



The Commonwealth of Massachusetts  
 Alcoholic Beverages Control Commission  
 95 Fourth Street, Suite 3, Chelsea, MA 02150-2358  
 www.mass.gov/abcc

APPLICATION FOR A TRANSFER OF LICENSE

Municipality

**1. TRANSACTION INFORMATION**

- Transfer of License
- Alteration of Premises
- Change of Location
- Management/Operating Agreement
- Pledge of Inventory
- Pledge of License
- Pledge of Stock
- Other
- Change of Class
- Change of Category
- Change of License Type (\$12 ONLY, e.g. "club" to "restaurant")

Please provide a narrative overview of the transaction(s) being applied for. On-premises applicants should also provide a description of the intended theme or concept of the business operation. Attach additional pages, if necessary.

**2. LICENSE CLASSIFICATION INFORMATION**

ON/OFF-PREMISES	TYPE	CATEGORY	CLASS
<input type="text" value="Off-Premises-15"/>	<input type="text" value="\$15 Package Store"/>	<input type="text" value="Wines and Malt Beverages"/>	<input type="text" value="Annual"/>

**3. BUSINESS ENTITY INFORMATION**

The entity that will be issued the license and have operational control of the premises.

Current or Seller's License Number  FEIN

Entity Name

DBA  Manager of Record

Street Address

Phone  Email

Add'l Phone  Website

**4. DESCRIPTION OF PREMISES**

Please provide a complete description of the premises to be licensed, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. If this application alters the current premises, provide the specific changes from the last approved description. You must also submit a floor plan.

Total Sq. Footage	<input type="text" value="2400"/>	Seating Capacity	<input type="text" value="N/A"/>	Occupancy Number	<input type="text" value="N/A"/>
Number of Entrances	<input type="text" value="5"/>	Number of Exits	<input type="text" value="5"/>	Number of Floors	<input type="text" value="1"/>

**APPLICATION FOR A TRANSFER OF LICENSE**

**5. CURRENT OFFICERS, STOCK OR OWNERSHIP INTEREST**

Transferor Entity Name  By what means is the license being transferred?

List the individuals and entities of the current ownership. Attach additional pages if necessary utilizing the format below.

Name of Principal	Title/Position	Percentage of Ownership
<input type="text" value="Huong N. Le"/>	<input type="text" value="Owner"/>	<input type="text" value="100%"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

**6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST**

List all individuals or entities that will have a direct or indirect, beneficial or financial interest in this license (E.g. Stockholders, Officers, Directors, LLC Managers, LLC Members, LLP Partners, Trustees etc.). Attach additional page(s) provided, if necessary, utilizing Addendum A.

- The individuals and titles listed in this section must be identical to those filed with the Massachusetts Secretary of State.
- The individuals identified in this section, as well as the proposed Manager of Record, must complete a CORI Release Form.
- Please note the following statutory requirements for Directors and LLC Managers:  
**On Premises (E.g. Restaurant/ Club/Hotel) Directors or LLC Managers** - At least 50% must be US citizens;  
**Off Premises (Liquor Store) Directors or LLC Managers** - All must be US citizens and a majority must be Massachusetts residents.
- If you are a Multi-Tiered Organization, please attach a flow chart identifying each corporate interest and the individual owners of each entity as well as the Articles of Organization for each corporate entity. Every individual must be identified in Addendum A.

Name of Principal	Residential Address	SSN	DOB
<input type="text" value="Dhruv C. Patel"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
<input type="text" value="President"/>	<input type="text" value="50%"/>	<input type="radio"/> Yes <input checked="" type="radio"/> No	<input type="radio"/> Yes <input checked="" type="radio"/> No
MA Resident			<input checked="" type="radio"/> Yes <input type="radio"/> No
Name of Principal	Residential Address	SSN	DOB
<input type="text" value="Chetankumar Patel"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
<input type="text" value="Treasurer, Secretary"/>	<input type="text" value="50%"/>	<input type="radio"/> Yes <input checked="" type="radio"/> No	<input type="radio"/> Yes <input checked="" type="radio"/> No
MA Resident			<input checked="" type="radio"/> Yes <input type="radio"/> No
Name of Principal	Residential Address	SSN	DOB
<input type="text" value="Taru Swadia"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
<input type="text" value="Director"/>	<input type="text" value="0%"/>	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No
MA Resident			<input checked="" type="radio"/> Yes <input type="radio"/> No
Name of Principal	Residential Address	SSN	DOB
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
MA Resident			<input type="radio"/> Yes <input type="radio"/> No

**APPLICATION FOR A TRANSFER OF LICENSE**

**6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST (Continued...)**

Name of Principal	Residential Address	SSN	DOB
<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Additional pages attached?  Yes  No

**CRIMINAL HISTORY**

Has any individual listed in question 6, and applicable attachments, ever been convicted of a State, Federal or Military Crime? If yes, attach an affidavit providing the details of any and all convictions.

