

**MINUTES OF THE PROCEEDINGS OF THE  
LICENSE COMMISSION OF THE CITY OF WORCESTER  
May 17, 2012**

**44 FRONT STREET, 3rd FLOOR (CENTRAL MASS WORKFORCE INVESTMENT BOARD  
ROOM),  
WORCESTER, MA 01608**

**Commission Members Present:** Peter Lukes, Chair  
Karon Shea, Commissioner  
Paul Mullan, Commissioner

**Staff Present:**

Jim Foley, Inspectional Services  
Joel Fontane, Planning & Regulatory Services  
Attorney Alexandra Haralambous, Law Department  
Lieutenant Johnson, Worcester Police Department  
Luba Zhaurova, Planning & Regulatory Services

**COMMISSION SITE VIEWS:**

The Commission and Lieutenant Johnson conducted the following site visit 9am-10am:

1. 287 Main Street
2. 198-204 Cambridge Street
3. 301 Park Avenue
4. 266/270 Park Avenue
5. 346 Shrewsbury Street
6. 480 Shrewsbury Street

**CALL TO ORDER:**

Chair Lukes called the meeting to order at 10:00 a.m.

**APPROVAL OF THE MINUTES:**

The Commission voted to approve the May 3, 2012 meeting minutes.

**UNFINISHED BUSINESS:**

7. **346 Shrewsbury Street:** Ms. Zhaurova stated that the applicant requested Leave to Withdraw of this petition and reapplied for the same using different corporate structure. The Commission approved the request to Leave to Withdraw without prejudice.

**NEW BUSINESS:**

8. **346 Shrewsbury Street:** Present for the hearing was Robyn Caruso, representing TD & Company Inc., the applicant. Ms. Caruso stated that she wants to open a car-themed restaurant d/b/a Vintage Grill. She stated that previously on premises there was Pizza Grille. Lieutenant Johnson was amenable to approval of this petition. Upon a motion by Commissioner Shea, the Commission approved an all alcoholic beverages liquor license for Vintage Grill restaurant.

List of Exhibits:

Exhibit A: Letter from R. Francese to Deborah Steele; re: Withdrawing Application; dated April 26, 2012.

Exhibit B: Application for all alcoholic beverages liquor license for Vintage Grill restaurant; received April 30, 2012.

**UNFINISHED BUSINESS:**

**9. 364 West Boylston Street - Lodging House License Renewal:** Ms. Zhaurova informed the Commission that Treasury Department informed staff that partial payment of taxes has been received and recommended postponement of the item to June 14, 2012 to allow the applicant time to pay his taxes in full. No one was present on this petition. Upon a motion by Commissioner Shea, the Commission voted to postpone the hearing to June 14, 2012 to allow the applicant sufficient time to pay his taxes in full.

**10. 258 Park Avenue - Liquor Pledge of a Transfer of Common Victualer All Alcoholic License to Wuhan Enterprise, Inc. dba Haiku Sushi Bar & Grill:** No one was present for the petition. The Commission held the hearing to the end of the meeting.

**11. 287 Main Street:**

Petition A: Restaurant with All Alcoholic Beverage License

Petition B: Entertainment License:

- i. Jukebox
- ii. Television
- iii. Radio
- iv. Dancing by patrons
- v. Recorded music
- vi. Amplification system
- vii. Light show
- viii. Karaoke

Petition C: Pool Table

Petition D: Automatic Amusement Device

Present for the hearing were Attorney John C. Fisher and Justin Kazmierczak. Attn. Fisher stated that renovations to the property will be largely cosmetic in nature and that live music and dancing will be allowed, though it will not be a dance club. He stated that hours of operation will be 12pm-2am Tuesday-Saturday. Lieutenant Johnson was amenable to approval of this petition.

Upon a motion by Commissioner Shea, the Commission approved an all alcoholic beverages liquor license, entertainment license, pool table license, and automatic amusement device license for Krazy Horse Inc. dba The Krazy Horse Bar & Grill.

