

**THE CITY OF PROVIDENCE**  
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

# RESOLUTION OF THE CITY COUNCIL

*No.* 270

EFFECTIVE ~~Approved~~ June 11, 2006

IT IS HEREBY RESOLVED, That His Honor the Mayor, is authorized to grant permission, in accordance with the Petition presented by Trinity Brewhouse (the "Petitioner") to the meeting of the Providence City Council Committee on Public Works on, to wit: May 17, 2006, incorporating by reference Exhibit "A", the Petition attached thereto:

1. That having been granted a permit from the Department of Public Works for the construction of an outside seating area at 186 Fountain Street, adjacent to the Trinity Brewhouse, said structure may remain as currently situated for a period.

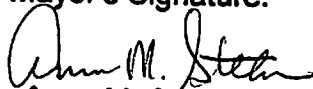
**IN CITY  
COUNCIL**

JUN 1 2006  
FINAL READING  
READ AND PASSED

PRESIDENT

CLERK

Effective without the  
Mayor's Signature:

  
Anna M. Stetson  
City Clerk

TRINITY BREWHOUSE 186 FOUNTAIN STREET PROVIDENCE, RI 02903  
PHONE 401 453 2337 FAX 401 861 2498 EMAIL JOSH@TRINITYBREWHOUSE.COM

