

2024 Application – License to Occupy Outdoor City Property



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

RECEIVED
 CITY CLERK'S OFFICE
 NEWBURYPORT, MA

2024 FEB -8 P 3:55

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

Date Submitted: _____

Business Name: _____ Anchor Stone Deck Pizza _____

Business Contact: _____ Ashlyn Calcagni _____

Business Address: _____ 44 State Street _____

Phone: 978-463-3313 **Email:** Ash@AnchorPizzeria.com

Property Owner: _____ 42-44 State Street Nominal Trust _____

Outdoor Tables Quantity: 7 Dimensions: 4 30-inch Rounds
3 72"x31" Material: Steel & Composite

Outdoor Chairs Quantity: 34 Dimensions: 15inx15in Material: Steel

Proposed Days/Hours of Operation: 11am - 9pm Sunday - Saturday

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).

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.

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@cityofnewburport.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

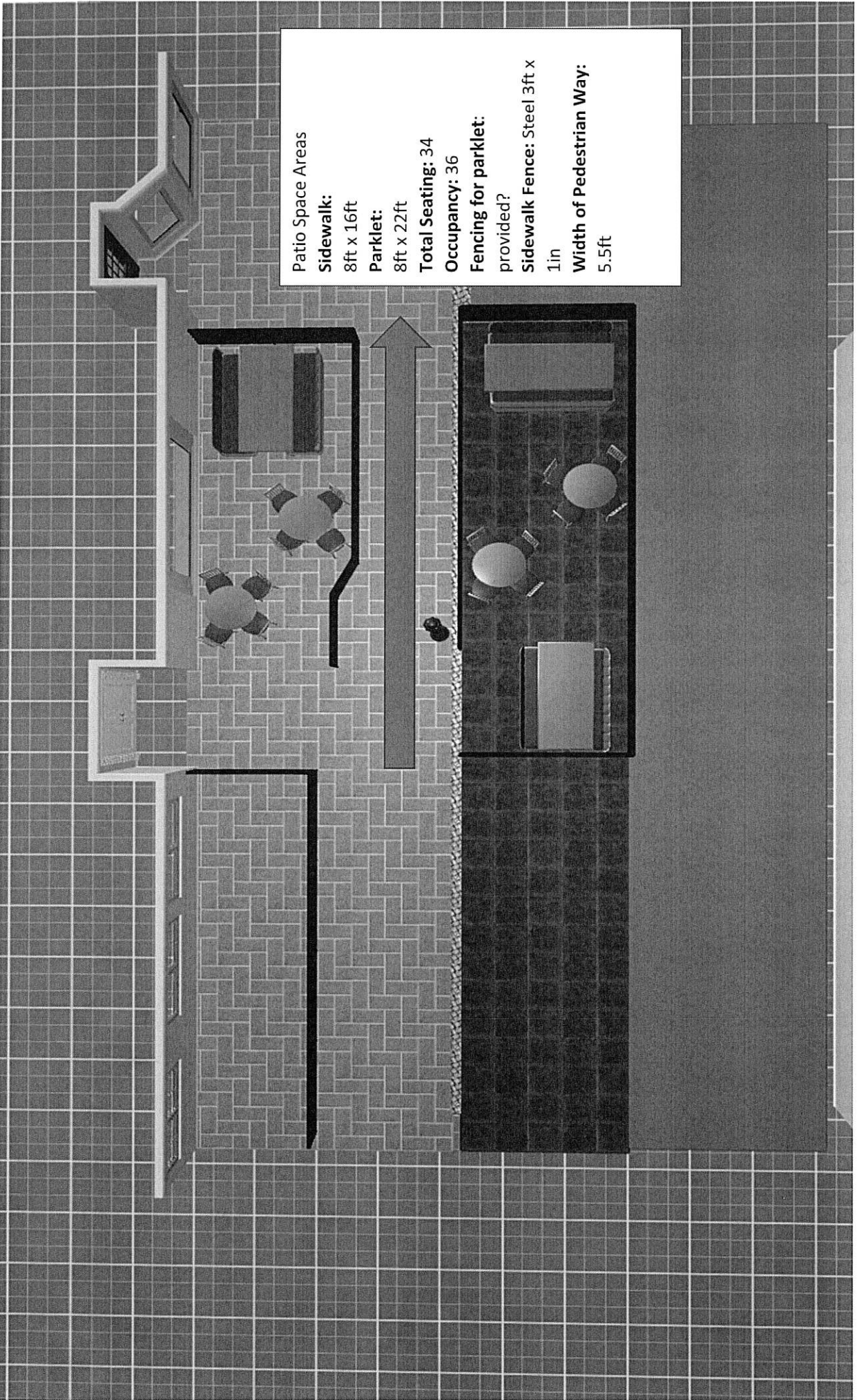
2-8-24

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.



Patio Space Areas
Sidewalk:
8ft x 16ft
Parklet:
8ft x 22ft
Total Seating: 34
Occupancy: 36
Fencing for parklet:
provided?
Sidewalk Fence: Steel 3ft x
1in
Width of Pedestrian Way:
5.5ft

42-44 State Street Nominee Trust
42-44 State Street
Newburyport, Massachusetts 01950
617-719-3003

June 13, 2023

City of Newburyport
Licensing Commission
60 Pleasant Street
Newburyport, Massachusetts 01950

RE: Anchor Pizza
42-44 State Street, Newburyport, MA
Letter from Landlord approving outdoor seating

Dear Sir or Madam:

This letter is being written to you at the request of our tenant, Anchor Pizza, located at 42-44 State Street, Newburyport, MA to provide them with permission to have outdoor seating for their customers subject to the provisions of the Amendment to Commercial Lease dated June 11, 2023, a copy of which is attached hereto.

If you have further questions please do not hesitate to contact me. Thank you for your attention to this matter.

Very truly yours,



John J. Dussi, Trustee
42-44 State Street Nominee Trust

COMMERCIAL LEASE AMENDMENT

(Outdoor Seating)

