

**City of Somerville
Licensing Commission**

**City Council Chambers
2nd Floor
Somerville City Hall
93 Highland Ave.**

**Regular Meeting
Monday
February 10, 2020
6:00pm**

**Published on February 3, 2020 at 5:30pm
Published on February 7, 2020 at 12:05 pm
Published on February 10, 2020 at 3:00 pm**

***DRAFT OF THE
Minutes of the Regular Meeting
Posted 02/13/20 at 3:25PM***

A recording of this meeting is available online

***The meeting was called to order at 6:07pm. Present were Commissioners, Lynch and Allen, Secretary to the Commission Lori Batzek, Sgt. Warren Chaille, a member of the Police Department, Lt. MacLaughlan, a member of the Fire Dept., Applicants and members of the public. Absent was Commissioner McKenna
The meeting adjourned at 9:22pm***

1. Minutes of November 18, 2019 Meeting

The Commission approved these minutes

2. Minutes of January 13, 2020 Meeting

The Commission approved these minutes

Communications

Continued from 9/16/19, 10/21/19, 11/8/19 & 1/13/20 Meetings

3. 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 sent this revised copy, to City Clerk John Long, and he had no issues with the changes made. Chairman Lynch requested he send this document for the Law Departments review and if there are no issues, recommends approval of these Standing Rules. Commissioner Allen would like these Standing Rules posted to the website.

The Commission approved the draft of the standing rules as discussed at the 1/13/20 Licensing Commission Meeting, pending a final review from the Law Department.

Continued from 9/16/19, 10/21/19, 11/8/19 & 1/13/20 Meetings

4. 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 sent this Revision of the Somerville Licensing Commission Rules and Regulations to the Law Department for review. The Law Department has no legal concerns with the proposed changes. After further discussion on this matter, Commissioner Allen will request the Law Department to update Section 1.17, Permission to Close Premises Required, of the Rules and Regulations, to include Recreational Marijuana.

The Commission Continued this matter to the March 16, 2020 Licensing Commission Meeting

5. Chairman Lynch requests the Somerville Licensing Commission consider the addition of an alternate voting member of the Commission. Such action, if approved by the Somerville Licensing Commission, will need further approval from the Mayor, City Council and Massachusetts State House.

If approved by the Licensing Commission, this item will then be brought to the Mayor, for his acceptance, then it will be sent to the City Council for their acceptance, and finally it would be sent to the State House for approval. The whole process should take approximately 2-3 months. Written comment may be submitted to the Licensing Commission, the Mayor, the City Council or the State Representatives.

The Commission approved the addition of an alternate voting member of the Commission.

Communications
Late Items

- 5a. 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: Tuesday, March 31, 2020 at 2:30pm
Date of Alleged Violation: Thursday, August 8, 2019 at approximately 11:45 PM

The Commission took note of this communication

5b. Notice to the Commission from the Alcoholic Beverages Control Commission for:

Earl's Restaurant (Somerville) Inc. DBA Earl's Kitchen & Bar
698 Assembly Row Store #102
Somerville, MA 02145
License #: 113000164
Hearing Date: Tuesday, April 7, 2020 at 10:30am
Date of Alleged Violation: December 28, 2019 at approximately 1:40 AM

The Commission took note of this communication

NEW City License

**7 Day All Forms Alcohol License
And Outdoor Patio (Public Property)**

**ENHANCEMENT Area
Chapter 142, Acts of 2016**

6. Taco Party LLC, 711 Broadway requesting a NEW – Enhancement Area 7 Day All Forms Alcohol and Outdoor Patio (Public Property) License

Hours of Operation for Food Service Indoors/Outdoors and Alcohol Service Indoors and Outdoors: Mon-Sat 11:00am – 10:00pm and Sun 12:00pm – 7:00pm
*Already has a CV and Entertainment by Devices License (AL17-000285)
(AL19-000036)*

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

This was approved by the Commission on 11/18/19

Applicant requested to place this item on the Agenda and Advertised for the February 10, 2020 meeting to comply with the 3 day abutters notification requirement (Originally on November 18, 2019 Agenda)

Keith Shubert appeared for this Administrative Item. He has complied with the abutters notice.

The Commission took note of this Administrative Item.

Special Alcohol License

Continued from 11/18/19 & 1/13/20 Meetings

7. 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)
Removed per Jackie Rossetti – Did not hear back from applicant – per email 2/6/20 @ 12:51pm

The Commission took note of this matter

8. Mom's Run 5k Run/Walk for Cancer, Summer St. requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for Mom's Run 5k Run and Walk for Cancer to be held Indoors and Outdoors at the VFW Post on Sunday, May 10, 2020 from 10:00am – 2:00pm (PEL20-000003)

Karen Pilott appeared for this application. This is the 18th year for the event. This is the same route as previous years (except for last year, the route was changed to Assembly Row, due to construction). Tips Certified Bartenders will serve, and the applicant will coordinate with the Secretary for ABCC approved vendors (no donations are allowed).