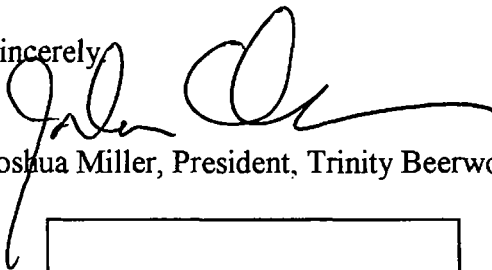
Nov. 12, 2003

COUNCIL PRESIDENT JOHN LOMBARDI  
OFFICE OF THE CLERK  
PROVIDENCE CITY COUNCIL  
CITY HALL  
PROVIDENCE, R.I. 02903

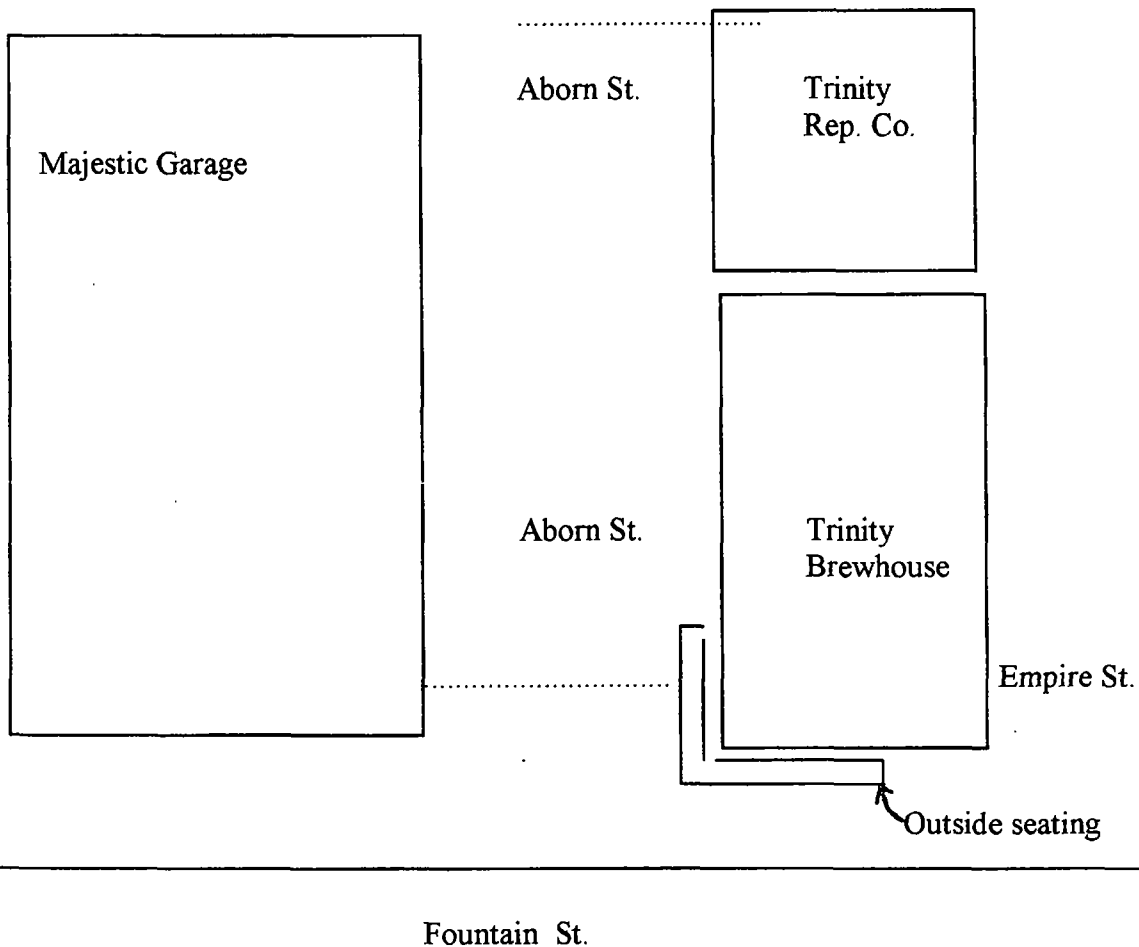
Dear Council President Lombardi,

It has come to my attention through discussions with Mr. Clarkin at DPW and Mr. Ponterelli in Neighborhood Services that it is necessary to get City Council permission to keep the structure for our seasonal outside seating at TRINITY BREWHOUSE in place over the winter. We have already removed the tables and chairs. Our request is to leave in place deck and railing only. Removal of the deck over the past 6 years has been proven to be costly in labor, wear and tear, and storage fees. The seating would still function as seasonal, as we remove the tables and seating (we did that as of Oct. 31). There is still ample passage, wider than the required 36". I hope you can help with this matter. Thank you, in advance, for your consideration.

Sincerely,



Joshua Miller, President, Trinity Beerworks Inc.



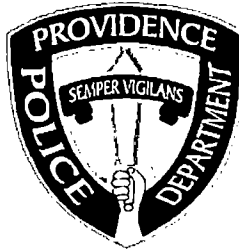
IN CITY COUNCIL  
DEC 4 2003  
FIRST READING

REFERRED TO COMMITTEE ON  
PUBLIC WORKS

*Richard A. Alarcon*  
CL







243-6419

PROVIDENCE POLICE DEPARTMENT  
TRAFFIC BUREAU  
*Sergeant Steven G. Woodruff, Officer-In-Charge*

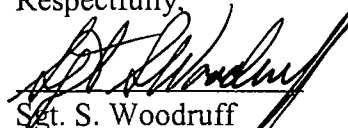
RECEIVED  
OFFICE OF THE CHIEF  
PROVIDENCE POLICE  
01 JAN -5 PM 3:50

To: Anna Stetson, Deputy City Clerk  
Via Colonel Dean M. Esserman, Chief of Police  
From: Sgt. S. Woodruff, Traffic Bureau  
Subject: Trinity Brew House, Seasonal structure

After reviewing the request by the Trinity Brew House, I find no objection to leaving the temporary structure in place for the winter months.

The Providence Police Department would have no objection from a pedestrian safety stand point. The only additional concern would be if the temporary structure would become permanently affixed to the building.

Respectfully,

  
Sgt. S. Woodruff  
Traffic Bureau

RECEIVED  
OFFICE OF THE CHIEF  
PROVIDENCE POLICE  
03 DEC 96 AM 10:11

## Stephanie Federico

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**From:** John Nickelson  
**Sent:** Thursday, June 08, 2006 10:17 AM  
**To:** Stephanie Federico  
**Cc:** Carol Grant; Francisco Ramirez; William Bombard  
**Subject:** Trinity Brewhouse

### Trinity Brewhouse

In response to your request for comment, I offer the following:

In the mid-90's maybe '95 but at least by 1996, the Trinity Brewhouse (Trinity) applied for and received an "expansion of premises" (EOP) permit which allows restaurant facilities to utilize the public right-of-way for additional outdoor seating. The permit requires that the tables and chairs be removed from the sidewalk at the close of business each day. Upon receiving the EOP, Trinity proceeded to construct a structure on the sidewalk, and were advised that it must be removed (Ihenacho to Miller 9-5-1996). Trinity appealed to the City Council who approved Resolution #646 (11-22-1996) which permitted the structure to remain with certain conditions; one condition was that the structure be removed for the winter period between November 15 and April 15.

It appears that Trinity would now like to make the structure permanent, year round, in perpetuity, with no payment for the use of City property.

