

# Harwich Ad Hoc Noise Containment Committee

Thursday, October 22, 2020 6:00 pm – 8:00 pm

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1) CALL TO ORDER:

*Recording & Taping Notification-As required by law, the Town may audio or video record this meeting. Any person intending to either audio or video record this open session is required to inform the Chair.*

2) OLD BUSINESS:

- a) Determine Secretary for meeting.
- b) Minutes 12/17/19, 1/9/2020, 2/18/2020, 3/3/2020.
- c) Taking stock:
  - i) Outcomes from the summer;
  - ii) Outcome of last year's complaints/violations;
  - iii) Any violations/complaints this year?
  - iv) Effects of pandemic;
  - v) Where we left off.
- d) Update from HPD.
- e) Revisit Violations & Sanctions: fair and consistent violations.

- f) Mandatory attendance at Liquor License Meeting.
- g) Banning of crowd noise enhancers (cowbells, karaoke, games, etc.).
- h) Posting of phone numbers by venues & review reporting app.
- i) Pro-active enforcement, particularly in last hour of performances.
- j) Revisit plainly audible definition.

### 3) NEW BUSINESS:

- a) Correspondence received from community and businesses.
- b) Noise Survey.
- c) Review proposals given by the public or committee members.
  - i) Proposal for Customizable, Adaptable License Conditions.
  - ii) Live vs. Recorded music.
    - i) Additional easy conditions:
      - No audience sing-along;
      - Point speakers away from neighbors;
      - Decibel monitors;
      - Others?
- d) Enforcement recommendations: measuring of noise at 150' feet rather than at complainant's location
- e) Recorded music after 10pm
- f) Issues list
- g) Report to BOS

### 4) PUBLIC COMMENT

### 5) FUTURE AGENDA

### 6) ADJOURN

**OFFICE OF THE TOWN ADMINISTRATOR**

Phone (508) 430-7513

Fax (508) 432-5039

Joseph F. Powers, *Interim Town Administrator*

732 MAIN STREET, HARWICH, MA



# MEMO

TO: Board of Selectmen

FROM: Joseph F. Powers, *Interim Town Administrator*

CC: David J. Guillemette, Chief – Police  
Gregg J. Corbo, Esq. – KP Law  
Matthew P. Kelley, Esq. – Licensee’s Attorney

RE: Recommended action following disciplinary hearing held on February 27, 2020  
Re: Ember, 600 Route 28 for violations of liquor/entertainment licenses

DATE: August 3, 2020

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The following is my report on a disciplinary hearing held on February 27, 2020 for alleged violations of the liquor/entertainment license for Ember Pizza, Inc. dba Ember, 600 Route 28 in Harwich Port.

**Violations alleged:**

Specifically, the allegations of violations were:

- Three (3) entertainment license violations, in the form of live or recorded music being played at the licensed establishment in a manner that was plainly audible beyond 150 feet on Sunday, July 28, 2019, Wednesday, July 31, 2019 and Saturday, October 5, 2019.

**Hearing summary:**

The enclosed hearing summary outlines the manner in which the hearing was conducted, the witnesses who provided sworn testimony, their testimonies, as well as discussions that ensued between the town’s counsel, the licensee’s counsel and the hearing office.

**Legal Standard:**

I applied the following legal standard, as suggested by Town Counsel, in making my recommendation:

- Restaurants are permitted to offer live or recorded music if authorized by a license issued by the Board of Selectmen in accordance with Massachusetts General Laws, Chapter 140, Section 183A.
- The statute allows the Board to modify, revoke or suspend such a license if it finds that the licensed activity causes an unreasonable level of noise in the area, for any violation of law, or for any violation of the rules and regulations of the licensing authority.

- Chapter 189 of the Town's General Bylaws makes it "unlawful for any person or persons to cause or allow any noise which emanates from any building, boat, structure, vehicle, premises, or any sound amplification system, which is plainly audible at a distance of 150 feet from any such building, boat, structure, vehicle, premises or sound amplification system."
- The standard set forth in the Bylaw is adopted as a regulation of the Board of Selectmen, Section One, Subsection 1.09(e), and is set forth as a condition on the license.

**Statement of findings:**

I find that the licensed establishment did, in fact, cause an unreasonable level of noise in the area and that it violated the Bylaw, regulation and license condition with regard to the manner in which it presented outside entertainment on the three dates outlined above.

This finding is based on testimony and evidence that on the dates in question, officers of the Harwich Police Department observed that live music being played at the establishment was plainly audible from a distance of greater than 150 feet. These observations are described in greater detail in Harwich Police Incident Reports admitted into evidence at the hearing, which reports are consistent with the sworn testimony offered by the officers and which I credit as true.

Further, I am reminded that these violations occurred during and after other dates of violations that the licensee was previously found to be culpable of by the predecessor hearing officer and a penalty was rendered by the Board of Selectmen and not appealed by the licensee (hearing held on September 9, 2019; penalties affirmed by the Board of Selectmen on October 28, 2019).

My finding of three violations, combined with the four violations found by my predecessor, makes seven violations by this establishment in one season, with a written warning issued for the first violation.

On or about May 14, 2020, I received correspondence from the Licensee's attorney asking for leniency due to the effects of the COVID-19 crisis.

**Recommended disciplinary action:**

Whereas, the Board of Selectmen as licensing authority, affirmed a progressive discipline process with the licensee as noticed in a memo to the establishment on November 14, 2018; and

Whereas, the licensing authority affirmed a disciplinary course of action against the licensee as outlined by the previous Hearing Officer in a memo dated October 23, 2019 that resulted in the suspension of the licensee's outside entertainment on Sunday, June 28, 2020 and Sunday, July 12, 2020 and limiting outdoor entertainment to acoustical music only on Sundays in August, 2020; and

Whereas the resultant effect of restrictions in response to COVID-19 rendered the suspension of outside entertainment on Sunday, June 28, 2020 moot; and

Whereas, the Town did not enforce the Sunday, July 12, 2020 suspension due to the fact that the COVID-19 restrictions had just been lifted; and

Whereas this recommendation memo will be not adjudicated by the Board of Selectmen until Monday, August 3, 2020; and

Whereas the licensee is limited to only acoustical performances for all forms of entertainment on Sunday, August 2, 2020; and

Whereas the violations found to have occurred throughout 2019 equate to more than three (3) offenses – a total of seven (7), with the first offense being subject to a written warning consistent with the Town's practice; and

Whereas, the Board's licensing guidelines suggest a penalty in the range of warning to revocation of the liquor license for third and subsequent offenses; and

Whereas the previous Hearing Officer noticed in his memo to the licensing authority on October 23, 2019 that "Continued violations of the entertainment license may lead to a suspension or revocation of the liquor license for this establishment"; and

Whereas, notwithstanding this warning, the Board of Selectmen has not taken action to revoke or suspend the liquor license of the establishment; and

Whereas, the number of offenses that have occurred in a single season, demonstrates an egregious disregard for the licensee's responsibilities under the law.

Therefore, I recommend the following progressive discipline be rendered against the licensee as follows:

That the license suspension for Sunday, July 12, 2020, not having been served, be vacated and that restriction on outside entertainment being specifically limited to acoustical performances only on the remaining Sundays in August, 2020 be rescinded and that the following be instituted instead:

That the licensee serve a seven (7) day suspension of all entertainment, both indoors and outdoors, on successive days, during a period to be chosen by the licensee to be served prior to Monday, September 14, 2020.

**HEARING SUMMARY  
EMBER NOISE HEARING  
DON B. GRIFFIN ROOM  
HARWICH TOWN HALL  
THURSDAY, FEBRUARY 27, 2020  
1:00PM**

**PRESENT**

Joseph F. Powers (Interim Town Administrator and Hearing Officer)  
Attorney Gregg Corbo (Town Counsel)  
David Guillemette (Chief of Police)  
Tyler Vermette (Harwich PD)  
John Sullivan (Harwich PD)  
Derek Dutra (Harwich PD)  
Attorney Matthew Kelley (Ember's Counsel)  
Scott McMahon (Manager of Ember)  
Jared "Griffin" Brackett (Owner of Ember)  
Frances Rich  
Robert Nickerson  
Bill Galvin  
Angela McNamara

**MEETING CALLED TO ORDER AT 1:00PM** by the Hearing Officer Joseph F. Powers. All parties were sworn in, legal notice was read and confirmation was made that the hearing notice was sent to the Brackett's via hand delivery and email. Mr. Powers asks all parties to sign in and introduces Town Counsel and Interim Support Staff Supervisor acting as the Hearing Clerk.

**HEARING OVERVIEW**

The Hearing Officer reads all exhibits and lists violations. Chief of Police, David J. Guillemette states his name and affiliation. Chief Guillemette states the dates the violations occurred and named the responding Police Officers.

Chief Guillemette calls the first Police Officer, Officer Tyler Vermette. Officer Vermette states his name and affiliation for the record and reads his police report dated July 28, 2020 and stated the timeline of events.

Attorney Gregg Corbo asks Officer Vermette what time the violation call came in, where he was located at that time and if his windows in his Police cruiser were up or down. Officer Vermette confirmed the call came in at 6:57 PM and he arrived at Ember at 7:02 PM and he could hear the music while driving by. He does not recall if his windows were up or down, but says he typically has them partially down. Attorney Corbo confirmed the location of Officer Vermette when the call came in and his route to Ember. Attorney Corbo proceeded to ask about the chain of events when Officer Vermette was present at Ember and if the Manager was cooperative and if he had to respond to any more calls at Ember that night. Officer Vermette

stated he advised the Manager of the complaint and he had walked away when approached and there was no more communication. There were no further complaints that night. Music was turned down. Officer Vermette confirms this was prior to the band stand being built.

Attorney Corbo asks the Chief if the reporting party is known and if they have reported before. Chief Guillemette believes complaints came from a Freeman Street Resident and that the party has complained before.

Attorney Matt Kelley confirmed with Officer Vermette the date of violation and also that he has responded to violations prior to these listed and states the dates. Attorney Kelley states 67% of the complaints against Ember Officer Vermette has written. Officer Vermette denies and states there have been many complaints for noise. Attorney Kelley asks if Officers receive training to understand what plainly audible means and asks if it's fair to say the term is subjective. Officer states no training and does agree the term is subjective. Attorney Kelley asked if the Officer knew what the decibel level was at the time of the violation and Officer did not and agreed sound does carry.

The Hearing Officer states Officer Vermette has never claimed to be a sound engineer and asks Attorney Kelley to explain his theory. Attorney Kelley states that there is no way for Officers to truly measure the sound with a consistent standard. Attorney Kelley states Officer Vermette can have a different standard to what plainly audible is than other Officers. Hearing Officer asks Attorney Kelley if there is a suggestion from the Licensee that this particular Officer is acting on his own volition and engaging in investigations. Attorney Kelley confirms he was making no suggestions and what he was suggesting is that the term plainly audible can differ from Officer to Officer.

Attorney Kelley proceeds to run through the course of events from that evening and goes through where the Officer was when the call came in and the route he took to Ember. Attorney Kelley asks the Officer how they measure the distance and Officer states he uses Google maps. Attorney Kelley confirms they do not measure as the crow flies. The Hearing Officer asks Attorney Kelley how one would do that. Attorney Kelley states to call an Engineer. Attorney Kelley states he will be hyper-technical because of the rulings Ember received from the last violations. Attorney Corbo reminds Attorney Kelley that this is an Administrative hearing not a trial. Attorney Corbo asks Attorney Kelley to move on. The Hearing Officer agrees with Town Council and asks Attorney Kelley to move on. Attorney Kelley asks who Attorney Corbo represents, which is the Town and the Police Department as they are one entity. Attorney Kelley continued to run through the events of the evening with Officer Vermette.

Chief Guillemette states Officer Vermette responded to a noise complaint at Ember on October 5, 2019 which he made observations and documented those in his report. Officer Vermette read his police report from the noise violation and states where he was at the time of the call and when he responded. Attorney Corbo recited the details of the police report with confirming the chain of events. Officer states he could hear the music from where he was located, but cannot recall the song. Officer Vermette states there were no further complaints that night.

Attorney Kelley confirms the time that the complaint came in was 8:37PM which Officer Vermette confirmed was correct. Attorney Kelley confirms this was a singular complaint which Officer Vermette

confirms is correct. Attorney Kelley confirms the manager of Ember agreed to turn down the music. Attorney Kelley asked what the notification process is for a violation. Officer Vermette states he makes contact with manager and describes the overall process. Attorney Kelley asks Officer Vermette to confirm that music is always turned down after a violation and that there has never been two complaints in one night. Officer Vermette confirmed that was correct.

Chief Guillemette calls Officer Derek Dutra, who was the responding Officer for the July 31, 2019 complaint and states the Officer made observations and documented those in his report. The Hearing Officer confirmed Officer Dutra was sworn in. Officer Dutra read his police report and reports the chain of events of July 31<sup>st</sup>. Attorney Corbo asks where the Officer was coming from when the call came in and the Officer states the east end of town. Officer Dutra confirmed he heard music at the residence where the call came from which is further than 150 feet from Ember. Officer Dutra stated he entered Ember from the side entrance and spoke with Manager. He confirmed Manager complied. Officer Dutra did not recall if he noticed a particular song, but heard voices and a guitar. He confirmed there were no further complaints that night.

Attorney Kelley stated he was confused due to the wording in Officer Dutra's report stating the location of 617 Route 28, where the call came from, was under construction and no one residing there at the time of complaint. Officer Dutra confirmed he wrote that in his report. Officer confirmed residence was dark and construction equipment was visible. Property was vacant. Officer Dutra confirmed reporting party was different than the address. Attorney Kelley confirms 617 Route 28 is near the corner of Route 28 and Bayview and property is east of Bayview. Officer Dutra confirmed when a complaint comes in he will measure 150 feet from the source of where the music is coming from to the source of where the person is calling from. Officer Dutra goes through where he was when the call came in and his route to Ember.

Chief Guillemette states that is it for the noise violations and he has no further questions. Attorney Corbo asks Chief Guillemette if there have been noise complaints that did not result in a violation and the Chief confirms out of 19 calls from May 1<sup>st</sup> to November 1<sup>st</sup> there were only 8 violations documented. Chief explains if there is no violation there is no report generated, however it is documented in the Police log. Each time a complaint comes in an Officer is required to go to the establishment and area of complaint to make observations. Chief outlines complaints for other establishments in the area.

Attorney Kelley confirmed with Chief Guillemette that Ember received 19 complaints and that over half the time there were no violations. Chief Guillemette agreed. Chief Guillemette confirmed there were no violations in the month of August and September. Counsel asks the Chief if he knows if Ember installed some type of structure and he said the structure was in place at the last hearing. Chief Guillemette then went through the police process for a violation.

The Hearing Officer Joseph F. Powers references Section 1.16 that is stated in the police memo's and asks the Chief to explain. This section references the complaint process for violations of liquor regulations. Chief Guillemette says the plainly audible language and 150 feet was added to liquor regulations in 2016 and prior to that in Harwich's anti- noise by-law.



Attorney Corbo asks the Chief if he meets with officers to explain by-laws. The Chief states he discusses at roll call and training and there is discussion every year. Chief Guillemette describes plainly audible as if you can hear it beyond 150 Feet from the source of noise. Attorney Corbo asks if the Police Department meets with license holders and the Chief explains they do an informational meeting every year for the license holders and include the ABCC along with other departments. Ember was present at the event. Attorney Corbo states to make the noise regulations and by-laws part of the record.

Attorney Kelley asks to recall on Officer Dutra to go over the timeline of events for the July 31<sup>st</sup> noise violation. Attorney Kelley asks if there are different regulations for Music in the Port nights. Officer points the question to the Chief since he does not typically work that detail. Chief Guillemette addresses Music in the Port nights and the requirements. Music in the Port is exempt from the noise by-law due to a Board of Selectmen vote. Chief Guillemette explains what Music in the Port is and they have a definitive shut down time of 9 PM. Lt. Sullivan confirms the shut down time for Music in the Port. Attorney Kelley asks the Chief questions regarding regulations for Music in the Port.

The Hearing Officer asks Attorney Kelley if there is an objection to Music in the Port. Attorney Kelley says absolutely not. He proceeds to explain his concerns with Music in the Port, Ember's music violations and discipline. The Hearing Officer is not sure if Music in the Port was had July 31<sup>st</sup> due to the tornado. Police Department state they will confirm that.

Attorney Kelley calls his first witness, Scott McMahan, Manager of Ember. Mr. McMahan confirms he is the Manager and he is aware of violations. He outlines what happens when the Police come into the establishment for a variety of issues. He confirms he complies. He states he has never refused to turn music down. Mr. McMahan confirms he is aware of the by-laws and does the best he can to comply.

Attorney Corbo asks Mr. McMahan a variety of questions indicating that he understands the obligations of the licensee. Attorney Corbo asks if he has changed any practices after receiving noise complaints. Mr. McMahan says he always explains the Noise by-laws to musicians and reiterates the strict policy. Mr. McMahan confirms he conveys complaints to the owners after he speaks with musicians. After Mr. McMahan explains complaints to the manager they do discuss. He cannot recall what they discuss and in his words "he just talks to me". Mr. McMahan does not measure the sound of the music. Attorney Corbo asks Mr. McMahan if he thinks the violations were mistaken or is he denying they are accurate. Attorney Kelley objects. The Hearing Officer explains Attorney Corbo's role in this administrative hearing. Attorney Kelley objects because how is Mr. McMahan able to know what the Officers can hear. Attorney Corbo asks questions pertaining to if the music can be heard at 150 Feet where complaint came in and where the Officer was parked at 800 feet away and Mr. McMahan states he does not believe music can be heard from 800 feet away. Mr. McMahan states he does not know distances from Ember to where complaints came in or where Officers were parked.

Attorney Kelley calls Jared "Griffin "Brackett as his second witness. Mr. Brackett introduces himself for the record. Mr. Brackett confirms he has heard testimonies and explains the process of how music is booked at Ember. He noted they have the same musicians on the same days of each week during the season. Mr. Brackett explains the measures they take regarding violations; Manager notifies Mr. Brackett immediately and then Mr. Brackett will meet with the musician. The Hearing Officer asks since Justin

Brackett is the Manager of Record is he involved. Mr. Brackett states Justin Brackett is his brother and co-owner of Ember and the Port. The Port has live music as well. Justin Brackett goes by Judd. He is not present at the hearing due to travel. Mr. Brackett confirms either he or his brother are at the establishment during the summer months. James Rice played on July 31<sup>st</sup> and does not recall noise violations from that musician prior to July 31<sup>st</sup>. Attorney Kelley ask Mr. Brackett to describe why in the past he has sent a band home prior to them finishing their set which Brackett confirmed he had done because they were clearly too loud. The Hearing Officer asks the difference between clearly loud and plainly audible which Attorney Kelley's response was difference of opinion. Attorney Kelley states they are trying to be cognizant of noise. Mr. Brackett shares that he built a music shell in early August to help with noise which is a shell fence. Mr. Brackett confirmed most of the calls come from Woodland Road area. The last violation after the music shell was built was October 5<sup>th</sup>.

Attorney Corbo asks to clarify the incident with the band when Mr. Brackett asked them to go home due to volume. Mr. Brackett confirmed that this was part of the last hearing and Attorney Corbo's response was that there was a complaint that evening which Mr. Brackett stated he was not there that night but yes, there was a complaint. Attorney Corbo asks Mr. Brackett if after the complaint came in and that is when you sent the band home and Mr. Brackett does not recall if the complaint came in first or after. Attorney Corbo states it seemed as if Mr. Brackett sent the band home on their own volition, but it really was because a complaint came in. Mr. Brackett disagreed and said that was not accurate. Brackett says they did not send the band home because of a complaint. Mr. Brackett states he is not here to discuss the violation on the 14<sup>th</sup> and Attorney Corbo's response was that Mr. Brackett brought it up to discuss. Mr. Brackett stated when the police come to Ember due to a complaint Mr. McMahon, the Manager, always lets him know and they do not send the band home. Attorney Corbo states he believes Mr. Brackett is being untruthful on his motivation to send the band home that night due to a complaint being called in. Attorney Kelley states that is ridiculous and he will not respond to that. Attorney Corbo asks Mr. Brackett why the music was so loud on July 31<sup>st</sup> and his response was he doesn't know. Attorney Kelley states how could Mr. Brackett know, his testimony is correct that he doesn't know.

Attorney Corbo states to the Hearing officer; prior to Attorney Kelley's closing argument that he recommends for him to not hear arguments as to whether the standard is incorrect or if there is a better standard and to only hear argument if the noise was plainly audible.

Attorney Kelley's closing Argument: He states a brief synopsis of violations. He states there is nothing in the record after 10PM, Ember is compliant on that section of the by-law. He is asking to consider the level of the violation due to Music in the Port happening the same night. He believes after all violations music was turned down and no other issues that night. Also, he states the same musicians have played twenty times with only one violation. He proceeds to touch on prior punishment and not being able to go before the Board of Selectmen. He states the punishment is excessive and inconsistent for violations and to keep that in consideration and punish Ember no further. He states it was unfortunate he and his clients were not afforded the chance to go before the Board of Selectmen.

