

2020 Minutes of the Somerville Licensing Commission

2020 Minutes of the Somerville Licensing Commission
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**City of Somerville
Licensing Commission**

**Senior Center
2nd Floor
Tufts Administration Building
167 Holland Street**

**Regular Meeting
Monday**

January 13, 2020

6:00pm

Published on January 8, 2020 at 11:40AM

REVISED January 8, 2020 at 12:30PM

REVISED January 13, 2020 at 4:15PM

***DRAFT OF THE
Minutes of the Regular Meeting
Posted 1/17/20 at 11:15am***

A recording of this meeting is available online

*The meeting was called to order at 6:06pm. Present were Commissioners, Lynch and Allen, Secretary to the Commission Lori Batzek, Lt. MacLaughlan, a member of the Fire Dept., Applicants and members of the public. Absent were Commissioner McKenna and Sgt. Chaille a member of the Police Department
The meeting adjourned at 8:35pm*

1. Minutes of November 18, 2019 Meeting

Continued until the February 10, 2020 Licensing Commission Meeting because the minutes were not available

MARIJUANA RETAILER LICENSES

New Marijuana Retailer License

2. East Coast Remedies Corp., 76-82 Central St. requesting approval for a Group A Priority, NEW Marijuana Retailer License
Hours of Operation: Sun. - Sat. - 9AM - 9PM
This is the Notice of a Public Hearing for this Item. The Public is welcome to attend and be heard.
(ME19-000007)

By request of Attorney Di Girolamo to be continued to the January 2020 Licensing Commission Meeting. Email rec'd 10/30/19

By request of City Councilor Ben Ewen-Campen, to be continued to the February 10, 2020 Licensing Commission Meeting, due to the 2nd Community meeting being held on the evening of January 13, 2020. Email rec'd 12/17/19 at 10:37am & an email rec'd by Attorney Anne Vigorito on 1/8/20 at 3:23pm

A community meeting is being held at 6:30pm at the Somerville High School Auditorium this evening.

The Commission continued this item to the February 10, 2020 Licensing Commission Meeting

Communications

3. Notice to the Commission from the Alcoholic Beverages Control Commission for:

River Bar, LLC DBA River Bar
661 Assembly Avenue
Somerville, MA 02143
License #: 113000162
Hearing Date: January 21, 2020 at 2:30pm
Date of Alleged Violation: Thursday, August 8, 2019 at approximately 11:45 PM

The Commission made a note of this communication

4. Communication sent from the City Clerk John Long pertaining to a proposal for the addition of Late Fees to include Amendment Applications for the Somerville Licensing Commission (*Late Application Fees were approved by the commission at the 10/21/19 Licensing Commission Meeting*).

City Clerk John Long appeared for this communication. The proposal being made is to add a late fee to amend a license that does not include the sale of alcohol be set at \$50 (in addition to the \$50 application fee), and the late fee to amend a license that does include the sale of alcohol be set at \$100 (in addition to the \$200 application fee).

The Commission approved these late fees

5. Communication sent from the City Clerk John Long pertaining to Ordinance 2019-24 Wage Theft. Section 9-38 of the new Wage Theft Ordinance, appears on pages 6-7 and pertains to licenses issued by the Licensing Commission

City Clerk John Long appeared for this communication. Section 9-38. Requirements for Licenses and Prospective Licensees, will affect Somerville Licensing Commission Licenses. Upon a finding of Wage Theft, this item will be placed on the next Licensing Commission Meeting Agenda. The Wage Bond amount was discussed and may be adjusted by the Licensing Commission. The effective date of this Ordinance, was voted on by the City Council and is awaiting the Mayors signature.

The Commission made note of this new Ordinance

Continued from 9/16/19, 10/21/19 & 11/8/19 Meetings

6. Commissioner Allen proposes a discussion and the adoption of the rough draft of the Standing Rules submitted by City Clerk John Long at the Somerville Licensing Commission Meeting on 4/8/19. This will be used as a starting point. Additions and finalized language will be discussed

Commissioner Allen submitted a list of changes to the standing rules. A Charter change would be required to amend the number of Commissioners (2.30) and will also require a Home Rule Petition through the State House. For 3.10, change the word Modifications to Amendments. Commissioner Allen stated he felt Unfinished Business Items were continued applications and a discussion was held on the differences between the applications, and where they should appear on the Agenda. Chairman Lynch suggested continued items (due to no appearance) be placed at the end of the agenda, Commission continuances and no appearance continuances should be separate, and Chairman Lynch instructs the Secretary to discuss this wording with City Clerk John Long.

Standing Rules Order: Unfinished Business will be removed. Call of the Meeting, Approval of the minutes, Communications, Special Farmer Winery, Special Alcohol Licenses, Continued by the Commission (Correct Terminology to be discussed with City Clerk John Long), Amendments of existing Licenses, Applications for licenses that do not include Alcohol or Marijuana, Applications for Alcohol Licenses, Applications for Marijuana licenses, Continued Unheard Business for no appearance (Correct Terminology to be discussed with City Clerk John Long) & Other New business.

7.00 Public comment remove to three minutes or less per person and add may time limit comment.

Commissioner Allen will submit a new Standing Rules of the Somerville Licensing Commission.

Send a copy to City Clerk John Long & Commissioner McKenna for review.

The Commission continued this item until the February 20, 2020 Licensing Commission Meeting

Continued from 9/16/19, 10/21/19 & 11/8/19 Meetings

7. Commissioner Allen to propose Marijuana Policies and Procedures including a discussion of the proposed rules. A vote will be taken on this proposal to implement the adoption of these Policies and Procedures

Commissioner Allen stated hours of operation are not in the state guidelines. A discussion was held on the Pay to Play aspect of Alcohol Licenses in regards to the Marijuana rules. Chairman Lynch stated as a commission, it can be looked at and recommendations made. In the Package Store industry it is common practice for vendors to give things to a liquor store for prominent display of their product. Chairman Lynch states the City Solicitor to look at the CCC regulations on this matter. If this is already part of the CCC regulations, the commission feels we should not duplicate this regulation, and the CCC would have more enforcement mechanisms in place. Commission Allen will submit a draft to City Clerk John Long, City Solicitor Frank Wright with a copy to Hannah Pappenheim and the Secretary to the Commission.

Chairman Lynch stated he was opposed to these establishments opening before 10am on Sundays

The Commission continued this item until February 10, 2020

Special Alcohol License

Continued from 11/18/19 Meeting

8. Mapou Entertainment Inc., One Marina Park Drive, Suite 1410, Boston, MA 02210 requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for Griotfest to be held Outdoors at Sylvester Baxter Riverfront Park on Saturday, April 25, 2020 from 2:00pm – 10:00pm with a Rain Date of 4/26/2020
(PEL19-000238)

Applicant did not appear for 11/13/19 Licensing Commission Meeting

Applicant did not appear for 1/13/20 Licensing Commission Meeting

The Commission continued this application until the February 10, 2020 Licensing Commission Meeting

9. Forge Baking Company, 626A Somerville Ave. requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for an In Season Dinner to be held Indoors at Forge Baking Co. on Thursday, January 30, 2020 from 6:00pm – 10:00pm
(PEL19-000248)

Courtney Verhhaalen appeared for this application. This is an as much as you can eat event with 2 beers. They have had several other dinners in the past. Approximately 40-50 people.

The Commission approved this Special Alcohol License.

10. Merlin Entertainments, 598 Assembly Row, requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for Adult Night at Legoland Discovery Center Boston, to be held Indoors in the Café Area at Legoland Discovery Center Boston on the following Wednesdays: 2/12/20, 3/11/20, 4/8/20, 5/13/20, 6/10/20, 7/8/20, 8/12/20, 9/9/20, 10/14/20, 11/11/20, 12/9/20 from 7:00pm – 9:00pm
(PEL20-000001)

Brendan O'Toole appeared for this application. These events are strictly adult nights. A rotating schedule of providers will be used. Remnant, Winterhill and Aeronaut Breweries will be used. Approximately 50-150 people depending on the month will attend.

The Commission approved this Special Alcohol License.

**Common Victualler
And Entertainment by Devices**

11. JXW Davis Square, LLC
d/b/a Hulun Beir
7 Holland St.
Yingqi Qang
Hours of Operation – Mon. – Fri. 11:00am-12:00am and Sat-Sun 10:00am-12:00am

*Previously approved for a CV, Entertainment by Devices and Wine & Malt License by the Commission. ABCC returned no action on the Wine & Malt License.
(AL17-000312)*

This is a new owner, new manager and new hours of operation application, under the same Corporation name.
(AL19-000045)

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

Applicant did not appear for 1/13/20 Licensing Commission Meeting.

The Commission continued this application until the February 10, 2020 Licensing Commission Meeting

Common Victualler

12. Bozfam LLC
d/b/a Manoa Poke Shop
296 Beacon St.
Jacob Afoa, Josiah Bonz, Devynne Fuga & Sonny Langford
Hours of Operation: Sat–Sun 11:00am–9:00pm
(AL19-000047)

An amendment was filed for Bozfam LLC d/b/a Manoa Poke Shop at 300 Beacon St. under the same Corporation Name, but different owners and a different address number. This appears to be a new application under a different address with different hours of operation. See information below from 10/21/19 & 11/13/19 Licensing Commission Meetings:

Jacob Afoa appeared for this application. Some of the applications have either address. 296 is the mailbox. Previous owners are phasing out into a consulting roll. The last step is the lease signed to the new owner in February. The secretary will confirm address and amend in Citizen Serve. The lease is needed.

The Commission conditionally approved this license, upon submission of the lease and determination of the correct address

Existing Common Victualler

Reopening (closed January 2019 without notification),

Change of Hours & Change of Manager

Bozfam LLC
d/b/a Manoa Poke Shop
300 Beacon St.
Josiah Bonsey & Sam Bonsey
Current Hours on License are listed as: Mon.–Sun. 11:30am–9:30pm (AL17-000333)
Amendment application states current hours as – Fri. 5pm-9pm & Sat.-Mon. 11am-9pm
Proposed Hours – Tues.– Sun. 11:30am-9pm (ALM19-000025)
Change of Manger– current license lists Armodo Leopardi as Manager (AL17-000333)
Amendment indicates current Manager is James Acer
Change of Manager should be from Armodo Leopardi to Jacob Afoa
(ALM19-000025)

Continued from 10/21/19 & 11/13/19 Licensing Commission Meetings
The applicant failed to appear for the October 21, 2019 or the November 18, 2019 Licensing Commission Meeting.
A Certified Letter was mailed to the applicant on December 12, 2019 pertaining to this amendment application, instructing them to appear at the January 13, 2020 Licensing Commission Meeting.

Applicant submitted a new application with new owners on 12/19/19 – see AL19000047

13. Relentless Sub, LLC
d/b/a Subway
271 Broadway
Christopher Allen & Vinny Mosconi
Hours of Operation: Sun–Sat 9:00am–8:00pm
(AL19-000048)

Christopher Allen and Vincent Mosconi appeared for this application. This is an existing Subway, with new owners. Everything is the same. The Lease is needed. This is their 2nd restaurant

The Commission conditionally approved this license, upon submission of the lease

Existing Alcohol License
City License
All Forms 7 Day Restaurant License

Requesting
Change of Manager

14. Tamario Inc. d/b/a Dali Restaurant, 415 Washington St. requesting approval of a Change of Manager from Mario Leon to Aliya Wali
(ALM19-000033)

City Clerk John Long weighed in on Commissioner Allen being an abutter, and the commission being short a commissioner. Both City Clerk John Long and City Attorney Hannah Pappenheim felt it unnecessary for Commissioner Allen to recuse himself from this matter.

Applicant did not appear for 1/13/20 Licensing Commission Meeting

The Commission continued this application until the February 10, 2020 Licensing Commission Meeting

Existing Alcohol License
City License
All Forms 7 Day Restaurant License

Requesting
Change of Manager

ASSEMBLY ROW Area
Chapter 142, Acts of 2016

15. The Smoke Shop BBQ Co., LLC d/b/a Smoke Shop BBQ, 325 Assembly Row requesting approval of a Change of Manager from Ian Grossman to Aimee Magner (ALM19-000034)

Applicant did not appear for 1/13/20 Licensing Commission Meeting.

The Commission continued this application until the February 10, 2020 Licensing Commission Meeting

Existing Alcohol License
Private License
All Forms 7 Day Restaurant License

Requesting
Change of Manager

16. Fakhouri Inc. d/b/a Sound Bites, 704 Broadway requesting approval of a Change of Manager from Greg Beadle to Patricia Oppedisano (ALM19-000035)

Yassar Mirza and Patricia Oppedisano appeared for this application. Ms. Oppedisano has 42 years in this business and has worked in Somerville businesses.

The Commission approved this Change of Manager

Existing Alcohol License
City License
All Forms 7 Day Restaurant License

ENHANCEMENT Area
Chapter 142, Acts of 2016

Requesting
Change of Hours

17. Happy Crab of Chen, LLC d/b/a Happy Crab requesting approval of a Change of Hours from:
Current Hours for Food & Alcohol Service:
Mon-Fri - 3pm-10pm, Sat – 12pm-11pm & Sun – 12pm-10pm (appl. Indicates incorrect hours)
Proposed Hours for Food & Alcohol Service:
Mon.-Thu–3pm-1am, Fri-Sat–12pm-1am & Sun–12pm-12am (Everyday hours change)
(ALM19-000036)

Yanzhen Chen appeared for this application. City Councilor Katjana Ballantyne sent in an email of support on this change of hours on 1/9/20 at 3:26pm.

Amended Sun to 12am closing (error on agenda of 12pm)

The Commission approved this Change of Hours application

Existing Alcohol License
City License
For the Quota
All Forms 7 Day Restaurant License

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

- Continued from 11/18/19 Meeting**
18. Federal Wine & Spirits Belmont, Inc. d/b/a Field & Vine (& Back Bar), 9 Sanborn Ct. requesting approval for an Alteration of Premises from 34 Indoor Seats to 54 Indoors Seats in Field & Vine and 12 Outdoor Private Patio Seats for Field & Vine (no change to Back Bar Seats of 39), Total Seats for both establishments, Indoors & Outdoors will be 105.
(ALM19-000024)

Applicant requested this to be continued to the January 2020 Licensing Commission Meeting to comply with Abutter's Notice Requirement

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

Tse Wei Lim appeared for this application. They have been in business since 2010. Space became available and they are extending the premises indoors. Outdoor patio is on private property and taking 2 previous parking spaces. 7 Sanborn Court is the mailing address. Mr. Lim states both Field & Vine and Back Bar are at number 9. He has a building permit application for the alteration. The outdoor spaces are directly in front of Field & Vine.

The Commission approved this Alteration of Premises and Outdoor (Private) Patio Seating

NEW Alcohol License
City License
All Forms 7 Day Restaurant License

ENHANCEMENT Area
Chapter 142, Acts of 2016

19. Olive, Viola and Will Inc. d/b/a Dragon Pizza, 233 Elm St. requesting approval for a 7 Day All Forms Alcohol License
Proposed Hours for Food & Alcohol Service: Mon-Wed – 12pm-10pm, Thu-Sat – 12pm-12am & Sun – 11am-8pm
Already has a CV License (AL18-000034)
(AL19-0000)

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

Charles Redd appeared for this application. Expected to serve Beer, Wine, Beer on Tap and about 4 or 5 rotating cocktails. Delicious & Co. will be removed from the application to match the ABCC application. A Business Certificate will be filed as Dragon Pizza. They will continue as Dragon Pizza until the building is demolished. When the new building is built, they will continue with the restaurant concept of Delicious & Co. Lt. MacLaughlan had some questions about the Ansel system and will be in contact with Mr. Redd.

The Commission approved this All Forms Alcohol License

Existing Alcohol License
Private License
All Forms 7 Day Restaurant License

Requesting
Change of Officers/Directors/LLC Managers & LLC Manager

20. 99 Restaurants of Boston, LLC d/b/a 99 Restaurant & Pub, 20 Cummings St. requesting approval for a Change of Officers/Directors/LLC Manager

FROM:

Charles O. Noyes—LLC Manager, President

Goodloe M. Partee - General Counsel, Secretary

REMOVE: Timothy T. Jansen-LLC Manger, Brent B. Bickett-LLC Manager & Gregory Hays-Treasurer

TO:

Charles O. Noyes—LLC Manager, President (no change)

Goodloe M. Partee-LLC Manger, General Counsel, Secretary (adding as LLC Manager)

ADD: Kurth Schaubelt-LLC Manager, CFO

W. Craig Barber-LLC Manager, CEO

Beneficial Interest Change:

As a result of a reorganization, Fidelity National Financial Ventures, LLC, owned 55%, created a new publicly traded company with the exact same stockholders, Cannae Holdings. Inc., and transferred all of its ownership in the 99 Restaurants, to CNNE. The other previously approved stockholders also transferred a share of their stock to the new publicly traded company, so that CNNE now owns 88.5% and the remaining owners hold a smaller ownership percentage (see chart in the application)
(ALM20-)

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

Attorney Devlin's office requested a continuance on this item until the February 10, 2020 Licensing Commission Meeting, due to issues with Citizen Serve application process

The Commission continued this item to the February 10, 2020 Licensing Commission Meeting

VIOLATION

21. Ball Square Café & Breakfast 708 Broadway to show cause why the Common Victualler license issued to the above-referenced establishment should not be modified, suspended or revoked, for alleged violation of Massachusetts General Laws Chapter 140 §§ 2,9 and Somerville Licensing Commission Rules 1.04a and 1.12a to wit:

Somerville Licensing Commission Rule 1.04. a.- No licensee may permit any rule, policy, or action, express or implied, which makes any distinction, discrimination, or restriction on account of race, color, religious creed, national origin, sex, physical or mental disability, ancestry, sexual orientation or any other group protected by law relative to the admission or treatment of persons from the general public or employees at the licensed premises; provided, however, that premises licensed pursuant to section 12 of the General Laws, Chapter 138, may make rules regulating the admission of minors to the premises when such rules are not inconsistent with other rules and regulations stated herein; provided further that private club licensees may not discriminate, as aforesaid, with regard to guests at the licensed premises or with regard to who may be invited to the premises as a guest.

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 which 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.

The date of the alleged offense is August 2, 2019.

City Attorney Hannah Pappenheim, Megan Taddonio and Michael Moccia appeared for this violation.

A discussion was held pertaining to the incident that transpired on August 2, 2019. Ms. Taddonio testified that business owner Michael Moccia approached her a couple of times and asked her to cover up while breast feeding. Ms. Taddonio refused and informed Mr. Moccia that it was her legal right to breast feed. Ms. Taddonio & Mr. Moccia testified and offered differing testimony. Attorney Pappenheim asked a series of questions of Ms. Taddonio. The Commission asked questions of Mr. Moccia.

Both Ms. Taddonio and Mr. Moccia agreed to the disposition.

Disposition as follows: A One (1) Day roll back of Closing Hours from closing at 3:00pm to 12:00pm on the same day of the week (Friday) that the incident occurred on.

The Commission accepted the Disposition as agreed upon

Status Report of Incomplete 2020 Alcohol License Renewals

22. Incomplete 2020 Alcohol License Renewals

A discussion was held on the 2-5 Alcohol Licenses that are incomplete. Some licensees have completed the process since the printing of the Agenda. Chairman Lynch requests the secretary to confirm any incomplete licenses and to discuss this matter with the City Clerk, John Long. Then send incomplete license renewals to the Law Department to send these businesses notification.

Chairman Lynch request a status determination

The package store in Union Sq. is closed for renovations. This is one of the Marijuana Retail Applicants that was approved at the November 18, 2020. Chairman Lynch states he was told the sign had been posted for a week prior to Friday of last week. The Commission was not notified of the closure of this business. Lt. MacLaughlan will investigate this matter.

