



**CITY of BEVERLY**  
**LICENSE BOARD**  
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**Mayor**

*Michael P. Cahill*

**Chairman**

*Richard S. Kelley, Esq.*

**Board Members**

*John Roccio*

*Joseph Trainor*

**Clerk**

*Martha A. Lewis*

**LICENSE BOARD MINUTES – JULY 10, 2014**

The meeting of the Beverly License Board was called to order on Thursday, July 10, 2014 in the City Council Chambers at 6:35 pm.

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

1. Approval of the Minutes – Minutes of the meeting for June 12, 2014 were reviewed. Mr. Roccio made a motion to accept minutes as submitted. Mr. Kelley seconded the motion. Motion passed 2 – 0.
2. Application for Alteration of Licensed Premises – Gourmet Paradise of Beverly, Inc. dba Gourmet Garden, 45 Enon Street, Ricky Zhong Quing Huang

Thomas Alexander, Esq. representing applicant

Chairman Kelley asked Attorney Alexander to explain the changes to the premises. Atty. Alexander reviewed the new plans which included additional seating, a larger kitchen and preparation space. He further explained that the square footage expanded from 1700 sq. ft to 3000 sq. ft and the seating capacity increased from 50 seats to 90 seats. He confirmed that they are almost doubling the space stating that it is a great location based on the success of Not Your Average Joe's.

Mr. Roccio asked about the location on the bar. The plans shows that it is on the right hand side and is very large, 36 seats. Chairman Kelley asked if the bar area had indeed expanded. Atty. Alexander answered in the affirmative it has been expanded and there are more seats at the bar. He further explained that they expect to open in October or November. Mr. Roccio emphasized the sooner the better.

Chairman Kelley asked about the financial information reported on the application. It was disclosed that they have a location in Swampscott and there is an investor from Falmouth.

Atty. Alexander submitted the green cards. Chairman Kelley asked if there were any comments from the public at large.

Hearing no further questions or comments, Mr. Roccio made a motion to approve the application for an alteration of licensed premises from Gourmet Paradise of Beverly, Inc. dba Gourmet Garden. Chairman Kelley seconded the motion.

Motion passed 2 – 0.

1. One Day Special License Applications

A total of 10 applications were received.

Included was a request for a special one-day license from Hale Street Tavern for a “Summer Burger Bash” which would take place outdoors in a right of way located adjacent to establishment’s outdoor patio. In attendance was Mr. Zorba Kinigstein, manager of record who explained the plan and presented a diagram of the area, signatures from the abutters.

Chairman Kelley asked who owned the building? Mr. Ed Kurja. He also asked if permission from received from the owner and permission to utilize the right of way. Mr. Kinigstein replied in the affirmative and submitted a sheet with signatures from the neighbors agreeing to the use.

Mr. Roccio stated the he did not like the location of the event, particularly during a Saturday in August. Mr. Kinigstein explained that all patrons would present their i.d.s at the door and they would issue bracelets to identify the patrons who were of legal age. He further stated that the entrance would be separate from the entrance to the restaurant.

Chairman Kelley discussed the location of access to the patio and restaurant in relation to the right of way. Mr. Roccio reiterated his opinion that he did not like the location. He felt that it was too close to traffic, it would be too congested and he was also concerned with the neighbors who utilize the right of way.

Chairman Kelley questioned Mr. Roccio to explain what he meant by traffic. Mr. Roccio explained that he believed the event was taking place too close in proximity to the roadway in front (Hale Street). Chairman Kelley stated that the area in question would be an extension to the existing outdoor area which is presently licensed. Mr. Roccio restated that he was concerned about public safety, the small area, the increase in pedestrians crossing and concern about the noise from outdoor entertainment.

Chairman Kelley asked if Mr. Roccio’s concern was that the entertainer would be performing too closely to the street would draw attention and increase pedestrian traffic, would moving the performer to the back of the area further away from the roadway help to alleviate his concerns? Mr. Roccio replied that he still believed that the area was too small and too congested for that type of activity.

Chairman Kelley asked Sgt. Page from the police to weigh in on the request.

Sgt. Page saw a couple of issues – the proposed barriers and the double controls. He explained that the barrier proposed was not substantial. He questioned how the barrier would stop patrons from leaving. Sgt. Page also expressed his concern that neighbors used the right

of way and he too was concerned for public safety due to the size of the crowd and the time of day the event is scheduled. He asked how wide the right of way was. 8 feet and asked what type of barrier was being used. Mr. Kinigstein said they planned to use a rope with flags attached. Sgt. Page then asked about the capacity of the area. How many patrons could fit in the area. It was stated they there would be seating for 36. Sgt. Page then asked about the standing room? Sgt. Page also expressed a concern for the amount of traffic that passes the location. Chairman Kelley asked him if Sgt. Page had been to the Farms during the hours of 12 – 4 on a Saturday. Sgt. Page stated yes.

Chairman Kelley explained to Mr. Kinigstein that there was a problem in that Mr. Roccio does not approve of the layout/event. Because there is a board member absent from the meeting, the application must be approved by a 2 – 0 vote. Chairman Kelley believed if a vote was taken there would be a split vote. He suggested that Mr. Kinigstein withdraw the application and consider resubmitting the request for the August meeting where all three Board Members could consider the application at that time. Mr. Roccio and Sgt. Page both expressed their concern with the number of people and safety and there is a difference of opinion in the activity level during the summer.

The Board then reviewed the other nine applications. There were 5 received for events at the Carriage House, 2 for the Grand Prix Bike Race and 1 from Endicott. The application from Endicott was discussed and the Clerk was requested to contact Endicott for additional information including the dimension of the area, how the area would be cordoned off, identification process and procedures in place to ensure that all patrons remained in the area.

Mr. Roccio made a motion to approve the applications, with the Endicott application subject to the condition that the requested information be satisfactorily submitted. Chairman Kelley seconded. Motion approved 2 – 0.

Next meeting is scheduled for Thursday, August 14, 2014 at 6:30 pm in City Council Chambers, Third Floor, City Hall, 191 Cabot Street.

Hearing no further business, Mr. Roccio made a motion to adjourn the meeting. Chairman Kelley seconded the motion. Meeting adjourned at 7:20 pm.

Respectfully yours,

  
Martha A. Lewis, Clerk