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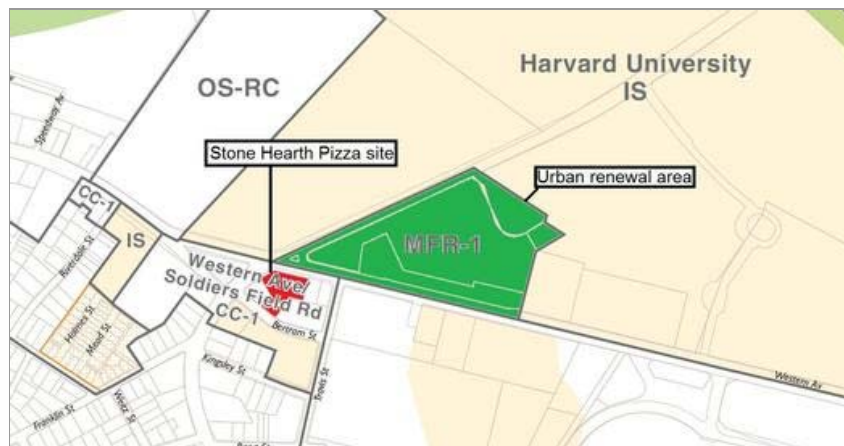
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ALLSTON BRIGHTON

Amid controversy, Allston restaurant's liquor license to be revoked

Posted by Matt Rocheleau December 13, 2010 10:49 AM

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(Courtesy: Boston Redevelopment Authority)

The above map taken from the city redevelopment authority's website is a zoomed-in version altered by Boston.com to highlight (in green) the urban renewal area and (in red) the property Stone Hearth Pizza has leased from Harvard University.

By Matt Rocheleau, Town Correspondent

A yet-to-open pizza restaurant in Allston will have its recently approved liquor license revoked because of a zoning discrepancy.

The decision comes after neighbors complained about the proliferation of beer-and-pizza establishments in the area.

The business, Stone Hearth Pizza on [Western Avenue](#), applied for and was initially approved in mid-November under the belief that it is located within the [boundaries](#) of a zoning area that allows businesses to apply for a special liquor license separate from the traditional citywide competition.

Like with all alcohol licenses in Boston, there is a limit to how many zoning-restricted licenses the city can issue. However, such restricted, non-transferable licenses are only available to a smaller pool of establishments located in one of four zones: main street districts, empowerment zones, municipal harbor plan areas and urban renewal areas – the zone Stone Hearth applied under. The zones' boundaries are defined by the city's redevelopment authority.

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The pizza restaurant's 21,000-plus square-foot property is the site of a vacant Citgo gas station, which is across the street and outside the boundary of an urban renewal area, making the recent approval of its liquor license void.

Jonathan Schwarz co-owner and co-founder of **Stone Hearth Pizza**, a local chain with three restaurants in Belmont, Cambridge and Needham, said he has not been officially informed of the Allston location license's fate, and neither city nor state officials could immediately confirm, "but it's my understanding that the licensing board does not have any choice but to not issue us a restricted license," which several other sources also said.

"There is no one to blame," for the apparent mix-up he called an "honest mistake," he said in a phone conversation last week. "There was certainly nothing malicious going on on anyone's part. We want to follow the process for getting a license legitimately."

However, opponents to the license request are skeptical.

"It's very strange to me that [the license application] got that far in the process without anyone else noticing," said Paul Berkeley, president of the Allston Civic Association.

Berkeley said that after the restaurant's license request was initially approved, he consulted [zoning maps posted on the city redevelopment authority's website](#) and discovered that Stone Hearth was outside of the urban renewal area, which he then pointed out to city officials.

The restaurant's license request became controversial after the civic association voted against recommending to city licensing officials that they grant the business its requested license, [according to The Harvard Crimson newspaper](#), which [reported last week](#) the city was reviewing whether Stone Hearth's application indicated the restaurant's actual zoning.

Opponents argue, according the Crimson and [Universal Hub](#), that the neighborhood has enough places where beer and/or pizza can be purchased and some worried that the restaurant would later attempt to receive a license to serve all alcohol types instead of just beer and wine.

"We went through four years of community meetings on how best to rebuild that area," Berkeley said in a phone interview Saturday. "I don't think anyone necessarily believes [Stone Hearth] is a bad restaurant, but that it wasn't the best business to rebuild that area."

