



NORTHAMPTON LICENSE COMMISSION

City Hall, Office of the Mayor
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COMMISSIONERS

Brian Campedelli, Chair
Natasha Yakovlev
Helen Kahn

Executive Assistant

Annie Lesko

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MEETING MINUTES

Wednesday, June 2, 2021

Virtual Meeting

4:00 p.m.

The June 2, 2021, License Commission meeting was held via remote participation.

Join Virtual Meeting

- **Video Conference:** <https://zoom.us/j/97632302523?pwd=d2NvMHFSZFZjRWZzakYvVUFnMXZzQT09>

OR

- **Telephone, call:** +1-929-436-2866, Meeting ID: 976 3230 2523, Password: 344628

1. **MEETING CALLED TO ORDER** by Commissioner Campedelli at 4:02 p.m.
ROLL CALL - Commissioners Campedelli, Yakovlev and Kahn were all present. Commissioner Yakovlev left the meeting at 4:30 p.m.
ANNOUNCEMENT OF ZOOM RECORDING made by Commissioner Campedelli
2. **PUBLIC COMMENT** - None
3. **PUBLIC HEARING ON AN APPLICATION FOR MULTIPLE AMENDMENTS ON AN ANNUAL WINE AND MALT RESTAURANT LICENSE**
The Roost Northampton, LLC
1 Market St.
 - Change of manager, change of officers/directors and change of ownership interest

Commissioner Yakovlev moved to open the public hearing at 4:03 p.m. Commissioner Kahn seconded and the public hearing was opened.

Attorney Ben Coyle was present on behalf of The Roost application. Robyn Wynn was also present. Attorney Coyle stated Adam Dunetz was an LLC manager and liquor license manager and has relinquished his ownership interest to Robyn, who was the current 30% owner and is now going to be the sole owner and liquor license manager. Attorney Coyle noted that everything will stay the same and the business will remain as is. Attorney Coyle noted that Robyn understands the responsibilities and duties as a liquor license manager and has always run a good business.

Seeing no public comment, Commissioner Kahn moved to close the public hearing at 4:05 p.m. Commissioner Yakovlev seconded and the public hearing was closed.

Commissioner Yakovlev moved to approve the application for change of manager, change of officers/directors and change of ownership interest for the annual wine & malt liquor license held by The Roost Northampton, LLC. Commissioner Kahn seconded. The motion passed 3-0 by a roll call vote.

4. PUBLIC HEARING ON AN APPLICATION FOR CHANGE OF LICENSE CATEGORY ON AN ANNUAL WINE AND MALT RESTAURANT LICENSE

LANRAN, LLC d/b/a The Dirty Truth
29 Main St.

- Request for a Cordials/Liqueurs Permit

Commissioner Yakovlev moved to open the public hearing at 4:06 p.m. Commissioner Kahn seconded and the public hearing was opened.

Kyle Anderson was present and stated he is looking to expand his offerings with cordials. Kyle noted that he will not be jumping into any extensive cordials program at first and will start slowly to see what his staff can handle. Kyle noted this his chance to offer fun beverages without having a full liquor license.

Commissioner Campedelli asked Kyle if he would be sticking to the list of cordials provided by the ABCC.

Kyle Anderson noted he would be starting with Ammaros and serving light summer spritzer drinks.

Commissioner Yakovlev noted the importance of making sure every cordial that is on hand has the word either 'cordial' or 'liqueur' on the bottle.

Seeing no public comment, Commissioner Yakovlev moved to close the public hearing at 4:09 p.m. Commissioner Kahn seconded and the public hearing was closed.

Commissioner Kahn moved to approve the application for a change of license category for Lanran, LLC, to include a cordials and liqueurs permit. Commissioner Yakovlev seconded. The motion passed unanimously 3-0 by a roll call vote.

5. APPLICATIONS FOR SHORT TERM LIQUOR LICENSES

Northampton Center for the Arts

Location: 33 Hawley St.

Event: "33 Outside" - Outdoor event with a DJ and Food Truck

Type: Wine & Malt

Fee: Request Fee Waiver

Date/Time: June 18, 2021, 7 p.m. - 9:30 p.m.

