

STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

IN THE MATTER OF

Yardehouse Tavern

Thomas Parker, Permittee

Blueberry Enterprise Inc., Backer

Liquor Permit No. LIR.17744

Case No. 2010-818

Docket No. 2011-337

April 21, 2011

MEMORANDUM OF DECISION

This matter involves a renewal application for a restaurant liquor permit for Yardehouse Tavern, 1658 King Street, Enfield, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection on February 3, 2011, at which time Thomas Parker, permittee, appeared with counsel. The hearing was held in accordance with Section 30-39(c), Connecticut General Statutes, as a result of a legally sufficient remonstrance questioning the suitability of the proposed location. Remonstrants appeared on behalf of the remonstrance to oppose the renewal application.

Based upon the evidence adduced at the hearing, we find the following facts: Special Agent Sturgeon conducted a thorough investigation in connection with the remonstrance. She did an on-site investigation and prepared a detailed report of her findings. She found nothing questionable about the renewal.

Special Agent Sturgeon spoke with several remonstrants who expressed concerns about noise from motorcycles exiting the premises' parking lot and

music at the premises, as well as issues concerning patrons' parking on adjoining neighborhood streets. Yardehouse Tavern is located on Route 5, a busy thoroughfare in Enfield; there is a commercial trucking company in the immediate vicinity as well as residential homes across the street.

To assess the remonstrants' concerns, Agent Sturgeon went to the neighborhood during the evening of September 24, 2010, when a band was entertaining at Yardehouse Tavern, to conduct undercover surveillance; she could only hear the music when the door opened to allow patrons to enter and exit. The door was not propped open or held open except to allow egress and ingress.

Mr. Parker was aware of the neighbors' concerns and had taken corrective action with respect to the noise issue. He had installed acoustical tiles to muffle the noise and placed acoustical curtains on the windows. Bands now cease playing at midnight, and he ends karaoke at 11:00 p.m. He has asked large groups of motorcyclists not to patronize his establishment because of noise issues. He has posted signs inside his premises noting "We live in a quiet neighborhood. When you leave, please be quiet." He has offered his cell number to neighbors so they may contact him with their concerns. Mr. Parker is attempting to obtain more off-street parking to mitigate the impact of patrons parking in the nearby residential area.

Substantial evidence was not presented at this time which would cause us to deny Mr. Parker's renewal application. The determination of factual matters with regard to the suitability of the location of proposed liquor permit

premises is vested with the Liquor Control Commission. Brown v. Liquor Control Commission, 176 Conn. 428, 407 A.2d 1020 (1973). Accordingly, we hereby deny the remonstrance and grant the renewal liquor application of Thomas Parker and Yardehouse Tavern.

**DEPARTMENT OF CONSUMER PROTECTION
LIQUOR CONTROL COMMISSION
BY:**

Elisa A. Nahas, Esq.
Designated Presiding Officer

Stephen R. Somma, Commissioner

Parties:

Thomas Parker, Permittee, Yardehouse Tavern, 1658 King Street, Enfield, CT 06082-6038

(Via US Mail and Certified Mail # 7010 1670 0000 0761 5739)

Thomas Parker, Permittee, c/o Brian M. Silver, Esq., Silver & Silver, 1 Liberty Square, New Britain, CT 06051

Jill Vetrone, Agent for Remonstrants, 1663 King Street, Enfield, CT 06082

(Via US Mail and Certified Mail # 7010 1670 0000 0761 5746)

Nonparties:

John Suchy, Director, Liquor Control Division

Connecticut Beverage Journal, 2508 Whitney Ave., P.O. Box 185159, Hamden, CT 06518

Connecticut State Library, 231 Capitol Avenue, Hartford, CT 06106