

**City of Somerville
Licensing Commission**

**Senior Center
2nd Floor
Tufts Administration Building
167 Holland Street**

**Regular Meeting
Monday**

January 13, 2020

6:00pm

Published on January 8, 2020 at 11:40AM

REVISED January 8, 2020 at 12:30PM

REVISED January 13, 2020 at 4:15PM

***DRAFT OF THE
Minutes of the Regular Meeting
Posted 1/17/20 at 11:15am***

A recording of this meeting is available online

*The meeting was called to order at 6:06pm. Present were Commissioners, Lynch and Allen, Secretary to the Commission Lori Batzek, Lt. MacLaughlan, a member of the Fire Dept., Applicants and members of the public. Absent were Commissioner McKenna and Sgt. Chaille a member of the Police Department
The meeting adjourned at 8:35pm*

1. Minutes of November 18, 2019 Meeting

Continued until the February 10, 2020 Licensing Commission Meeting because the minutes were not available

MARIJUANA RETAILER LICENSES

New Marijuana Retailer License

2. East Coast Remedies Corp., 76-82 Central St. requesting approval for a Group A Priority, NEW Marijuana Retailer License
Hours of Operation: Sun. - Sat. - 9AM - 9PM
This is the Notice of a Public Hearing for this Item. The Public is welcome to attend and be heard.
(ME19-000007)

By request of Attorney Di Girolamo to be continued to the January 2020 Licensing Commission Meeting. Email rec'd 10/30/19

By request of City Councilor Ben Ewen-Campen, to be continued to the February 10, 2020 Licensing Commission Meeting, due to the 2nd Community meeting being held on the evening of January 13, 2020. Email rec'd 12/17/19 at 10:37am & an email rec'd by Attorney Anne Vigorito on 1/8/20 at 3:23pm

A community meeting is being held at 6:30pm at the Somerville High School Auditorium this evening.

The Commission continued this item to the February 10, 2020 Licensing Commission Meeting

Communications

3. Notice to the Commission from the Alcoholic Beverages Control Commission for:

River Bar, LLC DBA River Bar
661 Assembly Avenue
Somerville, MA 02143
License #: 113000162
Hearing Date: January 21, 2020 at 2:30pm
Date of Alleged Violation: Thursday, August 8, 2019 at approximately 11:45 PM

The Commission made a note of this communication

4. Communication sent from the City Clerk John Long pertaining to a proposal for the addition of Late Fees to include Amendment Applications for the Somerville Licensing Commission (*Late Application Fees were approved by the commission at the 10/21/19 Licensing Commission Meeting*).

City Clerk John Long appeared for this communication. The proposal being made is to add a late fee to amend a license that does not include the sale of alcohol be set at \$50 (in addition to the \$50 application fee), and the late fee to amend a license that does include the sale of alcohol be set at \$100 (in addition to the \$200 application fee).

The Commission approved these late fees

5. Communication sent from the City Clerk John Long pertaining to Ordinance 2019-24 Wage Theft. Section 9-38 of the new Wage Theft Ordinance, appears on pages 6-7 and pertains to licenses issued by the Licensing Commission

City Clerk John Long appeared for this communication. Section 9-38. Requirements for Licenses and Prospective Licensees, will affect Somerville Licensing Commission Licenses. Upon a finding of Wage Theft, this item will be placed on the next Licensing Commission Meeting Agenda. The Wage Bond amount was discussed and may be adjusted by the Licensing Commission. The effective date of this Ordinance, was voted on by the City Council and is awaiting the Mayors signature.

The Commission made note of this new Ordinance

Continued from 9/16/19, 10/21/19 & 11/8/19 Meetings

6. Commissioner Allen proposes a discussion and the adoption of the rough draft of the Standing Rules submitted by City Clerk John Long at the Somerville Licensing Commission Meeting on 4/8/19. This will be used as a starting point. Additions and finalized language will be discussed

Commissioner Allen submitted a list of changes to the standing rules. A Charter change would be required to amend the number of Commissioners (2.30) and will also require a Home Rule Petition through the State House. For 3.10, change the word Modifications to Amendments. Commissioner Allen stated he felt Unfinished Business Items were continued applications and a discussion was held on the differences between the applications, and where they should appear on the Agenda. Chairman Lynch suggested continued items (due to no appearance) be placed at the end of the agenda, Commission continuances and no appearance continuances should be separate, and Chairman Lynch instructs the Secretary to discuss this wording with City Clerk John Long.