The Hearing Officer confirms with Attorney Kelley that the punishment from previous violations did go before the Board of Selectmen and the Selectmen's Office did receive a letter from Attorney Kelley's office which was not dated, but stamped into the Selectmen's Office on November 13<sup>th</sup>. The Hearing

Officer reads a paragraph from the letter outlining how Attorney Kelley learned of Embers punishments. The Hearing Officer confirms with Attorney Kelley that his clients would have had the right of appeal. The Hearing Officer confirms with both Attorney's that the appeal process is Superior Court. Attorney Kelley states they were not going to appeal. The Hearing Officer states if Attorney Kelley's clients did not appeal the decision, than they must have accepted the punishment, not that they agreed with the decisions. Attorney Kelley states that is correct and shares the letter he wrote was out of frustration. The Hearing Officer states that he will give everyone the proper notice. Attorney Kelley starts to describe how the past Hearing Officer shared with him what Embers punishment was and the Hearing Officer States, we will not get into that. The Hearing Officer states for the record, a decision was rendered by a Hearing Officer, through the Local Licensing Authority. The Hearing Officer confirms that Attorney Kelley understands that a decision was rendered, which he does. The Hearing Officer asks Attorney Kelley if his clients took steps to appeal those decisions, which they did not. The Hearing Officer states the decision for today's hearing will be to take it under advisement. The Hearing Officer asks Attorney Kelly what he is asking for him to do in regards to punishment. Attorney Kelley states, to adopt the same penalties as the prior hearing with no additional penalties. Attorney Kelley outlines the past heard violations and the penalties from the prior Hearing Officer.

Attorney Corbo's Closing Argument: He states for the record, to clarify what the legal standard is, the by-law requires anyone presenting outdoor entertainment must contain the entertainment to a point where it is not plainly audible at a distance from 150 feet. He states that there is a subjective element to that. Attorney Corbo proceeded to go over case law that pertains to noise. Attorney Corbo reiterates the three complaints and shares in his opinion, the testimony of the officers establishes the three violations. He states there is no relevance to the evening where it was Music in the Port. Attorney Corbo states, in his opinion, there is sufficient evidence for the three violations. Attorney Corbo then goes though details of what the Hearing Officer can take into account upon making his decision. He continues to go over the owner and manager's testimonies and what his thoughts are. He says to the Hearing Officer he thinks he needs to weigh all of these details and the goal in mind is education and abatement. Attorney Kelley interjects to outline the timeline of violations that happened after the prior hearing.

The Hearing Officer states, in closing, he will draw upon all materials and resources as he comes to a conclusion. He states when he comes to his conclusion, under open meeting law he is to provide notice to the town that he will make a recommendation to the Board of Selectmen. He will also share his decision with both Counsels. He thanks all participants.

## **CONCLUSION**

Hearing ended at 3:03PM

**OFFICE OF THE TOWN ADMINISTRATOR**

Phone (508) 430-7513

Fax (508) 432-5039

Joseph F. Powers, *Interim Town Administrator*

732 MAIN STREET, HARWICH, MA



# MEMO

TO: Board of Selectmen

FROM: Joseph F. Powers, *Interim* Town Administrator

CC: David J. Guillemette, Chief – Police  
Gregg J. Corbo, Esq. – KP Law  
Taylor B. Powell – Perks, Manager of Record

RE: Recommended action following disciplinary hearing held on June 30, 2020  
re: Go Industries Inc., d/b/a Perks, Entertainment License Violations

DATE: August 3, 2020

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The following is my report on a disciplinary hearing held on June 30, 2020 for alleged violations of the entertainment license for Go Industries Inc., d/b/a Perks, located at 545 Route 28, Harwich Port.

**Violations alleged:**

Specifically, the allegations of violations were:

- One (1) entertainment license violations, in the form of live or recorded music being played at Perks in a manner that was plainly audible beyond 150 feet — Sunday, September 1, 2019 (Police warning Saturday, July 4, 2019).

**Hearing summary:**

The enclosed hearing summary outlines the manner in which the hearing was conducted, the witnesses who provided sworn testimony, their testimonies, as well as discussions that ensued between the town’s counsel, the licensees and the hearing office.

**Legal Standard:**

I applied the following legal standard, as suggested by Town Counsel, in making my recommendation:

- Restaurants are permitted to offer live or recorded music if authorized by a license issued by the Board of Selectmen in accordance with Massachusetts General Laws, Chapter 140, Section 183A.

- The statute allows the Board to modify, revoke or suspend such a license if it finds that the licensed activity causes an unreasonable level of noise in the area, for any violation of law, or for any violation of the rules and regulations of the licensing authority.
- Chapter 189 of the Town's General Bylaws makes it "unlawful for any person or persons to cause or allow any noise which emanates from any building, boat, structure, vehicle, premises, or any sound amplification system, which is plainly audible at a distance of 150 feet from any such building, boat, structure, vehicle, premises or sound amplification system."
- The standard set forth in the Bylaw is adopted as a regulation of the Board of Selectmen, Section One, Subsection 1.09(e), and is set forth as a condition on the license.

**Statement of findings:**

I find that the licensed establishment did, in fact, cause an unreasonable level of noise in the area and that it violated the Bylaw, regulation and license condition with regard to the manner in which it presented outside entertainment on the date outlined above.

This finding is based on testimony and evidence that on the date in question, an officer of the Harwich Police Department observed that live music being played at the establishment was plainly audible from a distance of greater than 150 feet. This observation is described in greater detail in Harwich Police Incident Reports admitted into evidence at the hearing, which reports are consistent with the sworn testimony offered by the officer and which I credit as true.

Further, I considered evidence verifying that the location from which the officer heard the music as being plainly audible was from a distance of more than 150 feet from the source of the music. The manner in which this verification was determined is described in greater detail in the Harwich Police Incident Reports admitted into evidence and the hearing, which reports are consistent with the sworn testimony of the officers and which I credit as true.

Further, I credit the testimony of the owners of the establishment that they made honest attempts to limit the extent of the noise generated from the establishment, that all of the complaints appear to originate from the same location and that they in good faith believed that the location of the complaints was closer than 150 feet from the establishment.

Notwithstanding the testimony of the owners, based on my review of the licensing file for the establishment, I find that the establishment was the subject of disciplinary hearings for similar noise violations in each of 2016, 2017 and 2018, with a total of five (5) violations being confirmed and one (1) additional violation being unconfirmed and with a total of three (3) written warnings and one (1) day of suspension being served.

**Recommended disciplinary action:**

Whereas, there were two offenses found to have occurred during the 2019 operating season; and

Whereas, the licensee was issued a written warning for the first offense; and

Whereas, the licensee was issued a one (1) day suspension for similar violations occurring in 2017, but that the last of said violations occurred on August 19, 2017, more than two years prior to the date of the subject violation.

Therefore, I recommend the following discipline be rendered against the licensee as follows:

That the licensee serve a one (1) day suspension of all entertainment, both indoors and outdoors, on a day to be chosen by the licensee to be served prior to Monday, September 14, 2020.

**HEARING SUMMARY  
PERKS NOISE HEARING  
REMOTE VIA GO TO MEETING  
TUESDAY JUNE 30, 2020  
1:00PM**

**PRESENT**

Joseph F. Powers (Interim Town Administrator and Hearing Officer)  
Attorney Gregg Corbo (Town Counsel)  
David Guillemette (Chief of Police)  
Charles Brooks (Harwich PD)  
Brendan Brickley (Harwich PD)  
Mark Holmes (Harwich PD)  
Taylor Powell (Perk's Owner)  
Sarah Powell (Perk's Owner)

**MEETING CALLED TO ORDER AT 1:00PM** by the Hearing Officer Joseph F. Powers. The Hearing Officer introduces himself along with Town Counsel, Attorney Gregg Corbo, Chief of Police, David Guillemette and Perk's owners, Taylor and Sarah Powell. The Hearing Officer informs all parties that he will be taking everyone off of mute and that they will see on their video that there are two references; first is Danielle Delaney, Temporary Licensing Support Staff Supervisor who will be acting as the Recording Clerk. She is the only individual not required to be on video and she is also dialing in via phone. The Hearing Officer states this is a Public Hearing where we may be interrupted or joined by others parties in which case we will note the time and take a break. The Hearing Officer explains that he will take all parties off of mute and completes audio tests for all parties involved.

**HEARING OVERVIEW**

The Hearing Officer confirms with Police Chief David Guillemette that there will be three people that will be providing testimony. The Hearing Officer continues to explain that he will be swearing all parties in and that it is important that he is able to hear and see individuals on video. He clarifies that the Officer's testifying will be sworn in prior to giving testimony. Attorney Gregg Corbo, Town Counsel confirms that is correct.

The Hearing Officer reads the posted hearing notice that was advertised in the Cape Cod Chronicle on June 18, 2020. The Hearing Officer confirms that a letter and hearing notice was hand delivered to Taylor and Sarah Powell, who confirmed receipt. The Hearing Officer proceeded to read the letter for the record. At this time the Hearing Officer asks all parties to identify themselves for the record. The Hearing Officer confirms with Taylor and Sarah Powell that they have chosen to forgo counsel and represent themselves.

The Hearing Officer ask Attorney Corbo if it's correct to ask both sides to supply opening statements which Attorney Corbo states he can proceed in that manner or he can proceed directly to the presentation of evidence. The Hearing Officer proceeds to call on the Town of Harwich through Attorney Corbo to provide

an opening statement or witnesses regarding this matter. Attorney Corbo states he will go directly to witness testimony. The Hearing Officers asks if there is an opening statement from the Licensee or if they wish to proceed to witness testimony. Mr. Powell states he can present some of the facts regarding the alleged allegations and reports and shares he was a witness as he was there that evening. Both Mr. Powell and Ms. Powell share they do not know the process. The Hearing Officer clarifies that the Town has forgone an opening statement and they have the right to an opening statement which will be different than testimony and questioning. Mr. Powell states, let's get right to it and we will provide information as questions are asked and answered and everyone interacts.

The Hearing Officers asks Attorney Corbo to call his first witness for the Town and that witness will be sworn in prior to testimony. Attorney Corbo calls Officer Charles Brooks. The Hearing Officer asks the Police officer to state his name for the record and confirms he is an Officer for the Harwich Police Department. The Hearing Officer proceeds to swear in Officer Charles Brooks. Attorney Corbo asks Officer Brooks if he was on duty on September 1, 2019 at approximately 2000 hours and Officer Brooks confirms that to be correct. Attorney Corbo asks if Officer Brooks was dispatched to the area of 545 Route 28 and Officer Brooks confirms that is correct. Attorney Corbo asks the reason for being dispatched there and Office Brooks states a noise complaint. Attorney Corbo asked what happened when the Officer arrived at the location and Officer Brooks stated he met with the caller at their house and stood in the driveway and observed noise coming from Perks to be in violation of the Noise By-Law. Officer Brooks stated he could hear music coming from the Port which is the restaurant next door, but they were not plainly audible so they were not in violation. Attorney Corbo asked the Officer how he knew the music was coming from Perks and he responded that they had a male singer and he could hear his voice. Officer Brook stated he did not know what song he was singing. Attorney Corbo asks the Hearing Officer to display an aerial photo of 545 Route 28. Attorney Corbo confirms that Officer Brooks can see the red marker which is labeling Perks and confirms that is where Perks is located. Attorney Corbo describes where the residence is located on the map and Officer Brooks confirmed that to be accurate. Attorney Corbo asks the Officer to describe where he was standing at the residence of 549 Route 28. Officer Brooks states from the looks of the aerial map it appears he was standing near the black car. Attorney Corbo asks the Hearing Officer to put his cursor over that location. Attorney Corbo and the Hearing Officer go back and forth on where the cursor must be placed and if everyone can see the aerial. The Hearing Officer asks Ms. Delaney to unmute her phone and states he will have her share the document for better viewing. Attorney Corbo instructs Ms. Delaney to put the cursor on 549 Route 28. Attorney Corbo asks Officer Brooks if that properly represents where he was and he said yes. Attorney Corbo states to let the record reflect that the Officer was standing in the approximate location of the black vehicle depicted on the aerial photo. Attorney Corbo asks Officer Brooks to describe where the band was playing and Ms. Delaney moves the mouse over that area. Attorney Corbo states to let the record reflect the Officer identified the area right next to "&" symbol on the aerial map which is the approximate location of the band. Attorney Corbo asks the Officer how he knew he was over 150 feet away from the band at that time. Officer Brooks stated that was based on measurements other Officers had done. Attorney Corbo confirmed that the Officer did not independently measure the distance. Attorney Corbo asks the officer how long he listened for and he responded approximately 2 to 3 minutes. Attorney Corbo asked the Officer if he tried to listen from any other location, in which he stated he tries to park across the street and listen from there. He confirmed he parked on the back of Sea Street, which is on the other side of Perks and tried to go around to get his bearing and then went to where the call came from. Attorney Corbo asks how the Officer determined



that the music was not coming from the Port. Officer Brooks states Perks has a male singer and the Port had a female singer and it was a male voice that he was hearing. Attorney Corbo asks what the Officer did next after making his observation and he stated he went to Perks and spoke to who he believes to be Taylor Powell and the music was turned down to an appropriate level. He stated he also went to the Port and preemptively asked them to turn their music down to avoid any further calls for the evening. Officer Brooks stated he received no further calls to his recollection. He stated he did go their prior to this call, but there was no violation. Attorney Corbo asked if it was the same party who called in and Officer Brooks stated they were there three times and the second call was the same caller as this person. Attorney Corbo confirms that each time a call was received an Officer went down to confirm the call. Officer Brooks confirmed the third call was the only call that was confirmed. Officer Brooks confirmed he was present for each of the calls and confirmed he stood roughly in the same approximate location. Officer Brooks read out loud a section of his police report. Attorney Corbo asks if he has a copy of the report for the September 1<sup>st</sup> incident. Officer Brooks confirmed he had the report. Attorney Corbo asks Officer Brooks if he feels that report accurately represent his experience that evening, which he confirmed it did. Attorney Corbo states to the Hearing Officer that he would like the report and aerial photo entered as exhibits. The Hearing Officer confirms with Officer Brooks what report will be an exhibit and also if all parties have the call log, which they do not. The Powell's confirm they have the police reports, just not the police log. Attorney Corbo asks Ms. Delaney if the Powell's received the same hearing packet as he did, which she confirmed they did. Attorney Corbo states the document that he is referring to is page 5 of 8 in that packet. The Hearing Officer confirms Exhibit A is the Personal Narrative for Patrol Officer Charles Brooks, reference number 19-97-96-OF and Exhibit B is the aerial map which is still being shown on the screen. Attorney Corbo requests the hearing notice to be entered as an exhibit as well. The Hearing Officer confirms that the hearing notice will be Exhibit A, Personnel Narrative is Exhibit B and the aerial is Exhibit C. The Powell's confirm they are looking at the document. Attorney Corbo confirms with Officer Brooks that this is a print out of the call log from September 19<sup>th</sup>. Officer Brooks confirms that's accurate. The Hearing Officer confirms Exhibit D is the call record and confirms all parties have a copy. Attorney Corbo states he has no further questions for Officer Brooks. The Hearing Officer states the Powell's not have an opportunity to ask the witness questions. Mr. Powell states when he is able to present his facts and statement if Officer Brooks could chime in so he will do everything at once.

Attorney Corbo calls on Officer Brickley to provide witness testimony. The Hearing Officer asks Officer Brickley to state his full name and position with the Town. The Hearing Officer proceeds to swear in Officer Brickley. Attorney Corbo asks Officer Brickley if he was on duty on the evening of Thursday, July 4, 2019 at approximately 1930 hours. Officer Brickley confirmed that is accurate. Attorney Corbo asks if the Officer was dispatched to 549 Route 28 and the Officer confirms that is accurate. Attorney Corbo asks for what reason was the Officer dispatched and he answers for loud music. Attorney Corbo asks what the Officer did after receiving that call. Officer Brickley stated he met with the person at 549 Route 28 and listened to the music that was playing, which was coming from a liquor establishment. Attorney Corbo confirms with Officer Brickley that he can see the aerial photo on the screen and asks him to describe the location of where he is standing. Officer Brickley states he met with the home owner on their front steps. Attorney Corbo instructs Ms. Delaney to move the cursor to the property on the aerial photo. Attorney Corbo confirms with the Officer that is the approximate location. Attorney Corbo asks the Officer what he could hear and he states he could hear a woman singing. Attorney Corbo asks if he could hear anything else and the Officer states just the woman singing. Attorney Corbo asks if there were instruments playing

and the Officer confirmed there were, but did not know specifically what types of instruments. Attorney Corbo asked if the Officer could understand the words that were being said and if he knew the song. Officer Brickley said yes he could understand the words and did not know the song. Attorney Corbo asks where the music was coming from and the Officer stated the area of Perks and the Port. At that time the Officer did not know which establishment it was coming from. Attorney Corbo asks the Officer what he did next. Officer Brickley stated he went across the street into the Schoolhouse lot which is a public parking area in Harwich Port. From there he stated he was able to determine it was a female singer and a female was performing at Perks that night. Attorney Corbo instructs Ms. Delaney to scroll the aerial out to view the parking lot and put the cursor where the public lot is. Attorney Corbo confirms with Officer Brickley that he could hear music from that area, that it was a female singer and that Perk's had a female singer that night. Officer Brickley stated he met with the Powell's and found that it was within their entertainment license to be playing music at 7:30PM and that could continue however the volume of the music could not. He stated the Powell's had no issue turning the music down. Officer Brickley stated it was a violation and he wrote a Personal Narrative indicating the violation. Attorney Corbo asked how the Officer determined that when he heard the music it was at a distance of 150 feet. Officer Brickley stated he didn't at that time, he met with the reporting party at 549 Route 28 and did not know if he was within the 150 feet so he went well beyond 150 feet and was still able to hear the female singing. Attorney Corbo asks if that was the Schoolhouse Road location and Officer Brickley stated yes, that is why he went to Schoolhouse Road and the Chamber of Commerce area. Officer Brickley states in his report he indicated approximately 200 feet. The Hearing Officer asks Officer Brickley when he arrived at the caller's location he is saying the music was plainly audible and the Officers stated yes. The Hearing Officer confirmed with the Officer that he crossed the street to be certain he was in an area greater than 150 feet. The Hearing Officer confirmed with the Officer that in both locations the music was plainly audible. Attorney Corbo confirms that Officer Brickley offered a report from that night and that he has it with him. Attorney Corbo states for the record this is page 6 of 8 in the packet and titled Personal Narrative from Officer Brickley, reference number 19-9796-OF, Perks AKA Beer Garden Noise Complaint. Attorney Corbo confirms all parties have this document. The Hearing Officer states that document will be Exhibit E. Attorney Corbo asks the Officer if this report fairly and accurately summarizes his experience that night. Officer Brickley states yes. Attorney Corbo states he has no further questions. The Hearing Officer asks the Powell's if they have questions or would like to continue with the witness. Mr. Powell states he would like to continue on.