Yes  No

**6A. INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE**

Does any individual or entity identified in question 6, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages? Yes  No  If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

**6B. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE**

Has any individual or entity identified in question 6, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held? Yes  No  If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	

## APPLICATION FOR A TRANSFER OF LICENSE

### 6C. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

Have any of the disclosed licenses listed in question 6A or 6B ever been suspended, revoked or cancelled?  
 Yes  No  If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Date of Action	Name of License	City	Reason for suspension, revocation or cancellation

### 7. CORPORATE STRUCTURE

Entity Legal Structure  Date of Incorporation   
 State of Incorporation  Is the Corporation publicly traded?  Yes  No

### 8. OCCUPANCY OF PREMISES

Please complete all fields in this section. Please provide proof of legal occupancy of the premises.

- If the applicant entity owns the premises, a deed is required.
- If leasing or renting the premises, a signed copy of the lease is required.
- If the lease is contingent on the approval of this license, and a signed lease is not available, a copy of the unsigned lease and a letter of intent to lease, signed by the applicant and the landlord, is required.
- If the real estate and business are owned by the same individuals listed in question 6, either individually or through separate business entities, a signed copy of a lease between the two entities is required.

Please indicate by what means the applicant will occupy the premises

Landlord Name

Landlord Phone

Landlord Email

Landlord Address

Lease Beginning Date

Rent per Month

Lease Ending Date

Rent per Year

Will the Landlord receive revenue based on percentage of alcohol sales?  Yes  No

### 9. APPLICATION CONTACT

The application contact is the person who the licensing authorities should contact regarding this application.

Name:

Phone:

Title:

Email:

**APPLICATION FOR A TRANSFER OF LICENSE**

**10. FINANCIAL DISCLOSURE**

A. Purchase Price for Real Estate	\$375,000.00
B. Purchase Price for Business Assets	\$75,000.00
C. Other* (Please specify)	\$0.00
D. Total Cost	\$450,000.00

\*Other: (i.e. Costs associated with License Transaction including but not limited to: Property price, Business Assets, Renovations costs, Construction costs, Initial Start-up costs, Inventory costs, or specify other costs):"

**SOURCE OF CASH CONTRIBUTION**

Please provide documentation of available funds. (E.g. Bank or other Financial institution Statements, Bank Letter, etc.)

Name of Contributor	Amount of Contribution
Dhruv C. Patel	\$70,000.00
Chetankumar Patel	\$98,750.00
Total:	\$168,750.00

**SOURCE OF FINANCING**

Please provide signed financing documentation.

Name of Lender	Amount	Type of Financing	Is the lender a licensee pursuant to M.G.L. Ch. 138.
Rockland Trust Company	\$281,250	Real Estate	<input type="radio"/> Yes <input checked="" type="radio"/> No
			<input type="radio"/> Yes <input type="radio"/> No
			<input type="radio"/> Yes <input type="radio"/> No
			<input type="radio"/> Yes <input type="radio"/> No

**FINANCIAL INFORMATION**

Provide a detailed explanation of the form(s) and source(s) of funding for the cost identified above.

Dhruv C. Patel and Chetankumar Patel are contributing \$168,750.00 from their own bank accounts. Rockland Trust Company is providing \$218,250.00 of real estate financing.

**11. PLEDGE INFORMATION**

Please provide signed pledge documentation.

Are you seeking approval for a pledge?  Yes  No

Please indicate what you are seeking to pledge (check all that apply)  License  Stock  Inventory

To whom is the pledge being made?

## 12. MANAGER APPLICATION

### A. MANAGER INFORMATION

The individual that has been appointed to manage and control the licensed business and premises.

Proposed Manager Name  Date of Birth  SSN

Residential Address

Email  Phone

Please indicate how many hours per week you intend to be on the licensed premises

### B. CITIZENSHIP/BACKGROUND INFORMATION

Are you a U.S. Citizen?\*

Yes  No \*Manager must be a U.S. Citizen

If yes, attach one of the following as proof of citizenship US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers.

Have you ever been convicted of a state, federal, or military crime?

Yes  No

If yes, fill out the table below and attach an affidavit providing the details of any and all convictions. Attach additional pages, if necessary, utilizing the format below.

Date	Municipality	Charge	Disposition

### C. EMPLOYMENT INFORMATION

Please provide your employment history. Attach additional pages, if necessary, utilizing the format below.

Start Date	End Date	Position	Employer	Supervisor Name
2018	2020	Cashier	Ranna Inc.	Renuka Patel
2010	2017	Cashier	Homsted Grocery Mart	Rajendra Patel

### D. PRIOR DISCIPLINARY ACTION

Have you held a beneficial or financial interest in, or been the manager of, a license to sell alcoholic beverages that was subject to disciplinary action?  Yes  No If yes, please fill out the table. Attach additional pages, if necessary,utilizing the format below.

