



# CITY OF BOSTON

## Mayor's Office of Consumer Affairs and Licensing

Boston City Hall, Room 817  
Boston, MA 02201

THOMAS M. MENINO

Mayor May 11, 2010

PATRICIA A. MA  
Director

Courageous Sailing Center of Boston, Inc.  
d/b/a Courageous Sailing  
Pier 4, Charlestown Navy Yard  
Charlestown, MA 02129  
Attn.: John Maconga, Manager

Dear Mr. Maconga:

On Monday, April 14, 2010, the Mayor's Office of Consumer Affairs and Licensing held a hearing to consider the request of Courageous Sailing for a seasonal entertainment license to operate radio, cassette/compact disc player, instrumental music, vocal music, disc jockey, and dancing by patrons, at Pier 4, Charlestown Navy Yard, Charlestown, MA 02129.

### **1. The Hearing:**

(a) Presentation of the applicant: The applicant was represented by their proposed Manager and Executive Director, Mr. Maconga. He stated Courageous Sailing is seeking the right to hold events at Pier 4 at the Charlestown Navy Yard that include entertainment. He stated that over the past several months, Courageous Sailing has reached out and spoken with various neighborhood groups, to understand their concerns and interests relative to this proposal. He filed a copy of a list of restrictions the applicant has agreed to. These include a limit on the total number of events to 15, with only 5 allowed beyond sunset. Evening events would end by 10:00 p.m. on weeknights, and by 11:00 p.m. on weekends. The applicant stated they would request a police detail for any event that would have more than 50 persons. They are also working to address parking and sound concerns.

(b) Testimony from interested parties: Mr. Kelly of the Office of Neighborhood Services stated the office was generally in favor, but requested a deferment of the Decision until the applicant met with the neighborhood council. Ms. Evers of Councilor LaMattina's office expressed a desire that the Decision be deferred until the applicant further meet with the community. A representative of the Charlestown Waterfront Council indicated their steering committee unanimously supported this proposal. Several area residents also expressed support, with a hope for limitations relative to issues of sound and the scope of events. The Division has also received communications from other residents opposed to or concerned by this proposal.



## 2. Findings:

Entertainment licensing authorities may deny requests for entertainment licenses, when such licenses would adversely affect the public health, safety, or order in that they could not be conducted so as to “(a) protect employees, patrons, and members of the public inside or outside the premises from disruptive conduct, from criminal activity, or from health, safety, or fire hazards; (b) prevent an unreasonable increase in the level of noise in the area caused by the licensed activity or caused by patrons entering or leaving the premises; or (c) prevent an unreasonable increase in the level of pedestrian or vehicular traffic in the area of the premises...” Licensing authorities may also place conditions upon entertainment licenses in order to “preserve and protect the public health, safety, and order” as referenced in the statute. M.G.L. c. 140 §183A.

(a) The request for entertainment: After careful consideration, the Licensing Division finds the events as proposed can be operated by this applicant within applicable standards, provided careful conditioning is in place. Therefore, the Licensing Division will **GRANT** this request, subject to very strict limitations which are designed to ensure these events are maintained within requirements. Residents and representativeness of the community expressed legitimate concerns over some aspects of this operation, but the overall sentiment was that with appropriate limitations the events would be supported. In this regard the Licensing Division will require the applicant to pursue each event via the Division’s established One-Time Entertainment License Process. This will allow for greater review of each event. Also, events will be limited to no more than 5 events in the evening, and no more than 15 overall events. The stoppage time must be no later than 10:00 p.m. on weeknights, and no later than 11:00 p.m. on weekend evenings. There will be limitations on sound, in addition to other conditions, all of which must be strictly adhered to. The full set of conditions in place for these events will be set forth below.

(b) Conditions: The conditions now in effect for these events read as follows:

1. This licensee is approved for the categories of radio, cassette/compact disc player, instrumental music, vocal music, disc jockey, and dancing by patrons, for events at Pier 4, Charlestown Navy Yard, Charlestown, MA.
2. The licensee may be approved for up to 15 events per year, with no more than 5 events being allowed to operate after sunset. Events must be approved by this Division via its One-Time Entertainment License process.
3. Events must stop by 10:00 p.m. on weeknights, and by 11:00 p.m. on Friday and Saturday nights.
4. Instrumental and vocal music is limited to 5 performers.
5. The licensee must carefully monitor sound levels to ensure they are within legal standards. In the event of noise complaints, the licensee will be directed to work

with sound engineers to determine what sorts of measures are required to maintain the operation within requirements.

6. The licensee must actively work with the surrounding community to address their concerns on issues such as noise, parking, traffic, security, etc.
7. The licensee must file a copy of their lease with the Division.
8. The licensee must periodically check all public and non-public areas including restroom facilities to assure that illegal and disruptive activity will not take place on the premises.
9. The licensee shall indemnify and hold harmless the City of Boston and its employees from any damage it may sustain, or be required to pay, by reason of said entertainment, or by reason or any act or neglect of the licensee or its agents relating to such entertainment, or by reason of any violations of the terms and conditions of this license.
10. This grant is subject to further revisions and the implementation of additional terms and conditions at any time, as needed to maintain the events within applicable standards.

This decision is based upon the Division's regulatory standards, codes, and statutes including St. 1821, c. 110 §14; 1908 c. 494 §3; M.G.L. c. 4, 43, 136 and c. 140 §§177A, 181, 183A and C.B.C. Ord. 17 §§13.1-13.6.

An appeal of this decision is in the nature of certiorari to Superior Court pursuant to M.G.L. c. 249 §4. An appeal must be filed within 60 days of the date of this decision.

Sincerely,

Patricia Malone  
Director

cc: Captain Bernard O'Rourke, BPD, Area A-1