

**City of Somerville
Licensing Commission**

Regular Meeting by Remote Participation

**Monday
March 15, 2021
6:00pm**

Published March 9, 2021, at 8:15am

Published March 11, 2021, at 4:15pm

Published March 15, 2021, at 3:15pm

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://attendee.gotowebinar.com/register/2793929828245078799>

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 January 25, 2021 Regular Meeting
2. Minutes of February 22, 2021 Regular Meeting

**ALCOHOLIC BEVERAGES CONTROL COMMISSION ADVISORY REGARDING THE
LIFTING OF THE 40% CAP ON SEATING CAPACITY**

3. On February 25, 2021, Governor Charlie Baker announced that the state will move into Phase 3, Step 2 of its reopening plan. A description of this phase and step of the plan can be found at www.mass.gov/info-details/reopening-massachusetts

Beginning Monday, March 1, 2021, licensees that sell alcohol for on-premises consumption are no longer subject to a 40% cap on seating capacity in their establishments; capacity will be limited only by the requirement of six feet distance between tables. Musical performances may begin again as well, so long as 6-foot distancing between customers' tables is maintained.

These licensees are reminded that the 90-minute time limit per table and table capacity of 6 people remain in effect, as well as the requirement that food must be served with alcohol orders.¹

Food courts must remain closed during this phase of reopening.

As reminders, licensees for on-premises consumption may continue to make alcohol sales for take-out orders until February 28, 2021, or until the end of the COVID-19 state of emergency, whichever comes later.² Licensees with outdoor seating that was approved pursuant to Executive Order 35 may continue their outdoor operations until Order 35 is rescinded by the Governor.³

(Issued February 26, 2021)

ALCOHOLIC BEVERAGES CONTROL COMMISSION ADVISORY REGARDING MUSICAL PERFORMANCES AT LICENSED ESTABLISHMENTS

4. On February 25, 2021, Governor Charlie Baker announced that the state will move into Phase 3, Step 2 of its reopening plan. Part of this phase and step of the reopening plan permits musical performances, so long as 6-foot distancing between customers' tables is maintained.

The Massachusetts Department of Labor Standards has clarified that, while musical performances are permitted at licensed establishments for on-premises alcohol consumption, singing is not permissible indoors as part of these performances.

Singing is permissible outdoors, provided licensees comply with the following requirements:

- 1) there must be a minimum of 10 feet between performers, and
- 2) there must be a minimum of 25 feet between performers and first row of the audience.

Please be aware that plexiglass barriers cannot be used to reduce the required distance between performers or between performers and the audience.

Licensees can find further guidance on this phase and step of the reopening plan, including musical performances, at www.mass.gov/info-details/reopening-massachusetts
(Issued March 5, 2021)

5. Status of Communication from Chairman Lynch dated 2/16/21, Urging the Commission to review its Rules and Regulations and prepare a timeline to produce any proposed amendments. This communication was placed on the February 22, 2021 Agenda
 - 5a. Commissioner Allen proposing the removal of Section 4.
 - 5b. Commissioner Allen proposing language to update Section 1.12.b to explicitly not apply to breastfeeding.

Continued from January 25, 2021 & February 22, 2021

Existing All Forms Alcohol
Private License
Requesting
Change of Manager

6. Parisi's d/b/a Mike's Bar, 97 Washington St. requesting a Change of Manager from Robert Parise to Jana Brinkhaus
(ALM20-000176)

Applicant requested to continue this item for the February 22, 2021 Licensing Commission Meeting. Unable to stay past 9:15pm

Applicant did not appear for the February 22, 2021 Licensing Commission Meeting

COMMON VICTUALLER

7. Julio Pleitez
d/b/a Cristian Latin Catering Cuisine
854 Broadway
Julio Pleitez
Hours of Operation (Days not listed): 9:00am-9:00pm
(AL21-000001)
8. Adhikari Inc.
d/b/a Veggie Indian Palace
233 Elm St.
Lokesh Adhikari
Hours of Operation: Sun-Thu 11:00am-11:00pm & Fri-Sat 11:00am-12:00am
(AL21-000003)

EXISTING ALL FORMS ALCOHOL RESTAURANT LICENSE
PRIVATE LICENSE
CHANGE OF D/B/A

9. Union Square Group Inc. d/b/a Brass Union requesting approval for a Change of d/b/a from Brass Union to Vera's
(ALM21-000010)

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	WINTER CERT.
AL17-000119	Davis Square Food Services Inc. d/b/a Boston Burger	37 Davis Sq.	Winter Cert.	Winter Cert.	Yes	Current	Private	No		prev sub	prev sub	prev sub	N/A	No	Yes
ALM21-000007	Taqueria Montecristo d/b/a Montecristo	146 Broadway	Expanding	Adding Private Seating	Yes	Current/New	PUBLIC/PRIVATE	No		prev sub	prev sub	prev sub		No	No
ALM21-000008	Area Celeste, LLC d/b/a Celeste	21 Bow St.	Expanding	Street Parklet	Yes	New	PUBLIC	No	Yes	Yes	Yes			No	No
ALM21-000011	Bow Market Entertainment Inc.	337 Somerville Ave.	Adding Structures	Adding Structures	No	Current	Private	Greenhouses	prev sub	Yes	prev sub			N/A	No
ALM21-000003	LDDI Inc. d/b/a Dave's Fresh Pasta	79-83 Holland St.	New Temporary	12 seats & 6 Tables	No	New	Public	No	Yes	Yes	Yes	Denied		No	No

