



NORTHAMPTON LICENSE COMMISSION
City Hall, Office of the Mayor
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Northampton, MA 01060
(413) 587-1212

COMMISSIONERS

Natasha Yakovlev, Chair
Helen Kahn

Executive Assistant

Annie Lesko
alesko@northamptonma.gov

MEETING MINUTES
Wednesday, May 4, 2022
Virtual Meeting
4:00 p.m.

The May 4, 2022, License Commission meeting was held via remote participation.

Join Virtual Meeting

- **Video Conference:** <https://us06web.zoom.us/j/85334071747?pwd=bU9WN05vZFVpZjZta1ozWXhnWINWdz09>

OR

- **Telephone, call:** +1-929-436-2866, Meeting ID: 853 3407 1747, Password: 421488

1. **MEETING CALLED TO ORDER** by Commissioner Yakovlev at 4 p.m.
ROLL CALL - Commissioners Yakovlev and Kahn were both present.
ANNOUNCEMENT OF ZOOM RECORDING made by Commissioner Yakovlev
2. **PUBLIC COMMENT**

Fabio Dallorto was present to speak about the request for a modification to JJ's entertainment license and stated that he feels he has been clear that JJ's has not been a good neighbor since the beginning when the Commission approved the license. He noted that the Commission was clear that this space should not become an entertainment venue because of the proximity of neighbors and stated that once a year or once a month makes sense but live amplified music in his backyard every week for the whole summer is exhausting.

Julie Clark was present and stated that she's not opposed to JJ's having music, it's the amplification that she's opposed to. Julie stated that music can be enjoyed when it's not amplified and the neighbors have been through a lot and if it continues, she will be moving.

3. **APPLICATIONS FOR SHORT TERM LIQUOR LICENSES**

Seth Mias Catering
Event: Smith College Reunion Dinner
Location: Seelye Lawn @ Smith
Type: Wine & Malt

Date/Time: Friday, May 13, 2022, 5:30 p.m. - 8:30 p.m.

Date/Time: Friday, May 20, 2022, 5:30 p.m. - 8:30 p.m.

Kimberly MacDonald, Assistant Director for Reunions at Smith College was present for this application and stated that the reunion will be outdoors, under a tent because of COVID and will be on the Seelye Lawn.

Commissioner Kahn moved to approve the short term liquor licenses for Seth Mias Catering for May 13, 2022 and May 20, 2022. Commissioner Yakovlev seconded. The motion passed unanimously 2-0 by roll call vote.

4. APPLICATION FOR A SHORT TERM LIQUOR LICENSE

Glasgow Lands Scottish Festival, Inc.
Date/Time: July 16, 2022, 9:30 a.m. to 10:00 p.m.
Event: 27th Annual Glasgow Lands Scottish Festival
Location: Look Park, 300 N. Main St., Florence
Type: All Alcohol

Peter Langmore, Chairman of the festival, was present and stated that he will have beer only and the ballfield area will be fenced in. Volunteers will be selling tickets, checking IDs, and giving wristbands. Beer will be given only once people have purchased the tickets. Servers are all TIPS certified from New City Brewery. Peter stated that this year he would like to do a whiskey tasting and it would be done by Four Seasons Wine & Liquors in Hadley. The owner would set up the tastings and get representatives from distributors who will be the servers for the tasting. Tickets would be sold and it would be an educational experience. Tastings would be at specific times throughout the day.

Commissioner Yakovlev moved to approve the short term liquor license application for Glasgow Lands Scottish Festival for July 16, 2022. Commissioner Kahn seconded. The motion passed unanimously 2-0 by a roll call vote.

5. APPLICATION FOR A SHORT TERM LIQUOR LICENSE

Northampton Jazz Festival, Inc.,
Date/Time: June 16, 2022, 6 p.m. to 7 p.m.
Event: A Jazz Film Screening
Location: 33 Hawley Street
Type: Wine & Malt

Ruth Griggs was present for this application and stated that before the screening of a jazz film she's hosting a small reception with wine and cheese in the flex space at 33 Hawley. It will be invite only so there won't be a large crowd.