Date/Time: July 9, 2021, 7 p.m. - 9:30 p.m.

Date/Time: August 6, 2021, 7 p.m. - 9:30 p.m.

Joanna Walker was present and stated that during the pandemic, the parking lot at 33 Hawley underwent a big renovation which now features an outdoor courtyard. Joanna noted that this will be the first outdoor event hosted by the Northampton Center of the Arts and it will be a community dance party.

Commissioner Yakovlev asked for clarification on where the bar will be set up.

Joanna Walker stated she pictures the bar being set up at the top of the court yard with the dancing happening down below.

Commissioner Kahn asked how IDs will be checked and/or if wristbands will be provided.

Joanna Walker stated she hasn't thought about that piece yet but is happy to look into the possibility of providing wristbands.

Commissioner Campedelli stated that the bar area needs to be delineated because it is typically kept separate from all other areas.

Joanna Walker stated she was definitely planning on making a beer garden area.

Commissioner Campedeli asked if there will be one entrance and exit to the bar area.

Joanna Walker stated there is one entrance and exit to the parking lot but that people will be able to walk on and off the property. Joanna stated that the Northampton Center for the Arts has not had an outdoor event yet so this is all new.

Commissioner Campedelli pointed out the need to contain the alcohol in the area.

Joanna Walker asked the Commission if patrons will have to finish their drink before leaving the designated area.

Commissioner Campedelli noted that patrons can not leave the parking lot with an open container.

Commissioner Yakovlev suggested posting signs that read, "No Beverages Beyond This Point" which might be helpful. Commissioner Yakovlev also asked whether there will be a TIPS certified server serving for the event.

Joanna Walker stated she will have a TIPS certified server pouring for all three events.

O'Brian Tomalin, a member of the audience, noted that his company, Building 8 Brewing, has served in the parking lot of 33 Hawley Street before and recommends that Joanna allows patrons to move freely around the area and have everyone wristbanded which doesn't take much effort. O'Brian noted that patrons were appreciative that they were able to have a beverage and freely move around.

Joanna Walker noted that she will assign a staff member to handle wristbands and surveillance of the parking lot.

Commissioner Yakovlev moved to approve the short term liquor licenses for June 18, July 9, and August 6, 2021, for the outside dance party at 33 Hawley St.

Commissioner Kahn moved to amend the motion on the floor to approve the short term liquor licenses in question contingent upon submitting paperwork to the License Commission detailing how the area will be delineated and how the alcohol will be controlled.

Commissioner Campedelli seconded the amended motion. The motion passed unanimously 3-0 by a roll call vote.

Joanna Walker inquired about hiring a beer truck for the event and asked if the beer truck owners would be responsible for the alcohol.

Commissioner Campedelli stated, hypothetically, if Joanna hired Building 8 Brewing to serve the beer, then Building 8 would carry the liability for who they serve. Commissioner Campedelli reiterated that wristbands would be helpful to Joanna so that anyone who didn't have a wristband, would not get served.

6. APPLICATION FOR SHORT TERM LIQUOR LICENSE

Building 8 Brewing

Location: 320 Riverside Dr.

Date/Time: June 26, 2021, 12 p.m. - 8 p.m.

Event: "Special Release"

Type: Wine & Malt

O'Brian Tomalin was present for this application and stated he plans to have a small event to feature a regular flagship beer which is being newly released with a grapefruit puree for the summer. O'Brian also noted he will be serving a few other summer release beers that he has available. Pho Boston, a restaurant across the street from Building 8, will have a staff member on site to take food orders and deliver said food. O'Brian noted he will not have any entertainment, the area will be fenced off and serving will happen in the tasting room with a 20x40 square foot area for consumption that will be roped off and contained.

Commissioner Yakovlev moved approval of the short term liquor license for Building 8 Brewing on June 26, 2021. Commissioner Kahn seconded. The motion passed unanimously 3-0 by a roll call vote.

Commissioner Yakovlev departed the meeting at 4:30 p.m.