Attorney Corbo calls on Officer Mark Holmes. The Hearing Officer asks the Officer to state his full name and affiliation for the record. The Hearing Officer proceeds to swear Officer Holmes into the hearing. Attorney Corbo asks Officer Holmes if he was on duty at approximately 8:43AM on October 29, 2019. Officer Holmes confirmed that was accurate. Attorney Corbo asks the Officer if he responded to 549 Route 28 that day which Officer Holmes confirmed to be accurate. Attorney Corbo asked what the purpose was for going to that address on that date. Officer Holmes stated he was sent to the property to take measurements with a laser device. Attorney Corbo asks the Officer to describe the laser device. Officer Holmes states it's manufactured by Laser Technology Institute which is used for measurement and speed detection. It has several different modes and one is a detected measurement only. Attorney Corbo asks how it works. The Hearing Officer asks Officer Holmes how the device works in terms of measuring distances. Officer Holmes states its basic; you press the button that says fire and it sends out a laser beam to an object and it measure the time it takes for the laser beam to return to the sensor and then it does a

calculation and gives you a distance. Attorney Corbo asks if the device is known to be accurate. Officer Holmes states yes, it's certified every year. Attorney Corbo asks when the device was certified and Officer Holmes says he is not sure but the Town typically does certifications in September. Attorney Corbo asks prior to the use, on that date, was there any calibration done. Officer Holmes stated there was calibration done at the station, both internal and external. Attorney Corbo asks for an explanation. Officer Holmes states internally it automatically does a systems check and makes sure everything is functioning and then he used a tape measure and used a specific distance measurement and then measured again with the laser to make sure it was accurate. Attorney Corbo asks what was the purpose of the Officers visit to 549 Route 28 with the measuring device. Officer Holmes stated his reason for the visit was to determine whether 549 Route 28 was inside or outside of 150 feet from Perk's. Attorney Corbo asks Officer Holmes to describe what he did to make that determination. Officer Holmes met with Mr. Beloin and went into a sitting room on the second floor located in the front of the house and used several different points at the Perk's location and shot measurements. Attorney Corbo instructs Ms. Delaney to zoom back in on the aerial photo to get a better look of the house at 549 Route 28. Officer Holmes confirms he sees the house on the map. Attorney Corbo asks Officer Holmes if he sees the white vehicle at the top of the house, which he states he does. Attorney Corbo asks where the Officer was standing at the time of his first measurement. Officer Holmes states if you use the white car as a reference there is a dormer, it jets out on the front of the house by the white car, this is about where the sitting room is. Officer Holmes instructs Ms. Delaney where to put the cursor. Attorney Corbo described where the music stage was located, which was information from prior testimony, and asked Officer Holmes if he knew that to be correct. Officer Holmes stated he did not. Attorney Corbo asks the Officer to describe where he was aiming the laser. Officer Holmes referenced points on the aerial that he was aiming towards. The Officer stated the longest distance he measured was 190 feet. He stated he also measured the property fence, the actual back corner of the property fence, and another measurement from the fence closer to Route 28. Attorney Corbo asks if the hedge is also the fence at 549 Route 6A. Officer Holmes states that he does not believe there is a fence there and the fence he is describing is surrounding the Perk's property. Officer Holmes states it is hard to see on the aerial and tries to describe where it is on the map. Attorney Corbo instructs Ms. Delaney to move the cursor over the area Officer Holmes is describing. Attorney Corbo confirms with the Officer that he was standing at the same location at 549 Route 28. The Officer confirms that measurement was 157 feet to the corner post. The Hearing Officer stops the hearing due to Ms. Powell texting on her phone and asks that she refrain from texting during the hearing. Attorney Corbo confirmed with the Officer that distance where the cursor is placed to where the location in the restaurant is, is 157 feet. Attorney Corbo asked Officer Holmes if he took any other measurements, which he stated he had, which was on the fence further towards Route 28 and was 160 feet. Attorney Corbo instructs Ms. Delaney to zoom out on the aerial photo. Officer Holmes describes the approximate location of the third measurement. The Hearing Officer asks for clarification on where the Officer measured which is being shown by the cursor on the aerial. Attorney Corbo asks the Officer if he measured from any other location at 549 Route 28 and he states he measured from the outside of the property where the property line is along a hedge and measured to the front of their home by the main entry door. The Officer confirmed that measurement was 20 feet. Officer Holmes confirmed no other measurements were taken that day. Attorney Corbo asks the Officer if he offered a report on his experience, which he confirmed he did. Attorney Corbo asked the Hearing Officer if the Powell's have a copy of that report and the Powell's responded that they did not. Attorney Corbo instructs Ms. Delaney to send them the report. Officer Holmes states the Deputy Chief will be sending the report to Ms. Delaney for her to forward to the

Powell's. Attorney Corbo requests that this report be entered as the next exhibit. The Hearing Officer confirms this report will be Exhibit F. Sarah Powell stated they have questions regarding that report. The Hearing Officer stated once Attorney Corbo was done with the Officer the Powell's would have an opportunity to ask questions. The Powell's have no objection with the report being entered into the record. Attorney Corbo states he has no further questions for Officer Holmes.

Ms. Powell asks Officer Holmes who requested that he take the measurements and he responded that he does not know who specifically requested it and the on duty Lieutenant instructed him to take the measurements. The Hearing Officer asks the Officer who was the on duty Lieutenant which was Lieutenant Sullivan. The Hearing Officer confirms with Ms. Delaney that she will be sharing the missing document on her screen. The Hearing Officer asks Harwich Police Department if this document needs redaction of any kind and Officer Holmes responds that he is unsure. Attorney Corbo states there are phone numbers that need to be redacted prior to sharing. The Hearing Officer confirms with Ms. Delaney that this document had not been shared yet. The Hearing Officer states at the conclusion of the hearing the proper redactions will be made and then shared with the Powell's. The Powell's read the report and offered their thoughts and discussed those with the Hearing Officer and Officer Holmes. The Hearing Officer confirms with all parties that they are completed with their questioning with Officer Holmes.

Attorney Corbo calls on Police Chief David Guillemette to provide testimony. The Hearing Officer proceeds to swear in the Chief. Attorney Corbo asks the Chief if he is aware of the incidents that have brought us to this hearing and the Chief confirms he is aware. The Chief confirms he conducts an informational training session with Harwich licensees' and brings in Department Heads and a representative from the ABCC. During this meeting a copy of Harwich Liquor Regulations is distributed. The Chief confirms Taylor Powell was present at the 2019 meeting. The Chief confirms they did discuss noise at the meeting. The Chief proceeds to describe the procedure when an establishment receives their first noise offense. The Chief confirms he is aware of past incidents with this establishment. Attorney Corbo instructed the Hearing Officer to outline all past violations for them to be read into the record; Past Hearings which were September 27, 2016, September 27, 2017, and October 28, 2018. The Chief confirmed he was the person who requested the laser measurements be done. Attorney Corbo asks the Chief if he is aware of any issues with the equipment and he responds, no. Attorney Corbo states he has nothing further for the Chief. The Powell's have no questions for the Chief. Attorney Corbo states he has nothing further at this time.

The Hearing Officer states the Powell's have their opportunity to bring forward any witnesses or cross exam any witnesses. Mr. Powell confirms with the Hearing Officer that this is their time to speak. Mr. Powell first would like to discuss an email that he has brought from a musician that plays at their establishment. The Hearing Officer stated this person cannot be a witness if he is not present and swore under oath. Attorney Corbo states it is under the Hearing Officers discretion wither to accept the evidence. The Hearing Officer states the email will be Exhibit H. Ms. Powell confirms the email has been emailed to the Hearing Officer and Ms. Delaney. Mr. Powell proceeds to read the email out loud. Mr. Powell explains that they have done music for a long time, 10 years, and goes into detail about how they try to keep the noise level down. He stated there were no complaints until other establishments starting having music. Mr. Powell states the amount of times the establishment has live music per season is a total of 93 days and only one alleged violation. He continues to say he walks the neighborhood and down

side streets to make sure sound is not too loud and he works with the musicians. Mr. Powell asks the chief how many calls, for any establishment, has the resident at 549 Route 28 called about during the summer. The Chief states he has the number of complaints for Perk's, but not for every establishment. Mr. Powell stated he may be wrong but he thought there were close to 30 calls from this resident. Mr. Powell continues to describe what was happening with the resident harassing the police and the Powell's, swearing at the Officers and overall complaining. The Hearing Officer stated he did not see curse words in the documents and the person is not present to question, but he does understand the Powell's frustration. Mr. Powell stated he wanted to give the Hearing Officer some background on the complaining party and that most of the complaints are unfounded. The Chief confirms in 2019 Perk's received 13 calls for noise and there were 6 calls for Perks and or the Port and 6 calls for the Port alone.

Mr. Powell stated, for the record, on September 1<sup>st</sup> there was no band, there was only Ted Wyman playing who is a solo preformist. The Hearing Officer stated in Officer Brooks testimony he said he heard instruments, not a band. Mr. Powell stated he thought he heard a band. Mr. Powell stated he went to the Assessing Department to pull lot lines to see on a map how far this property actually is from the establishment. Mr. Powell continues to read the language on his entertainment license as he would like this noted in the hearing. Mr. Powell explains his thoughts on what this language means when it comes to where you measure from and how far this property is from the establishment. Ms. Delaney shares the aerial photo for all to see. Mr. Powell describes where the boundary line is for the establishment. From his mapping it is 90 feet to the residence at 549 Route 28. The Hearing Officer and Mr. Powell go back and forth over where the source of music is from. Ms. Delaney moves the cursor to where the music is set up in the establishment. Mr. Powell explains to the Hearing Officer his interpretation of the language on his entertainment license. The Hearing Officer explains the meaning behind the language as he does not agree with Mr. Powell. Ms. Powell states her interpretation is that if you are within 150 feet, property line to property, which she believes the residence at 549 Route 28 is within, you are not allowed to complain. The Hearing Officer clarifies that you go from the source of the amplification system, which everyone has testified that it's where the cursor is on the map presently. The Powell's explain their confusion that it states "from which is further" and the property line is further so that is where they thought the measurement started. Attorney Corbo clarifies that you measure from the source of the amplification or it can be the boundary line if you are further away from the boundary line than the source of the amplification. He continues that the point of measurement, in this case, would be the property at 549 Route 28 and you measure either 150 feet to the property line or 150 feet to the source of music. The Hearing Officer states he agrees with Attorney Corbo. Attorney Corbo states he would like to hear from the Chief of Police. The Chief reiterates the same language as Attorney Corbo. The Hearing Officer states, do all parties agree, that point A on the map is where the cursor is and where the amplification was, all parties agree and point B is where the Officers stood at 549 Route 28. All parties agree to point B. The Hearing Officer states his decision making is going to be in regards to Point A and Point B because that is the furthest point where it was plainly audible. Mr. Powell apologizes and states he and Ms. Powell disagree. He continues to explain why he disagrees. The Hearing Officer continues to clarify what the language means that is written on the entertainment license. The Hearing Officer states what is critical in this hearing is what is 150 feet and beyond and what those points are. Mr. Powell states it is ultimately up to the Hearing Officer and he is not trying to challenge him, he is trying to present things as they see it. Mr. Powell points out measurements to the neighboring property and where the Officers were standing. The Hearing Officer states he understands that they are relying upon readily available

documents, but that is not the intent of assessing documents. He states what we are looking at is surveyed plans that were stamped. He continues to say we have a laser measurement and a documents that goes back to 1935 and 2015 verse a laser within the same year. Mr. Powell states he agrees, however on the night in question Officers were not upstairs in the home. Mr. Powell continues to question the events of that night and pleads his case that this was not a violation. Mr. Powell states the Officer was at the property 4 or 5 times that evening and they never turned up the volume, only turned it down.

Attorney Corbo confirms with the Powell's that they had 93 days of music with 2 confirmed violations. They state they are not confirming them, but alleged, yes. Attorney Corbo asks what are they doing to contain the noise and Ms. Powell stated that was a great question. She stated she volunteered to be on the noise committee to try and figure out how they can help. Mr. Powell stated they are both there every night and will not both take a day off so one of them is there at the establishment. She shared they are constantly monitoring sound and this year they did have some ideas on what to do, but due to Covid they have not done any of them. Mr. Powell stated any musician he deemed too loud he has fired. He says he also will not allow musicians to bring in loud speakers and also they leave the speakers on the ground verse propped up. In the future he says he would like to talk with his neighbors, one of whom he is friendly with, about putting up a muffling system. They have also looked into hiring a sound person. Ms. Powell described the culture at their establishment and that no complaint has come in past 10PM. Attorney Corbo asked is the music equipment belongs to the Powell's or the musicians and Mr. Powell stated in the future he hopes it's ours, but it's the musicians. Attorney Corbo asked if they do sound checks and stand on Route 28 to test the sound level and Mr. and Ms. Powell state for every performance they go across the street to see if they can hear the music. Attorney Corbo states he has nothing further.

The Hearing Officer ask the Powell's if there is anything more they would like to put on the record which they decline. In closing, Attorney Corbo states the license requires the licensee to contain the sound to 150 feet. Today we heard testimony from Officers who were able to hear sound from 150 feet away. Attorney Corbo continues to describe what the Hearing Officer should take into account upon making his recommendation of discipline. In closing, the Hearing Officer stated this hearing was originally scheduled for December 18, 2019, he believes there were mutual conflicts, the hearing was continued to March 18, 2020, which unfortunately was disrupted by the pandemic so we are meeting today on June 30, 2020. He states he will expedite the review and decision making process and assures he will send notice to the Powell's along with Attorney Corbo and Chief Guillemette. The Hearing Officer thanks all who participated.

## **CONCLUSION**

Hearing ended at 3:15PM

## **INFORMAL HARWICH PORT NOISE SURVEY, 2019**

— Bob Cohn

The Noise Survey was conducted in order to document and increase awareness of noise levels and issues in Harwich Port. While there was a significant drop-off in noise levels from the highs of 2018, it could still often be quite noisy in 2019. The survey is far from perfect, but hopefully can shine some light on the situation.

### **How the Survey Was Conducted**

The survey was very informal. I didn't go out on a regular basis, but instead when I felt like it and/or when it was particularly noisy. By the beginning of August, I grew pretty tired of it, and did surveys less frequently.

I usually followed the same route, but not always:

- South from Pleasant St. through the Schoolhouse Rd. parking lot;
- to Perks and The Port to see which business was the source of any noise;
- South on Sea St. and then back up to Rt. 28;
- East along Rt. 28 to Freeman St./Snow Inn Rd.;
- North on Freeman to Pleasant;
- West on Pleasant and back to the start at Schoolhouse Rd.
- Except once or twice, I didn't go south of Rt. 28 on Bank or Bayview.

As I heard noise at various points along the way, I'd make a voice recording on my phone, which I'd later transcribe. I haven't yet finished transcribing the data.

I used the Noise Bylaw's plainly audible definition, but also noted relative loudness, songs, voices, crowd noise, and instruments.

### **Some things to keep in mind**

The survey data is *very incomplete* and forms a partial picture only.

- I didn't do the survey every day, but only:
  - 3 days in May
  - 4 days in June
  - 15 days in July
  - 1 day in August
  - (intermittent surveys thereafter, not yet transcribed)
- Survey was conducted fairly randomly—only on days I felt inclined.
- I didn't survey very much south of Rt. 28.
- The summer of 2019 was far quieter than 2018:
  - The Mad Minnow had no outdoor entertainment.
  - There appears to have been increased awareness of noise issues and some scaling back. The may have been due in part to the Noise Committee being announced.
- All measurements in the survey are approximate.

## **Notes about the Map**

The map is intended to help visualize the survey data. Because it took a lot of time to put the map together, only the noise readings from Ember are so far shown. Thus, this is *an even more partial picture* than the survey spreadsheet itself.

A truer picture of the situation would:

- include readings from Perks and The Port, easily doubling the number of incidents;
- show readings all through the summer on a nightly basis, perhaps doubling again;
- include a fuller set of readings south of Rt. 28.

Further, had a 2018 version of the survey been done, it would have included readings from the Mad Minnow and a great deal more noise in general throughout the village, and would likely more than double again.

That is to say that at the peak noise levels of 2018, a map depicting an entire summer's survey might well show 8 or 10 times as many noise incidents.

### **Some details:**

- Circles are all centered at Ember's performance area,
  - The interior green circle has a radius of 150' from the performance area.
  - The blue circle *only very roughly* depicts the area 150' beyond Ember's boundaries. As the property line to the east is roughly 200' from the performance area, a circle of radius 350' is used (200'+ 150').
  - The red circles (500', 750', 1000', 1250') are all beyond permitted limits.
- Some addresses have been merged for easier depiction on map, e.g.:
  - George's Pizza // Cross & 28
  - 28 & Snow Inn // 28 & Freeman
  - United Gas // Cumberland Farm
- All numbers and measurements on the map are approximate.



## Informal Noise Survey: Harwich Port, 2019

Date & Time	Wind & Weather	The Port	Perks	Ember	Notes
<b>Fri. May 24 7:30p</b>	<b>Quite Strong Wind North to South</b>  <b>Cool &amp; windy</b>	<ul style="list-style-type: none"> <li>• ~400 feet/ Halfway up Schoolhouse Rd. lot</li> <li>• ~1000 feet At bottom of Sea St., almost to water</li> </ul>			Friday of Memorial Day weekend <ul style="list-style-type: none"> <li>• Strong wind was pushing music away from Pleasant St., toward water</li> </ul>
<b>Sat. May 25 9:15-9:45</b>	<b>Light wind South to North</b>  <b>Nice</b>	<ul style="list-style-type: none"> <li>• @29 Pleasant /~800'</li> <li>— Music &amp; shouting</li> <li>• @Cross &amp; Pleasant ~1000' (faint but PA)</li> <li>• @Cape Sea Grille /~400'</li> <li>• @27 Sea St./~500'</li> <li>— crowd shouting &amp; carrying on</li> </ul>		Music PA <ul style="list-style-type: none"> <li>• @57 Pleasant/~725'</li> <li>— (not faint)</li> <li>• @Bank &amp; Pleasant ~700' (quite loud)</li> <li>• @Melrose /200+' (crowd noise PA)</li> <li>• @617 Rt 28/500' (fairly loud)</li> <li>• @Snow Inn &amp; 28 /800' (&amp; PA further east too)</li> <li>• @Cumby's /~450'</li> </ul>	Saturday of Memorial Day weekend <ul style="list-style-type: none"> <li>• Music loud from The Port &amp; Ember; — crowd noise was as well.</li> <li>• Performer at Perks not noticeable over noise from the Port.</li> </ul>
<b>Sun. May 26</b>	<b>South to North -Light</b>  <b>Sunny, pleasant</b>	<ul style="list-style-type: none"> <li>• 4:45p: @29 Pleasant/~800'</li> <li>— male voice plainly audible</li> <li>• 6:00p: @Schoolhouse Rd &amp; Anchorage driveway /~450'</li> <li>• @Cape Sea Grille /~400'</li> <li>• @27 Sea St./~500'</li> <li>• 7:30p: @29 Pleasant/~800'</li> <li>• 8:30: @29 Pleasant/~800'</li> <li>• Schoolhouse &amp; Pleasant/~850' (faint but PA, "Brown-eyed Girl")</li> <li>• 36 Cross St. PA @9:45/1175'</li> <li>• Lewis Lane &amp; Cape Cod 5 lot/~450'</li> </ul>		<ul style="list-style-type: none"> <li>• Freeman &amp; Pleasant /900'</li> <li>• Bank &amp; Pleasant /700'</li> <li>• 28 &amp; Bayview (female voice, slow music) /~325'</li> <li>• 28 &amp; Snow Inn /~800'</li> <li>• 28 &amp; Cross (female voice) / ~800'</li> </ul>	Sunday afternoon & evening of Memorial Day weekend — heard music from direction of Port/Perks while outside doing yardwork (male voice, was the same music style as heard an hour later from Port)
<b>Wed. June 26 9:30-10pm</b>	<b>Little Wind</b>  <b>Fair</b>			<ul style="list-style-type: none"> <li>• 29 Pleasant/~1200'</li> <li>— Music intermittently audible</li> <li>• Pleasant &amp; Bank /~700'</li> <li>• 67 Pleasant/~650'</li> <li>• 35 Pleasant/~1150'</li> <li>• 28 &amp; Bayview/~325'</li> <li>• 28 &amp; Freeman/~800'</li> <li>• @Traditional Barber Shop/~800'</li> <li>• @Cape Sea Grille /~1500'</li> </ul>	Wednesday night late <ul style="list-style-type: none"> <li>• Music from Ember audible all around neighborhood — venue lightly attended — single performer (I think) — singing fairly low, but amplified enough to be heard intermittently at significant distances</li> </ul>

