

**City of Somerville
Licensing Commission**

Regular Meeting by Remote Participation

**DRAFT OF THE
Minutes of the Regular Meeting
Monday, October 19, 2020
Posted 11/11/20 at 9:00am**

The meeting was called to order at 6:02pm. 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 9:36 pm

Monday

October 19, 2020

6:00pm

Published October 9, 2020, 2020 at 2:10pm

Published October 15, 2020 at 2:25pm

Published October 19, 2020 at 5:10PM

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/5455695743255075596>.

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 September 21, 2020 Regular Meeting

Secretary needs to check the total years for item 4a, and will make a correction if necessary. Extended for 2 years for a 4 year total?

The Commission Approved these minutes with the above stipulation

2. Communication from City Clerk, John Long pertaining to the City Council, that through December 31, 2021, any business with a license from the City of Somerville Licensing Commission for outdoor food and/or beverage service for outdoor seating shall not require further authorization from the Council pursuant to Ordinance 12-14 (Order #210642). Dated and Approved September 24, 2020.

The Licensing Commission now has the responsibility for approving, amending or suspending any outdoor seating licenses with or without alcohol. This also relates to setting or waiving of fees and renewal fees, and the end date of these Outdoor Seating Licenses through December 31, 2021.

The Chairman has had internal communication with city administration, about what they would like to do to assist the restaurant industry. They are working on this matter. Chairman Lynch stated he was disappointed that it has not come before the commission for the October meeting. He feels it is incumbent upon the commission to be an active body, from this point on, and through 2021 to assist them in any way the commission can. The commissions' responsibility is to assess the need of the applications and to keep in mind the public health and public safety.

The Commission Noted this extension of Outdoor Seating from the authority of the City Council to the authority of the Somerville Licensing Commission (through December 31, 2021), and placed this on file.

- 2a. OSPCD is requesting consideration of a plan regarding the extension of Outdoor Seating Licenses past November 1, 2020 and Outdoor Guidelines for 2021.

