

Approved by Board of Directors
March 26 2007

**Ellis South End Neighborhood Association
Licensing Committee Guidelines, adopted 3/26/2007**

Related to applications for restaurant, liquor and entertainment licenses and permits

The purpose of the Ellis South End Neighborhood Association (the Ellis) is to maintain and enhance “the quality life within the Ellis neighborhood as an essentially residential neighborhood”¹. The Ellis recognizes that the neighborhood’s quality of life is affected by commercial activities that take place within its own boundaries and in adjacent and nearby neighborhoods.

To fulfill its purpose, the Ellis will evaluate all applications for licenses, license renewals, and license modifications that are likely to have a significant impact on the neighborhood. In addition, the Ellis will review the operations of license holders once licenses have been granted, particularly those operations that may negatively impact the quality of life in the Ellis neighborhood.

In response to the results of these evaluations, the Ellis will comment upon license applications and modifications and make recommendations to public authorities that have the power to grant, modify and/or revoke licenses and permits. By making these comments and recommendations, the Ellis will attempt to affect the plans and actions of commercial facility operators and owners in order to enhance and maintain the quality of life in the Ellis neighborhood.

Among the criteria that the Ellis will evaluate in assessing a proposal for a new license or change in license will be the previous operating history of the licensee and/or permit proponent. In all cases, the applicant or proponent must demonstrate to the Ellis that it intends to be a “Good Neighbor”; that it has, in its previous operating history within and outside of the Ellis neighborhood maintained a record of good standing within the business community; and that it has a verifiable record of neighborhood support.

To enable a full review of proposals, applicants should contact the Ellis Licensing Committee at least 30 days prior to submitting a proposal to the appropriate government agency. This contact can be made via the Ellis website (www.ellisneighborhood.org) or in writing to the Ellis South End Neighborhood Association, P.O. Box 961, Boston, MA 02117 - Attention Licensing Committee. Without timely notification, the Licensing Committee may request that the Ellis Board oppose the application and/or ask the relevant public authority to delay its consideration of the proposal or vote on the proposal based on the lack of time to conduct an adequate review and provide appropriate recommendations.

Upon review, the Licensing Committee will make a recommendation first to the Ellis Executive Committee. This recommendation will be in writing (unless otherwise impossible) and include a thorough review of both the proposed application and the process that the Licensing Committee used in arriving at its recommendation – including a list of the meetings, if any, held with the applicant and neighbors and a summary of both the proponent’s comments and those of others with whom the Committee has met or from whom the Committee has received written or oral comments and opinions.

¹ Bylaws of the Ellis Neighborhood Association Inc, as amended 2/22/94, 5/25/99, 3/28/2000 and 3/27/2001

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The Licensing Committee report should also contain a recommendation that the Ellis take one of following three positions: 1) Not Oppose, 2) Oppose, or 3) Support regarding an application for issuance or modification of a license or permit. In addition, the Committee's report shall also contain its recommendation for any modifications in the application that would either result in an improved impact of the proposal or a change in the Committee's recommendation to the Board.

Following its review, the Executive Committee will decide whether to accept the Committee's recommendation or to develop and adopt an alternative recommendation.

In some cases, the Executive Committee may determine that a proposal is a 'minor proposal' (having limited impact on the neighborhood). In these cases, the Executive Committee may decide to act without the review of the full Board of Directors. In the event of such decisions, the Executive Committee will report to the Board (at the Board meeting immediately subsequent to its decision) on the actions that it has taken on these 'minor proposals.'

If the Executive Committee determines that the proposal has larger and broader impacts (i.e., the proposal is a 'major proposal') that need community-wide discussion, it will take the proposal to the full Board of Directors for review and a vote. In such cases, the Executive Committee will ask the applicant and/or the Licensing Committee to make a presentation to the full Board, prior to Ellis making a final decision on the application.

In evaluating and reviewing a proposed issuance, modification, and/or transfer of a license and/or permit, the Ellis will consider a wide range of potential impacts. The following is a list of criteria that the Ellis plans to assess in arriving at its comments and recommendations. Other criteria may be considered depending on the nature of the activity to be permitted by the proposed license and/or permit. In addition, the impact of the proposal on the overall Ellis neighborhood as well as the residential community immediately impacted by the proposed activity will be considered.