My first thought is that every business in the City may be interested in expanding their space at no cost. Does this set a precedent? The current permission is in place until 2011, there is time for reconsideration at that time.

I think the current Council action should be rejected.

It is my opinion that there is a value to the use of the City property and that if this permitted use is to continue, it should do so with restrictions.

- The use should be based upon on a 30-day non-transferable revocable lease.
- Trinity should pay the appraised value (in addition to the permit fee).
- The structure must be ADA compliant

See attached background

Thanks for the opportunity to comment

jn

6/8/2006

and C. Ihenacho, P.E.

Director



VINCENT A. CIANCI, JR.

Mayor

Department of Public Works

September 5, 1996

*"Building Pride In Providence"*

Mr. Josh Miller, President/Owner  
Trinity Brewhouse  
186 Fountain Street  
Providence, RI 02903

RE: Sidewalk Cafe  
(Unapproved Semi-permanent/Permanent Structure)

Dear Mr. Miller:

It has come to my attention that a semi-permanent structure has been constructed within the public right-of-way on the sidewalk, on Fountain Street adjacent to the Trinity Brewhouse.

Be advised that the Sidewalk Cafe License granted to you by this Department, is for tables and chairs that are to be removed and stored at the end of each business day. Subsequently, the semi-permanent structure is in violation of the license.

I understand that your facility engaged in a similar practice in 1995 and I assume that you are fully aware of the program regulations and Chapter 23, Section 24, (23.24), Article I of the Code of Ordinances of the City of Providence. In the interest of public safety and in accordance with said rules, regulations and ordinance, you are hereby being notified to remove the semi-permanent structure on Fountain Street and to cure the non-compliance within forty-eight (48) hours from the date of receipt of this notice. Failure to comply with this directive will result in other punitive actions in accordance with the City of Providence Code of Ordinances.

Very truly yours,

A handwritten signature in dark ink, appearing to read "F. Ihenacho", with a stylized flourish at the end.

Ferdinand C. Ihenacho, P.E.  
Director

FCI:cs

cc: Gerald Florio  
John D'Amico, Law Dept.  
Richard Atichson, Board of License  
Ramzi Loqa, Dept. of Inspection & Standards  
Councilman Robert M. Clarkin

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

700 Allens Avenue • Providence, Rhode Island 02905

(401) 467-7950 (Voice) • 751-0203 (TDD) • 941-2567 (Facsimile)



BEERWORKS, INC., 186 FOUNTAIN STREET, PROVIDENCE, R.I. 02903, REQUESTING TO BUILD A SEASONAL STRUCTURE FOR SIDEWALK SEATING UNDER PUBLIC WORKS PERMIT #95-03.

- 11 -

August 8, 1995

JOHN D'AMICO: What about an installation date are you going to keep it or take it down.

JOSHUA MILLER: Take it down and store it.

JOHN D'AMICO: I would anticipate that you will be putting it up next spring.

JOSHUA MILLER: I would say no latter than April 1 and I think that is fly.

JAMES SUZMAN: What about April 15 because of daylight savings.

JOHN D'AMICO: So it is April 15 to November 15.

COUNCILWOMAN WILLIAMS: So we are approving this that from here in we are giving you permission to do that? How much of the sidewalk can people walk on?

JOSHUA MILLER: There is seven feet of sidewalk but there are three structures one is a box for the fire alarm a fire hydrant and a tree and they all have plenty of room except where the tree is.

CHAIRMAN CLARKIN: Maybe you might be asked to take the tree down and put one almost of the same size in a different spot.

JOHN D'AMICO: Do you have a set of plans for this?

JOSHUA MILLER: I can get you a set.

CHAIRMAN CLARKIN: We will not act on this until we get the plans.

On motion of Councilwoman Williams, seconded by Councilman Allen, it is voted to continue the foregoing matter.

CHAIRMAN CLARKIN: All those in favor.

COMMITTEE: Aye.

CHAIRMAN CLARKIN: All those opposed.

APPLICATION FROM GARY R. JEROME, MERIT OIL OF R.I.,

pedestrian and vehicular traffic other than to the extent of any encroachment

Trinity Beerworks, Inc.  
186 Fountain Street  
Providence, Rhode Island 02903

August 10, 1996

Mr. Michael Clement  
City Clerk  
City Hall  
Providence, Rhode Island 02903

Dear Mr. Clement:

On the recommendation of Public Works Director James Suzman, Please include us on the agenda of the next meeting of the Public Works Subcommittee. We have built a seasonal structure for sidewalk seating under Public Works Permit #9-a. It meets all Public Works and Building and Inspection standards. Thank you for your co-operation in this matter.

