

MINUTES OF THE PROCEEDINGS OF THE
LICENSE COMMISSION OF THE CITY OF WORCESTER
JUNE 9, 2016

ESTHER HOWLAND CHAMBER

Commission Members Present: Karon Shea, Chairperson
Walter Shea, Commissioner
Anthony Salvidio, Commissioner

Commission Members Absent:

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

Approval of the Minutes

April 14, 2016, April 28, 2016, May 12, 2016, May 26, 2016

Upon a motion the Commission approved the minutes for April 14, 2016, April 28, 2016, May 12, 2016 and May 26, 2016.

Old Business

1. Petition: Request for package store malt & wine license

Petitioner: Seven Hills Convenience, Inc., 1326 Main Street-

Attorney Barbara Liftman along with Wassim Daaboul appeared on behalf of the application. Attorney Liftman stated that the Commission had requested some changes to the layout and they have done that and provided photos of the coolers proposed.

Commissioner Salvidio stated that he like the area for sales to be limited to one standing area for wine and one cooler for beer.

Upon a motion the Commission voted 3-0 to approve the package store malt & wine license with condition that the area for sales be limited to one standing area for wine and one cooler for beer.

Exhibit A: Application for package store malt & wine license received March 18, 2016 and dated March 18, 2016.

2. Proposed Amendments to Entertainment Rules & Regulations

Mr. Rolle presented the following as to why staff is looking to make changes to the current entertainment rules and regulations

- To establish clear and easily verifiable sound limits for music and other noise generated by licensed entertainment.
- To remove existing barriers to the effective investigation and resolution of complaints.
- To establish a process by which entertainment events that typically generate higher sound levels(e.g. - special events, outdoor concerts) may seek permission to exceed normally applicable sound limits on a case-by-case basis.
- To improve neighbor awareness when applications for entertainment that would exceed the normally applicable sound limits are made.
- To establish application requirements and approval criteria.

Mr. Rolle stated that under the proposed Rules, sounds from licensed entertainment would need to comply with the following limits:

- Sounds generated by licensed entertainment may not be plainly audible at a distance of 150 feet or more beyond the property boundary of the licensed premises at any time.
- Sounds generated by licensed entertainment may not be plainly audible at a neighboring residence at a distance of 50 feet or more beyond the property boundary of the licensed premises after 9:00 PM Sunday – Thursday, and after 10:00 PM Friday and Saturday.
- To allow for occasional special events, or in cases where louder sound levels would not adversely affect neighbors, an applicant may request a deviation from the proposed limits.

Mr. Rolle stated that the proposed sound limits were established following an extensive review of entertainment and noise regulations for more than 50 communities in New England and throughout the country. Boston, Cambridge, Somerville, Springfield and Providence, RI and all those communities have similar sound limits for licensed entertainment in place currently.

Mr. Rolle stated that background music outdoors will in most cases comply with the proposed sound limits, particularly before the lower night-time limits take affect for those establishments located in close proximity to residential uses. Louder entertainment, such as outdoor concerts, could be permitted by requesting a deviation from the normally applicable limits. The License Commission would then consider factors such as the proposed sound levels, time of day, duration of sound, sound mitigation measures, and proximity to and

type of neighboring uses when determining whether to allow a deviation from the normally applicable sound limits.

Commissioner Salvidio stated that 50 feet is too short of a distance and would prefer 150 feet and stated that he wants a clear definition of what is residential and is against having license holders file more paperwork and having them be required to notify all the abutters is too much of a burden. He stated that meetings is advertised in the paper and if people have that much of interest in any item they can come to meeting and he is not for anything that limits but he agrees with the City that there needs to be some standards on how city operates especially when a neighbor has a complaint so it would be nice to have an ascertainable standard.

Commissioner Shea stated that he like to thank the City for the work that was done but he is concerned about the five day limit as there is only a short time when these establishments can make extra money and this is another avenue for establishments to make extra dollars and he agrees with Commissioner Salvidio that 50 feet is too short of a distance.

Chair Shea stated that the City has come so far she would find it harmful to limit and they don't want to be the old Worcester and they want to be new Worcester and they need to be doing music and festivals.

Paul Giorgio stated that Worcester is trying to expand and they have a growing restaurant and nightclub scene and they can't stop that and the ordinance as proposed would stop that and these regulations proposed would outdoor dining be the next thing banned. He stated that he ordinance in present form would send message that Worcester is a sleepy town. He stated that this proposal would effect the business owners and their staff and to limit the outdoor events to five would really hurt Worcester and there should be room for compromise.

