

**2011 Minutes of the Somerville Licensing Commission**



**2011 Minutes of the Somerville Licensing Commission**  
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**City of Somerville  
Licensing Commission**

**City Hall  
93 Highland Ave., 2<sup>nd</sup> floor  
Committee Room**

**Special Meeting  
Friday  
January 14, 2011  
9:00 A.M.**

Chairman Upton called the meeting to order. Present were Commissioner John J. McKenna and Administrative Assistant Jenneen M. Pagliaro.

**SPECIAL ALCOHOL LICENSES**

**Bloc 11 Café  
11 Bow St.**

Present: Jennifer Park, Will Gilson & Aaron Cohen

Ms. Park came before the Commission requesting approval of Special Alcohol Licenses for the purpose of dispensing and selling alcoholic beverages at a Pop Up Dinner Event to be held January 14, 15 & 16, 2011 from 7PM-9:30PM.

Bloc 11 Café will host a pop up dinner for approximately 70 people per event. This will be a formal dining experience consisting of a five course meal. Tickets will be \$60.00 each and will include wine with the meal.

Experienced servers will be dispensing the alcohol.

On a motion duly and seconded, it was

VOTED: to approve the Special Alcohol Licenses as submitted.

There being no further business, the meeting was adjourned.

Respectfully

Jenneen M. Pagliaro  
Administrative Assistant



**City of Somerville  
Licensing Commission**

**Senior Center  
Tufts Administration Building  
167 Holland Street**

**Regular Meeting  
Monday  
January 24, 2011  
6:00 p.m.**

**MINUTES**

Chairman Upton called the meeting to order. Present were Commissioner John J. McKenna, Inspector Warren Chaille & Administrative Assistant Jenneen M. Pagliaro

Minutes of the December 13, 2010 meeting were approved as presented.

**COMMUNICATION**

Massachusetts State Lottery Commission re: Keno-To-Go. The Commission took administrative notice.

**STATUS**

Present: Debra McLaughlin and Cesar Salado

Ms. McLaughlin from The Center for Arts at the Armory came before the Commission to give an update regarding the status of the transfer of the Wine and Malt license from The Dali Restaurant, approved by the Licensing Commission in 2010. This application is currently pending at the Alcoholic Beverage Control Commission.

Ms. McLaughlin stated that the application for the transfer of the Beer and Wine License was filed and approved at the April 2010 Licensing Commission Hearing.

A problem with the ABCC investigator handling the paperwork caused a delay in processing the application. The application was being held up until another investigator was assigned to the case.

The new investigator noted some forms were lost and/or incomplete and would have to be re-filed with the City and the State.

The Department of Revenue is currently holding up the application for tax problems with the Dali Restaurant. The Dali Restaurant did not file their tax returns on time.

The Dali Restaurant is in the process of clearing up the tax situation.

Chairman Upton motioned that the parties appear back before this Commission at the February 2011 meeting with documentation that the paperwork has been filed or is in the process of being filed with the DOR.

On a motion duly made and seconded,

It was Voted: to continue until February 28, 2011 hearing.

**COMMON VICTUALER LICENSES**

**Potato Freak-Not Your Average Potato**  
**102 Washington St.**  
**Leonico DaSilva**

Present: Leonica DaSilva

Mr. DaSilva came before the Commission seeking approval of a Common Victualer license at 102 Washington St.

Mr. DaSilva has restaurant experience.

Along with the application, a menu, floor plan and lease were submitted for the Commissioner's consideration.

On a motion duly made and seconded, it was

VOTED: to approve the Common Victualer license as presented.

**EBI Sushi**  
**290 Somerville Ave.**  
**Juan C. Vidal**

Present: Attorney Ken Levin & Juan Vidal

Atty. Levin, representing EBI Sushi came before the Commission requesting approval of a Common Victualer at 290 Somerville Ave.

Mr. Vidal has restaurant experience.

This is the former location of the Wuchon House Restaurant.



The business plans to be open in a few weeks.

Along with the application, a menu, floor plan and lease were submitted for the Commissioner's consideration.

On a motion duly made and seconded, it was

VOTED: to approve the Common Victualer license as presented.

**Oriental Chinese Restaurant**  
**513 Medford St.**

Present: Sheng Ping Ou

Mr. Ou came before the Commission to request a change of name on Common Victualer license. Business has recently incorporated. License to read Oriental Chinese Restaurant, Inc. d/b/a Oriental Chinese Restaurant, 513 Medford St. (currently under owners name).

On a motion duly made and seconded, it was

VOTED: To allow the name change as presented.

**ALL FORMS ALCOHOLIC BEVERAGES**  
**7 DAY RESTAURANT LICENSES**

**Change of DBA Name**

**New Asia Chinese Restaurant**  
**328 Somerville Ave.**

Present Sally Loh

Ms. Loh came before the Commission requesting a d/b/a name change from New Asia to Union Kitchen and Bar.

Ms. Loh stated this change will reflect a different menu and will be offering more Thai food.

Ms. Loh also stated she wants to change the floor plan. However she did not submit any paperwork to make these changes.

This hearing will be continued until next meeting, so Ms. Loh can submit the proper paperwork for the alteration to premises.

Voted to continue to February 28, 2011 hearing.

**Transfer of License**

**Razzy's, Inc.**

Present: Attorney Ann Vigorito & Binot Pradha

Atty. Vigorito representing Masala Inc. came before the Commission requesting approval to transfer the All Forms Alcoholic Beverages 7 Day Restaurant license from Razzy's, Inc. to Masala, Inc., and for an Entertainment license consisting of Musicians, D.J., Dancing, Karaoke, Audio and Television situated at 1127 Broadway, Somerville, MA

Ms. Vigorito stated that this restaurant will be serving gourmet Indian Food.

The hours will be 11AM-1AM, serving lunch and dinner.

The Chamber of Commerce is in support of the application.

On a motion duly made and seconded, it was

VOTED: To approve the transfer of the All Forms Alcoholic Beverages license and the Entertainment license.

**CLUB LICENSE**

**HEARING CONTINUED FROM DECEMBER 13, 2010 MEETING**

George Dilboy Post 529 Inc., VFW, 371 Summer St. requesting a change of location of the All Forms Alcohol Club License to 343-349 Summer St.

Attorney Richard DiGirolamo's Office requested a continuation of this hearing due to ongoing mediation.

On a motion duly made and seconded, it was

VOTED: To continue this matter until the February 28, 2011 meeting.

**VIOLATIONS**

**American Legion Post 388**  
**163 Glen St.**

Present: Assistant City Solicitor Jason Grossfield & David Duggar

American Legion Post 388 came before the Commission to show cause why the All Forms Alcoholic Beverages Club license of the above-referenced establishment should not be modified, suspended, revoked, or the hours during which sales of alcoholic

beverages may be made reduced for alleged violation of Somerville Licensing Commission Rules and Regulations to wit: -

Somerville Licensing Commission Rule 1.09.a. - It shall be the obligation of licensees to ensure that a high degree of supervision is exercised over the conduct of the licensed establishment at all times. Each licensee will be held accountable for all violations that are related to the licensed premises to determine whether or not the licensee acted properly in the given circumstances.

Somerville Licensing Commission Rule 1.09.b.- Licensees shall maintain compliance with all health and safety laws for the areas outside and contiguous to the licensed premises.

Somerville Licensing Commission Rule 1.09.d. -Licensees shall take such steps as are necessary to ensure that patrons or employees do not leave the premises with alcoholic beverages. Such steps may include, but are not limited to:

(1)Having an employee stationed at the door to watch patrons as they leave;

Somerville Licensing Commission Rule 1.09.e. - When any noise, disturbance, misconduct, disorder, act or activity occurs in the licensed premises, or in the area in front of or adjacent to the licensed premises, or in any parking lot provided by the licensee for the use of its patrons, which in the judgment of the Commission adversely affects the protection, health, welfare, safety or repose of the residents of the area in which the licensed premises are located, or results in the licensed premises becoming the focal point for Police attention, or is offensive to public decency, the licensee may be held in violation of the license and subject to proceedings for suspension, revocation or modification of the license.

(The date of the alleged offense was November 6, 2010).

Assistant City Solicitor Jason Grossfield read the Somerville Police report into the record. The report stated that on November 6, 2010 there were approximately 250 youths in and around the hall fighting and causing disturbances. The Police Department received a lot of calls from residents regarding the disturbances. A crowd was followed to Burger King on Somerville Ave. A group of individuals began fighting, which resulted in one arrest.

David Duggar stated that the Club is no longer renting to anyone under 21 years of age.

Based on the Police reports and the licensee's stipulation thereto, ASC Grossfield and Mr. Duggar settled on a joint recommended disposition:

\* Effective Friday, 1/28/11 through Sunday, 2/26/11, Licensee shall serve a 30-day rollback of hours to 11:00 PM on its All Alcohol Club License, excepting the date of January 30, 2011 to which a 12:00 AM rollback shall apply for a previously booked family party.

\* Effective Tuesday, 1/25/11 through Monday, 7/25/11 (6 months), licensee shall not use, or allow or permit the use of, the premises for any event which requires an entrance fee, cover charge, ticket or other similar entry ticket or fee, or for any event open to non-members which is operated, managed, controlled, conducted, or promoted for a for-profit purpose.

\* Effective immediately, no concert, dance, exhibition, cabaret or public show, including but not limited to any live entertainment such as disc jockeys, instruments, vocalists, dance performances, dance floors and karaoke equipment, of any description shall be conducted on the premises unless and until an entertainment license is obtained from the Licensing Commission.

Based on the Police report and the licensee's stipulation thereto, the Commission found Post 388 guilty.

On a motion duly made and seconded, it was

VOTED: To accept the recommended disposition of the City and the licensee, as offered by Asst. City Solicitor Jason Grossfield and Post 388 Commander David Duggar.

**Cibobella, Inc. d/b/a Sagra**  
**400 Highland Ave.**

Present: Assistant City Solicitor Jason Grossfield and George Tavares

Cibobella, Inc. d/b/a Sagra came before the Commission to show cause why the All Forms Alcoholic Beverages 7-Day Restaurant license, Common Victualer, Entertainment License of the above-referenced establishment should not be modified, suspended, revoked, or the hours during which sales of alcoholic beverages may be made reduced for alleged violation of Somerville Licensing Commission Rules and Regulations to wit:-

Somerville Licensing Commission Rule 1.09.e. - When any noise, disturbance, misconduct, disorder, act or activity occurs in the licensed premises, or in the area in front of or adjacent to the licensed premises, or in any parking lot provided by the licensee for the use of its patrons, which in the judgment of the Commission adversely affects the protection, health, welfare, safety or repose of the residents of the area in which the licensed premises are located, or results in the licensed premises becoming the focal point for police attention, or is offensive to public decency, the licensee may be held in violation of the license and subject to proceedings for suspension, revocation or modification of the license.

Somerville Licensing Commission Rule 1.05. (3)-Licensees must ensure that their patrons leave the premises in an orderly manner. Licensees who have a clientele that regularly fails to leave the area in a quiet and orderly manner must take appropriate steps which may include a police detail to supervise the leave-taking of the patrons at closing

time. Said police detail shall be in addition to, and not instead of, the licensees own personnel;

Somerville Licensing Commission Rule 1.12. a.- Premises licensed for the consumption of food or beverages at the premises are public places where members of the public are invited and expect to be treated in the same manner as in other public places with regard to the provision of a decent and non-offensive environment. Food and beverage licensees are not permitted to have, create, produce, or tolerate any environment at the premises that is intended to hold any person or any group of people up to ridicule or derision such that said person or said group of persons would not feel comfortable at the premises.

Somerville Licensing Commission Rule 1.12.a. h.- It is forbidden to employ or permit any person in or on the licensed premises to show motion picture films, television-type cassettes, still pictures, or other photographic reproductions depicting any of the acts or any simulation of any of the acts hereinbefore listed  
(The date of the alleged offense is November 28, 2010).

Police Inspector Chaille read the police reports into the record.

Officer Chaille stated that some inappropriate material had been playing on the televisions and the manager on duty was requested by the Police detail to turn the televisions off, However the manager did not comply with the officers request.

A large unruly crowd was gathering outside the establishment.

Three arrests were made.

ASC Grossfield stated this took a great deal of Police intervention to control. This is the second violation since December 2009.

The license was suspended in 2009.

ASC Grossfield made a recommendation to pull the 2AM license and for a 90 day rollback and to restrict the Entertainment license.

However Mr. Tavares would not agree to the recommended disposition.

Mr. Tavares submitted for the record a letter from the Police Officer on Detail at Sagra the evening of the incident. The letter contradicted the police reports. The letter stated that the establishment did everything they could do to try prevent this. Mr. Tavares also submitted for the record, the detail slip from that evening with a note on it stating "No Incidents". A slip from Comcast was also submitted stating that no movies had been rented that night.

The Police Officers who submitted the police reports were asked to attend the Licensing hearing, but neither officer could be in attendance.

ASC Grossfield feels the Police reports speak for themselves, but respects the Boards decision.

Mr. Tavares stated that this business is being transferred at the next Licensing Commission meeting.

On a motion duly made and seconded, it was

VOTED: To require Sagra to have an additional detail on Saturday nights and appear back before this Commission in 90 days time for a review. Also the 2AM license be rolled back to 11PM for 90 days. The 90 days to be held in abeyance. No violations for one year or the establishment will have to serve the 90 days and what ever else the Commission feels necessary.

This sanction to be vacated upon transfer of the license and The ABCC approval.

**COMMON VICTUALER LICENSES**

**Markandeshwar, LLC d/b/a Jimbo's Roastbeef**  
**40 Bow Street**  
**Harkirat Singh**

Present: Harkirat Singh

Mr. Singh came before the Commission requesting approval of a Common Victualer at 40 Bow St.

This will be a new owner with no other changes to the business.

Mr. Singh has restaurant experience.

Along with the application, a menu, floor plan and lease were submitted for the Commissioner's consideration.

On a motion duly made and seconded, it was

VOTED: to approve the Common Victualer license as presented.

**SPECIAL ALCOHOL LICENSES**

**Taza Chocolate**  
**561 Windsor St.**

Present: Stephanie Larason

Ms. Larason came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages at Second Glass Wine & Chocolate Pairing Seminar on February 3, 2011 from 6:30PM-8:30PM.

Police and Fire Details have been requested and experienced bar tenders will be dispensing the alcoholic beverages.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol License as presented.

**Taza Chocolate**  
**561 Windsor St.**

Present: Stephanie Larason

Ms. Larason came before the Commission requesting approval of Special Alcohol licenses for the purpose of dispensing and selling alcoholic beverages at Pop Up Restaurant Event to be held February 11, 12, & 13 & 2011 from 7PM-10PM.

Police and Fire Details have been requested and experienced bar tenders will be dispensing the alcoholic beverages.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol License as presented.

There being no further business, the meeting was adjourned.

Respectfully

Jenneen M. Pagliaro  
Administrative Assistant





**City of Somerville  
Licensing Commission**

**Senior Center  
Tufts Administration Building  
167 Holland Street**

**Regular Meeting  
Monday  
February 28, 2011  
6:00 P.M.**

Chairman Upton called the meeting to order. Present were Commissioner John J. McKenna, Inspector Warren Chaille and Administrative Assistant Jenneen M. Pagliaro.

**STATUS UPDATE (Continued from January 24, 2011 Meeting)**

Present: Cesar Salgado & Debra McLaughlin

Mr. Salgado of The Dali Restaurant came before the Commission to give a status update regarding the transfer of the Wine and Malt license to The Center for Arts at the Armory, approved by the Licensing Commission in 2010. This application is pending at the Alcoholic Beverage Control Commission. (Licensing Commission is requesting financial information from the Dali Restaurant).

Mr. Salgado submitted the paperwork requested at the last Licensing Commission Hearing.

Ms. McLaughlin announced that the ABCC has approved the transfer of the license on February 21, 2011.

This item is placed on File.

**Non- Renewal of Common Victualer license**

Buddy's, 113 Washington St.  
No Show

On a motion made and seconded,

Voted: To direct this issue to the Health Department to do a visit and fine as appropriate.

