

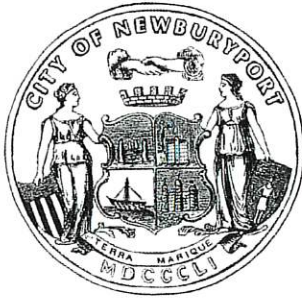
paid \$100 ✓

APPL00181_02_12_2024

2024 Application – License to Occupy Outdoor City Property

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2024 FEB -8 P 2:55



City of Newburyport
Application Form 2024
Restaurant License
Occupy Outdoor City Property

****DO NOT USE THIS APPLICATION FORM FOR EVENTS****

Date Submitted: _____

Business Name: NV Kitchen Newburyport, LLC

Business Contact: Jared Laferrriere

Business Address: 19-23 Pleasant St

Phone: 978 954 3271 **Email:** Jared@thenvkitchen.com

Property Owner: Josh Van Dyke

Outdoor Tables Quantity: 5 Dimensions: 30x30 Material: Composite

Outdoor Chairs Quantity: 16 Dimensions: 17x17 Material: Composite

Proposed Days/Hours of Operation: 7:30am - 8pm 7 days

Check all that apply:

- Applicant requests approval for food consumption.
- Applicant requests approval for alcohol consumption.
- Applicant requests approval for occupancy of public parking space(s).

Applications shall be delivered to the Office of the City Clerk by hand, mail, or email:

- 1) Office of the City Clerk
Newburyport City Hall
60 Pleasant Street
Newburyport, MA 01950
(978) 465-4407
clerk@cityofnewburyport.com
- 2) **The deadline for applications is 4:00pm Thursday, February 8th 2024 to be included in the February 12th City Council Meeting. Please note it will take at least 2 City Council Meetings to process your application.**

Processing:

- 1) Application fee: **\$100.00**
Occupancy fee: **\$8/sq. ft.**
- 2) Applications will be reviewed by the City Council and forwarded to the Licensing Board. For applications to occupy a city park or playground, the City Council shall not consider or act upon such application until the earlier of (i) having received a recommendation by the Parks Commission regarding such application, or (ii) 30 days from the City Clerk's receipt of such complete application.
- 3) The **Licensing Board will then conduct a public hearing** on each application and determine whether to approve, approve conditionally, or deny it. The Licensing Board may not approve an application without a favorable recommendation by the City Council.
- 4) The City has no obligation whatsoever to approve any individual application, each of which shall be processed, reviewed, and a determination thereon made by the relevant City officers, boards, and commissions in their reasonable discretion.
- 5) Any condition of approval and submitted plan shall be in force for the entire duration of any validly issued license.
- 6) Any license issued may be revoked at any time by super-majority vote of the City Council, after a public hearing, for any reason, or no reason.

RELEASE AND INDEMNITY AGREEMENT TO ENCUMBER A PUBLIC WAY

I, the undersigned Applicant or Duly Authorized Agent, hereby agree to RELEASE, DISCHARGE, and HOLD HARMLESS, the City of Newburyport, a municipal corporation of the Commonwealth of Massachusetts, and its officers, employees, agents, and servants from all actions, causes of action, claims, demands, damages, costs, loss of services, expenses and compensation associated with the undersigned's use of the public way or other city property as described herein.