Chairman Lynch asked about Jae's Café closure. The Commission was not notified on this closure. The ABCC sent this Alcohol License back as a Return No Action. They did not follow through on this application. Meju is the previous owner. Chairman Lynch instructs the secretary to send a notice to Jae's Café. If no response is received, send this to the City Attorney.

Orlean's did not renew their 2am closing license. No appearance was made for the October or November, 2019 for renewal of this license. Chairman Lynch instructed the secretary to send them a letter on this matter. Commissioner Allen would like confirmation from this business, that they have adjusted their hours. Send this to Sgt. Chaille.

Commissoner Lynch instructs the secretary to ask City Clerk John Long to find out who the backup is for Sgt. Chaille and Secretary to the Commission Lori Jean Batzek

**City of Somerville
Licensing Commission**

**City Council Chambers
2nd Floor
Somerville City Hall
93 Highland Ave.**

**Regular Meeting
Monday
February 10, 2020
6:00pm**

**Published on February 3, 2020 at 5:30pm
Published on February 7, 2020 at 12:05 pm
Published on February 10, 2020 at 3:00 pm**

***DRAFT OF THE
Minutes of the Regular Meeting
Posted 02/13/20 at 3:25PM***

A recording of this meeting is available online

***The meeting was called to order at 6:07pm. Present were Commissioners, Lynch and Allen, Secretary to the Commission Lori Batzek, Sgt. Warren Chaille, a member of the Police Department, Lt. MacLaughlan, a member of the Fire Dept., Applicants and members of the public. Absent was Commissioner McKenna
The meeting adjourned at 9:22pm***

1. Minutes of November 18, 2019 Meeting

The Commission approved these minutes

2. Minutes of January 13, 2020 Meeting

The Commission approved these minutes

Communications

Continued from 9/16/19, 10/21/19, 11/8/19 & 1/13/20 Meetings

3. Commissioner Allen proposes a discussion and the adoption of the rough draft of the Standing Rules submitted by City Clerk John Long at the Somerville Licensing Commission Meeting on 4/8/19. This will be used as a starting point. Additions and finalized language will be discussed

Commissioner Allen sent this revised copy, to City Clerk John Long, and he had no issues with the changes made. Chairman Lynch requested he send this document for the Law Departments review and if there are no issues, recommends approval of these Standing Rules. Commissioner Allen would like these Standing Rules posted to the website.

The Commission approved the draft of the standing rules as discussed at the 1/13/20 Licensing Commission Meeting, pending a final review from the Law Department.

Continued from 9/16/19, 10/21/19, 11/8/19 & 1/13/20 Meetings

4. Commissioner Allen to propose Marijuana Policies and Procedures including a discussion of the proposed rules. A vote will be taken on this proposal to implement the adoption of these Policies and Procedures

Commissioner Allen sent this Revision of the Somerville Licensing Commission Rules and Regulations to the Law Department for review. The Law Department has no legal concerns with the proposed changes. After further discussion on this matter, Commissioner Allen will request the Law Department to update Section 1.17, Permission to Close Premises Required, of the Rules and Regulations, to include Recreational Marijuana.

The Commission Continued this matter to the March 16, 2020 Licensing Commission Meeting

5. Chairman Lynch requests the Somerville Licensing Commission consider the addition of an alternate voting member of the Commission. Such action, if approved by the Somerville Licensing Commission, will need further approval from the Mayor, City Council and Massachusetts State House.

If approved by the Licensing Commission, this item will then be brought to the Mayor, for his acceptance, then it will be sent to the City Council for their acceptance, and finally it would be sent to the State House for approval. The whole process should take approximately 2-3 months. Written comment may be submitted to the Licensing Commission, the Mayor, the City Council or the State Representatives.

The Commission approved the addition of an alternate voting member of the Commission.

Communications
Late Items

- 5a. Notice to the Commission from the Alcoholic Beverages Control Commission for:

River Bar, LLC DBA River Bar
661 Assembly Avenue
Somerville, MA 02143
License #: 113000162
Hearing Date: Tuesday, March 31, 2020 at 2:30pm
Date of Alleged Violation: Thursday, August 8, 2019 at approximately 11:45 PM

The Commission took note of this communication

5b. Notice to the Commission from the Alcoholic Beverages Control Commission for:

Earl's Restaurant (Somerville) Inc. DBA Earl's Kitchen & Bar
698 Assembly Row Store #102
Somerville, MA 02145
License #: 113000164
Hearing Date: Tuesday, April 7, 2020 at 10:30am
Date of Alleged Violation: December 28, 2019 at approximately 1:40 AM

The Commission took note of this communication

NEW City License

**7 Day All Forms Alcohol License
And Outdoor Patio (Public Property)**

**ENHANCEMENT Area
Chapter 142, Acts of 2016**

6. Taco Party LLC, 711 Broadway requesting a NEW – Enhancement Area 7 Day All Forms Alcohol and Outdoor Patio (Public Property) License

Hours of Operation for Food Service Indoors/Outdoors and Alcohol Service Indoors and Outdoors: Mon-Sat 11:00am – 10:00pm and Sun 12:00pm – 7:00pm
*Already has a CV and Entertainment by Devices License (AL17-000285)
(AL19-000036)*

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

This was approved by the Commission on 11/18/19

Applicant requested to place this item on the Agenda and Advertised for the February 10, 2020 meeting to comply with the 3 day abutters notification requirement (Originally on November 18, 2019 Agenda)

Keith Shubert appeared for this Administrative Item. He has complied with the abutters notice.

The Commission took note of this Administrative Item.

Special Alcohol License

Continued from 11/18/19 & 1/13/20 Meetings

7. Mapou Entertainment Inc., One Marina Park Drive, Suite 1410, Boston, MA 02210 requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for Griotfest to be held Outdoors at Sylvester Baxter Riverfront Park on Saturday, April 25, 2020 from 2:00pm – 10:00pm with a Rain Date of 4/26/2020 (PEL19-000238)
Removed per Jackie Rossetti – Did not hear back from applicant – per email 2/6/20 @ 12:51pm

The Commission took note of this matter

8. Mom’s Run 5k Run/Walk for Cancer, Summer St. requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for Mom’s Run 5k Run and Walk for Cancer to be held Indoors and Outdoors at the VFW Post on Sunday, May 10, 2020 from 10:00am – 2:00pm (PEL20-000003)

Karen Pilott appeared for this application. This is the 18th year for the event. This is the same route as previous years (except for last year, the route was changed to Assembly Row, due to construction). Tips Certified Bartenders will serve, and the applicant will coordinate with the Secretary for ABCC approved vendors (no donations are allowed).

The Commission conditionally approved this Special Alcohol License

9. Brooklyn Boulders Somerville, 12A Tyler St. requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for IMPACT Bouldering Competition: Open Finals to be held Indoors at Brooklyn Boulders inside one of their private event spaces, on Saturday, February 29, 2020 from 8:00pm – 10:00pm (PEL20-000004)

Nick Medvescek appeared for this application. This is the 2nd year for this event. There will be approximately 50-100 guests. Sierra Nevada beer will be served and Tips Certified Bartenders will be serving alcohol. This is a private event by ticket.

The Commission approved this Special Alcohol License

10. Bow Market Entertainment, 337 Somerville Ave. requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for Apres Ski, St. Patricks Day and Record Store Day to be held Indoors and Outdoors at Bow Market, inside at businesses with license to sell alcohol and outdoors at 4 locations in the courtyard, on Saturday, February 22, 2020, Saturday, March 14, 2020, Saturday, April 18, 2020 and Sunday, April 26, 2020 from 12:00pm – 10:00pm with Raindates of 2/23/20, 3/15/20 & 4/19/20 & 5/3/20 (PEL20-000006)

Zach Baum appeared for this application. There will be approximately 750 at one time for a total of 1500 total throughout the day, for these events. Sgt. Chaille states a Police Detail is required. There will be a fire pit for the Apres Ski event and the applicant will coordinate with the Fire Dept.

11. Somerville Open Studios requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for Artist Reception for Somerville Open Studios “First Look Museum Show” to be held Indoors at The Somerville Museum, 1 Westwood Rd, on Sunday, April 19, 2020, Sunday, from 4:00pm – 6:30pm (PEL20-000007)

Hilary Scott appeared for this application. This is the 15th year at the museum for this event. There will be approximately 35-50 guests, the bartender will be Tips Certified. The commission reminded applicant that purchase of alcohol must be made from ABCC approved vendor. Applicant will contact the secretary for an approved list.

The Commission approved this Special Alcohol License

12. Somerville Education Foundation 17 Kidder Ave. requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for Somerville Education Foundation (SEF) – Somerville STEAM Social to be held Indoors, at Warehouse XI, 11 Sanborn Ct., on Friday, March 13, 2020, from 6:30pm – 9:30pm (PEL20-000014)

Marian Berkowitz appeared for this application. There will be a maximum of 80 guests. This is a ticketed event with a Tips Certified Bartender.

The Commission approved this Special Alcohol License

MARIJUANA RETAILER LICENSES
New Marijuana Retailer License

Continued from 10/21/19, 11/18/19 and 1/13/20 Licensing Commission Meetings

13. East Coast Remedies Corp., 76-82 Central St. requesting approval for a Group A Priority, NEW Marijuana Retailer License
Hours of Operation: Sun. - Sat. - 9AM - 9PM

This is the Notice of a Public Hearing for this Item. The Public is welcome to attend and be heard.
(ME19-000007)

By request of Attorney Di Girolamo to be continued to the January 2020 Licensing Commission Meeting. Email rec'd 10/30/19

By request of City Councilor Ben Ewen-Campen, to be continued to the February 10, 2020 Licensing Commission Meeting, due to the 2nd Community meeting being held on the evening of January 13, 2020. Email rec'd 12/17/19

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

Attorney Anne Vigorito (replaced Attorney Richard DiGirolamo for this applicant), Gladys Vega, Leah Piantidosi, Tom Mourmouras, Scott Jenkins and David Giangrande appeared for this application. A discussion was held on the qualifications of this economic empowerment applicant, as well as how this business will be run. A presentation was made pertaining to the parking lots and how appointments would be handled. Security for product delivery and cash handling was also discussed.

15 people had public comment on this matter and 2 City Councilors, Ben Ewen-Campen and Mark Niedergang spoke on this application. Concerns were raised about the Traffic Study submitted by the applicant and whether the City of Somerville will have any input on this. Other concerns raised were about the Traffic impact in the neighborhood, how close this establishment will be to the high school as well as several daycare centers in the area. Questions arose about the parking lots and how these will be used for this establishment and the surrounding businesses. Loitering outside the premises and service by appointment only were also concerns for the neighbors.

The Commission continued this item until the March 16, 2020 Licensing Commission meeting in order to go through all comments submitted to the commission, the Revised Traffic Study, (and the city's response to this information) and the Revised Business Plan Proposal submitted by the applicant.

Existing Alcohol License
Private License
All Forms 7 Day Restaurant License

Requesting
Change of Officers/Directors/LLC Managers & LLC Manager
Change of Ownership Interest

14. 99 Restaurants of Boston, LLC d/b/a 99 Restaurant & Pub, 20 Cummings St. requesting approval for a Change of Officers/Directors/LLC Manager
FROM:
Charles O. Noyes–LLC Manager, President
Goodloe M. Partee - General Counsel, Secretary
REMOVE: Timothy T. Jansen-LLC Manger, Brent B. Bickett-LLC Manager & Gregory Hays-Treasurer
TO:
Charles O. Noyes–LLC Manager, President (no change)
Goodloe M. Partee-LLC Manger, General Counsel, Secretary (adding as LLC Manager)
ADD: Kurth Schaubelt-LLC Manager, CFO
W. Craig Barber-LLC Manager, CEO

Beneficial Interest Change:

As a result of a reorganization, Fidelity National Financial Ventures, LLC, owned 55%, created a new publicly traded company with the exact same stockholders, Cannae Holdings. Inc., and transferred all of its ownership in the 99 Restaurants, to CNNE. The other previously approved stockholders also transferred a share of their stock to the new publicly traded company, so that CNNE now owns 88.5% and the remaining owners hold a smaller ownership percentage (see chart in the application)
(ALM20-000004)

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

Attorney Devlin's office requested a continuance on this item until the February 10, 2020 Licensing Commission Meeting, due to issues with Citizen Serve application process

Mariel Cabot appeared for this application. The ABCC sent approved notification of this transaction for all 99 Restaurants in the State of Massachusetts.

The Commission approved this Change of Officers/Directors/LLC Managers and Change of Beneficial Interest

Common Victualler
And Entertainment by Devices

Continued from January 13, 2020 Licensing Commission Meeting

15. JXW Davis Square, LLC
d/b/a Hulun Beir
7 Holland St.
Yingqi Qang
Hours of Operation – Mon. – Fri. 11:00am-12:00am and Sat-Sun 10:00am-12:00am

*Previously approved for a CV, Entertainment by Devices and Wine & Malt License by the Commission. ABCC returned no action on the Wine & Malt License.
(AL17-000312)*

This is a new owner, new manager and new hours of operation application, under the same Corporation name.
(AL19-000045)

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

No one appeared for this application.

The Commission continued this item to the March 16, 2020 Licensing Commission Meeting

Existing Alcohol License
City License
All Forms 7 Day Restaurant License

Requesting
Change of Manager

Continued from January 13, 2020 Licensing Commission Meeting

16. Tamaro Inc. d/b/a Dali Restaurant, 415 Washington St. requesting approval of a Change of Manager from Mario Leon to Aliya Wali
(ALM19-000033)

No one appeared for this application.

The Commission continued this item to the March 16, 2020 Licensing Commission Meeting

Existing Alcohol License
City License
All Forms 7 Day Restaurant License

Requesting
Change of Manager

ASSEMBLY ROW Area
Chapter 142, Acts of 2016

Continued from January 13, 2020 Licensing Commission Meeting

17. The Smoke Shop BBQ Co., LLC d/b/a Smoke Shop BBQ, 325 Assembly Row requesting approval of a Change of Manager from Ian Grossman to Aimee Magner

(ALM19-000034)

Mariel Cabot and Aimee Magner appeared for this application. Ms. Magner has been in the restaurant business approximately 30 years. She has been with the Smoke Shop since June as the Director of Training and Operations. She was also the Event Manager for The Stockyard Restaurant and GM, Regional and Director of Training for The Backbay Group.

The Commission approved this Change of Manager.

Existing Alcohol License
City License
All Forms 7 Day Restaurant License

Requesting
Entertainment by Performers
Enhancement Area
Chapter 142, Acts of 2016

18. Avenue Group LLC d/b/a Avenue Kitchen & Bar, 158 Boston Ave. requesting approval for an Entertainment by Performers License
(ALM20-000002)

Kenneth Schweizer appeared for this application. Mr. Schweizer would like to have a single guitarist with an amp (or not). He would like to start out as 1 night a week and see how it works out. Lt. MacLaughlan has a concern on this matter and stated Mr. Schweizer must go to ISD, submit the floor plan, and will need the ISD departments approval.

The Commission conditionally approved this Entertainment by Performers License, with the stipulation that the applicant submit floor plans to ISD and come back in 6 months, after the date of commencement for Entertainment by Performers, for a review of this License.

Existing Alcohol License
Private License
Wine & Malt Restaurant License

Requesting
Change of Manager &
Change of Officers/Directors

19. Center of the Arts at the Armory, 191 Highland Ave. requesting a Change of Manger from Dennis Kallis to Joe Botsch and a Change of Officers/Directors

FROM:

Debra McLaughlin – President

Melissa Gill – Treasurer

Margot Edwards – Clerk

Tracey Stark – Director

TO: Robert Smyth – President

John Perrone – Treasurer

Ruth Faris – Clerk

Neil Berman – Director

Jeff Meese – Director

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

Stephanie Scherpf, Joe Botsch, Robert Smith appeared for this application. Lea Rusio needs to be removed from the Secretary of State paperwork. The applicant stated she had submitted this but will forward the updated form to the Secretary.

The Commission approved this Change of Manager and Change of Officers/Directors with the condition of having the correct Secretary of State form submitted to the Secretary

Status Report of Incomplete 2020 Alcohol License Renewals

21. Incomplete 2020 Alcohol License Renewals –
ALL HAVE BEEN COMPLETED OR NOT RENEWED

**Chairman Lynch requests a status determination
From January 13, 2020 Licensing Commission Meeting**

22. *The package store in Union Sq. is closed for renovations. This is one of the Marijuana Retail Applicants that was approved at the November 18, 2020. Chairman Lynch states he was told the sign had been posted for a week prior to Friday of last week. The Commission was not notified of the closure of this business. Lt. MacLaughlan will investigate this matter.*
CLOSED & SELLING LICENSE

Chairman Lynch asked about Jae's Café closure. The Commission was not notified on this closure. The ABCC sent this Alcohol License back as a Return No Action. They did not follow through on this application. Meju is the previous owner. Chairman Lynch instructs the secretary to send a notice to Jae's Café. If no response is received, send this to the City Attorney.

CLOSED - Jae's Café has sent notice of closure and Meju did not renew their license.

Orlean's did not renew their 2am closing license. No appearance was made for the October or November, 2019 for renewal of this license. Chairman Lynch instructed the secretary to send them a letter on this matter. Commissioner Allen would like confirmation from this business, that they have adjusted their hours. Send this to Sgt. Chaille.

CONFIRMATION FROM ORLEANS RECEIVED. THEY WILL BE REAPPLYING FOR THE 2AM LICENSE. SGT. CHAILLE HAD A POLICE REPRESENTATIVE GO TO THE ESTABLISHMENT TO CONFIRM NO SERVICE OF ALCOHOL AFTER 1AM ON FRIDAY'S AND SATURDAYS. THE ESTABLISHMENT IS IN COMPLIANCE.

Commissioner Lynch instructs the secretary to ask City Clerk John Long to find out who the backup is for Sgt. Chaille and Secretary to the Commission Lori Jean Batzek

JOHN LONG LEARNED THAT THE POLICE DEPARTMENT WILL ASSIGN A BACKUP TO SGT. CHAILLE ON AN AS-NEEDED BASIS.

**Chairman Lynch requests a status determination or a follow up
From the February 10, 2020 Licensing Commission Meeting on the following items:**

Commissioner Allen has asked how many times we can carryover (continue to the next meeting) agenda items. Chairman Lynch suggests we should carryover agenda items for 2 months. The Secretary stated we have been continuing no show applications indefinitely. Chairman Lynch requests the Secretary send this to the Law Department, stating the applicant is not responding to the commission's request to attend the meeting for a determination on this matter.

Commissioner Allen has asked for an inquiry of establishments that have closed and not notified the commission, and that he considers these licensees not to be in good standing. Chairman Lynch asked the Secretary if these establishments have been notified that they need to notify the commission of their closure. The secretary stated that when she becomes aware of an establishment closure, without the commission being notified, she does contact the licensee. Chairman Lynch has requested a list of all Business Licenses that the City knows has closed, but have not returned their licenses pertaining to All the Alcohol Licenses and Common Victualler Licenses.

Lt. MacLaughlan brought up a concern about an emergency situation that may arise in the Recreational Marijuana Establishments and how the Fire Department would be able to access the building. Chairman Lynch stated that if additional questions come up after the hearing, this is fine, as long as it is entered into the record. Lt. MacLaughlan will bring this matter up at the next meeting for the application. Chairman Lynch requested any documentation should be submitted to the secretary, and that the commission needs to be made aware of this.

**City of Somerville
Licensing Commission**

Remote Meeting Participation

Regular Meeting

Monday

APRIL 21, 2020

6:00pm

Published on April 14, 2020 at 5:15pm

DRAFT OF THE

Minutes of the Regular Meeting

Posted 05/11/20 at 3:35pm

A recording of this meeting is available online

***The meeting was called to order at 6:01pm. Present were Commissioners, Lynch and Allen, Secretary to the Commission Lori Batzek, Sgt. Warren Chaille, a member of the Police Department, Lt. MacLaughlan, a member of the Fire Dept., John Long, City Clerk, Applicants and members of the public.
The meeting adjourned at 7:53pm***

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

Copy & paste the following link into your internet browser to view this meeting live:
<https://attendee.gotowebinar.com/register/3132995017587209741>.

