

**City of Somerville  
Licensing Commission**

**Regular Meeting by Remote Participation**

**DRAFT OF THE  
Minutes of the Regular Meeting  
Monday, July 20, 2020  
Posted 9/21/20 at 9:00am**

**Monday  
July 20, 2020  
6:00pm  
Published July 13, 2020, 2020 3:45pm  
Published July 16, 2020 3:30pm  
Published July 20, 2020 3:30pm  
Published July 20, 2020 5:10pm**

*The meeting was called to order at 6:01pm. Present were Commissioners Lynch, Allen and Lindgren, Secretary to the Commission Lori Batzek, Sgt. Warren Chaille, a member of the Police Department, Lt. MacLaughlan, a member of the Fire Dept., City Clerk, John Long, Members of the City Staff, Applicants and members of the public.  
The meeting adjourned at 9:06pm*

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:

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 [libatzek@somervillema.gov](mailto:libatzek@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.

<https://attendee.gotowebinar.com/register/5164749571388986636>

**COMMUNICATIONS**

1. Letter from Somerville Post, No. 19, 124 Highland Ave, Somerville MA, 02143 notifying the Commission of the closure of the building since June 2019 for approximately 2 years to rebuild.  
Letter dated March 9, 2020

*The Commission noted this communication*

2. Letter from DiNicola, Seligson & Upton, LLP pertaining to the closure of AMC Assembly Row 12, 395 Artisan Way, Somerville, MA, 02145 for closure due to the current health pandemic.  
Letter dated March 20, 2020

*The Commission noted this communication*

3. Communication from the United States District Court for the District of Delaware for Chatham Capital Management IV, Plaintiff, v. Muse Paintbar, LLC, for the Order and Final Judgment approving sale of substantially all receivership assets to EAD, LLC. Received March 24, 2020

***The Commission noted this communication***

4. Communication from the ABCC of a Hearing notice for River Bar, LLC DBA River Bar, 661 Assembly Ave., Somerville, MA 02143 for Tuesday, May 19, 2020, Regarding: 204 CMR 2.05 (2) Permitting an Illegality on the licensed premises, to wit: M.G.L. Ch. 138 § 69 – Sale or Delivery of an Alcoholic Beverage to an Intoxicated Person (2 counts). Received March 24, 2020

***The Secretary checked the notification. Assembly Ave. is referenced. The secretary stated the ABCC usually notifies the commission of the results of the hearing.***

***The Commission noted this communication***

5. Email from Attorney Meihuei Hu withdrawing application for a Common Victualler License and Entertainment by Devices License for Tengbin, Inc. d/b/a Mala Thumb (AL20-000004, approved 4/13/20) , 5-7 Holland St. for JXW Davis Square, LLC d/b/a Hulun Beir Restaurant (AL19-000045 – this application was closed due to the pending sale of this business). Received June 15, 2020

***The Commission noted this communication***

- 5a. Communication from City Clerk John Long pertaining to City of Somerville Ordinance 2020-15. Notifying the Commission of an Ordinance Amendment for Section 2-221 of the Code of Ordinances, regarding Adult Use Marijuana Establishments

***The Commission noted this communication***

- 5b. Communication from Economic Development proposing a blanket approval for the extension of hours for Temporary Outdoor Seating from 10:00pm to 11:30pm for all establishments through November 1, 2020, or until Governor Baker’s Order is rescinded, whichever is sooner.

