



## NORTHAMPTON LICENSE COMMISSION

City Hall, Office of the Mayor  
210 Main St., 2<sup>nd</sup> Floor  
Northampton, MA 01060  
(413) 587-1212

### COMMISSIONERS

Brian Campedelli, Chair  
Natasha Yakovlev  
Helen Kahn

Executive Assistant

Annie Lesko

[alesko@northamptonma.gov](mailto:alesko@northamptonma.gov)

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### MEETING MINUTES

Thursday, June 11, 2020

Virtual Meeting

4:00 p.m.

The June 11, 2020, License Commission meeting will be held via remote participation.

#### Join Virtual Meeting

- **Video Conference:** <https://zoom.us/j/92874778399?pwd=ZjdFYW1CQ1YrSU0rMlVScG1LM0lKUT09>

OR

- **Telephone, call:** +1-929-436-2866, Meeting ID: 928 7477 8399, Password: 172995

1. **MEETING CALLED TO ORDER** - Commissioner Yakovlev called the meeting to order at 4 p.m.  
**ROLL CALL** - Commissioners Yakovlev and Kahn were present. Commissioner Campedelli was absent. Attorney Seewald was also present for this meeting.  
**ANNOUNCEMENT OF ZOOM RECORDING** made by Commissioner Yakovlev
2. **PUBLIC COMMENT** - None
3. **REQUEST APPROVAL OF "ON-PREMISES ALCOHOL/COMMON VICTUALLER OUTDOOR DINING EXPANSION APPLICATION FOR PUBLIC SPACES"**

Commissioner Yakovlev moved approval of the on-premises alcohol/common victualler outdoor dining expansion application for public spaces. Commissioner Kahn seconded. The motion passed unanimously 2-0.

4. **TO CONSIDER TEMPORARILY DELEGATING TO THE CLERK TO THE COMMISSION THE AUTHORITY TO EXTEND THE PREMISES COVERED BY A COMMON VICTUALLERS LICENSE FOR THE PURPOSE OF FACILITATING OUTDOOR DINING IN ACCORDANCE WITH THE PLAN FOR REOPENING MASSACHUSETTS, AND TO EXECUTE SUCH EXTENSION OF PREMISES ON BEHALF OF A MAJORITY OF THE LICENSE COMMISSION.**

The clerk explained that in an effort to streamline the approval process for expansion of premises for Common Victualler applicants (those that do not hold a liquor license) it might make sense for the clerk to accept the application, review it, forward it to the appropriate departments for approval and inspection, and subsequently grant approval. This way, the License Commission won't have to meet as frequently.

Commissioner Kahn moved to approve temporarily delegating to the clerk of the commission the authority to extend the premises covered by a common victualler license for the purpose of facilitating outdoor dining in

accordance with the plan for reopening massachusetts, and to execute such extension of premises on behalf of a majority of the license commission. Commissioner Yakovlev seconded. The motion passed unanimously 2-0.

**5. REVIEW AND APPROVAL OF THE FOLLOWING ON-PREMISES ALCOHOL/COMMON VICTUALLER OUTDOOR DINING EXPANSION FOR PRIVATE PROPERTY/PARKING LOTS**

- **One Bridge Street, LLC d/b/a Spoleto Restaurant, 1 Bridge St.**

Claudio Guerra was present for this application and explained that he will be erecting a 30'x60' tent and adding barricades to safeguard patrons. This expansion will be on Claudio's private parking lot. Bathroom access will be maintained inside the restaurant and depending on capacity, he might utilize the porta potties that have been delivered in the event patrons want to use those.

Attorney Seewald suggested reaching out to the Health Department to get approval for the porta potties.

Claudio stated he would reach out in the event the porta potties need to be used but right now the demand isn't there.

The clerk noted that the building inspector has done an initial inspection of the existing premises and reported that the area looks great and is very pleased with it.