Commissioner Steve MacEachren, DPW, Fire Chief Charles Breen, Eric Wiseman, Director of Operations, DPW, Brian Postlewaite, Assistant Director of Engineering and Sue Thomas of Economic Development spoke on this matter. Sue Thomas, representing Economic Development requested all Outdoor Seating be extended to December 31, 2021 with additional advisories and guidelines to follow. City Staff is working on guidelines they hope to release in the next few weeks. Chairman Lynch clarified the Executive Order for provisions of the Somerville Zoning Ordinance (approved on 10/15/20) issued by Mayor Curtatone, pertaining to Section 10.09 Commercial Signs, did not pertain to the Licensing Commission, and recommended that this order be sent to the City Council. Commissioner Allen asked for information pertaining to the ADA requirements, and a discussion followed about his concern of sidewalk signs and ADA compliance. Commissioner Lindgren stated concern for needing guidelines during inclement weather. Chairman Lynch stated the previous rules under the Licensing Commission and the City Council, for public seating required removal of furniture by November 1st. Public and Private seating begins on April 1st. A discussion followed about the differences between public and private seating, allowing heaters, snow removal and putting furniture and parklet seating back out after snow removal. A discussion followed pertaining to Public Safety. Eric Wiseman, Director of Operations stated there is a 4 hour window to remove vehicles for a snow emergency being declared and the start of the snow emergency. Chairman Lynch stated he was concerned that restaurateurs may not have enough time to disassemble some of the structures on public ways and expressed concern of the propane heaters being brought in. He also expressed safety concerns of the remaining snow on the public ways after a storm. Commissioner MacEachren stated he would not be able to guarantee, no damage being made to the outdoor public seating structures during snow plowing. Chairman Lynch asked the heaviest snow fall month. Commissioner MacEachren stated it was usually in January, but it's unpredictable, he stated his preference would be to select a date in January to have the outdoor furniture removed, barring a snow emergency, and then he would request the furniture be removed at that time. He suggested January 11th as an end date. Chief Breen spoke about his concern for a potential further narrowing of the streets due to snow banks and the Fire trucks being able to navigate a passage through. Brian Postlewaite, Engineering stated he had one project that has been delayed all summer and they are planning to do it in November (a deep cleaning of the drainage and sewer lines) on Elm St. in Davis Sq. This needs to be done in November and will impact Restaurateurs. Private utilities also have work that is required to be done, and was placed on hold during the summer. This work cannot be done in deep winter conditions, due to equipment not working properly. Commissioner Lindgren asked if the work could be done very early or late night. Brian Postlewaite stated due to contract issues it would need to be done on a full shift, either 7am-7pm or 7pm to 7am. A discussion was held pertaining to Public Outdoor seating. Chairman Lynch stated that the commission needs outdoor guidelines for 2021, Department Heads need to discuss this at length and he stated safety concerns. Commissioner Allen stated his intuition right now is that the current infrastructure, the railing and the heaters, that the commission, cannot responsibly have those in place, once we move into likely snow season. He agrees with the January 11th date and suggested lightweight furniture be used after that date, and suggested bringing this matter up at the November meeting. Commissioner Lindgren agreed with the January 11th date and suggested coming back with a different set up, but stated a need for predictability and needing to understand the four hours notification (of a snow emergency), and questioned if the restaurateurs would need to move all furniture and structures off the public way. Chairman Lynch stated this was why he asked these questions of the DPW Commissioner. He also stated some restaurants are announcing they will be closing after the holidays and questioned having an outdoor seating program for a few restaurants. Commissioner Allen suggested a more defined criteria for public seating in a municipal parking lot. Chairman Lynch stated the DPW is responsible for clearing snow in municipal lots. Sue Thomas stated she surveyed other municipalities and the restaurateurs in the City and they felt it should be up to them if they want outdoor seating or not, depending on the weather. She also read an advisory statement about snow emergency's and the restaurants responsibilities. Chairman Lynch stated this advisory would be a good start for the guidelines. Sue explained that the restaurateurs, wanted to be able to resume outdoor seating without having to obtain another license. Jess Willis of the Independent, Brass Union, Foundry on Elm and Chair of the Chamber of Commerce's Dining and Nightlife group stated that restaurants are on life support due to the pandemic. Ms. Willis also stated that small businesses employ people and when the restaurants close, those employees lose income, and the impact of the actions that are taken to support our businesses and their employees are going to have massive repercussions. Jessica Eishelman,

Executive Director of Union Sq. Main Streets stated Jess Willis made some very good points and would like to underscore them. She also stated she understands the need for safety, and recommended if restaurants wanted to stay open, that they complete a Snow Hasp. A discussion followed. City Clerk John Long clarified that Alcohol Licensees may need to apply for permanent outdoor seating through the ABCC, 60 days after the governor lifts the state of emergency (for licensees who do not already have permanent outdoor seating). He also stated that administratively our goal is to incorporate all of the temporary outdoor seating that has been issued so far, into the renewal process, so that all the licensee holders will renew the outdoor seating as a component of their entire alcohol or restaurant license when they renew for 2021. The Outdoor Seating would not be a standalone license in 2021. It would be administratively an issue, if the commission gave today, permission to serve outdoors through 2021, but they did not follow through with the renewal of their alcohol license, which is an annual license.

With the permission of the property owner, for Outdoor Seating on Private Property, Chairman Lynch made the following motion.

MOTION: I move to extend the use of private property for holders of Outdoor Seating Licenses issued by this Licensing Commission from November 1, 2020 through December 31, 2020.

I further move to extend the use of private property for holders of Outdoor Seating Licenses on private property issued by this Licensing Commission from January 1, 2021 through December 31, 2021, or until the Governor's order is lifted, whichever comes first, only after those Outdoor Seating licenses have been renewed for 2021 by this Commission as part of the annual license renewal process.