Date & Time	Wind & Weather	The Port	Perks	Ember	Notes
<b>Thu. June 27</b> <b>8:15p-8:45p</b>	<b>No Wind</b> <b>Cool, Foggy</b>		<ul style="list-style-type: none"> <li>• @29 Pleasant/~800' — music light, but plainly audible</li> <li>• Schoolhouse lot &amp; Anchorage drive /~400'</li> <li>• @Cape Sea Grille /~450'</li> </ul>	<ul style="list-style-type: none"> <li>• @56 Pleasant/~750'</li> <li>• @74 Pleasant/~650'</li> <li>• Bank &amp; Pleasant /~700'</li> <li>• Pleasant &amp; Freeman /~900' (wailing guitar)</li> <li>• 28 &amp; Freeman/~800' (announcement/talking on PA &amp; music)</li> <li>• very plainly audible @617 Rt 28 /~500'</li> <li>• @Heather's Hair/~200'</li> <li>• @Cumby's /~475'</li> </ul>	<ul style="list-style-type: none"> <li>• Just 1 performer at Ember, but he uses generated backup music</li> <li>• Could hear music from Perks at 29 Pleasant, from about 8:15/8:30 on — light, intermittent, but audible — became louder from 9:30 on</li> </ul>
<b>Fri. June 28</b> <b>9:00</b>  <b>9:30</b>  <b>10:00p</b>	<b>No Wind</b>  <b>Pleasant</b>	<ul style="list-style-type: none"> <li>• @29 Pleasant back yard/800'</li> <li>• Top of Schoolhouse lot (edge of woods)/~625'</li> </ul>	<ul style="list-style-type: none"> <li>• 19 Schoolhouse Rd/550' (9:55 "Can't always get what you want.")</li> </ul>	<ul style="list-style-type: none"> <li>• Corner Braddock &amp; Bank/700'</li> <li>• 54 Pleasant/750'</li> <li>• 9:55p: Halfway up Schoolhouse Rd wooded lot/1300'</li> <li>• 6 Freeman St. 800'</li> <li>• 28 &amp; Bayview/335' (heavy rhythm w/bongos)</li> <li>• @Heathers Rt 28/~300' (bongos)</li> </ul>	<ul style="list-style-type: none"> <li>• Readings attributed to The Port may have been from Perks—walked the other direction, so not sure</li> </ul>
<b>Sun. June 30</b> <b>8:00p</b>	<b>Strong Wind—</b> <b>Variable, but</b> <b>mainly North to</b> <b>South</b>  <b>Nice night, but</b> <b>windy</b>	<ul style="list-style-type: none"> <li>• Chamber of Commerce/275'</li> <li>• Anchorage driveway/450'</li> <li>• 39 Sea St./275'</li> <li>• Cape Sea Grille/450'</li> <li>• Port Pines Rd &amp; Sea St./850'</li> <li>• In back of Pilgrim Church, (30' away from Pilgrim Rd.) /375'</li> </ul>		<ul style="list-style-type: none"> <li>• 92 Bank St./~450' ("Only the good die young")</li> <li>• @28 &amp; Freeman/800'</li> <li>• @617 Rt 28 (heavy bass)/500'</li> <li>• @28 &amp; Bayview (pretty loud: Monkees "I'm a Believer")/335'</li> <li>• Cumby's: "Johnny B. Goode"/475'</li> <li>• George's Pizza/800'— can clearly hear bass line</li> <li>• @Cape Sea Grille, Sea St./1400'</li> </ul>	<ul style="list-style-type: none"> <li>• 4 piece band at Ember — but not that many customers—less than half full</li> <li>• Single male performer at Perks — <i>under umbrella</i> &amp; not audible even in front of venue</li> <li>• Female performer at the Port, voice carried, highly amplified</li> <li>• Minnow: recorded music w/empty</li> </ul>
<b>Mon. July 1</b> <b>7:30-10:00p</b>	<b>Fair amount of</b> <b>wind blowing</b> <b>South to North</b>		<ul style="list-style-type: none"> <li>• 8:00p @29 Pleasant back yard/800'</li> <li>• Schoolhouse Rd &amp; Pleasant/800'—pretty loud</li> <li>• 9:15p: @19 Schoolhouse/600' — "Take a load off Fanny" etc.</li> <li>• Cape Sea Grille/450' — music is <i>intermittently</i> plainly audible</li> </ul>		<ul style="list-style-type: none"> <li>• Single male performer at Perks — no umbrella/coverage — soulful, moaning male voice</li> <li>• Sent text to Sarah &amp; Taylor Powell telling them that the music has been carrying up to Pleasant St.</li> <li>• Duet at Ember—pretty light, can't hear very far away</li> </ul>
<b>Thu. July 4</b> <b>7:45p</b>		<ul style="list-style-type: none"> <li>• 7:45p @29 Pleasant/800'</li> <li>• 10:02p: @29 Pleasant /800'</li> <li>• Cape Sea Grille/400' — "Lord I was born a gambling man"</li> </ul>			<ul style="list-style-type: none"> <li>• Spoke w/Sarah &amp; Taylor Powell of Perks—music not very loud from Perks</li> </ul>

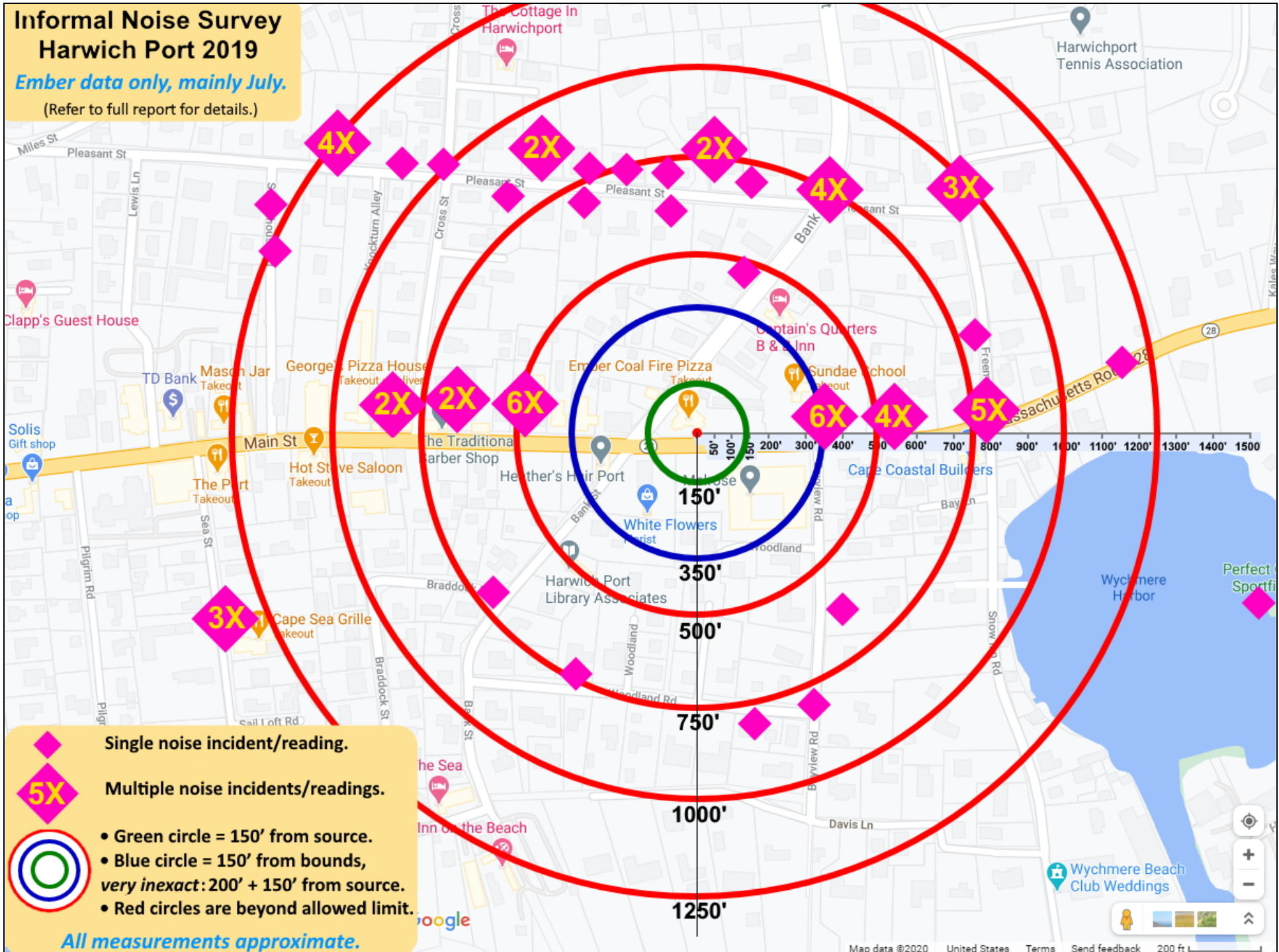
Date & Time	Wind & Weather	The Port	Perks	Ember	Notes
<b>Fri. July 5 8:00p</b>		<ul style="list-style-type: none"> <li>• 8:00p @29 Pleasant/800': Music plainly audible inside our house</li> <li>• Schoolhouse Rd &amp; Pleasant/800'</li> <li>• Cape Sea Grille/400'</li> <li>• "Rolling on the river"</li> <li>• 27 Sea St./650': "I'm a joker, I'm a toker..."</li> <li>• Sail Loft Rd &amp; Sea St./700'</li> </ul>		<ul style="list-style-type: none"> <li>• Freeman &amp; Pleasant/975' plainly audible (may have been from The Port)</li> <li>• @Heathers Rt 28/~200'</li> </ul>	<ul style="list-style-type: none"> <li>• Ember performer: single guy w/music/rhythm generator</li> </ul>
<b>Sat. July 6 2:30</b>				<ul style="list-style-type: none"> <li>• 7:15p: Harbor Rd. wharf /~1800'</li> <li>• Wychmere Harbor overlook / ~1200'</li> </ul>	<ul style="list-style-type: none"> <li>• Out driving around, could hear music from Ember all around Wychmere Harbor</li> </ul>
<b>Sun. July 7 7:45</b>		<ul style="list-style-type: none"> <li>• 8:00p @29 Pleasant /800' (plainly audible inside our house)</li> </ul>		<ul style="list-style-type: none"> <li>• 72 Pleasant/650'</li> <li>• 62 Pleasant /675</li> <li>• Cross &amp; Pleasant/950' ("You're so vain you probably think this song is about you")</li> <li>• 8:30p 29 Pleasant /1200'(guy talking on PA)</li> <li>• 9:00p 29 Pleasant—music getting loud</li> <li>• 9:30p 29 Pleasant, still very loud</li> <li>• 9:45p called police again</li> <li>• 26 Bank St./~1100'</li> <li>• Bayview &amp; Woodland/900'</li> <li>• 10 Woodland/775'</li> <li>• 29 Woodland/775'</li> <li>• 25 Bayview/600'</li> <li>• Bayview &amp; Rt. 28/350':pretty loud</li> <li>• @Cape Sea Grille /~1500'</li> </ul>	<ul style="list-style-type: none"> <li>• A couple people playing at Port</li> <li>• Ember very loud all over HP <ul style="list-style-type: none"> <li>— called police @9:00pm</li> <li>— officer didn't come by house</li> <li>— no noticeable change in volume</li> <li>— got louder at @9:45p (trying to go to bed)</li> <li>— called police again and was told that the officer had asked them to turn it down</li> <li>— but if they music was turned down, it was only very briefly</li> <li>— and by 9:45p, it was still louder than before, and continued louder until 10pm</li> </ul> </li> <li>• made recording of music 1200' away</li> </ul>
<b>Mon. July 8 9:20p</b>			<ul style="list-style-type: none"> <li>• 29 Pleasant /~800' —moany guy plainly audible</li> </ul>		<ul style="list-style-type: none"> <li>• Monday night: moaning guy at Perks</li> </ul>
<b>Thu. July 11 from 7:30 on</b>	<b>A bit of wind blowing from the south</b>	<ul style="list-style-type: none"> <li>• 29 Pleasant/~800' —intermittently plainly audible</li> <li>• Schoolhouse Rd &amp; Pleasant/800' —very clear: bass guitar riffs</li> <li>• 39 Sea St./275' —deeper male voice rhythmic/thumping component</li> <li>• 29 Pleasant 9:30p — music from The Port — intermittent guitar licks from Ember</li> </ul>		<ul style="list-style-type: none"> <li>from Ember</li> <li>• @Traditional Barber Shop/~800' (electric guitar licks)</li> <li>• 29 Pleasant 9:30p — intermittent guitar licks</li> </ul>	<ul style="list-style-type: none"> <li>• Port performer quite loud</li> <li>• Perks performer fairly quiet</li> <li>• Ember went on break as I went by</li> </ul>
<b>Sun. July 14</b>				<ul style="list-style-type: none"> <li>• 29 Pleasant St./1200' —music from Ember quite loud</li> </ul>	<ul style="list-style-type: none"> <li>• Music fairly loud from Ember, but didn't do survey</li> </ul>
<b>Mon. July 15</b>	<b>No wind</b>		<ul style="list-style-type: none"> <li>• 7:15p 29 Pleasant /~800' —moaning guy plainly audible inside house</li> <li>• 9:00p: ditto</li> </ul>		<ul style="list-style-type: none"> <li>• 3<sup>rd</sup> Monday in a row w/Perks' moaning guy: sounds low, but w/amplification, voice carries and is quite loud</li> <li>—good bit louder than previously</li> <li>—could be heard inside house</li> </ul>

Date & Time	Wind & Weather	The Port	Perks	Ember	Notes
Sat. July 20, 2019 7:30-on	Not much wind	<ul style="list-style-type: none"> <li>• Music plainly audible from <i>either Perks or The Port</i> for a couple/few hours /800' <ul style="list-style-type: none"> <li>— periodically howling</li> </ul> </li> <li>• From 9:30 to closing, music was loud enough that it was echoing off houses to the north of us and still further away</li> </ul>			<ul style="list-style-type: none"> <li>• Didn't do survey</li> </ul>
Thu. July 25, 2019 8:45p		<ul style="list-style-type: none"> <li>• 8:45p 29 Pleasant /~800' <ul style="list-style-type: none"> <li>—electric guitar, wailing, almost steel guitar; intermittent, off &amp; on</li> <li>— 9:00p singing "Blue Morning"</li> <li>— 9:20p: quite loud in house; wailing electric guitar, male singer</li> </ul> </li> <li>• 9:20p; Schoolhouse Rd &amp; Pleasant/800' <ul style="list-style-type: none"> <li>—quite loud w/electric guitar licks</li> </ul> </li> <li>• 9:50p 29 Pleasant/800' <ul style="list-style-type: none"> <li>— getting louder as band goes into finale, heavy drums</li> </ul> </li> <li>• 10:22p: music plainly audible</li> <li>• @Cape Sea Grille /~400'</li> <li>• Cape Sea Grille;</li> <li>• 39 Sea/275': quite/very loud</li> </ul>		<ul style="list-style-type: none"> <li>• 28 &amp; Bayview /~325' <ul style="list-style-type: none"> <li>— plainly audible</li> </ul> </li> <li>• @617 Rt 28/500' <ul style="list-style-type: none"> <li>— guitar licks plainly audible</li> </ul> </li> <li>• 49 Pleasant/850' <ul style="list-style-type: none"> <li>(or might have been from the Port at 1050')</li> </ul> </li> <li>• 19 Schoolhouse (in lot)/ ~1200: quite loud, people on PA system coming from Ember</li> <li>• @Cumby's /~450' <ul style="list-style-type: none"> <li>— plainly audible</li> </ul> </li> </ul>	
Fri. July 26, 2019 8:45p		<ul style="list-style-type: none"> <li>• 39 Sea St./275' <ul style="list-style-type: none"> <li>— loud; "Stuck in the Middle with You"</li> </ul> </li> <li>• 9:00pm @29 Pleasant/~800' <ul style="list-style-type: none"> <li>— music plainly audible</li> </ul> </li> <li>• Anchorage parking lot</li> <li>• 9:45pm @29 Pleasant/~800'</li> </ul>		<ul style="list-style-type: none"> <li>• 52-54 Pleasant/800' <ul style="list-style-type: none"> <li>(or might have been from the Port at 1150')</li> </ul> </li> <li>• @Cumby's /~450' <ul style="list-style-type: none"> <li>— very plainly audible</li> </ul> </li> <li>• 37 Bay View: ~350' <ul style="list-style-type: none"> <li>— plainly audible</li> </ul> </li> </ul>	
Sat. July 27 2019 6:15p		<p>(Port OR Perks—didn't do survey)</p> <ul style="list-style-type: none"> <li>• 6:15pm @29 Pleasant/~800' <ul style="list-style-type: none"> <li>— not loud, but plainly audible</li> </ul> </li> </ul>		<ul style="list-style-type: none"> <li>• 9:45pm @29 Pleasant/~1200' <ul style="list-style-type: none"> <li>— plainly audible inside house—space age-y music; trying to go to bed</li> </ul> </li> </ul>	
Sun. July 28 2019 8:30p	Wind coming from south	<p>(from Port OR Perks—couldn't be sure)</p> <ul style="list-style-type: none"> <li>• @Cape Sea Grille /~450' — "Stand by Me" <ul style="list-style-type: none"> <li>— pretty loud, though wind is coming from the south</li> </ul> </li> </ul>		<ul style="list-style-type: none"> <li>• Bank &amp; Pleasant /700' <ul style="list-style-type: none"> <li>— plainly audible</li> </ul> </li> <li>• 72 Pleasant/650' <ul style="list-style-type: none"> <li>— "Ain't No Sunshine When She's Gone"</li> </ul> </li> <li>• 66 Pleasant /675'</li> <li>• @United Gas /~550' <ul style="list-style-type: none"> <li>— very plainly audible</li> </ul> </li> </ul>	
Mon. July 29 2019 8:15			<ul style="list-style-type: none"> <li>• 8:15: @29 Pleasant/~800' <ul style="list-style-type: none"> <li>— quite loud, male voice, moany</li> </ul> </li> <li>• 9:00p: ditto</li> <li>• 9:30p: ditto</li> </ul>		
Thu. Aug. 1		<p>(Port OR Perks—didn't do survey)</p> <ul style="list-style-type: none"> <li>• from 7:30-9:30p: @29 Pleasant/~800' <ul style="list-style-type: none"> <li>— hearing music inside our house</li> </ul> </li> <li>• from 9:15 on: heavy drums off &amp; on</li> </ul>			

# Informal Noise Survey Harwich Port 2019

Ember data only, mainly July.

(Refer to full report for details.)



◆ Single noise incident/reading.

◆ 5X Multiple noise incidents/readings.

- Green circle = 150' from source.
- Blue circle = 150' from bounds, very *inexact*: 200' + 150' from source.
- Red circles are beyond allowed limit.

All measurements approximate.

## **Proposal for Customized, Adaptable Conditions for Entertainment Licenses**

The idea behind this proposal is to create a limited set of conditions tailored for each venue so as not to be excessively burdensome to businesses, but at the same time to provide entertainment guidelines and limited conditions as safeguards for neighbors. Hopefully, it would be minimally intrusive but still helpful, kind of like speed bumps.

The Town already does this to a certain extent, holding public hearings before issuing new entertainment licenses. At the recent hearing for the Irish Pub in West Harwich, for example, the Irish Pub drew up plans and discussed them in detail along with the type of music and measures for containing noise. Beyond hours, though, none of the terms and conditions discussed were specified in the license—kind of a blank check.

Not that any trouble occurred with the Irish Pub, but one of the problems we've sometimes seen with entertainment licenses is that when a business comes before the board to request a license, they may feel a pressured to claim they intend to play only minimal, quiet music.

It's only later, when given an open-ended license with no conditions other than hours, that the business might feel incited to expand its entertainment beyond what was originally indicated. This can create a kind of loophole and a disconnect between what is discussed during licensing proceedings and what actually comes to pass.

In part, the intent of this proposal is to close this loophole somewhat and find a middle ground between blank check and too restrictive licenses.

The committee hasn't discussed individual licenses yet, but a copy of current licenses is included in the packet. Beyond hours of entertainment, it appears that there are few if any terms and conditions in current entertainment licenses. By contrast, Claddagh's 2011 license, also included in the packet, has a great number of conditions as a result of a series of violations.

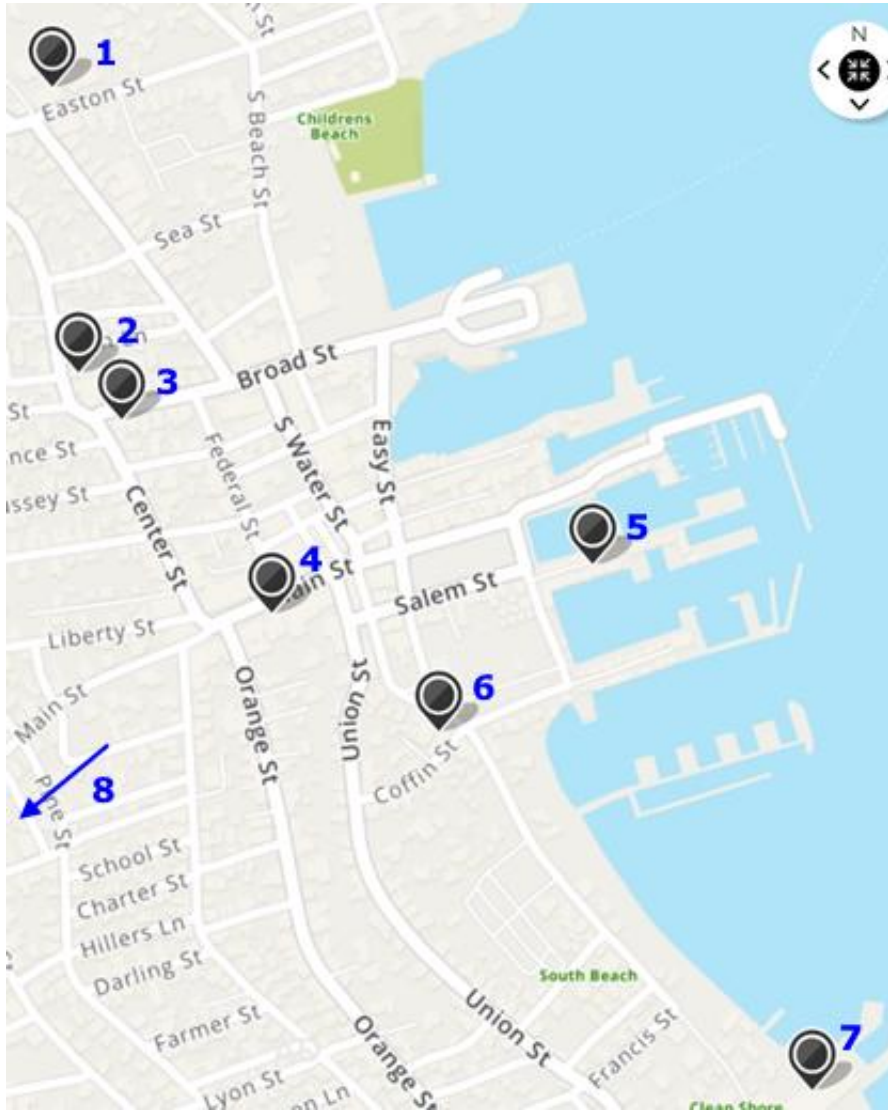
The proposal here is to model the individual licenses somewhat along the lines of Nantucket's entertainment licenses, customized for each venue. Several of these are included in the packet as well.