Mr. Giorgio stated that he would like know how many individual complainants there actually are and currently there is a city wide noise ordinance that is not enforced now and noise from Harley motorcycles are louder than music coming from establishments. He stated that several people met with Mr. Rolle and they want to work with the Commission and wants the City to move forward and not backward and they only had the one meeting with Mr. Rolle but doesn't believe anyone besides city departments had any input on this proposal.

Paul Barber stated that this is a city and he started the Taste of Shrewsbury Street and has worked with Mr. Rolle and the neighbors and they try to come to agreements on the events and he tries to play by the rules and adjust to the neighborhood and they are limited to 30 events per year and to go down to five and then go back before Commission if over that number would create more paperwork for the license holder and he thinks it would have been nice if some of the business owners were brought in for their input on the proposal.

Stu Loosemore, Chamber of Commerce stated that the like to commend the city administration for working on this proposal and there are some points that they like addressed.

1. Limit should be 15 and not 5
2. The 50 feet buffer be extended
3. Hours be extended

4. The notice to abutters be taken out as that could get expensive
5. What the criteria would be for revocation or a suspension of a license holder for not following the rules

Nikki Clemente stated that she like to thank Mr. Rolle for his work on this and this is a great start but a few things she would like to see address is the mitigation of the sound and maybe have the Commission provide a list of mitigation to license holder as to how to address the noise issues and making it enforceable and there needs to be a way to address what is plainly audible especially on Shrewsbury Street where you have residents and business next door to each other. She stated that she like the time frames proposed in the ordinance remain as proposed. She stated that would also like to know how this will be enforced and how many times does a license holder have to violate in order to have license revoked and this proposal does not address that and there is a issue with number of licenses requested . Ms. Clemente stated that she would ask that the meetings regarding these issues be held in evenings so more neighbors could attend.

Commissioner Salvidio stated that people are welcome to write into the Commission.

Ray Perrone Jr stated he books and promotes bands in the city and has issue with the plainly audible portion of the proposal as that would limit the type of entertainment and thinks another criteria besides plainly audible sound should be used.

John Bellrose Stevens stated that he thinks this is a great ordinance and his concern is the 50 feet plainly audible and the hours. He stated that he lives near a restaurant that morphed into a nightclub and this ordinance addresses his concerns and allows the police to enforce under this ordinance and thinks city did a great job on the Section 12 portion of this ordinance.

Don Morse stated his concern is that the ordinance allows license holders to ask for anything they want and he doesn't want to hear music blasting after 10:00 p.m. a night and plainly audible should be used and police should be able to stand at a distance and say "yes it too loud." Mr. Morse stated that last year he, city staff and Flying Rhino worked together on times for outdoor events and it worked out fine but believes there needs to be limits.

Angela Padavano stated that she thinks this is a move in the right direction and there needs to be some clearly defined limits and right now she is allowed to have acoustic music on Sunday only between 4:00 and 8:00 p.m. on the patio and that is very limiting. She stated that her issue is with the plainly audible as someone with acoustic music could be heard be from 100 feet and they like to get together with the city so the restaurants could give their input and asked whether a special provision could be create for the special city events.

Commissioner Salvidio stated that would be subject to much more review as he doesn't think the five limit is reasonable.

Dino Singas stated that he only applies for two licenses per year but he depends on them due to the harsh winters and he needs them to keep his business going and city has to look at what they want to be as a city.

Commissioner Shea requested that city staff meet with the restaurant owners prior to the next meeting on this item to discuss the proposal.

Upon a motion the Commission voted 3-0 to continue the item until July 21, 2016.

Exhibit A: Proposal for Amendment to Entertainment Rules & Regulations

3. Petition: Request for one day liquor license

- June 25, 2016 – 1:00 p.m.-9:30 p.m.
- July 30, 2016-3:00 p.m.-8:00 p.m.
- October 9, 2016-1:00 p.m.-6:00 p.m.

Petitioner: Robyn Caruso, 346 Shrewsbury Street

Robyn Caruso appeared on behalf of the application. She stated that June 25 is for their anniversary party, July 30, 2016 is a fundraiser for ALS and October 9, is for the Columbus Day parade.

Upon a motion the Commission voted 3-0 to approve the three one day licenses.

Exhibit A: Application for one day liquor licenses received May 2, 2016 and dated May 2, 2016.