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Manager's Signature  Date

**Beth Rennard**

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**From:** Heather Famico <heather.famico@gmail.com>  
**Sent:** Saturday, September 19, 2020 10:49 AM  
**To:** Beth Rennard; Gary Barrett; Deborah Greel; Gary Santo  
**Cc:** Dominick Pangallo  
**Subject:** Village Tavern 9/13 and 9/18  
  
**Categories:** Red Category

Dear Solicitor Rennard,

I write today in accordance with the procedure outlined during this past week's licensing board meeting in regards to guidelines not being followed by the Village Tavern.

- Last Sunday 9/13 (just afternoon midnight on Saturday) at 12:40am I called the police station for Village Tavern's music being entirely too loud. Music was audible from the area just after Olde Main Street Pub before the Visitor Center. Also, seats that are part of the expanded patio section still had patrons sitting in them
- Yesterday night (9/18) at 10:40pm Music was also too loud, although before the 11 PM cut off. It was above the decibel level approved, and, Police had driven by without saying anything. In addition, there were people out of their seats at their table dancing, and would appear to be either a DJ or member of the staff that was going table to table. an acquaintance of mine who works at Ledger happen to be walking by as I was in the area, he stood with me as I recorded a video, and noted himself that all other places seem to be following by the rules except for Village Tavern. He also noted that it was especially a problem since Village Tavern has a hostess, and also security who were standing there and allowing this behavior to happen when other places quickly tell people to sit down and follow the rules. I have video of yesterday evening as well. I did not call the police last night as police had driven by and not said anything.

I will be following up with the health department on Monday to file a complaint about the Village Tavern not obeying the mandates in place.

What are the next steps as they continue to not honor the decisions of the licensing board or the board of health? Will they be before the licensing board at the next meeting for continued complaints and disregard of licensing? Also, is there a way to have the police be proactive about enforcing the licenses without people having to call and speak to dispatch? Can private citizens hire a detail for four hours to enforce the noise ordinance and other downtown issues? (note: the street performer with the guitar and amp who was out during the licensing board meeting the other night was also back out yesterday eve too ... police drove by, nothing)

Thank you in advance,  
Heather Famico

September 10, 2020

Dear Mayor Driscoll,

I am reaching out to you in an effort to resolve an issue I have been having with the Salem Licensing Board and The Hotel Salem concerning noise originating from the Hotel's rooftop bar. This noise was, and still is, in violation of their entertainment license, as well as the **City of Salem Noise Ordinance Chapter 22 Section 22-6**. I originally attempted to resolve this issue through the Licensing Board. They did not respond after two emails, one on June 19, 2018, and another on July 2, 2018. I was eventually contacted (*99 days later*) by Sergeant John Doyle of the Salem Police Department on September 25, 2018.

I have attached copies of my initial contact with the Licensing Board, all email correspondence with Sergeant Doyle, along with a map of the City Noise Ordinance for your reference.

#### FACTS TO THE MATTER

The Hotel is situated in the mapped "yellow" zone of Essex and Central Streets, as pictured on the map, and indicating noise levels during the hours of 8:00 pm - 11:00 am are NEVER to exceed 65 decibels as measured from 15' away from the sound source (*65 decibels equate to normal conversation*). It is clear that 10 to 170 people eating and drinking while music is pumped through as many as 5 speakers could in no way adhere to a 65 decibel level limit.

Sergeant Doyle advised me that it was necessary for me to call the Salem Police Department whenever the Hotel violated their 9:00 pm license restriction, or violated the City Noise Ordinance, in order to obtain Officer verifiable evidence of any violations. This I did many times, all of which where after 10:00 pm (*well past the 9:00 pm restriction*) only to discover that the arriving Officers were intentionally stalled at the Hotel front doors to allow staff to inform the rooftop staff of the Police presence and affording them time to shut down the music. Thus no violations. Sergeant Doyle was in agreement of this corollary.

On October 17, 2018, I received an email from Sergeant Doyle informing me of a hearing scheduled for October 22, 2018 before the Licensing Board concerning, what he interpreted, were violations of the Hotel's license. I was invited to attend. This hearing was postponed, as were subsequent hearings scheduled for December 17, 2018, and January 14, 2018. The hearing was eventually held on January 28, 2019 (*224 days since I first contacted the Licensing Board to express my difficulties concerning the Hotel's license violations and the impact it was having on myself and my daughter*). The result of the hearing was that both the Hotel and Licensing Board agreed that the license was "vague" and needed to be readdressed. Sergeant Doyle was not in agreement.

