

**City of Somerville
Licensing Commission**

SPECIAL Meeting by Remote Participation

**DRAFT OF THE
Minutes of the Special Meeting
Posted 09/03/20 at 9:00AM**

A recording of this meeting is available online

*The meeting was called to order at 6:03pm. Present were Commissioners, Lynch and Allen, Secretary to the Commission Lori Batzek, Lt. MacLaughlan, a member of the Fire Dept., Members of the City Staff, Applicants and members of the public.
The meeting adjourned at 8:09pm*

**Thursday
June 18, 2020
6:00pm
Published June 16, 2020 5:45pm
Published June 18, 2020 4:15pm**

Pursuant to Governor Baker's March 12, 2020 Order suspending certain provisions of the Open Meeting Law, G.L. C. 30A, s. 18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, as well as Mayor Curtatone's Declaration of Emergency, dated March 15, 2020, this meeting of the Licensing Commission will be conducted via remote participation. We will post an audio recording, audio-video recording, transcript, or other comprehensive record of these proceedings as soon as possible after the meeting on the City of Somerville website.

Copy & paste the following link into your internet browser to view this meeting live:
<https://attendeegotowebinar.com/register/4471766974345203216>.

If you wish to submit comments on any item on this agenda, you may send written comments by US mail to the Secretary of the Licensing Commission, 93 Highland Avenue, Somerville, MA, 02143, or by email to ljbatzek@somervillema.gov. Your comments must arrive no later than 12 Noon on the day of the meeting, in order to be sure they are conveyed to the Commission.

The purpose of the meeting is to consider Bow Market's Request for an Alteration of Premises & Outdoor Patio Seating (Private Property), continued from the June 15 Licensing Commission meeting, as well as outdoor seating applications continued from the June 15 Licensing Commission meeting and new outdoor seating applications that are compliant with Covid-19 protocols.

Continued from Monday, June 15, 2020

**Existing Alcohol License
City License
All Forms 7 Day Alcohol License**

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

1. Bow Market Entertainment, LLC, 337 Somerville Ave. requesting approval for an Alteration of Premises from 160 Indoor Seats to 242 Indoors Seats (1st floor – 87, 2nd floor – 155) and from 30 Outdoor Private Patio Seats to 132 Outdoor Private Patio Seats.
(ALM20-000006)

Mr. Baum and Attorney Zozula appeared for this application. A discussion was held about the indoor and outdoor seating increases. The seating plan reviewed is post Covid. There is space between their outdoor seating and their abutters outdoor seating. The granite seating wall will be utilized post Covid. Total outdoor tables will be a total of 30. The Pop up area will currently be used for seating for existing businesses. There will be a total of 30 Tables outdoors. The upper floor will also have added seats and tables. There is a total of 132 Seats total for outdoors, on all levels. The applicant states that they will be ADA compliant. Chairman Lynch instructed the Secretary to notify Sgt. Chaille of the Police Department, so they are aware of this additional seating, due to Police not included in the signature/routing process. Chairman Lynch stated, that everyone understands, this is post covid. Chairman Lynch asked the applicant if this will be implemented next year. The applicant did not confirm or deny this. Chairman Lynch stated tthis approval is post covid.

The Commission approved this Alteration of Premises

Continued from Monday, June 15, 2020

TEMPORARY OUTDOOR PATIO SEATING
DUE TO GOVERNOR BAKER’S ORDER

Requesting

An Alteration of Premises
For TEMPORARY Outdoor Patio Seating

Continued from Monday, June 15, 2020

2.

CONTINUED from Monday, June 15, 2020							
LICENSE #	BUSINESS NAME	ADDRESS	APP. TYPE	APPL. COMPLETE	CURRENT	NEW	PUBLIC/PRIVATE
ALM20-000017	Rosebud	381 Summer St	NEW TEMPORARY	YES	NO	YES	PUBLIC
ALM20-000028	T&B Pizza	251-251A Washington St	NEW TEMPORARY	YES	NO	YES	PUBLIC
ALM20-000029	Bronwyn (Parklet)	255 Washington St	NEW TEMPORARY	YES	NO	YES	PUBLIC
ALM20-000050	Machu Picchu	311 Somerville Ave	PARKLET- NEW	YES	NO	YES	BOTH
ALM20-000073	3 Little Figs	278B Highland Ave	NEW TEMPORARY	YES	NO	YES	PRIVATE
	INCOMPLETE APPLICATIONS						
ALM20-000062	Fortissimo Café (Cont.)	75 Bow St		NO			
ALM20-000072	Arts at the Armory (Cont.)	191 Highland Ave	NEW TEMPORARY	YES	NO	YES	PRIVATE

The Rosebud application was continued, due to documentation needed and questions on where the seating is being considered for. Continued to the June 24, 2020 Licensing Commission Meeting.