***A discussion was held about this blanket proposal. Jess Willis spoke about the importance of this extension and people not wanting to move inside for Covid reasons. She stated that this will help their businesses to survive. Chairman Lynch stated these outdoor seating area’s will be cleared by 12am, midnight. This extension of hours, for outdoor seating, includes Wine & Malt Restaurants, which close at 11pm.***

***The Commission approved this extension of hour for Temporary Outdoor Seating.***

***Chairman Lynch read the following Motion:***

***MOTION: I move to approve the extension of hours for Temporary Outdoor Seating Licenses on both public property and private property to 11:30 pm (from 10:00 pm), for all establishments through November 1 at 11:30 pm, unless otherwise modified by the Governor or State or City legislation, and requires no additional payment. This extension is conditioned on each establishment filing a health and safety plan, and receiving City approval of its socially distant seating layout, as well as meeting any other conditions placed by appropriate city officials. Outdoor seating license holders are warned that any license holder who violates these, 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.***

- 5c. Communication requested from Chairman Lynch from ISD pertaining to the requirements for Electric Heaters for Temporary Outdoor Seating. The Fire Department will issue permits for Propane Heaters.

*Chairman Lynch stated the Licensing Commission does not approve these heaters, but the Fire Department is required to sign off on them. Electrical Heaters would be the responsibility of ISD, the Electrical Inspector. The Fire Department would be responsible for any Heaters with any type of solid fuel or fuel.*

*The Commission noted this communication*

**TEMPORARY OUTDOOR PATIO SEATING**

**DUE TO GOVERNOR BAKER'S ORDER**

**Requesting**

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

Continued from Wednesday, July 1, 2020

**WITHDRAWN – DID NOT RECEIVE THE REQUIRED SIGNATURES**

6.

WITHDRAWN - DID NOT RECEIVE REQUIRED SIGNATURES							
CONTINUED FROM 7-1-20							
LICENSE #	BUSINESS NAME	ADDRESS	STATUS	APP. TYPE	COMPLETE	CURRENT/NEW	PUBLIC/PRIVATE
ALM20-000097	Dali (parklet)	415 Washington St	WITHDRAWN CONTD 7/1	NEW TEMPORARY	YES	NEW	PUBLIC

**WITHDRAWN – APPLICANT WITHDREW APPLICATION**

6A.

WITHDRAWN							
LICENSE #	BUSINESS NAME	ADDRESS	STATUS	APP. TYPE	COMPLETE	CURRENT/NEW	PUBLIC/PRIVATE
ALM20-000119	Dosa N Curry	447 Somerville Ave	NEW	NEW TEMPORARY	NO	NEW	PUBLIC

**NEW Applications**

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

**Requesting**

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

7.

ALM20-000115	Taco Party (adding 2 seats)	711 Broadway	NEW(previously approved)	EXPANSION	YES	CURRENT	PUBLIC
ALM20-000116	Soundbites	704 Broadway	NEW	REDUCED	YES	CURRENT	PUBLIC
ALM20-000118	Dali	415 Washington St	NEW	NEW TEMPORARY	YES	NEW	PRIVATE
ALM20-000120	Flatbread (Parklet)	49 Day St	NEW	NEW TEMPORARY	YES	NEW	PUBLIC

*Taco Party – Approved by Economic Development Staff and Fire. Conditionally Approved pending department approvals*

*Soundbites – Economic Development is working with the applicant. Originally, pre Covid, had 15 seats, applying for 9 to comply with Covid requirements. Conditionally Approved pending department approvals*

*Dali - Approved by Economic Development Staff and Fire. Conditionally Approved pending department approvals*

*Flatbread - This is a parklet and has been Approved by Economic Development Staff and Fire.*

*Taco Party, Soundbites and Flatbread were Conditionally Approved pending department approvals*

*Chairman Lynch made a Motion:*

**MOTION:**

*I move to provisionally approve the establishments just reviewed favorably 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 11:59 PM, 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 past 11:30 PM their existing hours of operation on public property. License holders are not permitted to offer any type of outdoor entertainment. License holders are not permitted to allow dogs into the outdoor eating area unless previously granted permission, but SERVICE ANIMALS are permitted to enter the outdoor seating area. 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. Outdoor Seating Licenses do NOT allow any type of outdoor entertainment. Any outdoor entertainment will lead to a complaint filed with the Licensing Commission*

*The Commission approved this Motion*

*Commissioner Allen recused himself from Dali, as he is an abutter. Conditionally Approved pending department approvals.*

*The Commission approved this, based on the previous Motion made by Chairman Lynch*

**NEW Applications**

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

**Requesting**

**CHANGE OF HOURS  
For TEMPORARY Outdoor Patio Seating**

8.