**SPECIAL ALCOHOL LICENSES**

Present: Alderman Sean O'Donovan

Ald. O'Donovan came before the Commission requesting approval of a Special Alcohol for the purpose of dispensing and selling alcoholic beverages for a Political Fundraiser to be held at The Center for Arts at the Armory, 191 Highland Ave. on March 11, 2011 from 7PM-11PM.

Experienced servers will be dispensing the alcoholic beverages.

Police and Fire Details have been requested.

Alderman Sullivan and Alderman Roche spoke in support of this event.

The Chamber of Commerce is in support.

John L. Sullivan is opposed to this beer and wine license.

On a motion duly made and seconded, it was

VOTED: To grant the Special Alcohol License as presented.

**Groundwork Somerville**

Present: Jennifer Lawrence

Ms. Lawrence came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for the 4<sup>th</sup> Annual Greening the City Gala to be held at The Center for Arts at the Armory, 191 Highland Ave. on March 25, 2011 from 7PM-10:30PM.

Experienced servers will be dispensing the alcoholic beverages.

Police and Fire Details have been requested.

John L. Sullivan is opposed to this beer and wine license.

On a motion duly made and seconded, it was

VOTED: To grant the Special Alcohol License as presented.

**Keshet, Inc.**

Present: Stephanie Lowitt

Ms. Lowitt came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for a Cabaret Fundraiser to be held at The Center for Arts at the Armory, 191 Highland Ave. on March 12, 2011 from 7PM-10:30PM.

Experienced servers will be dispensing the alcoholic beverages.

Police and Fire Details have been requested.

John L. Sullivan is opposed to this beer and wine license.

On a motion duly made and seconded, it was

VOTED: To grant the Special Alcohol License as presented.

**Hellenic Association of Somerville**  
**d/b/a Dormition of the Virgin Mary Greek Church**  
**29 Central St.**

Present: Mike Veveris

Mr. Veveris came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for A Wedding Reception to be held on June 4, 2011 from 3PM-9PM.

Experienced servers will be dispensing the alcoholic beverages.

Police and Fire Details have been requested but are not required.

On a motion duly made and seconded, it was

VOTED: To grant the Special Alcohol License as presented.

**COMMON VICTUALER LICENSE**

**Casa B**  
**253 Washington St.**

Present: Alberto Jockovich

Mr. Jockovich came before the Commission seeking approval of a Common Victualer license for Casa B at 253 Washington St.

Mr. Jockovich has restaurant experience.

This will be a family run restaurant serving Latin American Tappas.

Along with the application, a menu, floor plan and lease were submitted for the Commissioner's consideration.

On a motion duly made and seconded, it was

VOTED: To approve the Common Victualer license as presented.

**Broken Yolk**  
**136 College Ave.**

Present: Anthony D'Alelio

Mr. D'Alelio came before the Commission seeking approval of a Common Victualer license for Broken Yolk at 136 College Ave.

This is a new owner keeping the same floor plan and menu.

Mr. D'Alelio has restaurant experience.

Along with the application, a menu, floor plan and lease were submitted for the Commissioner's consideration.

On a motion duly made and seconded, it was

VOTED: To approve the Common Victualer license as presented.

**INNHOLDER LICENSE**

**Bowers Management, LLC**  
**d/b/a Bowers House**

Present: Christina Li

Ms. Li came before the Commission requesting approval to operate an Inn Holder license consisting of 3 bedrooms on 9 Bowers Ave.

Ms. Li stated she has Special Permits approved by the City.

This location has parking.

Alderman Gerwartz sent a letter in support of this application.

On a motion duly made and seconded, it was

VOTED: To approve the Innholder License as submitted.

**ALL FORMS ALCOHOL PACKAGE STORE LICENSE**

**Transfer of License**

**O'Brien's Liquors**  
**158 Highland Ave.**

Present: Attorney Neil Berman

Atty. Berman, representing VEID Corp. came before the Commission requesting approval of the transfer of O'Brien's Liquors All Forms Package Store License at 158 Highland Ave.

Atty. Berman stated that that this would be a new owner keeping the same name.

The business will be run the way it has in the past.

On a motion duly made and seconded, it was

VOTED: To approve the transfer of the All Forms Package Store License

**ALL FORMS ALCOHOLIC BEVERAGES**  
**7 DAY RESTAURANT LICENSE**

**Cibobella, Inc.**  
**d/b/a Sagra**

Present: Attorney Ann Vigorito & Dylan Welsh

Atty. Vigorito, representing SDH Associates Corp., d/b/a Five Horses Tavern came before the Commission requesting approval for the transfer of Cibobella, Inc. d/b/a Sagra's All Forms Alcoholic beverages 7 day restaurant license and for approval of a Common Victualer License and an Entertainment License consisting of Television and audio at 400 Highland Ave.

Atty. Vigorito stated that this business will be serving comfort food and 36 beers on tap.

The new owners will be doing some minor renovations.

Mr. Welsh has extensive restaurant experience.

The entertainment will consist of 5 televisions. They have no plans for bands or D.J.'s.

The Chamber of Commerce spoke in support.

On a motion duly made and seconded, it was

VOTED: To approve the transfer of the All Forms Alcoholic beverages 7 day restaurant license and for approval of a Common Victualer License and an Entertainment License.

**WINE AND MALT LICENSES**

**ONE AVAILABLE**

**Buk Kyung Restaurant**

**9A Union Square**

Present: Jennifer Lee

Ms. Lee came before the Commission requesting approval of a Wine and Malt Restaurant License for Buk Kyung Restaurant at 9A Union Sq.

Ms. Lee stated this is a family owned business operating for 10 years.

This is a Korean Cuisine.

Ms. Lee feels that there is a public need for a beer and wine license, being the only Korean Restaurant in Union Sq.

Rob May of OSPCD made no recommendation on this application.

Chairman Upton read a conflict of Interest statement into the record.

Ms. Lee made a motion to withdraw this application.

Motion to withdraw was approved.

**Las Brisas**  
**561 McGrath Highway**

Present: Attorney Richard DiGirolamo

Atty. DiGirolamo, representing Las Brisas came before the Commission requesting approval of a Wine and Malt Restaurant License at 561 McGrath Highway.

Atty. DiGirolamo stated that Las Brisas has been before the Commission on a few occasions looking to obtain an alcohol license.

The business has been opened since 2010 and has a long term lease with the landlord.

Atty. DiGirolamo feels this area needs some economic revitalization.

Las Brisas is committed to the neighborhood and has provided many job opportunities to the residents of East Somerville.

Ald. Roche spoke in favor of this application.

Ald. Sullivan spoke in favor of this application.

Rob May, OSPCD is recommending approval of this application.

Chamber of Commerce is in support.

Atty. DiGirolamo submitted for the record, 100 signatures in support.

A letter of support from Ald. Connolly was submitted for the record.

On a motion duly made and seconded, it was

VOTED: To grant the Wine and Malt License to Las Brisas

**Rodizio Brazilian Steak House**  
**129 Broadway**

Present: Attorney Joseph Hanley

Atty. Hanley, representing Rodizio Brazilian Steak House came before the Commission requesting approval of a Wine and Malt Restaurant License at 129 Broadway.

Atty. Hanley submitted for the record a letter of support from East Somerville Main Sts.

This is the only Brazilian restaurant in the area and there are not many Wine and Malt licenses in this neighborhood.

The owner has two other restaurants and has had no incidents.

A few neighbors spoke in support.

Rob May, OSPCD has made no recommendation for this application.

Atty. Hanley made a motion to withdraw this application.

Motion to withdraw was approved.

**CLUB LICENSE**  
**HEARING CONTINUED FROM JANUARY 24, 2011 MEETING**

George Dilboy Post 529 Inc., VFW, 371 Summer St. requesting a change of location of the All Forms Alcohol Club License to 343-349 Summer St.

Attorney Richard DiGirolamo's Office requested a continuation of this hearing.

On a motion duly made and seconded, it was

VOTED: To continue this matter until the April 25, 2011 meeting.

Minutes of the January 24, 2011 meeting were accepted as submitted.

There being no further business, the meeting was adjourned.

Respectfully submitted

Jenneen M. Pagliaro  
Administrative Assistant





**City of Somerville  
Licensing Commission**

**City Hall  
2<sup>nd</sup> floor Aldermanic Chambers  
93 Highland Ave.**

**Regular Meeting  
Wednesday  
March 30, 2011  
6:00 p.m.**

**MINUTES**

Chairman Upton called the meeting to order. Present were Commissioner John J. McKenna, Inspector Warren Chaille and Administrative Assistant Jenneen M. Pagliaro.

**COMMUNICATIONS**

Massachusetts State Lottery Commission re: Keno-To-Go. The Commission took administrative notice.

**COMMON VICTUALER LICENSES**

**Chobert LLC  
Subway #49185  
860 Broadway  
Christopher Cho**

Present: Christopher Cho

Mr. Cho came before the Commission seeking approval of a Common Victualer license for Subway, 860 Broadway.

Mr. Cho has restaurant experience.

Along with the application, a floor plan, menu and lease were submitted for the Commissioner's review and consideration.

On a motion duly made and seconded, it was

VOTED: to approve the Common Victualer license as presented.

**Fugoo Group, Inc.**  
**Subway #38774**  
**711-723 Somerville Ave.**  
**Fugen Li**

Present: Fugen Li

Mr. Li came before the Commission requesting approval of a Common Victualer license for Subway, 711-723 Somerville Ave.

Mr. Li has restaurant experience.

Along with the application, a floor plan, menu and lease were submitted for the Commissioner's review and consideration.

On a motion duly made and seconded, it was

VOTED: to approve the Common Victualer license as presented.

**SPECIAL ALCOHOL LICENSES**

**Trustees of Tufts College**  
**Tufts Catering**

Present: Eric Hamil

Mr. Hamel came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcohol beverages for Cambridge Orchestra Banquet Event to be held at the Alumnae Lounge, 40 Talbot Ave., on April 8, 2011 from 7PM-9PM.

Experienced servers will be dispensing the alcoholic beverages, Police and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

**St. Anthony's Parish**  
**12 Properzi Way**

Present: Vigil Figueiredo

Mr. Figueiredo came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcohol beverages for a Birthday Party to be held in the School Gymnasium on April 9, 2011 from 7PM-11PM.

Experienced servers will be dispensing the alcoholic beverages, Police and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

**ALL FORMS ALCOHOLIC BEVERAGES  
7 DAY RESTAURANTS**

**ALTERATIONS TO PREMISES**

**DEV Corporation, d/b/a Orleans Restaurant  
59-65 Holland St.**

Present: Attorney Ann Vigorito & Tom Devlin

Atty. Vigorito representing Orleans Restaurant came before the Commission requesting approval of a new floor plan.

There will be no change to seating capacity, just a new floor plan.

On a motion duly made and seconded, it was

VOTED: to grant the new floor plan

**NEW ALL FORMS ALCOHOLIC BEVERAGES LICENSE (ONE AVAILABLE)**

**Aguacate Verde LLC  
13 Elm St.**

Present: Attorney Adam Dash & Sylvia Delasota

Atty. Dash representing Aguacate Verde, 13 Elm St. came before the Commission requesting approval of an All Forms Alcoholic Beverages 7 Day Restaurant License and for an Entertainment License consisting of Dancing, Karaoke and Guitar playing.

Atty. Dash stated that Aguacate Verde has already applied for their Common Victualer license. They will keep the same staff. This business is located in Wilson Sq. The business has 28 seats.

This business feels it would need a license to survive.

The City is going to be renovating this area and Aguacate Verde is getting a new store front area.

Alderman O'Donovan sent in a letter of support for this application

The Building owner also sent a letter of support.

OSPCD is not recommending this application.

Aguacate Verde requested to withdraw this application. (Alcohol Only)

Application Withdrawn.

In regards to the Entertainment License

On a motion duly made and seconded, it was

VOTED: To approve the Entertainment License.

**Yuksel-Berti, Inc.**  
**d/b/a Istanbul'Lu**  
**237 Holland St.**

Present: Attorney Ann Vigorito, Arvina Akgun & Huseyin Akgun

Atty. Vigorito representing Istanbul 'Lu came before the Commission requesting approval of an All Forms Alcoholic Beverages 7 Day Restaurant License.

Atty. Vigorito stated this is the second attempt for a license. This is the only Turkish restaurant in Somerville. This establishment has been open for one year.

There is a lot of competition in the neighborhood and this license would also enhance the dining experience. This restaurant has 20 seats and serves breakfast on the weekends.

A Petition from the last time the applicant applied was submitted for the record.

Leon Stevens spoke in support of this application.

OSPCD is not recommending this application.

Istanbul'Lu requested to withdraw this application.

Application Withdrawn.

**Casa B, LLC**  
**253 Washington St.**

Present: Attorney Jared Chrislip & Alberto Cabre

Atty. Chrislip representing Casa B came before the Commission requesting approval of an All Forms Alcoholic Beverages 7 Day Restaurant License and for an Entertainment License consisting of audio.

Atty. Chrislip stated this is a new restaurant with two levels. One level for fine dining and the other for casual style dining and feel having a license would be beneficial to the development of the area.

An Open House was held with the Union Sq. Main Sts group. Mimi Grainey of The Union Sq. Main Sts spoke in support of this application.

Alderman Taylor is in support of this license.

106 signatures on an electronic petition were submitted.

Gregory Jenkins of the Arts Council spoke in support of this application,

Many neighbors spoke in support of this application.

OSPCD recommends this application for approval.

On a motion duly made and seconded, it was

VOTED: To grant the All Forms Alcoholic Beverages 7-Day Restaurant License to Casa B and to also grant the Entertainment License.

**CLUB LICENSE**

**HEARING CONTINUED FROM FEBRUARY 28, 2011 MEETING**

George Dilboy Post 529 Inc., VFW, 371 Summer St. requesting a change of location of the All Forms Alcohol Club License to 343-349 Summer St.

Attorney Richard DiGirolamo's Office requested a continuation of this hearing.

On a motion duly made and seconded, it was

VOTED: To continue this matter until the April 25, 2011 meeting.

Minutes of the February 28, 2011 meeting were accepted as submitted.

There being no further business, the meeting was adjourned.

Respectfully submitted

Jenneen M. Pagliaro  
Administrative Assistant







**City of Somerville  
Licensing Commission**

**Senior Center  
Tufts Administration Building  
167 Holland Street**

**Regular Meeting  
Monday  
April 25, 2011  
6:00 p.m.  
MINUTES**

Commissioner John J. McKenna called the meeting to order at 6PM. Present were Commissioner Vito Vaccaro, Inspector Joseph McCain and Administrative Assistant Jo-Ann DePrizio. (Chairman Upton was present at 7PM).

**COMMUNICATIONS**

Alcoholic Beverages Control Commission notifying the Board of the New Law regarding Crowd Managers for Section 12 licensees with an occupant load of 100 or more people. The Board took Administrative Notice and placed the communication on file.

**SPECIAL FARMER WINERY LICENSES**

**Lexington Consulting Group, Inc.  
d/b/a Turtle Creek Winery**

Present: Kipton Kumler

Mr. Kumler came before the Commission requesting approval of a Special Farmer Winery License to sell wine produced by the licensee for off-premises consumption at The Union Square Farmers Market to be held at the Union Square Plaza on Twenty-two consecutive Saturdays from June 4 thru October 29, 2011 from 9AM-1PM.

Mr. Kumler stated that another Winery would be applying at the next hearing and the two wineries will be alternating Saturdays.

On a motion duly made and seconded, it was

VOTED: To approve the Special Winery license as submitted.

**SPECIAL ALCOHOL LICENSES**

**Hellenic Association of Somerville**  
**d/b/a Dormition of The Virgin Mary Greek Orthodox Church**  
**29 Central St.**

Present: Eleni Raschi

Ms. Raschi came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages at a Dinner Dance Fundraiser on April 30, 2011 from 7:00PM-12:00AM.

Experienced servers will be dispensing the alcoholic beverages.

Police and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

**Redbones Barbecue**  
**55 Chester St.**

Present: Robert Gregory

Mr. Gregory came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for the Annual Bike Party & benefit to be held outdoors in front of 55 Chester St. on June 6, 2011 from 5PM-10PM (rain date June 13, 2011).

Experienced servers will be dispensing the alcoholic beverages.

Police and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

**COMMON VICTUALER LICENSES**

**Vej Naturals LLC d/b/a The Pulse Café**  
**195 Elm St.**

The Pulse Café came before the Commission requesting approval to change the hours of operation on the Common Victualer license to include Monday from 11AM-10PM.