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

This introductory statement was read by the secretary Lori Batzek

Chairman Lynch expressed his apologies for last weeks' cancelled meeting, due to a technical issue.

Chairman Lynch spoke on behalf of the loss of Commissioner John McKenna and

expressed his gratitude for his service to the Licensing Commission.

1. Minutes of February 10, 2020 Meeting

The Commission approved these minutes

Communications

2. Cocktails, LLC, 179 West Central Street, Natick, MA notifying the Commission of an Event for 140 Guests, to be held at Warehouse XI, 11 Sanborn Court, on Wednesday, March 25, 2020 from 7:00PM-11:00PM (Alcoholic Beverages served from Cocktails, LLC)

The Commission made a note of this past event notification.

3. Commissioner Allen to propose Marijuana Policies and Procedures including a discussion of the proposed rules. A vote will be taken on this proposal to implement the adoption of these Policies and Procedures

Commissioner Allen sent this Revision of the Somerville Licensing Commission Rules and Regulations to the Law Department for review. The Law Department has no legal concerns with the proposed changes. After further discussion on this matter, Commissioner Allen will request the Law Department to update Section 1.17, Permission to Close Premises Required, of the Rules and Regulations, to include Recreational Marijuana.

The Commission Continued this matter to the March 16, 2020 Licensing Commission Meeting

The Secretary has not yet received a determination on this matter.

The Commission continued this item to the next Licensing Commission Meeting for May 2020

Special Alcohol License

4. MSPCA-Angell Fast and Furriest, 350 South Huntington Ave., Boston requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for MSPCA-Angell Fast and Furriest 5K: Run, Walk, Wag to be held Outdoors at a Tent and Fenced off area at the Ampitheater area of DCR of Baxter Park at Assembly Row, on Sunday May 17, 2020 from 8:00am – 1:00pm (PEL20-000021)

Canceled per Applicant's request by email

The Commission noted this item was cancelled due to the Mayor's emergency orders.

5. Lindsay Griffin & Co, 106 Bristol Rd. requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for the LG Prom to be held Indoors at Lindsay Griffin & Co, 106 Bristol Rd. on Saturday, May 16, 2020 from 7:00am – 11:30pm
(PEL20-000029)

Canceled due to State of Emergency – COVID-19 NON ESSENTIAL SERVICES

The Commission noted this item was cancelled due to the Mayor's emergency orders.

6. Bantam Cider Company, 40 Merriam St. requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for the 2020 Spring Block Party to be held Outdoors in a tent, across from Taza Chocolate, 561 Windsor St. on Saturday, May 2, 2020 from 12:00am – 5:00pm
(PEL20-000038)

Canceled due to State of Emergency – COVID-19 NON ESSENTIAL SERVICES

The Commission noted this item was cancelled due to the Mayor's emergency orders.

MARIJUANA RETAILER LICENSES

New Marijuana Retailer License

Continued from 10/21/19, 11/18/19, 1/13/20 and 2/10/20 Licensing Commission Meetings

7. East Coast Remedies Corp., 76-82 Central St. requesting approval for a Group A Priority, NEW Marijuana Retailer License
Hours of Operation: Sun. - Sat. - 9AM - 9PM
This is the Notice of a Public Hearing for this Item. The Public is welcome to attend and be heard.
(ME19-000007)

By request of Attorney Di Girolamo to be continued to the January 2020 Licensing Commission Meeting. Email rec'd 10/30/19

By request of City Councilor Ben Ewen-Campen, to be continued to the February 10, 2020 Licensing Commission Meeting, due to the 2nd Community meeting being held on the evening of January 13, 2020. Email rec'd 12/17/19

The commission continued this matter until the 3/16/20 Licensing Commission meeting in order to go through all comments submitted to the commission, the Revised Traffic Study, (and the city's response to this information) and the Revised Business Plan Proposal submitted by the applicant.

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

Gladys Vega, Attorney Anne Vigorito appeared for this application. Also in attendance were David Giangrande, Scott Jenkins, Thomas Mourmouras, Leah Piantidosi, and Stephen Siragusa. A short discussion was held on the status of Chelsea and the Corona Virus. Chairman Lynch requested the Sunday hours be amended to a 10am opening. Ms. Vega states the hours were changed to 1pm-6pm. Commissioner Allen asked if any additional information was submitted by the city pertaining to the traffic study. Chairman Lynch indicated that no additional information has been received. Public comments were heard from the following individuals: Chris Guerrero asked if this meeting could be postponed. Bennett Sawyer agrees that the meeting should be postponed and commented on the public meetings. Ellen Friedman stated she is sharing a computer, because she had problems logging in. She states this decision should be postponed. Jessica Weatherbee states not all people have computer access. Also she asks the hours Monday-Friday and has concerns with Somerville residents using the parking lot or on street parking. Corinne King asked about the arms in the parking lot and customers using on street parking instead of the parking lot. Bennett Sawyer also has concerns about Central Street traffic and sparking. Chairman Lynch answered some of these questions. The state has granted authority to run meetings by remote access due to the corona virus. Mail, Email, Phone Calls or calls into the remote meeting are all available. Ms. Vega states the hours are Mon-Sat. 10am-8pm & Sun 1pm-6pm, and this change was submitted in February with the updated ownership information. The secretary states the hours submitted by the Attorney in November were Mon-Thu 10am-9pm, Fri-Sat 10am-10pm & Sun 12pm-5pm. Chairman Lynch states he is not inclined to postpone the meeting for additional in person comments, as there have been multiple venues for this process during the last 4 months. Chris Guerrero wants to know the total number of attendees of this meeting. Commission Allen states there are Staff members and Members of the Public attending. 6 attendees requested to speak with a total of 27 attendees. Sharon Lamere not a fan of this shop opening close to her home, however she is impressed with the applicant and would be happy to have her as a neighbor. Corrine King has concerns about the security cameras pointing into homes. Ellen Friedman asks about the 58 communications received pertaining to this application. How many in favor and how many opposed? Bennett Sawyer feels this type of business is not suitable. Rich Algeropolous approves of this business and the owner. Chairman Lynch states the vast majority of the emails have many concerns about traffic and parking. Approval or denial of applicants are not based solely on traffic and parking conditions. This matter would be taken up by the Zoning Board of Appeals. The issues will be summarized and submitted to the Zoning Board of Appeals by the Licensing Commission. No one is opposed to Ms. Vega, many people are opposed to an establishment in this high traffic area, very few are opposed to this being a pot shop. Permit parking is allowed by Somerville residents with stickers on a permit parking street. Commissioner Allen asked Scott Jenkins about the security camera's aiming at homes. Chairman Lynch requests Mr. Jenkins work directly with Corinne King so she can be assured of the camera's view.

Commissioner Allen asked about the ownership breakdown. The ownership was updated and documentation was submitted. Gladys is 51%, Leah is 46% and Tom is 3%. The signed Community Host Agreement was also submitted.

Chairman Lynch finds the applicant meets all the guidelines for the application process.

Commissioner Allen states all questions and concerns were answered in a competent manner.

The Commission Approved this application with the following conditions: Hours stated are Mon-Sat 10am-8pm & Sun 1pm-6pm, and Appointment only with review at 6 months and again in 1 year from commencement of the opening of business

Existing Alcohol License
City License
All Forms 7 Day Restaurant License
Requesting
Change of Manager

Continued from January 13, 2020 & February 10, 2020 Licensing Commission Meeting

8. Tamarico Inc. d/b/a Dali Restaurant, 415 Washington St. requesting approval of a Change of Manager from Mario Leon to Aliya Wali (ALM19-000033)

No determination has been made by the City Solicitor as to how many times an agenda item can be continued (as of 4/6/20)

Aliya Wali appeared for this application. Commissioner Allen is an abutter, but it was determined this is not a conflict. She thought this was done earlier. Chairman Lynch states the applicant is responsible for making sure the paperwork is in order Ms. Wali states she has been the manager for 5 years

The Commission Approved this Change of Manger

9. TBD Brewing LLC d/b/a Aeronaut Brewing Company, 14 Tyler St. requesting approval of a Change of Manager from Benjamin Holmes to Daniel Rassi (ALM20-000005)

Daniel Rassi appeared for this application. He is one of the owners and the manager. Mr. Holmes no longer works for the company.

The Commission Approved this Change of Manger

NEW
City License
All Forms 7 Day Restaurant License, and
Entertainment by Devices Licenses
Enhancement Area
Chapter 142, Acts of 2016

10. Kathmandu Kitchen LLC d/b/a Himalayan Kitchen requesting an Enhancement Area All Forms 7 Day Restaurant and an Entertainment by Devices Licenses for 40 Bow St. (AL19-000044) – Already has a Common Victualler License (AL18-000002)

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

Attorney Megan Kemp and Jeremy Lockett appeared for this application. Mr. Lockett has been the manager since the new owners took over in 2016. There have been letters sent and a petition signed in support of this application. Hours will remain the same. Staff will be tips certified. Chairman Lynch reminded Attorney Kemp that the manager must be certified in alcohol training. Jessica Eshleman of Union Square Main Streets spoke in support of this application.

The Commission Approved this All forms 7 Day Restaurant License and Entertainment by Devices License

NEW
Common Victualler, Entertainment by Devices
And Outdoor Public Seating Licenses

11. Yves Elysse
d/b/a Sisters Caribbean Restaurant
83 Broadway
Yves Elysse and Rosedalie Elysse
(AL20-000002)

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

No one appeared for this application.

The Commission continued this item to the May, 2020 Licensing Commission Meeting

NEW

Common Victualler and Entertainment by Devices Licenses

12. Waikiki Inc.
d/b/a Waikiki Sushi and Poke
27 Holland St.
Wei Zheng
(AL20-000003)

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

Wei Zheng appeared for this application. This is a new building.

The Commission Approved this Common Victualler License and Entertainment by Devices License

**Common Victualler
And Entertainment by Devices**

Continued from January 13, 2020 Licensing Commission Meeting

13. JXW Davis Square, LLC
d/b/a Hulun Beir
7 Holland St.
Yingqi Qang
Hours of Operation – Mon. – Fri. 11:00am-12:00am and Sat-Sun 10:00am-12:00am

*Previously approved for a CV, Entertainment by Devices and Wine & Malt License by the Commission. ABCC returned no action on the Wine & Malt License.
(AL17-000312)*

This is a new owner, new manager and new hours of operation application, under the same Corporation name.
(AL19-000045)

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

CLOSED this application, see new Owner/Corporation below:

NEW

**Common Victualler
And Entertainment by Devices**

14. Tengbin Corp.
d/b/a Mala Thumb
5 Holland St.
Tengfei Chen
(AL20-000004)

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

Attorney Wei Jia appeared for this application. There will be 32 seats. The address is 5-7 Holland St.

The Commission Approved this Common Victualler License and Entertainment by Devices License

**NEW
Common Victualler License
*With a New Manager**

15. Younis Inc.
d/b/a Alfredo's Italian Kitchen
288 Broadway
Emadeldine A. Derebala
(AL20-000006)

Emadeldine Derebala appeared for this application. New Owner. He has 30 years experience. No change to hours, currently as Sun-Thu 10am-10pm & Fri-Sat 10am-11pm.

The Commission Approved this Common Victualler License with a New Manager

**Chairman Lynch requests a status determination or a follow up
From the February 10, 2020 Licensing Commission Meeting on the following items:**

16. *Commissioner Allen has asked how many times we can carryover (continue to the next meeting) agenda items. Chairman Lynch suggests we should carryover agenda items for 2 months. The Secretary stated we have been continuing no show applications indefinitely. Chairman Lynch requests the Secretary send this to the Law Department, stating the applicant is not responding to the commission's request to attend the meeting for a determination on this matter.*

The Secretary sent this matter to the Law Department on 2/27/20

The City Solicitor's office has not yet received a determination on this matter (as of 4/6/20).

The Commission requested the secretary follow up with the Law Dept. on this matter for the May 2020 meeting.

17. *Commissioner Allen has asked for an inquiry of establishments that have closed and not notified the commission, and that he considers these licensees not to be in good standing. Chairman Lynch asked the Secretary if these establishments have been notified that they need to notify the commission of their closure. The secretary stated that when she becomes aware of an establishment closure, without the commission being notified, she does contact the licensee. Chairman Lynch has requested a list of all Business Licenses that the City knows has closed, but have not returned their licenses pertaining to All the Alcohol Licenses and Common Victualler Licenses.*

The Secretary reports one establishment closed for renovations. She received a telephone call on 3/9/20 inquiring about this license. A notice was sent to the business requesting a workers compensation insurance coverage selections page or insurance affidavit. The gentleman said he came in and explained they were closed (he spoke to someone in the department, not the secretary), and explained they would be closed for approx.. 2 years for renovations. The secretary instructed him to submit this in writing to the Licensing Commission. She also explained that he may need to appear at a meeting to explain this matter.

The Commission took note and closed this matter.

18. *Lt. MacLaughlan brought up a concern about an emergency situation that may arise in the Recreational Marijuana Establishments and how the Fire Department would be able to access the building. Chairman Lynch stated that if additional questions come up after the hearing, this is fine, as long as it is entered into the record. Lt. MacLaughlan will bring this matter up at the next meeting for the application. Chairman Lynch requested any documentation should be submitted to the secretary, and that the commission needs to be made aware of this.*

The secretary has not received any additional information or documentation at this time.

The Secretary has not received any additional information or documentation (as of 4/6/20).

Lt. MacLaughlan will submit information on access to the building for emergency matters to the secretary. The commission closed this matter.

**City of Somerville
Licensing Commission**

Remote Meeting Participation

Regular Meeting

Monday

May 18, 2020

6:00pm

Published on May 11, 2020 at 2:50pm

Published on May 14, 2020 at 12:15pm

DRAFT OF THE

Minutes of the Regular Meeting

Posted 06/08/20 at 4:00pm

A recording of this meeting is available online

***The meeting was called to order at 6:01pm. Present were Commissioners, Lynch and Allen, Secretary to the Commission Lori Batzek, Sgt. Warren Chaille, a member of the Police Department, Lt. MacLaughlan, a member of the Fire Dept., John Long, City Clerk, Applicants and members of the public.
The meeting adjourned at 6:19pm***

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

Copy & paste the following link into your internet browser to view this meeting live:
<https://attendee.gotowebinar.com/register/7002112664983623696>.

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

1. Minutes of April 21, 2020 Meeting

The Commission approved these minutes

Communications

- 1A. Commissioner Allen to propose Marijuana Policies and Procedures including a discussion of the proposed rules. A vote will be taken on this proposal to implement the adoption of these Policies and Procedures
- Commissioner Allen sent this Revision of the Somerville Licensing Commission Rules and Regulations to the Law Department for review. The Law Department has no legal concerns with the proposed changes. After further discussion on this matter, Commissioner Allen will request the Law Department to update Section 1.17, Permission to Close Premises Required, of the Rules and Regulations, to include Recreational Marijuana.*

Commissioner Allen has heard back from the Law Dept. on this matter. They are working on this but do not yet have text for the commission to act on.

The Commission continued this item until the next Licensing Commission Meeting being held on June 15, 2020

SPECIAL FARMER WINERY LICENSE

2. Daniel Clapp d/b/a 1634 Meadery, 3 Short St., Ipswich, MA requesting approval of a Special Farmer Winery License to sell Mead produced by the licensee for off-premises consumption for The Davis Square Farmers Market to be held at Day St. and Herbert St. on Wednesdays, May 20, 2020 through November 25, 2020, from 12:00pm-6:00pm (SFW20-000001)

Daniel Clapp appeared for this application. Mr. Clapp has held multiple Farmer Winery Market licenses in the City of Somerville. He has previously been licensed for the Union Sq. Farmers Market, for the past 5 years, for both the Winter and Summer Markets. Mr. Clapp will follow the ABCC rules pertaining to no samples to be issued until this rule has been rescinded.

The Commission approved this Special Farmer Winery License

NEW

**Common Victualler, Entertainment by Devices
And Outdoor Public Seating Licenses**

Continued from 4/21/20 Meeting

3. Yves Elysse
d/b/a Sisters Caribbean Restaurant
83 Broadway
Yves Elysse and Rosedalie Elysse
(AL20-000002)

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

Yves and Rosedalie Elysse appeared for this application. This has been a dream of theirs for a while, when they saw the empty space, they applied. They would like a small restaurant. Chairman Lynch suggested they speak with Economic Development as new restaurant owners for some help on the process. They may apply for Special Alcohol Licenses in the future. The Secretary indicates the application reads 10 seats, however the floor plan does not indicate the seats. An updated floor plan needs to be submitted.

The Commission approved this Common Victualler, Entertainment by Devices and Outdoor Public Seating Licenses pending the updated floor plan submission

COMMUNICATION

Chairman Lynch stated he would like the ABCC advisory pertaining to all on-premises consumption licensees remain prohibited from selling alcohol for on-premises consumption to the public until June 8, 2020 at the earliest and awaiting further notice by the Governor to be entered into the record.

**City of Somerville
Licensing Commission**

Remote Meeting Participation

***DRAFT OF THE
Minutes of the Special Meeting
Posted 08/17/20 at 9:15am***

A recording of this meeting is available online

*The meeting was called to order at 1:02pm. Present were Commissioners, Lynch and Allen, Secretary to the Commission Lori Batzek, Sgt. Warren Chaille, a member of the Police Department, Lt. MacLaughlan, a member of the Fire Dept., John Long, City Clerk, and **City Staff George Proaki, Executive Director of OSPCD and Legal Council,***

Hannah Pappenhiem

Applicants and members of the public.

The meeting adjourned at 1:34pm

Special Meeting

Wednesday

June 10, 2020

1:00pm

Published June 8, 2020 1:20pm

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

Copy & paste the following link into your internet browser to view this meeting live:

<https://attendee.gotowebinar.com/register/595600358664781071>.

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The Licensing Commission is meeting solely for the purpose of considering outdoor seating for current license holders that is compliant with Covid-19 protocols.

Note: While this Licensing Commission's meeting is open to the public, the Commission does not expect to accept testimony from the public or from current license holders.

COMMUNICATION

ABCC ADVISORY REGARDING LOCAL LICENSING AUTHORITIES' APPROVAL OF OUTDOOR SEATING

Pursuant to Governor Baker's June 6, 2020 Order declaring that the Commonwealth had entered Phase II of its reopening plan. According to the Governor and the Executive Office of Housing and Economic Development, licensees for on-premises consumption of alcohol may commence outdoor seated service, provided food is prepared on-site under a retail food permit issued by a municipal authority pursuant to 105 CMR 590.000.

Indoor service remains prohibited until further order from the Governor.

Please note that establishments that do not offer seated table service of food that is prepared on-site under a retail food permit are not allowed to open in Phase II.

Please refer to your Local Board for guidance on outdoor seating.

The ABCC continues to retain supervision and oversight of all alcohol licensees, including those that expand their licensed premises pursuant to this Order. As always, all licensees must ensure that they comply with the laws of the Commonwealth of Massachusetts, and that sales of alcoholic beverages take place only as authorized by federal, state, and local law.

The Commission made a note of this ABCC Communication

OUTDOOR SEATING FOR CURRENT LICENSE HOLDERS

The Licensing Commission will consider the approval for all current outdoor seating license holders to open with modified seating that is consistent with Covid-19 protocols as specified by the City Engineer and the Public Space and Urban Forestry Division of the Mayor's Office of Strategic Planning and Community Development. This approval is only for the placement of outdoor seating on public and private property. It does not approve any other aspect of the current license. It takes effect immediately and requires no additional payment from any current license holder. It allows current license holders to reduce their hours of operation without notification to the Licensing Commission. It includes the warning that any violation of the Covid-19 protocols or of any other term and condition of the license may result in the suspension or revocation of the license holder's license.