Criteria that the Ellis will consider in reviewing proposals for new or modified licenses or operating permits or revocation of existing licenses or permits

- 1) **Community Support** – The applicant must provide strong and widespread, written support of the neighbors and abutters of the proposed establishment.
- 2) **Food Service** -- All applicants for a Malt and Wine License or an All-Alcohol License must also have a Common Victualer's License. Establishments must maintain a printed food menu and offer meal service during all hours of operation for a minimum of six days per week.
- 3) **Noise Control** -- All establishments must keep music and noise to a level that is not objectionable or disturbing to abutters, neighbors and passers-by, as per the Rules and Regulations of the Mayor's Licensing Division, E. Entertainment Practices, 1: "Noise ...shall be inaudible from any public way or from any abutting premises... (10/23/98)". All opening windows shall be closed after 10 PM in residential areas

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- 4) **Operating Hours** -- The Ellis will only consider applications with closing hours up to 1AM. Applications with later closing hours will be opposed unless the proponent clearly demonstrates (in its written proposal and in the documented support from neighbors and abutters) that the proposed use will provide significant benefits to the surrounding neighborhood and will not impose unacceptable impacts on the neighborhood, particularly the residential dwellings that are immediate abutters or neighbors to the proposed commercial activity. In addition, all proponents seeking to operate after 1AM must agree to an ongoing community review process involving the operators and owners of the proposed establishment, Ellis representatives, and immediate abutters.
- 5) **Outdoor Dining** -- The Ellis supports the City of Boston's encouragement of open, outdoor dining areas and sidewalk cafes provided that they are operated in accordance with city regulations and these guidelines. Ellis support for a specific outdoor dining proposal will be based on the proposal's expected contribution to the improvement of street life in the neighborhood, not on the contribution of the proposal to the proponent's commercial operations. In addition, all outside sidewalk and patio dining areas should have a closing hour no later than 10 PM.
- 6) **Trash Control** -- The applicant must commit to a trash policy designed to minimize odor, vermin and objectionable noise during collection. All trash generated by the establishment must be stored indoors in receptacles until the time of trash collection. On street pick up should be after 6:30AM and before 11PM. The licensee shall be responsible for the daily removal of all such collected trash and for maintaining the cleanliness of sidewalk and gutter areas adjacent to the establishment.
- 7) **Minimizing Negative Impacts on Resident Parking** -- Valet parking is encouraged by the Ellis. However, all valet parking must be in secured off-street areas. The licensee is responsible for the operation of commercial valet parking services.
- 8) **Minimizing Negative Impacts on Sidewalk Congestion** -- The applicant must demonstrate that the planned use (including planned outdoor activities and/or sidewalk uses) will not negatively impact the congestion along abutting sidewalks and the movement of pedestrians passing by the proposed commercial establishment or activity.
- 9) **Limiting Impact of Outdoor Smoking on Abutters, Nearby Neighbors, and Pedestrians** -- The applicant must present a plan for limiting the impact of outdoor smoking. Receptacles must be available for cigarettes, and the licensee must make every effort to prevent interference with residents, abutters and passers-by and to ensure compliance with city ordinances that prohibit drinking on the sidewalk.
- 10) **Commitment to Corrective Action and 'Good Neighbor' Practices** -- All licensees shall immediately address any problems or complaints from neighbors, abutters and/or the Ellis Licensing Committee. To the extent that any matters remain unresolved, the Ellis Board may recommend appropriate sanctions, including the pursuit of license suspension or revocation.
- 11) **Minimizing the Impact of Emergency, Maintenance, and Construction Activities** -- With the exception of emergency repairs, all maintenance and construction in or related to an establishment must be conducted during normal business hours: Monday – Friday 8 AM to 6 PM and Saturday 9 AM to 5 PM.

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12) Compliance with Applicable Laws, Regulations and Standards -- All applicants, licensees and their establishments must fully comply with all applicable laws, regulations and standards pertaining to licensing, zoning and the health, safety and welfare of the public.

Licensing and Zoning Guidelines

First Adopted: March 27, 1984

Amended: July 22, 1985
July 26, 1985
November 16, 1992
September 28, 1999
October, 2004

Licensing Committee Guidelines

First Adopted: March 26, 2007

(These Licensing Committee Guidelines dated March 26, 2007 replace, in full, the Licensing and Zoning Guidelines as amended through Oct 2004)