7. REVIEW AND APPROVAL OF THE FOLLOWING ON-PREMISES OUTDOOR DINING EXPANSION APPLICATIONS FOR PUBLIC SPACES

- T. Roots, Inc. d/b/a T. Roots, 249 Main St.

Gary Schaefer and Lisa d'Errico, co-owners/landlords, for 249 Main Street and Nicole Tsao, owner of T-Roots, were all present for this application. Gary Schaefer noted that the application is a request for use one parking space in front of 249 Main Street due to the Masonic Street Parking Lot construction temporarily eliminating T-Roots' outdoor dining area. If approved, T-Roots would move the two dining tables that were in the rear, up to the front area. T-Roots will also add trees and planters to the area for safety and aesthetics.

Lisa d'Errico noted that she is a co-owner of Broadside Books, the neighbors of T-Roots, and Broadside is supportive of the proposal and is on board with the temporary loss of one parking space.

In Commissioner Yakovlev's absence, the clerk read her comments aloud for the record, "If the city can accommodate and provide the barriers, and Broadside is okay with it than I would support granting the outdoor dining expansion."

Commissioner Kahn moved approval of the extension of premises application for T. Roots, Inc. d/b/a T. Roots, as shown on the plan on file with the License Commission, to include one parking space in front of T. Roots and Broadside Books, to include the sidewalk in between limited to transportation of alcoholic beverages contingent upon a site inspection by the Building Department prior to operation. Commissioner Campedelli seconded. The motion passed unanimously 2-0 by a roll call vote.

- MP Majestic Enterprises, LLC d/b/a The Majestic Saloon, 24 Main St.
 - Summer on Strong project

Phil Peake, owner of the Majestic Saloon, was present and noted that the Majestic is trying to bounce back from the pandemic and has hired a new management group to make the restaurant more food-oriented. With these changes, Phil would like to place six tables for outdoor dining in the empty space on Summer on Strong which is located in front of Moshi Moshi and Ink & Toner Solutions on Main Street. Phil noted that as he understands it, the space was originally set aside for Moshi Moshi but Moshi Moshi didn't participate in any of the planning so Deb Flynn from Eastside Grill said Majestic could potentially use the space. Phil noted that if it's acceptable to the Commission and the other restaurants involved, he would like to use the space. Phil stated that the intention would be to have servers travel through the back alleyway, across the sidewalk, then onto the proposed area. Phil stated that the distance from the kitchen to the sidewalk/street area is 40 feet with an additional 80 feet to the proposed area. Phil mentioned he spoke with Deb Flynn this morning who seemed fine with the proposal and the only concern was that the umbrellas match with other restaurants so that the aesthetic is consistent. Phil also mentioned that he made several attempts to contact Moshi Moshi to inquire whether or not they plan to use the empty space but contact was unsuccessful.

Commissioner Campedelli asked whether any other restaurants would be using the same egress/path as the Majestic.

Phil Peake stated his restaurant would be the only one using that path because all other restaurants are either directly in front of their restaurant or are doing take-out.

Commissioner Campedelli noted that he wouldn't like to see an empty space and would like it to be utilized so it can be a vibrant area.

Commissioner Kahn stated that it is her understanding that a lot of planning went into the Summer on Strong project and all of the restaurants involved are on Strong Avenue with the exception of Progression Brewing, who made the extra effort to park a truck in the area so alcohol wasn't traveling down the street. Commissioner Kahn noted that she doesn't believe the intent of the project was to have other restaurants on Main Street ask

to join in at the last minute and believes approving the request could be a slippery slope. Commissioner Kahn also noted she is concerned with the distance that the alcohol would have to travel.

In Commissioner Yakovlev's absence, the clerk read her comments for the record, "The Summer on Strong event planning was in the works for a long while prior to the kick-off, and not without a huge amount of effort, attention, and expense by the Strong Ave establishments who are participating. Given the depth of careful planning I do not think this is an appropriate opportunity to ask to enter the event, nor do I think the small space identified by the Majestic Saloon, directly in front of another restaurant (Moshi Moshi) is a reasonable distance to be transporting alcohol from the establishment to the requested space. For these reasons, I do not support granting the outdoor dining expansion."