Sincerely,



Joshua Miller  
President  
Trinity Beerworks, Inc.

cc:

John D'Amico, City Solicitor  
John Lombardi, City Council

DEPARTMENT OF PUBLIC WORKS

NO. 9-A

LICENSE

THIS IS TO CERTIFY, THAT \*\*\* TRINITY BREWHOUSE

is hereby licensed by the Director of Public Works of the City of Providence to occupy not more than 1380 square feet of (sidewalk/roadway) in front of NO. 186 FOUNTAIN STREET for the placement of a sidewalk cafe, during business hours, with a seating capacity of not more than 40.

The conditions of this license are, that the said licensee shall, at all times and in all respects, carefully and truly observe the laws and ordinances relating thereto, and the rules and regulations and conditions which have been, or may hereafter be established by the Director of Public Works. This License shall not be transferred and must be displayed at all times.

\*\*\*\* This License shall expire on the 31st day of December 19 96.

\$100.00 Fee

Providence, RI

3-14 19 96

Arcadio Morio

Director of Public Works

CITY OF PROVIDENCE



LICENSE NO. 23

EXPANSION OF PREMISES

GRANTED TO:

TRINITY BEERWORKS, INC.

LOCATION:

186 FOUNTAIN STREET

SEASONAL:

MAY 1st, 19

96

TO:

OCTOBER 31st, 19

96

FEE: \$100.00

SEVEN DAYS OR LESS:

FEE: \$25.00

DATES

This license is granted subject to all the laws of the State of Rhode Island and all ordinances, rules and regulations of the City of Providence and may be suspended at any time for cause, or revoked after hearing by the Board of Licenses.

DATE ISSUED:

6/14/96

PER ORDER OF THE BOARD, Raymond Dettore, Jr.,

ISSUING CLERK:

Chairman & Secretary

A handwritten signature, likely of the Issuing Clerk, written in dark ink.

A handwritten signature, likely of Raymond Dettore, Jr., written in dark ink.

# RESOLUTION OF THE CITY COUNCIL

*No.* 646

*Approved* November 22, 1996

WHEREAS, Petitioner Joshua Miller on behalf of Trinity Beerworks, Inc. located at 186 Fountain Street, Providence, Rhode Island seeks to undertake the construction of a seasonal structure for sidewalk seating adjacent to the aforementioned premises; and

WHEREAS, the Petitioner has secured the appropriate licenses/permits from the Department of Public Works; and

WHEREAS, the sidewalk cafe permit which petitioner possesses relates to temporary seating expansion only,

NOW, THEREFORE, BE IT RESOLVED That Trinity Beerworks, Inc., the Petitioner, is granted permission to extend seating into the public way adjacent to both the Aborn and Fountain Streets sides of its location in accordance with the schematic attached as hereto at Exhibit "A." Said grant is expressly conditioned upon the following and petitioner assents to the conditions by undertaking any act to effect any permission granted hereunder: (1) The petitioner shall undertake all construction in accordance with the plans provided to the Department of Inspection and Standards, the Department of Public Works and to the City Council Committee on Public Works as those plans may have been amended by said departments or Council Committee, (2) Said structure shall be erected not earlier than 15 April in each year nor dismantled not later than 15 November in each year, (3) Petitioner shall construct and maintain said structure in accordance with all rules and regulations applicable to sidewalk cafes promulgated by the Department of Public Works except for those which relate to the temporary nature of the seating; (4) Petitioner shall maintain the surrounding area in a clean and presentable manner, (5) The Petitioner shall in no way impede or hinder pedestrian and vehicular traffic other than to the extent of any encroachment

(15) years from the date of passage of this Resolution and shall not run with the land, (8) The Petitioner acknowledges any representation made by him before any department or council committee is incorporated by reference herein, (9) The Petitioner shall execute in a form acceptable to the City Solicitor a hold-harmless and indemnification agreement saving the City from liability from the erection, dismantling, maintenance or existence of said seasonal seating structure.

IN CITY COUNCIL

NOV 21 1996

READ AND PASSED

*Evelyn V. Fargnoli*

PRES.

*Michael L. Clement*

CLERK

APPROVED

NOV 22 1996

*Vincent A. Cianci*

MAYOR