Standing Rules Order: Unfinished Business will be removed. Call of the Meeting, Approval of the minutes, Communications, Special Farmer Winery, Special Alcohol Licenses, Continued by the Commission (Correct Terminology to be discussed with City Clerk John Long), Amendments of existing Licenses, Applications for licenses that do not include Alcohol or Marijuana, Applications for Alcohol Licenses, Applications for Marijuana licenses, Continued Unheard Business for no appearance (Correct Terminology to be discussed with City Clerk John Long) & Other New business.

7.00 Public comment remove to three minutes or less per person and add may time limit comment.

Commissioner Allen will submit a new Standing Rules of the Somerville Licensing Commission.

Send a copy to City Clerk John Long & Commissioner McKenna for review.

The Commission continued this item until the February 20, 2020 Licensing Commission Meeting

Continued from 9/16/19, 10/21/19 & 11/8/19 Meetings

7. Commissioner Allen to propose Marijuana Policies and Procedures including a discussion of the proposed rules. A vote will be taken on this proposal to implement the adoption of these Policies and Procedures

Commissioner Allen stated hours of operation are not in the state guidelines. A discussion was held on the Pay to Play aspect of Alcohol Licenses in regards to the Marijuana rules. Chairman Lynch stated as a commission, it can be looked at and recommendations made. In the Package Store industry it is common practice for vendors to give things to a liquor store for prominent display of their product. Chairman Lynch states the City Solicitor to look at the CCC regulations on this matter. If this is already part of the CCC regulations, the commission feels we should not duplicate this regulation, and the CCC would have more enforcement mechanisms in place. Commission Allen will submit a draft to City Clerk John Long, City Solicitor Frank Wright with a copy to Hannah Pappenheim and the Secretary to the Commission.

Chairman Lynch stated he was opposed to these establishments opening before 10am on Sundays

The Commission continued this item until February 10, 2020

Special Alcohol License

Continued from 11/18/19 Meeting

8. Mapou Entertainment Inc., One Marina Park Drive, Suite 1410, Boston, MA 02210 requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for Griotfest to be held Outdoors at Sylvester Baxter Riverfront Park on Saturday, April 25, 2020 from 2:00pm – 10:00pm with a Rain Date of 4/26/2020
(PEL19-000238)

Applicant did not appear for 11/13/19 Licensing Commission Meeting

Applicant did not appear for 1/13/20 Licensing Commission Meeting

The Commission continued this application until the February 10, 2020 Licensing Commission Meeting

9. Forge Baking Company, 626A Somerville Ave. requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for an In Season Dinner to be held Indoors at Forge Baking Co. on Thursday, January 30, 2020 from 6:00pm – 10:00pm
(PEL19-000248)

Courtney Verhhaalen appeared for this application. This is an as much as you can eat event with 2 beers. They have had several other dinners in the past. Approximately 40-50 people.

The Commission approved this Special Alcohol License.

10. Merlin Entertainments, 598 Assembly Row, requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for Adult Night at Legoland Discovery Center Boston, to be held Indoors in the Café Area at Legoland Discovery Center Boston on the following Wednesdays: 2/12/20, 3/11/20, 4/8/20, 5/13/20, 6/10/20, 7/8/20, 8/12/20, 9/9/20, 10/14/20, 11/11/20, 12/9/20 from 7:00pm – 9:00pm
(PEL20-000001)

Brendan O'Toole appeared for this application. These events are strictly adult nights. A rotating schedule of providers will be used. Remnant, Winterhill and Aeronaut Breweries will be used. Approximately 50-150 people depending on the month will attend.

The Commission approved this Special Alcohol License.

**Common Victualler
And Entertainment by Devices**

11. JXW Davis Square, LLC
d/b/a Hulun Beir
7 Holland St.
Yingqi Qang
Hours of Operation – Mon. – Fri. 11:00am-12:00am and Sat-Sun 10:00am-12:00am

*Previously approved for a CV, Entertainment by Devices and Wine & Malt License by the Commission. ABCC returned no action on the Wine & Malt License.
(AL17-000312)*

This is a new owner, new manager and new hours of operation application, under the same Corporation name.
(AL19-000045)

This is the Notice of a Public Hearing for this Item. The Public is welcome to attend and be heard.