Approved – Chairman Lynch, Commissioner Allen & Commissioner Lindgren

A discussion was held on Outdoor Seating on Public Property. Commissioner Lindgren stated she believed the commission was in agreement for the January 11th date. Chairman Lynch stated this was the date recommended by the DPW Commissioner. Discussion continued about guidelines being submitted and lighter equipment being used after January 11th. Commissioner Lindgren asked if the commission wanted to allow for lighter weight outdoor furniture and equipment after January 11. Commissioner Allen stated his support for this idea, without having another meeting for commission approval, for restaurateurs to have outdoor seating on a nice day in spring. Chairman Lynch stated he looks at the need and the safety on these matters. He also stated we do not have policies in place for winter seating. He stated would like to use the DPW Commissioners' January 11th end date. Further discussion followed. Sue Thomas suggested an extension of outdoor seating on Public Property through December 31, 2020 and feels Economic Development could come up with guidelines for the November Meeting, and another extension could be done for 2021 at that time. Commissioner Allen supported Sue Thomas's suggestion and stated he didn't think taking a breather was an option these business had. Commissioner Lindgren stated this was a tough decision, but liked the predictability of the date being in place.

For Outdoor Seating on Public Property, Chairman Lynch made the following motion:

MOTION: I move to extend the use of the public ways for holders of Outdoor Seating Licenses issued by this Licensing Commission from November 1, 2020 through December 31, 2020.-- *Licensed use of the public way shall be discontinued upon notice by the Licensing Commission, Commissioner of Public Works, or the City Engineer that the outdoor seating and all related equipment must be removed so the public way can be accessed for a public purpose, including, but not limited to, snow removal, street repair and utility work.*

I further move to extend such use of the public ways from January 1, 2021 through January 11, 2021, and from April 1, 2021 through December 31, 2021, or until the Governor's order is lifted, whichever comes first, only after those Outdoor Seating Licenses have been renewed for 2021 by this Commission as part of the annual license renewal process.-- *Licensed use of the public way shall be discontinued upon notice by the Licensing Commission, Commissioner of Public Works, or the City Engineer that the outdoor seating and all related equipment must be removed so the public way can be accessed for a public purpose, including, but not limited to, snow removal, street repair, and utility work.*

Approved – Chairman Lynch & Commissioner Lindgren

Opposed – Commissioner Allen

3. Communication from the ABCC pertaining to Governor Baker's Update dated September 22, 2020 and beginning September 28, 2020. ABCC Advisory regarding updated sector specific workplace safety standard for restaurants to address Covid-19. Issued September 24, 2020

Secretary to forward to the Director of ISD and the Director of the Health Dept. The Commission made a note of this communication and placed this on file.

4. Communication from the ABCC pertaining to Governor Baker's issued Covid-19 Order No. 52-Phase III, Step 2 Order Regulating Gatherings in the Commonwealth. Dated September 29, 2020 and Beginning Monday, October 5, 2020. ABCC Advisory regarding Gatherings for Licensees selling alcohol for on-premises consumption. Issued October 2, 2020

Secretary to forward to the Director of ISD and the Director of the Health Dept. The Commission made a note of this communication and placed this on file.

5. Communication from the ABCC pertaining to the 2021 Holiday Calendar. Issued October 5, 2020

The commission made a note of this Communication and placed this on file.

- 5a. Communication from the ABCC pertaining to the Advisory regarding Indoor Table and Bar Service. Issued October 13, 2020

Secretary to forward to the Director of ISD and the Director of the Health Dept. The commission made a note of this Communication and placed this on file.

- 5b. Communication from the ABCC pertaining to Governor Baker's issued Covid-19 Order No. 52-Phase III, Step 2 Order Regulating Gatherings in the Commonwealth. Advisory regarding Indoor Events held by Hotels and Other on-premises Licensees. Issued October 13, 2020

Secretary to forward to the Director of ISD and the Director of the Health Dept. The commission made a note of this Communication and placed this on file.