Phil Peake stated he is sympathetic about the planning efforts and pointed out that when the planning began, he wasn't sure he was going to still be in business.

The clerk informed the Commission that she asked Phil Peake to obtain written letters of support from each of the establishments involved in the Summer on Strong project, including Moshi Moshi. The clerk pointed out that this is not an extraordinary request as she has had to ask other establishments to obtain support from their neighbors before blocking off parking spaces for outdoor dining.

Commissioner Khan opined that at this point she is not leaning towards approval of the application for various reasons. However, if all other restaurants are on board with the plan, it would change her view.

Commissioner Campedelli reiterated his view that it's Phil's liquor license that is on the line and with the pandemic, he'd love to see the empty space be filled. He furthered that if Phil is willing to try and make it work, he doesn't believe the Commission should stand in the way of someone trying to make a living.

Commissioner Kahn moved to disapprove the on-premises outdoor dining expansion application for MP Majestic Enterprises, 24 Main Street.

Commissioner Campedelli moved to amend the motion on the floor to include that if Phil can obtain written approval by all of the involved restaurants, the Commission will revisit the application for discussion.

Commissioner Kahn seconded. The motion passed unanimously 2-0 by a roll call vote. The clerk asked whether staff of the Majestic would be walking through other restaurants' licensed areas.

Phil Peake stated he believes he would be able to walk through the center aisle but will double check to make sure his staff will not be walking through other licensed premises.

Commissioner Kahn recommends that Phil provide a map if and when he comes back to the Commission so that everyone can have a good understanding of the area needing to be licensed.

The clerk suggested that Phil also obtain a support letter from Moshi Moshi when getting permission from all the other five restaurants.

8. DISCUSSION AND POSSIBLE VOTE TO AMEND THE ENTERTAINMENT LICENSE HELD BY BLUE PAWS, INC. D/B/A JJ'S TAVERN

- Discussion of noise complaint from petitioners

Petitioner Fabio Dallorto, a neighbor of JJ's Tavern, was present and stated that last year JJ's Tavern had outdoor events during the pandemic. However, this year Entertainment has been made more permanent and the events are very loud and with his home windows open, he feels as if he is a member of the audience. Fabio noted that he wasn't pleased by the situation originally but was understanding because of the pandemic. Fabio opined that he doesn't believe that entertainment on a permanent basis at JJ's Tavern is an appropriate space because of the close proximity to residential neighborhoods. Fabio noted he believes the space is appropriate for outdoor dining, just not the very loud concerts. Fabio concluded that he has patronized JJ's, has been to some of the indoor concerts, and supports outdoor dining but ultimately doesn't believe that the outdoor concerts are appropriate for outside.

Shannon Daniels, 23 N. Maple Street, Florence, was present and stated that she lives directly behind JJ's parking lot and seconds everything Fabio mentioned. Shannon feels as if she is a participant of the concerts when the windows in her house are open. Shannon noted that she can't sit outside and eat on her deck because all she can hear is the loud music. Shannon opined that she doesn't have a problem with outdoor dining, she has a problem with the loud music and entertainment and doesn't think having the entertainment outside is necessary since the pandemic is coming to an end. Shannon concluded by saying that she is very against the permanent outdoor entertainment and feels as if she can't enjoy her summers because she has to leave the house every Friday and Saturday night to enjoy her evenings.

Lisa Forman and Ron Bush, 35 Keyes Street, Florence, were present and noted they live a block and a half away from JJ's and have mixed feelings about the situation because they want to support live music and small businesses but they feel as if they can't sit out on their deck because of the noise and even with the doors and windows shut the entertainment is extremely audible. Lisa Forman noted that she encourages JJ's to continue outdoor dining but the music has made it hard to be at home and relax. Ron Bush noted that he has to leave the house every weekend because he can't stand the volume of the music or think in his own house. Lisa Forman noted that she has called JJ's Tavern twice to ask if they can lower the music and noted that no one has been able to honor that request.

