

## **PROPOSED MINOR MODIFICATIONS TO DRI 645**

**MV Bowl LLC dba The Barn, Bowl & Bistro**

**13 Uncas Avenue, Oak Bluffs, MA 02557**

**[www.thebarnmv.com](http://www.thebarnmv.com)**

**INTRODUCTION:** The Barn, Bowl & Bistro has now completed nine months of actual operations. It is quite evident we are humbled by the mistakes we made as a consequence of the steep learning curve we have experienced and benefited from. There are certain facets of this DRI that we volunteered or agreed to that have turned out to be inconsistent with the realities of this enterprise. **We are, with this proposal, requesting that the following issues in our DRI be modified.**

Our primary theme has, from the very beginning and continues for our venue to be suitable for and satisfy the needs of families, welcoming to all and maintaining affordable pricing for the year-round Vineyard community. Our business plan, unlike most hospitality enterprises, is primarily focused on serving the year-round community nine-months of the year. We make no special accommodations for summer activity. We believe that we have made good on this commitment.

We have hosted a huge number of children's birthday parties. We currently have in excess of 500 islanders bowling in our leagues. We have hosted events as disparate as Christmas parties, ballroom dancing, weekly Rotary meetings, ping pong tournaments, retirement affairs, Brazilian night, birthday and wedding events, and trivia night, etc., etc., etc. We have many events scheduled in the months to come: weddings, bridge tournaments, office parties, awards ceremonies and dart tournaments to name a few. Yet, through all this we are quite proud that we have not had any complaints but rather have enjoyed numerous and ongoing plaudits thanking us for bringing these facilities to the Vineyard. We have purchased both parcels of land on either end of our property so our business is now "bookended" by our owned properties.

### **1. Hours of Operation – 5. CONDITIONS, Section 1, 1.1 & 1.2**

**ISSUE:** The existing current limitation for "Last Call" on food, liquor and bowling of 10:30 p.m. on weekdays and 11:30 p.m. on weekends was "As offered by the Applicant" to the MVC. In hindsight it was based upon our inexperience to predict consumer response and community demands for a bowling, dining, function entertainment center on the Vineyard. **We erred and respectfully request the Section 5, 1,1.2 related to 10:30 p.m. on weekdays and 11:30 p.m. on weekends be deleted. We also request our earliest opening hour be revised from 9:00 a.m. to 8:15 a.m. Several arguments to support these required immediate changes include:**

A. We now have over nine month's experience of actual activity and realize we significantly erred in the aforereferenced "Last Call" hour limitation.

B. We seek a "Last Call" limit to be consistent with all other restaurants and bars in Oak Bluffs and as imposed by the Board of Selectmen.

C. This proposed revised "Last Call" is consistent with our MA ABCC Liquor License as approved by OB Board of Selectmen.

D. Our bowling leagues have received overwhelming community interest and support. Participation exceeds 500 Vineyarders and reflects every socio-economic and skill level in the current population. Most of the leagues are conducted on weeknights between 5:30-10:30 p.m. It has been awkward, if not unreasonable; to refuse food or beverage to these community bowlers on their special weekly bowling night as our kitchen must shut down at 9:30 p.m. to meet our early "Last Call" requirement.

- E. We are the only such hospitality business in Oak Bluffs with our own parking lot.
- F. We are catering to a growing number of functions and events. e.g., weddings, rehearsal dinners, birthday, retirement and anniversary parties, myriad clubs, fund raisers that require food and beverage service consistent with what other Oak Bluffs hospitality venues offer.
- G. We are receiving numerous requests to open earlier than 9:00 a.m., most particularly from Senior citizen groups.
- H. This limitation of DRI 645 is in violation of state law and specifically in contravention of M.G.L. c. 138, § 12
- I. In sum, these revised hours are necessary to reasonably accommodate the needs of the year-round Island community and permit us to effectively compete with other restaurants and bars in our marketplace.

**2. Lighting – 5. CONDITIONS Section 8.1**

**ISSUE:** The requirement for our parking lot lighting to be limited to “streetlights and ambient lighting from the building” turned out to be a mistake made by all parties. **We request permission to install a series of parking lot lights at appropriate locations within the parking lot to improve safety and security.**

- A. There exists virtually no street light or ambient lighting as originally envisioned.
- B. Our parking lot is quite dark at night and we have received extensive concerns for comfort and security due to entering from/to an almost pitch black parking lot at night.
- C. We have received numerous requests from customers to have someone walk them to their car in the parking lot.
- D. The only adjacent property that could claim impact from this lighting is 3 Uncas Avenue, which abuts our parking lot and is on Circuit Avenue which property we recently purchased and currently own.

**3. Business Practices – 5. CONDITIONS: Sections 1.4**

**ISSUE: We respectfully request this Section regarding limitations on our functions and events be deleted in its entirety and Section 3.1 (Project Description, second bullet point) be appropriately amended to delete all reference to “second floor” activity.** The original reason for this MVC condition was largely to restrict sewage flow to our septic system, a concern that evaporated when we received permission to tie into the Oak Bluffs sewer system. We were remiss in not asking to remove this condition when we received a modification to eliminate the septic system

- A. The limit of 50 people is far less than our legal capacity (100) and as such is unrealistic, arbitrary, and unfair. We respectfully request that our only limitation be our legal capacity.
- B. Section 5, 1, 1.4 does not distinguish between functions on upper level and lower level. We have many events on either first floor or upper level and/or utilizing both levels.
- C. At the time of the original DRI 645, our floor plan was dramatically different than currently existing, e.g., we have long since eliminated two bays planned for indoor golf and sport simulators which now serve as part of our function space.

D. The community demand and appreciation for our event space has far exceeded what we could have anticipated. We are becoming a destination site for families, business, civic organizations, high school sports clubs, wedding events, weekly Rotary Club meetings, ballroom dancing and, growing by leaps and bounds, are small and large fund raising groups. We believe we have more children's birthday parties than any other Vineyard venue.

**4. Noise – 5. CONDITIONS: Section 5.5**

**ISSUE: We request this Section regarding amplified live music be deleted in its entirety.**

A. It is an unreasonable limitation to preclude amplified live music as it limits our business activity.

B. Because of the unique nature and concern for noise due to our bowling activity we have taken unprecedented sound-reducing steps. We have spent significant funds to soundproof the facility. We have been tested for sound and have satisfied both the MVC requirements and both the Oak Bluffs and Massachusetts sound code. We have no complaints from any existing neighbors.

C. Because of our unique community role with special events and functions as the Vineyard gathering place we require the opportunity to offer amplified live music periodically.

D. We have thoroughly complied with all the other eight of the nine requirements in this "Noise" section of DRI 645.

**SUMMARY:** We now have over nine months of hands-on experience operating a bowling entertainment center, restaurant, bar and event space. We are proud that our business practices have earned us an outstanding reputation. Community interest and support is growing exponentially. However, our ability to effectively compete and grow requires us to request these modifications to benefit from the very same rules as any of our competitive businesses enjoy.

We are committed to maintain the highest standards and respectfully request these modifications receive immediate consideration and approval. Thank you.

Respectfully submitted and kindly respond to:

Robert M. Sawyer [sawyer@dukesacademy.com](mailto:sawyer@dukesacademy.com)  
508-696-1900 (office), 617-688-4889 (cell)