On March 25, 2019, the Licensing Board had a meeting regarding amending the Hotel's entertainment license and to extend the rooftops hours. I was again invited to attend by Sergeant Doyle. Chairman St. Pierre allowed me to speak (*now 280 days since I first contacted the Salem Licensing Board*). I expressed my concerns and the difficulties the rooftop has caused, and continues to cause, myself and my daughter. I also brought attention to the Hotel's constant disregard for their current license restrictions.

The Licensing Board approved the Hotel's request to amend their Entertainment License and approved extending their rooftop hours of operation.



Jerry Jones

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## SUMMARY AND CONCLUSION

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As recorded in the April 24, 2017 minutes of the Licensing Board meeting regarding the Hotel's license application, Attorney Correnti, representing the Hotel, stated that the Hotel would be hosting a good number of weddings on the rooftop from 4:00 to 7:00 pm and that there would **NOT** be any late night music up there (*totally UNTRUE*). He added that from the rooftop, guests would be able to continue on downstairs since there would likely be guests staying under the rooftop and they need to be concerned with noise (*this NEVER happened*). Mr. Correnti also pointed out that the Hotel had **several local investors**.

I can't help but assume that some, or all of these investors, are in some way connected to the City of Salem Government since it is obvious that the Hotel is not held to the same standards of license enforcement as other Salem businesses.

During the March 25, 2019 hearing with the Licensing Board, Ellen Blood, representing the Hotel, agreed that the music should have been off by 9:00, and blamed it on the manager at that time. That doesn't excuse the Hotel from the violations. In fact, they were in violation hundreds of times (*hence the numerous complaints*), and are well aware of this fact, and are **still** constantly violating their license — (*an example of which is this past Sunday, September 6, 2020. The music on the rooftop was on until 11:46 pm in violation of their new 10:00 pm Sunday restriction. This IS NOT an isolated occurrence - it is routine*).

Also, they had been instructed back in 2017 to turn ALL speakers to face into the rooftop space, and not point out to Essex Street or Central Plaza (*or our bedrooms*). They were **AGAIN** told to do this at this March 2019 hearing. To date (*September 9, 2020*) they still have not complied. Why should they? They haven't complied with their license restrictions since the day they opened and have suffered **ZERO** sanctions.

During this hearing, Chairman St. Pierre stated we would work together to remedy the situation. He made zero effort to help myself and my daughter. **ZERO**. No suggestions, no recommendations and no ideas. The only person at the hearing that seemed to sympathize with our situation was Clerk of the Board, Melissa Pagliaro. Once I presented the City Noise Ordinance and referenced it, Chairman St. Pierre wasn't the least bit interested. Attorney Correnti claimed the ordinance excludes businesses. I read the ordinance. It doesn't exclude anyone. Ms. Pagliaro took hold of it, waved it through the air and exclaimed: "We've used this against other businesses", to which Chairman St. Pierre remarked: "**He can go to Court**".

Really? So, the Chairman of the Licensing Board refuses to enforce the City Noise Ordinance or enforce licensing restrictions for certain businesses? (*By the way, contrary to what was reported in the March 25, 2019 hearing minutes, it was NOT me that mentioned bringing this matter to court. It was Chairman St. Pierre*). In addition, during the January 28, 2019 Licensing Board hearing, it was decided that the Hotel's rooftop entertainment license was "vague". It doesn't read vague to me, and I certainly doubt the Licensing Board writes vague licenses.

In summary, the Hotel has been in violation of the City Noise Ordinance since the day they opened the rooftop. Myself and my daughter have suffered greatly as a result of this, even after reporting our difficulties to the Licensing Board and Salem Police Department. We have suffered the effects of sleep deprivation and the resulting damages of it. After starting college in September of 2019, my daughter dropped out in November, about nine weeks later. She wasn't getting to sleep until well after midnight every night the rooftop was in operation and violating the City Noise Ordinance. 5 hours sleep was insufficient. In August of the same year I had to leave my job. 5 hours of sleep created serious safety issues for me and I was not functioning up to my capabilities. I found another job a few weeks later but had to leave that one as well.

Again, sleep deprivation inhibited my work performance. Both her dropping out of school, as well as my losing two jobs was entirely the fault of the rooftop, and in no way the fault of ours (*I had been steadily employed for 42 years prior to the rooftop opening*).

Jerry Jones

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We are now faced with the likeliness of having to leave the home we've enjoyed for 15 years at NO FAULT OF OUR OWN, all while temporarily unemployed during a global pandemic. We have been denied the quiet enjoyment of our home as a direct result of the Hotel Salem and Salem Licensing Board.

Having been a business owner in Salem for a number of years, I certainly understand the value of businesses that are able to draw tourists to our city. The Hotel is not a tourist draw, nor is the rooftop bar. The rooftop primarily serves the Hotel guests and local residents. People don't come here to see the Hotel. They come for the tourist attractions.