3a. Petition: Request for one day entertainment license for live music

- June 25, 2016 – 6:00 p.m.-10:00 p.m.
- July 30, 2016-3:00 p.m.-10:00 p.m.
- October 9, 2016-1:00 p.m.-5:00 p.m.

Petitioner: Robyn Caruso, 346 Shrewsbury Street

Robyn Caruso appeared on behalf of the applications.

Upon a motion the Commission voted 3-0 to approve the three one day licenses.

Exhibit A: Application for one day entertainment license received May 2, 2016 and dated May 2, 2016.

4. Petition: Request for one day liquor license

- July 1, 2016-5:00 p.m.-Midnight
- July 28, 2016-5:00 p.m.-10:00 p.m.
- July 29, 2016-5:00 p.m.-11:00 p.m.
- July 30, 2016-Noon-11:30 p.m.
- July 31, 2016-Noon-8:00 p.m.
- August 1, 2016-11:00 a.m.-7:00 p.m.
- October 9, 2016-11:00 a.m.-8:00 p.m.

Petitioner: Paul Barber, 278 Shrewsbury Street

Paul Barber appeared on behalf of the applications.

5. Petition: Request for one day entertainment license for live music

- July 1, 2016 – 6:00 p.m.-11:00 p.m.
- July 28, 2016-5:30 p.m.-9:30 p.m.
- July 29, 2016-11:00 p.m.-10:30 p.m.
- July 30, 2016-11:00 a.m.-11:00 p.m.
- July 31, 2016-11:00 a.m.-7:00 p.m.
- August 1, 2016-11:00 a.m.-6:00 p.m.
- October 9, 2016-11:00 a.m.-7:00 p.m.

Petitioner: Paul Barber, 278 Shrewsbury Street

Items #4 and #5 were taken contemporaneously.

Paul Barber stated that July 1, 2016 is for the fireworks.

Mr. Barber stated that he would like on July 28, 2016 to modify the entertainment music to just background music. He stated on July 29, 2016 he like to go to 10:30 on the entertainment. Commissioner Salvidio stated that he would prefer that be limited to 10:00 p.m. Mr. Barber stated that last half hour is when people are going out for the night.

Commissioner Salvidio stated he believed that 10:00 p.m. is reasonable.

Mr. Barber asked if the July 30, 2016 could he have the 11:00 p.m. Commissioner Salvidio stated that he prefer that be through 10:30 p.m.

The Commission stated that the rest of times for the other events were fine.

Upon a motion the Commission voted 3-0 to approve the one day liquor licenses.

Upon a motion the Commission voted 3-0 to approve the one day entertainment licenses as amended.

Exhibit A: Application for one day liquor license received April 1, 2016 and dated April 1, 2016.

Exhibit B: Request to postpone dated

Exhibit C: Request for one day entertainment license received April 1, 2016 and dated April 1, 2016.

6. Petition: Request for transfer of general on premises all alcohol license and request to open at 10:00 a.m. on Sunday's

Petitioner: Big Red, Inc. dba Art's, 541 West Boylston Street

Upon a motion the Commission voted 3-0 to approve the transfer of license and request to open at 10:00 a.m. on Sunday.

Exhibit A: Application for transfer of general on premises all alcohol license received May 9, 2016 and dated May 9, 2016.

7. Petition: Request for change of lodging house ownership

- 709 Main Street

Petitioner: Thakkar Daxesh & Sabar Sarwar

Thakkar Daxesh and Ron LeClair appeared on behalf of the application.

Mr. Daxesh stated that the had purchased the property and will continue to run it as a lodging house.

Upon a motion the Commission voted 3-0 to approve the transfer of the lodging house license.

Exhibit A: Application for lodging house transfer received May 4, 2016 and dated May 2016.

8. Petition: Request for change of manager

Petitioner: Warsaw, Inc. 116-120 Green Street

Julie Sargentelli appeared on behalf of the application.

Upon a motion the Commission voted 3-0 to approve the change of manager.

Exhibit A: Application for change of manager received May 12, 2016 and dated May 12, 2016.

NEW BUSINESS

One Day Liquor & Entertainment Requests:

9. Petition: Request for one day liquor license

- June 24, 2016 – 8:00 p.m.-11:00 p.m.

Petitioner: Mt. Carmel CYC, 28 Mulberry Street

Domenic Mercurio appeared on behalf of the application. He stated that this will be for a fundraiser for the CYC.