List of Exhibits:

Exhibit A: Application for all alcoholic beverages liquor license for Krazy Horse Inc. dba The Krazy Horse Bar & Grill; received April 18, 2012.

Exhibit B: Application for Entertainment License for Krazy Horse Inc. dba The Krazy Horse Bar & Grill; received April 18, 2012.

Exhibit C: Application for Pool Table for Krazy Horse Inc. dba The Krazy Horse Bar & Grill; received April 18, 2012.

Exhibit D: Application for Automatic Amusement Device for Krazy Horse Inc. dba The Krazy Horse Bar & Grill; received April 18, 2012.

**12. 198-204 Cambridge Street:**

Petition A: Common Victualer (Restaurant) and Retail All Alcoholic Liquor License

Petition B: Pool Table

Petition C: Entertainment License

- i. Jukebox
- ii. Television
- iii. Radio
- iv. Dancing by patrons
- v. Amplification system
- vi. Karaoke

Present for the hearing was Danielle L. Burke. She stated that she would like open a business called The Alibi Sports & Bar.

Ms. Zhaurova presented an opposition letter from Raymond Duquette (Exhibit D).

Ms. Burke stated that security cameras will be installed at the parking lot and inside the building and that door staff will be present on busy nights. Lieutenant Johnson stated that WPD will monitor the situation. Chair Lukes requested that Ms. Burke talks to her neighbor and keeps lines of communication open.

Ed Martin, an abutter and owner of Marty's Pub, expressed support for the petition but warned that it is "a tough area" and suggested that the proposed bar be closed by 1am.

Upon a motion by Commissioner Shea, the Commission approved an all alcoholic beverages liquor license, entertainment license, and pool table license for The Alibi Sports & Bar.

List of Exhibits:

- Exhibit A: Application for all alcoholic beverages liquor license for Danielle L. Burke d/b/a The Alibi Sports & Bar; received April 23, 2012.
- Exhibit B: Application for pool table license for Danielle L. Burke d/b/a The Alibi Sports & Bar; received April 23, 2012.
- Exhibit C: Application for entertainment license for Danielle L. Burke d/b/a The Alibi Sports & Bar; received April 23, 2012.
- Exhibit D: Opposition Letter from Raymond Duquette to License Commission; re: the alibi sports bar 196-204 Cambridge Street; received May 14, 2012.

**13. 301 Park Avenue:** Restaurant with All Alcoholic Beverage License for Kozara Restaurant: Attorney Todd Rodman and Wei Dong Wang presented the petition. Attn. Rodman stated that Mr. Wang also owns Baba Sushi nearby, that the proposed business is planned to open in the fall, and that there are no parking requirement given the location of the business in Park Avenue Parking Overlay District. He stated that Mr. Wang will own the business. Mr. Fontane confirmed that the site has no zoning issues and complies with City's parking requirements.

Lieutenant Johnson was amenable to approval of this petition.

Upon a motion by Commissioner Shea, the Commission approved an all alcoholic beverages liquor license for Kozara Restaurant.

List of Exhibits:

- Exhibit A: Application for all alcoholic beverages liquor license for Kozara Restaurant; received April 25, 2012.

**14. 10 North Lake Avenue:** Derek Grillo stated that Regatta Point Community Sailing is seeking a One Day Malt&Wine Liquor License for May 22, 2012; 5:00pm-8:00pm and that about 50 people are expected to attend.

Upon a motion by Commissioner Shea, the Commission approved One Day Malt&Wine Liquor License for May 22, 2012; 5:00pm-8:00pm for Regatta Point Community Sailing.

List of Exhibits:

Exhibit A: Application for all One Day Malt&Wine Liquor License for May 22, 2012; 5:00pm-8:00pm for Regatta Point Community Sailing; received April 25, 2012.