The Commission conditionally approved this Special Alcohol License

9. Brooklyn Boulders Somerville, 12A Tyler St. requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for IMPACT Bouldering Competition: Open Finals to be held Indoors at Brooklyn Boulders inside one of their private event spaces, on Saturday, February 29, 2020 from 8:00pm – 10:00pm (PEL20-000004)

Nick Medvescek appeared for this application. This is the 2nd year for this event. There will be approximately 50-100 guests. Sierra Nevada beer will be served and Tips Certified Bartenders will be serving alcohol. This is a private event by ticket.

The Commission approved this Special Alcohol License

10. Bow Market Entertainment, 337 Somerville Ave. requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for Apres Ski, St. Patricks Day and Record Store Day to be held Indoors and Outdoors at Bow Market, inside at businesses with license to sell alcohol and outdoors at 4 locations in the courtyard, on Saturday, February 22, 2020, Saturday, March 14, 2020, Saturday, April 18, 2020 and Sunday, April 26, 2020 from 12:00pm – 10:00pm with Raindates of 2/23/20, 3/15/20 & 4/19/20 & 5/3/20 (PEL20-000006)

Zach Baum appeared for this application. There will be approximately 750 at one time for a total of 1500 total throughout the day, for these events. Sgt. Chaille states a Police Detail is required. There will be a fire pit for the Apres Ski event and the applicant will coordinate with the Fire Dept.

11. Somerville Open Studios requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for Artist Reception for Somerville Open Studios “First Look Museum Show” to be held Indoors at The Somerville Museum, 1 Westwood Rd, on Sunday, April 19, 2020, Sunday, from 4:00pm – 6:30pm (PEL20-000007)

Hilary Scott appeared for this application. This is the 15th year at the museum for this event. There will be approximately 35-50 guests, the bartender will be Tips Certified. The commission reminded applicant that purchase of alcohol must be made from ABCC approved vendor. Applicant will contact the secretary for an approved list.

The Commission approved this Special Alcohol License

12. Somerville Education Foundation 17 Kidder Ave. requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for Somerville Education Foundation (SEF) – Somerville STEAM Social to be held Indoors, at Warehouse XI, 11 Sanborn Ct., on Friday, March 13, 2020, from 6:30pm – 9:30pm (PEL20-000014)

Marian Berkowitz appeared for this application. There will be a maximum of 80 guests. This is a ticketed event with a Tips Certified Bartender.

The Commission approved this Special Alcohol License

MARIJUANA RETAILER LICENSES
New Marijuana Retailer License

Continued from 10/21/19, 11/18/19 and 1/13/20 Licensing Commission Meetings

13. 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

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

Attorney Anne Vigorito (replaced Attorney Richard DiGirolamo for this applicant), Gladys Vega, Leah Piantidosi, Tom Mourmouras, Scott Jenkins and David Giangrande appeared for this application. A discussion was held on the qualifications of this economic empowerment applicant, as well as how this business will be run. A presentation was made pertaining to the parking lots and how appointments would be handled. Security for product delivery and cash handling was also discussed.

15 people had public comment on this matter and 2 City Councilors, Ben Ewen-Campen and Mark Niedergang spoke on this application. Concerns were raised about the Traffic Study submitted by the applicant and whether the City of Somerville will have any input on this. Other concerns raised were about the Traffic impact in the neighborhood, how close this establishment will be to the high school as well as several daycare centers in the area. Questions arose about the parking lots and how these will be used for this establishment and the surrounding businesses. Loitering outside the premises and service by appointment only were also concerns for the neighbors.

The Commission continued this item until the March 16, 2020 Licensing Commission meeting in order to go through all comments submitted to the commission, the Revised Traffic Study, (and the city's response to this information) and the Revised Business Plan Proposal submitted by the applicant.

Existing Alcohol License
Private License
All Forms 7 Day Restaurant License

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

14. 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)
(ALM20-000004)

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

Mariel Cabot appeared for this application. The ABCC sent approved notification of this transaction for all 99 Restaurants in the State of Massachusetts.

The Commission approved this Change of Officers/Directors/LLC Managers and Change of Beneficial Interest

Common Victualler
And Entertainment by Devices

Continued from January 13, 2020 Licensing Commission Meeting

15. 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.

No one appeared for this application.

The Commission continued this item to the March 16, 2020 Licensing Commission Meeting

Existing Alcohol License
City License
All Forms 7 Day Restaurant License

Requesting
Change of Manager

Continued from January 13, 2020 Licensing Commission Meeting

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

No one appeared for this application.