6. Commissioner Allen proposing changes to the Somerville Licensing Commission Rules and Regulations, Section 1.09 (underlined text are proposed additions).

f. Licensees who use a valet parking service shall be responsible for ensuring that valet parking is conducted in an orderly manner without undue noise, without undue blocking of traffic lanes or bicycle lanes, and without the violation of any laws or authorized parking programs.

g. (unchanged)

h. Licensees who use a delivery service (first-party or third) shall be responsible for ensuring that pickup and delivery are conducted in an orderly manner without undue noise, without undue blocking of traffic lanes or bicycle lanes, and without the violation of any laws or authorized parking programs.

Chairman Lynch asked if the only change to f is adding or bicycle lanes and if h is a new section. Commissioner Allen stated this was correct. He also stated he was surprised the Licensing Commission Rules and Regulations do not currently have language about delivery services. A discussion followed pertaining to restaurant delivery and about other delivery services being used by restaurants, with vehicles parking in the bike line with their blinkers on. Commissioner Allen would like the commission to have some leverage, to manage these services better, by reaching out to their Ward Councilor and Traffic and Parking, to get dedicated 10 minute parking in front of their establishments, where possible.

The Commission approved this change/update to the Somerville Licensing Commission Rules and Regulations

6a. Communication from Sgt. Warren Chaille 2AM Complaint Report for 2020.

The Commission made note of this report. See the 2am renewals below (item #7)

All Forms Alcoholic Beverages 7 Day Restaurant Licenses
2AM Closing Reviews

7.

<u>Date Approved</u>	<u>Business</u>	<u>Address</u>
12/27/05	Dark Horse Public House	499 Broadway
9/29/05	The Independent	75 Union Square
12/21/05	Casey's	171 Broadway
9/29/05	P J Ryan's	239-241 Holland Street
9/29/05	Brass Union	70 Union Square
4/26/06	Olde Magoun Saloon	518 Medford Street
03/19/12	Foundry on Elm	255 Elm St.
2/26/07	The Burren	247 Elm Street
8/27/07	Fasika	145-147 Broadway
11/15/10	Trina's Starlite Lounge	3 Beacon St.
6/16/14	El Potro	61 Union Sq.
2/22/16	Earl's Kitchen & Bar	698 Assembly Row #102
11/18/19	La Posada Restaurant	505 Medford St.

A report was submitted by Sgt. Chaille, pertaining to any violations issued in the past year by these establishments.

The Commission administratively approved these licenses. This is a one-time policy due to Covid 19

8. Eat at Jumbo's d/b/a Sassafras , 688 Broadway, Mr. Grover Taylor has been notified to appear before the commission to discuss the reopening of his restaurant Eat at Jumbo's Inc. d/b/a Sassafras located at 688 Broadway and reinstating his hours of operation.

Grover Taylor appeared on this matter. Mr. Grover apprised the commission that he will be opening this restaurant. He reacquired the restaurant in April as the buyer stopped paying. He plans to open in the fall. He has been working on getting Covid approval. Mr. Taylor was informed that he needed to apply for an amendment to institute hours of operation. He has a new partner which will be instituted in January, 2021. He stated he is thinking of hours of operation from 4pm-10pm and 4pm-11:00pm on Friday's and Saturday's. He was apprised by Chairman Lynch that an amendment will need to be filed when his partner is added to his business.

9. Highland Cuisine Inc. d/b/a Highland Cuisine, 2 Highland Ave., Mr. Stanley Falaise has been notified to appear before the commission to discuss the status of his All Forms Alcohol License.

No one appeared on this matter. The commission continued this matter until the November 16, 2020 Meeting.

10. Bergamot, LLC d/b/a Bergamot, 118 Beacon St., Mr. Keith Pooler has been notified to appear before the commission to discuss the status of his Application to Change the d/b/a and hours of operation on the All Forms Alcohol License.

Keith Pooler appeared on this matter. He states he is renaming, rebranding and opening for breakfast, lunch and dinner due to the effects of Covid19, for his business to survive. Chairman Lynch requested his appearance due to a posting on social media stating he was changing the d/b/a and had a new partner. Mr. Pooler stated he is not a partner, they will be selling his beer and he joined forces with him for rebranding purposes. The amendment for this is on this agenda under # 19. The secretary stated the application is not yet complete. Mr. Pooler stated he is having computer issues.