On a motion duly made and seconded, it was

VOTED: to grant the change of hours on the Common Victualer license as submitted.

**Pic Nic Pizza Place**  
**1 Main St.**  
**Israel M. DeJesus**

Present: Israel M. DeJesus

Mr. DeJesus came before the Commission requesting approval of a Common Victualer license for Pic Nic Pizza Place at 1 Main St.

This is a new Owner with no other changes to business.

Along with the application, a menu, floor plan and lease were submitted for the Commissioner's consideration.

On a motion duly made and seconded, it was

VOTED: to approve the Common Victualer license as presented.

**Dhaulagiri Inc., d/b/a Yak & Yeti Café**  
**719 Broadway**

Present: Attorney Adam Dash

Atty. Dash, representing Dhaulagiri, Inc., d/b/a Yak & Yeti Café, 719 Broadway came before the Commission requesting approval of a Common Victualer license.

Along with the application, a menu, floor plan and lease were submitted for the Commissioner's consideration.

On a motion duly made and seconded, it was

VOTED: to approve the Common Victualer license as presented.

**ENTERTAINMENT LICENSES**

**Dhaulagiri, Inc.**  
**d/b/a Yak & Yeti Café**  
**719 Broadway**

Present: Attorney Adam Dash

Atty. Dash, representing Dhaulagiri, Inc., d/b/a Yak & Yeti Café, 719 Broadway came before the Commission requesting approval of an Entertainment License consisting of Radio and CD player/audio system.

On a motion duly made and seconded, it was

VOTED: to approve the Entertainment license as submitted.

**ALL FORMS ALCOHOLIC BEVERAGES**  
**7 DAY RESTAURANT LICENSE**

**2AM License Review**

(This Matter continued from Dec. 13, 2010 Hearing)

**Fasika**  
**145-147 Broadway**

Present: Befedadu Defar

Mr. Defar came before the Commission for a six month review of the 2AM License. This was a request made by the Board in December 2010.

Mr. Defar stated that their have been no problems.

Inspector McCain stated no issues to report.

On a motion duly made and seconded, it was

VOTED: to extend the 2AM license to December 2011.

**VIOLATION**

Present: Assistant City Solicitor Jason Grossfield & Sally Loh

Ms. Loh of New Asia Restaurant, 324-328 Somerville Ave. came before the Commission to show cause why the All Forms Alcoholic Beverages 7-Day Restaurant license, Common Victualer, Entertainment License of the above-referenced establishment should not be modified, suspended, revoked, cancelled or the hours during which sales of alcoholic beverages may be made reduced for alleged violation of Somerville Licensing Commission Rules and Regulations to wit:-

Somerville Licensing Commission Rule 1.06. a. No licenses shall be issued or shall be considered in good standing unless licensed premises comply with all statutory requirements, including all applicable building codes, and fire, health, safety, trash, and other government regulations and laws.

Somerville Licensing Commission Rule 1.06. b. The licensed premises shall conform to the floor plan approved by the Commission with regard to the structures and the walls at the premises, as well as with regard to all tables, chairs, booths, bars, counters, barstools, dance floors or areas, railing partitions, and other barriers at the premises. Any changes in the floor plan or any renovations of any kind may not be made without notification to the Commission and the prior approval of the Commission. The floor plan shall be drawn to scale. It shall include the location and dimensions of all equipment, fixtures and furniture and otherwise be satisfactory to the Licensing Commission.

Somerville Licensing Commission Rule 1.06. c. All premises covered by the license shall be kept in a clean and sanitary condition at all times:

(1) No service of alcoholic beverages shall be made to any person in a Hotel, Restaurant, Tavern or Club in a glass or any other container which has not been thoroughly cleansed and properly sterilized prior to such service. Hotels, Restaurants, Taverns and Clubs, licensed to sell alcoholic beverages, shall be provided with an adequate supply of running hot and cold water and soap and towels, at all times readily accessible, to thoroughly cleanse the hands of persons employed in such licensed premises. All glasses, dishes, silverware and other utensils used in such licensed places for service of food or alcoholic beverages shall be thoroughly cleansed after service to each patron and subjected for at least five minutes to the germicidal action of clean water heated to and maintained at a minimum of 160 degrees Fahrenheit. Equally effective methods of germicidal action by the use of heat, hot water, steam or mechanical devices may be substituted. After being cleansed and sterilized glasses, dishes, silverware and other utensils shall be packed or stored or arranged in such manner as not to become contaminated before again being used;

Somerville Licensing Commission Rule 1.06. j. All areas of the licensed premises that are intended for use by members of the general public shall be readily accessible to all patrons of the licensed establishment by way of clearly marked doorways or passageways by which patrons may travel unimpeded by doors, equipment, furniture or other materials. Without the express approval of the Licensing Commission, the licensee shall not establish areas of the licensed premises that are intended for public use but which are, by design or appearance, separate premises not readily accessible from one to the other from the interior of the structure.

Somerville Licensing Commission Rule 1.07. 1. Any alcoholic beverage licensee intending to close its place of business for a short or long term must receive prior approval from the Commission and, therefore, must notify the Commission in writing before such closing and state the reason for such closing.

Somerville Licensing Commission Rule 1.15. a. Any license issued pursuant to General Laws Chapter 138 and Chapter 140 for the service of food or beverages to the public may be modified, suspended, revoked, or have their operating hours reduced for any of the following causes:

- (1) fraud, misrepresentation, false material statement, concealment or suppression of facts by the licensee in connection with an application for a license or permit or for renewal thereof or in connection with an application for the removal of the licensed premises or the alteration of the premises or in connection with any other petition affecting the rights of the licensee or in any interview or hearing held by the Commission in connection with such petition, request, or application affecting the rights of the licensee;
- (2) failure to operate the premises covered by the license;

Somerville Licensing Commission Rule 1.17 a. Licenses are granted to serve the public need and to that end licensees are expected to operate the licensed premises for a substantial number of hours on all days when the premises are permitted to be open under the terms of the license. In the case of alcoholic beverages licenses, the numbers of which are limited according to statute, no alcoholic beverages licensee may close its place of business for any reason other than the following:

- (1) upon request to the Commission for closing in order to do renovations after approval by the Commission for such renovations and for a reasonable time of closing in order to perform the renovations;
- (2) to comply with the ABCC's annual calendar of holidays and Sunday package store openings;
- (3) a closing of one or more days per week upon approval of the Commission pursuant to licensee's request and a showing by licensee that it does not have adequate business upon such days;
- (4) a closing due to an act of God or an illness or some other business problem for which request has been made to the Commission and approval granted.

Inspector Joseph McCain read the Police report into the record. The report stated that the license was not being used and sanitation codes were being violated and changes were made to the floor plan without permission.

Ms. Loh stated that she applied for Outdoor Seating thru the Board of Alderman in May of 2011. She was denied and feels the City should help her out. Ms. Loh has 4 employees. Ms. Loh stated that the Police reports are inaccurate.

Commissioner McKenna made a motion for the Licensee to serve a 3 day suspension of the liquor license and a 7 day rollback of the hours of the liquor license from 1:00AM to 9:00PM, to be served on dates specified at the May meeting.

The motion was seconded.

Asst. City Solicitor Grossfield and Sally Loh came to a joint recommended disposition and included Commissioner McKenna's motion.

The Commission voted to accept the recommended disposition of the City and the licensee, as offered by Assistant City Solicitor Jason Grossfield and Sally Loh, with an additional rollback period, and sanctioned the establishment as follows:

- (1) The Licensee shall submit a complete application to the Licensing Commission to obtain approval of the change of floor plan, including bar area, at the premises, within 7 days.
- (2) The Licensee shall reopen its business within 20 days, by May 15, 2011, in compliance with all applicable laws and shall work to obtain the required permits within that time. At its May meeting, the Commission shall review whether the licensee is open for business and in compliance with all applicable laws as cited in the April 8, 2011 Notice of Hearing.
- (3) Failure to open for business within 20 days may result in the Commission revoking the common victualler license, entertainment license and/or canceling the liquor license at its May meeting, currently scheduled for May 16, 2011.
- (4) Upon opening for business, the licensee shall serve a three (3) day suspension of its liquor license and a seven (7) day rollback of the hours on its liquor license from 1:00AM to 9:00PM, to be served on dates specified at the Commission's May meeting.

On a motion duly made and seconded, it was

VOTED: to accept the recommended disposition with the additional change.

**CLUB LICENSE**

**HEARING CONTINUED FROM MARCH 30, 2011 MEETING**

George Dilboy Post 529 Inc., VFW, 371 Summer St. requesting a change of location of the All Forms Alcohol Club License to 343-349 Summer St.

Attorney DiGirolamo & Commander Robert Hardy spoke on behalf of Dilboy Post. Atty. DiGirolamo stated that in August of 2010, when the original application was filed with the Commission the building was going to be 4 stories and have a roof deck. The plan has changed to 3 stories, no deck and the location moved towards Summer St. The Post will be on two levels. There will be no windows in the rear of building. The new Post will have a total of 57 spaces, 42 for Dilboy Post and 15 will be rented out. The Post has an average of 170 events a year and most are for charity.

Commissioner Vaccaro requested to see the Real Estate Development agreement made with the Dilboy Post and wants to know how the Post went about getting this agreement approved and are if all the VFW members are in agreement with the new plan.

Atty. Dash had an issue with the agreement between the Real Estate Development and the Dilboy Post and noted that the agreement had expired Feb. 28, 2011.

The Commission requested that at the May 16, 2011 Hearing the new agreement should be submitted to the Commission for review.

Mr. O'Shea, a neighbor spoke against this application.

Atty. Dash stated that there will be 20 conditions from the Zoning Department in regards to this project. Part of this development will be in a RA Zone. He also stated that the neighbors are not aware of any MBTA approval in regards to this development.

Upon a motion duly made and seconded, it was

VOTED: to continue this matter to the May 16, 2011 Hearing and the new plans are to be submitted.

**Late Items**

**St. Anthony's Parish**  
**12 Properzi Way**

Present: Father Ademir Guerini

Father Guerini came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages at a Mother's Day Celebration on May 7, 2011 from 8:00PM-12:00AM.

Experienced servers will be dispensing the alcoholic beverages.

Police and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

**St. Anthony's Parish**  
**12 Properzi Way**

Present: Father Ademir Guerini

Father Guerini came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages at a Wedding Celebration on May 21, 2011 from 7:00PM-11:00PM.

Experienced servers will be dispensing the alcoholic beverages.

Police and Fire Details have been requested.



On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

There being no further business, the meeting was adjourned,

Respectfully

Jenneen M. Pagliaro  
& Jo-Ann DePrizio  
Administrative Assistants



**City of Somerville  
Licensing Commission**

**Senior Center  
Tufts Administration Building  
167 Holland Street**

**Regular Meeting  
Monday  
May 16, 2011  
6:00 p.m.**

**MINUTES**

Chairman Andrew Upton called the meeting to order. Present were Commissioners Vito Vaccaro, John J. McKenna, Inspector Joseph McCain and Administrative Assistant Jenneen M. Pagliaro.

Minutes of the March 30, 2011 meeting were approved as presented.

**SPECIAL FARMER WINERY LICENSES**

**David W. Neilson  
d/b/a Coastal Vineyards**

Present: David Neilson

Mr. Neilson came before the Commission requesting approval of a Special Farmer Winery License to sell wine produced by the licensee for off-premise consumption at the Union Square Farmers Market to be held at the Union Square Plaza on Twenty-Two consecutive Saturdays from June 4 thru Oct. 29, 2011 from 9AM-1PM.

Mr. Neilson stated that he did participate in the Winters Market and had no issues.

Coastal Vineyards will be alternating Saturdays with Turtle Creek Winery.

On a motion duly made and seconded, it was

VOTED: to approve the Special Farmer Winery license as submitted.

**SPECIAL ALCOHOL LICENSES**

**Trustees of Tufts College  
d/b/a Tufts Catering**

Present: Eric Hamil

Mr. Hamil came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for the Class of 1971 Reunion, Reception & Dinner to be held at 40 Talbot Ave. on May 21, 2011 from 6:30-10:30PM.

Experienced servers will be dispensing the alcohol.

Police and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

**Trustees of Tufts College**  
**d/b/a Tufts Catering**

Present: Eric Hamil

Mr. Hamil came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for the Fletcher School BBQ to be held at Fletcher Field, Professor's Row on May 20, 2011 from 7:00PM-10:00PM.

Experienced servers will be dispensing the alcohol.

Police and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

**St. Anthony's Parish**  
**12 Properzi Way**

Present: Father Ademir Guerini

Father Guerini came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages at The St. John's Feast to be held on June 25, 2011 from 7:00PM-12:00AM.

Experienced servers will be dispensing the alcohol.

Police and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

**St. Anthony's Parish**  
**12 Properzi Way**

Present: Father Ademir Guerini

Father Guerini came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for a 25<sup>th</sup> Anniversary Party to be held on May 28, 2011 from 9:00PM-12:00AM.

Experienced servers will be dispensing the alcohol.

Police and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented

**COMMON VICTUALER LICENSES**

**Blanca's Bakery**  
**85B Broadway**

Present: Raul Pleitez

Mr. Pleitez came before the Commission requesting approval of a Common Victualer at 85B Broadway.

This is an existing business that is adding seating.

Along with the application, a menu, floor plan and lease were submitted for the Commissioner's consideration.

On a motion duly made and seconded, it was

VOTED: to approve the Common Victualer license as presented.

**ALL FORMS ALCOHOL BEVERAGES**  
**7 DAY RESTAURANT LICENSES**

**Change of Manager, Transfer of Stock**  
**And Alterations to Premises**

**Federal Wine and Spirits Belmont, Inc.**  
**d/b/a Journeyman Restaurant**  
**9 Sanborn Court**

Present: Sayway Lim

Mr. Lim came before the Commission requesting approval for a Change of Manager to Margaret Grady-Troia, Transfer of Stock to Dennis Clark and Alteration to Premises.

Mr. Lim stated they need to do a Transfer of stock to fund the Alterations to the premises.

The restaurant would expand from 1,500 sq. feet to 2,900 sq. feet. They will be adding a bar area.

A Petition of 20 signatures in support was submitted for the record.

Union Square Main Streets are in support.

Upon a motion duly made and seconded, it was

VOTED: to approve Change of Manager, Transfer of Stock and Alterations to Premises.

**STATUS**

**Patrick Buben**  
**d/b/a Deco Restaurant**  
**425 Washington St.**

Present: Attorney Richard DiGirolamo

Atty. DiGirolamo, representing Deco Restaurant, came before the Commission to give a status update as to why the restaurant is not open as of yet.

This License was transferred in 2010 from The Kirkland Café.

The Alcoholic Beverages Control Commission has not approved it due to Tax Issues.

Atty. DiGirolamo stated that this establishment is being renovated and they plan to be open by the end of the year.

Chairman Upton stated the Board will give the new owner more time to clear up the tax issues and they must appear back before this board at the June meeting with another status update.

**Viz, Inc. d/b/a Choices,**  
**379-381 Somerville Ave.**

Present: Victor Ortiz

Mr. Ortiz came before the Commission for a 2AM license review (This matter continued from November 2010 Hearing, required to have one mandatory detail officer every Friday and Saturday night for 6 months time).

Mr. Ortiz stated that the details have been going unfilled and business has been slow.

Inspector McCain agreed that the details have been going unfilled and they have not had too many issues. The main issue is with the patrons not leaving in an orderly fashion.

Inspector McCain feels the mandatory details are not necessary. The establishment should just hire details as needed.

A motion was made to require details for Saturday nights only and drop the Friday night detail and to review again at the annual 2AM review hearing.

On motion duly made and seconded, it was

VOTED: to require mandatory Saturday night details until next annual review.

**New Asia Restaurant**  
**324-328 Somerville Ave.**

Present: Attorney Richard DiGirolamo & Sally Loh

Atty. DiGirolamo representing New Asia came before the Commission to give status report per the Violation hearing from April 25, 2011.

Atty. DiGirolamo stated New Asia is back before the board regarding a hearing from the April 25, 2011 meeting. Ms. Loh wanted to change the floor plan and add a bar, However Ms. Loh didn't have the current building permits to do so.