**15. 270 Park Avenue:** Change of Liquor License – Alteration of Premises by adding a patio to Blue Jeans Pizza restaurant: Ms. Zhaurova stated that there was a legal advertising error associated with this project due to the fact that the legal ad did not run in the Telegram & Gazette. Attn. Finkelstein stated that the legal ad for concurrent application at 264-266 Park Avenue for the same applicant, Stephen Hopkins, and essentially the same petition, ran properly. He asked the Commission to be heard on this matter because the list of abutters for both 270 and 264-266 Park Avenue petitions was identical. Ms. Haralambous recommended postponement of the item to allow time for proper advertisement. The Commission postponed the hearing of the item to May 31, 2012 to allow for proper legal advertisement to take place.

**16. 264-266 Park Avenue:** Change of Liquor License – Alteration of Premises by adding a patio to Jusstevin, Inc. d/b/a Loft 266 Bar & Restaurant: Stephen Hopkins and Attorney Jonathan Finkelstein spoke on behalf of the application. Attn. Finkelstein stated that the applicant is seeking to add an 8-ft by 32-ft fenced patio between Loft 266 Bar and Blue Jeans Pizza restaurants in order to serve food and alcoholic beverages with soft contemporary background music. This patio would be adjacent to an 8-ft by 16-ft outdoor patio for use by Blue Jeans Pizza restaurant at 270 Park Avenue (a subject of a concurrent application).

Neal Rosenblum, owner of a business at 261-263 Park Avenue, expressed opposition to the petition. He stated that allowing liquor on the patio will increase negative impact to his property that he is already experiencing with respect to trash litter and noise levels.

Charles Rosenblum, partner of Neal Rosenblum of 261-263 Park Avenue, stated his opposition to the petition. He stated that customers of the petitioner's establishment were "using his property as a bathroom"; that there were fights on the property, which once resulted in breaking of a fence. Mr. Rosenblum stated that St. Patrick's Parade event turned out 'bad' for the neighborhood. He stated that there are 5 bars on the block already and that causes problems for movement on the sidewalks.

Mary J. Michelle O'Connor, owner of 539 Pleasant Street, stated her opposition to the petition. She stated that she often finds it difficult to rent out her property at 539 Pleasant Street which is located ~16-ft away from the petitioner's property parking lot. Her main concern was high noise levels at night. She stated that she had incidents of the petitioner's customers urinating on her property and littering trash, which caused her to install a \$10,000 fence. Ms. O'Connor stated that noise levels increase dramatically between 10pm-2:30am, and that fights often break out on Friday, Saturday, and Sunday nights. She stated that St. Patrick's Parade did not go well for the neighborhood and that she once found bullet shells from a shooting. She stated that she believed there were drug transactions and drinking taking place inside cars parked at the petitioner's property.

Robert O'Connor, owner of 539 Pleasant Street, expressed similar opposition to Ms. O'Connor and stated that the level of noise often wakes people up at night and that 'irresponsible behavior' with respect to alcohol consumption takes place on the petitioner's premises.

Suzy Lopez, a tenant of 263 Park Avenue, expressed opposition to the project.

Mr. Finkelstein stated that his client's business is being 'tarred and feathers' and stated that the City has to take responsibility for overseeing St. Patrick's Parade, and not individual businesses. He offered not serving alcohol outside and ending patio food service by 10pm. Mr. Hopkins stated that the reason behind his petition was to let his customers sit outside during the summer.

Chair Lukes stated that he believed this was a collective problem and adding a patio would exacerbate already existing issues. He suggested a condition of approval that no alcohol is served on the patio. He stated that this was not a unique case of a business wanting to move outside.

Mr. O'Connor stated that even if no alcohol is served on the patio, the level of noise will increase due to people eating outside.

Commissioner Shea stated that she could see both sides of the issue.

Mr. O'Connor stated that he believed provided parking was inadequate and that the patio will further encroach into existing parking. Mr. Finkelstein stated that the patio will not encroach into the parking lot.

Upon a motion by Ms. and seconded by Mr. Mullan, the Commission voted 1-2 (with Commissioner Shea voting yes, and Commissioners Lukes and Mullan voting no) to approve the application of Stephen Hopkins for Alteration of Premises for Jusstevin, Inc. d/b/a Loft 266 Bar & Restaurant. The motion did not carry and the petition was denied.