There can be no doubt that my daughter and I have suffered considerable damages *(and continue to)* due to the opening of The Hotel Salem. It has had a devastating impact on the quality of our lives, as well as destroying my ability to earn a living and my daughter's pursuit of a college education. I have tried to remedy this through, what I believed to be, proper channels, and have acted calmly and politely in the best interests of all involved, but to no avail. Neither the Police, the Hotel or the Licensing Board deny the fact that the Hotel has violated their license many times, yet the Licensing Board still extended their rooftop entertainment license, all the while completely aware it was to my daughter's and my detriment. Therefore, I suggest the following:

The City of Salem or The Hotel Salem *(or both)* move myself and my daughter into affordable housing within a similar distance to the Commuter Rail Station *(we don't drive)*, and to wave our rent for an agreed amount of time to compensate for our damages and allow us the time to negotiate our losses.

I feel this would be an acceptable solution for the two of us, and a more than fair solution for The City of Salem and The Hotel Salem.

Madam Mayor, I sincerely thank you for your time hearing me out and I look forward to your response. Please feel free to contact me through my email.

Sincerely,



Jerry Jones

## TWO EMAILS SENT TO CLERK OF LICENSING BOARD

7/2/18

Good morning.

This is my 2nd note concerning the new hotel in the pedestrian mall on Essex Street.

(My first is included below).

Since my first note to you, the only nights my daughter and I have been able to get to sleep before 12:30 am have been the couple nights it was raining and the rooftop bar was closed.

ALL other nights we've been subjected to groups of guests drinking up there, and then followed by staff cleaning up until past midnight. This is affecting my health as well as my performance

at work. 5 and a half hours sleep at best is not something I can live with. We can't move our bedrooms.

The attorney for the hotel said they had planned to use the rooftop for weddings from 2-7:00 pm.

This is not what's happening. It is a bar with hundreds of people drinking and making noise well past 7:00, and up to midnight. I have lost my patience.

Could you kindly see to it that this is addressed and I get some sort of response? Thank you.

6/19/18

Good morning.

I am having an issue with the Hotel Salem in the Pedestrian Mall.

It is my understanding, from what I've read of the Licensing Hearing,

that the Hotel is allowed to play music between 7:-00-9:00 pm only.

Since they opened Thursday, June 14th they have not abided by that.

Thursday evening the music didn't stop until 11:30. Friday-Sunday it

lasted until at least 10:30. Last night at 10:32 I called and reported

to the Police that it was still going on. It finally stopped at 10:52.

I live across the alley from the rooftop. My 2 bedrooms on the 4th floor

face the rooftop lounge. My daughter and I are now subject to up to 170

people drinking outside our bedrooms till well past 11:00 every night.

We go to bed around 9:00-10:00. We are now unable to fall asleep until

after midnight each night when the guests have finally left and the hotel

crew have finished their clean up. Last night it ended at 12:12. This is

terribly unfair to us. I get up for work at 6:00 am.

At the hearing, the hotel representative said they will be hosting a good

number of weddings on the rooftop deck from 4-7pm. He said there will not

be any late music up there. He said from the rooftop they will be able to

continue on downstairs. He said there will be hotel rooms right under the

rooftop with guests staying in them so they have to be aware of noise.

Well, this has not been the case, and frankly...I'm not concerned about

the hotel disturbing their guests. I'm concerned about them continuing to

disturb me and my daughter. We have lived here 14 years without incident,

and have been fair in accepting a good deal of late night activity in the

neighborhood. But this situation is interfering with my health and

performance at work. Although I am flexible with Friday and Saturday

nights (I don't work the following mornings) I feel the rooftop

should be clear of guests and staff at 10:00 pm Sunday-Thursdays.

I have no doubts other residents in the area are suffering because of the Hotel as well.