Atty. DiGiorlamo requested that the board consider hearing this matter at the June meeting and if New Asia is not ready to open they will have a Purchase and Sale in place and have a prospective buyer.

The Commission heard testimony from Licensing Commission Officer Joseph McCain indicating that the establishment was not open for business as of this past weekend. The Commission also received a memorandum from Rob May, Director of Economic Development, stating that subsequent to the Commission's above-referenced Decision, the Inspectional Services Division was again called to the establishment due to a report of

construction without a building permit in violation of a prior Stop Work Order, and a second Stop Work Order was issued. The memorandum notes that the health/sanitary code violations previously identified by the Health Department have not been corrected. Assistant City Solicitor Jason Grossfield reviewed the licensee's violation history before the Commission dating back to 2010.

Based on the testimony and documentation before the Commission, it had been determined that New Asia failed to meet the requirements on the April decision, in addition to the Somerville Licensing Commission Rules and Regulations cited therein,

On a motion duly made and seconded, it was

VOTED: The Common Victualer License and the Entertainment Licenses held by New Asia at 324-328 Somerville Ave. be REVOKED effective immediately AND to continue the hearing on the status of the All Forms Alcohol License at the June 20, 2011 meeting.

**Alterations to Premises**  
**D/B/A Name Change**

New Asia Restaurant, 324-328 Somerville Ave. requesting approval for alterations to the premises and change of d/b/a to Union Kitchen and Bar. ( see above, no action taken on this).

**CLUB LICENSE**  
**HEARING CONTINUED FROM APRIL 25, 2011 MEETING**

**George Dilboy Post 529 Inc.**  
**VFW, 371 Summer St.**

Present: Attorney Richard DiGirolamo & Attorney Adam Dash

George Dilboy Post 529, Inc., VFW came before the Commission requesting a change of location of the All Forms Alcohol Club License to 343-349 Summer St.

The hearing was opened with a statement from Alderman Gerwartz.

Ald. Gerwartz stated that she was concerned with all the continuations of this hearing and felt that doing so made it difficult for the members of the community to participate. She questioned if the plans have changed with the Zoning Board, wouldn't the applicant need to submit new paperwork and was also wondering why the paperwork that was requested to be submitted to tonight's hearing was not submitted until this afternoon.

Andrew stated the Board was waiting on a one page document, which is only the extension of the development agreement and the substance of the agreement hasn't



changed, this is just extending the time frame on the agreement. They are allowed to submit paperwork right before the meeting if they wish.

Commission McKenna suggested that the neighbors should use technology to keep up with what is going on.

Ald. Gerwartz feels that the developers should have more contact with the neighbors.

Atty. DiGirolamo spoke on behalf of the applicant George Dilboy Post 529.

Atty. DiGirolamo spoke in response to Ald. Gerwartz comments and stated that they had no intent to continue this hearing indefinitely. The continuations were due to mediation and that only two members were sitting on the Board for the last couple of meetings. Atty. DiGirolamo also stated that they have had a number of meetings with the neighbors and have never refused to meet with the neighbors. Atty. DiGirolamo did provide the board an amendment to the real estate agreement, this is not an application, just extending the deadline.

The plan is to break ground in the next several months. They just need approvals to begin.

Commissioner Vaccaro was concerned, if this took more than a year would they have to come back to the Board and could the Board put that on as a condition?

Chairman Upton stated that is possible but that is already in the rules and they would have to come back before the Commission if they tried to move it again.

Atty. DiGirolamo stated there is no chance of this happening. This move was made to pull building away from residential abutters.

Chairman Upton noted for the record, Ald. Gerwartz had several good points about the importance on notice and continuance, but throughout the process there have been no defects in notice, everyone has been noticed appropriately and constantly. Further the continuances were based on representations from both parties, that they were continuing mediation. They wanted more time, see no issue with the notice and continuance and for the record they did submit the new plans on February 16, 2011. Whether or not their was enough outreach to the Community discussion and interaction will be weighed on the merit based on testimony and that is a legitimate concern for the Board members and they should take that into consideration when they vote.

Atty. DiGirolamo stated that through the mediation process substantial changes were made to the plan. The height of building was brought down and we feel we have made progress. A lot of people would agree that this is a better proposal than the last one. We feel like progress was made but we didn't satisfy 100 percent of the people, but we have satisfied many people.

Attorney Dash, representing the Summer Street action Committee, stated some changes were made and it is better but there are still too many issues with parking, outdoor activities a larger VFW etc. Some changes were made but feels mediation was not a success.

Angela Ramey a resident of Hawthorne St. stated she was suppose to receive legal notice of the hearing but was never notified. Ms. Ramey stated she has a copy of the abutters list and she and some of the other neighbors are not listed.

Chairman Upton stated that the Board does not control the list and that is not a function of the Board and if you wish to raise that issue you would have to figure out how to do that.

It is not up to the applicant to check the list.

Ms. Ramey is concerned about the noise and the lack of notice.

Tom Bok voiced concerns with the plans changing and stated that Zoning made them do a new application.

Atty. DiGirolamo stated you can't have two applications pending with the Zoning Board and that is why they submitted a new one.

Chairman Upton stated that the Licensing Commission requirements are not the same as Zoning and the Licensing Commission was provided with the new plans.

Mr. Bok feels it isn't urgent to move on this at this point since there is still a lot of discussion still going on.

Chairman Upton stated the Board has a legal obligation to vote on this.

Nancy Iappini was also concerned with the abutter's notices.

Atty. Dash stated they are concerned that the agreement with VFW and Developer doesn't reflect the new plan. T they have not demonstrated site control. Atty. Dash feels the Zoning Bd. Should vote first and the Licensing Commission should vote next just in case changes are made after the fact.

Commissioner McKenna noted the system is not perfect.

Atty. DiGirolamo stated the VFW meets the criteria and they have been at this location for 80 years and the place is falling apart. They need a new building and feels the applicant is worthy of the transfer.

Charles Robinson, abutter stated he was not notified or invited to the mediation and has concerns with the process.

George O'Shea stated since they have a change of foot print they should file a new application.

Robert Hardy, Commander of VFW stated they have already met most of the Zoning Board conditions.

Commissioner McKenna made a motion to allow transfer of location as amended by the plan submitted on Feb. 16, 2011.

Commissioner Vaccaro seconded this motion.

Motion approved.

VOTED: to allow the change of location transfer of the club license.

Chairman Upton chose abstention and did not vote on this and feels there are some legitimate concerns from the neighbors but the Veterans do deserve consideration for all they do for us.

**Late Items**

**Bull McCabe's**  
**366A Somerville Ave.**

Present: Brian Manning

Mr. Manning came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for an Outdoor Festival to be held in the Parking lot at 366 Somerville Ave. on June 11, 2011 from 3PM to 10PM.

Mr. Manning stated this festival would be held in the Family Center Parking lot.

This event will be open to the public, some of the profits will go towards the Family Center.

Experienced servers will be dispensing the alcohol.

Police and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

There being no further business, the meeting was adjourned.

Respectfully

Jenneen M. Pagliaro  
Administrative Assistant



**City of Somerville  
Licensing Commission**

**Senior Center  
Tufts Administration Building  
167 Holland Street**

**Regular Meeting  
Monday  
June 20, 2011  
6:00 p.m.**

Chairman Andrew Upton called the meeting to order. Present were Commissioners Vito Vaccaro, John J. McKenna, Inspector Joseph McCain and Administrative Assistant Jenneen M. Pagliaro.

Minutes of the April 25, 2011 & May 16, 2011 meetings were accepted as submitted.

**COMMON VICTUALER LICENSES**

**Lucas Lin Company, Inc.  
D/B/A Zoe's Restaurant  
296 Beacon St.**

Present: Meiheui Hu & Li Qin Lin

Meiheui Hu representing Lucas Lin Co., Inc. d/b/a Zoe's Restaurant came before the Commission requesting approval of a Common Victualer license at 296 Beacon St.

Mr. Lin has restaurant experience.

Along with the application, a menu, floor plan and lease were submitted for the Commissioner's consideration.

On a motion duly made and seconded, it was

VOTED: to approve the Common Victualer license as presented.

**SPECIAL FARMER WINERY LICENSES**

**Westport Rivers, Inc.**

Present: Robert Russell

Mr. Russell came before the Commission requesting approval of a Special Farmer Winery License to sell wine produced by the licensee for off-premise consumption at the Davis Square Farmers Market to be held at Day & Herbert Sts. on Wednesdays May 25, 2011 thru November 23, 2011 from 12PM-6PM.

On a motion duly made and seconded, it was

VOTED: to approve the Special Winery License as submitted.

**SPECIAL ALCOHOL LICENSES**

**Portuguese American Civic League**  
**26 Springfield St.**

Present: Mr. Mendoza

Mr. Mendoza came before the Commission requesting approval of Special Alcohol licenses for the purpose of dispensing and selling alcoholic beverages for the Annual Feast to the Holy Spirit to be held in Parking lot across from the club at 26 Springfield St. on July 8, 2011, July 9, 2011 from 7PM-12AM and July 10, 2011 from 3PM-12AM.

Experienced servers will be dispensing the alcoholic beverages.

Police and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

**Redbones Barbecue**  
**55 Chester St.**

Present: Robert Gregory

Mr. Gregory came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for the Annual Block Party to be held outdoor at Chester St. to Herbert St. Intersection on Monday August 1, 2011 from 5PM-10PM. (Rain Date Aug. 8, 2011).

Experienced servers will be dispensing the alcoholic beverages.

Police and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

**ALL FORMS ALCOHOLIC BEVERAGES**  
**7 DAY RESTAURANT LICENSE**

**Extension of Premises**

**Sally O'Brien's**  
**335 Somerville Ave.**

Present: Liam Mannion

Mr. Mannion came before the Commission requesting approval to serve alcoholic beverages in the outdoor seating area.

Mr. Mannion stated they would have four tables on sidewalk and two tables near the door to accommodate 16 people.

On a motion duly made and seconded, it was

VOTED: to grant the Extension of premises to serve alcohol at the outdoor patio.

**Change of Hours**

**Alpine Restaurant Group, Inc.**  
**d/b/a Pizzeria Posto**  
**187 Elm St.**

Present: Joseph Cassinelli

Mr. Cassinelli came before the Commission requesting approval to change hours of operation for Thursday-Saturdays until 1AM and Sunday-Wednesday until 11PM. The hours are currently 7 days a week until 11PM. This license had conditions on the hours from the Zoning Board. The ZBA has recently approved these new hours.

These hours were set by the Zoning Board.

The Chamber of Commerce is in support of this change.

Upon a motion duly made and seconded, it was

VOTED: to change the hours as submitted.



**Status Hearing Continued From May 16, 2011**

**Patrick Buben d/b/a Deco Restaurant**  
**425 Washington St.**

Present: Attorney Richard DiGirolamo

Atty. DiGirolamo, representing Patrick Buben, d/b/a Deco Restaurant came before the Commission to give a status update on the All-Forms Alcoholic Beverage License.

Atty. DiGirolamo stated that Mr. Buben is in the process of clearing financial issues with the Department of Unemployment Assistant and has instructed the Licensing Commission's Administrative Assistant to file the reconsideration form with the Alcoholic Beverages Control Commission.

The Board feels that this approval is taking far too long.

A Motion was made to continue this matter for a status report at the October 17, 2011

Motion seconded.

**Violation Hearing Continued From May 16, 2011**

**New Asia Restaurant**  
**324-328 Somerville Ave.**

Present: Attorney Richard DiGirolamo

Atty. DiGirolamo, representing New Asia Restaurant came before the Commission in regards to the status of the All Forms Alcoholic beverages license.

This hearing was continued from the May 16, 2011 meeting.

Atty. DiGirolamo stated that this license is going to be sold and is under agreement. The paperwork will be filed at an upcoming Licensing Hearing.

Chairman McKenna Motioned that based on the history of the applicant, this matter should be heard again in three months or until the transfer is approved.

Motion seconded.

**Compliant Hearing**

**George Dilboy Post VFW**  
**371 Summer St.**

Present: Attorney Richard DiGirolamo

This hearing is for complaints regarding abutters not being noticed.

Chairman Upton opened the hearing for abutters to speak on this issue.

Angela Lareme stated that many direct abutters were not notified as according to MGL 's of the hearing for transfer of the location. The abutters are asking for reversal of decision from the previous Licensing meeting.

For the record Atty. DiGirolamo's office submitted a new list they obtained this afternoon from the Assessor's office. The new list is different. The new list has the missing names on it. Atty. DiGiorlamo stated that back in February he contacted the Assessors office for a new list for 351 Summer St. and was told that the new address had the same names as the old one did.

Atty. DiGirolamo has decided to refile the application again for the July hearing.

A motion was made to REVOKE the Descision to approve the change of location.

Motion was seconded.

The decision was revoked with out prejudice to the applicant.

**Discussion of Return No Action Letter from ABCC**

**Las Brisas**  
**561 McGrath Highway**

Present: Attorney Ann Vigorito

Atty. Vigorito, representing Las Brisas came before the Commission to discuss RNA letter from The ABCC in regards to the Wine and Malt license granted by the City in February and pending State approval.

Atty. Vigorito stated that the ABCC was requesting additional documents which will be given to The Licensing Commission Administrative Assistant for submission.

The Commission will look forward to future updates.

There being no further business, the meeting was adjourned.

Respectfully  
Jenneen M. Pagliaro  
Administrative Assistant





**City of Somerville  
Licensing Commission**

**Senior Center  
Tufts Administration Building  
167 Holland Street**

**Regular Meeting  
Monday  
July 18, 2011  
6:00 p.m.**

**MINUTES**

Chairman Andrew Upton called the meeting to order. Present were Commissioners Vito Vaccaro, John J. McKenna, Inspector Joseph McCain and Administrative Assistant Jenneen M. Pagliaro.

Minutes of the June 20, 2011 meeting were accepted as submitted.

**SPECIAL ALCOHOL LICENSES**

**Galwegan, Inc.  
d/b/a The Burren**

Present: Dessy Rushe

Mr. Rushe came before the Commission requesting approval of Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for a Music Festival to be held in Grove St. Parking lot behind The Burren on August 28, 2011 from 12PM-8PM.

Experienced servers will be dispensing the alcoholic beverages.

Police and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

**COMMON VICTUALER LICENSES**

**Yoshi's Japanese, Korean Cuisine  
132 College Ave.**

Present: Andrea Kor & Qing Xiong Pang

Ms. Kor, representing Yoshi's Japanese, Korean Cuisine, came before the Commission requesting approval of a Common Victualer license at 132 College Ave.

Along with the application, a menu, floor plan and lease were submitted for the Commissioner's consideration.

On a motion duly made and seconded, it was

VOTED: to approve the Common Victualer license as presented

**ALL FORMS ALCOHOLIC BEVERAGES**  
**7 DAY RESTAURANTS**

**Pledge of License**

**SDH Associates Corp.**  
**d/b/a Five Horses Tavern**  
**400 Highland Ave.**

Present: Attorney Ann Vigorito & Dylan Welsh

Atty. Vigorito, representing Five Horses Tavern came before the Commission requesting approval to Pledge the All Forms Alcoholic Beverages 7 Day License to Martin Murphy.

Atty. Vigorito stated this would be a short term loan.

The restaurant should be open the end of the summer or early fall.

On a motion duly made and seconded, it was

VOTED: to approve the pledge of license.

**Transfer of License**  
**Pledge of License**

**Seven Hills Wine and Spirits, Inc.**  
**288 Beacon St.**

Present: Attorney Neil Berman

Atty. Berman came before the Commission requesting to transfer the All Forms Alcohol Package Store license to Prashant LLC d/b/a Seven Hill Wine and Spirits and for a pledge of license.

Atty. Berman stated the same family has owned this business for 30 years and are retiring.

The business will operate the same hours and keep the same setup.

On a motion duly made and seconded, it was

VOTED: to approve the Transfer of License and the pledge of license.

**Change of Directors**  
**Transfer of Stock**  
**New Manager**

**Portuguese American Lounge, Inc.**  
**d/b/a Papas Sports Lounge and Restaurant**  
**345 Somerville Ave.**

Present: Antonino Amaral

Mr. Amaral came before the Commission requesting approval to transfer 100 shares of stock held by Antonino D. Amaral equally to Gerald C. Amaral, Antonino D. Amaral, Jr. & Ann-Marie Baros to appoint new directors and to change the manager from Antonino D. Amaral to Gerald C. Amaral.