Commissioner Kahn moved to approve the application for a short term liquor license for Northampton Jazz Festival, Inc. HK seconded. The motion passed unanimously 2-0 by roll call vote.

6. APPLICATION FOR A SHORT TERM LIQUOR LICENSE

International Language Institute of MA, Inc.
Date/Time: May 18, 2022, 5 p.m. to 9:30 p.m.
Event: Fundraiser
Location: 33 Hawley Street
Type: Wine & Malt

There was no one present for this application. Commissioner Yakovlev was comfortable voting on this application because it was being held at 33 Hawley Street which is a popular venue that hosts well-run events.

Commissioner Yakovlev moved to approve the application for a short term liquor license for the International Language Institute for May 18, 2022. Commissioner Kahn seconded. The motion passed unanimously 2-0 by a roll call vote.

7. APPLICATION FOR A SHORT TERM LIQUOR LICENSE

The Academy of Music, 274 Main St.
Date/Time: Sunday, June 5, 2022, 5 p.m. to 11 p.m.
Event: Nate Bargatze
Type: Wine & Malt
Request Fee Waiver

Melissa Cleary was present for this application.

Commissioner Kahn moved to approve the application for the Academy of Music on June 5, 2022, including the request for a fee waiver. Commissioner Yakovlev seconded. The motion passed unanimously 2-0 by a roll call vote.

8. APPLICATION FOR A SHORT TERM LIQUOR LICENSE

Northampton Bicycle, LLC, 319 Pleasant St.
Date/Time: Wednesday, May 4, 2022, 5 p.m. to 7 p.m.
Event: Arrive At 5
Location: All Out Adventures Parking Lot, 297 Pleasant St.
Type: Wine & Malt

This agenda item was taken out of order and was heard directly after public comment.

Commissioner Kahn, for the record, made note that she is an employee of All Out Adventures but has signed a financial interest disclosure that was ultimately signed by the Mayor allowing her to vote on this matter.

Leila Everett, manager, was present for this application and stated that Northampton Bicycle is hosting the Arrive At 5 with All Out Adventures. Northampton Bicycle hopes to serve beer and wine in the parking lot. There are tents, and the entire area is roped off to keep everyone contained in one space.

Commissioner Yakovlev moved to approve the short term liquor license for Northampton Bicycle for May 4, 2022. Commissioner Kahn seconded. The motion passed unanimously 2-0 by a roll call vote.

9. REQUEST BY BLUE PAWS, INC. D/B/A JJ'S TAVERN, 99 MAIN STREET, FLORENCE, FOR A MODIFICATION TO EXISTING ENTERTAINMENT LICENSE TO INCLUDE LIVE AMPLIFIED MUSIC OUTSIDE, ONE NIGHT PER WEEK (SUNDAY-SATURDAY) FROM 5:30 P.M. TO 8:30 P.M.

Attorney Peter Lane from Fierst, Kane and Bloomberg, was present for this application and stated that Jon Neumann is asking that the Commission reconsider its limit on amplification to allow for live amplification one night a week from 5:30 to 8:30 p.m.

Attorney Lane noted that he was before the Commission on July 7, 2021, representing Miss Florence Diner, which applied for and was granted an entertainment license for amplified music in the exact same space that JJ's operates in. Attorney Lane stated that amplified music can be controlled and that Blue Paws, Inc. is willing to engage with neighbors and field complaints if things are too loud but it isn't fair or reasonable that one business can have amplified entertainment and one can not.

Commissioner Yakovlev pointed out that this has been a difficult topic and the Commission has spent months hearing from neighbors and Jon and no one was satisfied which was what led to the decision of amending the license. Commissioner Yakovlev appreciated what Attorney Lane said about being willing to speak with neighbors because that is not something that happened last year. She stated that if she were to support modifying the license she would like the Building Department to be present with a decibel counter to determine the volume and how it impacts both parties.

Attorney Lane asked if the Commission would be willing to agree to the DEP noise criteria under 310 CMR 7-10.

