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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 Minutes

The September 14, 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/91561574982>

Telephone Number: 888-475-4499 US Toll-free, Meeting ID: 915 6157 498

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: **September 14, 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: **Via Zoom**

A meeting of the Barnstable Licensing Authority was held on Monday, September 14, 2020. Chairman Martin Hoxie called the meeting in order at 9:30 am. He introduced Mr. Richard Scali, Director of Licensing to explain how this zoom meeting will work and introduced all the participants. Mr. Scali introduced Mr. Martin Hoxie, Chairman, Mr. Larry Decker, Associate Commissioner, Nancy Karlson-Lidman, Associate Commissioner, and Mr. David Hirsch, Associate Commissioner. Also, in attendance were Officer Therese Gallant and Licensing Assistant, Golda Hadfield. Mr. David Nunheimer and Lt. John Murphy were absent.

Vote to accept Minutes:

1. Vote to accept minutes of the August 17, 2020 hearing.

A motion was duly made by Mr. Decker, seconded by Ms. Karlson-Lidman and a unanimous vote was taken to accept the minutes of the 8/17/2020 meeting.

New Business:

1. **Consent Agenda:**

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

Public Hearings:

1. **APPLICATION FOR A NEW ANNUAL COMMON VICTUALLER LICENSE AND TEMPORARY OUTDOOR PATIO LICENSE**

Application of Fig Tree Eatery, LLC d/b/a Fig Tree Café, Maria Ferguson, manager, 149 Cotuit Road, Marstons Mills to be operated from 7 am to 3 pm. The seating is for a maximum of 42 seats and a temporary outdoor patio for 22 seats.

Ms. Maria Ferguson introduced herself as the representative of the Fig Tree Café. Mr. Hoxie inquired about the Fig Tree Café's location. Ms. Ferguson explained that Fig Tree Café is the current location of The Mills Restaurant on Route 149, Marstons Mills. Ms. Ferguson is in the process of purchasing the Mills Restaurant. Even though there will be a name change, Ms. Ferguson will maintain the same concept as a breakfast and lunch service. Ms. Ferguson added that having a background in health and wellness, she will be making some minor changes to the menu such as adding healthier choices.

Regarding Mr. Decker's questions about the purchase of the business, hot dinner and catering – Ms. Ferguson reiterated that she is purchasing the business, and this will include the kitchen equipment, fixtures, website, furniture and among others. Ms. Ferguson also explained that they will be offering hot dinner entrees for takeaway and orders must be before 3 pm. Catering and events will be offered in the future.

Mr. Scali informed Ms. Ferguson of an email that the Licensing Department received from Mr. Paul Logan (Barnstable Disability Commission) regarding some concerns about accessibility in this property. The concerns are - one of the handicapped spaces is missing a sign and the sign of the other handicapped space is too low. All handicapped spaces should have signs that are visible posted either in the ground or on a wall. An accessibility concern was also raised by Mr. Logan and Mr. Scali will consult Mr. Brian Florence, Building Commissioner about this matter. Ms. Ferguson acknowledged these concerns and she will address them.

Public Comment:

Mr. Paul Logan – in addition to the two problems with handicapped parking spaces, the prior owner/management occasionally would have seats outside for customers waiting in the striped access aisles (in the middle of the two handicapped parking spaces) which are considered illegal to do. Mr. Logan had spoken to the prior management and the problem was corrected. Mr. Logan explained that Federal and State Laws require that these access aisles are open for cars that have wheelchairs, vans with ramps or electronic lifts getting in and out have access to put those down. Entrance accessibility is too difficult and narrow. Mr. Logan offered a free consultation to Ms. Ferguson regarding this matter.

A motion was duly made by Mr. Decker, seconded by Ms. Karlson-Lidman and a unanimous vote was taken to approve the application as presented.

2. APPLICATION FOR AN AMENDMENT OF AN EXISTING CLASS I AUTO DEALER LICENSE

Application of Cape HY, Inc., d/b/a/ Balise Hyundai of Cape Cod to amend an existing Class I Auto Dealer License at 32 Corporation Street and 322 Falmouth Road, Hyannis to include the location 548 Bearse's Way, Hyannis for a maximum of 470 total spaces. Twenty-seven spaces will be used for customers and service, 30 spaces for employees, 3 charging spaces, and 410 spaces for car storage.

Mr. John Kenney, Esq. represented Balise Hyundai. Mr. Kenney explained that this application is to add another location, 548 Bearse's Way to the Hyundai Dealership that will lead to an increase 178 cars for display and 3 charging stations. The plan has been drafted to protect the separate lot identity of 548 Bearse's Way, it has been through site plan review and zoning with the Building Commissioner. There will be no new curb cut into Bearse's Way and will be using the existing curb cut that enters into 322 Falmouth

Road and a cut on 548 Bearse's Way that has been reviewed by the Fire Department regarding access.

Mr. Scali wanted clarification on the additional spaces if those spaces are for display or storage. Mr. Kenney reiterated that 178 cars are for display and 3 spaces are for charging stations. Abutters have been notified.

A motion was duly made by Mr. Decker, seconded by Ms. Karlson-Lidman and a unanimous vote was taken to approve the application as presented.