List of Exhibits:

Exhibit A: Application for Change of Liquor License – Alteration of Premises by adding a patio for Jusstevin, Inc. d/b/a Loft 266 Bar & Restaurant; received April 25, 2012.

**17. 329 Grafton Street:** Common Victualer (Restaurant) License for Ice Mambo: Mariana Garcia, the applicant, stated that she is seeking to open a restaurant serving popsicles, low-fat yogurt, smoothies, and like food. Upon a motion by Commissioner Shea, the Commission approved a Common Victualer (Restaurant) License for Ice Mambo.

List of Exhibits:

Exhibit A: Application for Common Victualer (Restaurant) License for Ice Mambo; received April 30, 2012.

**18. 950 Main Street:** One Day Liquor License - Clark University: Kim McElroy on behalf Clark University, the applicant, stated that she is seeking the following One Day Liquor Licenses:

1. May 18, 2012 - 7:00pm-9:00pm - All Alcoholic
2. May 18, 2012 - 9:00pm-11:00pm - All Alcoholic
3. May 18, 2012 - 10:00pm-1:30am – Malt & Wine
4. May 19, 2012 - 8:00pm-11:00pm - All Alcoholic
5. May 19, 2012 - 8:00pm-12:00am - All Alcoholic

Upon a motion by Commissioner Shea, the Commission approved a One Day Liquor License for Clark University for 5 requested events.

List of Exhibits:

Exhibit A: Application for One Day Liquor License - Clark University; received May 1, 2012.

**19. 224 1/2 Chandler Street:** One Day All Alcoholic Beverages Liquor License for B.A. Event Promotions: Paul Collyer, representative for the petition, stated that he seeking One Day All Alcoholic Beverages Liquor License for the 5<sup>th</sup> annual Paulie's New Orleans Jazz 'n Blues Festival for the following days and times:

1. June 22, 2012 – 7:00pm-12:00am
2. June 23, 2012 – 12:00pm-12:00am
3. June 24, 2012 – 12:00pm-9:30pm

Chair Lukes stated that it is a signature event for the City and praised Mr. Collyer for a successful annual event.

Upon a motion by Commissioner Shea, the Commission approved a One Day Liquor License for B.A. Event Promotions for 3 requested events.

List of Exhibits:

Exhibit A: Application for One Day Liquor License - for B.A. Event Promotions; received April 30, 2012.

**20. 1394 Main Street:** Petition for Transfer of Ownership of a Liquor License from Pho 2000, Inc. to Alidemi, Inc.: Attorney Todd Brodeur presented the petition. He stated that the owners will be a husband and wife who set up Alidemi, Inc. for the purpose of liability. He stated that the food will be Mediterranean in style and served for breakfast, lunch and dinner with hours of operation of 7am-2am. Ms. Koci stated that the bar seats about 7 people.

Upon a motion by Commissioner Shea, the Commission approved a Petition for Transfer of Ownership of a Liquor License from Pho 2000, Inc. to Alidemi, Inc.

List of Exhibits:

Exhibit A: Application for Transfer of Ownership of a Liquor License from Pho 2000, Inc. to Alidemi, Inc; received May 1, 2012.

**21. 153 Chandler Street:** Common Victualer (Restaurant) License for TTs Carribean and African Market: Vida Causey, the petitioner, stated that she is the manager and owner of the current retail establishment and that she is seeking to expand it to include sale, but not preparing, of meats.

Upon a motion by Commissioner Shea, the Commission approved a Petition for Transfer of Ownership of a Liquor License from Pho 2000, Inc. to Alidemi, Inc.

List of Exhibits:

Exhibit A: Application for Common Victualer (Restaurant) License for TTs Carribean and African Market; received May 1, 2012.

**22. 75 Maywood Street:** Common Victualer (Restaurant) License for The Brick Oven Pizza Factory LLC: Stephen Sherman, the applicant, stated that he is looking to serve pizzas, subs, and similar fare with no alcohol.