CHANGE OF HOURS - OUTDOORS							
LICENSE #	BUSINESS NAME	ADDRESS	STATUS	APP. TYPE	COMPLETE	CURRENT/NEW	PUBLIC/PRIVATE
ALM20-000114	Aeronaut	14 Tyler St.	WAITING FOR REQUEST FROM ECON. DEV.	Change of Hours - Outdoors	YES	NEW TEMPORARY	PRIVATE
ALM20-000117	P J Ryan's	239 Holland St.	WAITING FOR REQUEST FROM ECON. DEV.	Change of Hours - Outdoors	YES	REDUCED-PARKLET	PUBLIC/PRIVATE

*Aeronaut –This application complies with Economic Developments blanket proposal, for the extension of hours for Temporary Outdoor Seating from 10:00pm to 11:30pm. These applications will be placed on file. No approval/action needed as this falls under the blanket approval (5b)*

*P J Ryan’s – This application complies with Economic Developments blanket proposal, for the extension of hours for Temporary Outdoor Seating from 10:00pm to 11:30pm. These applications will be placed on file. No approval/action needed as this falls under the blanket approval (5b)*

**Common Victualler  
And Entertainment by Devices**

- 9. Cafua Management Company, LLC  
d/b/a Dunkin Donuts  
282 Somerville Ave.  
Mark Cafua, David Cafua & Gregory Cafua  
Hours of Operation: Open 24 Hours a Day, 7 Days a Week  
(AL20-000010)  
*\*New Owners, Previous Owner: Da-Lel Corp.*

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 this meeting. The Commission Continued this application until the next meeting on August 17, 2020*

**Existing Alcohol License**  
**City License**  
**ASSEMBLY ROW**  
**All Forms 7 Day Restaurant License**

**Requesting**  
**Change of Officers/Directors/LLC Managers**

10. American Multi-Cinema, Inc. d/b/a AMC Theatres Assembly Row 12, 395 Artisan Way, requesting approval for a Change of Officers/Directors/LLC Manager

FROM:

Craig R. Ramsey - Executive VP, & CFO & Director  
Adam M. Aron – President & CEO

TO:

Sean D. Goodman - Executive VP, CFO & Director  
Adam M. Aron – President & CEO

REMOVE: Craig R. Ramsey as Executive VP, CFO & Director

ADD: Sean D. Goodman as Executive VP, CFO & Director  
(ALM20-000100)

*Attorney Andrew Upton appeared for this application. This is a corporate change.*

*The Commission approved this Change of Officer/Directors/LLC Managers*

**NEW Alcohol License**  
**City License**  
**Wine & Malt 7 Day Restaurant License,**  
**Common Victualler, Entertainment by Patrons**  
**And Sunday Hours Licenses**

**Assembly Row Area**  
**Chapter 142, Acts of 2016**

11. EAD Entertainment, LLC d/b/a Muse Paintbar, 461 Artisan Way, #425 requesting approval for a Wine & Malt Alcohol License, a Common Victualler License, an Entertainment by Patrons License and a Sunday Hours License  
Proposed Hours for Food & Alcohol Service: Mon-Fri – 6pm-10pm and Sat-Sun – 11am-11pm  
(AL20-000008)

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

*Ryan Knowles appeared for this application. EAD obtained this business (see #3). Muse Paintbar should have returned this license. The secretary will confirm this.*

**LATE ITEMS**

**NEW Applications**

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

**Requesting**

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

12.