Applicant did not appear for 1/13/20 Licensing Commission Meeting.

The Commission continued this application until the February 10, 2020 Licensing Commission Meeting

Common Victualler

12. Bozfam LLC
d/b/a Manoa Poke Shop
296 Beacon St.
Jacob Afoa, Josiah Bonz, Devynne Fuga & Sonny Langford
Hours of Operation: Sat–Sun 11:00am–9:00pm
(AL19-000047)

An amendment was filed for Bozfam LLC d/b/a Manoa Poke Shop at 300 Beacon St. under the same Corporation Name, but different owners and a different address number. This appears to be a new application under a different address with different hours of operation. See information below from 10/21/19 & 11/13/19 Licensing Commission Meetings:

Jacob Afoa appeared for this application. Some of the applications have either address. 296 is the mailbox. Previous owners are phasing out into a consulting roll. The last step is the lease signed to the new owner in February. The secretary will confirm address and amend in Citizen Serve. The lease is needed.

The Commission conditionally approved this license, upon submission of the lease and determination of the correct address

Existing Common Victualler

Reopening (closed January 2019 without notification),

Change of Hours & Change of Manager

Bozfam LLC
d/b/a Manoa Poke Shop
300 Beacon St.
Josiah Bonsey & Sam Bonsey
Current Hours on License are listed as: Mon.–Sun. 11:30am–9:30pm (AL17-000333)
Amendment application states current hours as – Fri. 5pm-9pm & Sat.-Mon. 11am-9pm
Proposed Hours – Tues.– Sun. 11:30am-9pm (ALM19-000025)
Change of Manger– current license lists Armodo Leopardi as Manager (AL17-000333)
Amendment indicates current Manager is James Acer
Change of Manager should be from Armodo Leopardi to Jacob Afoa
(ALM19-000025)

Continued from 10/21/19 & 11/13/19 Licensing Commission Meetings
The applicant failed to appear for the October 21, 2019 or the November 18, 2019 Licensing Commission Meeting.
A Certified Letter was mailed to the applicant on December 12, 2019 pertaining to this amendment application, instructing them to appear at the January 13, 2020 Licensing Commission Meeting.

Applicant submitted a new application with new owners on 12/19/19 – see AL19000047

13. Relentless Sub, LLC
d/b/a Subway
271 Broadway
Christopher Allen & Vinny Mosconi
Hours of Operation: Sun–Sat 9:00am–8:00pm
(AL19-000048)

Christopher Allen and Vincent Mosconi appeared for this application. This is an existing Subway, with new owners. Everything is the same. The Lease is needed. This is their 2nd restaurant

The Commission conditionally approved this license, upon submission of the lease

Existing Alcohol License
City License
All Forms 7 Day Restaurant License

Requesting
Change of Manager

14. Tamario Inc. d/b/a Dali Restaurant, 415 Washington St. requesting approval of a Change of Manager from Mario Leon to Aliya Wali
(ALM19-000033)

City Clerk John Long weighed in on Commissioner Allen being an abutter, and the commission being short a commissioner. Both City Clerk John Long and City Attorney Hannah Pappenheim felt it unnecessary for Commissioner Allen to recuse himself from this matter.

Applicant did not appear for 1/13/20 Licensing Commission Meeting

The Commission continued this application until the February 10, 2020 Licensing Commission Meeting

Existing Alcohol License
City License
All Forms 7 Day Restaurant License

Requesting
Change of Manager

ASSEMBLY ROW Area
Chapter 142, Acts of 2016

15. The Smoke Shop BBQ Co., LLC d/b/a Smoke Shop BBQ, 325 Assembly Row requesting approval of a Change of Manager from Ian Grossman to Aimee Magner (ALM19-000034)

Applicant did not appear for 1/13/20 Licensing Commission Meeting.

The Commission continued this application until the February 10, 2020 Licensing Commission Meeting

Existing Alcohol License
Private License
All Forms 7 Day Restaurant License

Requesting
Change of Manager

16. Fakhouri Inc. d/b/a Sound Bites, 704 Broadway requesting approval of a Change of Manager from Greg Beadle to Patricia Oppedisano (ALM19-000035)

Yassar Mirza and Patricia Oppedisano appeared for this application. Ms. Oppedisano has 42 years in this business and has worked in Somerville businesses.

