

City of Salem, Massachusetts



**"Know Your Rights Under the Open Meeting Law, M.G.L. c. 30A ss. 18-25 and
City Ordinance Sections 2-2028 through 2-2033."**

The City Council Committee on Ordinances, Licenses and Legal Affairs

met in the Council Chamber on October 14, 2021 at 6:30 P.M.

for the purpose of discussing the matters(s) listed below. Notice of this meeting was posted on

October 12, 2021 at 9:32 A.M.

(This meeting is being recorded)

ATTENDANCE

ABSENT WERE: Councilor Hapworth

Also in attendance: Anil Mezini, owner of Jaho; Marci Costa, attorney for Mr. Mezini (joined about 15 minutes into the meeting)

SUBJECT(S)

#383 Home Rule Petition for additional all alcohol license for Jaho 57 Loring Ave.

Councilor Morsillo begins the meeting with a short review of the previous OLLA meeting discussing the Home Rule Petition for a year-round, all alcohol license for Jaho, 57 Loring Avenue, and discusses a proposed amendment to the HRP requested by the Committee. The item was held in committee to allow the City Solicitor, Beth Rennard, to research whether the City can amend the Home Rule Petition to include a limit on the occupancy for any future owner of the liquor license. HRP liquor licenses are tied to a specific address, so if Mr. Mezini sold his business and liquor license, it can only be used at 57 Loring Avenue.

This location on Loring Avenue is in an R1 residential zone. It is in front of Salem Housing Authority's Rainbow Terrace homes. It is also on the edge of the Salem State University campus. The fear that Councilor Sargent had was that a new owner could expand the business and create a very large bar using the liquor license, which would not be a beneficial use in the neighborhood, and could be a source of noise issues and increased activity at night in a residential neighborhood.

Ms. Rennard did speak to the Executive Director from the ABCC, and capping occupancy is fine. She proposes an amendment to set an occupancy limit of 75 to the language at the end of SECTION 1. (a) as follows: ", and be limited to an occupancy capacity not to exceed 75 seats."

Councilor Sargent had raised a question about the R1 zone, which does not allow a liquor license for a restaurant. Ms Rennard had explained before the meeting, through Councilor Morsillo, that the applicant will need to get an amendment to their ZBA approval for the use of a liquor license on the premises. If the HRP is approved by the legislature, Mr. Mezini needs to apply for the license through the Licensing Board.

Councilor Sargent states that he doesn't understand how the ZBA can amend a special permit to allow a liquor license. This could open up future requests for a liquor license for a business in any R1 zone which defeats the purpose of zoning.

Councilor Dominquez agrees with Councilor Sargent. He also asks about parking for the business. He also has a concern about the future use of the liquor license, and whether it could change hands and turn into a bar. He would like to strengthen the language to disallow a bar for future use.

Councilor Morsillo clarifies that any future use would require a special permit from the ZBA, just like Mr. Mezini needed a special permit for the coffee shop. This was the earlier discussion, which resulted in Ms. Rennard's language for an occupancy limit on the HRP at 75. She also states that parking allowances are outside of the Committee's concern. The Committee is only discussing the Home Rule Petition for a full liquor license.

Councilor Prosniowski states that everything we are talking about tonight hinges on Mr. Mezini's ability to get an amendment to the special permit from the ZBA.

Councilor Sargent again states that the ZBA has no authority to give permission for a liquor license.

Ms. Costa explains that the ZBA's amendment to the special permit would only allow them to go to the Licensing Board for a liquor license. The approval of this committee allows Mr. Mezini to pursue a license through the Home Rule Petition process. If there were liquor licenses available to purchase, which there are not, they would need the same amendment from the ZBA to their special permit and would need to go before the Licensing Board.

Councilor Dominquez asks if they had thought of only applying for a beer and wine license and working up to a full liquor license. Ms. Costa and Mr. Mezini explain that the restaurant's focus is on coffee drinks with different added

Councilor Prosniowski states that he doesn't think we even have the authority right now to grant a liquor license in an R1 zoning district. We don't have the authority to be doing this right now.

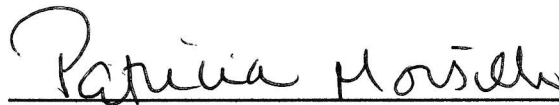
Ms. Costa states that she thinks that this is a preliminary way to have the license available, working in parallel to get the HRP for the liquor license which Mr. Mezini would then apply for from the Licensing Board. He will also need to get the amendment to the special permit at the same time.

Councilor Morsillo states that there are a lot of unknowns right now, and since the address of the location is on the HRP, if it is granted and Mr. Mezini does not obtain the amendment to sell alcohol at the address, we don't know what will happen to the HRP liquor license, which will always be tied to the address. She suggests that this remain in committee until we get clarification from Ms. Rennard or until Mr. Mezini obtains the amendment he requires.

Councilor Sargent states that this is a use variance, and this has been deemed illegal. They would need to change the zoning to B2 to get a liquor license. Zoning is there for a reason and people need to accept the zoning.

Councilor Dominguez moves to keep this in committee, seconded by Councilor Prosniowski. Passes 4-0.

On the motion of C. Sargent the meeting adjourned at 6:58 P.M.



(Chairperson)