Signature of Business Owner

2/8/24

DATE

City of Newburyport

Outdoor Tables & Chairs

- 1) A minimum of five-feet of pedestrian clearance must be maintained for public pedestrian access. Tables, chairs, and/or all enclosure materials used to create a demarcated area for serving alcohol may not impede this required pedestrian clearance.
- 2) Tables, chairs, and/or enclosure materials to create a demarcated area for serving alcohol must maintain a minimum of 5-feet of pedestrian clearance from streetlights, signs, trees, benches, garbage barrels, or other sidewalk obstacles.
- 3) Tables, chairs, and/or personal property used to demarcate an area cannot interfere with curb ramps, driveways, fire escapes and/or doorways.
- 4) All tables and chairs that are chained, roped, or otherwise tethered together after business hours must be untethered during business hours.
- 5) Placement of tables and chairs on city property must conform in all respects to all applicable federal, state, and local laws and regulations, including, without limitation workplace safety rules and other public health regulations. Please contact the Newburyport Health Department for workplace safety rules specific to your business sector.
- 6) Like any license, permission to place tables and chairs outdoors on city property is revocable at the discretion of the City of Newburyport.
- 7) Initial licenses, unless revoked, shall remain effective until on or about October 31st and commencing on or about May 1st.

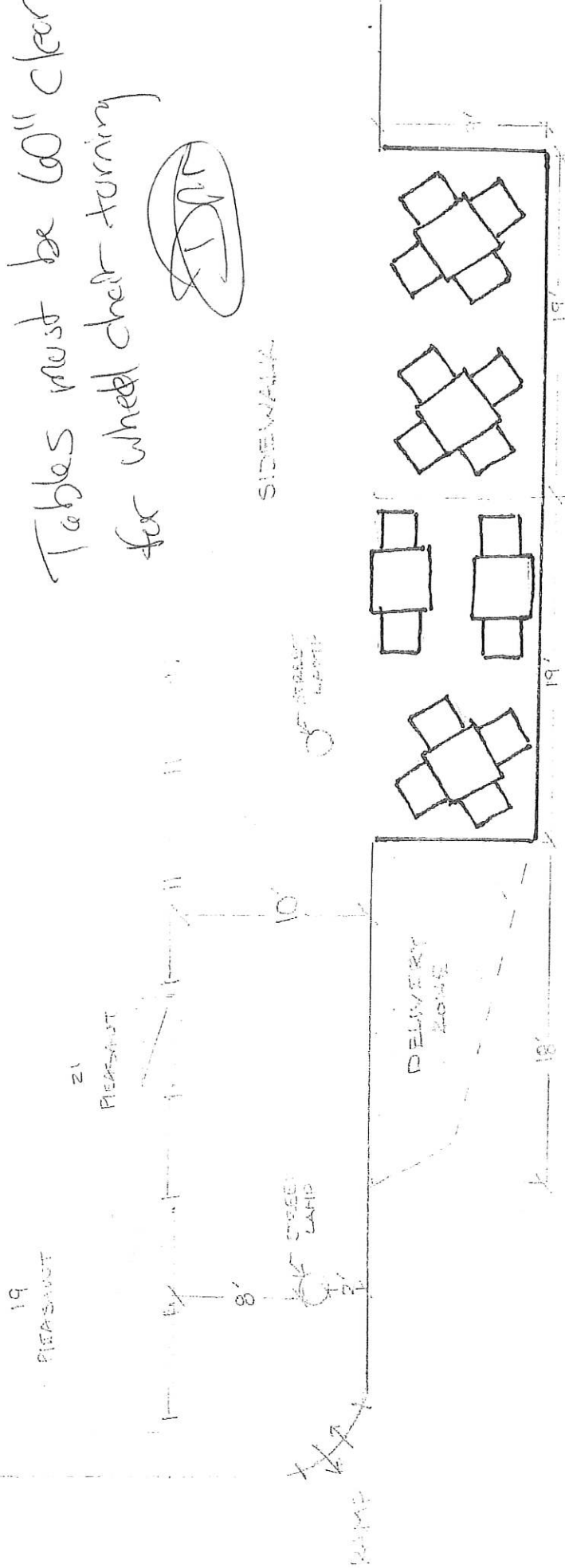
Attach the following materials:

- 1) Evidence of liability insurance with minimum coverage in the amount of one million dollars (\$1,000,000) per occurrence, naming the City of Newburyport as co-insured, and in force for the entire approved period of occupancy.
- 2) A clear and legible 8½-inch x 11-inch diagram of the proposed area of occupancy, detailing which shall be in addition to any other requirements of law, regulation or ordinance, including state alcohol law. **Such diagram shall demonstrate compliance with MAAB CMR 521 and all other Americans with Disabilities Act (“ADA”) requirements:**
 - a) Perimeter of proposed areas of occupancy, with relevant linear dimensions;
 - b) If such area includes portions of a public street traveled by vehicles, then the public, vehicular path of travel, no less than eleven (11) feet in width, or wider as may be required by the City Engineer;
 - c) All relevant obstacles such as streetlights, signs, trees, etc.; and
 - d) All tables, chairs, seats, total seating count and total occupancy; and
 - e) The area of occupancy must be enclosed by a fence, rope or other means to control access and demarcate the area proposed for the service of food and alcohol; and
 - f) Public, pedestrian path of travel no less than five feet in width.
- 3) Written authorization signed by the Applicant’s landlord acknowledging and agreeing to the use of the adjacent portion of any public way.

NU KITCHEN

All table must be ADA
 27"-34" height
 18" clear under
 table

Tables must be 60" clear
 for wheel chair turning



1/8" = APPROX 1'

— PLEASANT ST. —>

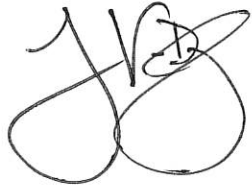
2/7/24

To whom it may concern,

Van Dyke Newburyport Realty, owner of the commercial condo at 19 Pleasant Street in Newburyport, MA, approves of NU Kitchen Newburyport, LLC (NU Kitchen), having outdoor seating and serving alcohol at said outdoor seating.

Please feel free to contact me with any questions.

Joshua Van Dyke
Van Dyke Newburyport, Realty
josh@thenukitchen.com
Cell: 401-474-0380

A handwritten signature in black ink, appearing to read 'JVD', with a large, stylized flourish that loops around the letters.



Safety Insurance

AUTO • HOME • BUSINESS

Safety Indemnity Insurance Company

BUSINESSOWNERS DECLARATIONS

Policy Number	Policy Period	
	From	To
BMA0031769	02/11/2024	02/11/2025
12:01 A.M. Standard Time at the described location		

Transaction
Renewal Declarations

Named Insured and Mailing Address	Agent
NU KITCHEN NEWBURYPORT LLC 19-23 PLEASANT ST, UNIT 1 NEWBURYPORT, MA 01950	EARL V ATCHUE, JR. INS AGY INC 190 PARK AVE WORCESTER MA 01609 Telephone: 508-755-5200 60039

Form of Business: Type of Business: FINE DINING <=30% ALCOHOL

DESCRIBED PREMISES

LOC	BLDG	ADDRESS	AUTOMATIC INCREASE
001		19-23 PLEASANT ST, UNIT 1 NEWBURYPORT MA 01950	6%

PROPERTY

LOC	BLDG	COVERAGE	VALUATION	DEDUCTIBLE	LIMIT OF INSURANCE
001	001	Personal Property	Replacement Cost	\$ 1,000	\$ 780,000

Deductible shown above applies per any one occurrence

BUSINESS INCOME: Actual Loss Sustained Not Exceeding 12 Consecutive Months. Ordinary Payroll 60-Days.

LIABILITY AND MEDICAL EXPENSES

Except for Fire Legal Liability, each paid claim for the coverages listed reduces the amount of insurance we provide during the applicable annual period.

BUSINESS LIABILITY COVERAGE

LIMITS OF INSURANCE

Liability	\$ 2,000,000	Per Occurrence
Medical Expenses	\$ 10,000	Per Person
Fire Legal Liability	\$ 100,000	Any one Fire/Explosion

ADDITIONAL COVERAGES

Some property coverages are subject to deductibles specified in the policy forms.