**Commissioner Yakovlev moved to approve the application to extend Spoleto's licensed premises to include the entire portion of his parking lot with a mix of seating for parties of two, four and six. Commissioner Kahn seconded. The motion passed unanimously 2-0.**

- **Sullrain, Inc. d/b/a Joe's, 33 Market St.**

Meaghan Sullivan was present for this application and stated she hopes to put tables in front of 33 Market St. (Joe's Cafe), and 35 Market St., which is a residential property she owns. Meaghan stated she is hoping to get four four-top tables, spaced six feet apart from the back of the chairs, in front of Joe's and three two-top tables in front of 35 Market St.

Attorney Seewald pointed out that the area will need to be enclosed and the sidewalk area will need to be included in the description of licensed premises for transportation of alcohol. He furthered that the area needs to be ADA compliant and is not sure that is possible with a five foot sidewalk. Before approving the area, Attorney Seewald suggested speaking with the Building Commissioner to ensure feasibility.

- **99 Main Street, LLC d/b/a Miss Florence Diner, 99 Main St., Florence**

The clerk noted that since approvals for Common Victualler expansion requests have been delegated to the clerk, the Commission does not need to discuss or approve this application.

Commissioner Yakovlev pointed out that the proposed area is being shared with JJ's Tavern, which has already been approved, so she doesn't feel a need to review any further.

- **K. Sierros d/b/a Florence Pizza and Family Restaurant, 60 Main St., Florence**

Konstantine Sierros was present for this application and stated that he is not providing table service and the picnic tables are to be used for take-out only. The Florence Civic and Business Association donated eight tables from Look Park for individuals that wish to eat take-out in the parking lot. No alcohol is being served inside or out.

The clerk stated that Florence Pizza will need to designate a monitor for the outside area so that individuals from other social pods are not sitting together. The monitor also needs to sanitize the tables and chairs in between each use.

Konstantine questioned how he would sanitize the tables since they are wooden picnic tables.

Attorney Seewald noted that if he is providing outdoor seating for take-out, he is subject to the same sanitization requirements under the Governor's orders.

Konstantine stated he will provide a monitor for the area to ensure social pods aren't sitting with other social pods and to make sure the tables are sanitized after each use. He furthered that trash cans have been placed in the area to act as barriers and to slow vehicular traffic.

Commissioner Kahn noted that she saw the set up and was concerned that the tables look to be only about 4 feet apart.

Konstantine stated that the parking spots are nine feet wide and the picnic tables are placed in the center of each parking spot so his assumption is that they are nine feet on center.

Attorney Seewald pointed out that the distance between patrons only needs to be six feet, not the tables, so if the tables are turned the other way there would most likely be the proper six feet of separation.

The clerk stated that once the License Commission has approved the extensions, an on-site inspection by the building department is required at which point an amended liquor license will be issued so that operations can commence.

**Commissioner Kahn moved to approve the extension of premises for Florence Pizza to include the back parking lot to include eight picnic tables, as a self-service take out operation only with no alcohol or table service, with the understanding that someone will need to monitor the area and sanitize after each use. Commissioner Yakovlev seconded. The motion passed unanimously 2-0.**

- **Very Limited d/b/a Fitzwillys/Toasted Owl Tavern, 23 Main St.**

Fred Gohr was present for this application and stated he has erected a 40'x50' tent adjacent to the parking lot of Fitzwillys to include 12-14 tables for a capacity of about 50 guests. The entrance from Main Street to the parking lot has been blocked off with jersey barriers and has been approved by the Fire Department. Along the back side of the tent there are plastic jersey barriers filled with water so the entire tent is protected from traffic. The entrance to the tent is on the west side with an exit on the east corner so there will be no face-to-face traffic. Servers will enter in and out of the side door of Toasted Owl and enter and exit through the back entrance of the tent.

Fred Gohr stated that serving has commenced in front of the building where there is already an existing extension of premises. The clerk noted that serving cannot start until the building department has inspected the area.

The clerk noted that Fred will need to submit an updated plan showing the correct number of tables and chairs to show what the actual operation will be.