- (1) Obtaining a license:
  - A business would come before the board, seeking a license.
  - It would explain what hours and type of music they intend to play.
  - It would further detail noise containment measures they're currently or will be taking.
  - Based on the business's input and history, the board might suggest changes.
  - The board would approve the license, including terms and conditions discussed.
  
- (2) Individual Entertainment Licenses would specify *only as necessary*:
  - hours;
  - approved type of entertainment, potentially the kinds of instruments;
  - whether music can be live, recorded, amplified;
  - performance area, speaker number and placement;
  - decibel monitors, sound baffling, house systems, tenting and/or other containment measures;
  - (See Nantucket licenses for examples.)
  
- (3) Adaptive licenses and handling violations:

- When some number of violations occurs, the terms and conditions of the license would be revisited.
  - New conditions might be added or old ones tightened, depending on the violations.
  - These conditions could later be lessened or removed.
  - Probationary conditions might be added (e.g., speaker number and placement, or recorded vs. live music).
  - Reviewing and potentially altering license conditions would be a regular part of a violation hearing.
  - To a certain extent this is already done as in the case of the Claddagh and Harwich Inn and Tavern.
- (4) License conditions for different venues would be individualized:
    - Certain venues have more acoustic challenges, closer neighbors than others.
    - Certain venues play different kind of music than others.
    - Certain venues have a better track record than others.
    - Noise containment measures that might not be necessary for a first venue might be necessary for a second.
- (5) There are a number of potential advantages to this approach:
    - It would be tailored to individual license holders, which would be good for both businesses and neighbors.
    - It would be fairer to individual businesses, by not imposing general-purpose conditions when not needed.
    - It would add some amount of safeguards for neighbors.
    - It would be adaptive to changing conditions and changing compliance.
- (6) The committee might suggest some set of minimum, base conditions, e.g. decibel monitors, pointing speakers away from neighbors, making contact numbers available. It might also suggest more restrictive conditions for venues incurring violations, e.g.: tenting, house systems, automatic volume control devices, recorded music vs. live.
- (7) While some might argue that the Town shouldn't tell businesses how to conform to the regulations, others might say that that's exactly what the Town should do and to a certain extent already does.
    - If the Town wants to grant multiple outdoor entertainment licenses in close proximity to residents, then the Town would seem obliged to help the license holders conform to neighbors' needs.
    - Neighbors shouldn't be put in the position of constantly monitoring compliance, which only creates friction. Nor should businesses have to deal with constant complaints.
    - A minimum set of conditions—speed bumps—would likely help.

# Nantucket Outdoor Entertainment Licenses in 2018

## OVERVIEW



Venue	Notes & Conditions
<b>(1) Breeze Bar &amp; Cafe</b> (Nantucket Hotel & Resort) 77 Easton St.	<ul style="list-style-type: none"> <li>• Upscale, presumably low-key.</li> <li>• <b>NO AMPLIFIED OUTDOOR ENTERTAINMENT</b></li> <li>• License conditions appear to have been modified</li> </ul>
<b>(2) Nantucket Prime</b> (Jared Coffin House) 29 Broad St.	<ul style="list-style-type: none"> <li>• Upscale; presumably low-key.</li> <li>• Types of music allowed seems low key.</li> </ul>
<b>(3) Le Languedoc</b> 24 Broad St.	<ul style="list-style-type: none"> <li>• Upscale, presumably low-key.</li> <li>• <b>NO LIVE MUSIC.</b></li> </ul>
<b>(4) Met on Main</b> 38 Main St.	<ul style="list-style-type: none"> <li>• In-town, but with conditions on speaker number and placement.</li> <li>• <b>NO LIVE MUSIC OR TV OUTDOORS</b></li> <li>• License modified by BOS on 3-16-16, specifying <b>SELECT BOARD REVIEW</b></li> </ul>
<b>(5) Slip 14</b> 14 Old South Wharf	<ul style="list-style-type: none"> <li>• On the wharf/water.</li> <li>• <b>NON-AMPLIFIED MUSIC</b></li> <li>• Limited hours for live entertainment: 3pm-7pm</li> </ul>
<b>(6) Nantucket Lobster Trap</b> 23 Washington St.	<ul style="list-style-type: none"> <li>• <b>OUTDOOR AREA COVERED BY LARGE SEMI-PERMANENT TENTING (see photos)</b></li> <li>• No vocalists outdoors</li> <li>• Acoustic string instruments only</li> <li>• License appears to have been modified by BOS on 9-10-14</li> </ul>
<b>(7) Great Harbor Yacht Club</b> 96 Washington St.	<ul style="list-style-type: none"> <li>• Private yacht club on the water, a bit out of town. Presumably not raucous.</li> <li>• Sun to Thu 9pm outdoor cutoff.</li> <li>• Fri &amp; Sat 10pm outdoor cutoff.</li> </ul>
<b>(8) Cisco Brewers</b> 5 Bartlett Farm Rd. 3 miles out of town, not shown	<ul style="list-style-type: none"> <li>• Out of town in remote area</li> <li>• Acoustic music only, played through house system.</li> </ul>



**LICENSE DETAILS**

<b><u>Venue &amp; Summary</u></b>	<b><u>Approved Entertainment and License Conditions</u></b>
<p><b>(1) Breeze Bar &amp; Cafe</b> (Nantucket Hotel &amp; Resort) 77 Easton St.</p> <hr/> <ul style="list-style-type: none"> <li>• Upscale, presumably low-key</li> <li>• <i>NO AMPLIFIED OUTDOOR ENTERTAINMENT</i></li> <li>• License conditions appear to have been modified</li> </ul>	<p><b><u>Approved Entertainment INDOORS</u></b></p> <ul style="list-style-type: none"> <li>• INSTRUMENTAL/VOCAL MUSIC</li> <li>• DISC JOCKY/KARAOKE</li> <li>• DANCING (Ballroom)</li> <li>• RADIO/CD PLAYER</li> <li>• TELEVISION/WIDESCREEN</li> <li>• MOVIE THEATRE (1) SCREEN</li> <li>• EXHIBITION/TRADE SHOWS</li> <li>• STAGE PLAYS (1) STAGE</li> <li>• FLOOR SHOWS</li> <li>• ATHLETIC EVENTS</li> <li>• AMPLIFIERS (INDOORS ONLY)</li> </ul> <p><b><u>INDOORS: Conditions of License:</u></b></p> <ul style="list-style-type: none"> <li>• HOURS: 6:00 am to 1:00 am; 7 Days</li> <li>• All Indoor Entertainment must end by 1:00 am</li> <li>• Amplified Entertainment Permitted</li> </ul> <p><b><u>OUTDOORS: Conditions of License:</u></b></p> <ul style="list-style-type: none"> <li>• HOURS: 9:00 am to 8:00 pm; 7 Days</li> <li>• All Outdoor Entertainment must end by 8:00 pm.</li> <li>• Non-Amplified Live Music Permitted</li> <li>• <i>NO AMPLIFIED OUTDOOR ENTERTAINMENT</i></li> <li>• Conditions: According to the restrictions in Special Permit #12-05 and Modification #4 to same.</li> </ul>
<p><b>(2) Nantucket Prime</b> (Jared Coffin House) 29 Broad St.</p> <hr/> <ul style="list-style-type: none"> <li>• Upscale, presumably low-key — Types of music allowed also sounds low key.</li> </ul>	<p><b><u>Approved Entertainment:</u></b></p> <ul style="list-style-type: none"> <li>• INSTRUMENTAL MUSIC Jazz Duo or Trio, Piano, Acoustic Guitar, Wind, Sax</li> <li>• VOCAL MUSIC (1 Vocalist)</li> <li>• DANCING (10' x 10' Dance Floor)</li> <li>• RADIO; CD PLAYER; IPOD</li> <li>• TV (4) WIDESCREENS (27"+)</li> <li>• AMPLIFIED MUSIC THROUGH SPEAKERS</li> </ul> <p><b><u>Conditions of License:</u></b></p> <ul style="list-style-type: none"> <li>• HOURS (INDOORS): 11:00 am to 1:00 am; 7 Days</li> <li>• HOURS (PATIO): 11:00 am to 10:00 pm; 7 Days</li> <li>• All Indoor Entertainment must end by 1:00 am</li> <li>• All Patio Entertainment must end by 10:00 pm</li> </ul>

<b>Venue &amp; Summary</b>	<b>Approved Entertainment and License Conditions</b>
<p><b>(3) Le Languedoc</b> 24 Broad St.</p> <hr/> <ul style="list-style-type: none"> <li>• Upscale, presumably low-key.</li> <li>• <i>NO LIVE MUSIC.</i></li> </ul>	<p><b>Approved Entertainment:</b></p> <ul style="list-style-type: none"> <li>• RADIO; PANDORA SYSTEM, CD PLAYER; IPOD FOR BACKGROUND MUSIC INDOORS AND OUTDOORS</li> <li>• 27" FLATSCREEN TV BEHIND BAR IN LOWER DINING ROOM</li> <li>• 27" TV FOR EACH GUEST ROOM (4)</li> </ul> <p><b>Conditions of License:</b></p> <ul style="list-style-type: none"> <li>• HOURS: 10:00 am to 10:00 pm 7 Days</li> <li>• All Entertainment must end by 10:00 pm</li> <li>• LOCATION: Interior of the building AND outdoor patio.</li> </ul>
<p><b>(4) Met on Main</b> 38 Main St.</p> <hr/> <ul style="list-style-type: none"> <li>• In-town, but with conditions on speaker number and placement.</li> <li>• <i>NO LIVE MUSIC OR TV OUTDOORS</i></li> <li>• License appears to have been modified by BOS on 3-16-16 to note <i>SELECT BOARD REVIEW</i></li> </ul>	<p><b>Approved Entertainment INDOORS</b></p> <ul style="list-style-type: none"> <li>• INSTRUMENTAL MUSIC</li> </ul> <p>3-5 Instruments to include: Keyboard, Saxophone, String Instruments</p> <ul style="list-style-type: none"> <li>• RADIO; IPOD; CD</li> <li>• TELEVISION</li> </ul> <p><b>Approved Entertainment OUTDOORS</b></p> <ul style="list-style-type: none"> <li>• RADIO; IPOD; CD (Recorded Music)</li> <li>• NO LIVE MUSIC OR TV MONITORS</li> </ul> <p><b>Conditions of License INDOORS:</b></p> <ul style="list-style-type: none"> <li>• HOURS: 8:00 am to 12:00 am (Pre-Recorded Music)</li> <li>• HOURS: 8:00 am to 10:00 pm (Live Music)</li> <li>• NO AMPLIFICATION</li> <li>• Windows/Doors to patio must be kept closed after 9:30 pm</li> </ul> <p><b>Conditions of License OUTDOORS:</b></p> <ul style="list-style-type: none"> <li>• HOURS: 9:00 am to 9:30 pm</li> <li>• AMPLIFICATION: Maximum Two (2) Speakers</li> <li>• Speakers to be pointed toward restaurant at all times and away from neighboring properties.</li> <li>• Speakers to be on Automatic Timers for shut down at 9:30 pm.</li> </ul> <p><b>SELECT BOARD REVIEW</b></p> <p>The Select Board will review the above in the event any verified noise complaints are received and/or violations to license conditions are reported by the Business License Inspector (per BOS 3/16/16)</p>

<b>Venue &amp; Summary</b>	<b>Approved Entertainment and License Conditions</b>
<p><b>(5) Slip 14</b> 14 Old South Wharf</p> <hr/> <ul style="list-style-type: none"> <li>• On the wharf/water.</li> <li>• <i>NON-AMPLIFIED MUSIC</i></li> <li>• Limited hours for live entertainment: 3pm-7pm</li> </ul>	<p><b>Approved Entertainment:</b></p> <ul style="list-style-type: none"> <li>• RADIO; CD; IPOD</li> <li>• TELEVISION</li> <li>• NON-AMPLIFIED INSTRUMENTAL MUSIC</li> </ul> <p><b>Conditions of License:</b></p> <ul style="list-style-type: none"> <li>• HOURS/LIVE MUSIC: 3:00 pm-7:00 pm; 7 Days</li> <li>• All Live Entertainment must end by 7:00 pm</li> <li>• LOCATION: Live Entertainment on East Corner of Outdoor Patio.</li> </ul>
<p><b>(6) Nantucket Lobster Trap</b> 23 Washington St.</p> <hr/> <ul style="list-style-type: none"> <li>• <i>NOTE: Outdoor Area Is Completely Covered By Large Tenting Structure</i></li> <li>• No vocalists outdoors</li> <li>• Acoustic string instruments only</li> <li>• License appears to have been modified by BOS on 9-10-14</li> </ul>	<p><b>Approved Entertainment INDOORS</b></p> <ul style="list-style-type: none"> <li>• LIVE VOCAL MUSIC</li> <li>• LIVE INSTRUMENTAL MUSIC</li> <li>1-5 Acoustic String Instruments</li> <li>• RADIO; IPOD; CD</li> <li>• TELEVISIONS</li> </ul> <p><b>Approved Entertainment OUTDOORS</b></p> <ul style="list-style-type: none"> <li>• LIVE INSTRUMENTAL MUSIC</li> <li>1-5 Acoustic String Instruments</li> <li>• RADIO; IPOD; CD (Recorded Music)</li> </ul> <p><b>Conditions of License INDOORS:</b></p> <ul style="list-style-type: none"> <li>• LIVE MUSIC HOURS: 4:00 pm to 10:00 pm</li> <li>• Recorded Background Music Only allowed until Closing at 1:00 am</li> <li>• Acoustic Music may be plugged into small amplifiers and stereo speakers on a limited basis (BOS 9-10-14)</li> </ul> <p><b>Conditions of License OUTDOORS:</b></p> <ul style="list-style-type: none"> <li>• HOURS: 4:00 pm to 10:00 pm</li> <li>• ALL MUSIC ENTERTAINMENT ON PATIO MUST END AT 10:00 pm</li> </ul>

<b>Venue &amp; Summary</b>	<b>Approved Entertainment and License Conditions</b>
<p><b>(7) Great Harbor Yacht Club</b> 96 Washington St.</p> <hr/> <ul style="list-style-type: none"> <li>• Private yacht club on the water, a bit out of town. Presumably not raucous.</li> <li>• Sun to Thu 9pm outdoor cutoff.</li> <li>• Fri &amp; Sat 10pm outdoor cutoff.</li> </ul>	<p><b>Approved Entertainment</b></p> <ul style="list-style-type: none"> <li>• INSTRUMENTAL MUSIC</li> <li>• VOCAL MUSIC</li> <li>• DANCING</li> <li>• TELEVISION (WIDE SCREEN)</li> <li>• RADIO</li> <li>• AMPLIFIERS</li> </ul> <p><b>Conditions of License INDOORS:</b></p> <ul style="list-style-type: none"> <li>• HOURS (Mon. – Sat.): 11:00 am to 12:00 am</li> <li>• HOURS (Sunday): 9:00 am to 12:00 am</li> <li>• Inside Clubhouse and Sailing Center</li> </ul> <p><b>Conditions of License OUTDOORS:</b></p> <ul style="list-style-type: none"> <li>• HOURS (Sun. – Thurs.): 11:00 am to 9:00 pm</li> <li>• HOURS (Fri. – Sat.): 11:00 am to 10:00 pm</li> <li>• Outdoor Area to include Lawn Area for Clubhouse and Sailing Center</li> </ul>
<p><b>(8) Cisco Brewers</b> 5 Bartlett Farm Rd. 3 miles out of town, not shown</p> <hr/> <ul style="list-style-type: none"> <li>• Out of town in remote area</li> <li>• Acoustic music only, played through house system.</li> </ul>	<p><b>Approved Entertainment:</b></p> <ul style="list-style-type: none"> <li>• INSTRUMENTAL MUSIC (4-7 Instruments) Guitar; Drums; Bass; Mandolin; Violin; Brass</li> <li>• VOCALISTS (1-3)</li> <li>• DISC JOCKEY</li> </ul> <p><b>Conditions of License:</b></p> <ul style="list-style-type: none"> <li>• HOURS: 2:00 pm to 7:00 pm 7 Days</li> <li>• All Entertainment must end by 7:00 pm</li> <li>• ACOUSTIC MUSIC ONLY to be played through house system.</li> <li>• Entertainment only within designated perimeters of Courtyard</li> </ul>

**ORIGINAL LICENSES**

**(1) Breeze Bar & Cafe**

LICENSE FEE: \$100.00

THE LICENSING BOARD for the  
TOWN OF NANTUCKET, MASSACHUSETTS  
HEREBY GRANTS AN  
**ENTERTAINMENT LICENSE**

▶ SEVEN DAYS ◀

**BUSINESS:** The Restaurant at Easton Street, LLC  
**DBA:** Breeze Bar & Cafe  
**PREMISES:** 77 Easton Street  
Nantucket, MA 02554  
**MANAGER:** James H. Holmes

**LICENSED PREMISES DESCRIBED AS:**  
Hotel consisting of ground level space and 4 stories. 1<sup>st</sup> floor including lobby/cafe/lounge/bar, pool area and pool deck; and covered. Main entrance on Easton Street. Multiple egresses.

**SEATING CAPACITY:**  
**ALL DECKS COMBINED:** 234  
**1<sup>st</sup> FLOOR BALLROOM:** 300  
**4<sup>th</sup> FLOOR BAR & DECK:** 50

**Approved Entertainment:**

- INSTRUMENTAL/VOCAL MUSIC
- DISC JOCKEY/KARAOKE
- DANCING (Ballroom)
- RADIO/CD PLAYER
- TELEVISION/WIDESCREEN
- MOVIE THEATRE (1) SCREEN
- EXHIBITIONS/TRADE SHOWS
- STAGE PLAYS (1) STAGE
- FLOOR SHOWS
- ATHLETIC EVENTS
- AMPLIFIERS (INDOORS ONLY)

This license is granted and accepted upon the express condition that the licensee shall, in all respects, conform to all the provisions of Section 183A, Chapter 140 of the Massachusetts General Laws, and any rules or regulations made thereunder by the licensing authorities.

**INDOORS: Conditions of License:**

- **HOURS: 6:00 am to 1:00 am;** 7 Days
- All Indoor Entertainment must end by 1:00 am.
- Amplified Entertainment Permitted

**OUTDOORS: Conditions of License:**

- **HOURS: 9:00 am to 8:00 pm;** 7 Days
- All Outdoor Entertainment must end by 8:00 pm.
- Non-Amplified Live Music Permitted
- **NO AMPLIFIED OUTDOOR ENTERTAINMENT**
- Conditions: According to the restrictions in Special Permit #12-05 and Modification #4 to same.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed his official signature on this 20th day of December 2017.



Dawn Hill Holdgate  
Chairman, Board of Selectmen

**THIS LICENSE WILL EXPIRE DECEMBER 31, 2018**

*\*Unless earlier suspended, cancelled, or revoked*

This License Shall Be Displayed On the Premises in a Conspicuous Place Where it May Be Easily Seen.

**(2) Nantucket Prime**

LICENSE FEE: \$100.00

THE LICENSING BOARD for the  
TOWN OF NANTUCKET, MASSACHUSETTS  
HEREBY GRANTS AN  
**ENTERTAINMENT LICENSE**

▶ SEVEN DAYS ◀

**BUSINESS:** Nantucket Prime, LLC  
**DBA:** NANTUCKET PRIME  
**PREMISES:** 29 Broad Street  
Nantucket, MA 02554  
**MANAGER:** Matthew Sullivan

**LICENSED PREMISES DESCRIBED AS:**  
Dining Room, Bar Area and Outdoor Patios, including Outdoor Bar.

**Maximum Occupancy:** 112

**Approved Entertainment:**

- INSTRUMENTAL MUSIC  
Jazz Duo or Trio, Piano, Acoustic Guitar,  
Wind, Sax
- VOCAL MUSIC (1 Vocalist)
- DANCING (10' x 10' Dance Floor)
- RADIO; CD PLAYER; IPOD
- TV (4) WIDESCREENS (27"+)
- AMPLIFIED MUSIC THROUGH SPEAKERS

**Conditions of License:**

- **HOURS (INDOORS): 11:00 am-1:00 am;** 7 Days
- **HOURS (PATIO): 11:00 am-10:00 pm;** 7 Days
- All Indoor Entertainment must end by 1:00 am.
- All Patio Entertainment must end by 10:00 pm.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed his official signature on this 20th day of December 2017.