Thank you. Sincerely, Gerald Jones

**According to the City Ordinances, Chapter 22 - Noise:**

**Sec. 22-6. - Special regulations relative to the Essex Street Pedestrian Mall and adjacent streets and sidewalks.**

(a) Essex Street Pedestrian Mall and adjacent streets and sidewalks shall include: (1) 125 to 259 Essex Street; (2) 93 to 155 Washington Street; (3) Cervoni Walkway (Salem Green); (4) Derby Square from Essex to 15 Derby Square; and (5) Central Street from Essex Street to Charter Street. (b) No person shall use, for commercial or non-commercial purposes, a musical instrument or similar device, loudspeaker, amplifier, public address system or similar device, or radio, disc player or similar device which produces, reproduces or amplifies sound in excess of the decibels levels set forth below upon the Essex Street Pedestrian Mall and Adjacent Streets and Sidewalks as measured 15 feet from the noise source: (1) Exceeding 65 decibels between the hours of 8 p.m. and 4 p.m. the following day from Sunday at 8 p.m. through Friday at 4 p.m., between the hours of 8 p.m. Friday to 11:00 a.m. Saturday and between the hours of 8 p.m. Saturday to 11 a.m. Sunday upon the streets, sidewalks and public ways within the entirety of the Essex Street Mall and Adjacent Streets and Sidewalks; (2) Exceeding 68 decibels between the hours of 4 p.m. and 8 p.m. Monday through Friday and 11 a.m. to 8 p.m. Saturday, Sunday and Massachusetts State Holidays upon the streets and sidewalks between and including 181 and 198 Essex Street and between and including 11 Central Street and Essex Street; (3) Exceeding 73 decibels between the hours of 4 p.m. and 8 p.m. Monday through Friday and 11 a.m. to 8 p.m. Saturday, Sunday and Massachusetts State Holidays between and including 208 and 259 Essex Street, 173 and 179 Essex Street, 125 and 133 Essex Street, 13 Central Street and Charter Street, 93 and 155 Washington Street, Cervoni Walkway, and Derby Square from Essex Street to 13 Derby Square. (4) Exceeding 78 decibels between the hours of 4 p.m. and 8 p.m. Monday through Friday and 11 a.m. to 8 p.m. Saturday, Sunday and Massachusetts State Holidays between and including 137 and 161 Essex Street and 15 Derby Square and Front Street. (c) A map depicting the decibel limits set forth above shall be on file in the office of the city clerk and available to the public at no fee. (d) The police chief may issue a waiver from the decibel levels set forth in this section for organized city events.

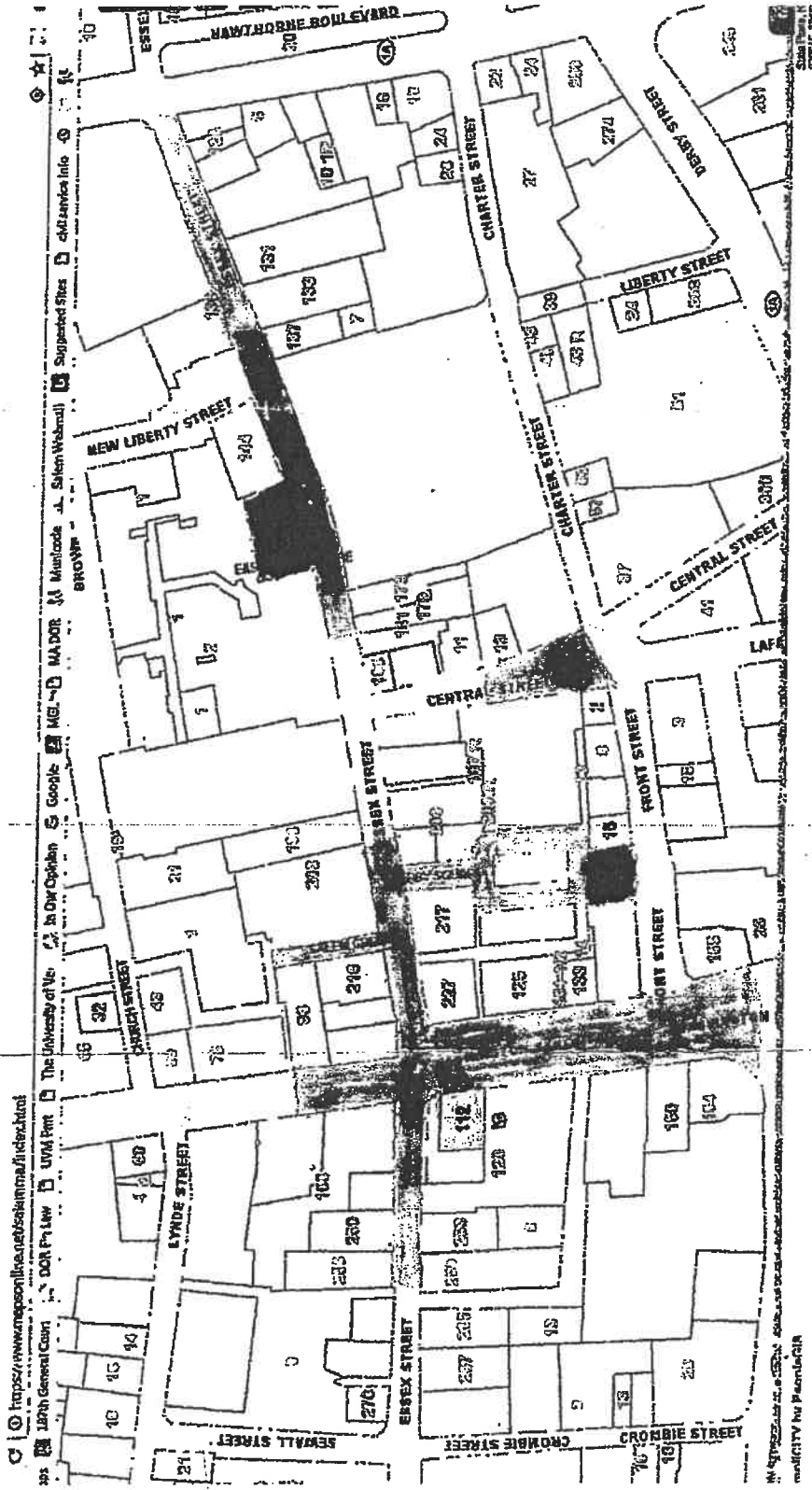
(Ord. of 9-28-2017 , § 1 e))