Nina Kleinberg, 122 High Street, Florence, stated she lives right behind JJ's Tavern and on Friday and Saturday nights it is now impossible for her to entertain her friends because of the outdoor entertainment at JJ's. Nina noted that during the pandemic she was understanding that JJ's needed the outdoor space but now that the pandemic is over, she believes the concerts should be moved back inside.

For the record, 15 neighbors signed the petition to limit outdoor entertainment at JJ's Tavern.

Jon Nuemann was present and stated that he believes that the complaints are stemming from May 8th, when he received two phone calls to turn the music down, in which he unplugged the music altogether. Jon noted that he received a phone call from Fabio on Tuesday in which his concerns were discussed and Jon subsequently put measures into place to try and control the sound. Jon noted that he purchased a decibel reader and walked all around the neighborhood to try to obtain an appropriate sound number because everyone's noise tolerance level is different. Jon noted that he could move the comedy shows inside but feels that it is a stretch to say that a guy with a guitar emits intense noise. Jon noted that he wants to work with everyone and wants his neighbors to be part of the problem solving process to determine a level of sound that is appropriate for all. Jon pointed out that 70% of his business is outdoor dining and Friday and Saturday nights are 80% of the entire business. Jon concluded by saying he does not have bands, DJs or concerts, only two individuals at most - and wants to work this out to avoid being shut down completely.

Fabio Dallorto asked Jon Neumann who DJ Groove is because there is a sign in front of the establishment advertising summer comedy with DJ Groove.

Jon Neumann noted that DJ Groove is part of the company that books all of the shows. Jon noted that he cancelled the May show to make sound adjustments.

Fabio Dallorto stated that the amplified music is the problem because it travels far. Fabio pointed out that his outdoor entertainment venue is 30 feet from the property line abutting residential neighborhoods. Fabio noted he can see the stage from his backyard and opined that he is not against the events, just the location.

Nina Kleinberg requested that JJ's move the music indoors now that the pandemic is over.

Shannon Daniels pointed out that the loud music has not just been one event, but every event, every Friday and Saturday. The volume is so loud it is a burden on the neighbors, so much so that they have to leave their house every Friday and Saturday evening. Shannon also requested that the concerts move indoors now that the pandemic is mostly over.

The clerk explained the process and requirements for holding a hearing on this matter. The clerk also noted that the agenda item is for a discussion only on whether or not the Commission would like to hold a hearing to possibly amend the license.

Commissioner Campedelli asked for clarification on where the stage is located and when the next event is.

Jon Neumann noted that the stage is right at the back entrance, and faces the gazebo/pavilion and the next events are Friday and Saturday evening.

Commissioner Campedelli noted that he will be attending one of the upcoming events and do a walk through the neighborhood to get a sense of the level of noise.

The clerk read Commissioner Yakovlev's comments aloud for the record, "My position in supporting both the permanent pavilion and outdoor entertainment license for JJ's Tavern was very much based on the premise that the intention was to provide an ambient setting for diners, rather than create an outdoor venue that also happens to have dining. When we approved this outdoor entertainment license it was clear that the license was subject to being revisited, and that the success of outdoor entertainment would be dependent on open communication and cooperation between the business and the surrounding neighbors, as well as the License Commission. This discussion is part of that process. It seems clear that the residential neighbors were sympathetic to JJ's outdoor business during the height of pandemic related restrictions because the circumstances were extraordinary. Now that restrictions have been lifted it is not unreasonable to discuss the impact of regularly scheduled and marketed live, amplified outdoor music in a location that, prior to covid, did not have a license to do so. I appreciate the effort JJ's has made since May 11th to mitigate the impact of the amplified music/comedy outdoors, but I will stress that there is an indoor entertainment license already in hand and the outdoor license was not granted in the spirit of creating an outdoor venue. I look forward to hearing how the petitioners have experienced the sound mitigation. Since a comparison has been made to downtown Northampton and the Summer on Strong event in particular: Live outdoor music starts tonight and should any of the residential abutters find the volume to be unreasonable, the LC has an obligation to conduct this same level of scrutiny. In that light, and because of the complaints it is my position that the use of an outdoor entertainment license at JJ's Tavern should be formally reviewed.