This license is granted and accepted upon the express condition that the licensee shall, in all respects, conform to all the provisions of Section 183A, Chapter 140 of the Massachusetts General Laws, and any rules or regulations made thereunder by the licensing authorities.



Dawn Hill Holdgate  
Chair, Select Board

**THIS LICENSE EXPIRES DECEMBER 31, 2018**

*\*Unless earlier suspended, cancelled, or revoked*

This License Shall Be Displayed On the Premises in a Conspicuous Place Where it May Be Easily Seen.

**(3) Le Languedoc**

LICENSE FEE: \$100.00

THE LICENSING BOARD for the  
TOWN OF NANTUCKET, MASSACHUSETTS  
HEREBY GRANTS AN  
**ENTERTAINMENT LICENSE**

▶ **SEVEN DAYS** ◀

**BUSINESS:** Twenty Four Broad Street Inc.  
**DBA:** LE LANGUEDOC  
**PREMISES:** 24 Broad Street  
Nantucket, MA 02554  
**MANAGER:** Neil Grennan

**LICENSED PREMISES DESCRIBED AS:**  
First Floor Living Room, Library, Lobby Areas,  
Lounge.

**OCCUPANCY:**  
**FIRST FLOOR:** 78  
**PATIO:** 40  
**BASEMENT:** 20

Approved Entertainment:

- RADIO; PANDORA SYSTEM, CD PLAYER; IPOD FOR BACKGROUND MUSIC INDOORS AND OUTDOORS
- 27" FLATSCREEN TV BEHIND BAR IN LOWER DINING ROOM
- 27" TV FOR EACH GUEST ROOM (4)

Conditions of License:

- **HOURS: 10:00 am to 10:00 pm; 7 Days**
- All Entertainment must end by 10:00 pm.
- **LOCATION:** Interior of the building AND outdoor patio.

This license is granted and accepted upon the express condition that the licensee shall, in all respects, conform to all the provisions of Section 183A, Chapter 140 of the Massachusetts General Laws, and any rules or regulations made thereunder by the licensing authorities.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed his official signature on this 20th day of December 2017.

Dawn Hill Holdgate  
Chair, Select Board

**THIS LICENSE EXPIRES DECEMBER 31, 2018**

*\*Unless earlier suspended, cancelled, or revoked*

This License Shall Be Displayed On the Premises in a Conspicuous Place Where it May Be Easily Seen.

**(4) Met on Main**

LICENSE FEE: \$100.00

THE LICENSING BOARD for the  
TOWN OF NANTUCKET, MASSACHUSETTS  
HEREBY GRANTS AN  
**ENTERTAINMENT LICENSE**

▶ **SEVEN DAYS** ◀

**BUSINESS:** The Metropolitan Club, Inc.  
**DBA:** MET ON MAIN  
**PREMISES:** 38 Main Street  
Nantucket, MA 02554  
**MANAGER:** Carl Goldberg

**LICENSED PREMISES DESCRIBED AS:**  
Restaurant with table and bar seating, outdoor patio and to-go food. Entrance/exit on Main Street. Two exits in back, one to alley; one to patio. Patio has one exit to alley.

**Interior Restaurant Occupancy:** 49  
**Patio Occupancy:** 41  
**Employees:** 10

Approved Entertainment INDOORS:

- **INSTRUMENTAL MUSIC**  
3-5 Instruments to include: Keyboard, Saxophone, String Instruments
- RADIO; IPOD; CD
- TELEVISION

Conditions of License INDOORS:

- **HOURS: 8:00 am to 12:00 am** (Pre-Recorded Music)
- **HOURS 8:00 am to 10:00 pm** (Live Music)
- **NO AMPLIFICATION**
- Windows/Doors to patio must be kept closed after 9:30 pm.

Approved Entertainment OUTDOORS:

- RADIO; IPOD; CD
- **NO LIVE MUSIC OR TV MONITORS**

Conditions of License OUTDOORS:

- **HOURS: 9:00 am to 9:30 pm**
- **AMPLIFICATION:** Maximum Two (2) Speakers
- Speakers to be pointed toward restaurant at all times and away from neighboring properties.
- Speakers to be on Automatic Timers for shut down at 9:30 pm.

SELECT BOARD REVIEW:

- The Select Board will review the above in the event any verified noise complaints are received and/or violations to license conditions are reported by the Business License Inspector (per BOS 3/16/16)

This license is granted and accepted upon the express condition that the licensee shall, in all respects, conform to all the provisions of Section 183A, Chapter 140 of the Massachusetts General Laws, and any rules or regulations made thereunder by the licensing authorities.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed his official signature on this 20th day of December 2017.

Dawn Hill Holdgate  
Chair, Select Board

**THIS LICENSE WILL EXPIRE DECEMBER 31, 2018**

*\*Unless earlier suspended, cancelled, or revoked*

This License Shall Be Displayed On the Premises in a Conspicuous Place Where it May Be Easily Seen.

**(5) Slip 14**

LICENSE FEE: \$100.00

THE LICENSING BOARD for the  
TOWN OF NANTUCKET, MASSACHUSETTS  
HEREBY GRANTS AN  
**ENTERTAINMENT LICENSE**

▶ **SEVEN DAYS** ◀

**BUSINESS:** Fish In The Spread, LLC  
**DBA:** SLIP 14  
**PREMISES:** 14 Old South Wharf  
Nantucket, MA 02554  
**MANAGER:** Jonas M. Baker

**LICENSED PREMISES DESCRIBED AS:**  
Bistro Style Restaurant with indoor seating and patio seating under an awning. There are 3 entrances also acting as exits on the first floor. Second floor storage as well as prep kitchen, three restrooms.

**Maximum Occupancy:** 135

Approved Entertainment:

- RADIO; CD; IPOD
- TELEVISION
- NON-AMPLIFIED INSTRUMENTAL MUSIC

Conditions of License:

- HOURS/LIVE MUSIC: 3:00 pm-7:00 pm;  
7 Days
- All Live Entertainment must end by 7:00 pm.
- LOCATION: Live Entertainment on East Corner of Outdoor Patio.

This license is granted and accepted upon the express condition that the licensee shall, in all respects, conform to all the provisions of Section 183A, Chapter 140 of the Massachusetts General Laws, and any rules or regulations made thereunder by the licensing authorities.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed his official signature on this 20th day of December 2017.

Dawn Hill Holdgate  
Chair, Select Board

**THIS LICENSE EXPIRES DECEMBER 31, 2018**

*\*Unless earlier suspended, cancelled, or revoked*

This License Shall Be Displayed On the Premises in a Conspicuous Place Where it May Be Easily Seen.

**(6) Nantucket Lobster Trap**

LICENSE FEE: \$100.00

THE LICENSING BOARD for the  
TOWN OF NANTUCKET, MASSACHUSETTS  
HEREBY GRANTS AN  
**ENTERTAINMENT LICENSE**

▶ **SEVEN DAYS** ◀

**BUSINESS:** Larry B. Whelden  
**DBA:** NANTUCKET LOBSTER  
TRAP  
**PREMISES:** 23 Washington Street  
Nantucket, MA 02554  
**MANAGER:** Larry B Whelden

**LICENSED PREMISES DESCRIBED AS:**  
One Room Inside, Patio Outside.

**Maximum Occupancy:** 91

Approved Entertainment INDOORS:

- LIVE VOCAL MUSIC
- LIVE INSTRUMENTAL MUSIC  
1-5 Acoustic String Instruments
- RADIO; IPOD; CD
- TELEVISION

Conditions of License INDOORS:

- LIVE MUSIC HOURS: 4:00 pm to 10:00 pm
- Recorded Background Music Only allowed until Closing at 1:00 am.
- Acoustic Music may be plugged into small amplifiers and stereo speakers on a limited basis. (BOS 9-10-14)

Approved Entertainment OUTDOORS:

- LIVE INSTRUMENTAL MUSIC  
1-5 Acoustic String Instruments
- RADIO; IPOD; CD (Recorded Music)

Conditions of License OUTDOORS:

- HOURS: 4:00 pm to 10:00 pm
- ALL MUSIC; ENTERTAINMENT ON PATIO  
MUST END AT 10:00 PM

This license is granted and accepted upon the express condition that the licensee shall, in all respects, conform to all the provisions of Section 183A, Chapter 140 of the Massachusetts General Laws, and any rules or regulations made thereunder by the licensing authorities.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed his official signature on this 20th day of December 2017.

Dawn Hill Holdgate  
Chair, Select Board

**THIS LICENSE WILL EXPIRE DECEMBER 31, 2018**

*\*Unless earlier suspended, cancelled, or revoked*

This License Shall Be Displayed On the Premises in a Conspicuous Place Where it May Be Easily Seen.

**(7) Great Harbor Yacht Club**

LICENSE FEE: \$100.00

THE LICENSING BOARD for the  
TOWN OF NANTUCKET, MASSACHUSETTS  
HEREBY GRANTS AN  
**ENTERTAINMENT LICENSE**

▶ **SEVEN DAYS** ◀

**BUSINESS:** Great Harbor Yacht Club, Inc.  
**DBA:** Great Harbor Yacht Club  
**PREMISES:** 96 Washington Street  
Nantucket, MA 02554  
**MANAGER:** Stephen Creese

**LICENSED PREMISES DESCRIBED AS:**  
Great Harbor Yacht Club's Sailing Center which includes Snack Bar, Meeting Room, Lawn Area in Front of Sailing Center and Clubhouse including 2 Restaurants, Ball Room, First and Second Floor Decks, 2 Lounges and Lawn Area in Front of Clubhouse.

**Conditions of License INDOORS:**

- **HOURS (Mon. – Sat.): 11:00 am to 12:00 am**
- **HOURS (Sunday): 9:00 am to 12:00 am**
- Inside Clubhouse and Sailing Center

**Conditions of License OUTDOORS:**

- **HOURS (Sun. – Thurs.): 11:00 am to 9:00 pm**
- **HOURS (Fri. – Sat.): 11:00 am to 10:00 pm**
- Outdoor Area to include Lawn Area for Clubhouse and Sailing Center

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed his official signature on this 20th day of December 2017.

Dawn Hill Holdgate  
Chairman, Board of Selectmen

**THIS LICENSE WILL EXPIRE DECEMBER 31, 2018**

*\*Unless earlier suspended, cancelled, or revoked*

This License Shall Be Displayed On the Premises in a Conspicuous Place Where it May Be Easily Seen.

**(8) Cisco Brewers**

LICENSE FEE: \$100.00

THE LICENSING BOARD for the  
TOWN OF NANTUCKET, MASSACHUSETTS  
HEREBY GRANTS AN  
**ENTERTAINMENT LICENSE**

▶ **SEVEN DAYS** ◀

**BUSINESS:** Cisco Brewers, Inc.  
**DBA:** Cisco Brewers  
**PREMISES:** 5 Bartlett Farm Road  
Nantucket, MA 02554  
**MANAGER:** Randolph Hudson

**LICENSED PREMISES DESCRIBED AS:**  
Garden Area starting at Northeast corner of Brewery Retail, heading North for 5 feet and turning West along Garden for 60 feet, turning South for 100 feet to edge of Patio, turning East to Southwest corner of Brewery wall, turning North along Brewery wall to beginning at Northeast corner of Retail.

**Approved Entertainment:**

- **INSTRUMENTAL MUSIC** (4-7 Instruments)  
Guitar; Drums; Bass; Mandolin; Violin; Brass
- **VOCALISTS (1-3)**
- **DISC JOCKEY**

This license is granted and accepted upon the express condition that the licensee shall, in all respects, conform to all the provisions of Section 183A, Chapter 140 of the Massachusetts General Laws, and any rules or regulations made thereunder by the licensing authorities.

**Conditions of License:**

- **HOURS: 2:00 pm to 7:00 pm; 7 Days**
- All Entertainment must end by 7:00 pm.
- **ACOUSTIC MUSIC ONLY** to be played through house system.
- Entertainment only within designated perimeters of Courtyard.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed his official signature on this 20th day of December 2017.

Dawn Hill Holdgate  
Chairman, Board of Selectmen

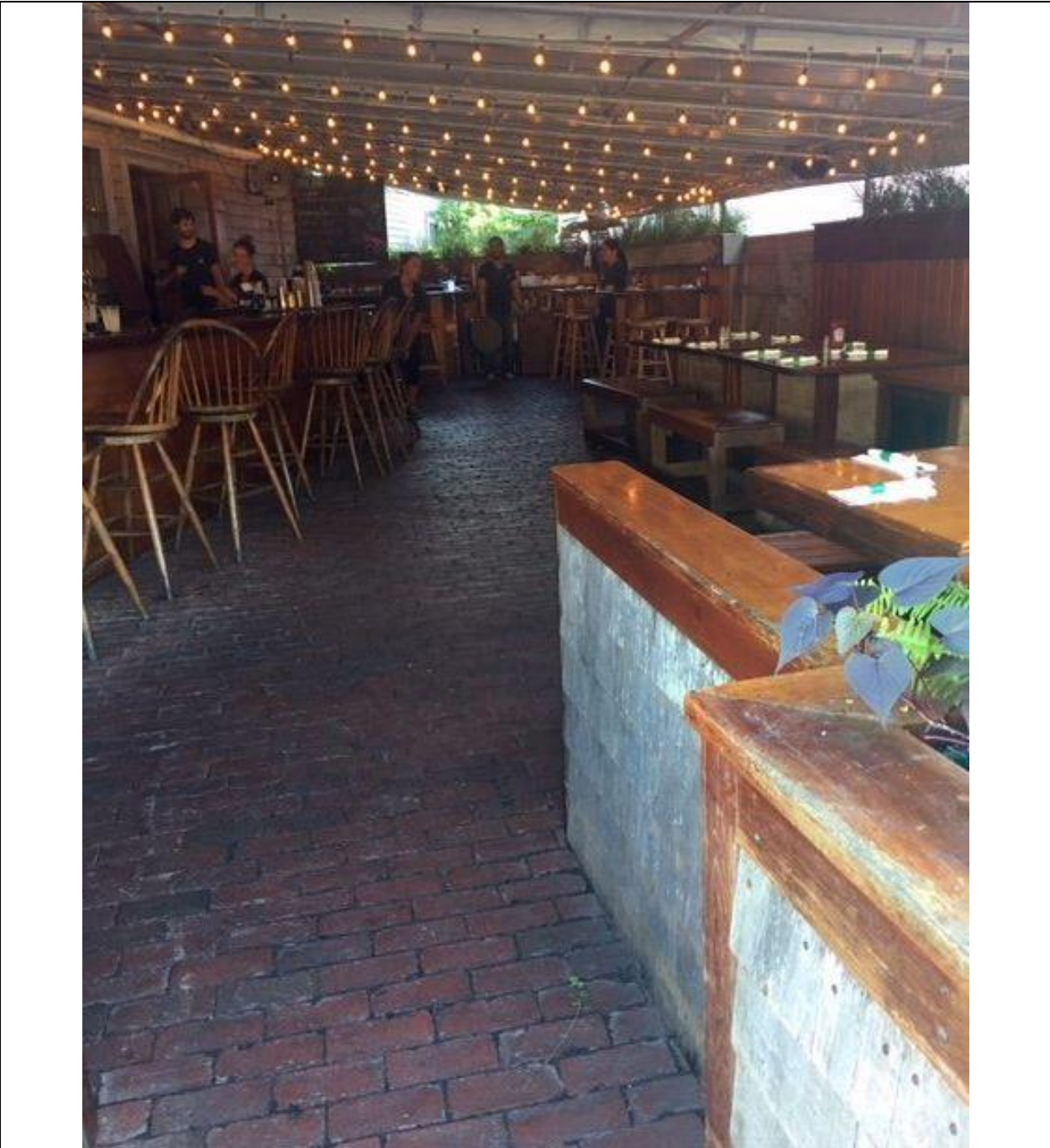
**THIS LICENSE WILL EXPIRE DECEMBER 31, 2018**

*\*Unless earlier suspended, cancelled, or revoked*

This License Shall Be Displayed On the Premises in a Conspicuous Place Where it May Be Easily Seen.



**Photos of Nantucket Lobster Trap**





NUMBER  
19-09

THE COMMONWEALTH OF MASSACHUSETTS  
TOWN OF HARWICH

FEE  
\$75.00

**LICENSE FOR INNOLDERS, COMMON VICTUALLERS  
AND OTHER KEEPERS OF RESTAURANTS AND OTHER ESTABLISHMENTS**

In accordance with the provisions of Chapter 140 of the General laws as amended by Chapter 299 of the Acts of 1926, and amendments thereto, LICENSE is hereby granted to:

**Harwich Inn & Tavern LLC d/b/a Harwich Inn**

to conduct the amusements as herein described in connection with his regular business of innholder, common victualler, or owner, manager or controller of a café, restaurant or other eating or drinking establishment, on the premises owned by Same

of West Harwich located at 77 Route 28, West Harwich

Description of Premises: Same

Description of amusements to be conducted: Recorded or live music with use of amplification.

Dancing by patrons.

To be conducted on week days between the hours of: 12:00 PM - 12:00 AM inside windows & doors closed

Mondays to Saturdays;

Outdoor -- Thursday, Friday, Saturdays from 4:00 PM to 8:00 PM

This LICENSE is granted as subject to the provisions of the General Laws, chapter one hundred and forty, sections twenty-two to thirty-two inclusive, and of chapter two hundred and seventy-two, sections twenty-five to twenty-seven inclusive, and amendments thereto, and shall not be valid for a location other than as herein described.

Date:

January 13, 2020

License granted by:



**EXPIRES DECEMBER 31, 2020**



**THIS LICENSE MUST BE POSTED IN A CONSPICUOUS PLACE**

Inside Entertainment - Noise from entertainment may not create a nuisance or be heard outside the boundaries of the premises.

Outside Entertainment – Noise from entertainment must be at reasonable sound levels which are not plainly audible at a distance of 150 feet from boundary line or source of sound amplification system whichever is further.

*Suggested Minimum Regulations which will be required by the Licensing Authorities before approval of Licenses issued in accordance with the provisions of Chapter 299, Acts of 1926 and amendments thereto.*

1. This license is granted and approved subject to compliance with the laws of this Commonwealth relative to the exposing, sale and keeping of liquor or other intoxicating beverages and with compliance with the following conditions: —
2. The premises shall be open at all times to inspection by any police officer or constable of the town, or by any State Police Officer.
3. No person or persons under the influence of intoxicating liquor or other intoxicating beverage, or having the appearance thereof, shall be granted admittance to or be permitted to remain in or upon any of the premises described in this license.
4. No dialogue, gesture, song, language or conversation of any description which is directly or indirectly obscene, lascivious or suggestive, shall be permitted to be used by any person or persons while in or upon the premises.
5. Muscle or suggestive dancing or any description or form is prohibited.
6. Gaming of any description, games at which a prize is offered, any game where money is exposed as a prize or inducement, wheels of change and jingle boards are prohibited.
7. Private dining rooms, booths or enclosures for the accommodation of less than four persons shall not be permitted and not less than four persons shall be allowed or permitted to occupy any such room or enclosure.
8. Rooms used for dining rooms and for dancing shall be so lighted as to render it possible to distinguish any person by every other person therein at all times.
9. The license will be suspended for non-compliance with any of the laws of this Commonwealth relating to this particular establishment, and may, after a hearing, be revoked.
10. Non-compliance with the provisions of any of the above regulations will be sufficient cause for suspension, and after hearing the license may be revoked.

By authority of and in compliance with the provisions of Chapter 299, Acts of 1926, and amendments thereto, the above minimum rules and regulations are hereby prescribed and approved.