LATE ITEMS							
LICENSE #	BUSINESS NAME	ADDRESS	STATUS	APP. TYPE	COMPLETE	CURRENT/NEW	PUBLIC/PRIVATE
ALM20-000122	Genki Ya	246 Elm St	NEW	EXPANSION	YES	CURRENT	PUBLIC
ALM20-000124	Celeste	21 Bow St.	NEW	NEW TEMPORARY	YES	NEW	PRIVATE

*Genki Ya – This will be a Parklet on Chester St. Economic Development has been working with this applicant for some time. The applicant was under the impression that their existing Outdoor Seating License was still in effect. ISD was sent to close them down. Their current seating obstructs the pedestrian way. A revised Covid plan was submitted for Chester St. Grainmaker put in an earlier application and received the spot on Elm St. Chairman Lynch requests Economic Development to inform the applicant of his displeasure on how this seating was not handled properly. Conditionally Approved pending department approvals*

*Celeste – Requesting to move to the side of the building. Previously approved for the back of the building. The applicant is experiencing some challenges with service from the front to the back. Economic Development will be looking at these plans and would like the Fire Department to weigh in on this. Sue hopes this will be resolved by the end of the week. Commissioner Allen questioned the access for Barra.Bars. Maria would like to place the 12 seats from the back to the side. She states Barra.Bars has their own access on the side of the building. In case of an emergency there would be no change in access. The screened trash bins would be moved from the side to the back. She states she has spoken with Lt. MacLaughlan regarding access for emergency purposes. Lt. MacLaughlan state he has no problem with this plan. Conditionally Approved pending department approvals*

13.

LATE ITEMS							
LICENSE #	BUSINESS NAME	ADDRESS	STATUS	APP. TYPE	COMPLETE	CURRENT/NEW	PUBLIC/PRIVATE
ALM20-000105	Elm Street Taproom	256 Elm St.	Revised Floor Plan -7/9/20	NEW TEMPORARY	YES	NEW	PUBLIC
ALM20-000125	Revival Café	197 Elm St.	NEW	NEW TEMPORARY	YES	NEW	PUBLIC & PRIVATE
ALM20-000126	Mineirao One Stop Mart	61 Union Sq.	NEW	NEW TEMPORARY	YES	NEW	PUBLIC
ALM20-000127	Ball Square Café	710 Broadway	NEW	CURRENT	YES	CURRENT	PUBLIC
ALM20-000128	Daddy Jones (Parklet)	525 Medford St.	NEW	NEW TEMPORARY	YES	NEW	PUBLIC
ALM20-000129	Out of the Blue	215 Elm St.	NEW	NEW TEMPORARY	YES	NEW	PRIVATE
ALM20-000072	Arts at the Armory	191 Highland Ave	Revised Floor Plan -7/20/20	NEW TEMPORARY	YES	NEW	PRIVATE

*Elm Street Taproom – This is a Parklet. This is part of the Elm Street skematic. Previously provisionally approved. Conditionally Approved pending department approvals*

*Revival Café – This is a Parklet. Pending Economic Development approval. No plan was submitted for the private seating. Economic Development will review. Conditionally Approved pending department approvals*

*Mineirao One Stop Mart – Cortney Kirk states this was submitted as a Parklet, but there will be construction done within the month on the street applied for . She suggested they move to Stone Ave. The secreatry confirmed a Common Victuller License for this estalishment under 57 Union Sq. The Temporary Outdoor Seating Application lists the address as 61 Union Sq. Conditionally Approved pending department approvals*

*Ball Square Café – Sue Thomas asked the secretary to confirm that they submitted their Covid layout plan. The secretary confirmed receipt of this document. Chairman Lynch asked if they are currently operating without a license. Sue Thomas states Economic Development has communicated with all the business on the block and informed them of the requirements for Temporary Outdoor Seating. They are not currently operating outdoors. Chairman Lynch asked Sgt. Chaille to have someone check tomorrow, to ensure that they are not operating outdoors and confirm this with the secretary and the City Clerk. Commissioner Allen believes this was previously approved and may not need additional approval. Sgt. Chaille was previously asked to check this establishment to confirm if they were operating outdoors. He confirmed they were not in operation, outdoors, when he checked. Conditionally Approved pending department approvals*