**Commissioner Yakovlev moved approval of the extension of premises for Fitzwilly's/Toasted Owl to include the parking lot adjacent to Toasted Owl all to be contained under a tent, contingent upon submitting a new plan showing the updated layout of tables and chairs. Commissioner Kahn seconded. The motion passed unanimously 2-0.**

- **Rias Baixas, LLC d/b/a Ibiza Tapas, 7 Strong Ave.**

Jermy Werther was present for this application and stated he hopes to put five tables in the back patio area that is covered under his lease for outdoor dining. Jermy also detailed a one lane pathway for bathroom use so that there is a circular pattern of walking. Jermy also hopes to put two or three tables on the sidewalk in front of the building.

Attorney Seewald noted that because the dimensions of the tables are unknown he's concerned about there being enough room on the sidewalk in front of the building to place tables. He furthered that the License Commission needs more information on the description of the area seeking to be licensed. Additionally, before approving the extension, the License Commission will need to know that the space is feasible.

Jermy stated he will send a new sketch to the Building Commissioner and the clerk to include dimensions of the area.

Jermy noted that the back patio area is surrounded by three sides, one side by metal barriers and latticing, the backside by a wooden fence that abuts the neighbors, and the third side is the building. The fourth side is open but he hopes to get extendable queue ropes. Tables and chairs will be brought in and out daily.

**Commissioner Kahn moved approval of the extension of premises for Ibiza tapas to include five tables and 14 total seats in the back patio area of the restaurant that is covered under the existing lease. Commissioner Yakovlev seconded. The motion passed unanimously 2-0.**

## **6. REVIEW AND APPROVAL OF THE FOLLOWING ON-PREMISES ALCOHOL/Common VICTUALLER OUTDOOR DINING EXPANSION APPLICATION FOR PUBLIC SPACES**

- **Think Tank Brewers, LLC d/b/a Progression Brewing Company**

Drew Starkweather was present and stated he submitted two applications, one for the courtyard space on Railroad Avenue and the other for parking spaces on Pearl Street. On Railroad Avenue he is hoping to place six picnic tables with nine foot umbrellas to maintain a six foot separation and will review the plans with the Building Commissioner prior to operating. Drew stated it would be ideal to be able to operate on both sides of the restaurant but wasn't sure if he was only allowed to be in one area.

Commissioner Kahn asked whether someone would be positioned to monitor both areas if both areas are approved.

Drew stated that if the line of sight wasn't sufficient then someone would be stationed outside. He furthered that patrons will be allowed access inside for bathroom use only.

Drew presented his ideal plan to put tables and chairs in two parking spots out front of his establishment on Pearl Street. Originally he thought of putting tables and chairs on the sidewalk but realized he wouldn't be able to maintain a six foot distance with the sidewalk.

The clerk stated she spoke with Wayne Feiden who agreed to the temporary use of the park area for one season only and is fine with using the parking spaces as long as Progression can provide jersey barriers to block off the spaces.

Attorney Seewald opined that the Pearl Street plan is premature and there is a need to understand whether there is competition with retail establishments hoping to maintain parking spaces for customers.

The clerk noted that she didn't see barriers on the plan for the courtyard area. Drew pointed out that the area is contained with a three foot recessed wall.

Commissioner Yakovlev questioned whether a barrier should be erected near Castle's door. Drew stated he could facilitate that and is open to suggestions to reach the liquor license requirements and still maintain access to the public park. He stated that after reviewing the plan with the Building Commissioner and if alternative steps are needed, he will submit a new plan with any changes.

The clerk noted that the Commission will need a revised plan on file to show the alcohol perimeter. Drew agreed and will send the revised plan when ready.

**Commissioner Yakovlev moved approval of the extension of premises for Progression Brewing Company to utilize the courtyard area of the public park area adjacent to the back door of the brewery on Railroad Avenue to include six picnic tables for this season only. Commissioner Khan seconded. The motion passed unanimously 2-0.**

- **Rias Baixas, LLC d/b/a Ibiza Tapas, 7 Strong Ave.**

The Commission discussed this application in agenda item number five and requested more information prior to approval.