The Commission approved this Change of Manager

Existing Alcohol License
City License
All Forms 7 Day Restaurant License

ENHANCEMENT Area
Chapter 142, Acts of 2016

Requesting
Change of Hours

17. Happy Crab of Chen, LLC d/b/a Happy Crab requesting approval of a Change of Hours from:
Current Hours for Food & Alcohol Service:
Mon-Fri - 3pm-10pm, Sat – 12pm-11pm & Sun – 12pm-10pm (appl. Indicates incorrect hours)
Proposed Hours for Food & Alcohol Service:
Mon.-Thu–3pm-1am, Fri-Sat–12pm-1am & Sun–12pm-12am (Everyday hours change)
(ALM19-000036)

Yanzhen Chen appeared for this application. City Councilor Katjana Ballantyne sent in an email of support on this change of hours on 1/9/20 at 3:26pm.

Amended Sun to 12am closing (error on agenda of 12pm)

The Commission approved this Change of Hours application

Existing Alcohol License
City License
For the Quota
All Forms 7 Day Restaurant License

Requesting
Alteration of Premises & Outdoor Patio Seating (Private Property)

- Continued from 11/18/19 Meeting**
18. Federal Wine & Spirits Belmont, Inc. d/b/a Field & Vine (& Back Bar), 9 Sanborn Ct. requesting approval for an Alteration of Premises from 34 Indoor Seats to 54 Indoors Seats in Field & Vine and 12 Outdoor Private Patio Seats for Field & Vine (no change to Back Bar Seats of 39), Total Seats for both establishments, Indoors & Outdoors will be 105.
(ALM19-000024)

Applicant requested this to be continued to the January 2020 Licensing Commission Meeting to comply with Abutter's Notice Requirement

This is the Notice of a Public Hearing for this Item. The Public is welcome to attend and be heard.

Tse Wei Lim appeared for this application. They have been in business since 2010. Space became available and they are extending the premises indoors. Outdoor patio is on private property and taking 2 previous parking spaces. 7 Sanborn Court is the mailing address. Mr. Lim states both Field & Vine and Back Bar are at number 9. He has a building permit application for the alteration. The outdoor spaces are directly in front of Field & Vine.

The Commission approved this Alteration of Premises and Outdoor (Private) Patio Seating

NEW Alcohol License
City License
All Forms 7 Day Restaurant License

ENHANCEMENT Area
Chapter 142, Acts of 2016

19. Olive, Viola and Will Inc. d/b/a Dragon Pizza, 233 Elm St. requesting approval for a 7 Day All Forms Alcohol License
Proposed Hours for Food & Alcohol Service: Mon-Wed – 12pm-10pm, Thu-Sat – 12pm-12am & Sun – 11am-8pm
Already has a CV License (AL18-000034)
(AL19-0000)

This is the Notice of a Public Hearing for this Item. The Public is welcome to attend and be heard.

Charles Redd appeared for this application. Expected to serve Beer, Wine, Beer on Tap and about 4 or 5 rotating cocktails. Delicious & Co. will be removed from the application to match the ABCC application. A Business Certificate will be filed as Dragon Pizza. They will continue as Dragon Pizza until the building is demolished. When the new building is built, they will continue with the restaurant concept of Delicious & Co. Lt. MacLaughlan had some questions about the Ansel system and will be in contact with Mr. Redd.

The Commission approved this All Forms Alcohol License

Existing Alcohol License
Private License
All Forms 7 Day Restaurant License

Requesting
Change of Officers/Directors/LLC Managers & LLC Manager

20. 99 Restaurants of Boston, LLC d/b/a 99 Restaurant & Pub, 20 Cummings St. requesting approval for a Change of Officers/Directors/LLC Manager

FROM:

Charles O. Noyes—LLC Manager, President

Goodloe M. Partee - General Counsel, Secretary

REMOVE: Timothy T. Jansen-LLC Manger, Brent B. Bickett-LLC Manager & Gregory Hays-Treasurer

TO:

Charles O. Noyes—LLC Manager, President (no change)

Goodloe M. Partee-LLC Manger, General Counsel, Secretary (adding as LLC Manager)

ADD: Kurth Schaubelt-LLC Manager, CFO

W. Craig Barber-LLC Manager, CEO

Beneficial Interest Change:

As a result of a reorganization, Fidelity National Financial Ventures, LLC, owned 55%, created a new publicly traded company with the exact same stockholders, Cannae Holdings. Inc., and transferred all of its ownership in the 99 Restaurants, to CNNE. The other previously approved stockholders also transferred a share of their stock to the new publicly traded company, so that CNNE now owns 88.5% and the remaining owners hold a smaller ownership percentage (see chart in the application)
(ALM20-)

This is the Notice of a Public Hearing for this Item. The Public is welcome to attend and be heard.