Continued - NEW Applications

TEMPORARY OUTDOOR PATIO SEATING
DUE TO GOVERNOR BAKER'S ORDER
Requesting
An Alteration of Premises
For TEMPORARY Outdoor Patio Seating
Continued from September 21, 2020

11.

FOR NEXT LC MEETING	Continued from 9/21/20															
LICENSE #	BUSINESS NAME	ADDRESS	STATUS	APP. TYPE	COMPLETE	CURRENT/NEW	PUBLIC/PRIVATE	TENT	HASP	FLOOR PL.	CONTROL	ENG.	SPCD	FIRE	INSURED	
ALM20-000133	Portuguese American Civic League	26 Springfield St.	NEW	NEW TEMPORARY	YES	NEW	PRIVATE	NO	YES	YES	YES	N/A	YES	NO	N/A	

Joseph Vasconcelos appeared for this application. Mr. Vaconcelos confirmed Only Club Members and Guests will be served Food and Alcohol indoors and outdoors under the licenses of the establishment.

The Commission provisionally approved this Temporary Outdoor Seating license, pending all required signatures

NEW Applications

TEMPORARY OUTDOOR PATIO SEATING
DUE TO GOVERNOR BAKER'S ORDER
Requesting
An Alteration of Premises
For TEMPORARY Outdoor Patio Seating

12.

FOR NEXT LC MEETING	FOR: October 19, 2020															
LICENSE #	BUSINESS NAME	ADDRESS	STATUS	APP. TYPE	COMPLETE	CURRENT/NEW	PUBLIC/PRIVATE	TENT	HASP	FLOOR PLAN	CONTROL	ENG.	SPCD	FIRE	INSURED	
ALM20-000162	El Potro	61 UNION SQ.	EXISTING	NEW PLAN SUBMITTED	YES	PREV. APPROVED	PUBLIC	NO	YES	YES	YES	YES	YES	YES	YES	
ALM20-000151	THE CENTER FOR THE ARTS AT THE ARMORY	191 HIGHLAND AVE.	EXISTING	ADDING OUTDOOR SEATS	YES	PREV. APPROVED	PRIVATE	NO	YES	YES	YES	YES	YES	YES	N/A	

El Potro - The Commission provisionally approved this Temporary Outdoor Seating license, pending all required signatures

The Center for the Arts at the Armory - The Commission provisionally approved this Temporary Outdoor Seating license, pending all required signatures

Common Victualler
Continued from September 21, 2020

13.

Portuguese American Civic League
 26 Springfield St.
 Joseph Vasconcelos - Treasurer

Hours of Operation: To Serve Food and Alcohol Indoors and Outdoors (on Private Property)
Monday through Saturday from 8 a.m. to 1 a.m.
Sunday from 12 p.m. to 1 a.m.
(*AL20-000016)

**This is an amendment to an existing Private Club Alcohol license (AL17-000024). Citizen Serve does not have an amendment in application process for an existing alcohol license to apply for a Common Victualler*

Joseph Vasconcelos appeared for this application. Mr. Vaconcelos confirmed Only Club Members and Guests will be served Food and Alcohol indoors and outdoors under the licenses of the establishment.

The Commission provisionally approved this Common Victualler license, pending all required signatures

Common Victualler

14.

Neupane Inc.

D/B/A Mint Indian Eatery

868 Broadway

*Lokesh Adhikari

Hours of Operation: To Serve Food Indoors: Sunday through Saturday 11am – 11pm

(AL20-000019)

Old License Number AL17-000253

*New Owner under same Corporation Name

Lokesh Adhikari appeared for this application. Mr. Adhikari stated this restaurant has been open since 2016 and he was a partner, but now is the sole owner. The secretary stated his application indicates he wants outdoor seating and was sent an email pertaining to this. Mr. Adhikari states he will not be applying for outdoor seating at this time.