Board of Selectmen

THE COMMONWEALTH OF MASSACHUSETTS

OF \_\_\_\_\_

LICENSE



For PUBLIC ENTERTAINMENT ON SUNDAY

The Name of the Establishment is Harwich Inn and Tavern

in or on the property at No. \_\_\_\_\_

(address)

The Licensee or Authorized representative, James Tsoukalas

in \_\_\_\_\_

accordance with chapter 136 of the General Laws, as amended, hereby request a license for the following program or entertainment:

DATE	TIME	Proposed dancing or game, sport, fair, exposition, play, entertainment or public diversion
SUNDAYS	1PM-12AM	MOBILE AND SOUNGNY WITH AMPLIFICATION - INSIDE

Hon. [Signature] Mayor/ Chairman of Board of Selectman, \_\_\_\_\_

(City or Town)

Fees per occurrence (Individual Sunday(s)): Regular Hours (Sunday 1:00pm - Midnight): \$2.00 Special Hours (Sunday 12:00 am- Midnight): \$5.00. Annual Fee (For Operating on every Sunday in calendar year): Regular Hours (Sunday 1:00pm - Midnight): \$50.00 Special Hours (Sunday 12:00 am- Midnight): \$100.00

This license is granted and accepted, upon the understanding that such entertainment that the licensee shall comply with the laws of the Commonwealth applicable to licensed entertainments, and also to the following terms and conditions: The licensee shall at all times allow any person designated in writing by the Mayor, Board of Selectmen, or Commissioner of Public Safety, to enter and inspect his place of amusement and view the exhibitions and performances therein; shall permit regular police officers, detailed by the Commissioner of Public Safety or Chief of the local Police Department to enter and be about this place of amusement during performances therein; may employ to preserve order in his place of amusement only regular or special police officers designated therefore by the Chief of Police, and shall pay to said Chief of Police for the services of the regular police officers such amount as shall be fixed by him; shall permit at all times to enter and be about his place of amusement such members of the Fire Department as shall be detailed by the Chief of the Fire Department to guard against fire; shall keep in good condition, go as to be easily accessible, such standpipes, hose, axes, chemical extinguishers and other apparatus as the fire department may require; shall allow such members of the fire department in case of any fire in such place, to exercise exclusive control and direction of his employees and of the means and apparatus provided for extinguishing fire therein; shall permit no obstruction of any nature in any aisle, passageway or stairway of the licensed premises, nor allow any person therein to remain in any aisle passageway or stairway during an entertainment and shall conform to any other rules and regulations at any time made by the Mayor or Board of Selectmen. This license shall be kept on the premises where the entertainment is to be held, and shall be surrendered to any regular police officer or authorized representative of the Department of Public Safety. This license is issued under the provisions of Chapter 136 of the General Laws, as amended, and is subject to revocation at any time by the Mayor, Board of Selectmen, or Commissioner of Public Safety.

This application and program must be signed by the licensee or authorized representative of entertainment to be held. No Change to be made in the program without permission of the authorities granting and approving the license.

Do not write in this box

THIS LICENSE MUST BE POSTED IN A CONSPICUOUS PLACE ON THE PREMISES

NUMBER  
19-04S

THE COMMONWEALTH OF MASSACHUSETTS  
TOWN OF HARWICH

FEE  
\$75.00

**LICENSE FOR INNHOLDERS, COMMON VICTUALLERS  
AND OTHER KEEPERS OF RESTAURANTS AND OTHER ESTABLISHMENTS**

In accordance with the provisions of Chapter 140 of the General laws as amended by Chapter 299 of the Acts of 1926, and amendments thereto, LICENSE is hereby granted to:  
Phoenix Park, Inc. d/b/a Cape Cod Irish Pub

to conduct the amusements as herein described in connection with his regular business of innholder, common victualler, or owner, manager or controller of a café, restaurant or other eating or drinking establishment, on the premises owned by Same

of West Harwich located at 126 Route 28  
Description of Premises: Same

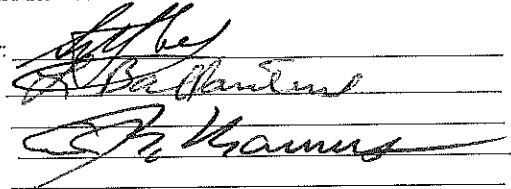
Description of amusements to be conducted: Live or recorded music with use of amplification,

To be conducted on week days between the hours of: 3:00 p.m. – 8:00 p.m outside  
Wednesday to Saturdays

This LICENSE is granted as subject to the provisions of the General Laws, chapter one hundred and forty, sections twenty-two to thirty-two inclusive, and of chapter two hundred and seventy-two, sections twenty-five to twenty-seven inclusive, and amendments thereto, and shall not be valid for a location other than as herein described.

Date: July 21, 2020

License granted by:



THIS LICENSE MUST BE POSTED IN A CONSPICUOUS PLACE

Inside Entertainment - Noise from entertainment may not create a nuisance or be heard outside the boundaries of the premises.

*Suggested Minimum Regulations which will be required by the Licensing Authorities before approval of Licenses issued in accordance with the provisions of Chapter 299, Acts of 1926 and amendments thereto.*

1. This license is granted and approved subject to compliance with the laws of this Commonwealth relative to the exposing, sale and keeping of liquor or other intoxicating beverages and with compliance with the following conditions: —
2. The premises shall be open at all times to inspection by any police officer or constable of the town, or by any State Police Officer.
3. No person or persons under the influence of intoxicating liquor or other intoxicating beverage, or having the appearance thereof, shall be granted admittance to or be permitted to remain in or upon any of the premises described in this license.
4. No dialogue, gesture, song, language or conversation of any description which is directly or indirectly obscene, lascivious or suggestive, shall be permitted to be used by any person or persons while in or upon the premises.
5. Muscle or suggestive dancing or any description or form is prohibited.
6. Gaming of any description, games at which a prize is offered, any game where money is exposed as a prize or inducement, wheels of change and jingle boards are prohibited.
7. Private dining rooms, booths or enclosures for the accommodation of less than four persons shall not be permitted and not less than four persons shall be allowed or permitted to occupy any such room or enclosure.
8. Rooms used for dining rooms and for dancing shall be so lighted as to render it possible to distinguish any person by every other person therein at all times.
9. The license will be suspended for non-compliance with any of the laws of this Commonwealth relating to this particular establishment, and may, after a hearing, be revoked.
10. Non-compliance with the provisions of any of the above regulations will be sufficient cause for suspension, and after hearing the license may be revoked.

By authority of and in compliance with the provisions of Chapter 299, Acts of 1926, and amendments thereto, the above minimum rules and regulations are hereby prescribed and approved.

Board of Selectmen

NUMBER  
19-04S

THE COMMONWEALTH OF MASSACHUSETTS  
TOWN OF HARWICH

FEE  
\$75.00

**LICENSE FOR INNHOLDERS, COMMON VICTUALLERS  
AND OTHER KEEPERS OF RESTAURANTS AND OTHER ESTABLISHMENTS**

In accordance with the provisions of Chapter 140 of the General laws as amended by Chapter 299 of the Acts of 1926, and amendments thereto, LICENSE is hereby granted to:

Phoenix Park, Inc. d/b/a Cape Cod Irish Pub

to conduct the amusements as herein described in connection with his regular business of innholder, common victualler, or owner, manager or controller of a café, restaurant or other eating or drinking establishment, on the premises owned by Same

of West Harwich located at 126 Route 28  
Description of Premises: Same

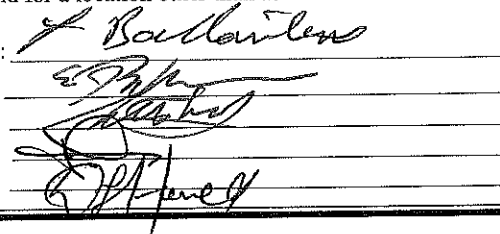
Description of amusements to be conducted: Live or recorded music with use of amplification,  
dancing by patrons.

To be conducted on week days between the hours of: 7:00 p.m. – 1:00 a.m.  
Mondays to Saturdays

This LICENSE is granted as subject to the provisions of the General Laws, chapter one hundred and forty, sections twenty-two to thirty-two inclusive, and of chapter two hundred and seventy-two, sections twenty-five to twenty-seven inclusive, and amendments thereto, and shall not be valid for a location other than as herein described.

Date: June 15, 2020

License granted by:



**EXPIRES DECEMBER 31, 2020**

THIS LICENSE MUST BE POSTED IN A CONSPICUOUS PLACE

Inside Entertainment - Noise from entertainment may not create a nuisance or be heard outside the boundaries of the premises.

*Suggested Minimum Regulations which will be required by the Licensing Authorities before approval of Licenses issued in accordance with the provisions of Chapter 299, Acts of 1926 and amendments thereto.*

1. This license is granted and approved subject to compliance with the laws of this Commonwealth relative to the exposing, sale and keeping of liquor or other intoxicating beverages and with compliance with the following conditions: —
2. The premises shall be open at all times to inspection by any police officer or constable of the town, or by any State Police Officer.
3. No person or persons under the influence of intoxicating liquor or other intoxicating beverage, or having the appearance thereof, shall be granted admittance to or be permitted to remain in or upon any of the premises described in this license.
4. No dialogue, gesture, song, language or conversation of any description which is directly or indirectly obscene, lascivious or suggestive, shall be permitted to be used by any person or persons while in or upon the premises.
5. Muscle or suggestive dancing or any description or form is prohibited.
6. Gaming of any description, games at which a prize is offered, any game where money is exposed as a prize or inducement, wheels of change and jingle boards are prohibited.
7. Private dining rooms, booths or enclosures for the accommodation of less than four persons shall not be permitted and not less than four persons shall be allowed or permitted to occupy any such room or enclosure.
8. Rooms used for dining rooms and for dancing shall be so lighted as to render it possible to distinguish any person by every other person therein at all times.
9. The license will be suspended for non-compliance with any of the laws of this Commonwealth relating to this particular establishment, and may, after a hearing, be revoked.
10. Non-compliance with the provisions of any of the above regulations will be sufficient cause for suspension, and after hearing the license may be revoked.

By authority of and in compliance with the provisions of Chapter 299, Acts of 1926, and amendments thereto, the above minimum rules and regulations are hereby prescribed and approved.

Board of Selectmen

NUMBER  
19-05

THE COMMONWEALTH OF MASSACHUSETTS  
TOWN OF HARWICH

FEE  
\$75.00

**LICENSE FOR INNOLDERS, COMMON VICTUALLERS  
AND OTHER KEEPERS OF RESTAURANTS AND OTHER ESTABLISHMENTS**

In accordance with the provisions of Chapter 140 of the General laws as amended by Chapter 299 of the Acts of 1926, and amendments thereto, LICENSE is hereby granted to:

Ashwood Food Service, Inc. d/b/a Jake Rooney's

to conduct the amusements as herein described in connection with his regular business of innholder, common victualler, or owner, manager or controller of a café, restaurant or other eating or drinking establishment, on the premises owned by Same

of Harwich Port located at 119 Brooks Road

Description of Premises: Same

Description of amusements to be conducted: Recorded or live music.

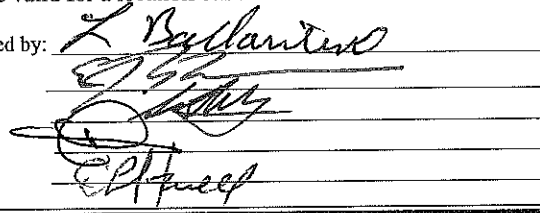
To be conducted on week days between the hours of: 4:00 PM – 10:00 PM Outside & 12 PM – 12 AM Inside

Mondays to Saturdays

This LICENSE is granted as subject to the provisions of the General Laws, chapter one hundred and forty, sections twenty-two to thirty-two inclusive, and of chapter two hundred and seventy-two, sections twenty-five to twenty-seven inclusive, and amendments thereto, and shall not be valid for a location other than as herein described.

Date:

License granted by:



**EXPIRES DECEMBER 31, 2020**

THIS LICENSE MUST BE POSTED IN A CONSPICUOUS PLACE

Inside Entertainment - Noise from entertainment may not create a nuisance or be heard outside the boundaries of the premises.

*Suggested Minimum Regulations which will be required by the Licensing Authorities before approval of Licenses issued in accordance with the provisions of Chapter 299, Acts of 1926 and amendments thereto.*

1. This license is granted and approved subject to compliance with the laws of this Commonwealth relative to the exposing, sale and keeping of liquor or other intoxicating beverages and with compliance with the following conditions: —
2. The premises shall be open at all times to inspection by any police officer or constable of the town, or by any State Police Officer.
3. No person or persons under the influence of intoxicating liquor or other intoxicating beverage, or having the appearance thereof, shall be granted admittance to or be permitted to remain in or upon any of the premises described in this license.
4. No dialogue, gesture, song, language or conversation of any description which is directly or indirectly obscene, lascivious or suggestive, shall be permitted to be used by any person or persons while in or upon the premises.
5. Muscle or suggestive dancing or any description or form is prohibited.
6. Gaming of any description, games at which a prize is offered, any game where money is exposed as a prize or inducement, wheels of change and jingle boards are prohibited.
7. Private dining rooms, booths or enclosures for the accommodation of less than four persons shall not be permitted and not less than four persons shall be allowed or permitted to occupy any such room or enclosure.
8. Rooms used for dining rooms and for dancing shall be so lighted as to render it possible to distinguish any person by every other person therein at all times.
9. The license will be suspended for non-compliance with any of the laws of this Commonwealth relating to this particular establishment, and may, after a hearing, be revoked.
10. Non-compliance with the provisions of any of the above regulations will be sufficient cause for suspension, and after hearing the license may be revoked.

By authority of and in compliance with the provisions of Chapter 299, Acts of 1926, and amendments thereto, the above minimum rules and regulations are hereby prescribed and approved.

Board of Selectmen



THE COMMONWEALTH OF MASSACHUSETTS

OF \_\_\_\_\_

LICENSE

For

PUBLIC ENTERTAINMENT ON SUNDAY

The Name of the Establishment is Jake Rooney's Restaurant

\_\_\_\_\_ in or on the property at No.

119 Brooks Road, Harwich Port MA 02646

\_\_\_\_\_ (address)

The Licensee or Authorized representative, Kate Lomask

\_\_\_\_\_ in

accordance with chapter 136 of the General Laws, as amended, hereby request a license for the following program or entertainment:

DATE	TIME	Proposed dancing or game, sport, fair, exposition, play, entertainment or public diversion
SUNDAYS	1PM-8PM	Recorded or Live Music

Hon. L. Ballantyne

Mayor/ Chairman of Board of Selectman,

\_\_\_\_\_ (City or Town)

Fees per occurrence (Individual Sunday(s)): Regular Hours (Sunday 1:00pm - Midnight): \$2.00 Special Hours (Sunday 12:00 am- Midnight): \$5.00. Annual Fee (For Operating on every Sunday in calendar year): Regular Hours (Sunday 1:00pm - Midnight): \$50.00 Special Hours (Sunday 12:00 am- Midnight): \$100.00

This license is granted and accepted, and the entertainment approved, upon the understanding that such entertainment that the licensee shall comply with the laws of the Commonwealth applicable to licensed entertainments, and also to the following terms and conditions: The licensee shall at all times allow any person designated in writing by the Mayor, Board of Selectmen, or Commissioner of Public Safety, to enter and inspect his place of amusement and view the exhibitions and performances therein; shall permit regular police officers, detailed by the Commissioner of Public Safety or Chief of the local Police Department to enter and be about this place of amusement during performances therein; may employ to preserve order in his place of amusement only regular or special police officers designated therefore by the Chief of Police, and shall pay to said Chief of Police for the services of the regular police officers such amount as shall be fixed by him; shall permit at all times to enter and be about his place of amusement such members of the Fire Department as shall be detailed by the Chief of the Fire Department to guard against fire; shall keep in good condition, go as to be easily accessible, such standpipes, hose, axes, chemical extinguishers and other apparatus as the fire department may require; shall allow such members of the fire department in case of any fire in such place, to exercise exclusive control and direction of his employees and of the means and apparatus provided for extinguishing fire therein; shall permit no obstruction of any nature in any aisle, passageway or stairway of the licensed premises, nor allow any person therein to remain in any aisle passageway or stairway during an entertainment; and shall conform to any other rules and regulations at any time made by the Mayor or Board of Selectmen. This license shall be kept on the premise where the entertainment is to be held, and shall be surrendered to any regular police officer or authorized representative of the Department of Public Safety. This license is issued under the provisions of Chapter 136 of the General Laws, as amended, and is subject to revocation at any time by the Mayor, Board of Selectmen, or Commissioner of Public Safety.

Do not write in this box

This application and program must be signed by the licensee or authorized representative of entertainment to be held. No Change to be made in the program without permission of the authorities granting and approving the license.

THIS LICENSE MUST BE POSTED IN A CONSPICUOUS PLACE ON THE PREMISES



NUMBER  
19-09S

THE COMMONWEALTH OF MASSACHUSETTS  
TOWN OF HARWICH

FEE  
\$75.00

**LICENSE FOR INNOLDERS, COMMON VICTUALLERS  
AND OTHER KEEPERS OF RESTAURANTS AND OTHER ESTABLISHMENTS**

In accordance with the provisions of Chapter 140 of the General laws as amended by Chapter 299 of the Acts of 1926, and amendments thereto, LICENSE is hereby granted to:

The Port Restaurant

to conduct the amusements as herein described in connection with his regular business of innholder, common victualler, or owner, manager or controller of a café, restaurant or other eating or drinking establishment, on the premises owned by Same

of Harwich located at 541 Route 28, Harwich Port

Description of Premises: Same

Description of amusements to be conducted: Recorded or live music with amplification.

To be conducted on week days between the hours of: 6:00 PM – 10:00 PM Outside

Mondays to Saturdays

This LICENSE is granted as subject to the provisions of the General Laws, chapter one hundred and forty, sections twenty-two to thirty-two inclusive, and of chapter two hundred and seventy-two, sections twenty-five to twenty-seven inclusive, and amendments thereto, and shall not be valid for a location other than as herein described.

Date: 1/13/2020

License granted by:



**EXPIRES DECEMBER 31, 2020**

**THIS LICENSE MUST BE POSTED IN A CONSPICUOUS PLACE**

Inside Entertainment - Noise from entertainment may not create a nuisance or be heard outside the boundaries of the premises.

Outside Entertainment – Noise from entertainment must be at reasonable sound levels which are not plainly audible at a distance of 150 feet from boundary line or source of sound amplification system whichever is further.

***Suggested Minimum Regulations which will be required by the Licensing Authorities before approval of Licenses issued in accordance with the provisions of Chapter 299, Acts of 1926 and amendments thereto.***

1. This license is granted and approved subject to compliance with the laws of this Commonwealth relative to the exposing, sale and keeping of liquor or other intoxicating beverages and with compliance with the following conditions: —
2. The premises shall be open at all times to inspection by any police officer or constable of the town, or by any State Police Officer.
3. No person or persons under the influence of intoxicating liquor or other intoxicating beverage, or having the appearance thereof, shall be granted admittance to or be permitted to remain in or upon any of the premises described in this license.
4. No dialogue, gesture, song, language or conversation of any description which is directly or indirectly obscene, lascivious or suggestive, shall be permitted to be used by any person or persons while in or upon the premises.
5. Muscle or suggestive dancing or any description or form is prohibited.
6. Gaming of any description, games at which a prize is offered, any game where money is exposed as a prize or inducement, wheels of change and jingle boards are prohibited.
7. Private dining rooms, booths or enclosures for the accommodation of less than four persons shall not be permitted and not less than four persons shall be allowed or permitted to occupy any such room or enclosure.
8. Rooms used for dining rooms and for dancing shall be so lighted as to render it possible to distinguish any person by every other person therein at all times.
9. The license will be suspended for non-compliance with any of the laws of this Commonwealth relating to this particular establishment, and may, after a hearing, be revoked.
10. Non-compliance with the provisions of any of the above regulations will be sufficient cause for suspension, and after hearing the license may be revoked.

By authority of and in compliance with the provisions of Chapter 299, Acts of 1926, and amendments thereto, the above minimum rules and regulations are hereby prescribed and approved.

Board of Selectmen

State Fee, \$50 1PM-12AM/\$100 prior to 1PM  
Municipal Fee, \$85 1PM-12AM/\$175 prior to 1PM

THE COMMONWEALTH OF MASSACHUSETTS  
TOWN OF HARWICH

LICENSE

For  
PUBLIC ENTERTAINMENT ON SUNDAY  
The Name of the Establishment is **Port Restaurant and Bar Inc - 541 Route 28, Harwich Port** in or on the property at No. \_\_\_\_\_  
(address)

The Licensee or Authorized representative, **Justin Brackett** in \_\_\_\_\_

accordance with chapter 136 of the General Laws, as amended, hereby request a license for the following program or entertainment:

DATE	TIME	Proposed dancing or game, sport, fair, exposition, play, entertainment or public diversion
Sunday	10am-12am	Live Entertainment Inside
Sunday	10am-10pm	Live Entertainment Outside

Hon.  Mayor/ Chairman of Board of Selectmen, **Harwich** (City or Town)

Fees per occurrence (Individual Sunday(S)): Regular Hours (Sunday 1:00pm - Midnight): \$2.00 Special Hours (Sunday 12:00 am- Midnight): \$5.00. Annual Fee (For Operating on every Sunday in calendar year): Regular Hours (Sunday 1:00pm - Midnight): \$50.00 Special Hours (Sunday 12:00 am- Midnight): \$100.00

This license is granted and accepted, and the entertainment approved, upon the understanding that such entertainment that the licensee shall comply with the laws of the Commonwealth applicable to licensed entertainments, and also to the following terms and conditions: The licensee shall at all times allow any person designated in writing by the Mayor, Board of Selectmen, or Commissioner of Public Safety, to enter and inspect his place of amusement and view the exhibitions and performances therein; shall permit regular police officers, detailed by the Commissioner of Public Safety or Chief of the Local Police Department to enter and be about this place of amusement during performances therein; may employ to preserve order in his place of amusement only regular or special police officers designated therefore by the Chief of Police, and shall pay to said Chief of Police for the services of the regular police officers such amount as shall be fixed by him; shall permit at all times to enter and be about his place of amusement such members of the Fire Department as shall be detailed by the Chief of the Fire Department to guard against fire; shall keep in good condition, go as to be easily accessible, such standpipes, hose, axes, chemical extinguishers and other apparatus as the fire department may require; shall allow such members of the fire department in case of any fire in such place, to exercise exclusive control and direction of his employees and of the means and apparatus provided for extinguishing fire therein; shall permit no obstruction of any nature in any aisle, passageway or stairway of the licensed premises, nor allow any person therein to remain in any aisle passageway or stairway during an entertainment; and shall conform to any other rules and regulations at any time made by the Mayor or Board of Selectmen. This license shall be kept on the premise where the entertainment is to be held, and shall be surrendered to any regular police officer or authorized representative of the Department of Public Safety. This license is issued under the provisions of Chapter 136 of the General Laws, as amended, and is subject to revocation at any time by the Mayor, Board of Selectmen, or Commissioner of Public Safety.