Optional Property Coverage Description	Limits of Insurance
LOC BLDG DESCRIBED COVERAGES	
001 001 Condo - Loss Assessment	\$ 10,000
Restaurant Enhancement Endorsement	

Optional Liability Coverage Description	Limits of Insurance
Restaurant Program Annual Gross Sales \$1,800,000	

CHANGE IN PREMIUM: \$ TOTAL PREMIUM: \$ 9,157



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AUTO • HOME • BUSINESS

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	60039

MORTGAGEES/LOSS PAYEES/ADDITIONAL INSURED

LOC	BLDG	TYPE	POLICY INTERESTS
001	001	AI Designated Person or Organization	BP0448 CITY OF NEWBURYPORT 60 PLEASANT ST NEWBURYPORT MA 01950
001	001	Mortgagee	BAY STATE SAVINGS BANK ISAOA/ATIMA PO BOX 3546 COPPELL TX 75019
001	001	Second Mortgagee	US SMALL BUSINESS ADMIN C/O GRANITE STATE ECONOMIC DEV CORP, P.O. BOX 1491 PORTSMOUTH NH 03802-0000



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AUTO • HOME • BUSINESS

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FORMS AND ENDORSEMENTS SCHEDULE

Coverage line	Form Number	Ed. Date	Description
Businessowners	BP0003	(07/13)	Businessowners Coverage Form
Businessowners	BP0417	(01/10)	Employment Related Practices Exclusion
Businessowners	BP0108	(03/15)	Massachusetts Changes
Businessowners	BP0144	(01/21)	Massachusetts Changes - Intentional Loss
Businessowners	BP0439	(07/02)	Abuse or Molestation Exclusion
Businessowners	BP0448	(07/13)	Additional Insured - Designated Person or Organization
Businessowners	BP0501	(07/02)	Calculation of Premium
Businessowners	BP0517	(01/06)	Exclusion - Silica or Silica-Related Dust
Businessowners	BP0538	(01/15)	Excl Acts of Terrorism Outside the US
Businessowners	BP0542	(01/15)	Excl Pun Damage Related to Act of Terror
Businessowners	BP0698	(07/13)	MA - Fungi, Wet or Dry Rot Excl and Limitation
Businessowners	BP1005	(07/02)	Excl-Year 2000 Computer Related Losses
Businessowners	BP0577	(01/06)	Fungi or Bacteria Exclusion (Liability)
Businessowners	BP1504	(05/14)	Excl - Access or Discl. of Info - Lmted BI Exception
Businessowners	BP1702	(07/13)	Condominium Commercial Unit-Owners Coverage
Businessowners	SB0518	(07/22)	Asbestos or Other Respirable Dust Exclusion
Businessowners	SB1560	(07/22)	Cyber Incident Exclusion
Businessowners	SBM001	(07/22)	Equipment Breakdown Coverage
Businessowners	STN110	(02/16)	Notice of Terrorism Insurance Coverage
Businessowners	SBM008	(07/22)	Massachusetts Equipment Breakdown Changes
Businessowners	SBE001	(02/23)	Safety Bridge Enhancement Endorsement
Businessowners	SE0003	(07/22)	Safety Restaurant Enhancement
Businessowners	BP1703	(07/13)	Condo Commercial Unit-Owners Opt. Cov. Deductible \$500
Businessowners	SB0004	(07/22)	Safety Named Insured Endorsement NU KITCHEN NEWBURYPORT LLC VAN DYKE NEWBURYPORT REALTY LLC
Businessowners	BP0419	(07/13)	Amend-Liquor Liab. Exclusion (Exception)
Businessowners	BP0430	(07/13)	Protective Safeguards LOC#1,BLDG#1 SPRINKLER SYSTEM, AUTOMATIC FIRE ALARM LOC#1,BLDG#1 AUTOMATIC FIRE SUPPRESSION SYS
Businessowners	BP0489	(01/10)	Liquor Liability Coverage Each Common Cause Limit \$1,000,000 Aggregate Limit \$2,000,000
Businessowners	BP-CPD		Auto Policy Credit
Businessowners	BP-PLS		E-Customer Discount