Upon a motion the Commission voted 3-0 to approve the one day license.

Exhibit A: Application for one day liquor license received May 30, 2016 and dated May 30, 2016.

10. Petition: Request for one day liquor license

- June 14, 2016 – 4:30 p.m.-7:30 p.m.

Petitioner: Hampton Inn & Suites Worcester, 65 Prescott Street

Representatives from Hampton Inn appeared on behalf of the application.

Upon a motion the Commission voted 3-0 to approve the one day license.

Exhibit A: Application for one day liquor license received May 27, 2016 and dated May 27, 2016.

11. Petition: Request for one day liquor license

- June 20, 2016 – 6:00 p.m.-9:00 p.m.

Petitioner: Dell'Ovo's Kitchen, 257 Shrewsbury Street

Angela Padavano appeared on behalf of the owner. She stated that this is for the Taste of Shrewsbury Street.

Upon a motion the Commission voted 3-0 to approve the one day license.

Exhibit A: Application for one day liquor license received May 27, 2016 and dated May 27, 2016.

12. Petition: Request for one day liquor license

- July 1, 2016 – 3:00 p.m.-11:00 p.m.

Petitioner: Philip Palmieri, 172 Shrewsbury Street

Philip Palmieri appeared on behalf of the application. He stated that this will be for the fireworks and he will have an enclosed fenced in area with one way in and out.

Staff asked if he planned to have certified bartenders selling the alcohol. Mr. Palmieri stated that he planned to.

Upon a motion the Commission voted 3-0 to approve the one day license.

Exhibit A: Application for one day liquor license received May 30, 2016 and dated May 30, 2016.

13. Petition: Request for one day liquor license

- June 12, 2016 – Noon-5:00 p.m – Humboldt Street
- June 25, 2016-4:00 p.m.-9:00 p.m.-City Hall Common

Petitioner: John Travaglio

Theresa Travaglio appeared on behalf of the applications.

She stated that both events are for beer tents for 5K races. One on Humboldt Street and one at City Hall Common and police details will be at the events.

Upon a motion the Commission voted 3-0 to approve the two one day licenses.

Exhibit A: Application for one day liquor license received May 22, 2016 and dated May 22, 2016.

14. Petition: Request for one day liquor license

- July 23, 2016 – Noon-9:00 p.m.
- August 27, 2016 – Noon -9:00 p.m.

Petitioner: David Domenick, 90 Harding Street

David Domenick appeared on behalf of the applications. He stated that the first event is for a chili festival and the second event is for a blues festival.

Upon a motion the Commission voted 3-0 to approve the two one day licenses.

Exhibit A: Application for one day liquor license received May 26, 2016 and dated May 26, 2016.

Commissioner Shea recused himself from 15 and 15A

15. Petition: Request for one day liquor license

- June 12, 2016 – 2:00 p.m.-11:00 p.m.
- July 1, 2016 – 5:00 p.m.-11:00 p.m.

Petitioner: Angela Padavano, 358 Shrewsbury Street

15a. Petition: Request for one day entertainment license for dancing by patrons, live music, amplification system

- June 12, 2016 – 2:00 p.m.-9:00 p.m.
- July 1, 2016-7:00 p.m.-11:00 p.m.

Petitioner: Angela Padavano, 358 Shrewsbury Street

Items #15 and #15A were taken contemporaneously

Angela Padavano appeared on behalf of the items.

Ms. Padavano stated that on June 12, 2016 stated they will be having a birthday party and they will section off the parking lot and they like to have acoustic duo play and they are expecting to about 100 people and July 1, 2016 is for the firewokrs.

Nikki Clemente stated that her concern is the parking lot as if they are using the parking lot none of the patrons can park there and the fireworks the street is a parking lot so has concerns about where people are going to park. Ms. Clemente stated that Padavano's has an outdoor patio area so doesn't understand why the applicant can't use that instead of the parking lot.

Ms. Padavano stated that she had provided a sketch and there will be parking in the lot and they own another business in the plaza and that will be closed and the clinic in plaza will be closed. She stated that the Vape Lounge only uses 1-2 spaces so she will have ample parking.

Mr. Rolle asked if the applicant has reached out to other lots in area to utilize their parking. Ms. Padavano stated that she can look into that but for the June 12, 2016 they know exactly how many people are coming to the event so parking will not be a problem.

Commissioner Salvidio stated that on the fireworks night that parking lot will need to be available. Ms. Padavano stated that was fine and they can have the band on the patio.