The Commission approved this Common Victualler License.

Existing License

All Forms Alcohol – Private Club License (Privately owned License)

Alteration of Premises

Permanent Outdoor Seating

On Private Property

15. Portuguese American Civic League, 26 Springfield St. requesting approval for an Alteration of Premises for Outdoor Private Patio Seating for 24 Seats.
(ALM20-000014)

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

Joseph Vasconcelos appeared for this application. Mr. Vaconcelos confirmed Only Club Members and Guests will be served Food and Alcohol indoors and outdoors under the licenses of the establishment.

The Commission provisionally approved this Permanent Outdoor Seating license, pending all required signatures

Existing License

All Forms Alcohol – City License – Enhancement Area, Chapter 142, Acts of 2016

Alteration of Premises

16. Area Celeste LLC D/B/A Celeste, 21 Bow St. requesting approval for an Alteration of Premises for expansion of premises to include 2nd and 3 floor levels for food service through a separate entrance.
(ALM20-000145)

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

Maria Rondo appeared for this application. Commissioner Allen has perused the plans and stated this was previously an apartment. Food would be moved through the side door and through the service entrance in the back. Commissioner Allen asked about the Zoning for this property and Ms. Rondo stated there were no problems with zoning. He also asked about handicap accessibility upstairs, Mr. Rondo stated upstairs was not handicap accessible, but the downstairs portion of the restaurant is and all ADA compliance is location on the 1st floor. Ms. Rondo stated she spoke with Lt. MacLaughlan about emergency issues and he was fine with the plan and accessibility. Lt. MacLaughlan stated he has not issues, but he believes ISD needs to signoff on this. Chairman Lynch asked how the patron accesses the 2nd floor. Ms. Rondo stated they would be escorted by the receptionist on the 1st floor up to the 2nd floor. He also asked how the food is delivered from the 1st to the 2nd floor. Ms. Rondo stated from the kitchen, the server would proceed to the side alley, that currently has the outdoor seating, which will be relocated upstairs, to the service entrance upstairs. This is about a 6 ft distance to the back service door. Chairman Lynch recommended Ms. Rondo discuss this with ISD and the Health Department, due to food being taken outside and brought upstairs. Ms. Rondo stated she has discussed this with the Health Inspector and she did not have issues with this and will be discussing this with ISD. Chairman Lynch also recommended Ms. Rondo speak with Brian Postlewaite in Engineering regarding ADA requirements. Lt. MacLaughlan was asked about sprinkler requirements and he stated that would be an ISD issue. The Secretary stated Al Bargoot sent an email on October 6th about an architect requirement and floor plan. Ms. Rondo said she was aware of this and is working on it. Mr. Luft asked if the outdoor seating will return in addition to the upstairs seating and will any access from Walnut St. be required. Ms. Rondo stated when the upstairs is ready, they would probably move the outdoor seating upstairs, and they do not currently have access to Walnut St.

The Commission approved this Alteration of Premises License

Existing Licensee (holds a City - Wine & Malt License)

NEW All Forms 7 Day Alcohol – City Wide License – Chapter 142, Acts of 2016

Change of License Category

Currently has a Wine & Malt License – City Wide, would like to exchange this for

A NEW All Forms Alcohol License,

Entertainment by Devices License, Change of Hours and an

Alteration of Premises

17. Ebi Sushi, 290 Somerville Ave. requesting approval for an All Forms 7 Day Alcohol License, Entertainment by Devices License, a Change of Hours and an Alteration of Premises

Proposed Hours to Serve Food and Alcohol:

Mon.-Fri: 11:30am-3:30pm (lunch)

5:00pm-1:00am (Dinner)

Sat-Sun: 11:30am-1:00am (open all day)

Current Hours to Serve Food and Alcohol (as stated on License):