Commissioner Kahn appreciates the efforts to mitigate the sound and remembers Jon Neumann saying he could move the comedy shows inside, so she wonders what the difference would be for moving the music inside as well.

Jon Neumann noted that the comedy shows are private, ticketed events put on by a third party who sells tickets to fill the space. Jon noted that these shows are booked months in advance with the understanding that patrons wouldn't be allowed inside the establishment, which was based on what information was available in February. Jon noted that the acoustic music is more of an environment/ambient outdoor dining vibe for Friday and Saturday nights as a destination.

Commissioner Kahn asked if the indoor music events have been successful in the past.

Jon Neumann noted that he used to have an upstairs music venue that held shows put on by a third party booking company. Jon noted that he has since taken down all of the sound equipment and is now trying to turn the area into a banquet room.

Commissioner Kahn asked Jon Neumann if he has the capacity to move everything inside.

Jon Neumann noted that he probably doesn't because of the way the booths/seats are set up because of all the adjustments he had to make during COVID. Jon also noted that the capacity inside is much lower than it is outside and doesn't feel as if a guy with a guitar was overstepping.

Commissioner Kahn stated that the amplification seems to be the problem and wonders if Jon has tried, or could try, to unplug the amplification and see whether just acoustic music will work because the space isn't that large. Commissioner Kahn noted that if the neighbors can hear the music very blatantly then the music must be overpowering for the patrons that are seated within the pavilion.

Jon Neumann stated he hasn't tried that and doesn't have the means to test it out.

Commissioner Kahn senses the frustration of the neighbors and believes the noise level is a real issue that should be looked at. Commissioner Kahn noted that she is leaning towards holding a hearing on the matter. However, she would like to see the issues worked out among the neighbors to find a reasonable compromise so that everyone is happy.

Commissioner Campedelli suggested that Jon try facing the singers and the speakers towards the building instead of having them facing into the back parking lot.

Jon Neumann stated that he will try that approach and will also try unplugging the guitar and having the guitarist play acoustic only.

Fabio Dallorto stated that he read in previous License Commission minutes that Jon mentioned he would be having Sunday brunch with jazz music.

The clerk clarified that Jon had mentioned teaming up with Miss Florence Diner to provide Sunday brunch with light jazz.

Jon Neumann mentioned that he spoke with Georgianna, the owner of Miss Florence Diner, who was thinking about obtaining an Entertainment License for the area so that she could provide jazz when she offers brunch on Sundays. Jon clarified that he is not open for brunch and his entertainment license only covers entertainment from 5 to 9 p.m.

Commissioner Campedelli stated that he hopes the situation can be worked out and hopes everyone can work together.

Commissioner Kahn opined that she is leaning towards scheduling a public hearing but hopes that the time until the hearing can be used to resolve the issue.

Commissioner Kahn moved to schedule a public hearing for the formal review of the entertainment license held by Blue Paws, Inc. Commissioner Campedelli seconded. The motion passed unanimously 2-0 by a roll call vote.

Commissioner Kahn pointed out that although the neighbors are upset by the increased noise level, all of them voice their support for Jon's business and all seem like people who have supported his business in the past and will continue to do so. With that being said, Commissioner Kahn hopes this issue can be resolved in an amicable way.

Jon Neumann stated that he would need the help of his neighbors once he unplugs the music from the amplifier so that he can determine whether or not the level of noise is acceptable.

Commissioner Campedelli pointed out that the petitioners live in a downtown area with truck/traffic noise and all different kinds of city noises so if individuals might be able to hear the music from their residents, there has to be an acceptable level of noise that individuals should be able to tolerate.

9. APPROVAL OF MINUTES

- May 5, 2021

This agenda item was tabled until the July meeting so that all Commissioners can be present at the time of approval.

10. NEW BUSINESS - None

(Reserved for topics that the Chair did not reasonably anticipate would be discussed.)

11. ADJOURN

Commissioner Campedelli moved to adjourn the meeting at 6:10 p.m. Commissioner Kahn seconded. The motion to adjourn passed unanimously 2-0.