Ms. Clemente asked what would be the type of music. Ms. Padavano stated on the fireworks night it will be a full band and on June 12, 2016 it will be acoustic music and they plan on have two duo's play but second set will probably be moved inside.

Ms. Clemente asked if the parking lot will be available on the fireworks night. Ms. Padavano stated yes as band will be set up on patio.

Upon a motion the Commission 2-0 to approve the one day liquor licenses and entertainment licenses as amended.

Exhibit A: Application for one day liquor license received May 11, 2016 and dated May 11, 2016.

Exhibit B: Application for one day entertainment license received May 11, 2016 and dated May 11, 2016.

Commissioner Shea returned to meeting room.

- 16.** Petition: Request for one day entertainment license for live music, amplification system
- July 2, 2016 – 2:00 p.m. – 4:00 p.m.

Petitioner: Telegram & Gazette, Worcester Common

Item was postponed to the June 24, 2016 License Commission meeting.

Exhibit A: Application for one day entertainment license received June 2, 2016 and dated June 2, 2016.

- 17.** Petition: Request for one day entertainment license for live music, amplification system
- July 6, 13, 20, 27, 2016 – 6:30 p.m.-8:30 p.m.
 - August 3, 10, 17, 24, 2016-6:30 p.m.-8:30 p.m.

Petitioner: Canal District Alliance, 152 Green Street

Leonard Larusso and Seth Dederian appeared on behalf of the applications. Mr. Larusso stated these events will be held on Wednesday nights and they will provide entertainment for two hours.

Upon a motion the Commission voted 3-0 to approve the one day entertainment licenses.

Exhibit A: Application for one day entertainment license received May 25, 2016 and dated May 25, 2016.

- 18.** Petition: Request for one day liquor license in parking lot
- June 21, 2016 – 5:00 p.m.-9:00 p.m.

Petitioner: Tal Lachmann, 299 Shrewsbury Street

- 19.** Petition: Request for entertainment license for live music in parking lot
- June 21, 2016-5:00.-9:00 p.m.

Petitioner: Basil n' Spice, 299 Shrewsbury Street

Items #18 and #19 were taken contemporaneously.

Tal Lachmann appeared on behalf of the applications.

Mr. Lachmann stated that these will be for the Taste of Shrewsbury Street event and they will have a small section in the back where they will have music and will offer a draft beer outside and they will not use more than three parking spaces

Upon a motion the Commission voted 3-0 to approve the one day liquor license.

Upon a motion the Commission voted 3-0 to approve the one day entertainment license.

Exhibit A; Application for one day liquor license received June 1, 2016 and dated June 1, 2016.

Exhibit B: Application for one day entertainment license received June 1, 2016 and dated June 1, 2016.

20. Petition: Request for one day liquor license

- June 10, 2016-11:30 a.m.-5:00 p.m.

Petitioner: Kim McElroy, 950 Main Street

Kim McElroy appeared on behalf of the application. She stated this will be at Tilton Hall and campus police will be present.

Upon a motion the Commission voted 3-0 to approve the one day license.

Exhibit A: Application for one day liquor license received June 6, 2016 and dated June 6, 2016.

Common Victualer Requests:

None

Alcohol & Entertainment Requests:

21. Petition: Request for alteration of premises

Petitioner: CJ LLC, dba Frank's, 274 Shrewsbury Street

Chair Shea stated that they viewed the premises prior to the meeting.

Perry Jano appeared on behalf of the application.

Mr. Rolle stated that requirement for outdoor dining is that food be available and applicant doesn't have a kitchen and would ask that applicant to address that.

Mr. Jano stated that he does a lot of catered events and he has over 20 take out menus.

Commissioner Salvidio stated that at the view the applicant stated that he had been selling sandwiches at the location.

Mr. Rolle stated that sketch provided did not have enough room on the barriers to get to the tables. Mr. Jano stated that he has adjusted that and presented a revised plan.

Upon a motion the Commission voted 3-0 to approve the alteration of premises.

Exhibit A: Application for alteration of premises received May 27, 2016 and dated May 27, 2016

Exhibit B: Revised plan received June 9, 2016.

Other Business

Communications

Electronic communication from Shepard-King Neighborhood Association received May 13, 2016

The Commission reviewed the letter provided by Shepard-King Neighborhood Association and requested that staff to investigate the situation and report back if specific violations are found.

ADJOURNMENT

11:50 p.m.