George Proakis stated that the protocols for Temporary Outdoor Seating Licenses are available online at Somervillema.gov/restaurantreopening including the Health and Safety Plan, Control Plan and Floor Plan and Covid19 compliance.

A discussion was held pertaining to the difference between the state and city requirements for this process.

Chairman Lynch stated there is no change in the hours of operation. If the hours are reduced, the commission does not require notification. If the hours are being extended, this would require commission approval with an application to be submitted. Any fees paid in error will be reimbursed by the City Clerk's Office. The next Special Meeting being held on Friday, June 12, 2020, will be for the approval of New Outdoor Seating applications.

Patio	DBAName	Location	BusinessName
Private	AMERICAN FRESH BREWHOUSE	490 FOLEY ST	SOMERVILLE BREWING COMPANY, INC
Private	Avenue Kitchen and Bar	158 BOSTON AVE	Avenue Kitchen and Bar
Public	Ball Square Cafe & Breakfast	708 BROADWAY	Ball Square Cafe and Breakfast
Public	Boston Burger Company	37 DAVIS SQUARE	Davis Square Food Services, Inc.
Private	Bow Market Hall	337 SOMERVILLE AVE	Bow Market Entertainment, LLC
Public and Private	Brass Union	70 UNION SQ	Union Square Group, Inc.
Private	Bronwyn	255 WASHINGTON ST	AnnexTW, Inc.
Private	Bull McCabes	366A SOMERVILLE AVE	Bull McCabe Corp.
Private	Caffe Nero	375 ASSEMBLY ROW	Caffe Nero
Private	Daddy Jones	525 MEDFORD ST	Demeter Hospitality, LLC
Public	El Potro Mexican Grill	61 UNION SQ	Mariachi Foods Inc.
Public	Elm St Taproom	256 ELM ST	MD Associates LLC
Public	Five Horses Tavern	400 HIGHLAND AVE	SDH Corp.
Public	Forge Baking Company	626A SOMERVILLE AVE	Forge Baking Company
Private	Fuji at Assembly	320 CANAL ST	Fuji at Assembly, Inc.
Public	Gauchos Brazilian Cuisine	102 BROADWAY	Gauchos Brazilian Cuisine
Public	GENKI YA OF SOMERVILLE	246 ELM ST	GENKI YA OF SOMERVILLE
Public	La Brasa	124 BROADWAY	Fat Hen, LLC
Private	LA CUCINA	400 ASSEMBLY ROW	LA CUCINA
Private	Legal on the Mystic	301 GREAT RIVER RD	Legal Sea Foods, LLC
Public	Los Amigos Taqueria	424 HIGHLAND AVE	Los Amigos Taqueria
Private	LUCKY STRIKE	325 REVOLUTION DR	LUCKY STRIKE SOMERVILLE, LLC
Public	Maya Sol Mexican Grill LLC	179 BROADWAY	Maya Sol Mexican Grill LLC
Private	MIDICI	463 ASSEMBLY ROW	NEW ENGLAND NEAPOLITAN ASSEMBLY ROW LLC
Public	Mikes	8 DAVIS SQ	Terranova, Inc.
Public	Mr. Crepe	51 DAVIS SQUARE	Crispy Crepe, LLC.
Private	Neighborhood Restaurant	25 BOW ST	Borges Neighborhood Restaurant
Public	NINE BAR ESPRESSO	11 HOLLAND ST	S&H COFFEE COMPANY, INC
Public	Nu Cafe	195 WASHINGTON ST	Nu Cafe Somerville, LLC
Public	OAT SHOP	22A COLLEGE AVE	RADAR INITIATIVES INC
Public	Ola Cafe	112 BROADWAY	Ola Gifts Cafe, LLC.
Private	Oliveira	120 WASHINGTON ST	Mark Food Enterprises, Inc.
Private	Orleans	65 HOLLAND ST	DevCorp. 2, Inc.
Private	Pizzeria Posto	187 ELM ST	Alpine Restaurant Group, Inc.
Public	PJ Ryans	239-241 HOLLAND ST	KB Investments, Inc.
Private	Remnant Brewing, LLC	337 SOMERVILLE AVE	Remnant Brewing, LLC
Public	Rincon Mexicano	99 BROADWAY	Rincon Mexicano
Private	River Bar	661 ASSEMBLY ROW	River Bar, LLC
Private	Ruth's Chris Steak House	375 REVOLUTION DR	Ruth's Chris Steak House
Private	Sabroso Taqueria	475 Revolution DR	Sabroso Taqueira
Public	Sally Obriens	335 SOMERVILLE AVE	Sally O'Brien's, LLC
Private	Smoke Shop BBQ	325 Assembly Row	Smoke Shop
Public	Sound Bites	704 BROADWAY	Fakhouri, Inc.
Private	Southern Kin Cookhouse and Bar	500 ASSEMBLY ROW	BNV 6, Inc.
Public	SPOKE	89 HOLLAND ST	MKJD, LLC
Public	Taco Loco Mexican Grill	44 BROADWAY	Taco Loco Mexican Grill

Public	Taco Party	711 BROADWAY	Taco Party, LLC.
Public	The Burren	247 ELM ST	Galwegan, Inc.
Public	The Independent	75 UNION SQ	Prospect Hill Properties, Inc.
Private	THE ROW HOTEL	360 FOLEY ST	COLWEN MANAGEMENT, INC.
Public and Private	Tony Cs	699 ASSEMBLY ROW 240	Rebel Restaurants Somerville, LLC.
Public	True Grounds	717 BROADWAY	True Grounds
Private	Union Tavern	345 SOMERVILLE AVE	Portuguese-American Lounge, Inc.
Public	Vinal Bakery	222 SOMERVILLE AVE	Vinal Bakery
Private	Winter Hill Brewing Company	328 BROADWAY	Indignant Brewing Co., LLC
Private	ZO GREEK	355 REVOLUTION DR	ZO ASSEMBLY, INC.

Chairman Lynch read these restaurants with their addresses, that have current outdoor seating into the record.

City Clerk John Long read this MOTION FOR APPROVAL:

MOTION: I move to provisionally approve the establishments just read aloud for outdoor seating service. This approval is conditional on each establishment filing a health and safety plan, and receiving City approval of its socially distant seating layout. Licensees are not permitted to begin operation until they receive written notice from the City Clerk’s Office that both conditions have been met. This approval expires on November 1 at 11:59PM, unless otherwise modified by the Governor or State or City legislation, and requires no additional payment. License holders may reduce but not expand their existing hours of operation on private property, and may reduce but not expand past 10PM their existing hours of operation on public property. Finally, outdoor seating license holders are warned that any license holder who violates any Covid-19 protocols, ADA requirements, or any other terms or conditions of the license, may be subject to suspension for the remainder of 2020 and/or the revocation of the license holder’s license.

The Commission Provisionally approved the above licenses pursuant to the motion read above.

Chairman Lynch recommended contacting city staff by email while City Hall is closed.

City Clerk John Long clarified that an amendment must be submitted in Citizen Serve to be issued a License. Separate applications are recommended for additional hours or an expanded footprint for outdoor seating, in order to expedite approval.

**City of Somerville
Licensing Commission**

Remote Meeting Participation

**DRAFT OF THE
Minutes of the Special Meeting
Posted 08/17/20 at 9:15am**

A recording of this meeting is available online

*The meeting was called to order at 12:02pm. Present were Commissioners, Lynch and Allen, Secretary to the Commission Lori Batzek, Sgt. Warren Chaille, a member of the Police Department, Lt. MacLaughlan, a member of the Fire Dept., Members of the City Staff, Applicants and members of the public.
The meeting adjourned at 1:20pm*

Special Meeting

Friday

June 12, 2020

12:00pm

Published June 10, 2020 10:40AM

Published June 12 2020 at 10:30AM

Published June 12, 2020 at 11:35AM

Chairman Lynch expressed his apologies for the link error on the 11:00am Agenda, and stated the meeting has been rescheduled for 12:00pm

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

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The Licensing Commission is meeting solely for the purpose of considering outdoor seating for new applications that are compliant with Covid-19 protocols.

Note: While this Licensing Commission’s meeting is open to the public, the Commission does not expect to accept testimony from the public or from current license holders.

OUTDOOR SEATING FOR New Applications

The Licensing Commission will consider the approval for all new or expanding outdoor seating license holders to open with modified seating that is consistent with Covid-19 protocols as specified by the City Engineer and the Public Space and Urban Forestry Division of the Mayor’s Office of Strategic Planning and Community Development. This approval is only for the placement of outdoor seating on public and private property. It does not approve any other aspect of the current license. It takes effect immediately and requires no additional payment from any current license holder. It allows new applicants to reduce their hours of operation without notification to the Licensing Commission. It includes the warning that any violation of the Covid-19 protocols or of any other term and condition of the license may result in the suspension or revocation of the license holder’s license.

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

Requesting

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

LICENSE #	BUSINESS NAME	ADDRESS	APPLICATION COMPLETE	CURRENT LICENSE	NEW	PUBLIC/PRIVATE
ALM20-000009	Papagayo	331 Great River Rd	YES	NO	YES	PRIVATE
ALM20-000029	Bronwyn	255 Washington St	YES	NO	YES	PUBLIC
ALM20-000016	Trina	3 Beacon St	YES	NO	YES	PRIVATE
ALM20-000017	Rosebud	381 Summer St	YES	NO	YES	PUBLIC
ALM20-000021	Painted Burro	219 Elm St	YES	NO	YES	PRIVATE
ALM20-000023	Grainmaker	248 Elm St	YES	NO	YES	PUBLIC
ALM20-000024	99 Restaurants	20 Cumming St	YES	NO	YES	PRIVATE
ALM20-000026	Pizzeria Posto	187 Elm St	YES	NO	YES	PRIVATE
ALM20-000028	T&B Pizza	251-251A Washington St	YES	NO	YES	PUBLIC
ALM20-000031	The Jungle Club	66 Union Sq	YES	NO	YES	PRIVATE
ALM20-000032	Celeste	21 Bow St	YES	NO	YES	BOTH
ALM20-000033	Earl’s Kitchen + Bar	699 Assembly Row	NO	NO	YES	

Late Items

LICENSE #	BUSINESS NAME	ADDRESS	APP. TYPE	APPL. COMPLETE	CURRENT LICENSE	PUBLIC/PRIVATE
ALM20-000008	Mr. Crepe	51 Davis Sq	EXPANSION	YES	YES	PUBLIC
ALM20-000010	Mike's	8 Davis Sq	EXPANSION	YES	YES	PUBLIC
ALM20-000011	Avenue Kitchen	158 Boston Ave	REDUCED	YES	YES	PRIVATE
ALM20-000012	Winter Hill Brewing	328 Broadway	EXPANSION	YES	YES	PRIVATE
ALM20-000013	Which Wich Sandwiches	450 Artisan Way		WRONG		
ALM20-000015	Bronwyn	255 Washington St		NO	YES	PRIVATE
ALM20-000029	Bronwyn	255 Washington St	NEW TEMPORARY	YES	NO	PUBLIC
ALM20-000017	Rosebud	381 Summer St	NEW TEMPORARY	YES	NO	PUBLIC
ALM20-000018	Remnant Brewing	337 Somerville Ave	REDUCED	YES	YES	PRIVATE
ALM20-000020	Tony C's Sports Bar	699 Assembly Row	REDUCED	YES	YES	PRIVATE
ALM20-000022	Smoke Shop BBQ	325-375 Assembly Row	CURRENT	YES	YES	PRIVATE
ALM20-000043	Smoke Shop BBQ	325-375 Assembly Row	EXPANSION	YES	YES	PRIVATE
ALM20-000025	Pizzeria Posto	187 Elm St	REDUCED	YES	YES	PUBLIC
ALM20-000030	Union Tavern	343 Somerville Ave		NO	YES	
ALM20-000034	Bow Market	337 Somerville Ave	EXPANSION	YES	YES	PRIVATE
ALM20-000035	PJ Ryans	239 Holland St	REDUCED-PARKLET	YES	YES	PUBLIC
ALM20-000036	Out of the Blue	215 Elm St	NEW TEMPORARY	YES	NO	PUBLIC
ALM20-000037	River Bar	661 Assembly Row	REDUCED	YES	YES	PRIVATE
ALM20-000038	Brass Union	66 Union Sq	REDUCED	YES	YES	BOTH
ALM20-000039	The Independent	75 Union Sq	REDUCED	YES	YES	PUBLIC
ALM20-000040	PJ Ryans	239 Holland St	CHANGE OF HOURS	YES	YES	PUBLIC
ALM20-000041	Totto Ramen	445 Artisan Way	NEW TEMPORARY	YES	NO	PRIVATE
ALM20-000042	Masala	1133 Broadway	NEW TEMPORARY	YES	NO	PUBLIC
ALM20-000044	Neighborhood Restaurant	25 Bow St	REDUCED	YES	YES	PRIVATE
ALM20-000045	La Cucina	400 Assembly Row	REDUCED	YES	YES	PRIVATE
ALM20-000046	Aeronaut Brewing	14 Tyler St	NEW TEMPORARY	YES	NO	PRIVATE
ALM20-000048	Taco Loco	46 Broadway		NO	YES	PUBLIC
ALM20-000050	Machu Picchu	311 Somerville Ave	PARKLET	NO	NO	PUBLIC
ALM20-000051	Taco Party	711 Broadway	EXPANSION	YES	YES	PUBLIC
ALM20-000052	Field & Vine	9 Sanborn Ct	EXPANSION	YES	NO	PRIVATE
ALM20-000053	Tsurumen Davis	420 Highland Ave	NEW TEMPORARY	YES	NO	PUBLIC
ALM20-000055	Bull McCabe Pub	366A Somerville Ave	EXPANSION	YES	YES	PRIVATE
ALM20-000056	Sarma	249 Pearl St	NEW TEMPORARY	YES	NO	PRIVATE
ALM20-000057	Oliveira's	120 Washington St		NO	YES	PRIVATE
ALM20-000058	Boston Burger	37 Davis Square		NO	YES	PUBLIC
ALM20-000059	Spoke Wine Bar	89 Holland St	EXPANSION	YES	YES	PUBLIC
ALM20-000060	Sugidama	260 Elm St	NEW TEMPORARY	YES	NO	PRIVATE
ALM20-000061	Ernesto's (did not route)	641 Assembly Row		NO	NO	PRIVATE

Chairman Lynch read this MOTION FOR APPROVAL:

MOTION: I move to provisionally approve the establishments noted in this meeting for outdoor seating service with the exception of Papagayo, Which Wich, Union Tavern, Aeronaut Brewing, Taco Loco, Machu Picchu and the Change of Hours application for PJ Ryans . This approval is conditional on each establishment filing a health and safety plan, and receiving City approval of its socially distant seating layout. Licensees are not permitted to begin operation until they receive written notice from the City Clerk's Office that both conditions have been met. This approval expires on November 1 at 11:59PM, unless otherwise modified by the Governor or State or City legislation, and requires no additional payment. License holders may reduce but not expand their existing hours of operation on private property, and may reduce but not expand past 10PM their existing hours of operation on public property. Finally, outdoor seating license holders are warned that any license holder

who violates any Covid-19 protocols, ADA requirements, or any other terms or conditions of the license, may be subject to suspension for the remainder of 2020 and/or the revocation of the license holder's license.

The Commission Provisionally approved the above licenses pursuant to the motion read above.

The Change of Hours for Temporary Outdoor Seating for PJ Ryan's has been denied. Chairman Lynch would consider a Change in Hours for Temporary Outdoor Seating Licenses in the future.

Papagayo, Union Tavern, Aeronaut Brewing, Taco Loco and Machu Picchu have been continued to the next Licensing Commission Meeting being held on Monday, June 15, 2020.

**City of Somerville
Licensing Commission**

Remote Meeting Participation

**DRAFT OF THE
Minutes of the Regular Meeting
Posted 08/17/20 at 9:15am**

A recording of this meeting is available online

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

The meeting adjourned at 9:06pm

Regular Meeting

Monday

June 15, 2020

6:00pm

Published June 8, 2020 3:25pm

Published on June 15, 2020 at 4:00PM

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

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1. Minutes of May 18, 2020 Meeting

The Commission approved these minutes

Communications
Continued from May 18, 2020

2. Commissioner Allen to propose Marijuana Policies and Procedures including a discussion of the proposed rules. A vote will be taken on this proposal to implement the adoption of these Policies and Procedures
Commissioner Allen sent this Revision of the Somerville Licensing Commission Rules and Regulations to the Law Department for review. The Law Department has no legal concerns with the proposed changes. After further discussion on this matter, Commissioner Allen will request the Law Department to update Section 1.17, Permission to Close Premises Required, of the Rules and Regulations, to include Recreational Marijuana.

Commissioner Allen received the update from the Law Dept. to change section 1.17 of the rules and regulations to include Recreational Marijuana. The Commission will vote on this matter.

The Commission adopted the update received from the Law Dept. and moved to Update the Marijuana Rules and Regulations.

Existing Alcohol License
City License
All Forms 7 Day Alcohol License

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

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

Zachary Baum and Attorney Nick Zozula appeared for this application. Attorney Zozula states there have been no violations in the past 2 years for this licensee since opening and operation. There have been no issues with any of the Special Alcohol Licenses issued for this licensee either. This expansion is primarily due to Covid19 restrictions. Indoor expansion will occur in the center court, with some of the existing structures to be used as seating, when covid19 restrictions are eased. Underutilized lobby space in 2 areas, will be used to expand the indoor seating. More seating will be placed in the Comedy Studio due to restructuring of the current seating. For Outdoor Seating, ID's would be required at the point of sale. All alcohol is the responsibility of 1 License holder. Seating will be removed for larger events for Outdoor Seating.

Gerard Ameral states he is a direct abutter to this business and stated he did not receive notification of this meeting. Attorney Zozula stated the abutters notices were sent (and submitted to the secretary), according to the list he was given by the city, by Certified Mail with a return receipt on June 8, 2020 (the secretary stated the Ad was placed in the newspaper on June 3, 2020)

The Commission has continued this application to the next Special Meeting being held on Thursday, June 18, 2020, in order to go over the documents submitted.

Existing All Forms Package Store License

Requesting

Transfer of Shares, (with the removal and addition of Shareholders)

Change of Officers/Directors and a Change of Manager

4. Shri Pramukhdrashti Corporation d/b/a Contan Discount Liquors, 115 Alewife Brook Pkwy requesting approval for the Transferring Shares (with the removal and addition of Shareholders):

Stock Transfers:

120 from Nicki Patel to Rakesh Patel
5 from Saurin Patel to Rakesh Patel
36.6 from Saurin Patel to Kush Patel
41.4 from Narendra Patel to Kush Patel
47 from Amitkumar Patel to Kush Patel
.2 from Narendra Patel to Bhavna Patel
33.2 from Viren Patel to Bhavna Patel
8.4 from Viren Patel to Dharmendra Patel
41.6 from Rahul Patel to Dharmendra Patel

Removal and Addition of Stockholders:

Remove Shareholders: Niki Patel, Amithumar Patel
Add Shareholders: Rakesh Patel, Kush Patel, Dharmendra Patel

Change in Officers Directors:

Bhavna Patel – President from Saurin Patel
Saurin Patel – Vice President from Niki Patel
Rahul Patel Treasurer from Narendra Patil
Viren Patel – Secretary from Amit Patel
Rakesh Patel - Director
Narendra Patil - Director

And a Change of Manager

from Saurin Patel to Ashish Patel

(ALM20-000007)

Attorney John Mooradian, appeared for this application. This is a family owned business with an internal reorganization. The new manager has 3 years' experience with alcohol sales.

The Commission approved this Transfer of Shares, Change of Officers/Directors and a Change of Manager.

