

**MINUTES OF THE PROCEEDINGS OF THE  
LICENSE COMMISSION OF THE CITY OF WORCESTER  
JUNE 14, 2012**

**44 FRONT STREET, 3<sup>RD</sup> FLOOR (CENTRAL MASS WORKFORCE  
INVESTMENT BOARD ROOM)**

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

**Staff Present:**

Joel Fontane, Planning & Regulatory Services  
Deborah Steele, Planning & Regulatory Services  
Attorney Alexandra Haralambous, Law Department  
James Foley, Inspectional Services

**COMMISSION SITE VIEWS:**

**CALL TO ORDER:**

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

**Approval of the Minutes:** May 17, 2012, June 1, 2012, June 5, 2012 - Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the minutes.

**Unfinished Business:**

**1. 270 Park Avenue – Request for alteration of premises by adding a patio**

Stephen Hopkins appeared on behalf of petition. Mr. Hopkins stated he would like to have outside area with five tables with four chairs at each table and would like to be allowed to have alcohol in the outside area.

Commissioner Mullan asked whether establishment only serves malt & wine.

Mr. Hopkins stated Blue Jeans it is just beer & wine.

Mr. Hopkins stated he has bought fencing to enclose the outside area.

Neil Rosenblum spoke in opposition to the petition. He stated he would be worried that customers from Loft would come next door after drinking at that establishment and drink in the outside area at Blue Jeans.

Chuck Rosenblum also spoke in opposition to the petition. He stated he would have same concerns about customers leaving Loft and then coming over to outside area of Blue Jeans to continue to drink. He stated if outside area was just for pizza and soda he would not have problem.

Robert O'Connor stated he was direct abutter to Blue Jeans and he has met with Mr. Hopkins to try and see if they could come to some middle ground. Mr. O'Connor stated one of the biggest problems is excessive noise when

patrons leave the Loft and Mr. Hopkins has put a parking attendant outside to help alleviate that situation.

Mr. O'Connor passed out a letter outlining conditions that he would like see imposed if License Commission granted application. Exhibit B.

Mr. Fontane stated that License Commission could consider allowing the outside area to be open at certain hours on a trial basis.

Chairman Lukes thanked Mr. O'Connor and Mr. Hopkins for meeting to try and resolve the issues regarding the outside area.

Commissioner Shea stated that maybe Commission should consider having establishment close the outside area at 10:00 p.m.

Chairman Lukes stated that it is difficult decision as Park Avenue is a mix of business and residential and the Commission has to look at what would be best for the totality of the neighborhood.

Upon a roll call the Commission voted 2-1 to approve the request for alteration of premises for Blue Jeans Pizza. Commissioner Shea and Commissioner Mullan voting in the affirmative. Chairman Lukes voting against.

Ms. Steele asked for clarification of the conditions for the outside area.

Chairman Lukes stated all the conditions in Exhibit A must be adhered to along with a 10:00 p.m. closing hour which means the outside area will be completely shut down at 10:00 p.m.

Exhibit A: Application for alteration of premises received on April 26, 2012 and dated April 20, 2012.

Exhibit B: List of conditions for outside area.

**2. 365 W. Boylston Street – Lodging House renewal application**

Ms. Steele stated she had been informed by City Treasurer's Office that the taxes have been paid and item can be filed.

Exhibit A: Lodging house renewal application received on February 21, 2012 and dated February 21, 2012.

**New Business**

**3. 108 Belmont Street - Request for common victualer (food only) license**

Luiz Biol Chinineto appeared on behalf of application. He stated he is taking over ownership of the business and business will remain a bakery.

Upon a motion by Commissioner Shea the Commission voted 3-0 to approve the common victualer license for Del Bakery dba CB Bakery.

Exhibit A: Application for common victualer license received on May 23, 2012 and dated May 23, 2012.

**4. 346 Shrewsbury Street – Request for entertainment license**

Robyn Caruso appeared on behalf of application. She stated she had been approved for a liquor license and would like to add entertainment.

Commissioner Mullan asked if she would have bands outside and Ms. Caruso stated no that the bands would be inside.

Upon a motion by Commissioner Shea the Commission voted 3-0 to approve the entertainment license for TD Company dba Vintage Grille.

Application for entertainment license received on June 1, 2012 and dated June 1, 2012.

**5. Main Street**

Robert Moscoffian appeared on behalf of application. He stated this will be for the Summer Nationals which has been held in City of Worcester for over 20 years.

Lt. Johnson stated he had no issue with application.

Upon a motion by Commissioner Shea the Commission voted 3-0 to approve the special liquor permit for Summer Nationals.

Exhibit A: Application for special liquor permit received on June 5, 2012 and dated May 31, 2012.

**6. 59 Chandler Street**

Geraldo De La Cruz appeared on behalf of the application. He stated this is an established restaurant and there will be no change in way it operates.

Upon a motion by Commissioner Shea the Commission voted 3-0 to approve the common victualer license for El Buen Sabor Restaurant.

Exhibit A: Application for common victualer license received on June 4, 2012 and dated June 4, 2012.