This application and program must be signed by the licensee or authorized representative of entertainment to be held. Do not write in this box  
No Change to be made in the program without permission of the authorities granting and approving the license.

THIS LICENSE MUST BE POSTED IN A CONSPICUOUS PLACE ON THE PREMISES

NUMBER  
19-08S

THE COMMONWEALTH OF MASSACHUSETTS  
TOWN OF HARWICH

FEE  
\$75.00

**LICENSE FOR INNOLDERS, COMMON VICTUALLERS  
AND OTHER KEEPERS OF RESTAURANTS AND OTHER ESTABLISHMENTS**

In accordance with the provisions of Chapter 140 of the General laws as amended by Chapter 299 of the Acts of 1926, and amendments thereto, LICENSE is hereby granted to:

Go Industries Inc. d/b/a Perks

to conduct the amusements as herein described in connection with his regular business of innholder, common victualler, or owner, manager or controller of a café, restaurant or other eating or drinking establishment, on the premises owned by Same

of Harwich Port located at 545 Route 28

Description of Premises: Same

Description of amusements to be conducted: Recorded or live music with use of amplification inside & outside

Dancing by Patrons

To be conducted between the hours of: 11:30 a.m. – 10:00 p.m.

Mondays to Saturdays

This LICENSE is granted as subject to the provisions of the General Laws, chapter one hundred and forty, sections twenty-two to thirty-two inclusive, and of chapter two hundred and seventy-two, sections twenty-five to twenty-seven inclusive, and amendments thereto, and shall not be valid for a location other than as herein described.

Date: June 22, 2020

License granted by:

[Signature]  
[Signature]  
[Signature]

**EXPIRES DECEMBER 31, 2020**

**THIS LICENSE MUST BE POSTED IN A CONSPICUOUS PLACE**

**Outside Entertainment – Noise from entertainment must be at reasonable sound levels which are not plainly audible at a distance of 150 feet from boundary line or source of sound amplification system whichever is further.**

***Suggested Minimum Regulations which will be required by the Licensing Authorities before approval of Licenses issued in accordance with the provisions of Chapter 299, Acts of 1926 and amendments thereto.***

1. This license is granted and approved subject to compliance with the laws of this Commonwealth relative to the exposing, sale and keeping of liquor or other intoxicating beverages and with compliance with the following conditions: —
2. The premises shall be open at all times to inspection by any police officer or constable of the town, or by any State Police Officer.
3. No person or persons under the influence of intoxicating liquor or other intoxicating beverage, or having the appearance thereof, shall be granted admittance to or be permitted to remain in or upon any of the premises described in this license.
4. No dialogue, gesture, song, language or conversation of any description which is directly or indirectly obscene, lascivious or suggestive, shall be permitted to be used by any person or persons while in or upon the premises.
5. Muscle or suggestive dancing or any description or form is prohibited.
6. Gaming of any description, games at which a prize is offered, any game where money is exposed as a prize or inducement, wheels of change and jingle boards are prohibited.
7. Private dining rooms, booths or enclosures for the accommodation of less than four persons shall not be permitted and not less than four persons shall be allowed or permitted to occupy any such room or enclosure.
8. Rooms used for dining rooms and for dancing shall be so lighted as to render it possible to distinguish any person by every other person therein at all times.
9. The license will be suspended for non-compliance with any of the laws of this Commonwealth relating to this particular establishment, and may, after a hearing, be revoked.
10. Non-compliance with the provisions of any of the above regulations will be sufficient cause for suspension, and after hearing the license may be revoked.

By authority of and in compliance with the provisions of Chapter 299, Acts of 1926, and amendments thereto, the above minimum rules and regulations are hereby prescribed and approved.

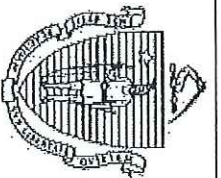
Board of Selectmen

THE COMMONWEALTH OF MASSACHUSETTS

State Fee, \$50 1pm-12am or \$100 prior to 1pm  
Municipal Fee, \$85 1pm-12am or \$175 prior to 1pm

TOWN OF HARWICH

LICENSE



The Name of the Establishment is

545 ROUTE 28

PERKS

PUBLIC ENTERTAINMENT ON SUNDAY

PERKS COFFEE SHOP & BEER GARDEN

in or on the property at No.

(address)

The Licensee or Authorized representative

Taylor Powell

Taylor Powell

in

accordance with chapter 136 of the General Laws, as amended, hereby request a license for the following program or entertainment:

DATE	TIME	Proposed dancing or game, sport, fair, exposition, play, entertainment or public diversion
Sundays	1pm-12am	LIVE MUSIC

Hon. *Taylor Powell*

Mayor/Chairman of Board of Selectman,

(City or Town)

Fees per occurrence (Individual Sunday(s)): Regular Hours (Sunday 1:00pm - Midnight): \$2.00 Special Hours (Sunday 12:00 am- Midnight): \$5.00. Annual Fee (For 2015) \$100.00

This license is granted and accepted, upon the understanding that such entertainment that the licensee shall comply with the laws of the Commonwealth applicable to licensed entertainments, and also to the following terms and conditions: The Licensee shall at all times allow any person designated in writing by the Mayor, Board of Selectmen, or Commissioner of Public Safety, to enter and inspect his place of amusement and view the exhibitions and performances therein; shall permit regular police officers, detailed by the Commissioner of Public Safety or Chief of the local Police Department to enter and be about this place of amusement during performances therein; may employ to preserve order in his place of amusement only regular or special police officers designated therefore by the Chief of Police, and shall pay to said Chief of Police for the services of the regular police officers such amount as shall be fixed by him; shall permit at all times to enter and be about his place of amusement such members of the Fire Department as shall be detailed by the Chief of the Fire Department to guard against fire; shall keep in good condition, go as to be easily accessible, such standpipes, hose, axes, chemical extinguishers and other apparatus as the fire department may require; shall allow such members of the fire department in case of any fire in such place, to exercise exclusive control and direction of his employees and of the means and apparatus provided for extinguishing fire therein; shall permit no obstruction of any nature in any aisle, passageway or stairway of the licensed premises, nor allow any person therein to remain in any aisle passageway or stairway during an entertainment; and shall conform to any other rules and regulations at any time made by the Mayor or Board of Selectmen. This license shall be kept on the premise where the entertainment is to be held, and shall be surrendered to any regular police officer or authorized representative of the Department of Public Safety. This license is issued under the provisions of Chapter 136 of the General Laws, as amended, and is subject to revocation at any time by the Mayor, Board of Selectmen, or Commissioner of Public Safety.

This application and program must be signed by the licensee or authorized representative of entertainment to be held. No Change to be made in the program without permission of the authorities granting and approving the license.

Do not write in this box

THIS LICENSE MUST BE POSTED IN A CONSPICUOUS PLACE ON THE PREMISES

NUMBER  
19-04

THE COMMONWEALTH OF MASSACHUSETTS  
TOWN OF HARWICH

FEE  
\$75.00

**LICENSE FOR INNHOLDERS, COMMON VICTUALLERS  
AND OTHER KEEPERS OF RESTAURANTS AND OTHER ESTABLISHMENTS**

In accordance with the provisions of Chapter 140 of the General laws as amended by Chapter 299 of the Acts of 1926, and amendments thereto, LICENSE is hereby granted to:

Ember Pizza

to conduct the amusements as herein described in connection with his regular business of innholder, common victualler, or owner, manager or controller of a café, restaurant or other eating or drinking establishment, on the premises owned by Same

of Harwich Port located at 600 Route 28, Harwich Port

Description of Premises: Same

Description of amusements to be conducted: Recorded or live music with use of amplification.

To be conducted on week days between the hours of: 6:00 PM – 10:00 PM outside

Mondays to Saturdays

This LICENSE is granted as subject to the provisions of the General Laws, chapter one hundred and forty, sections twenty-two to thirty-two inclusive, and of chapter two hundred and seventy-two, sections twenty-five to twenty-seven inclusive, and amendments thereto, and shall not be valid for a location other than as herein described.

Date:

License granted by:



**EXPIRES DECEMBER 31, 2020**



**THIS LICENSE MUST BE POSTED IN A CONSPICUOUS PLACE**

Inside Entertainment - Noise from entertainment may not create a nuisance or be heard outside the boundaries of the premises.

Outside Entertainment – Noise from entertainment must be at reasonable sound levels which are not plainly audible at a distance of 150 feet from boundary line or source of sound amplification system whichever is further.

*Suggested Minimum Regulations which will be required by the Licensing Authorities before approval of Licenses issued in accordance with the provisions of Chapter 299, Acts of 1926 and amendments thereto.*

1. This license is granted and approved subject to compliance with the laws of this Commonwealth relative to the exposing, sale and keeping of liquor or other intoxicating beverages and with compliance with the following conditions: —
2. The premises shall be open at all times to inspection by any police officer or constable of the town, or by any State Police Officer.
3. No person or persons under the influence of intoxicating liquor or other intoxicating beverage, or having the appearance thereof, shall be granted admittance to or be permitted to remain in or upon any of the premises described in this license.
4. No dialogue, gesture, song, language or conversation of any description which is directly or indirectly obscene, lascivious or suggestive, shall be permitted to be used by any person or persons while in or upon the premises.
5. Muscle or suggestive dancing or any description or form is prohibited.
6. Gaming of any description, games at which a prize is offered, any game where money is exposed as a prize or inducement, wheels of change and jingle boards are prohibited.
7. Private dining rooms, booths or enclosures for the accommodation of less than four persons shall not be permitted and not less than four persons shall be allowed or permitted to occupy any such room or enclosure.
8. Rooms used for dining rooms and for dancing shall be so lighted as to render it possible to distinguish any person by every other person therein at all times.
9. The license will be suspended for non-compliance with any of the laws of this Commonwealth relating to this particular establishment, and may, after a hearing, be revoked.
10. Non-compliance with the provisions of any of the above regulations will be sufficient cause for suspension, and after hearing the license may be revoked.

By authority of and in compliance with the provisions of Chapter 299, Acts of 1926, and amendments thereto, the above minimum rules and regulations are hereby prescribed and approved.

Board of Selectmen

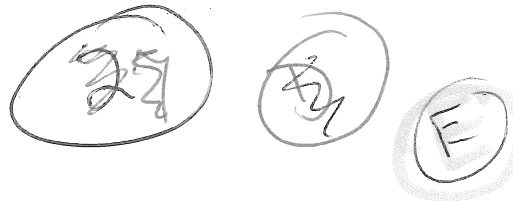
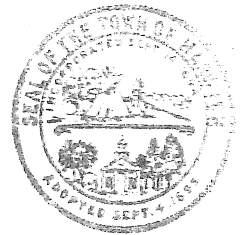


OFFICE OF THE TOWN ADMINISTRATOR

PHONE: 508-447-1113  
FAX: 508-447-3099

JAMES R. MERRIAM, Town Administrator

732 MAIN STREET, HARWICH, MA 02645



June 6, 2012

Mr. John Connell  
Cape Cod Claddagh Inn & Tavern  
P.O. Box 667  
West Harwich, MA 02671

Dear Mr. Connell:

At a meeting of the Harwich Board of Selectmen held on Monday, June 4, 2012, the Board voted to allow outside entertainment at your establishment on a 45 day trial basis with the following conditions:

- Acoustic entertainment only
- Limit of 2 performers at a time
- Hours of entertainment: 4:00 p.m. to 8:00 p.m.
- Days of entertainment: Fridays, Saturdays, Sundays
- No brass, horns or drums allowed

At the closing of the 45 day trial period, the Board will consider your entertainment license again at their meeting of July 9, 2012.

Sincerely,

James R. Merriam  
Town Administrator

JRM/as

cc: Board of Selectmen

Atty. Joseph Cavanaugh  
Forbes & Cavanaugh  
P.O. Box 2009  
Mashpee, MA 02649



NUMBER  
11-08

THE COMMONWEALTH OF MASSACHUSETTS  
TOWN OF HARWICH

FEE  
\$75.00

**LICENSE FOR INNOLDERS, COMMON VICTUALLERS  
AND OTHER KEEPERS OF RESTAURANTS AND OTHER ESTABLISHMENTS**

In accordance with the provisions of Chapter 140 of the General laws as amended by Chapter 299 of the Acts of 1926, and amendments thereto, LICENSE is hereby granted to:

The Cape Cod Claddagh Inn & Irish Pub

to conduct the amusements as herein described in connection with his regular business of innholder, common victualler, or owner, manager or controller of a café, restaurant or other eating or drinking establishment, on the premises owned by Same

of West Harwich located at 77 Route 28

Description of Premises: Same

Description of amusements to be conducted: LIVE OR RECORDED MUSIC AND DANCING BY PATRONS. CONDITIONS PER ATTACHED LIST DATED 4/20/11. NOISE LEVEL NOT TO EXCEED LICENSED PREMISES.

To be conducted on week days between the hours of: SEE ATTACHED CONDITIONS.

This LICENSE is granted as subject to the provisions of the General Laws, chapter one hundred and forty, sections twenty-two to thirty-two inclusive, and of chapter two hundred and seventy-two, sections twenty-five to twenty-seven inclusive, and amendments thereto, and shall not be valid for a location other than as herein described.

Date: April 25, 2011

License granted by:

(Amended version of previous  
license dated 12/20/10)

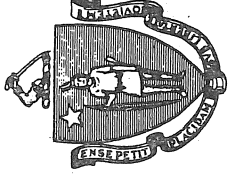
**EXPIRES DECEMBER 31, 2011**

[Signature]  
[Signature]  
[Signature]  
[Signature]

THIS LICENSE MUST BE POSTED IN A CONSPICUOUS PLACE



THE COMMONWEALTH OF MASSACHUSETTS



State Fee, \$ \_\_\_\_\_  
Municipal Fee, \$ \_\_\_\_\_

Town OF Harwich  
**LICENSE**

for  
Public Entertainment on Sunday

John F. Connell

license for Live Music Indoors Only (Name of licensee)  
to be conducted at No. 17 Route 28 West Harwich, Ma on, Sundays annually (Date)  
\_\_\_\_\_ Street.

The name of the establishment is Grape Cool Cuddash Inn & Irish Pub

~~NO OUTSIDE ENTERTAINMENT~~ **NOISE LEVEL NOT TO EXCEED PREMISES.**  
**LICENSE AMENDED TO INCLUDE ATTACHED CONDITIONS DATED 4-20-11**

This license is granted and accepted, and the entertainment approved, upon the understanding that such entertainment will not commence before 1 P.M. and that the licensee shall comply with the laws of the Commonwealth applicable to licensed entertainments, and also to the following terms and conditions:

The licensee shall not advertise his place of amusement, or any performance or exhibition therein, by means of pictorial posters or placards of an obscene or indecent nature; shall not, in his place of amusement, allow any person to wear a head covering which obstructs the view of other spectators; shall at all times allow any person designated in writing by the Mayor, Board of Selectmen, or Commissioner of Public Safety, to enter and inspect his place of amusement and view the exhibitions and performances therein; shall permit regular police officers, detailed by the Commissioner of Public Safety or Chief of the local Police Department to enter and be about his place of amusement during performances therein; shall employ to preserve order in his place of amusement only regular or special police officers designated therefor by the Chief of Police, and shall pay to said Chief of Police for the services of the regular police officers such amount as shall be fixed by him; shall permit at all times to enter and be about his place of amusement such members of the Fire Department as shall be detailed by the Chief Engineer of the Fire Department to guard against fire; shall keep in good condition, so as to be easily accessible, such standpipes, hose, water pails, axes, chemical extinguishers and other apparatus as the Chief Engineer of the Fire Department may require; shall allow such members of the fire department, in case of any fire in such place, to exercise exclusive control and direction of his employees and of the means and apparatus provided for extinguishing fire therein; shall permit no obstruction of any nature in any aisle, passageway or stairway of the licensed premises, nor allow any person therein to remain in any aisle, passageway or stairway during an entertainment; and shall conform to any other rules and regulations at any time made by the Mayor or Board of Selectmen.

This license shall be kept on the premises where the entertainment is to be held, and shall be surrendered to any regular police officer or authorized representative of the Commissioner of Public Safety.  
This license is issued under the provisions of Chapter 136 of the General Laws, as amended, and is subject to revocation at any time by the Mayor, Board of Selectmen, or Commissioner of Public Safety.

The following numbers shown on program submitted are not approved:

Joseph S. L. Martin  
John Ballantyne  
John O. O'Connell  
John S. Wilkins

Mayor or Selectmen

Do not write in this space

**THIS LICENSE MUST BE POSTED IN A CONSPICUOUS PLACE ON THE PREMISES**

(C)

2011 License  
Indoor

(6)

**CAPE COD CLADDAGH  
SUNDAY AND WEEKDAY ENTERTAINMENT LICENSE CONDITIONS**

1. Noise not to exceed premise.
2. All entertainment outside on pool deck, on building porch, or elsewhere, will be from 4:00 p.m. to 8:00 p.m. Entertainment inside the building will cease at 12:00 a.m.
3. The outdoor entertainment license will authorize live outdoor performances Thursday through Sunday. In cases of rain the Claddagh may hold the scheduled performance indoors adhering to standards set for indoor entertainment.
4. The Cape Cod Claddagh Inn will provide a "house" sound system for all outside entertainment. All performers will use the house system. The Claddagh will position the speakers on the pool deck and they will be directed to the west and south to minimize sound to the north consistent with the recommendation of the Claddagh's sound engineer.
5. The house system will be designed so as to maintain and direct the sound within the entertainment area. Speakers will be aimed so as to direct sound below the top of the fencing. The Claddagh will investigate systems to baffle the sound and screen above the fence line if it is determined necessary to contain the noise. If modifications are deemed necessary, the Claddagh will be given a specified period of time to comply, not less than 14 days.
6. No drums may be used outdoors during any performances, consistent with the recommendation of the Claddagh's sound engineer.
7. The manager of the Claddagh will maintain control of the volume levels.
8. A DB sound meter with a lighted alarm will be installed on the Claddagh premises, in conformance with the recommendation of the sound engineer, set to an alarm value of 65 DB which the live performers may not exceed. Claddagh staff will monitor the device during performances.
9. The Claddagh monitor will maintain a log book of DB levels during performances. Entries for DB levels shown on the device shall be recorded twice during each set of a performance. The log book will be presented for inspection to Town of Harwich representatives on request.
10. Contracts with performers will contain language that recognizes that the Claddagh manager controls sound levels and that any objection to the manager's decision will result in their dismissal without pay.

Violations

wasn't did not work no one check

Vis lab

inset  
plan

AC used  
blinds  
curtains closed

patio screen  
new  
down

11. The street side door (located at the northeast corner of the bar level) and windows of the inside bar area will remain closed when entertainers are performing. The street side door will be used as an emergency exit and alarmed so the manager can respond when it is opened.

12. Although noise from patrons milling about the parking lot or patio during late hours is not likely to exceed DEP limits, noise from speech is readily detectable by the human ear and may cause annoyance. Place signs outdoors to remind guests to be respectful of neighbors and have staff periodically patrol outdoor areas to quiet customers as needed.

13. Violations of the outdoor entertainment license conditions shall be referred to the Board of Selectmen and show cause hearing on the license will immediately be scheduled.

14. By reference the report of Spectrum Associates is made a part of these conditions. Any recommendation in the report not in conflict with the above conditions will be followed. In the case of conflict the above conditions shall be in effect.

### **Discussion Points for Live vs. Recorded Music**

- Some observations:
  - Recorded music is more easily controlled than live music.
  - It's often played lower than live music.
  - Nantucket's licenses sometimes distinguish between Live vs. Recorded Music.
  
- Consider limiting live music to a few days a week; e.g.:
  - Wednesday: Live music at music event
  - Thursday, Friday, Saturday: Live music allowed at outdoor entertainment venues;
  - Sunday, Monday, Tuesday: No live music, recorded music only
  
- Also consider limiting Live music as a probationary condition
  - as a penalty for a violation while waiting for a violation hearing.
  - as an alternative to striking all music or all amplification.