**The violations are:**

**Sec. 31-3. - Noise violation decibel readings.**

(a) It shall be unlawful for any person to conduct, permit, allow, or produce a sound that is discernable beyond the property lines of the property on which the sound is being produced that, when measured with a sound level meter using the standardized frequency weighting as specified by the American National Standards Institute, exceeds the applicable dB(A) level listed below for the property on which the sound is received: (1) Seventy (70) dB(A) between the hours of 8:01 a.m. and 11:00 p.m. Sunday through Thursday and between the hours of 7:01 a.m. and 12:00 midnight on Friday and Saturday. (2) Sixty (60) dB(A) between the hours of 11:01 p.m. and 8:00 a.m. Sunday through Thursday and between the hours of 12:01 a.m. and 7:00 a.m. on Friday and Saturday and between the hours of 12:01 a.m. and 8:00 a.m. on Sunday. (3) Eighty-five (85) dB(A) for sound that both originates from and is received on property within the Entertainment District, at all times. (b) The dB(A) levels set forth in this section apply to the property where the sound is being received. Any sound that when measured at the property where the sound is being received exceeds the dB(A) level set forth in this section is a violation of this chapter. (c) Any sound originating from Cole Park shall not exceed seventy (70) dB(A) when measured from any private property.

CITY OF SALEM NOISE ORDINANCE CHAPTER 22 SECTION 22-6 MAP



YELLOW=68 DECIBELS    XXXXXXXXXXXXXXXX    GREEN = 73 DECIBELS    BLUE = 78 DECIBELS  
 Sound levels may not exceed the decibel level indicated on this map during the hours of 4 to 8 pm Monday through Friday and 11 am to 8 pm on weekends and Massachusetts State Holidays. At all other times, the decibel levels shall not exceed 65 decibels. Areas covered by City Ordinance Chapter 22 SEC. 22-6 include the street, sidewalk and adjacent public spaces. Decibel levels shall be measured 15' away from the sound source.



KIMBERLEY DRISCOLL  
MAYOR

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ROBERT M. ST. PIERRE, CHAIRMAN  
PAUL FLORES  
DEBORAH A. GREEL

MELISSA PAGLIARO,  
CLERK OF THE BOARD

### MEETING MINUTES

A meeting of the Salem Licensing Board was held on Monday, March 25, 2019 at 6:00 p.m., at City Hall Annex, 98 Washington Street in the first-floor meeting room. Present were: Chairman Bob St. Pierre member Paul Flores, Clerk of the Board, Melissa Pagliaro, Special Investigator, Sgt. Doyle. Absent was member Deb Greel.

**5. Application to amend an Entertainment License by changing of hours. Applicant: Hotel Salem, Essex St.**

Present from the Hotel were Ellen Blood, Mike Millea and Attorney Joe Correnti. Ms. Blood said that somewhere along the line communication failed. She said that initially they were here with Rich Cooper and came back after that to expand on license. She said they have called 24 Restaurants in the surrounding area to see about their entertainment. She said they came back to the Board with a very detailed description of what they were seeking. She said she thought the concern was originally about live entertainment on the roof top. She said right now they are allowed a radio from 7-9 pm and live acoustic entertainment on Saturdays. She said they are opening on June 19 and wants to clear all of this up before then. She said they really want to be a good neighbor but that their business needs to survive too. She said it will be difficult to do with only being allowed radio from 7-9pm. She said that last year they spent over \$100,000 on security. Mr. St. Pierre asked if there was anyone in the public who would like to speak on this matter. Jeremy Jones from 4 Central St said that he has lived there for almost 14 years. He said that the rooftop is about 30-40 feet from his home's windows. He said he works three jobs during the week and his daughter has to get up for school. He said it is very difficult to sleep with the music. He said he has called police several times. He said he cannot go through another season with the noise associated with this rooftop business. He said that their entertainment license says the speakers should face into the space. He said not a single one of them do. He said they all face out. Mr. St. Pierre and Mr. Flores said that needs to be remedied and that could be a problem. Mr. Jones said he is not trying to ruin their business but he has lived there for 14 years and this is impacting his quality of life. He said weekends are one thing but he can't do it all week long. Mr. St. Pierre said hopefully it will be a better start this season. Sgt. Doyle said he has a folder with calls and issues starting right after the roof top opened last June 13. He said there were call regarding music, some after 10:30 pm. He did say that at that time there was a different manager at the Hotel by the name of Jessica. Sgt. Doyle said at the time she did acknowledged the music should have been off at 9pm. Ms. Blood said she has her security staff set alarms for ten minutes of 9 so they would know to go up and have music turned off. Sgt. Doyle said he believes that security called roof top to let them know the police were present. Ms. Blood said that was never intended. Mr. Jones said it was at those points that the music would stop. He said there is still an issue with the large amount of people up there drinking and talking and glasses and dishes clanking. Sgt. Doyle said there was an issue at another establishment regarding that and they had to reschedule their cleaning times to help remediate the problem. Mr. St. Pierre said hopefully we