LATE ITEMS

Existing All Forms Alcohol License
Assembly Row – City License

Requesting

Change of Manger

5. Colwen Management, Inc. d/b/a The Row Hotel, 360 Foley St. requesting a Change of Manger from William Ward Childs to Jessica Bagliebter (ALM20-000014)

Jessica Bagliebter appeared for this application. Ms. Bagliebter has been with Colwen Management since December of 2018 and prior to that she was with Omni Hotel and Resorts. She is Tips Certified. There is 1 bar and a banquet hall that also has pop up bars and terrace seating.

The Commission approved this Change of Manager.

TEMPORARY OUTDOOR PATIO SEATING
DUE TO GOVERNOR BAKER'S ORDER

Requesting

An Alteration of Premises
For TEMPORARY Outdoor Patio Seating

Continued from Friday, June 12, 2020

- 6.

LICENSE #	BUSINESS NAME	ADDRESS	APP. TYPE	APPL. COMPLETE	CURRENT LICENSE	PUBLIC/PRIVATE
ALM20-000009	Papagayo	331 Great River Rd		YES	NO	PRIVATE
ALM20-000013	Which Wich Sandwiches	450 Artisan Way		WRONG		
ALM20-000030	Union Tavern	343 Somerville Ave		NO	YES	
ALM20-000046	Aeronaut Brewing	14 Tyler St	NEW TEMPORARY	YES	NO	PRIVATE
ALM20-000048	Taco Loco	46 Broadway		NO	YES	PUBLIC
ALM20-000050	Machu Picchu	311 Somerville Ave	PARKLET	NO	NO	PUBLIC

These items were incorporated into the list under # 7

TEMPORARY OUTDOOR SEATING

7.

	LICENSE #	BUSINESS NAME	ADDRESS	APP. TYPE	APPL. COMPLETE	CURRENT	NEW	PUBLIC/PRIVATE	
1	ALM20-000008	Mr. Crepe	51 Davis Sq	EXPANSION	YES	YES		PUBLIC	
2	ALM20-000009	Papagayo	331 Great River Rd		YES	NO	YES	PRIVATE	CONTINUED FROM 6/12/20
3	ALM20-000010	Mike's	8 Davis Sq	EXPANSION	YES	YES		PUBLIC	
4	ALM20-000011	Avenue Kitchen	158 Boston Ave	REDUCED	YES	YES		PRIVATE	APPROVED/ISSUED
5	ALM20-000012	Winter Hill Brewing	328 Broadway	EXPANSION	YES	YES		PRIVATE	
6	ALM20-000013	Which Wich Sandwiches	450 Artisan Way		WRONG				CONTINUED FROM 6/12/20
7	ALM20-000015	Bronwyn	255 Washington St	REDUCED	YES	YES		PRIVATE	
8	ALM20-000016	Trina	3 Beacon St	NEW TEMPORARY	YES	NO	YES	PRIVATE	APPROVED/ISSUED
9	ALM20-000017	Rosebud	381 Summer St	NEW TEMPORARY	YES	NO	YES	PUBLIC	
10	ALM20-000018	Remnant Brewing	337 Somerville Ave	REDUCED	YES	YES		PRIVATE	APPROVED/ISSUED
11	ALM20-000020	Tony C's Sports Bar	699 Assembly Row	REDUCED	YES	YES		PRIVATE	APPROVED/ISSUED
12	ALM20-000021	Painted Burro	215 Elm St	NEW TEMPORARY	YES	NO	YES	PRIVATE	
13	ALM20-000022	Smoke Shop BBQ	325-375 Assembly Row	CURRENT	YES	YES		PRIVATE	APPROVED/ISSUED
14	ALM20-000023	Grainmaker	248 Elm St	NEW TEMPORARY	YES	NO	YES	PUBLIC	
15	ALM20-000024	99 Restaurants	20 Cumming St	NEW TEMPORARY	YES	NO	YES	PRIVATE	
16	ALM20-000025	Pizzeria Posto	187 Elm St	REDUCED	YES	YES		PUBLIC	
17	ALM20-000026	Pizzeria Posto	187 Elm St	NEW TEMPORARY	YES	NO	YES	PRIVATE	
18	ALM20-000027	Rosebud	381 Summer St	REDUCED	YES	YES		PRIVATE	
19	ALM20-000028	T&B Pizza	251-251A Washington St	NEW TEMPORARY	YES	NO	YES	PUBLIC	
20	ALM20-000029	Bronwyn (parklet)	255 Washington St	NEW TEMPORARY	YES	NO	YES	PUBLIC	
21	ALM20-000030	Union Tavern	343 Somerville Ave	CURRENT	YES	YES		PRIVATE	CONTINUED FROM 6/12/20
22	ALM20-000031	The Jungle Club	66 Union Sq	NEW TEMPORARY	YES	NO	YES	PRIVATE	
23	ALM20-000032	Celeste	21 Bow St	NEW TEMPORARY	YES	NO	YES	BOTH	Only the patio section was approved.
24	ALM20-000033	Earl's Kitchen + Bar	699 Assembly Row	REDUCED	YES	NO	YES	PRIVATE	APPROVED/ISSUED
25	ALM20-000034	Bow Market	337 Somerville Ave	EXPANSION	YES	YES		PRIVATE	APPROVED/ISSUED
26	ALM20-000035	PJ Ryans	239 Holland St	REDUCED-PARKLET	YES	YES		PUBLIC	
27	ALM20-000036	Out of the Blue	215 Elm St	NEW TEMPORARY	YES	NO	YES	PUBLIC	
28	ALM20-000037	River Bar	661 Assembly Row	REDUCED	YES	YES		PRIVATE	
29	ALM20-000038	Brass Union	66 Union Sq	REDUCED	YES	YES		BOTH	APPROVED/ISSUED
30	ALM20-000039	The Independent	75 Union Sq	REDUCED	YES	YES		PUBLIC	APPROVED/ISSUED
31	ALM20-000040	PJ Ryans	239 Holland St	CHANGE OF HOURS	YES	YES		INDOORS & PUBLIC	COMMISSION NOT HEARIN
32	ALM20-000041	Totto Ramen	445 Artisan Way	NEW TEMPORARY	YES	NO	YES	PRIVATE	
33	ALM20-000042	Masala	1133 Broadway	NEW TEMPORARY	YES	NO	YES	PUBLIC	
34	ALM20-000043	Smoke Shop BBQ	325-375 Assembly Row	EXPANSION	YES	YES		PRIVATE	
35	ALM20-000044	Neighborhood Restaurant	25 Bow St	REDUCED	YES	YES		PRIVATE	APPROVED/ISSUED
36	ALM20-000045	La Cucina	400 Assembly Row	REDUCED	YES	YES		PRIVATE	APPROVED/ISSUED
37	ALM20-000046	Aeronaut Brewing	14 Tyler St	NEW TEMPORARY	YES	NO	YES	PRIVATE	CONTINUED FROM 6/12/20
38	ALM20-000048	Taco Loco	46 Broadway		NO	YES		PUBLIC	CONTINUED FROM 6/12/20
39	ALM20-000050	Machu Picchu	311 Somerville Ave	PARKLET- NEW	YES	NO	YES	BOTH	CONTINUED FROM 6/12/20
40	ALM20-000051	Taco Party	711 Broadway	EXPANSION	YES	YES		PUBLIC	
41	ALM20-000052	Field & Vine (Closed)	9 Sanborn Ct						
42	ALM20-000053	Tsurumen Davis	420 Highland Ave	NEW TEMPORARY	YES	NO	YES	PUBLIC	
43	ALM20-000055	Bull McCabe Pub	366A Somerville Ave	EXPANSION	YES	YES		PRIVATE	
44	ALM20-000056	Sarma (Closed)	249 Pearl St	NEW TEMPORARY	YES	NO	YES	PRIVATE	
45	ALM20-000057	Oliveira's	120 Washington St	CURRENT	YES	YES		PRIVATE	APPROVED/ISSUED
46	ALM20-000058	Boston Burger	37 Davis Square	CURRENT	YES	YES		PUBLIC	
47	ALM20-000059	Spoke Wine Bar	89 Holland St	EXPANSION	YES	YES		PUBLIC	
48	ALM20-000060	Sugidama	260 Elm St	NEW TEMPORARY	YES	NO	YES	PRIVATE	
49	ALM20-000061	Ernesto's	641 Assembly Row		NO	NO	YES	PRIVATE	ANSWERS INCOMPLETE
50	ALM20-000062	Fortissimo Café	75 Bow St		NO				ANSWERS INCOMPLETE
51	ALM20-000063	Field & Vine	9 Sanborn Ct	EXPANSION	YES	YES		PRIVATE	
52	ALM20-000064	Rincon Mexicano	99 Broadway	REDUCED	YES	YES		PUBLIC	
53	ALM20-000065	Row Hotel	360 Foley St	EXPANSION	YES	NO	YES	PRIVATE	
54	ALM20-000066	Papagayo	331 Great River Rd	NEW TEMPORARY	YES	NO	YES	PUBLIC	
55	ALM20-000067	Sarma	249 Pearl St	NEW TEMPORARY	YES	NO	YES	PRIVATE	
56	ALM20-000068	Mt Vernon	13 Broadway	NEW TEMPORARY	YES	NO	YES	PRIVATE	
57	ALM20-000069	Recinos Café	84 Broadway		NO				ANSWERS INCOMPLETE
58	ALM20-000070	La Cantina Mexicana	247 Washington St	NEW TEMPORARY	YES	NO	YES	PUBLIC	
59	ALM20-000071	Daddy Jones	525 Medford St	REDUCED	YES	YES		PRIVATE	
59	ALM20-000072	Arts at the Armory	101 Highland Ave	NEW TEMPORARY	YES	NO	YES	PRIVATE	
59	ALM20-000073	3 Little Figs	278B Highland Ave.	NEW TEMPORARY	YES	NO	YES	PRIVATE	

The following applications were continued until the next Special Meeting being held on Thursday, June 18, 2020:

1. *Machu Picchu*
2. *Rosebud – Public Property*
3. *T&B Pizza – Public Property*
4. *Bronwyn – Public Property*
5. *Center for the Arts at the Armory*
6. *3 Little Figs*
7. *Fortissimo*

Applications Provisionally approved by the Commission (in addition to the applications that appear on the above list, which were previously provisionally approved):

1. *Papagayo*
2. *Winter Hill Brewing*
3. *Which wich*
4. *Aeronaut Brewing*
5. *Union tavern*
6. *Taco Loco*
7. *Rincon Mexicano*
8. *The Row Hotel*
9. *Mount Vernon*
10. *Recino's Café*
11. *LaCantina Mexicana*
12. *Daddy Jones*
13. *Celeste*

Chairman Lynch read this MOTION FOR APPROVAL:

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

**City of Somerville
Licensing Commission**

SPECIAL Meeting by Remote Participation

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

A recording of this meeting is available online

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

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

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

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

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

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

Continued from Monday, June 15, 2020

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

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

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

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

The Commission approved this Alteration of Premises

Continued from Monday, June 15, 2020

TEMPORARY OUTDOOR PATIO SEATING
DUE TO GOVERNOR BAKER’S ORDER

Requesting

An Alteration of Premises
For TEMPORARY Outdoor Patio Seating

Continued from Monday, June 15, 2020

2.

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

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

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

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

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

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

NEW Applications

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

Requesting

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

3.

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

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

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

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

El Potro, this is a parklet. No issues.

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

LATE ITEMS

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

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

The commission granted Provisional approval.

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

The commission granted Provisional approval.

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

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

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

The commission granted Provisional approval.

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

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

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

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

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

The commission granted Provisional approval.

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

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

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

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

Chairman Lynch read this MOTION FOR APPROVAL:

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

**City of Somerville
Licensing Commission**

SPECIAL Meeting by Remote Participation

**DRAFT OF THE
Minutes of the Special Meeting
Posted 9/14/20 at 9:00am**

**Wednesday
June 24, 2020
2:00pm**

Published June 22, 2020 1:40pm

Published June 24, 2020 10:40am

*The meeting was called to order at 2:00pm. Present were Commissioners Lynch and Allen, Secretary to the Commission Lori Batzek, Lt. Timothy Mitsakis, a member of the Police Department, Lt. MacLaughlan (joined at a later time in the meeting), a member of the Fire Dept., City Clerk, John Long, Members of the City Staff, Applicants and members of the public.
The meeting adjourned at 3:03pm*

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

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

<https://attendee.gotowebinar.com/register/1658950148755053068>

The purpose of the meeting is to consider outdoor seating applications continued from the June 15 Licensing Commission meeting and new outdoor seating applications that are compliant with Covid-19 protocols.

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

Requesting

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

Continued from Thursday, June 18, 2020

1.

Continued from Thursday, June 18, 2020							
LICENSE #	BUSINESS	ADDRESS	STATUS	APP. TYPE	COMPLETE	CURRENT/NEW	PUBLIC/PRIVATE
ALM20-000017	Rosebud	381 Summer St	CONTINUE	NEW TEMPORARY	YES	NEW	PUBLIC

This item to be discussed with the Economic Development Schematic Plan, further along in the agenda. The Commission provisionally approved this License for the Parklet Seating Schematic

NEW Applications

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

Requesting

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

2.

LICENSE #	BUSINESS NAME	ADDRESS	STATUS	APP. TYPE	COMPLETE	CURRENT/NEW	PUBLIC/PRIVATE
ALM20-000086	Café Rustica	358 Beacon St	NEW	NEW TEMPORARY	YES	NEW	PUBLIC
ALM20-000086	Café Rustica	358 Beacon St	NEW	NEW TEMPORARY	YES	NEW	PRIVATE
ALM20-000087	Beacon St Pizza	147 Beacon St	NEW	NEW TEMPORARY	NO	NEW	
ALM20-000088	La Cantina (parklet)	247 Washington St	NEW	NEW TEMPORARY	YES	NEW	PUBLIC
ALM20-000089	La Brasa (parklet)	124 Broadway	NEW	EXPANSION	NO	CURRENT	PUBLIC
ALM20-000091	Tu Y Yo	852 Broadway					
ALM20-000093	True Grounds	717 Broadway	NEW	EXPANSION	YES	CURRENT	PUBLIC

Café Rustica – Public Seating application was Withdrawn

Café Rustica – Private Seating- Cortney Kirk requested Lt. MacLaughlan analysis of the area and access is available for emergency services. Conditionally Approved pending department approvals

Beacon St. Pizza – Cortney Kirk stated this is for an existing patio and additional seating in the backyard of the property. Economic Development has reviewed the plan and approved it. Conditionally Approved pending department approvals

La Cantina (Parklet) – Chairman Lynch stated this business had previous Public Seating on the sidewalk, but failed to renew this license last year. Conditionally Approved pending department approvals, for the Parklet only, NOT the public sidewalk

La Brasa (Parklet) – This business would like to extend their outdoor seating on the public sidewalk, This is NOT a parklet. Conditionally Approved pending department approvals

Tu Y Yo - Sue Thomas stated they are working with the applicant with a translator to complete this application. Commissioner Allen asked if it was known if this is Public or Private. Sue Thomas responded that she believed it is Public Seating on the sidewalk. Conditionally Approved pending department approvals

True Grounds - Chairman Lynch asked if this was seating on the Public sidewalk. Cortney Kirk responded yes, and this will be for Covid Compliance for their existing seating. Conditionally Approved pending department approvals

3. **Agenda Item - Request** - OSPCD requests a conditional approval for the restaurants listed below from Day Street to Grove Street in Davis Square, pending staff review and compliance with the StreateryOnElm schematics.

<https://bit.ly/StreateryOnElm>

Sue Thomas stated the schematics will be placed on the City Website for public viewing. A blanket approval is being requested. 22 establishments could be included for this plan. One lane will be open for driving. The same types of vehicles will be able to take the new turn instead of the closed slipway. These plans will be employed on Monday. Some of these plans are flexible and may be changed. Some establishments have outdoor seating in the back. Chairman Lynch requested the Bike Rack be moved to a side street. Justin Schreiber stated the businesses are happy with the current position of the rack. Chairman Lynch asked how bikers would access the bike rack. Justin Schreiber stated they need to access through the cordoned off area, and this may need to be flipped around in the other direction. Chairman Lynch stated this may interrupt the flow of outdoor seating, and how would bicyclists be passing by outdoor diner and would they be in the street to park bikes. A discussion was held about businesses that have not applied for this parklet seating and how additional parking would be handled. Chairman Lynch asked about side streets restaurants, off of Elm St. Sue Thomas stated some parklet seating may be placed on the side streets. Commissioner Allen expressed concern about barriers between the outdoor establishments, in case of any issues which may arise. Justin Schreiber stated that the approach lanes off of College Ave and Holland St., the right lane will be a right turn only. Chairman Lynch recommended that Economic Development ensure that restaurants know their boundaries and expressed concern about the movement of chairs and barriers beyond what has been approved. Sanitation was discussed about additional barrels and how often the space is cleaned. Sue Thomas stated this would be required after the patrons leave the table.

Businesses:

	LICENSE #	BUSINESS NAME	ADDRESS	STATUS	APP. TYPE	COMPLETE	CURRENT/NEW	PUBLIC/PRIVATE
1	ALM20-000017	Rosebud	381 Summer St	CONTINUED FROM 6/18	NEW TEMPORARY	YES	NEW	PUBLIC
2	ALM20-000021	Painted Burro	219 Elm St	SIGNOFFS	NEW TEMPORARY	YES	NEW	PUBLIC
	ALM20-000021	Painted Burro	219 Elm St	APPROVED	NEW TEMPORARY	YES	NEW	PRIVATE
3	ALM20-000036	Out of the Blue	215 Elm St	APPROVED	NEW TEMPORARY	YES	NEW	PUBLIC
4	ALM20-000078	The Burren	247 Elm St	SIGNOFFS-Fire	NEW TEMPORARY	YES	NEW	BOTH
5	ALM20-000081	Dragon Pizza	233 Elm St	SIGNOFFS	NEW TEMPORARY	YES	NEW	PRIVATE
6	ALM20-000023	Grainmaker	248 Elm St	SIGNOFFS	NEW TEMPORARY	YES	NEW	PUBLIC
7	ALM20-000080	Foundry on Elm	255 Elm St	SIGNOFFS	NEW TEMPORARY	YES	NEW	PUBLIC
8	ALM20-000010	Mike's	8 Davis Sq	APPROVED	EXPANSION	YES	CURRENT	PUBLIC
NO APPLICATION RECEIVED FOR TEMPORARTY OUTDOOR SEATING								
1	NO APPL. SUBMITTED	ANNA'S TAQUERIA	236 ELM ST.					
2	NO APPL. SUBMITTED	CHIPOTLE	274 ELM ST.					
3	NO APPL. SUBMITTED	DARBAR GRILL	236 ELM ST.					
4	NO APPL. SUBMITTED	DIESEL	257 ELM ST.					
5	NO APPL. SUBMITTED	ELM STREET TAP ROOM	256 ELM ST.					
6	NO APPL. SUBMITTED	GENKI YA	246 ELM ST.					
7	NO APPL. SUBMITTED	KUNG FU TEA	GOOGLE ADDRESS: 237 ELM ST., HEALTH LIC ADDRESS: 233 ELM - NO CV LIC.					
8	NO APPL. SUBMITTED	MARTSA ON ELM	233 ELM ST.					
9	NO APPL. SUBMITTED	O'GINGER	234 ELM ST.					
10	NO APPL. SUBMITTED	POKEWORKS	261 ELM ST.					
11	NO APPL. SUBMITTED	PUNJABI GRILL IS NOW DARBAR GRILL	236 ELM ST.					
12	NO APPL. SUBMITTED	REDBONES	55 CHESTER ST.					
13	NO APPL. SUBMITTED	SNAPPY KITCHEN (S/B SNAPPY RAMEN)	263 ELM ST.					
14	NO APPL. SUBMITTED	STARBUCKS	260 ELM ST.					