Commissioner Kahn stated that while she voted to approve the Miss Florence Diner entertainment license she also stated that if there are neighbor complaints the Commission would deal with it in the same manner as it has with JJ's but that hasn't been the case. Commissioner Kahn stated that the Commission dealt with this issue for months last year and questioned what is going to change and what will be different going forward. There have been promises made in the past that it wouldn't bother the neighbors but it continued to happen.

Commissioner Kahn pointed out that the Commission has had noise complaints before where that have been dealt with immediately with neighbors and business owners working together and business owners making modifications. If this amendment were to be made, the same thing would have to happen. Commissioner Kahn opined that she hasn't heard from JJ's about what is going to be done differently and how complaints are going to be resolved.

Attorney Lane stated that JJ's is offering a willingness to work with the neighbors and the city to field complaints and figure out how to adjust. Attorney Lane feels it's hard to engage in a conversation with the neighbors when those neighbors feel as if there should be no music or entertainment at all. Attorney Lane stated that neighbor complaints shouldn't control everything, there should be compromise and a dialogue and the decision feels arbitrary. Attorney Lane stated that the neighbors will hear something but it's one night a week during a three hour period. He furthered that he's confident common ground can be found but JJ's needs to be allowed the amplification in order to find it.

Commissioner Yakovlev stated that the decision was not arbitrary because the Commission spent a lot of time discussing the issue. There are no complaints about Miss Florence Diner but with JJ's it was a different story as the complaints were intense and frequent. Nothing that Jon said he would do was actually done which is why the Commission voted to remove amplification. If the Commission approves this modification and the building department attends the first live event to do a reading and possibly agrees that the location just isn't right for live entertainment then the Commission will have to revisit the decision once again.

Commissioner Kahn stated that she would like JJ's to be able to have amplified music in a way that is not disturbing to the neighbors and is willing to try again.

Attorney Lane asked the Commission if it would be useful to have a noise mitigation expert study the area and take measurements and make recommendations on how to mitigate sound in the space.

Commissioner Yakovlev stated that Jon has been welcomed to do that all along but that yes, that would be great.

Commissioner Yakovlev moved to approve the request for modification to an existing entertainment license held by Blue Paws, Inc. d/b/a JJ's Tavern to include live amplified music outside, one night per week (Sunday - Saturday) from 5:30 p.m. to 8:30 p.m., contingent upon arranging the Building Department to attend the first night of live music with a decibel reader. Commissioner Kahn seconded. The motion passed unanimously 2-0 by a roll call vote.

10. APPLICATION FOR AN OUTDOOR DINING EXTENSION INTO A PUBLIC SPACE

The Roost Northampton, LLC, 1 Market St.

- 3 benches, 3 tables and 3 chairs on sidewalk

Robyn Wynn, owner, was present for this application and stated that she hopes to have the very same setup as she did last year.

Commissioner Yakovlev moved approval of the extension of premises for The Roost Northampton, LLC as shown on plan on file with the License Commission to include three benches along the brick wall outside the Bridge Street entrance with 3 tables and 3 folding chairs to include the sidewalk in between limited to transportation of alcoholic beverages only and contingent upon a site inspection by the Building Department prior to operation. Commissioner Kahn seconded. The motion passed unanimously 2-0 by a roll call vote.

11. APPLICATION FOR AN OUTDOOR DINING EXTENSION INTO A PRIVATE SPACE

Sangtawan, Inc. d/b/a Thai Thai, 84 Pleasant St.

- Private parking lot to the left of restaurant

Kanittha Lertsangaemsai was present and stated that she wants to do the same thing that she's been doing for the past two years with tables and chairs in the alley on the side of the building with 2 tables in front of the restaurant on the sidewalk.

Commissioner Kahn moved approval of the extension of premises for Sangtawan, Inc. d/b/a Thai Thai as shown on plan on file with the License Commission to include the abutting private parking lot and two tables on the sidewalk in front of the restaurant from May 4, 2022 through November 15, 2022, from 11 a.m. to 10 p.m. and contingent upon site inspection by the Building Department prior to operation. Commissioner Yakovlev seconded. The motion passed unanimously 2-0 by a roll call vote.

