

MINUTES OF THE PROCEEDINGS OF THE
LICENSE COMMISSION OF THE CITY OF WORCESTER
MARCH 6, 2014

ESTHER HOWLAND CHAMBERS

Commission Members Present: Karon Shea, Chairperson
Paul Mullan, Commissioner

Commission Members Absent: Anthony Salvidio, Commissioner

Staff Present: Deborah Steele, Planning & Regulatory Services
Lt. James Johnson, Worcester Police Department
Alexandra Haralambous, Law Department
James Foley, Inspectional Services

Call to Order

Approval of the Minutes – 2-20-14

Upon a motion the Commission voted 2-0 to approve the minutes of February 20, 2014.

New Business

One Day Liquor & Entertainment Requests:

Common Victualer – Food Only:

1. Petition: Request for common victualer license
Petitioner: G&G Inc dba Eddie Super Plaza, 300 Pleasant Street

Edward Menez appeared on behalf of the application. He stated that will be for a grocery convenience store.

Upon a motion the Commission voted 2-0 to approve the common victualer license for G&G Inc dba Eddie Super Plaza.

Exhibit A: Application for common victualer license filed February 18, 2014 and dated February 18, 2014.

2. Petition: Request for common victualer license

Petitioner: Skaff Petroleum, Inc., 334 Grafton Street

John Skaff appeared on behalf of the application. He stated this is a convenience store and will allow him to sell hot dogs and coffee.

Upon a motion the Commission voted 2-0 to approve the common victualer license for Skaff Petroleum.

Exhibit A: Application for common victualer license received February 19, 2014 and dated February 19, 2014.

3. Petition: Request for common victualer license

Petitioner: Wraps to Go, 506 Pleasant Street

Kevork Bekelian appeared on behalf of the application. He stated he is requesting a restaurant license in order to sell wraps.

Upon a motion the Commission voted 2-0 to approve the common victualer license for Wraps to Go.

Exhibit A: Application for common victualer license received February 19, 2014 and dated February 19, 2014.

4. Petition: Request for common victualer license

Petitioner: Makao Restaurant, 181 Millbury Street

Petition: Request for entertainment license for tv, radio

Petitioner: Makao Restaurant, 181 Millbury Street

These two items were taken contemporaneously.

Clabriel Ramos Santos appeared on behalf of the applications. Edgar Luna provided translation.

Ms. Santos stated she is looking to serve food at the location and have entertainment with a tv and radio.

Commissioner Mullan explained that there have been problems with previous owners selling alcohol illegally and Ms. Santos is a new owner and warned her to be careful not to allow alcohol to be brought on or sold on the premises.

Upon a motion the Commission voted 2-0 to approve the common victualer license for Makao Restaurant.

Upon a motion the Commission voted 2-0 to approve the entertainment license for Makao Restaurant.

Exhibit A: Application for common victualer license received on February 25, 2014 and dated February 25, 2014.

Exhibit B: Application for entertainment license received on February 25, 2014 and dated February 25, 2014.

Alcohol & Entertainment Permit Applications:

5. Petition: Request for transfer of package store all alcohol from Milzan, Inc, dba Millbury Street liquors change of location to 72 Pullman Street
- Petitioner: Price Chopper of Operating Company of Massachusetts, Inc.

Upon a motion the Commission voted 2-0 to postpone the item until the March 20, 2014 License Commission meeting.

Exhibit A: Application for transfer of package store all alcohol license and change of location received on February 18, 2014 and dated February 18, 2014.

6. Petition: Request for farmer brewery license
- Petitioner: 3cross Brewing Company, 26 Cambridge Street

David Cross appeared on behalf of the application.

The Commission stated they had viewed the premises with Lt. Johnson prior to the meeting.

Mr. Cross stated this will be for a location on Cambridge Street.

Commissioner Mullan asked about the type of license.

Ms. Steele explained that this was new type of license approved by the state in July 2013 which requires city and state approval.

Commissioner Mullan asked Mr. Cross if he had obtained his state approval. Mr. Cross responded he had.

Upon a motion the Commission voted 2-0 to approve the farmer brewery license for 3cross Brewing Company.

Exhibit A: Application for farmer brewer license received on February 18, 2014 and dated February 18, 2014.

Maureen Stenson, Property Manager of Mt. Carmel stated the residents of the apartment are in opposition to expanding the license and hopes the Commission hears their concerns.

Councilor Philip Palmieri appeared in opposition. He stated he was present when the license holder appeared on first request for the license. Councilor Palmieri stated that the area is full with great businesses but this location is right next door to the Mt. Carmel Apartments and expanding entertainment for this location would be unfair to the residents who live at the apartments. Councilor Palmieri stated that the warmer weather will be here soon and noise will change. He stated he understands the business owner needs to make money but does not think expansion of the entertainment should be approved.

Jo Hart, city resident, stated there are ways and means to soundproof and maybe that the Commission should would work on plan to end noise assault on neighbors.

Mr. Januelwicz stated he had been before License Commission before and doesn't feel the neighbors have given him enough credit for what he has done. He stated he does want to run a sports bar but he opened in early January and there are not enough sports for people to come in to watch all the time and that is why he is looking to expand in order to stay competitive. He stated other businesses in area have similar types of entertainment. Mr. Januelwicz stated that he is looking for acoustic music, not big bands like Allgos, the previous owner of the property had.

Mr. Januelwicz stated he tried to meet with the property manager and residents of Mr. Carmel when he planned to expand the entertainment and they told him that they did not wish to do so and he has listened to the concerns of the residents.

Mr. Januelwicz stated he goes outside his business to make sure that noise is not to loud and he posted a letter in his establishment he received from Mt. Carmel stating that they would be towing illegally parked cars in their lot. Mr. Januelwicz stated he tried to reach out to the neighbors and that the expanded entertainment would not cause any noise that would disturb the neighbors. He stated that his current license limits his ability to stay competitive.

Commissioner Mullan stated that he appreciates the fact that the applicant tried to reach out to the neighbors and be a good neighbor but is concerned that business has only been operating for two months and the warm weather season has not happened yet and that noise level changes once the warmer weather comes and there is no track record for this establishment and if a motion is put forward he is going to vote no as there is no track record for establishment and wants to see where the business is going.

Mr. Januelwicz stated the expanded entertainment would not increase the noise level.

Commissioner Mullan stated that the Commission had dealt all last year with issues of noise complaints and noise levels are very different in the summer than in the winter months.

Mr. Januelwicz stated he felt he was being treated unfairly and being compared to Allgos when he does not plan to have same type of entertainment. He stated that many of the businesses in the area have same entertainment and that he would like the same type of entertainment in order to compete.

Upon a roll call the Commission voted 2-0 to deny the application for expanded entertainment.

Exhibit A: Application for entertainment license received on February 7, 2014 and dated February 7, 2014.

Other Business

10. Dante, 421 Shrewsbury Street – Cessation of business

Upon a motion the Commission voted 2-0 to rescind the restaurant all alcohol license.

Communications

Communication received from Michael Traynor Esq.; received February 26, 2014.

Filed

Adjournment

Upon a motion the Commission voted 2-0 to adjourn the meeting at 10:46 a.m.