Rosebud – This application was discussed earlier in the meeting, under Item # 1. The Commission provisionally approved this License for Parklet Seating Schematic

Painted Burro (Public) - Conditionally Approved pending department approvals

Painted Burro (Private) – This license was already approved at a previous meeting.

Out of the Blue - Conditionally Approved pending department approvals

The Burren - Conditionally Approved pending department approvals

Dragon Pizza – This application is not part of the Economic Development Schematic. They will be using the back parking lot for outdoor seating. Conditionally Approved pending department approvals

Grainmaker - Conditionally Approved pending department approvals

Foundry on Elm - Conditionally Approved pending department approvals

Mike’s - Conditionally Approved pending department approvals

NO APPLICATIONS RECEIVED FOR TEMPORARY OUTDOOR SEATING FOR THE FOLLOWING:

Anna’s Taqueria - Conditionally Approved pending submission of application and department approvals

Chipotle - Conditionally Approved pending submission of application and department approvals

Darbar Grill - Conditionally Approved pending submission of application and department approvals

Diesel - Conditionally Approved pending submission of application and department approvals

Elm St. Tap Room - Conditionally Approved pending submission of application and department approvals

Genki Ya - Conditionally Approved pending submission of application and department approvals

Kung Fu Tea - Conditionally Approved pending submission of application and department approvals

Martsa on Elm - Conditionally Approved pending submission of application and department approvals

O’Ginger - Conditionally Approved pending submission of application and department approvals

Pokeworks - Conditionally Approved pending submission of application and department approvals

Punjabi Grill (is now Darbar Grill) – * see Darbar Grill above

Redbones - Conditionally Approved pending submission of application and department approvals

Snappy Kitchen (s/b Snappy Ramen) - Conditionally Approved pending submission of application and department approvals

Starbucks - Conditionally Approved pending submission of application and department approvals

Chairman Lynch confirmed this count with Sue Thomas For a Total of:

7 Current applications

**14 Have not yet applied – *This total is actually 13, per the Secretary. #11 Punjabi Grill is now #3 Darbar Grill. See above not.*

Dragon Pizza – This would be an additional outdoor seating license, Provisionally approved as part of Economic Development Schematic for Streatery on Elm. Conditionally Approved pending submission of application and department approvals

Added Dragon Pizza for the Economic Development Schematic if an application is submitted for this process.

****New Total 15 Have not yet applied - *This total is actually 14 (including Dragon Pizza for Econ. Dev. Schematic)**

Chairman Lynch read this MOTION FOR APPROVAL:

MOTION: I move to provisionally approve the establishments just reviewed favorably for outdoor seating service. This approval is conditional on each establishment filing a health and safety plan, and receiving City approval of its socially distant seating layout. Licensees are not permitted to begin operation until they receive written notice from the City Clerk’s Office that both conditions have been met. This approval expires on November 1 at 11:59PM, unless otherwise modified by the Governor or State or City legislation, and requires no additional payment. License holders may reduce but not expand their existing hours of operation on private property, and may reduce but not expand past 10PM their existing hours of operation on public property. Finally, outdoor seating license holders are warned that any license holder who violates any Covid-19 protocols, ADA requirements, or any other terms or conditions of the license, may be subject to suspension for the remainder of 2020 and/or the revocation of the license holder’s license.

LATE ITEMS

NEW Applications

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

Requesting

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

4.

LICENSE #	BUSINESS NAME	ADDRESS	STATUS	APP. TYPE	COMPLETE	CURRENT/NEW	PUBLIC/PRIVATE
ALM20-000095	Sligo Pub (parklet)	237A Elm St	NEW	NEW TEMPORARY	YES	NEW	PUBLIC
ALM20-000096	Los Paisanos	62 Broadway	NEW	NEW TEMPORARY	YES	NEW	PUBLIC
ALM20-000097	Dali	415 Washington St	NEW	NEW TEMPORARY	YES	NEW	PUBLIC
ALM20-000098	Vinny's at Night	76 Broadway	NEW	NEW TEMPORARY	YES	NEW	PUBLIC

Sligo Pub (Parklet) – This late application is part of the Economic Development Schematic. This application was not approved. This pub serves pre- packaged food, and has a Common Victualler License. Sue Thomas stated they are working with Dragon Pizza to partner together. The ABCC requires food service with alcohol. Chairman Lynch stated that this he was unsure on this application, as this is a precedent setting sharing arrangements. This outdoor seating is not parklet seating. The applicant will be using the rear lot. Sue Thomas stated she would work with both Sligo Pub and Dragon Pizza on this matter, and submit a proposal.

This application was not approved - Continued until July 1, 2020 Licensing Commission Meeting

Los Paisanos – This application is for social distant sidewalk seating. Conditionally Approved pending department approvals

Dali - This application was submitted for sidewalk seating. Cortney Kirk states the sidewalk is too narrow for this seating and she has recommended Parklet seating. Economic Development will work with the applicant on this. Conditionally Approved pending department approvals

Vinny's at Night - This application is for a Parklet on Broadway. Conditionally Approved pending department approvals

Sue Thomas, Economic Development has requested a special meeting be scheduled for next week due to the July 4, 2020 Busy Holiday. The Commission scheduled a Special Meeting for Wednesday, July 1, 2020 at 2pm in order to comply with the 48 Hour Open Meeting Notice.

City of Somerville
Licensing Commission

SPECIAL Meeting by Remote Participation

DRAFT OF THE
Minutes of the Special Meeting
Wednesday, July 1, 2020
Posted 9/21/20 at 9:00am

Wednesday
July 1, 2020
2:00pm
Published June 29, 2020 1:00pm
Published July 1, 2020 12:45pm

The meeting was called to order at 2:01pm. Present were Commissioners Lynch and Allen, Secretary to the Commission Lori Batzek, Lt. Timothy Mitsakis, a member of the Police Department, Lt. MacLaughlan, a member of the Fire Dept., City Clerk, John Long, Members of the City Staff, Applicants and members of the public.

The meeting adjourned at 2:59pm

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

Copy & paste the following link into your internet browser to view this meeting live:

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

<https://attendee.gotowebinar.com/register/3658373561076411661>

The purpose of the meeting is to consider outdoor seating applications continued from the June 24 Licensing Commission meeting and new outdoor seating applications that are compliant with Covid-19 protocols.

COMMUNICATIONS

1a. Per the Request of Chairman Joseph Lynch:

- 1. TEMPORARY OUTDOOR SEATING licenses DO NOT PERMIT entertainment by devices or by patrons/performers**

Chairman Lynch requires Licensees to be notified that Entertainment by Devices, Performers or Patrons is not allowed.

- 2. Unless the licensee has been granted explicit permission to allow animals onto the outdoor seating areas, SERVICE ANIMALS are the only animals permitted entry**

Chairman Lynch requires Licensees to be notified that ~~7~~Animals, except Service Animals, are not allowed.

TEMPORARY OUTDOOR PATIO SEATING
DUE TO GOVERNOR BAKER’S ORDER

Requesting

An Alteration of Premises
For TEMPORARY Outdoor Patio Seating

Continued from Wednesday, June 24, 2020

1.

CONTINUED FROM Wednesday, June 24, 2020							
LICENSE #	BUSINESS NAME	ADDRESS	STATUS	APP. TYPE	COMPLETE	CURRENT/NEW	PUBLIC/PRIVATE
ALM20-000095	Sligo Pub (Back parking lot)	237A Elm St	NEW	NEW TEMPORARY	YES	NEW	PUBLIC

Sligo Pub – This is a private parking lot. Sue Thomas states they are working with the applicant. They have a Common Victualler License which allows them to provide food. Sue states the ABCC requires them to have a Food License and that the application is under Sligo Pub. The plan has been revised and they will be partnering with Dragon Pizza. Sligo Pub will be using the space that Dragon Pizza was approved for. Sligo will be serving the alcohol (drinks) and Dragon Pizza will serve the food through online ordering or disposable papers on the table. The food will be delivered by either a Sligo Pub or Dragon Pizza employees. Chairman Lynch ask for clarification on this matter. Ordering food and drinks will be done through table service, Sligo delivers the drinks, either Sligo or Dragon Pizza will deliver the food. Chairman Lynch cautioned Sue about the liability issue involved in this dual service. What happens if a patron becomes ill, from the food and who would be held responsible? Sue believes both licensees would be responsible but primarily any food issues would be Dragon Pizza’s responsibility and any alcohol issues would be Sligo Pub’s responsibility. This is one combined seating area on private property. Commissioner Allen asked about the process for ordering food. Sue stated this would be on an online app. or through the waiter with a disposable menu switched out in between customers. Drinks will be served at the table. Chairman Lynch asked about the status of Dragon Pizza’s Alcohol License. The secretary confirmed the Licensing Commission and the ABCC had approved the license, but it has not been issued yet, due to construction issues and Covid 19. Restrooms will be used by Sligo Pub. Dragon Pizza does not currently have a restroom. The commissioners express concerns on this matter. Does Sligo Pub have an ADA compliant restroom? There is a small concrete lip into the restaurant. Customers may need to use the front entrance if unable to access the restroom. The commission held this matter for additional questions until the end of the agenda. Sue Thomas stated there are steps going into the establishment. Contact tracing will be implemented. An amendment will be provided by Dragon Pizza for the food liability. Commissioner Allen asked about Dragon Pizza Temporary Outdoor Seating License for the same area. Sue Thomas stated she would like them to keep this license on file. Chairman Lynch stated he felt the same, if either party were to terminate this agreement, the other party would not be required to apply again. He also stated this is setting a precedent, and this raises liability, sanitary and restroom issues. He stated he does not want the Licensing Commission to be required to get in the middle of these issues. Commissioner Allen stated in the case of violations, contract tracing or sanitary problems, he has issues with 2 licenses being active, and who would be at fault for any of these issues. He suggested both licensees be held responsible and held to a higher standard. Kelly Mellon stated she is willing to do whatever is necessary to make this work. Chairman Lynch stated he wants to make sure the public is protected at all costs. Conditionally Approved pending department approvals

NEW Applications

TEMPORARY OUTDOOR PATIO SEATING
DUE TO GOVERNOR BAKER’S ORDER

Requesting

An Alteration of Premises
For TEMPORARY Outdoor Patio Seating

2.

NEW TEMPORARY OR EXPANDING							
LICENSE #	BUSINESS NAME	ADDRESS	STATUS	APP. TYPE	COMPLETE	CURRENT/NEW	PUBLIC/PRIVATE
ALM20-000103	Monte Cristo	146 Broadway	NEW	NEW TEMPORARY	YES	NEW	PUBLIC
ALM20-000106	Five Horses Tavern	400 Highland Ave	NEW	EXPANSION	YES	CURRENT	PUBLIC
ALM20-000109	Bloc 11 Café	11 Bow St	NEW	NEW TEMPORARY	YES	NEW	PRIVATE

PROVISIONALLY APPROVED LICENSES							
LICENSE #	BUSINESS NAME	ADDRESS	STATUS	APP. TYPE	COMPLETE	CURRENT/NEW	
ALM20-000097	Dali	415 Washington St	SIGNOFFS	NEW TEMPORARY	YES	NEW	
ALM20-000098	Vinny's at Night	76 Broadway	APPROVED	NEW TEMPORARY	YES	NEW	
ALM20-000099	Maya Sol	179 Broadway	SIGNOFFS	CURRENT	YES	CURRENT	

Monte Cristo – Cortney Kirk states this is for both, PRIVATE – tables in the backyard and PUBLIC tables on the sidewalk. Chairman Lynch would like this to be corrected. Does the Fire Department have sufficient egress in the back? Lt. MacLaughlan confirmed they do. Conditionally Approved pending department approvals

Five Horses Tavern - This is a Parklet for the 2 parking spaces in front of the establishment. Commissioner Allen states this will leave more space on the sidewalk. Conditionally Approved pending department approvals

Bloc 11 Café – This was submitted for Covid compliance. Conditionally Approved pending department approvals

PROVISIONALLY APPROVED LICENSES

Dali – Proposing to have PRIVATE seating in their parking lot in lieu of Parklet seating. The secretary has not received any documentation on this change. **NO ACTION TAKEN ON THIS MATTER. DOCUMENTATION OF THE CHANGE IS REQUIRED**

Vinny's at Night – This is a Parklet. Previously Conditionally Approved pending department approvals

Maya Sol – This is a Parklet. Previously Conditionally Approved pending department approvals

3.

Agenda Item - Request - OSPCD requests a conditional approval for the restaurants listed below from Day Street to Grove Street in Davis Square, pending staff review and compliance with the StreateryOnElm schematics.

<https://bit.ly/StreateryOnElm>

Businesses:

https://bit.ly/StreateryOnElm							
LICENSE #	BUSINESS NAME	ADDRESS	STATUS	APP. TYPE	COMPLETE	CURRENT/NEW	PUBLIC/PRIVATE
ALM20-000105	Elm Street Tap Room	256 Elm St.	NEW	NEW TEMPORARY		NEW	PUBLIC
ALM20-000107	Pokeworks	261 Elm St.	NEW	NEW TEMPORARY		NEW	PUBLIC

Elm St. Taproom – This is a Parklet. Previously Conditionally Approved pending department approvals

Pokeworks - This is a Parklet. Previously Conditionally Approved pending department approvals

Agenda Item - Request - OSPCD requests a conditional approval for the restaurants listed below from Day Street to Grove Street in Davis Square, pending staff review and compliance with the StreateryOnElm schematics.

<https://bit.ly/StreateryOnElm>

Businesses:

4.

ALM20-000113	Diesel Café (parklet)	257 Elm St	NEW	NEW TEMPORARY	YES	NEW	PUBLIC
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Diesel Café – This is a Parklet. Conditionally Approved pending department approvals

LATE ITEMS

NEW Applications

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

Requesting

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

5.

LATE ITEMS							
LICENSE #	BUSINESS NAME	ADDRESS	STATUS	APP. TYPE	COMPLETE	CURRENT/NEW	PUBLIC/PRIVATE
ALM20-000100	Midic	463 Assembly Row	NEW		NO	CURRENT	PRIVATE
ALM20-000111	P J Ryans	239 Holland	Change of Hours Indoors and Outdoors				
ALM20-000112	Dark Horse Tavern (parklet)	499 Broadway	NEW	NEW TEMPORARY	YES	NEW	PUBLIC
ALM20-000112	Dark Horse Tavern chg hrs indoors	499 Broadway	EXISTING	REQ. ABCC DOC.			
ALM20-000112	Dark Horse Tavern chg Bill. & Bowl.	499 Broadway	Not renewed for 2020			REQ. CITY COUNCIL APPROVAL & LICENSING	
ALM20-000112	Dark Horse Tavern add. Auto Amuse.	499 Broadway	NEW			REQ. CITY COUNCIL APPROVAL & LICENSING	

Midici – This is Covid compliant seating for their existing seating, on the sidewalk. Conditionally Approved pending department approvals

P J Ryans – DENIED - CHANGE OF HOURS. THE CITY COUNCIL, CITY CLERK’S OFFICE AND THE LAW DEPARTMENT WILL NEED TO BE CONSULTED ON CHANGE OF HOURS FOR TEMPORARY OUTDOOR SEATING.

Dark Horse Tavern (Parklet) – THIS IS FOR BROADWAY ONLY. MEDFORD ST. IS IN THE CITY OF MEDFORD (and under the City of Medford’s jurisdiction). Sue Thomas has contacted the City of Medford and has not received a response from them yet. Chairman Lynch instructed the secretary to have Lt. MacLaughlan check this area for Fire apparatus to have sufficient space. Conditionally Approved FOR BROADWAY ONLY, pending department approvals

Dark Horse Tavern (chg. Hrs. indoors) – reducing hours of food and alcohol service. Chairman Lynch asked that these be placed on the agenda to inform Economic Development of the changes being received by licensees. NO ACTION TAKEN ON THIS MATTER. ABCC DOCUMENTATION OF THE CHANGE IS REQUIRED

Dark Horse Tavern (Bill. & Bowl.) – Chairman Lynch asked that these be placed on the agenda to inform Economic Development of the changes being received by licensees. NO ACTION TAKEN ON THIS MATTER. This is a City Council matter.

Dark Horse Tavern (add Auto Amuse.) - Chairman Lynch asked that these be placed on the agenda to inform Economic Development of the changes being received by licensees. NO ACTION TAKEN ON THIS MATTER. This is a City Council matter.

Withdrawn Applications

6.

ALM20-000096	Los Paisanos	62 Broadway	WITHDRAWN	NEW TEMPORARY	YES	NEW	PUBLIC
ALM20-000101	Neighborhood Restaurant	25 Bow St	?	?	?	?	?
ALM20-000104	La Brasa	124 Broadway	SIGNOFFS	EXPANSION	NO	CURRENT	PUBLIC
ALM20-000108	Bloc 11 Café	11 Bow St	NEW	NEW TEMPORARY	YES	NEW	PRIVATE

The Commission noted these Withdrawn Applications.

Chairman Lynch made the following motion:

MOTION:

I move to provisionally approve the establishments just reviewed favorably (and voted on) for outdoor seating service. This approval is conditional on each establishment filing a health and safety plan, and receiving City approval of its socially distant seating layout. Licensees are not permitted to begin operation until they receive written notice from the City Clerk’s Office that both conditions have been met. This approval expires on November 1 at 11:59 PM, unless otherwise modified by the Governor or State or City legislation, and requires no additional payment. License holders may reduce but not expand their existing hours of operation on private property, and may reduce but not expand past 10 PM their existing hours of operation on public property. Finally, outdoor seating license holders are warned that any license holder who violates any Covid-19 protocols, ADA requirements or any other terms or conditions of the license, may be subject to suspension for the remainder of 2020 and/or the revocation of the license holder’s license.

**City of Somerville
Licensing Commission**

Regular Meeting by Remote Participation

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

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

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

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

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

COMMUNICATIONS

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

The Commission noted this communication

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

The Commission noted this communication

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

The Commission noted this communication

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

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

The Commission noted this communication

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

The Commission noted this communication

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

The Commission noted this communication

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

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

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

Chairman Lynch read the following Motion:

MOTION: I move to approve the extension of hours for Temporary Outdoor Seating Licenses on both public property and private property to 11:30 pm (from 10:00 pm), for all establishments through November 1 at 11:30 pm, unless otherwise modified by the Governor or State or City legislation, and requires no additional payment. This extension is conditioned on each establishment filing a health and safety plan, and receiving City approval of its socially distant seating layout, as well as meeting any other conditions placed by appropriate city officials. Outdoor seating license holders are warned that any license holder who violates these, or any other terms or conditions of the license, may be subject to suspension for the remainder of 2020 and/or the revocation of the license holder’s license.

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

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

The Commission noted this communication

TEMPORARY OUTDOOR PATIO SEATING

DUE TO GOVERNOR BAKER'S ORDER

Requesting

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

Continued from Wednesday, July 1, 2020

WITHDRAWN – DID NOT RECEIVE THE REQUIRED SIGNATURES

6.

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

WITHDRAWN – APPLICANT WITHDREW APPLICATION

6A.

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

NEW Applications

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

Requesting

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

7.

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

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

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

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

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

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

Chairman Lynch made a Motion:

MOTION:

I move to provisionally approve the establishments just reviewed favorably for outdoor seating service. This approval is conditional on each establishment filing a health and safety plan, and receiving City approval of its socially distant seating layout. Licensees are not permitted to begin operation until they receive written notice from the City Clerk's Office that both conditions have been met. This approval expires on November 1 at 11:59 PM, unless otherwise modified by the Governor or State or City legislation, and requires no additional payment. License holders may reduce but not expand their existing hours of operation on private property, and may reduce but not expand past 11:30 PM their existing hours of operation on public property. License holders are not permitted to offer any type of outdoor entertainment. License holders are not permitted to allow dogs into the outdoor eating area unless previously granted permission, but SERVICE ANIMALS are permitted to enter the outdoor seating area. Finally, outdoor seating license holders are warned that any license holder who violates any Covid-19 protocols, ADA requirements, or any other terms or conditions of the license, may be subject to suspension for the remainder of 2020 and/or the revocation of the license holder's license. Outdoor Seating Licenses do NOT allow any type of outdoor entertainment. Any outdoor entertainment will lead to a complaint filed with the Licensing Commission

The Commission approved this Motion

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

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

NEW Applications

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

Requesting

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

8.