3. APPLICATION FOR AN AMENDMENT OF AN EXISTING CLASS I AUTO DEALER LICENSE

Application of 141 Stevens Street, Inc. d/b/a/ Premier Mazda to amend the d/b/a of an existing Class I Auto Dealer License at 141 Stevens Street, Hyannis from Premier Mazda to Mazda Cape Cod.

Jeffrey Ford, Esq. represented on behalf of the applicant. Mr. Ford proceeded to explain that this application is to change the d/b/a Premier Mazda to the new d/b/a Mazda Cape Cod, and this reflects on the new business certificate filed with the Town Clerk's Office. Mazda authorized the approval of the d/b/a change. 141 Stevens Street Inc. is in the process of filing a new application within the next few weeks for a new dealership on this site. Mr. Ford also stated that there is no change in ownership, no change in manager, no change in the corporate entity, and no other proposed changes except for a d/b/a change.

Mr. Scali asked for clarification on the short-term change of d/b/a has to be done at this time when a new application is in the process. Mr. Ford clarified that it is on the same site, and he was told that Mazda is looking to have this changed for registration purposes. The owner is phasing out the Premier name and will be changing all his dealerships with the brand name followed by the words Cape Cod.

A motion was duly made by Mr. Decker, seconded by Ms. Karlson-Lidman and a unanimous vote was taken to approve the application as presented.

4. APPLICATION FOR A NEW CLASS II AUTO DEALER LICENSE:

Application of Cape Cod Used Cars, Inc., d/b/a/ Cape Cod Used Auto Sales for a new Class II Auto Dealer License at 155 Rosary Lane, Hyannis, for a maximum of 15 total vehicles. Eight spaces inside to be used as display, 7 exterior spaces; 2 of which are employee and 2 of which are customer, the remaining 3 spaces are display.
Continued from August 17, 2020 Hearing

Mr. George Lough, Esq. and Ms. Honoria DaSilva-Kilgore, Esq. were present, and Mr. Talles Lana, owner of Cape Cod Used Cars was also present. This was a continuation

from the August 17, 2020 hearing. Mr. Lough stated that the notice issues have been addressed, and the questions that Officer Gallant raised on the August 17th hearing were also addressed and resolved as well.

Officer Gallant acknowledged that Mr. Lana was patient, cooperative, and helpful with this process. Officer Gallant's concern with the incoming owners is none and is comfortable with her conversations with Mr. Lana with an assurance that Mr. Lana will continue to assist Officer Gallant with the on-going investigations with the prior owner, Luis Cotino.

Mr. Scali noted that abutters were notified. Mr. Scali also noted that all Class I and Class II Auto Dealership Licenses should adhere to the plans submitted and no deviations should be made without approval.

A motion was duly made by Mr. Decker, seconded by Ms. Karlson-Lidman and a unanimous vote was taken to approve the application as presented.

Licensing Division Updates:

1. Licensing Department updates

Mr. Scali updated the Licensing Authority on the Governor's order to extend outdoor expansion with no ABCC additional processing. This order will allow the Licensees to extend outdoor dining past November 1st, for any period up to and until sixty (60) days after the end of the state emergency. Licensing Authority's decision to extend will be discussed further on the next hearing, October 5th.

Mr. Scali presented the Outdoor Dining Expansion Report that Maggie Flynn prepared. Mr. Scali pointed out how much time and effort that was put in this report and is comprehensively done by Maggie Flynn. Through extensive coordination of staff and other departments, there were 46 applications heard and approved and these applications were sent to the ABCC. The ABCC has been on Cape Cod and has done investigations concerning social distancing, masks and set-up. No Licensee so far has been cited in Barnstable for any violations.

Mr. Scali noted that the Licensing Department is still closely working with Maggie Flynn (former Licensing Assistant and now as the Site Plan Review Coordinator). Renewal letters will be sent out to all Licensees sometime in October. Full payment will be required, and credit will be given to Section 12 Licensees that are not open or partially shut down due to the pandemic.

Mr. Scali also noted, according to the recent Governor's order, arcade may open on September 17, 2020. The Licensing Department will notify Flashback's,

Tenpin Eatery and Cape Codder Resort regarding this. These businesses will be given a 6-month pro-rated auto amusement license instead of 12-month rate for their arcade machines. Mr. Hoxie stated that this is fair.

2. Police Department updates

Officer Gallant reported that there was no update as of this time.

The meeting was adjourned at 10:17 A.M.

Respectfully submitted,

Golda Hadfield

**Golda Hadfield, Recorder
Town of Barnstable Licensing Authority**

Larry W. Decker

**Mr. Larry Decker, 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

September 14, 2020

Renewals:

Annual All Alcohol Common Victualler

1. **Blue Moon at 430 Main Street d/b/a Blue Moon, 430 Main Street, Hyannis – sidewalk café license renewal**

Outdoor Patio Expansion Requests:

1. **Puritan Clothing Company of Cape Cod, Inc. d/b/a Puritan Cape Cod, 480 Main Street, Hyannis – retail expansion of town property**
2. **Fig Tree Eatery, LLC d/b/a Fig Tree Café, 149 Cotuit Road, Marstons Mills – expansion on private property**