He said the area would be better served by another type of business beside a food-and-drink-type establishment.

"We've lost probably 7,000 square feet of retail space in that area, but not one square foot of beer, wine and pizza space," he said. "We don't need more of the same in my opinion."

After the civic association's vote against recommending the license, word spread to other residents causing a split – those who feel the restaurant and it having a liquor license would be a plus for Allston versus those who feel it would be detrimental – over what has been a hotly debated topic on a neighborhood e-mail listserve.

As the civic group's president, Berkeley has been called out by fellow residents for opposing the restaurant and its license request and for pointing out that

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the restaurant is not in the proper zoning to receive the license type it requested, which he said is “not a trivial technicality.”

“You get painted as an obstruction to new businesses, as someone living in the dark ages and all that,” he said. “I don’t let it bother me, but I do worry that some people might be making opinions based on things [written in online exchanges] that aren’t accurate.”

“The image of us, [the ACA], is that we’re just bitter and against everything, but I’d disagree with that very strongly,” he said, estimating the civic association has historically approved between 70 and 80 percent of the relief request petitions that come before it, including various license requests, business hour extensions and zoning variances.

According to the Ralph Sacramone, commissioner of a state department that regulates alcohol licensing and sales, there are essentially three ways for businesses to obtain a liquor license in Boston: applying for a special license in certain zoned areas like the pizza restaurant has attempted, buying a license from another business and then seeking a transfer approval from the city, or continually petitioning a request until an in-use license becomes available directly from the city.

All liquor license applications undergo a two-phase approval process, first through the city’s licensing board and then through the state Alcoholic Beverage Control Commission (ABCC), he said. Boston exhausted its ability to issue new liquor licenses after the number of active licenses [hit a state-set cap in 2006](#), which prompted the [creation of more licenses](#).

Inquiries to city officials on Stone Hearth’s licensing matter and Boston’s alcohol license procedures in general were directed to the state commission since it ultimately decides liquor license approval for Boston and the rest of the Bay State.

Schwarz said a license to serve beer and wine for on-premise consumption is a vital component of his restaurant chain’s business model and that all three other locations have such licenses as well as “great track records” in serving patrons responsibly.

“Our process now is to just keep our heads down, and I think eventually we’ll make it happen,” said Schwarz last week.

He said the restaurant is neither a bar nor a pizza joint as some residents have labeled it, but rather a “casual dining restaurant.”

“I understand intellectually why there are many in the Allston community who think this is a lightning rod issue, but I also know our business model and how we run it,” Schwarz said. “We have a great concept, and I think we’re a great fit for the Allston-Brighton community.”

Berkeley said he suspects the civic group he leads would support a request by Stone Hearth to obtain a license transfer from another business in Allston or Brighton, but expressed less confidence in the board supporting a request that would bring a new liquor license into the neighborhood.

In his prior experience opening restaurants and seeking liquor licenses for them, Schwarz said he has never been caught in any sort of crossfire like what has erupted over the Allston location.

“But I understand that you have to demonstrate a certain amount of responsibility to get a license like this and that sometimes involves tough questions and going through a difficult process,” he said.

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The restaurant's property is owned by Harvard University which has leased it out to Stone Hearth. Schwarz and the university itself said it was not involved in the license acquisition process; Harvard is strictly the restaurant's landlord.

The relationship between some neighborhood residents and Harvard has been strained since the school, citing lost funding, halted campus expansion plans in Allston that included redeveloping the surrounding area. Consequently, Harvard's association with the restaurant caused the university to also draw criticism from opponents to the liquor license request.






"If [a pizza restaurant seeking a liquor license] happened to be on a property that Harvard didn't own – and there aren't many in that area – I think people would have reacted similarly," Berkeley said. "But maybe Harvard's involvement annoyed them more."

Harvard spokeswoman Lauren Marshall sent an e-mailed university statement expressing support for the restaurant and its efforts to obtain a beer and wine license, and reiterated Harvard is not involved in the licensing process.

"In this difficult real estate market, we are pleased to find a great family restaurant like Stone Hearth that sees Allston as a future home," the statement said. "Stone Hearth is the kind of vibrant, community facing, locally-owned business that we've consistently heard the community wants, and we're excited about the prospect of welcoming them to Barry's Corner."

However, Berkeley said, and other residents have expressed in online forums, that Harvard has not sought enough community input on what kinds of businesses it should seek to lease property the school owns in that area of Allston.

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