Attorney Devlin's office requested a continuance on this item until the February 10, 2020 Licensing Commission Meeting, due to issues with Citizen Serve application process

The Commission continued this item to the February 10, 2020 Licensing Commission Meeting

VIOLATION

21. Ball Square Café & Breakfast 708 Broadway to show cause why the Common Victualler license issued to the above-referenced establishment should not be modified, suspended or revoked, for alleged violation of Massachusetts General Laws Chapter 140 §§ 2,9 and Somerville Licensing Commission Rules 1.04a and 1.12a to wit:

Somerville Licensing Commission Rule 1.04. a.- No licensee may permit any rule, policy, or action, express or implied, which makes any distinction, discrimination, or restriction on account of race, color, religious creed, national origin, sex, physical or mental disability, ancestry, sexual orientation or any other group protected by law relative to the admission or treatment of persons from the general public or employees at the licensed premises; provided, however, that premises licensed pursuant to section 12 of the General Laws, Chapter 138, may make rules regulating the admission of minors to the premises when such rules are not inconsistent with other rules and regulations stated herein; provided further that private club licensees may not discriminate, as aforesaid, with regard to guests at the licensed premises or with regard to who may be invited to the premises as a guest.

Somerville Licensing Commission Rule 1.12 a- Premises licensed for the consumption of food or beverages at the premises are public places where members of the public are invited and expect to be treated in the same manner as in other public places with regard to the provision of a decent and non-offensive environment. Food and beverage licensees are not permitted to have, create, produce, or tolerate any environment at the premises which is intended to hold any person or any group of people up to ridicule or derision such that said person or said group of persons would not feel comfortable at the premises.

The date of the alleged offense is August 2, 2019.

City Attorney Hannah Pappenheim, Megan Taddonio and Michael Moccia appeared for this violation.

A discussion was held pertaining to the incident that transpired on August 2, 2019. Ms. Taddonio testified that business owner Michael Moccia approached her a couple of times and asked her to cover up while breast feeding. Ms. Taddonio refused and informed Mr. Moccia that it was her legal right to breast feed. Ms. Taddonio & Mr. Moccia testified and offered differing testimony. Attorney Pappenheim asked a series of questions of Ms. Taddonio. The Commission asked questions of Mr. Moccia.

Both Ms. Taddonio and Mr. Moccia agreed to the disposition.

Disposition as follows: A One (1) Day roll back of Closing Hours from closing at 3:00pm to 12:00pm on the same day of the week (Friday) that the incident occurred on.

The Commission accepted the Disposition as agreed upon

Status Report of Incomplete 2020 Alcohol License Renewals

22. Incomplete 2020 Alcohol License Renewals

A discussion was held on the 2-5 Alcohol Licenses that are incomplete. Some licensees have completed the process since the printing of the Agenda. Chairman Lynch requests the secretary to confirm any incomplete licenses and to discuss this matter with the City Clerk, John Long. Then send incomplete license renewals to the Law Department to send these businesses notification.

Chairman Lynch request a status determination

The package store in Union Sq. is closed for renovations. This is one of the Marijuana Retail Applicants that was approved at the November 18, 2020. Chairman Lynch states he was told the sign had been posted for a week prior to Friday of last week. The Commission was not notified of the closure of this business. Lt. MacLaughlan will investigate this matter.

Chairman Lynch asked about Jae's Café closure. The Commission was not notified on this closure. The ABCC sent this Alcohol License back as a Return No Action. They did not follow through on this application. Meju is the previous owner. Chairman Lynch instructs the secretary to send a notice to Jae's Café. If no response is received, send this to the City Attorney.

Orlean's did not renew their 2am closing license. No appearance was made for the October or November, 2019 for renewal of this license. Chairman Lynch instructed the secretary to send them a letter on this matter. Commissioner Allen would like confirmation from this business, that they have adjusted their hours. Send this to Sgt. Chaille.

Commissoner Lynch instructs the secretary to ask City Clerk John Long to find out who the backup is for Sgt. Chaille and Secretary to the Commission Lori Jean Batzek