Upon a motion by Commissioner Shea, the Commission approved a Petition for Common Victualer (Restaurant) License for The Brick Oven Pizza Factory LLC.

List of Exhibits:

Exhibit A: Application for Common Victualer (Restaurant) License for The Brick Oven Pizza Factory LLC; received May 2, 2012.

**23. 374 Belmont Street:** Common Victualer (Restaurant) License for Lava Grill: Wen Chen stated that he is proposing to serve Mongolian grilled food and that he has been in a restaurant business for 24 years.

Upon a motion by Commissioner Shea, the Commission approved a Petition for Common Victualer (Restaurant) License for Lava Grill.

List of Exhibits:

Exhibit A: Application for Common Victualer (Restaurant) License for Lava Grill; received May 7, 2012.

**24. 155A Chandler Street:** Common Victualer (Restaurant) License for El Delicioso Chimi & Hotdogs: Antonio R. Hernandez was present for the petition.

Upon a motion by Commissioner Shea, the Commission approved a Petition for Common Victualer (Restaurant) License for El Delicioso Chimi & Hotdogs.

List of Exhibits:

Exhibit A: Application for Common Victualer (Restaurant) License for El Delicioso Chimi & Hotdogs; received May 8, 2012.

**25. 480 Shrewsbury Street:** Restaurant and Retail All Alcoholic Beverage License for Picadilly's Bar and Grill, Inc.: Glen Matheson Esq., represented Picadilly's Bar & Grill, Inc., the applicant. Also present were Girley Fonseca, corporation president, Kathy DeAmicus and Alexandra Martin, corporation directors. Mr. Matheson stated that the applicant is seeking to open a full-service restaurant with alcohol. That there will be no significant changes to the interior or exterior of the building.

Alex Simaio of Department of Revenue requested that the Commission continue the hearing because DOR will hold a hearing on June 28, 2012 regarding a license liability held by the previous owner.

Attn. Matheson stated that his applicant is a new entity applying for a new license, and therefore there is no corporate nexus between his client and the previous owner. He stated that 35 employees are waiting to start the work in the next 2-3 weeks.

Chair Lukes stated that usually Commission defers to the state on such matters. Mr. Mullan stated that the license approval can be held up by the state anyways, even if the Commission approves it.

Attn. Matheson asked that the Commission approves the Common Victualer license for now. The Commission was amenable to that.

Upon a motion by Commissioner Shea, the Commission approved the Common Victualer (Restaurant) License for Picadilly's Bar and Grill, Inc and continued a hearing on Retail All Alcoholic Beverage License to May 31, 2012.

**UNFINISHED BUSINESS:**

**26. 258 Park Avenue** – Liquor License Pledge (an amendment to a Petition for Transfer of Common Victualer All Alcoholic License to Wuhan Enterprise, Inc. dba Haiku Sushi Bar & Grill): No one was present for the petition. Ms. Zhaurova stated that Commission has approved a Transfer of Common Victualer All Alcoholic License to Wuhan Enterprise, Inc. at the last meeting (May 3, 2012), but since then the applicant amended the application to include a Liquor License Pledge. Upon a motion by Commissioner Shea, the Commission approved the amendment to the petition for Transfer of Common Victualer All Alcoholic License to Wuhan Enterprise, Inc. dba Haiku Sushi Bar & Grill with respect to the Liquor License Pledge.

List of Exhibits:

Exhibit A: Application for a Transfer of Common Victualer All Alcoholic License from The Sakhat Brothers Inc. to Wuhan Enterprise, Inc. dba Haiku Sushi Bar & Grill; received April 11, 2012, as amended.

