



LICENSE BOARD
191 Cabot Street
Beverly, MA 01915

Richard S. Kelley, Esq., Chairman
John Roccio
Joseph Trainor

LICENSE BOARD MINUTES – OCTOBER 10, 2013

The meeting of the Beverly License Board was called to order on Thursday, October 10, 2013 in the City Council Chambers, Third Floor at 6:30 pm.

In attendance at the meeting were: Board Members Richard Kelley, John Roccio, Joseph Trainor, Police Liaison Sgt. Page, and Clerk Martha Lewis.

Meeting was called to order at 6:35 pm by Chairman Kelley.

1. Approval of the minutes -- Minutes of the meeting for September 12, 2013 were reviewed. Mr. Roccio asked that the spelling of Gail Gang on Page 2 be corrected. He made a motion to accept the minutes with revision as noted. Mr. Trainor seconded the motion. Motion passed 3 – 0.
2. Application for Alteration of Licensed Premises to include Outside Area – Franco American Club, 44 Park Street, William Gates, Manager

Mr. Gates was not in attendance. Continued for future meeting.
3. Application for Transfer of License – Yaleena Shrestha dba Cummings Center Beer & Wine Boutique to Cummings Beer & Wine Boutique, Inc.

Atty. Max Englehardt and Ms. Shrestha were present. Mr. Englehardt explained that the transfer was to a corporate entity. The green cards were submitted. Chairman Kelley reviewed the application. He asked the Board if there were any further questions. No one from the public was present.

Mr. Roccio made a motion to approve the Transfer from Yaleena Shrestha dba Cummings Center Beer & Wine Boutique to Cummings Beer & Wine Boutique, Inc.

Mr. Trainor seconded. Motion passed 3 – 0.

4. Request for Entertainment License – Wicked Art Bar, LLC, Alexandra Terista, Manager

Ms. Terista addressed the Board. In addition to art classes, they would like to host a comedy night once per month and possibly acoustic music 2 to 3 times per month. Ms. Terista submitted the green cards to the Clerk.

Ms. Terista explained that the event would be private. Tickets are sold on-line in advance. The show would be limited to 50 people for a 2 hour event.

Chairman Kelley voiced his concern. He stated that it sounds more like a club setting and he was not sure that the venue is appropriate as it is a residential building.

Mr. Roccio asked about the frequency of the shows as well as the hours. Ms. Terista explained the comedy show would be on the third Thursday of each month from 7- 9 pm.

Mr. Roccio asked if there would be any other events. Ms. Terista explained they would like to offer acoustic guitar music during the painting classes to enhance the experience.

Mr. Trainor asked how many people participated in the arts classes. Ms. Terista stated 30. He then asked about the availability of parking given the construction of the garage. Ms. Terista noted that parking is tight but when the garage is open, the problem should be eliminated.

Mr. Trainor expressed his concern that the venue might not be the right location for comedy shows and would like to hear from the neighbors.

Ms. Terista further explain the anticipated hours that the show would be offered and the days that the show and music would take place.

Chairman Kelley restated his concern. The venue was licensed for art/cultural experience with refreshments being offered. The focus was on art and a comedy show would be loud and more like a club setting. Assuming the building is zoned for this type of use, but again his concern is the noise level given the building is primarily a residential.

Sgt. Page asked what the target audience was, the age group and type of comedians. Ms. Terista responded that the age group was 25+, restricted to over 21.

Chairman Kelley then asked if anyone from the public wished to comment.

John F, a resident of Unit 201 spoke. He noted that currently the noise level from the Wicked Art Bar functions is considerable and distracting. He stated that two months ago there was a comedy show. With 50+ people laughing, the noise resonated through floors and the entire building.

Ms. Terista responded that the event he described was an event held by Beverly Main Streets. Essentially it was a social gathering to welcome local college students. No alcohol was served.

Mr. F. also mentioned that there had been a ribbon cutting and a political fundraiser. Both events drew a large group and the noise level was high.

Chairman Kelley asked who owed the building? The tenants explained that there is one owner for all the commercial units. Chairman Kelley explained that there may be usage restrictions under the rules of the condo association.

The first floor consists of artists studios separated by an elevator with residential units. There are nine residential units over the Wicked Art Bar space.

Mr. Trainor asked when the building was first designed, if any space on the first floor was designated as an art gallery? Yes.

Ms. Leslie Woodrow, Unit 203 spoke. Her unit is directly above the art bar. She loves the concept but does not support live entertainment and the noise that it causes. When a microphone is used in the art bar, the noise permeates and she can hear it in her bedroom.

Ms. Jessica Burton, Unit 304 asked if an entertainment license is required for acoustic guitar.

Ms. Nancy Priest moved in recently. She is ok with Art Bar, but doesn't like the idea of 50 people drinking at a comedy show with an open mike.