## **7. NEW BUSINESS**

- **Osaka Japanese, Inc. d/b/a Osaka, 7 Old South St.**

Mark from Osaka was present for this application and stated he plans to use the private parking lot on the left side of the building for outdoor dining. The parking lot is owned by his landlord who has given approval. Mark intends to bring out six tables for the approximately 1,000 square foot area. The servers will be entering and exiting through the side door that leads right into the parking lot and customers will be using the entrance on the other side of the building for bathrooms so there will be no face-to-face traffic.

**Commissioner Kahn moved approval of the extension of premises for Osaka Japanese, Inc., to include 940 square feet of the adjacent parking lot. Commissioner Yakovlev seconded. The motion passed unanimously 2-0.**

- **Northampton Lodge #997 of the Benevolent and Protective Order of Elks, 17 Spring St., Florence**

Donnie Rippetoe, President of the Elks, and Donna Yerkes, Treasurer of the Elks, were both present for this application. Donna explained that a tent is erected seasonally on the grassy area outside of the Elks. The layout will include eight tables, six of them being picnic tables and the other two being two-tops that will all be socially distanced. The tables will be used for food service via a food truck and for take-out from the lodge. Restroom access will be maintained inside the building and markings have been put up to indicate routes to the bathrooms which include a one way in and a one way out. Outdoor dining will be very event driven and will most likely take place between the hours of 4 and 7 p.m. Ropes will be on the interior of the tent to maintain a social distance and ropes will also be used on the outside of the tent to contain the area.

**Commissioner Yakovlev moved approval of the extension of premises for the Northampton Lodge #997 of the Benevolent and Protective Order of Elks to include the grassy area under the tent. Commissioner Kahn seconded. The motion passed unanimously 2-0.**

- **AC Thayer, LLC d/b/a Patria, 150 Main St.**

Abby Furhman and Aaron Thayer were present for this application and stated they hope to put four tables along the building where Convino used to offer outdoor seating. The hope is to also put six tables in the courtyard/patio area between the cement that goes along the wood chips in between Thornes Marketplace and the Parking Garage. The cement barriers already in place would be used as the barriers.

The clerk noted that Wayne Feiden has given his approval for use of this area so long as dining doesn't commence on Tuesday's until after the Tuesday Market has ended and everything has been picked up. The tables and chairs will also need to be removed from this area to avoid interference with the Market. Abby and Aaron agreed and changed their days of operation to not include Tuesday.

The clerk noted that the tables alongside the building have already been approved with the license transfer so there isn't a need to vote on that area.

Abby pointed out that she is still waiting on inspection to receive a certificate of occupancy.

The clerk stated that the Building Commissioner hasn't done an inspection yet but the renovations were signed off on, everything looks great and he doesn't foresee any issues so he is comfortable with the License Commission approving the extension.

Abby mentioned that they are trying to transfer the liquor license into "Thayer Dining Group". The clerk noted that at some point a separate transaction will be required to update the entity that holds the license.

Attorney Seewald noted that the application should be resubmitted under AC Thayer, LLC, which is the entity that holds the liquor license.

**Commissioner Kahn moved approval of the application to extend the licensed premises into the public patio area for AC Thayer, LLC, for outdoor dining Wednesdays through Saturdays, contingent upon resubmission of the application under AC Thayer, LLC. Commissioner Yakovlev seconded. The motion passed unanimously 2-0.**

## **8. DISCUSS FREQUENCY OF UPCOMING MEETING SCHEDULE**

The Commission decided on a meeting Wednesday, June 17, at 2 p.m.

## **9. ADJOURN**

**Commissioner Yakovlev moved to adjourn the meeting at 5:36 p.m. Commissioner Kahn seconded. The meeting was adjourned.**