**7. 29 Kelley Square**

Attorney Nick Moudious and George Mitre appeared of behalf of the application. Attorney Moudious stated that Mr. Mitre is buying the building and the business and the restaurant will remain a pizza restaurant.

Upon a motion by Commissioner Shea the Commission voted 3-0 to approve the common victualer license for Kelley Square Pizza.

Exhibit A: Application for common victualer license received on June 6, 2012 and dated June 6, 2012.

8. **Amendment to the Commission's Rules & Regulations related to Outdoor Dining.**

Mr. Fontane stated that after reviewing the current Commission rules and meeting with Police and DPW that he would recommend the following amendment to the current rules

Worcester License Commission  
Outdoor Dining  
Rules & Regulations

Purpose and Authority

These rules and regulations are promulgated by the License Commission for the purpose of establishing uniform procedures and rules to govern the conduct of licensed establishments who seek to provide outdoor dining, consisting of the sale and consumption of food and beverages, including alcohol, on a public sidewalk.

Adoption and Amendment

These rules and regulations may be adopted and from time to time amended by majority vote, provided such adoption or amendment is submitted in writing at a meeting of the License Commission. If the matter proposed for adoption or amendment receives a positive vote, then such matter shall be placed on the agenda of the next meeting of the License Commission for a hearing. After the hearing, the License Commission may vote final approval, which vote shall be by roll call.

Effective Date

These rules and regulations were finally approved and adopted in public meeting by the License Commission on June 14, 2012, and shall be effective June 15, 2012.

Required Approvals

Outdoor dining on a public sidewalk is not allowed without the prior written approval of the License Commission.

a. Prior to applying to the License Commission for permission to engage in outdoor dining on a public sidewalk, applicants must obtain a permit from the Department of Public Works and Parks authorizing use/obstruction of the public sidewalk at the desired location.

b. After receipt of the use/obstruction permit, a new applicant for a common victualler's and/or an on-premises alcoholic beverages license must obtain a license that includes approval for the outdoor dining on the public sidewalk. An existing license holder wishing to add outdoor dining on a public sidewalk shall file an Alteration of Premises request with the License Commission.

c. These rules and regulations apply to any existing licensed establishment, without re-application, that is currently authorized to conduct outdoor dining on a public sidewalk, provided the licensee is in good standing.

#### Application Process

The applicant shall apply for approval to engage in outdoor dining on a public sidewalk on an official form, as approved by the License Commission, which shall be furnished by the Planning & Regulatory Services Division, and shall, at a minimum, include the following information

a. All documentation that was submitted to the Department of Public Works and Parks relative to the use/obstruction permit, including but not limited to, the schematic diagram depicting the proposed area for outdoor dining and showing the proposed locations of tables, chairs, fences, other equipment and all other physical features in the area.

b. A description of the safety measures to be employed for containment of the area.

c. Any other information that the License Commission, at its discretion, deems necessary and is reasonably related to the consideration of a particular outdoor dining location.

#### Standard Conditions

The following conditions shall apply to all outdoor dining areas

a. The establishment shall provide both food and beverage service when outdoor dining is in use.

b. Food shall not be prepared in the outdoor dining area.

c. The permitted establishment shall maintain the outdoor seating area in a neat and orderly manner, in accordance with the requirements of its obstruction permit and these rules and regulations.

d. No advertising shall be placed on furniture or fixtures.

e. No furniture or fixtures shall overhang or extend onto the curb.

f. A minimum clear area of at least five (5) feet in width shall be maintained between the outer boundary of the permitted outdoor dining area and the sidewalk curbing.

g. For the period from November 15 through the following April 1st all chairs, fencing, tables, umbrellas and other equipment shall be removed from the public sidewalk and secured at or before 12:00 a.m. each day and during inclement weather.

h. For the period from April 2nd through the following November 14th all chairs, fencing, tables, umbrellas and other equipment shall be secured at or before 12:00 a.m. each day and during inclement weather.

i. The sidewalk shall be completely free of snow and ice along the entire frontage of the building within which the establishment is located.

j. All food and beverage sales and service in outdoor dining areas shall cease at 11:30 p.m. each day.

k. Outdoor dining areas shall be cleared of all chairs, fencing, tables, umbrellas and any other equipment and shall be secured at or before 12:00 a.m. each day.

l. An Indemnity Agreement acceptable to the City of Worcester must be signed.

m. A liability insurance policy naming the City an additional insured must be obtained and valid throughout the period of the license.

n. Any other condition the License Commission, at its discretion, deems appropriate and is reasonably related to an outdoor dining area.

#### Compliance

All outdoor dining licenses are subject to immediate revocation by the License Commission, for failure to comply with the conditions of the license, or any violation of rules and regulations of the City or State which may apply.

Chairman Lukes thanked Mr. Fontane for working with the neighborhood association and the merchants to come up with amendment to the rules that is satisfactory to both parties.

Upon a motion by Commissioner Shea the Commission voted 3-0 to approve the amendment to the Commissioner's Rules & Regulations related to Outdoor dining. Exhibit B.

### **ADJOURNMENT**

The Commission adjourned the meeting at 10:40 a.m.