A discussion was held pertaining to the parking in the parklet for T&B Pizza, Bronwyn, Casa B and Cantina La Mexicana. Bronwyn Wiechmann expressed that she feels that Bronwyn hasn't been given parklet seating. She is willing to work with the other businesses and Economic Development. Lt. MacLaughlan stated that 10 ft. clearance is needed for the Fire Hydrant. Economic Development will continue to work on this matter.

T&B Pizza, Bronwyn, were Conditionally approved pending Economic Development approval and all Departmental Signature approvals.

Machu Picchu, (Cortney Kirk indicates this should be for Outdoor Public Seating only), 3 Little Figs, and Fortissimo Café, Chairman Lynch expressed concern on this application (a picnic table being placed in the public way), it was determined this is for parklet seating in front of the business. Arts at the Armory requires additional documentation. Chairman Lynch stated there are 53 conditions on this property and wanted to make sure these are taken into consideration before any plans are approved.

Machu Picchu, 3 Little Figs, and Fortissimo Café and Arts at the Armory were Conditionally approved pending Economic Development approval and all Departmental Signature approvals.

NEW Applications

**TEMPORARY OUTDOOR PATIO SEATING
DUE TO GOVERNOR BAKER'S ORDER**

Requesting

**An Alteration of Premises
For TEMPORARY Outdoor Patio Seating**

3.

LICENSE #	BUSINESS NAME	ADDRESS	APP. TYPE	APPL. COMPLETE	CURRENT LICENSE	NEW	PUBLIC/PRIVATE
ALM20-000074	Tony C's Sports Bar (2nd Appl.)	699 Assembly Row		NO			PRIVATE
ALM20-000075	Barra.Bars	23A Bow St	NEW TEMPORARY	YES	NO	YES	BOTH
ALM20-000077	EL Potro	61 Union Sq	EXPANSION	YES	YES	NO	PUBLIC

Tony C's is expanding their outdoor seating. Economic Development requests conditional approval. This is Private property, and the application needs to be updated as Private.

Barra.bars is sharing space with Celeste in the rear of the building and will also have seating on the sidewalk. Chairman Lynch asked about the private access to the rear of the building and the width of both sides are unknown. Both restaurants will be sharing this access. Chairman Lynch requests Lt. MacLaughlan to measure these areas. Lt. MacLaughlan expressed concern about an emergency, and being able to move the individual from the rear patio. Chairman Lynch asks Lt. MacLaughlan to do a site visit to ensure there is adequate width for emergency extraction of patrons.

This application was provisionally approved pending Lt. MacLaughlan gives the commission an assessment report and a signoff.

El Potro, this is a parklet. No issues.

Tony C's, Barra.Bars and El Potro were Provisionally approved pending Economic Development approval and all Departmental Signature approvals.

LATE ITEMS

LICENSE #	BUSINESS NAME	ADDRESS	STATUS	APP. TYPE	COMPLETE	CURRENT/NEW	PUBLIC/PRIVATE
ALM20-000061	Ernesto's	641 Assembly Row	NEW	EXPANSION	YES	CURRENT	PRIVATE
ALM20-000078	The Burren	247 Elm St	NEW	NEW TEMPORARY	YES	NEW	PRIVATE
ALM20-000079	Gauchao Brazilian Cuisine?	102 Broadway			NO		PUBLIC
ALM20-000080	Foundry on Elm	255 Elm St	NEW	NEW TEMPORARY	YES	NEW	PUBLIC
ALM20-000081	Dragon Pizza (parklet)	233 Elm St	NEW	NEW TEMPORARY	YES	NEW	PRIVATE
ALM20-000082	Casa B (parklet)	253 Washington St	NEW	NEW TEMPORARY	YES	NEW	PUBLIC
ALM20-000083	Recinos Café	85 Broadway	NEW		NO		
ALM20-000085	Soundbites	704 Broadway	NEW	EXPANSION	NO		

Ernesto's, Economic Development is awaiting clarification as to what they are serving. Requesting conditional approval.

The commission granted Provisional approval.

The Burren application included 2 floor plans, a question arose if one was for public and one was for private, if so, the applicant should have checked off both on application. Private seating appears on the agenda. A statement was made that The Burren was already provisionally approved for Public Seating. Economic Development states that they are reviewing both floor plans. The secretary received this application on June 17th and could find no other application previously approved. It was determined that 2 metered spots in a private parking lot are part of this floor plan. Chairman Lynch would like an email sent to Councilor Davis informing him of what is transpiring in this back parking lot.