Mon-Thu-11:30am-3:30PM, 5pm-10pm

Fri-11:30am-3pm, 5pm-10:30pm

Sat-11:30am-10:30pm

Sun-11:30am-10pm

Current Wine and Malt Restaurant License (AL17-000109) This license to be returned if All Forms Alcohol License is approved

(AL20-000020)

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

Estefania Ladner appeared for this application. Ms. Ladner stated they will be expanding their Sushi Bar and trying to expand capacity to 76 plus employees for a maximum of 90 inside. They will be adding a new bathroom and an ADA. Ms. Ladner has been in business since 2011 and she has had a Beer & Wine license since 2013, and they have just signed a new lease and hope to stay in Union Sq. They will be increasing from 64 seats to 76 seats. Jessica Eischelman spoke in favor of this license.

The Commission approved this All Forms Alcohol, Entertainment by Devices, Change of Hours Licenses and an Alteration of Premises pending all signoffs

Existing License
All Forms Alcohol – City License - Assembly Row
Change of Manager

18. Colwen Management, Inc. d/b/a The Row Hotel, 360 Foley St. requesting approval for a Change in Manager from: Jessica Bagliebter to Benjamin Simon (ALM20-000144)

Benjamin Simon appeared for this application. Chairman Lynch asked Mr. Simon if he was the manager of the Food License as well, Mr. Simon replied not yet. Chairman Lynch recommended he make sure all the paperwork is in order when he does become the Food License Manager.

The Commission approved this Change of Manager

Existing Alcohol License
Private License
All Forms 7 Day Restaurant License

Requesting
Change of D/B/A,
Change of Hours and Sunday Hours

Continued from September 21, 2020

19. Bergamot LLC d/b/a Bergamot, 118 Beacon St. requesting a Change of D/B/A from Bergamot to FAB and a Change of Hours
from: Food Service Indoors: Sun.-Sat. 5pm-10pm to: Sun.-Sat 7am-1am
from: Alcohol Service Indoors: Mon–Sat. 11am-1am and Sunday 12pm-1am to: No Change (ALM20-000140)

**Certified letter mailed on 10/5/2020 informing licensee that their presence is required at this meeting. See Agenda Item #10*

Keith Pooler appeared for this application. A discussion was held on the letter sent and appearing on the agenda under #10. The secretary stated the application is not yet complete. Mr. Pooler stated he is having computer issues. See additional notes under #10. The secretary stated there are different hours on his existing license.

The Commission provisionally approved this application, pending the completion of this application and department signoffs

TRANSFER OF LICENSE
Existing
Wine and Malt Package Store License

20. Lucy Grace LLC d/b/a Top Shelf at Assembly, 365 Canal St. requesting the Transfer of a Wine and Malt Package Store License from Everett Mart Inc. d/b/a Union Square Beer and Wine, 71 Union Sq. to Lucy Grace LLC d/b/a Top Shelf at Assembly, 365 Canal St.
(AL20-000017)

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

Attorney Mark Evlogiadis, Tim Panagopoulos, proposed manager, owner and LLC Manager and David Webster from Federal Realty Trust appeared for this application. Mr. Panagopoulos has a long history in the hospitality industry and has another package store in Boston named Top Shelf, since 2006. Assembly Row was looking for a market with the sale of beer and wine, Attorney Evlogiadis stated they wanted a local, smaller business to open, they have been open for approximately 2 years and it took some time to purchase a license. He states there is a need for this license. Mr. Panagopoulos states his store is always open, during snow storms and during the Marathon bombing. Chairman Lynch asked about any restrictions at Assembly Row. Attorney Evlogiadis stated he doesn't know of any restrictions, and Mr. Panagopoulos stated that it is a condition of their lease to be transparent. Chairman Lynch stated Federal Realty Trust has a square foot restriction of 9999, Top Shelf has 1600 sq. ft. Mr. Webster of Federal Realty stated they are in support of this license and this was their intention, to have this be part of the amenities and part of Top Shelf's services. Mr. Webster stated he believes this restriction is part of the legislation.

The Commission approved the Transfer of this Wine & Malt Package Store License