

**City of Somerville
Licensing Commission**

Regular Meeting by Remote Participation

**DRAFT OF THE
Minutes of the Regular Meeting
Posted 08/25/20 at 10:00am**

Monday

August 17, 2020

6:00pm

Published August 10, 2020, 2020 5:00 pm

Published August 17, 2020 2:00pm

The meeting was called to order at 6:00pm. Present were Commissioners, Lynch, Allen and Lindgren, Secretary to the Commission Lori Batzek, Lt. Timothy Mitsakis, 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 6:38pm

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://attendee.gotowebinar.com/register/1774284521615961612>

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.

COMMUNICATIONS

1. Minutes of June 10, 2020 Special Meeting

The Commission approved these minutes

2. Minutes of June 12, 2020 Special Meeting

The Commission approved these minutes

3. Minutes of June 15, 2020 Regular Meeting

The Commission approved these minutes

- Communication from the ABCC pertaining to the Governor’s updated guidelines for on premises consumption of alcohol dated August 7/2020

The Commission noted this communication for the record, and is attached to the end of these minutes

- Communication from the Licensing Commission to Somerville publications and the Chamber of Commerce pertaining to the disseminating the Commission’s requirements for outdoor dining in Somerville restaurants

Dean of Students using a Multi Media Platform and student dormitory kits, will be used to notify students of these requirements. Chairman Lynch also notified Tufts Daily newspaper and TUTV, Tufts closed circuit television. Chairman Lynch also notified the Medford Licensing Commissioner and they will be adapting this for use in Medford

The Commission noted this communication for the record, and is attached to the end of these minutes

- Communication from ISD and the Police Department pertaining a request made by Chairman Lynch for all Temporary Outdoor Seating Violations from the inception of the Temporary Outdoor Seating Approvals on June 10, 2020 through August 14, 2020

Chairman Lynch noted there were 4 infractions in March, 3 in April, 2 in May, 1 in June, 2 in July, and 4 in August. He stated that both the restaurateurs and patrons have become a little lax. The commission will be keeping an eye on this matter. Commissioner Lindgren requests an additional column be added for the restaurant name. Commissioner Allen asks if ISD drops by restaurants in their regular course of work, for inspection of restaurants that have not had a complaint issued. Chairman Lynch states they are doing their regular inspections and observing the outdoor seating requirement, but he does not have any data information. Lt. Mitsakis states there have been no instances that have risen to the issuance of a report.

The Commission noted this communication for the record, and is attached to the end of these minutes

NEW Applications

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

Requesting

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

7.

LICENSE #	BUSINESS NAME	ADDRESS	STATUS	APP. TYPE	COMPLET	CURRENT/NEW	PUBLIC/PRIVATE	TENT	HASP	FLOOR PLAN	CONTROL ENG.	SPCD	FIRE	INSURED
ALM20-000130	Bergamot	118 Beacon St	SIGNOFFS	NEW TEMPORARY	YES	NEW	PUBLIC		YES	YES	YES			
ALM20-000130	Bergamot	118 Beacon St	SIGNOFFS	NEW TEMPORARY	YES	NEW	PRIVATE		YES	YES	YES	YES	YES	
ALM20-000134	Juliet	257 Washington St	SIGNOFFS	NEW TEMPORARY	YES	NEW	PUBLIC		NO	YES	YES			

Commissioner Allen recused himself from both Bergamot applications (ALM20000130). Chairman Lynch confirmed with Sue Thomas that this establishment is operating under the Bergamot name. Juliet’s floor plans (for a parklet) are too close to MBTA stop and will need to submit a revised outdoor floor plan with Economic Development.

The Commission Provisionally approved all 3 licenses (pending all required departmental signatures).

**Common Victualler
And Entertainment by Devices**

Continued from July 20, 2020

8. 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.

Shiva Oli raised a hand for this application, but could not be heard. The Secretary will reach out to the applicant to ensure they understand the Remote Access process for the next meeting.

This application was continued to the next Licensing Commission Meeting being held on September 21, 2020

**Common Victualler
And Entertainment by Devices**

9. By The Street LLC
d/b/a Hen Chicken Rice
24 Union Sq.
Warit Viriyaudomchart
Hours of Operation: 7 Days a Week from 11:00am – 10:00pm
(AL20-000011)

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

Mr. Viriyaudomchart appeared for this application. He will be selling food for take out and delivery only. His experience in food service was acquired as a Chef in Thailand. The premises is 1100 sq. ft. He states he is awaiting Health Department approval and hopes to open on September 3, 2020. He states there are 6 seats in the premises, however the application states 8 seats. The secretary will reach out to the applicant to confirm which is correct.

The commission approved this Common Victualler and Entertainment by Devices License

Late Items

NEW Applications

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

Requesting

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

10.

LICENSE #	BUSINESS NAME	ADDRESS	STATUS	APP. TYPE	COMPLETE	CURRENT/NEW	PUBLIC/PRIVATE	TENT	HASP	FLOOR PLAN	CONTROL ENG.	SPCD	FIRE	INSURED
ALM20-000136	La Posada (parket)	505 Medford St	SIGNOFFS	NEW TEMPORARY	YES	NEW	PUBLIC		YES	YES	NO			
ALM20-000137	Highland Kitchen (parklet)	150 Highland Ave	SIGNOFFS	NEW TEMPORARY	YES	NEW	PUBLIC		YES	YES	YES			

Economic Development is working with La Posada on this license. Economic Development requires Highland Kitchen to obtain written permission from the Barber Shop and the Laundromat for their outdoor seating. Sue Thomas states Economic Development has suggested Highland Kitchen use the private parking lot in the back for outdoor seating. Chairman Lynch requested Economic Development reach out to Parklet Restaurants about the rules on the sidewalk, due to students returning to the city.

The Commission Provisionally approved both licenses (pending all required departmental signatures).

Chairman Lynch read this MOTION FOR APPROVAL:

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 11:59PM, 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 either private or public property past 11:30PM. License holders are not permitted to offer any type of outdoor entertainment. License holders are not permitted to allow dogs into the outdoor seating 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. This approval overrides the Licensing Commission’s regulation 7.11, and allows the outdoor service of wine and malt beverages until 11:30PM only (from 11:00PM).

All Temporary Outdoor Seating Licenses were approved individually after this motion.