Mr. Amaral has owned the business for 39 years and wants to retire and give the business to his children.

Mr. Amaral's son will be the new manager and he has worked with his father for years.

On a motion duly made and seconded, it was

VOTED: to approve the Change of Directors, Transfer of Stock and the New Manager.

**Club License**  
**Change of Location**  
**Entertainment License**

**George Dilboy Post 529, Inc.**  
**VFW, 371 Summer St.**

Present: Attorney Richard DiGirolamo

George Dilboy Post 529, Inc., VFW came before the Commission requesting a change of location of the All Forms Alcohol Club License to 343-349, 351 Summer St and for an Entertainment License for Entertainment by Performers, Patrons and Devices.

The transfer was originally approved at the May 16, 2011 meeting. Several of the abutters filed complaints in regards to lack of abutters notices and the complaint and were then

heard at the June 20, 2011 hearing. The Commission voted to revoke the transfer of location without prejudice to the applicant. The applicant was told they would be allowed to re-file the application.

Atty. DiGirolamo stated he is back before the Commission to file the application for the change of location for the George Dilboy Post 529, Inc., VFW.

343 Summer St. is owned by Dakota Properties a small part of the Dilboy Post will be on 343 Summer and the rest of the building will be located at 349-351 Summer. St. A two story building approx. 8400 sq. feet with 67 parking spaces. A residential building for 31 residential units with underground parking.

This Organization was chartered around 1920 and been at present location since 1941 with no issues.

Atty. DiGirolamo spoke about mediation with the neighbors and Ald. Gerwartz.

This Organization sponsors many community events.

Atty. DiGirolamo spoke of the proposed conditions. And stated that The Zoning Board hearing will be held in August in regards to this development.

Atty. DiGirolamo stated that if this doesn't get the Zoning Board approval this locations transfer, ifs approved by the Licensing Commission will become void.

Atty. Dash is no longer involved with the neighborhood group he is representing the Winterhill Bank.

Commissioner Vaccaro questioned why this matter is taking so long to go before the Board of Appeals.

Atty. DiGirolamo stated that in the mist of the Board of Appeals hearing an Environmental report came about that was not presented as part of the application, A number of abutters felt that was an important part of the application. The application was withdrawn and had to be re-filed.

Atty. DiGirolamo stated that all contractual obligations between the parties have to be met in a timely manner in order to go forward and get financing.

Commissioner Vaccaro is concerned about approving a license that has not been approved by the Board of Appeals.

Atty. DiGirolamo stated Current plans have changed due to the mediation and meetings with neighbors.

The back lot line was discussed.



Chairman Upton stated we are here tonight because questions were raised on accuracy of abutter's notices at the last meeting and the applicant agreed to start the process over. This is a new hearing and the public should not refer to the past meetings. This is a Renovo hearing.

A question was raised regarding the letters of opposition etc. from the last hearing and if they would apply tonight.

Chairman Upton stated Board could take administrative notice of the contents of file. Commissioner McKenna stated that this is a new hearing and would be better to use everything new again. The Board will touch on this again at the end of the hearing.

A letter in opposition from a neighbor was submitted for the record.

The people in support were invited to speak.

A number of people spoke in Support of this application

A number of people spoke in opposition of this application.

The workers Compensation issue was raised.

Atty. DiGirolamo stated they would not get worker's compensation on a empty lot.

A Question was raised as to why some of the attachments are missing from the application and why this new application doesn't contain the new set of plans.

The Entertainment license was opposed by some of the neighbors.

Atty. DiGirolamo stated this would be the same Entertainment that they currently have been doing. However they never had a license and our not sure why. This was never in question.

The neighbors feel that the Club is not just renting to members only.

However no complaints have ever been filed.

The neighbors felt the mediation was not successful.

A request was made to leave the record open to allow adequate review by the neighbors that were submitted this afternoon and to allow people to submit written comments for the record.

The Certificate of good standing was signed for the current address.

Atty. DiGirolamo stated he got a new one at 4:30 today for the new address and submitted it for the record tonight.

The Real estate agreement is still in effect until July, However the extension is not included in this application.

The extension will be submitted to the Licensing Commission before the next meeting.

The plans being shown are not the current plans.

Chairman Upton motioned to continue hearing till next month and leave the record open for any documentation.

Also supply the new plans for the meeting.

A request was made for Assistant City Solicitor Jason Grossfield to appear at the next hearing.

Motions Seconded:

This matter to be continued until August 15, 2011 hearing.

There being no further business, the meeting was adjourned.

Respectfully

Jenneen M. Pagliaro  
Administrative Assistant



**City of Somerville  
Licensing Commission**

**Senior Center  
Tufts Administration Building  
167 Holland Street**

**Regular Meeting  
Monday  
August 15, 2011  
6:00 p.m.**

**MINUTES**

Chairman Andrew Upton called the meeting to order. Present were Commissioners Vito Vaccaro, John J. McKenna, Inspector Joseph McCain, Administrative Assistant Jenneen M. Pagliaro and Administrative Assistant Jo-Ann DePrizio.

Minutes of the July 18, 2011 meeting were accepted as submitted.

**COMMUNICATIONS**

George O'Shea regarding VFW, 371 Summer St., This communication was reviewed and responded to in part and the Asst. City Solicitor is further reviewing and discussing with other Departments the requests contained therein.

Atty. DiGirolamo, notifying the Commission of the temporary closing of Las Brisas, 561 McGrath Highway due to water leak. Atty. DiGirolamo spoke on behalf of Las Brisas. Atty. DiGirolamo stated the establishment had a roof leak back in July and is anticipating opening around September 1, 2011. Atty. DiGirolamo gave an update on the pending license at the ABCC and stated that they need to supply the State with additional paperwork, but feel they are close to getting the approval they need for the Beer and Wine license.

Journeyman Restaurant, 9 Sanborn Ct. notifying the Commission of the temporary closing of the business due to car hitting building. The Commission noted this for the record.

**COMMON VICTUALER LICENSES**

**Brasil Steak House, Inc.  
129 Broadway**

Present: Gladimir Pacheco

Mr. Pacheco came before the Commission requesting approval of a Common Victualer license for Brasil Steak House, Inc., 129 Broadway.

Along with the application a menu, floor plan and lease were submitted for the Commissioner's consideration.

On a motion duly made and seconded, it was

VOTED: to approve the Common Victualer license as presented.

**Dosa Temple**  
**447 Somerville Ave.**

Presented: Gopalakrishnan Krishrvasamy

Mr. Krishrvasamy came before the Commission requesting approval of a Common Victualer license for Dosa Temple, 447 Somerville Ave.

Along with the application a menu, floor plan and lease were submitted for the Commissioner's consideration.

On a motion duly made and seconded, it was

VOTED: to approve the Common Victualer license as presented.

**Pao De Acucar Market**  
**57 Union Square**

Present: Valteir Rosa

Mr. Rosa came before the Commission requesting approval of a Common Victualer license for Pao De Acucar Market, 57 Union Square.

The business has been open 4 years and wants to add seating.

Along with the application a menu, floor plan and lease were submitted for the Commissioner's consideration.

On a motion duly made and seconded, it was

VOTED: to approve the Common Victualer license as presented.

**SPECIAL ALCOHOL LICENSES**

**Hellenic Association of Somerville**  
**d/b/a Dormition of the Virgin Mary**

**Greek Orthodox Church**  
**29 Central St.**

Present: Phillip Dres

Mr. Dres came before the Commission requesting approval of three Special Alcohol Licenses for the purpose of dispensing and selling alcoholic beverages at a Festival on Sept. 9, 2011 11AM-11PM, Sept. 10, 2011 11AM-12PM & Sept. 11, 2011 11AM-10AM.

Experienced servers will be dispensing the alcoholic beverages.

Police and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

**St. Anthony's Parish**  
**12 Properzi Way**

Present: Father Ademir Guerini

Father Guerini came before the Commission requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages at a Private Wedding Party on Sept. 3, 2011 from 7PM-11PM.

Experienced servers will be dispensing the alcoholic beverages.

Police and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

**St. Anthony's Parish**  
**12 Properzi Way**

Present: Father Ademir Guerini

Father Guerini came before the Commission requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages at a Private Wedding Party on Sept. 17, 2011 from 7PM-11PM.

Experienced servers will be dispensing the alcoholic beverages.

Police and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

**St. Anthony's Parish**  
**12 Properzi Way**

Present: Father Ademir Guerini

Father Guerini came before the Commission requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages at a Community Party on Sept. 24, 2011 from 8:30PM-12:30AM.

Experienced servers will be dispensing the alcoholic beverages.

Police and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

**Prospect Hill Properties, Inc.**  
**d/b/a The Independent**  
**75 Union Sq.**

Present: Ken Kelly

Mr. Kelly came before the Commission requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for The Fluff Festival to be held out front of the Independent on Sept. 23, 2011 4PM-8PM (rain date Sept 25, 2011).

Experienced servers will be dispensing the alcoholic beverages.

Police and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

**Special Alcohol licenses for Oktoberfest**

Present: Steven Mackey of the Chamber of Commerce (spoke on behalf of all the applicants involved in the Oktoberfest to be held in Davis Sq.)

Mr. Mackey stated that each establishment will have a blocked in area for alcohol consumption.

Experienced servers will be dispensing the alcoholic beverages.

Police and Fire Details have been requested.

**Redbones Barbecue**  
**55 Chester St.**

Requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages at The Octoberfest Block Party to be held Outdoor in Davis Square on Oct. 2, 2011 from 12-6PM (rain date Oct. 9, 2011).

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

**Rockwell Restaurant Group LLC**  
**d/b/a Foundry on Elm**  
**255 Elm St.**

Requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages at The Octoberfest Block Party to be held Outdoor in Davis Square on Oct. 2, 2011 from 12-6PM (rain date Oct. 9, 2011).

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

**Galwegan, Inc.**  
**d/b/a The Burren**  
**247 Elm St.**

Requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages at The Octoberfest Block Party to be held Outdoor in Davis Square on Oct. 2, 2011 from 12-6PM (rain date Oct. 9, 2011).

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

**Terranova Inc.**  
**d/b/a Mikes Restaurant**  
**9 Davis Sq.**



Requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages at The Octoberfest Block Party to be held Outdoor in Davis Square on Oct. 2, 2011 from 12-6PM (rain date Oct. 9, 2011).

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

**Joshua Tree**  
**256 Elm St.**

Requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages at The Octoberfest Block Party to be held Outdoor in Davis Square on Oct. 2, 2011 from 12-6PM (rain date Oct. 9, 2011).

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

**WINE AND MALT PACKAGE STORE**

**Kim Tran Corporation**  
**d/b/a Trans Liquor Mart**  
**545 McGrath Highway**

Present: Attorney William Goldberg

Atty. Goldberg representing Himigiri Enterprises, Inc., d/b/a K-2 Beer & Wine came before the Commission requesting approval for the transfer of the Wine and Malt Package store license from Kim Tran Corp., d/b/a Trans Liquor Mart, 545 McGrath Highway.

Atty. Goldberg stated there would be no changes to the existing business, just new owners.

The new owner has experience.

Commissioner McKenna noted that the present owner has had a number of violations and cautioned the new owners to be aware of the history of this business.

Atty. Goldberg stated they intend to comply with all the rules and regulations.

On a motion duly made and seconded, it was

VOTED: to grant the Transfer of the Wine and Malt package store license to K-2 Beer & Wine.

**ALL FORMS ALCOHOLIC BEVERAGES**  
**7 DAY RESTAURANTS**

**Change of Manager and Transfer of Stock**

**Sally O'Brien's**  
**335 Somerville Ave.**

Present: Adeleine Mannion & Liam Mannion

Sally O'Brien's came before the Commission requesting approval to transfer 50% of stock from Gilbert Carey to Adeleine Mannion, Change of Officers and change of manager from Paul Gemme to Kevin Crowley.

Ms. Mannion will be the manager and has restaurant experience.

On a motion duly made and seconded, it was

VOTED: to grant the Change of Manager & Transfer of Stock.

**Change of Manager and Transfer of Stock**  
**& Change of Officers**

Present: Attorney Ann Vigorito

Atty. Vigorito representing Uptown Café Inc., d/b/a Johnny D's Uptown Lounge, 17-27 Holland St. came before the Commission requesting approval for transfer of stock, change of officers and change of manager from Tina DeLellis to Carla DeLellis.

Atty. Vigorito stated these changes are due to the passing of Tina DeLellis.

On a motion duly made and seconded, it was

VOTED: to grant the Change of Manager & Transfer of Stock & Change of Officers.

**Transfer of License**

Present: Joshua Banfield & Victor Ortiz

Mr. Banfield came before the Commission, representing Radio Bar for the transfer of Viz Inc., d/b/a Choices, 379-381 Somerville Ave., All Forms Alcoholic Beverages 7 Day

Restaurant license to Radio Bar, LLC d/b/a Radio Bar and approval of a new Common Victualer License and Entertainment License for Entertainment by Performers, Patrons and Devices.

The new owner has restaurant experience.

Mr. Ortiz will remain the landlord of this establishment.

Commissioner McKenna noted that Choices has had some issues with the neighbors and suggests that the new owners work with the neighbors to avoid any problems.

No renovations will be done.

One letter in support was submitted for the record.

On a motion duly made and seconded, it was

VOTED: to grant the Transfer of the All Forms Alcoholic Beverages 7 Day Restaurant License, Common Victualer License and Entertainment License.

**ALL FORMS ALCOHOLIC BEVERAGES**  
**7-DAY CLUB LICENSE**

**Continued from July 18, 2011**

Present: Attorney Richard DiGirolamo & Robert Hardy

George Dilboy Post 529, Inc., VFW 371 Summer St., came before the Commission requesting approval for a change of location of the All Forms Alcohol Club license to 343-349, 351 Summer St. and for an Entertainment License for Entertainment by Performers, Patrons and Devices.

Chairman Upton read a letter from Mark Levy from The Board of Assessors Office Into the record. The letter is in regards to the June 20, 2011 minutes of the Licensing Commission meeting. The letter stated that for the record Atty. DiGirolamo's office submitted a written request on September 28, 2010 for an abutters list for 343-349 Summer St. The Assessor's Office supplied the appropriate list according to State requirements for the address requested. On June 27, 2010 Atty. DiGirolamo's office submitted an additional request for an abutter's list to include 351 Summer St. and the appropriate list was supplied. The Assessors Office acted appropriately and provided accurate lists to Atty. DiGirolamo based on what his office requested. The requests made were two different requests and therefore produced different names on the lists.

Chairman Upton announced that this is a continuation of prior hearings and the Board will not tolerate interruptions.

Since this is a continuation from the last hearing, everything that happened at the last hearing is on the record. You are free to testify, but The Board is not interested in hearing a rehash of last time. The Board would like to hear new information.

Atty. DiGirolamo spoke in regards to issues that have come up at a previous hearing regarding documents that were not in the Licensing Commission files. Atty. DiGirolamo stated he had supplied the Board with the necessary relative pieces of information. The Real estate development agreement amendment between the parties that will expire July 31, 2011 and a second real estate development agreement amendment that will expire September 30, 2011.

The Chair noted that they are in procession of these extensions.

Atty. DiGirolamo stated for the record that the Worker's Compensation Insurance Affidavits that were filed with the Commission had different numbers due to the renewal process from the company. Upon renewal of policies a new number is issued. They also supplied the Commission with new plans.

Atty. DiGirolamo stated that the Presentation Board does not reflect the new plans.

Mr. Robert Arista, the Developer explained the differences in the old plans and new plans. stating the difference is the connection of the buildings. This is one building with two separate ownership rights.

The connection is a material connection, not a property Interest connection. The VFW has us of all the parking spaces except for some visitor's spaces. The Condo owners will park underground.

The Board opened the podium for comments and concerns.

Tom Bok spoke in regards to the real estate development agreement. Mr. Bok feels this agreement is not legal and is being done this way in order to add extra condominiums.

Commissioner McKenna noted this is not relevant to the Licensing Commission. We are not handling the development of the condominiums.