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

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

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

**Common Victualer
And Entertainment by Devices**

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

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

Applicant did not appear for this meeting. The Commission Continued this application until the next meeting on August 17, 2020

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

Requesting
Change of Officers/Directors/LLC Managers

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

FROM:

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

TO:

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

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

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

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

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

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

Assembly Row Area
Chapter 142, Acts of 2016

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

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

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

LATE ITEMS

NEW Applications

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

Requesting

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

12.

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

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

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

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

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

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

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

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

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

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

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

14.

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

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

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

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

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

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

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

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

**City of Somerville
Licensing Commission**

Regular Meeting by Remote Participation

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

Monday

August 17, 2020

6:00pm

Published August 10, 2020, 2020 5:00 pm

Published August 17, 2020 2:00pm

The meeting was called to order at 6:00pm. Present were Commissioners, Lynch, Allen and Lindgren, Secretary to the Commission Lori Batzek, Lt. Timothy Mitsakis, a member of the Police Department, Lt. MacLaughlan, a member of the Fire Dept., City Clerk, John Long, Members of the City Staff, Applicants and members of the public.

The meeting adjourned at 6:38pm

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

Copy & paste the following link into your internet browser to view this meeting live:

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

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

COMMUNICATIONS

1. Minutes of June 10, 2020 Special Meeting

The Commission approved these minutes

2. Minutes of June 12, 2020 Special Meeting

The Commission approved these minutes

3. Minutes of June 15, 2020 Regular Meeting

The Commission approved these minutes

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

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

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

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

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

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

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

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

NEW Applications

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

Requesting

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

7.

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

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

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

**Common Victualler
And Entertainment by Devices**

Continued from July 20, 2020

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

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

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

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

**Common Victualler
And Entertainment by Devices**

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

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

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

The commission approved this Common Victualler and Entertainment by Devices License

Late Items

NEW Applications

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

Requesting

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

10.

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

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

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

Chairman Lynch read this MOTION FOR APPROVAL:

MOTION: I move to provisionally approve the establishments just reviewed favorably for outdoor seating service. This approval is conditional on each establishment filing a health and safety plan, and receiving City approval of its socially distant seating layout. Licensees are not permitted to begin operation until they receive written notice from the City Clerk’s Office that both conditions have been met. This approval expires on November 1 at 11:59PM, unless otherwise modified by the Governor or State or City legislation, and requires no additional payment. License holders may reduce but not expand their existing hours of operation on either private or public property past 11:30PM. License holders are not permitted to offer any type of outdoor entertainment. License holders are not permitted to allow dogs into the outdoor seating area unless previously granted permission, but SERVICE ANIMALS are permitted to enter the outdoor seating area. Finally, outdoor seating license holders are warned that any license holder who violates any Covid-19 protocols, ADA requirements, or any other terms or conditions of the license, may be subject to suspension for the remainder of 2020 and/or the revocation of the license holder’s license. Outdoor Seating Licenses do NOT allow any type of outdoor entertainment. Any outdoor entertainment will lead to a complaint filed with the Licensing Commission. This approval overrides the Licensing Commission’s regulation 7.11, and allows the outdoor service of wine and malt beverages until 11:30PM only (from 11:00PM).

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

**City of Somerville
Licensing Commission**

Regular Meeting by Remote Participation

**DRAFT OF THE
Minutes of the Regular Meeting
Monday, September 21, 2020
Posted 10/14/20 at 4:15pm**

The meeting was called to order at 6:00pm. Present were Commissioners, Lynch, Allen and Lindgren, Secretary to the Commission Lori Batzek, Lt. Timothy Mitsakis, a member of the Police Department, Lt. MacLaughlan, a member of the Fire Dept., City Clerk, John Long, Members of the City Staff, Applicants and members of the public.

The meeting adjourned at 7:56 pm

Monday

September 21, 2020

6:00pm

Published September 14, 2020, 2020 at 5:00pm

Published September 17, 2020 at 4:45pm

Published September 21, 2020 at 11:15am

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

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COMMUNICATIONS

1. Minutes of June 18, 2020 Special Meeting

Correction to be made to Line 7. The Commission approved these minutes, after the correction.

2. Minutes of June 24, 2020 Special Meeting

Correction to be made to Line 3. The Commission approved these minutes, after the correction.

3. Minutes of August 17, 2020 Regular Meeting

Correction to be made to Line 6. The Commission approved these minutes, after the correction.

3a. Minutes of July 1, 2020 Special Meeting

The Commission approved these minutes.

3b. Minutes of July 20, 2020 Regular Meeting

Correction to be made to Line 1. The Commission approved these minutes, after the correction.

4. Communication from the ABCC pertaining to the Governor's Extension of Allowance of Outdoor Table Service dated September 10, 2020

The Commissioners each received a copy of this communication. The City Council will be meeting, on September 23, 2020, on the Committee on Licenses and Permits, to discuss an extension of the Licensing Commission's authority on this matter, to be extended beyond November 1, 2020. The result may be a communication, or something which needs to be acted on in October. The Commission made note of this Communication.

4a. Communication from OSPCD pertaining to Recreational Marijuana Licensing Fees during the City Council's Priority Application Period

Charlotte Leis, Planner of Planning and Zoning spoke on this communication. In April 2019 a 1 year waiver of \$900 fees was approved by the Licensing Commission. Ms. Leis is requesting a retroactive waiver of fees during the 4 year period from April 2020 through November 2022, when the Economic Empowerment priority application period ends. The commission noted that the Group B applicants, no longer includes Somerville residents, after May 1, 2020. However, the next batch of applicants will include Somerville residents as these applications were submitted prior to the date of this change. Interviews are being conducted. The next MAC recommendations may be issued by October 2, 2020. There will be a total of 2 to 3 rounds of recommendations. Most of the applications on file were submitted pre Covid. Ms. Leis estimates the applicants offered a Community Host Agreement may come before the commission by the end of the year. The MAC consists of 5 members, 3 are City staff and 2 are public members with various experience and expertise. The total number of members is determined by the Acting Mayor. The Commission requests the fees be posted to the City Website, with the fee waiver information. The Commission approved the waiver of fees for all Marijuana Licensing Commission Applications, retroactively from April 2020 through November 2022.

MOTION: I move to waive the Licensing Commission Application Fee from April, 2020, until November, 2022, to make the wavier coterminous with the City Councils extension of the adult use marijuana application priority period. The applicant shall continue to be responsible for the cost of publishing the public hearing legal notice and the cost of mailing the abutter notices.

4b. Communication from Economic Development requesting a Blanket approval, for Heaters, for all previously approved Temporary Outdoor Seating Amendments. Conditioned on Staff Approval. Licensing Fee for this amendment shall be waived.

Both the Licensing Commission and the Fire Department have waived fees on these applications. Propane/Liquid Fuel Heaters would be approved by the Fire Department, and Electric Heaters would be approved by ISD. The Commission approved this Blanket approval for Heaters.

MOTION: I move to approve the use of propane, electric or battery-operated heaters for Outdoor Seating License holders on both public property and private property only after the license holder has submitted a complete application in CitizenServe, obtained all required city approvals and received written permission from the City Clerks's Office. This amendment to the current Outdoor Seating License shall require no additional payment. Any license holder who violates any Fire Department or Inspectional Services Department conditions on the use of said heaters may have their use revoked and may be subject to suspension or other penalty.

4c. Communication from Economic Development requesting a Blanket approval, for Entertainment by Devices Only, for all previously approved Temporary Outdoor Seating Amendments. Conditioned on Staff Approval. Licensing Fee for this amendment shall be waived.

Tom Galligani wished to clarify that this is for Devices for Audio only, not Visual Devices. The Commission approved this Blanket approval for Entertainment by Audio Devices Only.

MOTION: I move to approve the use of audio-only entertainment devices outdoors for Outdoor Seating License holders on both public property and private property only after the license holder has submitted a complete application in CitizenServe, obtained all required city approvals, and received written permission from the City Clerk’s Office. This amendment to the current Outdoor Seating License shall require no additional payment. Any license holder whose use of such devices violates the city’s Noise Ordinance or otherwise causes complaints may have their use revoked and maybe subject to suspension or other penalty.

4d. Communication from Economic Development requesting a Blanket approval, for Protective Structures, for all previously approved Temporary Outdoor Seating Amendments. Conditioned on Staff Approval. Licensing Fee for this amendment shall be waived.

Tom Galligani stated this includes any and all Temporary structures, including ingloos and other tent like structures, which may require approval by the Fire Department and/or Inspectional Services. Economic Development will be using the same process used for Outdoor dining, and will review the applications for Covid compliance. Chairman Lynch asked about the Public and Private aspect of this matter, with inclement weather issues to be addressed, such as snow removal of the sidewalks and streets. Mr. Galligani stated they are considering a cutoff date of December 31st for Public Outdoor Seating, but suggested if a major snowstorm arrives prior to that date, requirements would be instituted to remove this seating. Chairman Lynch stated we are waiting for City Council approval of the extension and also would be awaiting the direction of the Mayor and Economic Development, for recommendations of Public seating, during inclement weather. Sue Thomas stated she is working with legal, on what the exact date and what the process of snow removal would be. The Commission approved this Blanket approval for Protective Structures.

MOTION: I move to approve the use of tents and other protective structures outdoors for Outdoor Seating License holders on both public property and private property only after the license holder has submitted a complete application in CitizenServe, obtained all required city approvals, and received written permission from the City Clerk’s Office. This amendment to the current Outdoor Seating License shall require no additional payment. Any license holder who violates any Fire Department or Inspectional Services Department conditions on the use of said tents and other protective structures may have their use revoked and may be subject to suspension or other penalty.

This motion will be updated at a future meeting, when the language has been settled on this matter.

NEW Applications

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

Requesting

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

5.

LICENSE #	BUSINESS NAME	ADDRESS	STATUS	APP. TYPE	COMPLETE	CURRENT/NEW	PUBLIC/PRIVATE	TENT	HASP	FLOOR PLAN	CONTROL ENG.	SPCD	FIRE	INSURED
ALM20-000133	Portuguese American Civic League	26 Springfield St.	NEW	NEW TEMPORARY	YES	NEW	PRIVATE	NO	YES	YES	YES			N/A
ALM20-000138	Urban Axes	2 Union Sq.	NEW	NEW TEMPORARY	YES	NEW	PRIVATE	NO	YES	YES	YES			N/A
ALM20-000141	Martsa on Elm	243 Elm St.	DENIED	NEW TEMPORARY										
ALM20-000142	Martsa on Elm	243 Elm St.	DENIED	NEW TEMPORARY										
ALM20-000143	Martsa on Elm	243 Elm St.	NEW	NEW TEMPORARY	NO	NEW	PUBLIC	YES	YES	YES	YES			NO

Portuguese American Civic League - Joseph Vasconcelos, Treasurer, appeared for this application. Economic Development has approved this application. Chairman Lynch asked about this Private Club All Forms Alcohol License. The secretary confirmed this is a Private license. Chairman Lynch had concerns about the ability to serve the public under this Private Club License. Mr. Vasconcelos states they will not be restricting access to this outdoor seating to members only. City Clerk John Long has stated through the secretary, through the rules and regulations, that access would be restricted to private club members only. Further research will be

done on this issue and provided to the commission. The secretary states the governor has required Food Service to serve alcohol. Item #7 was taken out of order.

Continued until the October 19, 2020 Licensing Commission Meeting

Urban Axes - Matthew Payton appeared for this application. Mr. Patton stated he would like to expand the kitchen service. Chairman Lynch had questions for Economic Development about conditions on this business to open. Sue Thomas stated only the standard Covid 19 conditions. Thomas Galligani stated that no food or alcohol service will be allowed inside. Mr. Payton stated his outdoor seating application was put in on August 14, and he was told this would not be approved without an approval from the Licensing Commission. Mr. Payton express concern that if the Licensing Commission won't approve without the City's approval, he would not be able to go anywhere with his business. He stated his business was allowed to open 10 weeks after the Commonwealth of Massachusetts was permitted to do the same indoor activity, and that this is really hurting small businesses right now. Chairman Lynch stated the commission understands and the commission has been working on this for close to 7 months. He also stated he wanted to insure that everyone understands that there are currently some restrictions on the interior and that what the applicant is doing now, is to prepare for when those restrictions are lifted. Chairman Lynch asked Mr. Payton if, with the Commissions permission to move ahead with temporary outdoor seating, that he will not be serving alcohol or food outdoors, until the City gives him permission to move ahead and if that was his understanding of what is being done tonight. Mr. Payton stated he didn't know that they had to be tied together, and if he is only allowed to serve food outdoors, if he can also serve food indoors, he would be stepping up his occupancy to allow his indoor dining to be approved, but that he specifically is coming before the commission for an outdoor dining approval. Chairman Lynch stated he didn't know why the applicant was requesting temporary outdoor seating with a restriction indoors of no food and alcohol service, if this restriction follows outdoors. Mr. Payton stated that if he would have been approved for either outdoor or indoor dining, he would have figured out a way to pivot his business, and not do Ax Throwing given that the city did not have indoor recreation and they would have rejoined the other restaurants in the city that were allowed to open for indoor dining on June 22, 2020. Commissioner Allen stated that he didn't necessary see that the two have to be coupled and that this is no different from any other permit reviewed by the commission. He stated he is o.k. with decoupling these. Chairman Lynch asked if there was an alcohol restriction to being served prior to the axe throwing event. Mr. Payton stated this is not a condition and alcohol is served in the form of premixed canned cocktails with the same abv as a standard beer, there is no free pour liquor service. Chairman Lynch asked about the possibility of competitors being served alcohol outdoors while waiting to throw axes indoors. Mr. Payton said this was possible. He also stated that is an option he has asked the City of Somerville to review from an indoor perspective either before or after the activity, assuming the city is going to continue to say that it can't be done during the activity as it was pre Covid. Commissioner Lindgren agreed with Commissioner Allen on this application. Mr. Payton stated his safety record and showing Mr. Galligani and Mr. Boukili prior to opening. Chairman Lynch stated he was questioning why the same restrictions were not placed on the Outdoor Seating as were placed on the Indoor Seating by the City. Mr. Galligani stated he visited the establishment 2 weeks ago, and it was very well run. He stated there is a coach in the Ax Throwing lane for safety. Mr. Galligani stated Economic Development viewed the indoor ax throwing and the outdoor seating for food and alcohol as two separate activities.

The Commission approved this Temporary Outdoor Seating License with City Department signoffs

Martsa on Elm – Dechen Martsa appeared for this application. This is a parklet. Ms. Martsa would like to put a tent (they have 2, but believe they may only have room for 1), they have a 10x10 and a 10x20 tent, with between 5-10 tables (tables are 2x2). Economic Development is still reviewing this application for adequate space and to make sure there is 15 minute parking available. Chairman Lynch requested the applicant check with the Fire Department or Economic Development for the tent size before she purchases it, as some of them are not allowed.

The Commission approved this Temporary Outdoor Seating License with City Department signoffs

MOTION:

I move to provisionally approve the establishments just reviewed favorably for outdoor seating service. This approval is conditional on each establishment filing a health and safety plan, and receiving City approval of its socially distant seating layout. Licensees are not permitted to begin operation until they receive written notice from the City Clerk's Office that both conditions have been met. This approval expires on November 1 at 11:59 PM, unless otherwise modified by the Governor or State or City legislation, and requires no additional payment. License holders may reduce but not expand their hours of operation on either private property or public property past 11:30 PM. License holders are not permitted to offer outdoor entertainment except by audio devices only. License holders are not permitted to allow dogs into the outdoor seating area unless previously granted permission, but SERVICE ANIMALS are permitted to enter the outdoor seating area. Finally, outdoor seating license holders are warned that any license holder who violates any Covid-19 protocols, ADA requirements, or any other terms or conditions of the license, may be subject to suspension for the remainder of 2020 and/or the revocation of the license holder's license. This approval overrides the

Common Victualler
And Entertainment by Devices

Continued from July 20, 2020 & August 17, 2020

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

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

Michael Coogler, District Manager for the Somerville Location, appeared for this application. Cafua owns a little over 300 establishments. City Council has approved this to be open 24/7.

The Commission approved this Common Victualler and Entertainment by Devices License

Common Victualler

7. Portuguese American Civic League
26 Springfield St.
Joseph Vasconcelos - Treasurer
Hours of Operation: To Serve Food and Alcohol Indoors and Outdoors (on Private Property)
Monday through Saturday from 8 a.m. to 1 a.m.
Sunday from 12 p.m. to 1 a.m.
(*AL20-000016)
**This is an amendment to an existing Private Club Alcohol license (AL17-000024). Citizen Serve does not have an amendment in application process for an existing alcohol license to apply for a Common Victualler*

Commissioner Allen stated section 6.01 in the Licensing Commission Rules and Regulations for Private Clubs licensed for the sale and service of alcoholic beverages, may serve such beverages and food to members and guests of members, and to no others. They cannot be open to the public. Chairman Lynch asked if there is a difference between a Private Club License and a regular Restaurant License. City Clerk John Long stated that some research would need to be done on this issue. Chairman Lynch stated that if the intent was to serve the public, the Private Club License may need to be turned in and a new license may need to be applied for. The secretary stated rules 6.06 Entrance to Private Clubs and 3.07 Definition of "Guest". A discussion was held as to what an exemption would pertain to. City Clerk John Long stated that even if the Commission granted an exemption, this may not pass muster with the ABCC rules and regulations. Further information is required on this matter from the City and the ABCC.

Continued until the October 19, 2020 Licensing Commission Meeting

NEW City License

7 Day Wine and Malt Alcohol License

Common Victualler, Entertainment by Devices And Sunday Hours Licenses

ENHANCEMENT Area
Chapter 142, Acts of 2016

8. Choesang Inc. d/b/a Martsa on Elm, 243 Elm St. requesting a NEW – Enhancement Area 7 Day Wine and Malt Alcohol, Common Victualler, Entertainment by Devices and Sunday Hours Licenses
Hours of Operation for Food Service Indoors:
Tuesday through Sunday 11am to 11pm
Hours of Operation for Alcohol Service Indoors:
Tuesday through Sunday 5pm to 11pm
*Already has a CV and Entertainment by Devices License at Previous Address: 233 A Elm St. (AL17-000228)
(AL20-000013)*

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

Dechen Martsa appeared for this application. This was previously Meju. Ms. Martsa stated she is Tips Certified. Ms. Martsa has spoken with Economic Development to be Covid compliant. This establishment has been in business since 2004.

The Commission approved this Wine & Malt, Common Victualler, Entertainment by Devices and Sunday Hours License.

Existing Alcohol License

Private License

All Forms 7 Day Restaurant License

Requesting

Change of D/B/A,

Change of Hours and Sunday Hours

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

Applicant did not appear. Keith Pooler sent an email on 9/20/20, informing Secretary he would not be able to appear and understood if the application would be continued.

Continued until the October 19, 2020 Licensing Commission Meeting

Chairman Lynch wanted to make the following comment. He asked if anyone from Economic Development was still in attendance. He expressed a concern about Restaurants changing their name without coming through the Licensing Commission for approval. His reasons why were as follows: Their license, if they change their name and don't get approval through the Licensing Commission, it does not match the records at the ABCC, and that could be a big issue for them moving forward. This could also be an issue through our Treasury Department, when we are doing certain financial things. It can also be an issue with the Fire Department, especially when these organizations are changing their signage. Chairman Lynch stated he needed to emphasize clearly, that this is the second time that we have somebody who has gone ahead and publicly announced that they have changed their name, to fit covid, and he understands why they are doing this, and he is calling attention to two of them. Bergamot, we were able to catch this early, because they announced it on social media. The other establishment is Highland Kitchen, they have changed their name

and signage. That name no longer matches what we have on file. If they are going to have a d/b/a from Highland Kitchen to Highland Chicken, they need to notify the Licensing Commission of that, because there are implications when they do this. Chairman Lynch wanted to emphasize this point to Economic Development. They are not allowed to change their name at will. The Commission understands why, but they need to notify the commission and it requires approval. This is a fair warning that things can become very complicated moving forward, especially with the Department of Revenue, the City Treasury and Public Health and Public Safety. We need to know what their names are. Sue Thomas stated this was good to know and Economic Development would remind folks as they hear of any business closures or name changes.