The commission granted Provisional approval.

Gauchao Brazilian Cuisine, Cortney Kirk states they have previously been approved for Public Seating, but there is insufficient room available for Covid requirements. This will be parklet seating. Cortney states she is working with the person drawing up the floor plan for this establishment, and requests conditional approval.

The commission granted Provisional approval, with the condition of notification to City Councilor Matt Mclaughlin.

Casa B was taken out of order. This was discussed earlier with Bronwyn, Cantina La Mexicana and T&B Pizza for the plans in the parking lot and will continue to be discussed with Economic Development.

The commission granted Provisional approval.

Recinos Café was taken out of order. Cortney Kirk states all required documents have been submitted and the plans are covid compliant. She recommends provisional approval.

The commission granted Provisional approval, with the condition of notification to City Councilor Matt McLaughlin.

Sound Bites was taken out of order. Economic Development has an issue with their health and safety plan. They are working with the applicant on this. Sue Thomas states they have been very responsive to Economic Development reaching out to them on this matter. Chairman Lynch stated they are currently operating without an Outdoor Seating License. Sue Thomas stated that both Sound Bites and Ball Sq. Café are operating without an Outdoor Seating License, and has asked ISD to stop their operations. She has emailed them both, and stated Sound Bites was very responsive.. She has not yet heard from Ball Sq. Café. Chairman Lynch has instructed the Secretary to contact Sgt. Chaille to visit both Sound Bites and Ball Sq. Café to confirm that they have no Outdoor Furniture outside. Sue Thomas states she misspoke and Ball Sq. Café has an application in for Outdoor Seating, and it has not been approved by Economic Development.

The commission granted Provisional approval with the condition of a site visit by Sgt. Chaille sometime tomorrow or Saturday, confirming both Sound Bites and Ball Sq. Café are not currently operating

Dragon Pizza application is for the back private parking lot. They are adjacent to The Burren. They will take up 3 metered spaces and 2 private spaces in a private parking lot. Justin Schreiber states he has a couple of questions, but the layout looks good. He requests provisional approval.

The commission granted Provisional approval.

Foundry on Elm application is for a parklet on a public way.

Sue Thomas requesting provisional approval pending Staff review for the restaurants facing Elm St, from Day St. to Grove Street in Davis Sq., that is associated with a schematic plan that Economic Development created for the expansion of sidewalk in that area. Justin Schreiber spoke about the parklet request that was made by Foundry on Elm and how this will match up with the Economic Development schematic plan. Chairman Lynch asked if Economic Development had a list of Restaurants for this plan. Sue Thomas stated she did not, but this would include any restaurants facing Elm St. Sue stated she would be happy to supply a list. Chairman Lynch asked if there was an item on the agenda for that item or sciatic or proposal or a list of the restaurant to look at. Sue stated there was not a Late Item on the agenda. Sue stated there were two ways to proceed on this. Since this is not a late item, when each application comes in, it could be provisionally approved contingent on the schematic. Sue states this is similar to Union Sq. plaza. the Licensing Commission does not need to approve the extension of the sidewalk, but does need to approve the restaurants occupying that space. Chairman Lynch stated that unlike Union Sq., the names of the restaurants on the agenda. Chairman Lynch stated he is trying to accomplish this according to Hoyle. The only restaurant on the agenda is Foundry on Elm. A late item does not appear on the agenda to be considered for all restaurants in a blanket way. At last Wednesday's meeting, a blanket item was considered, with a list of restaurant applicants. Chairman Lynch states they cannot approve a blanket item, as this does not appear on the agenda.

Sue Thomas states Grainmaker was previously provisionally approved, and Foundry on Elm as part of this schematic plan, could be both approved. Chairman Lynch stated only items on the agenda should be considered.

Foundry on Elm was Provisionally approved based on what was submitted by the applicant or part of a larger scheme to be submitted in the future

Chairman Lynch read this MOTION FOR APPROVAL:

MOTION: I move to provisionally approve the establishments just read aloud for outdoor seating service. This approval is conditional on each establishment filing a health and safety plan, and receiving City approval of its socially distant seating layout. Licensees are not permitted to begin operation until they receive written notice from the City Clerk's Office that both conditions have been met. This approval expires on November 1 at 11:59PM, unless otherwise modified by the Governor or State or City legislation, and requires no additional payment. License holders may reduce but not expand their existing hours of operation on private property, and may reduce but not expand their existing hours of operation public property. Finally, outdoor seating license holders are warned that any license holder who violates any Covid-19 protocols, ADA requirements, or any other terms or conditions of the license, may be subject to suspension for the remainder of 2020 and/or the revocation of the license holder's license.