The Commission continued this item to the March 16, 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

Continued from January 13, 2020 Licensing Commission Meeting

17. 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)

Mariel Cabot and Aimee Magner appeared for this application. Ms. Magner has been in the restaurant business approximately 30 years. She has been with the Smoke Shop since June as the Director of Training and Operations. She was also the Event Manager for The Stockyard Restaurant and GM, Regional and Director of Training for The Backbay Group.

The Commission approved this Change of Manager.

Existing Alcohol License
City License
All Forms 7 Day Restaurant License

Requesting
Entertainment by Performers
Enhancement Area
Chapter 142, Acts of 2016

18. Avenue Group LLC d/b/a Avenue Kitchen & Bar, 158 Boston Ave. requesting approval for an Entertainment by Performers License
(ALM20-000002)

Kenneth Schweizer appeared for this application. Mr. Schweizer would like to have a single guitarist with an amp (or not). He would like to start out as 1 night a week and see how it works out. Lt. MacLaughlan has a concern on this matter and stated Mr. Schweizer must go to ISD, submit the floor plan, and will need the ISD departments approval.

The Commission conditionally approved this Entertainment by Performers License, with the stipulation that the applicant submit floor plans to ISD and come back in 6 months, after the date of commencement for Entertainment by Performers, for a review of this License.

Existing Alcohol License
Private License
Wine & Malt Restaurant License

Requesting
Change of Manager &
Change of Officers/Directors

19. Center of the Arts at the Armory, 191 Highland Ave. requesting a Change of Manger from Dennis Kallis to Joe Botsch and a Change of Officers/Directors

FROM:

Debra McLaughlin – President

Melissa Gill – Treasurer

Margot Edwards – Clerk

Tracey Stark – Director

TO: Robert Smyth – President

John Perrone – Treasurer

Ruth Faris – Clerk

Neil Berman – Director

Jeff Meese – Director

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

Stephanie Scherpf, Joe Botsch, Robert Smith appeared for this application. Lea Rusio needs to be removed from the Secretary of State paperwork. The applicant stated she had submitted this but will forward the updated form to the Secretary.

The Commission approved this Change of Manager and Change of Officers/Directors with the condition of having the correct Secretary of State form submitted to the Secretary

Status Report of Incomplete 2020 Alcohol License Renewals

21. Incomplete 2020 Alcohol License Renewals –
ALL HAVE BEEN COMPLETED OR NOT RENEWED

Chairman Lynch requests a status determination
From January 13, 2020 Licensing Commission Meeting

22. *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.*
CLOSED & SELLING LICENSE

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.

CLOSED - Jae's Café has sent notice of closure and Meju did not renew their license.

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.

CONFIRMATION FROM ORLEANS RECEIVED. THEY WILL BE REAPPLYING FOR THE 2AM LICENSE. SGT. CHAILLE HAD A POLICE REPRESENTATIVE GO TO THE ESTABLISHMENT TO CONFIRM NO SERVICE OF ALCOHOL AFTER 1AM ON FRIDAY'S AND SATURDAYS. THE ESTABLISHMENT IS IN COMPLIANCE.

Commissioner 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

JOHN LONG LEARNED THAT THE POLICE DEPARTMENT WILL ASSIGN A BACKUP TO SGT. CHAILLE ON AN AS-NEEDED BASIS.

**Chairman Lynch requests a status determination or a follow up
From the February 10, 2020 Licensing Commission Meeting on the following items:**

Commissioner Allen has asked how many times we can carryover (continue to the next meeting) agenda items. Chairman Lynch suggests we should carryover agenda items for 2 months. The Secretary stated we have been continuing no show applications indefinitely. Chairman Lynch requests the Secretary send this to the Law Department, stating the applicant is not responding to the commission's request to attend the meeting for a determination on this matter.

Commissioner Allen has asked for an inquiry of establishments that have closed and not notified the commission, and that he considers these licensees not to be in good standing. Chairman Lynch asked the Secretary if these establishments have been notified that they need to notify the commission of their closure. The secretary stated that when she becomes aware of an establishment closure, without the commission being notified, she does contact the licensee. Chairman Lynch has requested a list of all Business Licenses that the City knows has closed, but have not returned their licenses pertaining to All the Alcohol Licenses and Common Victualler Licenses.

Lt. MacLaughlan brought up a concern about an emergency situation that may arise in the Recreational Marijuana Establishments and how the Fire Department would be able to access the building. Chairman Lynch stated that if additional questions come up after the hearing, this is fine, as long as it is entered into the record. Lt. MacLaughlan will bring this matter up at the next meeting for the application. Chairman Lynch requested any documentation should be submitted to the secretary, and that the commission needs to be made aware of this.