**City of Somerville
Licensing Commission**

Regular Meeting by Remote Participation

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

The meeting was called to order at 6:02pm. Present were Commissioners, Lynch, Allen and Lindgren, Secretary to the Commission Lori Batzek, Lt. Timothy Mitsakis, a member of the Police Department, Lt. MacLaughlan, a member of the Fire Dept., City Clerk, John Long, Members of the City Staff, Applicants and members of the public.

The meeting adjourned at 9:36 pm

Monday

October 19, 2020

6:00pm

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

Published October 15, 2020 at 2:25pm

Published October 19, 2020 at 5:10PM

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

Copy & paste the following link into your internet browser to view this meeting live:

<https://attendee.gotowebinar.com/register/5455695743255075596>.

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

COMMUNICATIONS

1. Minutes of September 21, 2020 Regular Meeting

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

The Commission Approved these minutes with the above stipulation

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

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

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

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

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

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

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

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

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

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

Approved – Chairman Lynch, Commissioner Allen & Commissioner Lindgren

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

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

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

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

Approved – Chairman Lynch & Commissioner Lindgren

Opposed – Commissioner Allen

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

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

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

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

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

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

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

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

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

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

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

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

g. (unchanged)

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

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

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

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

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

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

7.

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

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

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

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

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

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

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

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

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

Continued - NEW Applications

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

11.

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

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

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

NEW Applications

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

12.

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

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

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

**Common Victualler
Continued from September 21, 2020**

13.

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

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

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

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

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

Common Victualler

14.

Neupane Inc.
D/B/A Mint Indian Eatery
868 Broadway
*Lokesh Adhikari
Hours of Operation: To Serve Food Indoors: Sunday through Saturday 11am – 11pm
(AL20-000019)
Old License Number AL17-000253
*New Owner under same Corporation Name

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

The Commission approved this Common Victualler License.

Existing License
All Forms Alcohol – Private Club License (Privately owned License)
Alteration of Premises
Permanent Outdoor Seating
On Private Property

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

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

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

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

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

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

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

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

The Commission approved this Alteration of Premises License

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

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

Change of License Category

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

A NEW All Forms Alcohol License,

Entertainment by Devices License, Change of Hours and an

Alteration of Premises

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

Proposed Hours to Serve Food and Alcohol:

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

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

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

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

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

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

Sat-11:30am-10:30pm

Sun-11:30am-10pm

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

(AL20-000020)

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

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

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

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

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

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

The Commission approved this Change of Manager

Existing Alcohol License
Private License
All Forms 7 Day Restaurant License

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

Continued from September 21, 2020

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

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

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

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

TRANSFER OF LICENSE
Existing
Wine and Malt Package Store License

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

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

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

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

City of Somerville Licensing Commission

SPECIAL MEETING by Remote Participation

Thursday, October 29, 2020, 4:30 PM

MINUTES OF THE MEETING

NOTICE: This is NOT the official version of the Licensing Commission’s minutes. While reasonable efforts have been made to assure the accuracy of the data provided, do not rely on this information without first checking with the City Clerk.

The meeting was conducted remotely on the GoToWebinar platform and was called to order at 4:30 PM. Present were Chairman Joseph Lynch and Commissioners Christopher Allen and Christine Lindgren. Also attending were City Clerk John Long, Economic Development Director Tom Galligani, Economic Development Planner Sunayana Thomas, and members of the public.

Chairman Lynch stated that the purpose of this special meeting was to consider one item, a request of the Mayor to waive certain fees of the Licensing Commission.

COMMUNICATION

1. Mayor Joseph A. Curtatone requests that the Licensing Commission waive the annual license fees for the following licenses until the end of the fiscal year on June 30, 2021:

- All Forms Club Licenses
- All Forms Alcohol Restaurant Licenses
- All Forms Alcohol Restaurant - Weekends 2AM Licenses
- All Forms Alcohol Restaurant - Sunday 10AM Licenses
- All Forms Alcohol Restaurant - Private Patio Licenses
- All Forms Alcohol Restaurant - Public Patio Licenses
- Wine and Malt Restaurant Licenses
- Wine and Malt Restaurant - Cordials Licenses
- Farmer Brewery/Winery/Distillery Pourer Licenses
- Common Victualer Licenses
- Innholder Licenses
- Special Farmer Winery Licenses
- And all fees to amend Licenses.

This waiver is part of the Mayor’s Small Business Relief Package and will provide over \$500,000 in relief to the city’s hospitality industry. The Mayor thanks the Licensing Commission for their consideration of this request.

Chairman Lynch described the Mayor’s request. Commissioner Allen clarified that the request to waive fees did not include package stores or special alcohol licenses, and did not include late fees. He asked whether the loss of revenue would impact the city’s constituent services or its

ability to monitor the safe operation of the city's licensed establishments. Economic Development Director Galligani assured the Commission that the Mayor and Budget Director have identified funds that enable the city to forgo these fees this year and still get the city's work done, including required inspections. He said it's part of a comprehensive package of relief that touches on other fees and includes another round of small business relief, all totaling approximately \$750,000. City Clerk Long pointed out that the waiver didn't include the renewal fees for All Forms Package Stores, Wine and Malt Package Stores, and All Forms Educational Institutions, but that it did include an ongoing waiver of amendment fees, all through June 30, 2021. On a motion for approval, all three Commissioners voted to approve the Mayor's request.

There being no further business, the Chairman adjourned the meeting at 4:45 PM.

City of Somerville
Licensing Commission

Regular Meeting by Remote Participation

DRAFT OF THE
Minutes of the Regular Meeting
Monday, November 16, 2020
Posted Monday, January 25, 2021 at 4:55pm

The meeting was called to order at 6:00pm. Present were Commissioners, Lynch, Allen and Lindgren, Secretary to the Commission Lori Batzek, Lt. MacLaughlan, a member of the Fire Dept., City Clerk, John Long, Members of the City Staff, Applicants and members of the public.
The meeting adjourned at 7:54pm

A recording of this meeting is available online

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Monday
November 16, 2020
6:00pm
Published November 9, 2020, 2020, at 4:00pm
Published November 12, 2020 at 3:20pm
Published November 16, 2020 at 1:45pm

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

Copy & paste the following link into your internet browser to view this meeting live:

<https://attendee.gotowebinar.com/register/6500519862226624524>

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

COMMUNICATIONS

1. Minutes of October 19, 2020 Regular Meeting

The Commission Approved these minutes

1a. Notice from Governor Baker pertaining to Issued COVID-19 Order No. 53, dated November 2, 2020 and Mandatory Closing Period for Sale and Service of Alcohol Effective November 6, 2020

The Commission noted this communication and placed it on file

Continued from October 19, 2020
No appearance made for the above meeting

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

Stanley Falaise appeared on this matter. Chairman Lynch acknowledged Mr. Falaise did appear at last month's meeting, however it was going on too long and he disconnected the call. He stated everything in Citizen Serve has been approved, and everything is all set, he is just waiting for the signoffs for the license to be issuance and the license meeting, and these are the only items currently pending. Chairman Lynch asked for a status update of the signoffs for this License. The secretary stated the Health Department signoff had a condition issued; that only Beer could be served. The Secretary stated she believed the commission would need to approve selling Beer only, as an All Forms License application was submitted and approved. Mr. Falaise stated the secretary told him he may need to reapply to serve cocktails and other liquors and he submitted a new menu as well as a floorplan to indicate where items would be placed in the kitchen to serve All Forms Alcohol. Chairman Lynch asked Mr. Falaise if he had a full functioning kitchen, he replied yes. He was also asked if he had a Common Victualler License, he replied yes. He was asked if he had functioning bathrooms, he replied yes. Chairman Lynch requested an update from the secretary. The secretary stated the health department approved this license with conditions. Beer only is served. Mr. Falaise stated as of 9/23/20, the secretary told him to just update and upload the documents of the cocktail menu, and the equipment description, and he stated that he has done that, and he believed that was all that was required. The secretary stated he did supply those documents; however the Health Department conditionally approved this license for Beer only. Chairman Lynch asked the secretary if we knew why that condition was made. The secretary stated she did not know why, and assumed the establishment did not have what is required for this license. She provided the comments made by Health Inspector Maureen Lee, sent in an email to Mr. Falaise:

Provide a floor plan showing the location of the bar. Include all equipment (Examples include, but not limited to: blenders, soda guns, ice machines, ice storage bins, refrigeration, dish machine and sinks, including a hand sink) Include the location for glassware storage. In addition, identify on the plan the location for back up liquor storage. Please be aware the basement is not approved for storage of any type.

Chairman Lynch asked Mr. Falaise if he was in receipt of this email, he replied yes, but there wouldn't be a bar, and the only equipment he has is a blender, ice machines, cocktail shaker and glassware, and that he provided everything with a format of where the kitchen and all the setups and everything would be as well. Chairman Lynch felt the commission had enough information on this matter, as this is just a status update. He stated the Health Department appears to want to confirm some things with him. Chairman Lynch instructed the secretary to facilitate a conversation between Maureen Lee in the Health Department and Mr. Falaise.

Common Victualler and
Entertainment by Devices License

3. Sinev LLC d/b/a Zaruma Gold Coffee
27 Woodbine St.
Vladislav Sinev

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

No one appeared for application. This item was continued until the January 2021 Meeting.

Existing License
All Forms Alcohol – City License
City Wide Area – Chap 142, Acts of 2016
Change of Hours

4. Eat at Jumbos d/b/a Sassafras, 688 Broadway requesting the approval of a Change of Hours from: Zero Hours (for Food and Alcohol Service) to Sun. – Sat. 10:00am – 11:00pm (for Food and Alcohol Service)
(ALM20-000166)

Mr. Grover Taylor appeared for this application. Chairman Lynch asked if Mr. Taylor was reverting back to his regular hours and if he was preparing to reopen. Mr. Taylor replied he is ready to open. Chairman Lynch stated Mr. Grover was trying to determine what he planned on doing with his restaurant. The Ball Sq. bridge was closed and business was impacted by this. Mr. Grover had attempted to change his menu and do some other things, and requested to close temporarily, but did not want to have to give up his license. The commission allowed Mr. Taylor to bring his hours to zero, which closes the establishment. He now wishes to establish his hours of operation. The secretary states that Indoor seating requires the submission of Covid 19 Control Plan & Hasp to Economic Development, and requires the signoffs of ISD. The secretary does not see these documents in Citizen Serve and recommends Mr. Taylor contact Sue Thomas in Economic Development to see what the status of his indoor seating is. Chairman Lynch instructed the secretary to contact Sue Thomas to see if the Covid requirements have been completed.

The Commission approved this Change in Hours

Existing License
Private License
All Forms Alcohol
Pledge of License

5. Demeter Hospitality, LLC d/b/a Daddy Jones, 525 Medford St. requesting the approval of a Pledge of License to Enterprise Bank and Trust Company, 76 Bedford St., Lexington, MA 02140
(ALM20-000167)

No one appeared for application. This item was continued until the January 2021 Meeting.

TRANSFER OF LICENSE

Private License

Transfer of an All Forms Alcohol 7 Day License,

Common Victualler License, Entertainment by Devices License and Sunday Hours License

6. RF O’Sullivan’s Saloon, LLC d/b/a RF O’Sullivan’s, 282 Beacon St. requesting the approval of a Transfer of an All Forms 7 Day Alcohol License, from Beacon St. Café Inc. d/b/a RF O’Sullivan’s, 282 Beacon St. and a Common Victualler, an Entertainment by Devices and a Sunday Hours License to RF O’Sullivan’s Saloon, LLC d/b/a RF O’Sullivan’s at 282 Beacon St.
(AL20-000018)

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

Attorney Michael Ford & Fred Starikov (represents the buyer) & Attorney Frisoli (represents the seller) appeared for this application. No proposed changes to the hours of operation, the menu or seating. The buyers also own The Tam, Sullivan Saloon, Beacon Hill Pub LLC and a variety of other businesses, and have extensive experience. The ownership is evenly divided 25 % between Dana Rosenblatt, Fred Starikov, Julius Sokol & Stephen Whalen. Mr. Starikov will manage this restaurant. Commissioner Allen asked if any of the other business that are owned, have had any violations. Mr. Starikov replied they have had hearings for a couple of tickets/write ups and all were handled. Attorney Ford stated there was 1 ABCC hearing and 2 licensing board hearings, which resulted in a filed or no violation. The ABCC results were

about interpretations of food products that would match up with the 3 Governor’s Covid orders. The hearing was stopped in the middle, and the licensee was told they didn’t need to provide any more information. A decision has not yet been made on this matter. Attorney Frisoli spoke in favor of this transfer. He wanted to note that there was a pre covid and covid seating plan submitted with this application. Chairman Lynch asked the secretary if she was awaiting any documentation. The secretary stated she was waiting for some documentation, but would send the application into the ABCC, and await their determination, for anything else required.

The Commission approved this All Forms Alcohol Transfer, Common Victualler, Entertainment by Devices and Sunday Hours License

TRANSFER OF LICENSE

Private License

Transfer of a Wine & Malt Package Store License

And Change of Location

- 7. Jai Gitanjali, LLC d/b/a Get N Go, 152 Highland Ave. requesting the approval of a Transfer of a Wine & Malt Package Store License from La Internacional Food Corp. at 318 Somerville Ave. to Jai Gitanjali, LLC d/b/a Get N Go at 152 Highland Ave. (AL20-000022)

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

Per request of Attorney Upton, placing this on the January 2021 Agenda. Requires abutters notice.

2021 License Renewals

- 8. 2021 License Renewals
Requesting Approval for all 2021 License renewals

All 2021 Licenses were approved by the commission

LATE ITEMS

NEW Applications

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

Requesting

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

9.

FOR NEXT LC MEETING	BUSINESS NAME	ADDRESS	STATUS	APP. TYPE	COMPLETE	CURRENT/NEW	PUBLIC/PRIVATE	TENT	HASP	FLOOR PLAN	CONTROL ENG.	SPCD	FIRE	INSURED
ALM20-000169	Modelo Butcher Market Inc.	501 Medford St.	NEW	NEW TEMPORARY	NO	NEW	PUBLIC	?	YES	YES	YES			

This application is not complete.

Sue Thomas of Economic Development indicates this should be completed by the end of the week.

The Commission provisionally approved this Temporary Outdoor Seating license, pending all required department signoffs and completion of the application and documents.

COMMUNICATIONS

10. Economic Development is requesting the Licensing Commission to conditionally approve outdoor seating licensees wishing to operate past January 11, 2021 on a case by case basis contingent upon DPW, Fire, Engineering and OSPCD review. For all other licenses, we are requesting to resume outdoor seating starting March 1st, 2021.

Sue Thomas appeared on this matter. Economic Development has received feedback from Licensee's requesting a continuation of parklet seating for the full year with an early start. Sue states all departments have been working together on this situation. Safety measures have been addressed for emergency response situations. A Winter Certification Plan has been instituted and must be submitted prior to extending outdoor seating past January 11, 202, as well as all required department signoffs. Economic Development is requesting all other outdoor seating have a start date of March 1, 2021 instead of April 1, 2021. Sue also states that Economic Development is working with licensee's for Outdoor Seating year round and that they are trying to help the licensee's with funding (this is an investment of upwards of \$35,000). This would not be a short term investment, which is why Economic Development is requesting year round outdoor seating. 15 of 21 responses indicated an interest in operating past January. Sue states compliance of the guidelines is crucial and if licensees are not in compliance, Economic Development requests the Licensing Commission to either fine the establishment or revoke the Outdoor Seating License for the entire year, as part of the process. Lt. MacLaughlan's has a concern about snow and an emergency situation, and the hampering of fire department apparatus. He also questioned the load bearing weight for any structures that have overhead protective coverings and snow accumulation. Sue stated 85 Licensee's were sent a survey by economic development pertaining to the extension of Outdoor Seating dates.

Chairman Lynch questioned why some departments are not included in the approval process. Sue Thomas stated she sent an email to the Commission and the City Clerk's office, and she forgot to include ISD. The approval process will be done through the Licensing Commission as Outdoor Seating has been done throughout the beginning. Sue states this is a blanket request for all licensee's, during this unprecedented time, and not just for the 15 licensee's who have responded. Commissioner Lindgren asked if the 15 responses received were primarily from Davis Sq. Sue replied mostly from Davis Sq. and Union Sq. A lengthy discussion followed about heater storage, the winter certification plan and snow emergency procedures. Sue Thomas states a due date for these applications of December 11, 2020. Sue also stated this would go through the City Clerk's office as an amendment, with the same routing reviewers already in place and adding DPW. Chairman Lynch requests ISD be included in the routing process, and stated Engineering needs to know and sign off on this due to ADA requirements. Chairman Lynch asked Sue Thomas if her understanding with the DPW is that 4 hours' notice to licensee's, in the event of a snow emergency, and the removal of furniture and heaters, is sufficient notice for licensee's to safely remove items from the public way. Sue Thomas confirmed this statement. Chairman Lynch asked if this would include public sidewalk seating. Sue stated she did not anticipate that, and this would only be for parklet seating only. Perhaps next year, they would put parklet seating on the public sidewalk and allow pedestrians to walk in the street with protective barriers.

Further discussion followed about the approval process and snow emergency requirements and furniture/heater removal.

Chairman Lynch made the following Motions:

MOTION: I move to extend the use of the public streets but not public sidewalks for holders of Outdoor seating licenses issued by this Licensing Commission from January 11, 2021 through March 31, 2021 for those licensees who have received written notice from the City Clerk's Office that they may operate pursuant to their HASP with the Winter Ready Certification. All other conditions, including the city's COVID-19 Outdoor Dining Guidelines, shall apply unless otherwise modified by the Governor or State or City legislation. Licensed use of the public way shall be discontinued upon notice by the Licensing Commission, Director of Inspectional Services, Commissioner of Public Works, Chief Fire Engineer, or City Engineer that the outdoor seating and all related equipment must be removed so the public way can be accessed for a public purpose, including, but not limited to, snow removal, street repair, and underground utility work.

The Commission approved the above motion

Mr. Sean Olson spoke pertaining to Midici at 463 Assembly Row for outdoor seating on public property. Sue states she needs to review this application and the Igloos proposed (3). She has a question on the total seating and requires additional documentation. Mr. Olson states there are 6 seats per Igloos. Mr. Olson has a question to how many total seats are allowed. Chairman Lynch states that is not in the commission's purview and requests Sue to help him on this matter.

Secretary's Note:

After review of the video and minutes taken of this Licensing Commission Meeting, this motion may not have been voted on and may need to appear and be approved, for the February, 2020 Licensing Commission Meeting

MOTION: I move to allow the use of private property and the public ways for all holders of Outdoor Seating Licenses issued by this Licensing Commission from March 1, 2021 through March 31, 2021, notwithstanding the provisions of Licensing Commission Regulation 1.18h, through December 31, 2021. All other conditions apply, unless otherwise modified by the Governor or State or City legislation. Licensed use of the public way shall be discontinued upon notice by the Licensing Commission, Director of Inspectional Services, Commissioner of Public Works, Chief Fire Engineer, or City Engineer that the outdoor seating and all related equipment must be removed so the public way can be accessed for a public purpose, including, but not limited to, snow removal, street repair, and underground utility work.