Chairman Upton stated that how they configured the site is a Zoning Matter and If you any have Zoning arguments we are not ruling on them and are not involved in Zoning Issues. We are here to discuss the character and the fitness of the applicant and the application and its completeness as to form and the public need.

Atty. DiGirolamo stated this agreement is legal and is represented by lawyers. All the documents have been examined by counsel and have a title commitment.

Commissioner Vaccaro questioned Atty. DiGirolamo as to why the lawyer that is representing the VFW isn't here tonight?

Mr. Hardy responded that and stated that they felt this meeting was just for the liquor license approval and they wouldn't need counsel. Atty. Costello is representing the VFW on the real estate part of the deal only.

The lack of the Entertainment license was raised.

Atty. DiGirolamo asked Mr. Hardy to respond.

Robert Hardy, stated that when he found out that they weren't in compliance with the law they came forward to apply for the needed licenses. They said they were never informed by the City that they needed these licenses.

The Commission noted that if they don't have the proper licenses they would be at risk for a violation.

Mr. Bok submitted a copy of his remarks to the Board.

Keith Benacoso, Chaplin and member of the VFW spoke in favor of the transfer and feels this organization is a great asset to the Community.

Claudia Morrow stated that the VFW is missing licensing and are not in compliance with the laws.

Ms. Morrow brought up the matter of a complaint that was filed by the neighbors prior to this hearing and wondering what the process is for filing complaints.

Chairman Upton stated that Ms. Morrow was referring to the complaint filed by Mr. O'Shea, which was in part a complaint and a request for documents, which the City has already supplied. The City is further reviewing the other issues raised and will bring it to the Board's attention for a hearing if legal counsel feels it is appropriate.

Ms. Morrow brought up the issue of the Real Estate agreement and feels they should be able to discuss the document.

Atty. DiGirolamo stated that he represents the VFW on the Real Estate Development issues.

Ms. Morrow discussed Use issues of the parking lot.

Chairman Upton suggested Ms. Morrow talk to the Zoning Board about this. The Board is only considering the transfer of the Liquor License.

Marc Maxwell Submitted aerial photographs for the record and feels the new VFW would be too close to the neighbor's houses.

Upon transfer of this license the ABCC needs to approval the license. When the ABCC approves the license the City has to do final sign offs at the new location before the license can be moved.

Nancy Iappini, Mr. O'Shea, Carol Dambroski & Angela Laramie also spoke in opposition to this transfer.

Atty. DiGirolamo stated that the VFW will be back before the Zoning Board on August 24, 2011.

A motion was made to continue this hearing until September 19, 2011.

Motion was seconded.

Hearing to be continued.

Having no further business, the meeting was adjourned.

Respectfully

Jenneen M. Pagliaro  
Administrative Assistant



**City of Somerville  
Licensing Commission**

**Senior Center  
Tufts Administration Building  
167 Holland Street**

**Regular Meeting  
Monday  
September 19, 2011  
6:00 p.m.**

**MINUTES**

Chairman Upton called the meeting to order. Present were Commissioners Vito Vaccaro, John J. McKenna, Inspector Joseph McCain and Administrative Assistant Jenneen M. Pagliaro.

**COMMON VICTUALER LICENSES**

**3 Little Figs, LLC  
278B Highland Ave.**

Present: Katie Rooney

Ms. Rooney came before the Commission requesting approval of a Common Victualer license at 278B Highland Ave.

Along with the application, a menu, floor plan and lease were submitted for the Commissioner's consideration.

On a motion duly made and seconded, it was

VOTED: to approve the Common Victualer license as presented.

**SPECIAL ALCOHOL LICENSES**

**Union Square Main Streets**

Present: Mimi Graine

Ms. Graine came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for a VIP Reception for The Fluff Festival to be held at Bloc 11 Café, 11 Bow St., on September 23, 2011 From 7PM-10PM.



Experienced servers will be dispensing the alcoholic beverages.

Police and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

Pavan Restaurant Group, Inc., d/b/a Diva Indian Restaurant, 246-248 Elm St. requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages at The Octoberfest Block Party to be held Outdoors in Davis Square on Oct. 2, 2011 from 12-6PM (rain date Oct. 9, 2011).

No one came in regards to this application.

Voted: Withdrawn without prejudice

**Special Alcohol Licenses for Somerstreets/Octoberfest**

Present: Carlene Campbell spoke on behalf of all the applicants involved in the Octoberfest to be held in Union Square.

Ms. Campbell stated that the Octoberfest is part of the Somerstreets events and each establishment will have a blocked in area for alcohol consumption.

Experienced servers will be dispensing the alcoholic beverages.

Police and Fire Details have been requested.

**Sally O'Brien's**  
**335 Somerville Ave.**

Requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages at The Somerstreets/Octoberfest to be held Outdoors in Union Square on Oct. 23, 2011 from 1-6PM.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

**Restaurante Turistico Machupicchu**  
**307 Somerville Ave.**

Requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages at The Somerstreeets/Octoberfest to be held Outdoors in Union Square on Oct. 23, 2011 from 1-6PM.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

**Bull McCabe's**  
**366A Somerville Ave.**

Requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages at The Somerstreeets/Octoberfest to be held Outdoors in Union Square on Oct. 23, 2011 from 1-6PM.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

**Hellenic Association of Somerville**  
**d/b/a Dormition of The Virgin Mary Greek Orthodox Church**  
**29 Central St.**

Requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for a Church Fundraiser on October 1, 2011 from 7-1AM.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

**Galwegan Inc.**  
**d/b/a The Burren**  
**247 Elm St.**

Requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for a Music Festival to be held in Grove St. Parking lot behind The Burren on October 16, 2011 from 12PM-8PM (Rain date Oct. 23, 2011) (this was originally planned for Aug. 28, 2011, but was cancelled due to hurricane).

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

**ALL FORMS ALCOHOLIC BEVERAGES**  
**7 DAY RESTAURANT**

**Pledge of License**

**KB Investments**  
**d/b/a PJ Ryans**  
**239 Holland St.**

Present: Conor Brennan

Mr. Brennan came before the Commission requesting approval to pledge the All Forms Alcoholic Beverages 7 Day License to from Wainwright Bank to Eastern Bank.

Mr. Brennan stated that the Wainwright Bank was sold to Eastern Bank and he needs to change the name on the old pledge to the new bank.

On a motion duly made and seconded, it was

VOTED: to grant the Pledge of License.

**Transfer of License**  
**& Pledge of License**

**J.F.C. d/b/a Gargoyles**  
**219-221 Elm St.**

Present: Attorney Adam Dash & Joseph Castinelli

Atty. Dash, representing Painted Burro came before the Commission requesting approval of the transfer of Garygoyle's All Forms Alcoholic Beverages 7 Day Restaurant license to Painted Burro, Inc., d/b/a Painted Burro, a Pledge of License and approval for a Common Victualer and an Entertainment license consisting of live music, dancing, video and audio at 219-221 Elm St.

Mr. Castinelli has restaurant experience and owns another restaurant in Somerville.

Some remodeling will be done.

Atty. Dash stated he spoke with Ald. Gerwartz and she doesn't have a problem with the transfer.

This establishment will serve Mexican Food.

The Chamber of Commerce spoke in favor of this application.

On a motion duly made and seconded, it was

VOTED: to grant the Transfer of All Forms Alcoholic Beverages 7 Day Restaurant License and to approve the Pledge of License, Common Victualer and Entertainment License.

**Transfer of License**  
**Change of Location**

New Asia, 324-328 Somerville Ave. requesting approval to transfer its All Forms Alcoholic Beverages 7 Day Restaurant license to Slow Train Coming LLC, d/b/a Redbonita's, 49 Day St. and approval for a Common Victualer and Entertainment license consisting of a mariachi band, video and audio.

Attorney Richard DiGirolamo is representing this transfer. Atty. DiGirolamo asked that this matter to be continued until the next hearing.

Request approved, This matter will be Continued at the October 17, 2011 hearing.

**Status Update**

H.I.O. Restaurant, Inc. d/b/a Café Belo, 120 Washington St. to give status of All Forms Alcoholic Beverages 7 Day Restaurant. (Business is closed).

Present: John Ottenberg

Mr. Ottenberg stated that he is the receiver for the Corporation that has taken possession of this license.

This business had been closed for 2 months due to failure to pay taxes.

Mr. Ottenberg stated that they have entered into a P & S with a client and the new owners should be applying for the licenses soon.

The Receivership is in the name of a corporation and Mr. Ottenberg is the receiver and has rights as the controlling person.

**ALL FORMS ALCOHOLIC BEVERAGES**  
**7-DAY CLUB LICENSE**

**New Entertainment License**

**George Dilboy Post 529, Inc. VFW**  
**371 Summer St.**

Present: Attorney Richard DiGirolamo

Atty. DiGirolamo, representing the VFW came before the Commission requesting approval for an Entertainment License consisting of entertainment by performers (1 stage), entertainment by patrons (1 dance floor), and entertainment by devices (2 audio systems, 4 TVs & 1 jukebox).

Atty. DiGirolamo stated that at the previous Licensing hearing the matter of the Entertainment License was raised and the VFW doesn't have a license at the current location.

The VFW regrets the oversight and wants to be in compliance with the rules.

However the Commander Hardy stated they were never aware of this and the City never requested this, even during renewal time.

Mr. George O'Shea spoke in opposition of this license and also spoke of a complaint from a party held at the VFW in August.

Chairman Upton noted that the City will investigate the complaint and then bring it before the Board. But as of right now the VFW doesn't have any violations.

Mr. O'Shea spoke of the Certificate of Occupancy.

The Certificate of Occupancy is issued by the Inspectional Services Department.

The Licensing Commission hold copies of the Certificated of Inspection (304 Certificate) for all Restaurants that serve alcohol.

Mr. Tom Bok spoke about the Certificate of Occupancy.

The Board heard briefly about a violation that happened in August.

This violation will be heard at the October meeting.

A few more neighbors spoke in opposition.

A Letter from Carol Damboski was submitted for the record.

On a motion duly made and seconded, it was

VOTED: to grant Entertainment License

**Continued from August 15, 2011**

**Change of Location of Club and Entertainment License**

**George Dilboy Post 529, Inc.VFW**  
**371 Summer St.**

Present: Attorney Richard DiGirolamo

George Dilboy Post 529, Inc., VFW requesting approval for a change of location of the All Forms Alcohol Club license to 343-349, 351 Summer St and for an Entertainment License for Entertainment by Performers, Patrons and Devices.

Atty. DiGiorlamo stated that the Zoning Board hearing was continued to Oct. 5, 2011.

The issue of changing the plans came up for discussion.

ASC Grossfield was asked to research what would happen if they have a change of foot print.

Upon a motion duly made and seconded, it was

VOTED: To continue this hearing until the next Licensing meeting.

Having no further business, the meeting was adjourned.

For the Commission

Jenneen M. Pagliaro  
Administrative Assistant



**City of Somerville  
Licensing Commission**

**Aldermanic Chamber  
2<sup>nd</sup> floor City Hall  
93 Highland Ave.**

**Special Meeting  
Tuesday  
October 11, 2011  
9:00 a.m.**

**Minutes**

**SPECIAL ALCOHOL LICENSES**

**Paesani D'Italia Club  
149A Highland Ave.**

Call to Order at 9:01

Present: Upton and Vaccaro

Applicant, Paesani Club of Highland Avenue requested a one-day license for a dinner for the State Police of Italy in order to serve wine and beer. Sixty guests expected.

Upton asked if they had contacted police and fire and if they would have experienced servers.

Applicant said yes to all three questions.

There were no comments from the public

Vote was 2-0 in favor.

Meeting adjourned 9:09.





**City of Somerville  
Licensing Commission**

**Senior Center  
Tufts Administration Building  
167 Holland Street**

**Regular Meeting  
Monday  
October 17, 2011  
6:00 p.m.**

**MINUTES**

Chairman Upton called the meeting to order. Present were Commissioners Vito Vaccaro, John J. McKenna, Inspector Joseph McCain and Administrative Assistant Jenneen M. Pagliaro.

Minutes of the August 15, 2011 meeting were accepted as submitted.

**COMMON VICTUALER LICENSE**

**Delta Tau Delta Foundation of Tufts University, Inc.  
98 Professors Row**

Present: John Stearns

Mr. Stearns came before the Commission requesting approval for a Common Victualer License at 98 Professors Row.

This is a Tufts University Fraternity House that has been closed for 8 years.

Along with the application a menu and floor plan were submitted for the Commissioner's consideration.

On a motion duly made and seconded, it was

VOTED: to approve the Common Victualer license as presented.

**STATUS UPDATES**

**Continued from the June 20, 2011 Licensing Hearing**

**Patrick Buben, d/b/a Deco Restaurant  
425 Washington St.**

Present: Attorney Richard DiGirolamo & Patrick Buben

Atty. DiGirolamo representing Deco Restaurant came before the Commission to give a status update on the re-opening of the establishment. Atty. DiGirolamo stated the construction has begun, however, construction was held up for a couple of months by the ISD Dept. due to permit issues. The Establishment expects to be open around February 2012.

The Commission is concerned about this license being tied up for such a long period of time.

Atty. DiGiorlamo stated the building needs extensive repairs.

A motion was made to come back for a status report at the January 2012 meeting.

Motion was seconded.

Voted: to return back before the Licensing Commission at the January meeting.

**Status Update**

**Las Brisas**  
**561 McGrath Highway**

Present: Attorney Ann Vigorito

Present: Atty. Vigorito came before the Commission to give status report on the re-opening of the business and for the status update on the Wine and Malt License pending at the ABCC.

Atty. Vigorito stated the business is still closed due to water damage and a problem with the fire alarm unit. The business plans to re-open in the next couple of weeks.

The Commission feels this business is taking to long to re-open.

Chairman Upton made a motion for Las Brisas to come back before the Commission at the November meeting for a show cause hearing.

Motion was seconded,

Voted: Las Brisas to come before the Board for a Show Cause Hearing violation in November.

**2:00AM CLOSING**  
**ALL FORMS ALCOHOLIC BEVERAGES 7 DAY RESTAURANT LICENSES**

**EXTENDED HOURS REVIEW**

The following licensees appeared before the Commission for annual review of their extension of hours until 2:00AM:

<u>Date Approved</u>	<u>Business</u>	<u>Address</u>
8/27/07	Fasika	145-147 Broadway
9/29/05	The Independent	75 Union Square
9/29/05	Precinct	70 Union Square
12/21/05	Casey's	171 Broadway
4/26/06	Olde Magoun Saloon	518 Medford Street
11/15/2010	Trina's Starlite Lounge	3 Beacon St.

Each licensee's file was reviewed for incidents/complaints and all were found to be suitable to continue with their extended hours.

On a motion duly made and seconded, it was

VOTED: To extend the 2AM license for one more year.

**ALL FORMS ALCOHOL CLUB LICENSE**

**Demosthenes Greek American Democratic Club of Ma**  
**218 Somerville Ave.**

Present: John Piantes

Mr. Piantes came before the Commission requesting a change of manager from Kostas Kargatzis to John G. Piantes.

Mr. Piantes has experience.

On a motion duly made and seconded, it was

VOTED: To change the Manager to John G. Piantes.

**ALL FORMS ALCOHOLIC BEVERAGES**  
**7 DAY RESTAURANT LICENSE**

**Continued from September 19, 2011 meeting**

**Transfer of License**

**Change of Location**

Present: Attorney Richard DiGirolamo

Atty. DiGirolamo requested a continuation on this matter.

New Asia, 324-328 Somerville Ave. requesting approval to transfer its All Forms Alcoholic Beverages 7 Day Restaurant license to Slow Train Coming LLC, d/b/a Redbonita's, 49 Day St. and approval for a Common Victualer and Entertainment license consisting of a mariachi band, video and audio.

On a motion duly made and seconded, it was

VOTED: That this matter be continued until the November 21, 2011 Hearing.

**New Officers**

**Transfer of Stock**

**New Manager**

**Namaskar, Inc.**  
**236 Elm St.**

Present: Anver Sheikh

Mr. Sheikh came before the Commission requesting approval to transfer shares of stock held by Anver Shaikh to Mandeep Singh and Manu Kaushal also requesting a change of manger from Anver Shaikh to Mandeep Singh and to appoint new officers.