**OTHER BUSINESS:**

**27. Policy Discussion - request to eliminate seasonal dining dates for sidewalk dining:** Mr. Fontane presented staff's recommendation to the Commission. Also present were John Piccolo of Shrewsbury Street Merchant Association and Gary Vecchio of Shrewsbury Street Neighborhood Association

Mr. Fontane stated that the purpose of allowing outdoor dining is to enhance and encourage active uses throughout the City of Worcester in a manner that contributes to the character and vitality of street life while not significantly impeding pedestrian movement along sidewalks. Outdoor dining was first adopted in the City of Worcester in 2002, when the License Commission proposed an amendment to allow for outdoor dining throughout the City. Extraordinarily good weather this spring prompted the City Council to order the City Administration to consider removing time of year restrictions on outdoor dining. Restaurant owners supportive of this measure, have also expressed support for reducing time of day restrictions as well.

Mr. Fontane stated that in response to City Council order and a petition from John Piccolo, President of the Shrewsbury Street Merchant Association, staff have researched and developed the a proposal regarding Outdoor Dining. The proposal was developed in consultation with the Department of Public Works and the Police Department and represents a negotiated compromise between business and resident stakeholders regarding time of year and time of day restrictions.

Mr. Fontane stated that the proposal includes changes to improve clarity and organization throughout that require the Law Department's review. Due to the fact this proposal was completed yesterday, it has not been fully reviewed by the Law Department.

Mr. Fontane requested that the Commission vote to schedule and advertise public hearing on this matter for June 14, 2012. He stated that staff will provide the proposed amendment in its final draft form for the Commission at its May 31st, 2012 meeting.

Mr. Fontane summarized key policy elements of staff's proposal allowing outdoor dining:

- 1) Case-by-Case vs. Uniform Policy. Based on our current policy, and having met with key members from Police, DPW and Law, the City should maintain a uniform, performance-based, policy for outdoor dining. This is most business friendly and provides uniformity of regulation and for ease of enforcement.
- 2) Time of Year Restrictions. The following proposed outdoor dining regulations provide clear, performance-based, restrictions to ensure proper management of these areas throughout the year as opposed to limiting the time of year allowed to avoid potential problems due to inclement weather and snow and ice accumulation or both.
- 3) Time of Day Restrictions. The following proposal provides a negotiated compromise that balances the needs of business and neighborhood stakeholders by extending outdoor dining food and beverage service to 11:30 p.m. (from 11:00 p.m.) and 12:00 a.m. (from 11:30 p.m.) to clear outdoor dining areas.
- 4) Clarification of Definition of Outdoor Dining. This proposal further clarifies that outdoor dining must include both food and beverage service.
- 5) Outdoor Dining Extension of Hours Pilot. Although I am confident that extending the hours of outdoor dining will be successful, I recommend that the Commission extend hours for outdoor dining as a pilot first and revisit the matter next year and then consider making the change permanent.



Mr. Fontane clarified that this proposal refers to alcohol consumption on the sidewalk only if accompanied by dining, and that the establishment should have the capacity to prepare and serve food during the time that the sidewalk dining is available.

Mr. Fontane stated that he has met and discussed this proposal with John Picollo and Gary Vecchio and that both indicated to him that they felt this proposal represented a good compromise.

Chair Lukes commended staff for finding a compromise on the issue of outdoor dining that has been ongoing for many years and requested that the Law Department reviews and sends an amended copy of the Proposed Rules and Regulations to the Commission for its May 31<sup>st</sup> meeting. He requested that the amendment is properly advertised for the June 14, 2012 meeting.

List of Exhibits:

Exhibit A: Memorandum from Joel Fontane to License Commission; re: Outdoor Dining – Policy Recommendation; dated May 17, 2012.

Exhibit B: Draft Proposed Amendment related to Outdoor Dining; dated May 17, 2012.

**28. Communication:**

- a. From Commonwealth of Massachusetts Department of Revenue to McGovern Package Store of Worcester, MA; re: seizing property for non-payment of taxes; dated 5/2/2012.

The Commission did not take action on any of the communication items received.

**SIGNING DECISIONS**

A license denial decision for 27 Pleasant Street and cessation of business decisions for 480 Shrewsbury Street (MPG dba Picadilly's Pub Restaurant) and 40 Front Street (Overtime Tap) were signed by the Commission.

**ADJOURNMENT**

The Commission adjourned the meeting at 11:30.