can all work together. Mr. Jones said that the speakers that were to be turned in have been facing his windows and nothing been done. Attorney Correnti said that he would contest that decibel levels used for street level performers were meant for establishments with entertainment. Mr. St. Pierre said the first thing they need to do is get the speakers facing the way they are supposed to be. Mr. Jones said he has the minutes from the initial application when the Hotel came before the Board. He said initially they were only using the roof top for pre-functions and then people would be moved inside downstairs. Attorney Correnti said they built the rooftop with a full kitchen to serve as any other restaurant does. Mr. Jones said they also said their number one business was a hotel and didn't want anything to disrupt their own guests. He said if this continues, he or his daughter will never be able to get any sleep. Attorney Correnti said that they are not trying to be a nuisance but they cannot shut down in the middle of the summer. Mr. Jones said he will challenge it in court if there is no resolution. He said that it is not fair that he should need to move. He said his work and his daughters' grades are suffering. Ms. Blood said she would speak to sound people about moving the speakers in and lower. Ms. Blood asked about certain holidays that fall on a Monday when most people would be off of work or school. Mr. Flores motioned to approve piped in radio from Sunday to Thursday from 10am-10pm, Friday and Saturday from 10am-12am with all speakers to be facing into rooftop deck, on Saturdays only: acoustic only, live music up to 2 (two) pieces from 7-9pm.

8. Old/New Business: NONE
9. Approval of Meeting Minutes from March 11, 2019. Mr. Flores motioned to approve. Mr. St. Pierre seconded. Motion carries.
10. Adjournment: Mr. Flores motioned to approve. Mr. St. Pierre seconded. Motion carries.

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Melissa Pagliaro  
Clerk of the Board

**Know your rights under the Open Meeting Law M.G.L. c. 30A and City Ordinance Sections 2-2028 and through 2-2033**



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PAUL FLORES  
RICHARD C. LEE

MELISSA PAGLIARO,  
CLERK OF THE BOARD

A meeting of the Salem Licensing Board was held on Monday, April 24, 2017 at 6:45 p.m., at City Hall Annex, 120 Washington Street in the third-floor meeting room. In attendance: Chairman, Robert St. Pierre, Members Paul Flores and Rick Lee, Clerk of the Board, Melissa Pagliaro and Special Investigator, Det. Sgt. Gaudet.

16. Application for a new Annual All Alcohol Liquor License granted through Home Rule petition and a Pledge of the License. Applicant: Hotel Salem Op Co., LLC.

Attorney Correnti and Shawn Shea, one of the principals presented the application. Attorney Correnti said they spent some time chasing a full liquor license that was not available and was approved for a license through the Home Rule process. Mr. Shea said the hotel is already live in line and taking reservations for early fall. Chairman St. Pierre asked about seating and parking. Mr. Shea said that parking is an evolving plan and it may be spilt up and offer some valet services. Mr. Flores asked how many rooms the hotel will have. Mr. Shea said 44. Chairman St. Pierre asked about deliveries. Mr. Shea said same as the other business; out on the pedestrian mall and that they would be out front during the allowed times. Attorney Correnti said that there will be a rooftop deck and then a restaurant that will be street level to Derby Square side entrance. He said the rooftop will accommodate about 170 people while the 1<sup>st</sup> floor restaurant will accommodate about 70. He said that downstairs there will be a bar area with shuffleboard games. He said they will be hosting a good number of weddings on the rooftop deck from 4-7pm. He said there will not be any late music up there. He said from the rooftop they will be able to continue on downstairs. He said there will be hotel rooms right under the rooftop with guests staying in them so they have to be aware of noise. He said they will be back in September for the Entertainment piece. He said there are several local investors and this is a part of Lark Hotels which also operates the Merchant Hotel and it will be very professionally operated. He said they are also asking for a Pledge of the License to go Reading Co-op.

From the public Ryan Best, abutter said he has some concerns. He said the back door where people maybe hanging out and smoking and exiting is 25 feet from his windows. He said they become the victims of that. He said he earlier asked Mr. Shea about making that an emergency exit so patrons couldn't use that door and he said that was not going to happen. He said he wanted to make the Board aware of these concerns now. He said it's all brick back there and sound travels. He said