42-44 State Street


Newburyport, MA

Outdoor Seating Area: Effective from and after the date of this Amendment, the Lessee and Occupant of the building located at 42-44 State Street, Newburyport, Massachusetts (the "Property") shall have the non-exclusive right to use the seating area adjacent to the Property. The Lessee and Occupant acknowledge that they have provided the seating and other outdoor furniture located or to be located in the seating area and shall be solely responsible for its care and maintenance including any cost and/or expense associated therewith. The Lessee and Occupant shall, at its own cost and expense: (i) be responsible for promptly cleaning any spills or waste in the outside seating area; (ii) clean and wash daily all tables, chairs, dividers, fixtures, floor mats and furnishings in the outdoor seating area; (iii) cause trash containers in the outdoor seating area to be emptied on a regular basis to their overflowing and emptied prior to the daily closing of the business; and (iv) to comply with all state, city and local rules, regulations and ordinances which govern outdoor seating in this location. The Lessee and Occupant further acknowledge that they have exclusive management, supervision, custody and control over the outdoor seating area and that they are responsible for any injury (including death) and/or damages which occur in the outdoor seating area. As such, the Lessee/Occupant hereby indemnifies and holds harmless the Lessor/Landlord from any and all damages and/or injuries (including death) which occur in the outdoor seating area.

The Lessor reserves the exclusive right to revoke outdoor seating privileges in its sole discretion without prior notification during the full term of the lease.

All other provisions of the Commercial Lease Agreement and Personal Guaranty dated April 3, 2018 shall remain in full force and affect.

Lessor/Landlord
42-44 State Street Nominee Trust
By its Trustee



John J. Dussi, Trustee

Dated: JUNE 11, 2023

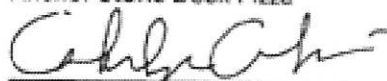
Lessee
Marty & Mark, Inc.



Mark Tramontana

Dated: JULY 2, 2023

Occupant
Anchor Stone Deck Pizza



Ashlyn Calcagni

Dated: June 11, 2023

