.

Mr. Chaffee explained that the change is being requested at this time because the Inter-New England Council had been the recipient of a nonprofit and historic tax credit financing program. The tax credit financing ended one year ago at which time they dissolved Inter-New England Council and are in the process of moving everything under the umbrella of American Youth Hostel Inc., including the Lodging House license.

There is a regulatory amendment in process which has been acknowledged by the Town Attorney, noting that the process has been somewhat delayed due to covid-19.

Mr. Decker asked what name the Hostel currently uses.

Mr. Chaffee explained that they currently operate under the name Hi-Hyannis Hostel but the corporate entity will be amended to American Youth Hostel, Inc. He notes that all operating procedures and personnel will remain the same. In previous years their sister organization had been listed on the license.

Mr. Decker asked if the corporation operated any other hostels on Cape Cod.

Mr. Chaffee stated that they operate several hostels throughout Cape Cod, including one on Martha's Vineyard which has been in operation for 50 years.

Ms. Nancy Karson-Lidman noted that the application indicates that they employ 500 people. She asked if that number was representative of the number of employees nationwide.

Mr. Chaffee confirmed that they have 500 employees working at hostels nationwide.

Ms. Karson-Lidman asked the how many staff members will be employed at the Hyannis location.

Mr. Chaffee estimated 5-7 employees.

Mr. Scali stated that he has contacted our legal counsel in regards to the regulatory agreement and asked if Mr. Chaffee had any idea as to when it will be completed.

Mr. Chaffee stated that their legal counsel has been in contact with the Town Attorney who is in the process of drafting the amendment. There was a question as to whether it was required to be approved by the Town Council but it was determined that it does not require such approval.

Mr. Scali noted that a yearly payment is required as part of the regulatory agreement and asked Mr. Chaffee if arrangements have been made regarding such payment. Mr. Scali has been informed that they owe approximately \$6200.00.

Mr. Chaffee reports that the payment has been made.

A motion was duly made by Mr. Decker, seconded by Ms. Karlson-Lidman and a unanimous vote taken to approve to application as present subject to the approval of the regulatory agreement.

3. NEW LODGING HOUSE LICENSE

Application of Karla Taylor LLC, d/b/a Lamb & Lion Inn, 2504 Main Street, West Barnstable, Lauren Wendelowski, Manager for a New Lodging House License for 10 units.

Continued from April 6, 2020

Continued to May 11, 2020

Licensing Division Updates:

1. Licensing Department updates –

Mr. Scali reports that he has received a request from a Licensee to review seasonal package store requirements. The licensee is interested in converting their seasonal All Alcohol Common Victualler License to a Seasonal Package Store License. Population statistics provided by the Town Clerk would need to be considered in order to make such amendments.

Mr. Hoxie stated that the statute is quite clear on the matter. The determination must be made in March. He considers the matter closed.

Mr. Hoxie noted that the population might decrease in July due to the ongoing crises. The numbers would need to be examined carefully.

Ms. Karlson Lidman stated that granting such requests would set a dangerous precedent.

David Hirsch stated that he is not in favor of granted seasonal package store licenses.

Mr. Scali also provided updates regarding the implementation of "Phase II" which includes the partial reopening of restaurants. He has been listening to updates from the CDC, President Trump and Governor Baker. He notes that a number of restaurants have inquired about the possibility of expanding their outdoor patio areas in anticipation of capacity restrictions.

Mr. Scali reports that the Town Manager has asked him to coordinate a meeting with all of the relative departments with regards to what considerations might be given in the future. Mr. Scali notes that the regulations regarding liquor establishments are very specific. In speaking with Ralph Saccremone of the ABCC, he has been informed that each establishment will have to apply for an Alteration of Premises if they plan on making changes to their floor plan.

Officer Gallant stressed that the coordination of all departments is essential as each department has specific codes to abide by.

Mr. Hirsch noted that the Building Commissioner would be the one to make capacity determinations. He would be in favor of deferring capacity matters to Mr. Florence.

Officer Gallant stated that they are still awaiting guidelines from the ABCC.

2. Police Department updates-

Officer Gallant notified the board of an investigation involving a licensed lodging house. She plans to call the Licensee before the board for a show cause hearing.

The meeting was adjourned at 10:14AM

Respectfully submitted,



L. Parvin, Recorder
Town of Barnstable Licensing Authority



David Nunheimer, Clerk
Town of Barnstable Licensing Authority

• **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

Town of Barnstable
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
April 27, 2020

1. Application for (2) One Day Beer and Wine License and (2) One Day Entertainment License:

Application of Roxanna White on behalf of the Holy Ghost Society for (2) One Day Beer and Wine Licenses and (2) One Day Entertainment Licenses for The Annual Portuguese Feast. The event is to take place at 53 Main Street, Cotuit, on June 20, 2020 from 5:00pm-11:00pm and June 21, 2020 from 12:00pm-5:00pm. Entertainment to include an amplified (5) piece band, dancing by patrons and an inflatable device.

Renewals:

Seasonal Common Victuallers:

1. 226-006 The Barnacle Too, 974 Craigville Beach Road, Centerville
2. 226-005 The Barnacle, 988 Craigville Beach Road, Centerville

Junk Dealer/ Second Hand Good License:

1. 293-024 Hannoush Jewelers, 793 Iyannough Road, Hyannis
2. 308-053 Cash Point Enterprises, 640 Main Street, Hyannis
3. 293-024 Kay Jewelers, 793 Iyannough Road, Hyannis