Mr. Shaikh would be transferring interest in this license.

This is a City owned license and they are not transferable.

Mr. Sheikh stated that the license was not being transferred, that the ownership was being partially transferred.

The Commission feels that the license belong to the City.

Chairman Upton stated that you can't separate the license from the Corporation and is not inclined to vote for this transfer. The Commission will give one month continuation for the applicant to seek an opinion from the ABCC or the City Solicitor.

Upon a motion duly made and seconded, it was

VOTED: To continue this matter until November hearing.

**New License-All Forms Alcoholic Beverages 7 Day  
Restaurant license** (1 available)

**Fat Hen LLC, d/b/a La Brasa  
118-120 Broadway**

Present: Attorney Joseph Hanley

Atty. Hanley, representing La Brasa came before the Commission requesting approval for a New All Forms Alcoholic Beverages 7 Day Restaurant license and for a Common Victualer license.

Alderman Sullivan and Alderman Roche support this application.

Atty. Hanley stated there is a public need for a license to revitalize this neighborhood.

East Somerville Mains Sts supports this application.

A signed petition was submitted for the record.

Twenty-one e-mails of supports were submitted for the record.

The Chamber of Commerce is in support of this application.

This establishment plans to hire local help.

George Proatis of OSPCD recommends approval.

A few neighbors spoke in support.

Hearing closed to hear next applicant.

**FFDJ,LLC  
89 Holland St.**

Present: David Jick & Attorney Richard DiGirolamo

Mr. Jick came before the Commission requesting approval for a New All Forms Alcoholic Beverages 7 Day Restaurant license and for a Common Victualer license at 89 Holland St.

Mr. Jick owns Dave's Fresh Pasta next store to this vacant spot.

Mr. Jick signed a lease in March anticipating a license and is ready to begin construction.

A Petition was submitted in support.

Ald. Trane supports this application.

OSPCD George Proakis supports application, However not recommending approval because only one license is available and feels East Somerville needs this license for revitalization.

The Chamber of Commerce is in support.

Fifty-Seven e-mails were sent in support and three e-mails were sent in opposition.

A few neighbors spoke in support of this application and a couple of neighbors had concerns regarding noise and parking.

Hearing closed for vote.

The Board felt both were great applicants, but East Somerville really needs development and would benefit with this license.

On a motion duly made and seconded, it was

VOTED: To grant the New All Forms 7-Day Restaurant License to La Brasa and approval of a Common Victualer license.

### **VIOLATIONS**

Present: Assistant City Solicitor Jason Grossfield & Timothy Taddia

On the Hill Tavern, 499 Broadway came before the Commission to show cause why the All Forms Alcoholic Beverages 7-Day Restaurant license, Common Victualer, Entertainment License and 2AM Closing license of the above-referenced establishment should not be modified, suspended, revoked, or the hours during which sales of alcoholic beverages may be made reduced for alleged violation of Somerville Licensing Commission Rules and Regulations to wit:-

Somerville Licensing Commission Rule 1.09.e. - When any noise, disturbance, misconduct, disorder, act or activity occurs in the licensed premises, or in the area in front of or adjacent to the licensed premises, or in any parking lot provided by the licensee for the use of its patrons, which in the judgment of the Commission adversely affects the protection, health, welfare, safety or repose of the residents of the area in which the licensed premises are located, or results in the licensed premises becoming the focal point for police attention, or is offensive to public decency, the licensee may be held in violation of the license and subject to proceedings for suspension, revocation or modification of the license.

Somerville Licensing Commission Rule 1.14.a.- Licensees shall instruct their employees and security personnel that they are not to make bodily contact with a patron unless to protect other patrons or themselves from being subjected to body blows or other harm from an unruly patron. In all other circumstances employees and security personnel are to call the police to have patrons removed from the premises when such patrons are being disruptive and they are unable to convince the patron to leave the premises voluntarily.

Somerville Licensing Commission Rule 1.13.a.(5)- Licensees shall make all reasonable and diligent efforts to ensure that illegal activities do not occur at the licensed premises. Such efforts may include, but are not limited to: (5) calling for police assistance as necessary to protect patrons against injury or to evict unruly patrons or to uncover unlawful conduct or to give medical assistance and providing police with requested information.

ASC Grossfield read the violation into the record. The date of the alleged offense was September 12, 2011.

ASC Grossfield and Mr. Taddia came to a recommended disposition to issue a WARNING.

The Commission voted to accept the recommended disposition and

VOTED: to issue a Warning.

Present: Assistant City Solicitor Jason Grossfield and Robert Hardy

George Dilboy Post 529 VFW, 371 Summer St. came before the Commission to show cause why the All Forms Alcoholic Beverages 7-Day Club license of the above-referenced establishment should not be modified, suspended, revoked, or the hours during which sales of alcoholic beverages may be made reduced for alleged violation of Somerville Licensing Commission Rules and Regulations to wit: -

Somerville Licensing Commission Rule 1.09.a. - It shall be the obligation of licensees to ensure that a high degree of supervision is exercised over the conduct of the licensed establishment at all times. Each licensee will be held accountable for all violations that



are related to the licensed premises to determine whether or not the licensee acted properly in the given circumstances.

Somerville Licensing Commission Rule 1.09.e. - When any noise, disturbance, misconduct, disorder, act or activity occurs in the licensed premises, or in the area in front of or adjacent to the licensed premises, or in any parking lot provided by the licensee for the use of its patrons, which in the judgment of the Commission adversely affects the protection, health, welfare, safety or repose of the residents of the area in which the licensed premises are located, or results in the licensed premises becoming the focal point for Police attention, or is offensive to public decency, the licensee may be held in violation of the license and subject to proceedings for suspension, revocation or modification of the license.

Somerville Licensing Commission Rule 1.11.a. No licensee may provide entertainment of any kind unless the licensee holds an entertainment license issued pursuant to the General Laws, Chapter 140, section 183A. Such license must be held in the same name, by the same owners, and with the same manager as the food or beverage licensee; provided, however, that in cases where entertainment on the premises is to be conducted by a person or entity who is an independent contractor at the premises, the food or beverage licensee may seek the approval of the Commission for an exemption from this rule based upon a written contract with the independent contractor to book and/or to produce the entertainment. The food or beverage licensee shall be responsible for the actions of such independent contractor on the premises in addition to the responsibility held by the independent contractor pursuant to the entertainment license. The food or beverage licensee shall pay the independent contractor a fee according to the written contract, said fee to be commensurate with the market value of the services, and the independent contractor shall not be given any direct or indirect interest in the licensed premises other than the fee set out in the contract. Said fee shall not be based upon the number of patrons attending an entertainment event. The food or beverages licensee shall provide in the contract for removing the independent contractor in the event that the entertainment is poorly managed or causes violations to occur at the licensed premises. Any food or beverage licensee who permits entertainment at the licensed premises pursuant to a license held by a person in violation of this rule will be subject to disciplinary action by the Commission.

The date of the alleged offense was August 20, 2011

The report was read into the record.

ASC Grossfield and the licensee came to a recommended disposition.

The Commission voted to accept the recommended disposition of the City Solicitor Jason Grossfield and the licensee and sanctioned the establishment with:

A Warning to the Licensee, requiring it to comply with all applicable state laws and Licensing Commission regulations.

Licensee shall hold a valid Entertainment License for any entertainment to be conducted on the license premises as required by law.

Effective Tuesday, 10/18/11 through Friday 10/21/11, Licensee shall serve a 4-day rollback of hours to 11:00PM on its All Alcohol Club License.

No Sale or consumption of alcohol shall take place outside of the licensed premises, including the parking lot and exterior grounds, without obtaining a license therefore.

On a motion duly made and seconded,

The Board Voted: to accept the recommended disposition

**Continued from September 19, 2011**

Present: Attorney Richard DiGirolamo & Roberto DiResta

George Dilboy Post 529, Inc., VFW 371 Summer St., requesting approval for a change of location of the All Forms Alcohol Club license to 343-349, 351 Summer St and for an Entertainment License for Entertainment by Performers, Patrons and Devices.

A new plan was discussed.

ASC Grossfield stated that any change of substantial footage must have a new plan.

The ZBA meeting will be held on Oct. 19, 2011.

A few neighbors spoke in opposition.

Atty. DiGirolamo stated that this is the final plan and will not change.

A motion was made to continue the hearing until next month.

Motion seconded continued until November 21, 2011 meeting.

Having no further business the meeting was adjourned.

Respectfully

Jenneen M. Pagliaro  
Administrative Assistant



**City of Somerville  
Licensing Commission  
Senior Center  
Tufts Administration Building  
167 Holland Street**

**Regular Meeting  
Monday  
November 21, 2011  
6:00 p.m.**

**MINUTES**

Chairman Upton called the meeting to order. Present were Commissioners Vito Vaccaro, John J. McKenna, Inspector Joseph McCain and Administrative Assistant Jenneen M. Pagliaro.

Minutes of the September 19 & October 11, 2011 meetings were accepted as submitted.

Approval of Extension of hours till 2AM on New Years Eve for All Forms Restaurants  
A Motion was made and seconded and the extension was approved.

**COMMUNICATIONS**

Communication from the Board of Aldermen (Docket #192068) the BOA requests that the Licensing Commission consider amending its regulations to require that new liquor license applicants undergo training for the sale of alcohol to underage individuals. Chairman Upton moved to consider this issue at the next hearing and for this matter to be advertised to the public.

Chairman Upton also moved to hold a hearing to consider a change to The Somerville Licensing Commission Rules and Regulations-rule 7.12 relating to Non-Transferable liquor licenses. The Commission would like to change the sixty day waiting period to 14 days.

Communication from Attorney Mark Zuroff, notifying the Commission that the Namaskar Restaurant application, continued from the October 17, 2011 hearing is being withdrawn without further action. Noted for the record.

**SPECIAL ALCOHOL LICENSES**

**St. Anthony's Parish  
12 Properzi way**

Present: Father Ademir Guerini

Father Guerini came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages at a New Years Eve Party on December 31, 2011 from 8:30PM-1:30PM.

Experienced servers will be dispensing the alcoholic beverages.

Police and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

**ENTERTAINMENT LICENSES**

**EBI Sushi, Inc.**  
**290 Somerville Ave.**

Present: Jose Garcia

Mr. Garcia came before the Commission requesting approval for an Entertainment License consisting of Stereo and two televisions.

On a motion duly made and seconded, it was

VOTED: to grant the Entertainment License as presented.

**COMMON VICTUALER LICENSES**

**Yofi, Inc.**  
**d/b/a Alfredo's Italian Kitchen**  
**284 Broadway**

Present: Ashaad Hamad

Mr. Hamad came before the Commission requesting approval of a Common Victualer License at 284 Broadway.

Along with the application a menu and floor plan were submitted for the Commissioner's consideration.

On a motion duly made and seconded, it was

VOTED: to approve the Common Victualer license as presented.

**Royal Punjab Enterprises, Inc.**  
**Ultimate Pizza and More**  
**711 Broadway**

Present: Attorney William Goldberg

Attorney Goldberg, representing Ultimate Pizza and More came before the Commission requesting approval of a Common Victualer License at 711 Broadway.

Along with the application a menu and floor plan were submitted for the Commissioner's consideration.

On a motion duly made and seconded, it was

VOTED: to approve the Common Victualer license as presented.

**Palm Sugar Thai Corp.**  
**195 Elm St.**

Present Peter Dow & Thitiphon Duangphirom

Mr. Dow came before the Commission requesting approval of a Common Victualer License at 195 Elm St.

Along with the application a menu and floor plan were submitted for the Commissioner's consideration.

On a motion duly made and seconded, it was

VOTED: to approve the Common Victualer license as presented.

**Xhuveli Corporation**  
**d/b/a Davis Square Pizza & Subs**  
**351-351A Highland Ave.**

Present: Emmanuel Meimaris & Taulant Hibroj

Mr. Meimaris came before the Commission requesting approval of a Common Victualer License at 351-351A Highland Ave.

Along with the application a menu and floor plan were submitted for the Commissioner's consideration.

On a motion duly made and seconded, it was

VOTED: to approve the Common Victualer license as presented.

**SPECIAL FARMER WINERY LICENSES**

**Zoll Brothers Private Cellars, LLC**

Present: Frank Zoll

Mr. Zoll came before the Commission requesting approval of a Special Farmer Winery License to sell wine produced by the licensee for off-premise consumption at The Somerville Winter Farmer's Market to be held at the Center for Arts at the Armory, 191 Highland Ave. on twelve consecutive Saturdays, Nov. 26, 2011 thru May 26, 2012 from 9:30AM-2:30PM.

On a motion duly made and seconded, it was

VOTED: to approve the Special Farmer Winery License as presented.

**David Neilson d/b/a Coastal Vineyards**

Present: David Neilson

Mr. Neilson came before the Commission requesting approval of a Special Farmer Winery License to sell wine produced by the licensee for off-premise consumption at The Somerville Winter Farmer's Market to be held at the Center for Arts at the Armory, 191 Highland Ave. on twelve consecutive Saturdays, Nov. 26, 2011 thru May 26, 2012 from 9:30AM-2:30PM.

On a motion duly made and seconded, it was

VOTED: to approve the Special Farmer Winery License as presented.

**Lexington Consulting Group, Inc.**  
**d/b/a Turtle Creek Winery**

Present: Kipland Kumler

Mr. Kumler came before the Commission requesting approval of a Special Farmer Winery License to sell wine produced by the licensee for off-premise consumption at The Somerville Winter Farmer's Market to be held at the Center for Arts at the Armory, 191 Highland Ave. on twelve consecutive Saturdays, Nov. 26, 2011 thru May 26, 2012 from 9:30AM-2:30PM.

On a motion duly made and seconded, it was

VOTED: to approve the Special Farmer Winery License as presented.

**2:00AM CLOSING**  
**ALL FORMS ALCOHOLIC BEVERAGES 7 DAY RESTAURANT LICENSES**

**EXTENDED HOURS REVIEW**

The following licensees appeared before the Commission for annual review of their extension of hours until 2:00AM:

<u>Date Approved</u>	<u>Business</u>	<u>Address</u>
9/29/05	P J Ryan's	239-241 Holland Street
2/26/07	The Burren	247 Elm Street
5/2/08	The Joshua Tree	256 Elm Street
12/14/09	Orleans Restaurant	59-65 Holland St.
12/27/05	On the Hill Tavern	499 Broadway
12/21/05	Casey's	171 Broadway (No Show)*
8/18/08	Divia	246-248 Elm St. REVOKED
3/23/09		(No Show)*
06/21/2010		RE-INSTATED* (07/2010)

\*Divia and Casey's to be heard at next meeting.

Each licensee's file was reviewed for incidents/complaints and all were found to be suitable to continue with their extended hours.

On a motion duly made and seconded, it was

VOTED: To extend the 2AM license for one more year.

**WINE AND MALT RESTAURANT LICENSE**

**Alterations to Premises**

**Change of Manager**

**Change of D/B/A/**

**Davis Square Food Services, Inc.**  
**37 Davis Sq.**

Present: Charles Sillari



Mr. Sillari came before the Commission requesting approval for a change of d/b/a from Antonio's to Boston Burger Company, change of manager from Craig Resmini to Paul Malvone and for alteration to the premises to expand 300 feet and add 18 seats at the above address.

Alderman Gerwirtz, O'Donovan, Roche, Connolly and White support this application.

The Chamber of Commerce is in support

On a motion duly made and seconded, it was

VOTED: To allow alterations to premises, Change of Manger and d/b/a

**ALL FORMS ALCOHOLIC BEVERAGES**  
**7 DAY RESTAURANT LICENSES**

**Continued from October 17, 2011 meeting**  
**Transfer of License**  
**Change of Location**

New Asia, 324-328 Somerville Ave. requesting approval to transfer its All Forms Alcoholic Beverages 7 Day Restaurant license to Slow Train Coming LLC, d/b/a Redbonita's, 49 Day St. and approval for a new Common Victualer and Entertainment license consisting of a mariachi band, video and audio.

Attorney Richard DiGirolamo stated the applicant wished to withdraw this application.

