



# BOARD OF LICENSE COMMISSIONERS

City Hall, 718 Main Street

Fitchburg MA 01420

(978) 829-1820

FITCHBURG CITY CLERK

Daniel Sarefield, Chairman

Richard Boscardin

John Zarrella

*May 14 2021 3:53 pm*

## MINUTES OF MEETING

*A regular meeting of the Board of License Commissioners was held on April 21, 2021 over the Zoom meeting platform, and called to order by Commissioner Sarefield at 6:00 PM. Commissioners Boscardin and Zarrella were also present. FPD Liaison Lieutenant Howe was present.*

### **I. REVIEW AND APPROVAL OF MINUTES OF PRIOR MEETING(S)**

*The minutes of April 5, 2021 were approved by unanimous consent 3/0.*

### **II. APPLICATIONS**

#### **NEW: Automatic Amusement Device:**

*Funstuf Party Place dba Funcade, 791 Water Street, for One (1) Redemption Games; One (1) Video. Mr. Francis Dower, Owner, and Mr. Ethan Deslauriers, Manager, were present at the meeting. Application approved by unanimous roll call vote 3/0.*

### **III. CORRESPONDENCE**

Noise Complaint – Kingston Island Cuisine, 480 & 488 Main Street – follow up.

*Ms. Christina Zirpolo, tenant, Mr. David Cleveland, a neighbor of the tenant, and Ms. Keiana Mendonca, a friend of the tenant, were present at the meeting.*

*Commissioner Sarefield noted that the Commission had done an on-site inspection during the dinner hour, and that while it had been busy, the music did not seem to be excessive. He also said that since that time, there had been an additional complaint filed with him.*

*Lieutenant Howe stated that in order to present facts at the meeting, he had done some research on the situation, and that as there was some questions, he had discovered that the occupancy permit for the restaurant and apartment seemed to be permitted properly. He also noted that there had been four (4) calls to the establishment for the following reasons:*

- 1) February 7, 2021 at 6:45 PM – Business was checked and had all proper permits, owners stated that they had been testing the sound system.*
- 2) April 9, 2021 at 10:13 PM – for loud music from the restaurant. Was checked and cleared.*
- 3) April 17, 2021 at 1:51 PM – for fight outside. There was no way to determine whether there had been any incidents within the restaurant.*
- 4) April 18, 2021 at 1:32 AM – loud music. Noted that music is required to be turned down 30 minutes before closing time. Also noted that closing was within 14 minutes.*

*Ms. Zirpolo explained that she had been residing in the building for approximately three years and although there had been previous bars (TJs and Local Spot) in prior years, the noise level had never been this intense. She stated that there are speakers on the ceiling and that the bass levels are making it difficult to sleep. She said that this was especially hard as she often cared for her goddaughter. She had taken a few decibel readings and they were over 70 dBa.*

*Lieutenant Howe stated that as the establishment was fully licensed, this would be a civil matter and should be rectified by the landlord. He offered her the number of a local attorney's office who might be able to assist with the situation.*

*Commissioner Sarefield noted that Commission Rules 10.4 and 10.6 needed to be observed, but was unsure how far the authority of the License Commission would extend to applying the Rules.*

*Commissioners Zarrella and Boscardin agreed that a polite request to the business would be appropriate as they were hopeful not to create a hardship to either party. It was also suggested that how the business responded could affect a renewal of an entertainment permit in future years, and that the business should be made aware of and understand the limits of the entertainment permit. Some suggestions for dealing with the noise were moving/relocation of the speakers, or lowering the bass volume.*

***Motion to continue review of the situation to the next meeting of May 3<sup>rd</sup> in order to consult with the City Solicitor and move forward based upon his counsel, as well as possible discussions with the business owner was approved by unanimous roll call vote of 3/0.***

**IV. NEW BUSINESS - None**

The meeting adjourned at 7:02 PM

Respectfully submitted,

Mary de Alderete, City Clerk

Approved:



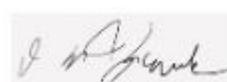
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Daniel Sarefield, Chair



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Richard Boscardin



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John Zarrella