12. APPLICATION FOR TRANSFER OF AN INNHOLDER LICENSE

Transfer from: Ellery Manager, LLC d/b/a The Ellery
Transfer to: The Trustees of Smith College d/b/a The Ellery Hotel
259 Elm Street

Andy Cox, Executive Director of Auxiliary Services at Smith College was present and stated that Smith College used the hotel to isolate students during COVID but now, Smith has purchased it and will turn it back into a hotel. Scott Hopps was present from Lark Hotels, which is the management group that will be managing the hotel.

Commissioner Yakovlev moved to approve the transfer of an innholder license to Trustees of Smith College d/b/a The Ellery Hotel. Commissioner Kahn seconded. The motion passed unanimously 2-0 by a roll call vote.

13. PUBLIC HEARING ON AN APPLICATION FOR A NEW SEASONAL WINE & MALT RESTAURANT LICENSE AND A NEW COMMON VICTUALLER LICENSE

Deer Brook Associates, LLC d/b/a Scotti's Golf, 90 Haydenville Rd.
Proposed Manager: Larrat Williams

Commissioner Yakovlev moved to open a public hearing at 4:53 p.m. Commissioner Kahn seconded and the public hearing was opened.

Janet Kyle was present and stated that while she generally supports this application, she has concerns about hours of operation and potential future plans for development and expansion of the property that specifically relate to noise and parking.

Larrat Williams (they/them) was present and stated that they are a country person at heart and love the land so it's important for them to keep the land as is. Larrat mentioned that they've had one inquiry for a party in June to rent out T boxes, have lobster rolls, etc., and Larrat offered to keep the neighbors informed if that is confirmed.

Larrat noted they hope to change very little except bring back soft serve ice cream. Larrat noted that ADA accessibility is very important to them so a few of the picnic tables will be updated for accessibility purposes.

Larrat stated that they've managed Subway restaurants, and in the 90s they managed a full service indoor restaurant that had a beer and wine license. Larrat noted that there is a chain up delineating areas where alcoholic beverages can go. There will be additional signage forthcoming. Alcohol will not be allowed on the T boxes and the hope is for one drink per patron and patrons have to get food with a beverage. Hours of operation will be 11 a.m. to 8 p.m.

Commissioner Kahn appreciates the thoughtfulness in communicating with the neighbors and the attention to ADA accessibility.

Commissioner Yakovlev moved to close the public hearing at 5:09 p.m. Commissioner Kahn seconded and the public hearing was closed.

Commissioner Yakovlev moved to approve the application for a new seasonal wine and malt liquor license for Deer Brook Associates, LLC, along with the Common Victualler license application. Commissioner Kahn seconded. The motion passed unanimously 2-0 by a roll call vote.

14. APPROVAL OF MINUTES

- April 1, 2022
- April 6, 2022
- April 15, 2022

Commissioner Kahn moved to approve the April 1, 2022, April 6, 2022, and April 15, 2022 minutes as written. Commissioner Yakovlev seconded. The motion passed unanimously 2-0 by a roll call vote.

15. NEW BUSINESS

APPLICATIONS FOR SHORT TERM LIQUOR LICENSES

Building 8 Brewing
Event: Live Music
Location: Bombyx, 130 Pine St., Florence
Type: Wine & Malt

Date/Time: May 17, 2022, 6 p.m. to 11 p.m.

Date/Time: May 26, 2022, 7 p.m. to 11 p.m.

Date/Time: June 1, 2022, 7 p.m. to 11 p.m.

O'Brian Tomalin was present for these applications and everything will be held the same as usual.

Commissioner Kahn moved to approve the short term liquor licenses for Building 8 Brewing for May 17, May 26 and June 1, 2022. Commissioner Yakovlev seconded. The motion passed unanimously 2-0 by a roll call vote.

The clerk noted that the Mayor put a name forward for a third Commissioner.

16. ADJOURN

Commissioner Yakovlev moved to adjourn the meeting at 5:19 p.m. Commissioner Kahn seconded. The motion passed unanimously 2-0.