*Daddy Jones – This is a Parklet in front of their restaurant on Medford St. This is still pending review by Economic Development.*

*Out of the Blue – Previously provisionally approved. The secretary states Private was checked off on the application. This should be PUBLIC seating for a Parklet. This application was received on today’s date (possibly in response to an email sent by Economic Development). Conditionally Approved pending department approvals*

*Arts at the Armory - Cortney Kirk states this establishment has many conditions in 2012, attached to the license. This application is for seating on the side. Staff has given conditionally approval based on the Planning Board conditions. Seating will be on the grassy area, not on the driveway side of the building. Chairman Lynch asked about ADA compliance. Cortney states 1 seating area will be ADA compliant. The secretary states a new floor plan was submitted today. Conditionally Approved pending department approvals*

14.

LATE ITEMS - INCOMPLETE APPLICATION							
LICENSE #	BUSINESS NAME	ADDRESS	STATUS	APP. TYPE	COMPLETE	CURRENT/NEW	PUBLIC/PRIVATE
ALM20-000123	Somerville Sports Club	203 Somerville Ave	NEW	NEW TEMPORARY	YES	NEW	PRIVATE

*Somerville Sports Club – A picture was submitted for a floor plan. Commissioner Allen states it is insufficient. Sue Thomas states this is a late item and has not been reviewed yet. They have a Common Victualler License and they have submitted a menu. Tanya Gomez spoke on this application. Donna in the Health Department has helped her on this matter, as well as the Licensing Commission secretary. Conditionally Approved pending department approvals*

*At the suggestion of City Clerk, John Long, Chairman Lynch stated Items 12, 13 and 14, were given provisional approval, based on the reading of the motion previously stated, to approve the new temporary outdoor seating licenses.*

*Chairman Lynch stated we are now two and a half (2 ½) weeks into the Temporary Outdoor Seating Licenses. The input he has received, from all the departments he has heard from, as well as the City Councilors, is that most of the temporary outdoor seating licenses, whether public or private are operating according to the rules. Some outliers are going to have to be checked on. He would like to provide a list to SPD, our enforcing agency, of all temporary outdoor seating, public and private, that have been given approval by the commission, and have received an email from the City Clerk's office, to commence operations. Chairman Lynch will be requesting Sgt. Chaille, via SPD to institute compliance checks, in their patrols. If any establishments are overcrowded (not 6 feet distanced), operating past the 11:30pm curfew, obstructing anything on the public way (on the sidewalk or the street) or if they observe unruly behavior, to report these incidents to ISD or the Licensing Commission. ISD has already been apprised of issues and they have responded accordingly. Commissioner Allen states he would like to extend these criteria, for staff not practicing proper mask usage and patrons standing up or moving around, with drinks, and then not being adequately distanced. Chairman Lynch will work with City Clerk John Long and the Law Department to draft a document list and give this to Sgt. Chaille for enforcement.*

*The secretary questioned how the Wine and Malt Restaurants will work with the indoors being open until 11pm and the outdoors being open until 11:30pm. A discussion followed on this matter. If any Wine & Malt Restaurants have any issues with the indoor seating hours, this can be taken up at the next Licensing Commission Meeting on August 17, 2020.*

*The Suggested Motion for Approval of Outdoor Seating will include this additional sentence as an amendment:*

*“This approval overrides the Licensing Commission’s regulation 7.11, and allows the outdoor service of wine and malt beverages until 11:30 PM only (From 11:00PM).”*

*Commissioner Allen stated he would like to amend all of the previous motions that we have made for provisional approval of outdoor seating to add to the end of the original language “This approval overrides the Licensing Commission’s regulation 7.11, and allows the outdoor service of wine and malt beverages until 11:30 PM only (From 11:00PM).”*