Judy Riley, Unit 301 and Peter Bennett, Unit 304 both echoed the sentiments expressed about other residents noted above.

Chairman Kelley expressed his concern that art bar might have some entertainment over and above the use of the license. The question is if the entertainment license is in the best interest of the public. He then asked if there was any further discussion.

Ms. Terista restated that they would keep to the posted hours and private parties are scheduled on nights there are no art classes.

Mr. Trainor noted that Wednesday and Thursday nights typically attract a college crowd. He questioned whether this was the crowd the Art Bar was targeting.

Ms. Terista responded that they are looking for age 21+ crowd.

Chairman Kelley responded that it sounds like a comedy show with 50+ people could be raucous and detrimental to the residents. He's not sure if the other board members would be amenable to limiting it to just acoustic guitar.

Mr. Trainor asked if there was a way to mitigate the noise for residents, i.e. soundproofing to soften the noise.

Ms. Terista responded that they could try a smaller system utilizing only one speaker and could request for padding on the ceiling.

Mr. Roccio stated that he was not in favor of a full entertainment license as proposed but he would be amenable to limiting it to acoustic guitar.

Chairman Kelley addressed Ms. Terista stating that if the board were to consider the license and vote it down, there would be a period of time before she could reapply. She could consider to withdraw the application or accept a license limited to acoustic guitar only. The Board is very sensitive to the concerns of the neighbors and the neighbors should let the Board know if there is a problem with the noise level.

Mr. Roccio made a motion to issue an entertainment license to the Wicked Art Bar for acoustic guitar only for Monday thru Saturday, with the hours of 6:00 pm – 9:00 pm.

Mr. Trainor seconded the motion. Motion passed 3 – 0.

5. Application for Change of Manager – Cielito Lindo Mexican Grill, Regina Mastrangelo, manager.

Ms. Mastrangelo was present. Clerk informed the Board that the CORI was ok.

Chairman Kelley asked Ms. Mastrangelo about her experience. She has considerable experience and is TIPS certified. Chairman Kelley asked the Board if there were any further questions. There were none. Sgt. Page had no questions.

Mr. Roccio made a motion to approve the change of manager at Cielito Lindo Mexican Grill to Regina Mastrangelo.

Mr. Trainor seconded the motion. Motion passed 3 – 0.

6. Application for Change of Manager – Not Your Average Joe's, Bruce Jangro, Manager.

Mr. Jangro was present. Clerk informed the Board that the CORI was ok.

Chairman Kelley asked Mr. Jangro to describe his experience. Mr. Jangro has been with Not Your Average Joe's for 14 years in November. He has worked at their Arlington, Acton and Medford locations. He asked never had any problems during that time.

Chairman Kelley asked the Board for any questions. Hearing None, Mr. Roccio made a motion to approve the change of manager at Not Your Average Joe's to Bruce Jangro. Mr. Trainor seconded the motion. Motion passed 3 – 0.

7. Request from Atty. Gooding of Glovsky & Glovsky regarding proposed purchase and transfer of license.

Mr. Lee Dellicker of Windover Development was in attendance. He is Ms. Gooding's client. He stated that Windover Development has an agreement to purchase the real estate and license from the Casa de Luca restaurant on Rantoul Street. Casa de Luca would shutter the business effective on the closing date.

It is Windover's intention to find a new restaurant operator for the space. Mr. Dellicker wanted to know the procedure to keep the license valid during the period of time it take to identify and come to an agreement with the new restaurant.

The Board agreed to allow Mr. Dellicker has reasonable amount of time to do so. The current license would be renewed and then held until such time. Chairman Kelley advised Mr. Dellicker to keep the Board apprised of their progress. If too much time passes, the Board would then invite Mr. Dellicker in to discuss the future of the license.

8. One Day Licenses – A total of 8 applications were received. All applications were reviewed. It was noted that all applications were within the 4 hour limit. There was one request for a license for Lung strong/Brookwood Financial at Cherry Hill Park. The Board placed restrictions on the license – must provide exact dimensions of cordoned off area.

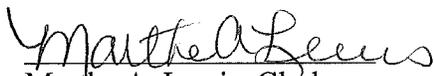
Mr. Roccio made a motion to approve the 8 applications with restrictions noted on the Lung strong license. Mr. Trainor seconded the motion. Motion passed 3 – 0.

9. Other Business –

Hearing no further business, Mr. Roccio made a motion to adjourn. Motion seconded. Meeting adjourned at 7:40 pm.

Next meeting is scheduled for Thursday, November 14, 2013 at 6:30 pm in City Council Chambers, Third Floor, City Hall, 191 Cabot Street.

Respectfully yours,


Martha A. Lewis, Clerk