Withdrawn

**Transfer of License**  
**Pledge of License**

Present: John Ottenberg & Attorney Richard DiGirolamo

Atty. DiGirolamo came before the Commission on behalf of Ranch Sports Grill Restaurant, Corp. to transfer the All-Forms Alcoholic Beverages 7 Day Restaurant License from H.I.O. Restaurant, Inc. d/b/a Café Belo, 120 Washington St., ( Business closed- License taken by Court Civil Action) Also for an Entertainment license consisting of Entertainment by Performers, Patrons and Devices at 120 Washington St. & for a new Common Victualer license.

This license was taken by a Court Order. John Ottenberg is the appointed receiver for the sale of this license.

The new owner has restaurant experience

Alderman Roche sent a letter in support for the record.

On a motion duly made and seconded, it was

VOTED: To allow Transfer, new Common Victualer, pledge of license and Entertainment License.

**Transfer of License**

**Lil Vinny's, Inc.**  
**525-527 Medford St.**

Present: Attorney Ann Vigorito & Dimitra Tsourianis

Atty. Vigorito, representing Demeter Hospitality, LLC d/b/a Daddy Jones came before the Commission for the transfer of Lil Vinny's, Inc. All Forms Alcoholic Beverages 7 Day Restaurant License also for an Entertainment License consisting of Entertainment by Performers & Devices at 525-527 Medford St. & for a new Common Victualer license.

Ms. Tsourianis has restaurant experience.

Alderman Roche supports this application.

On a motion duly made and seconded, it was

VOTED: To allow Transfer, new Common Victualer and Entertainment License.

**VIOLATIONS**

**Las Brisas**  
**561 McGrath Hwy.**

Present: Assistant City Solicitor Jason Grossfield & Attorney Ann Vigorito

Las Brisas, 561 McGrath Highway came before the Commission to show cause why its Common Victualer License and Entertainment License(s) should not be modified, suspended, revoked or forfeited, for alleged violation of Somerville Licensing Commission Rules and Regulations and Massachusetts General Laws, to wit:-

**1.17. Permission to Close Premises Required**

a. Licenses are granted to serve the public need and to that end licensees are expected to operate the licensed premises for a substantial number of hours on all days when the premises are permitted to be open under the terms of the license. In the case of alcoholic beverages licenses, the numbers of which are limited according to statute, no alcoholic

beverages licensee may close its place of business for any reason other than the following:

(1) upon request to the Commission for closing in order to do renovations after approval by the Commission for such renovations and for a reasonable time of closing in order to perform the renovations;

(2) to comply with the Alcoholic Beverages Control Commission's Annual Calendar of Holidays and Sunday Package Store Openings;

(3) a closing of one or more days per week upon approval of the Commission pursuant to licensee's request and a showing by licensee that it does not have adequate business upon such days;

(4) a closing due to an act of God or an illness or some other business problem for which request has been made to the Commission and approval granted.

b. Alcoholic beverages licensees may not close the licensed business on any days for which their entertainment license has been suspended unless they make such request to the Commission based upon the licensee's allegation that its primary business comes from the entertainment at the premises and that there would be little or no business or public reason to keep the premises open during the days when entertainment cannot be provided at the premises. Such requests will be granted by the Commission when the entertainment is a primary attraction for the public at the licensed premises. Licensees not requesting to close the premises during days on which their entertainment licenses are suspended may remain open to the public for the sale and service of alcoholic beverages and food but may not conduct any type of entertainment on the premises during the suspension period.

The Somerville Licensing Commission requested at the October 17, 2011 that the Licensee personally appear before the Commission at the November meeting for a show cause hearing.

ASC Grossfield stated that this hearing is in regards to this establishment being closed for a period of time and stated that a Warning be issued to comply with the rules and regulations.

Atty. Vigorito stated that the establishment had re-opened two weeks ago.

Atty. Vigorito stated that the ABCC asked for a hearing in regards to the Beer and Wine application. A hearing was held two weeks ago at the ABCC and they are waiting for the outcome. (The application is pending at the ABCC ).

ASC Grossfield stated this hearing was related to an incident that occurred in March, an altercation occurred and alcohol was being served before the license was granted. Because the incident took place while the License was pending at the ABCC. The City has no say in this matter at this time.

The Commission voted to go with the recommended disposition.

Upon a motion duly made and seconded, it was

VOTED: To Issue a WARNING and the applicant is to appear back before this Board at the December meeting for a status update in regards to the ABCC hearing.

**Woody's Liquors**  
**523 Broadway**

Present: Assistant City Solicitor Jason Grossfield & Karen Love

Woody's Liquors, 523 Broadway came before the Commission to show cause why its All Forms Package Good Store license should not be modified, suspended or revoked for alleged violation of Massachusetts General Laws Chapter 138 §34-Sale, delivery or furnishing alcoholic beverages to a person under twenty-one years of age and Somerville Licensing Commission Rules and Regulations to wit:-

Somerville Licensing Commission Rule 1.08j -. Whoever makes a sale or delivery of any alcoholic beverages or alcohol to any person under twenty-one years of age, either for his own use or for the use of his parent or any other person, or whoever, being a patron of an establishment licensed under section 12 or 15 of General Laws Chapter 138 delivers or procures to be delivered in any public room or area of such establishment any such beverages or alcohol to or for use of a person who he knows or has reason to believe to be under twenty-one years of age or whoever procures any such beverages or alcohol for a person under twenty-one years of age in any establishment licensed under section 12, or procures any such beverage or alcohol for a person under twenty-one years of age

who is not his child, ward or spouse in any establishment that is a package store, shall be subject to disciplinary action by the Licensing Commission.

The date of the alleged offense was September 1, 2011.

ASC Grossfield read the violation into the record.

ASC stated this incident related to a delivery of alcohol to a minor at a Medford address.

No joint recommendation was reached.

Commissioner McKenna requested the Board purpose a disposition.

Upon a motion duly made and seconded, it was

VOTED to sanction the establishment with a One day suspension to be served Monday, January 9, 2012 and to ban the sale of airline size bottles for the month of January.

**SAV-MOR Discount Liquors**  
**15-17R McGrath Highway**

Present: Assistant City Solicitor, Jason Grossfield & Ben Weiner

Sav-Mor Discount Liquors, 15-17R McGrath highway came before the Commission to show cause why its All Forms Package Good Store license should not be modified, suspended or revoked for alleged violation of Massachusetts General Laws Chapter 138 §34-Sale, delivery or furnishing alcoholic beverages to a person under twenty-one years of age and Somerville Licensing Commission Rules and Regulations to wit:-

Somerville Licensing Commission Rule 1.08i -. Whoever makes a sale or delivery of any alcoholic beverages or alcohol to any person under twenty-one years of age, either for his own use or for the use of his parent or any other person, or whoever, being a patron of an establishment licensed under section 12 or 15 of General Laws Chapter 138 delivers or procures to be delivered in any public room or area of such establishment any such beverages or alcohol to or for use of a person who he knows or has reason to believe to be under twenty-one years of age or whoever procures any such beverages or alcohol for a person under twenty-one years of age in any establishment licensed under section 12, or procures any such beverage or alcohol for a person under twenty-one years of age

who is not his child, ward or spouse in any establishment that is a package store, shall be subject to disciplinary action by the Licensing Commission.

The date of the alleged offense was September 29, 2011.

ASC Grossfield read the report into the record.

ASC Grossfield stated that a cashier at the establishment sold alcohol to a minor and did not request any photo identification.

This is their first violation.

Mr. Wiener apologized for the incident.

Upon a motion duly made and seconded, it was

VOTED: to issue a WARNING and for all sales staff to be retrained 60 days from this decision.

**CLUB LICENSE**

**Continued from October 17, 2011**

**George Dilboy Post 529, Inc.**  
**VFW 371 Summer St.**

Present: Attorney Richard DiGirolamo

George Dilboy Post 529, VFW 371 Summer St. requesting approval for a change of location of the All Forms Alcohol Club license to 343-349, 351 Summer St and for an Entertainment License for Entertainment by Performers, Patrons and Devices.

Roberto DiResta went over the change in the Dilboy Post building design.

Atty. DiGirolamo stated that the ZBA had a meeting recently and made comments on what changes they would like. The will appear before the ZBA on December 7, 2011.

Atty. DiGirolamo stated that the foot print is the same, a small section on the driveway was notched out.

A few of the neighbors voiced their concerns with the transfer and are opposed to this.

Nancy Iappini spoke of a complaint she sent in to the Commission in November.

Chairman Upton explained the process for complaints to Ms. Iappini.

Mr. Hardy, Commander of the VFW told the Board that the Club has been closed. The are currently working with the Building Department to bring things into compliance.

Mr. Hardy stated that the ABCC came to the club on Nov. 10, 2011 and found no violations.

Two separate votes were taken

A motion was made for the Change of location for the Club license.

The Motion was seconded, it was

VOTED To approve the Change of location of the Club License

A motion was made to hear the Entertainment license at the January 2012 meeting.

The motion was seconded, it was

VOTED: To continue the Entertainment application until January meeting.

Commissioner Vaccaro voted NO

Having no further business, the meeting was adjourned.

Respectful Submitted

Jenneen M. Pagliaro  
Executive Secretary





**City of Somerville  
Licensing Commission**

**Senior Center  
Tufts Administration Building  
167 Holland Street**

**Regular Meeting  
Tuesday  
December 20, 2011  
6:00 p.m.**

Commissioner John J. McKenna called the meeting to order at 6PM. Present were Commissioners Vito Vaccaro, Inspector Joseph McCain and Administrative Assistant Jenneen M. Pagliaro. (Chairman Upton arrived at the meeting at 7PM).

Minutes of the October 17, 2011 meeting were approved as presented.

**COMMUNICATIONS**

Alcoholic Beverages Control Commission notice of Hearing- Mike's Bar, 97 Washington St. This was noted for the record and placed on file.

Alcoholic Beverages Control Commission notice of Hearing- Somerville Post #19. This was noted for the record and placed on file.

Massachusetts State Lottery Commission re: Keno-To-Go. This was noted for the record and placed on file.

Letter from abutters regarding a request to revoke the Entertainment license issued to the Dilboy Post 529, 371 Summer St. The Board motioned to Place this item on File.

Letter from abutters regarding request for reversal of decision for change of location for Dilboy Post 529. The Board motioned to Place this item on File.

**RULES**

Consideration of a rule change of The Somerville Licensing Commission Rules and Regulations- rule 7.12 relating to Non-Transferable Liquor Licenses. Currently when the license are returned they must be held by the Commission for sixty days. The Commission would like to change this sixty day period to 14 days.

The City feels that the current time period for holding a license is far too long.

Commission Vaccaro is not convinced and thinks 60 days would benefit the City, while still maintaining the security of this process.

A motion was made and seconded to accept the change of rule 7.12

Voted: To approved the rules change as submitted.

Consideration for amending The Somerville Licensing Commission Rules and Regulations to require that new liquor license applicants undergo training for the sale of alcohol to underage individuals.

This matter to be continued until January meeting.

**2:00AM CLOSING**  
**ALL FORMS ALCOHOLIC BEVERAGES 7 DAY RESTAURANT LICENSES**

**EXTENDED HOURS REVIEW**

The following licensees appeared before the Commission for annual review of their extension of hours until 2:00AM:

<u>Date Approved</u>	<u>Business</u>	<u>Address</u>
8/18/08 3/23/09 06/21/2010	Diva	246-248 Elm St.REVOKED RE-INSTATED* (07/2010)
12/21/05	Casey's	171 Broadway

Each licensee's file was reviewed for incidents/complaints and all were found to be suitable to continue with their extended hours.

On a motion duly made and seconded, it was

VOTED: To extend the 2AM license for one more year.

**COMMON VICTUALER LICENSES**

**Target Corporation**  
**180 Somerville Ave.**

Present: Jerome Rego

Mr. Rego, representing Target Corp., came before the Commission requesting approval of a Common Victualer license at 180 Somerville Ave.

Mr. Rego stated that this would be a change from the current restaurant to Starbucks with a change to the floor plan.

Along with the application, a menu and floor plan were submitted for the Commissioner's consideration.

Claudia Morrow raised a question to the Board. Ms Morrow wanted to know if two commissioners are considered a quorum for this meeting, since Chairman Upton isn't here at this time.

Commissioner McKenna stated yes two people are a quorum.

On a motion duly made and seconded, it was

VOTED: To approve the Common Victualer license as presented.

**Wing Works**  
**201 Elm St.**

Present: Myoung Park

Mr. Park came before the Commission requesting approval of a Common Victualer license at 201 Elm St.

Mr. Park stated that no changes will be made to the business, this is just new ownership.

Along with the application, a menu, floor plan and lease were submitted for the Commissioner's consideration.

On a motion duly made and seconded, it was

VOTED: To approve the Common Victualer license as presented.

**Mixtura**  
**300 Beacon St.**

Present: Rosy Cerna

Ms. Cerna came before the Commission requesting approval of a Common Victualer license at 300 Beacon St.

Ms. Cerna has 12 years restaurant experience and owns two other restaurants.

Along with the application, a menu, floor plan and lease were submitted for the Commissioner's consideration.

On a motion duly made and seconded, it was

VOTED: To approve the Common Victualer license as presented.

**SPECIAL ALCOHOL LICENSES**

**Bearface Food LLC**  
**d/b/a The Bearded Pig**  
**201 Somerville Ave.**

Present: Michael Schmidt

Mr. Schmidt came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages at a Butcher Display and BBQ on January 22, 2012 from 3PM-7PM.

Mr. Schmidt stated this would be a dinner for 50 people.

Police and Fire Details have been requested and experience servers will be dispensing the alcohol.

On a motion duly made and seconded, it was

VOTED: To approve the Special Alcohol license as submitted.

**SPECIAL FARMER WINERY LICENSES**

**Westport Rivers, Inc.**

Present: Rob Russell

Mr. Russell came before the Commission requesting approval of a Special Farmer Winery License to sell wine produced by the licensee for off-premise consumption at The Somerville Winter Farmer's Market to be held at the Center for Arts at the Armory, 191 Highland Ave. on twelve consecutive Saturdays, Nov. 26, 2011 thru May 26, 2012 from 9:30AM-2:30PM.

On a motion duly made and seconded, it was

VOTED: To approve the Special Farmer Winery license as submitted.

**Still River Winery**

Present: Margo Holtzman

Ms. Holtzman came before the Commission requesting approval of a Special Farmer Winery License to sell wine produced by the licensee for off-premise consumption at The Somerville Winter Farmer's Market to be held at the Center for Arts at the Armory, 191 Highland Ave. on twelve consecutive Saturdays, Nov. 26, 2011 thru May 26, 2012 from 9:30AM-2:30PM.

On a motion duly made and seconded, it was

VOTED: To approve the Special Farmer Winery license as submitted.

**ENTERTAINMENT LICENSES**

**Federal Wine & Spirits Belmont, Inc.**  
**d/b/a Journeyman Restaurant**

Present TW Lim

Mr. Lim came before the Commission requesting approval for an Entertainment License consisting of Stereo and two televisions.

On a motion duly made and seconded, it was

VOTED: To approve the Entertainment license as submitted.

**CLUB LICENSE**

**Change of Officer/Directors**

**George Dilboy Post 529, Inc.**  
**VFW 371 Summer St.**

Present: Robert Hardy

Mr. Hardy came before the Commission requesting approval for a change of Officers/Directors of the All Forms Alcohol Club license.

Mr. Hardy stated that the Alcoholic Beverages Control Commission called the VFW into their offices for not submitting change of Officers.

Mr. Hardy stated he was not aware of this rule and has never filed anything in the past and wants to correct the situation right away.

Mr. O'Shea spoke of a hearing held at the ABCC last Tuesday in regards to this issue.

Ms. Morrow feels the City should wait for a decision from the ABCC in regards to this hearing.

Ms. Pagliaro, The licensing Commission Administrative Assistant stated for the record that the City has never received a copy of this hearing notice from the ABCC.

On a motion duly made and seconded, it was

VOTED: To approve the Change of Officer/Directors as submitted.

**Staus Update**

**Continued from November 21, 2011**

Las Brisas, 561 McGrath Highway to give status update on the Wine and Malt license pending at the Alcoholic Beverage Control Commission.

Attorney DiGirolamo's office asked for a continuation of this matter due to application still pending at the ABCC)

Having no further business the meeting was adjourned

Respectfully submitted

Jenneen M. Pagliaro  
Administrative Assistant