Removed AL17-000119 - No change from last year & ALM21-000003 - Denied by Planning & Zoning

LATE ITEM

EXISTING ALL FORMS ALCOHOL RESTAURANT LICENSE
CITY HELD LICENSE

CHANGE OF MANAGER & CHANGE OF HOURS

11. Rockwell Restaurant Group LLC d/b/a Foundry on Elm, Saloon, The Rockwell, 255 Elm St. requesting approval for a Change of Manager from Chris Yorty to Jess Willis and a change of hours as follows:
 (ALM21-000004)

Proposed hours to serve food indoors	Monday-Friday: 11:00AM-12AM; Saturday - Sunday 10:00AM - 12:00AM
Current hours to serve food indoors	Monday-Wednesday: 11:30AM-11PM Thursday-Friday: 11:30AM-12AM Saturday: 11AM-12AM Sunday: 10:30AM-11PM
Proposed hours to serve alcohol indoors	Monday-Thursday: 11:00AM-1AM Friday: 11:00AM-2AM Saturday: 10AM-2AM Sunday: 10:00AM-1AM
Current hours to serve alcohol indoors	Monday-Thursday: 11:30AM-1AM Friday: 11:30AM-2AM Saturday: 11AM-2AM Sunday: 10:30AM-1AM
Proposed hours to serve food outdoors on public property	Monday-Friday: 11:00AM-?; Saturday - Sunday 10:00AM - ? (closing time for the Streatery to be determined by the Commission)
Current hours to serve food outdoors on public property	Monday-Wednesday: 11:30AM-11PM Thursday-Friday: 11:30AM-12AM Saturday: 11AM-12AM Sunday: 10:30AM-11PM
Proposed hours to serve alcohol outdoors on public property	Monday-Friday: 11:00AM-?; Saturday - Sunday 10:00AM - ? (closing time for the Streatery to be determined by the Commission)
Current hours to serve alcohol outdoors on public property	Monday-Thursday: 11:30AM-? Friday: 11:30AM-? Saturday: 11AM-? Sunday: 10:30AM-? (closing time for the Streatery to be determined by the Commission)

LATE ITEM

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

12.

LICENSE #	BUSINESS NAME	ADDRESS	STATUS	APP. TYPE	COMPLETE	CURRENT/NEW	PUBLIC/PRIVATE	TENT	HASP	FLOOR PLAN	CONTROL ENG.	SPCD	FIRE	INSURED	WINTER CERT.
Late Items															
ALM21-000012	Painted Burro	219 Elm St	Expanding	Adding Structures	Yes	Current	Public	Structure	Yes	Yes					No
ALM21-000013	Rosebud	381 Summer St.	Expanding	Adding Structures	No	Current	Public	Structure	Yes	Yes					No
ALM21-000014	Posto	187 Elm St.	Expanding	Adding Structures	Yes	Current	Public	Structure	Yes	yes					No

LATE ITEM

Communications

- 13. Request to Speak to the Somerville License Commission
From: Bonnie Denis, Chair of SCPD
Regarding: Concerns with Businesses Adding Greenhouses for Outdoor Dining not in compliance with ADA guidelines

- 14. Communication from Thomas F. Galligani, Jr., Director of Economic Development proposing the City of Somerville’s first step in the plan to include the reintroduction of limited events within our public and privately-owned spaces.

- 15. **Somerville Remains in Limited Phase 3, Step 1 Reopening; Capacity Limits Stay Status Quo**
Easing of outdoor performance restrictions expected

The City of Somerville is remaining in reopening Phase 3, Step 1 until at least March 30 and capacity limits in Somerville businesses will remain at 25% or the limit set in the business’s City-approved health and safety plan until further notice.

National health experts including Drs. Anthony Fauci and Rochelle Walensky of the CDC have repeatedly in recent days and weeks called on states and municipalities to not prematurely open businesses and activities as the nation faces the risk of another surge and the spread of new more transmissible variants of the virus. Although COVID-19 case rates have been mostly declining, they still remain at levels much higher than in the summer. Additionally, rates of cases, deaths, and hospitalizations are currently at levels seen in the fall when the Commonwealth and the City experienced a second surge.

The City is actively and closely monitoring local and state data, the progress of vaccinations, vaccine equity concerns, and the guidance of experts. Somerville will move to allow additional activities and further openings when it is determined to be safe to do so. Meanwhile, preparation for reopening continues with a streamlining of related municipal processes underway designed to facilitate reopenings when they become safer.

“We are encouraged by current data trends and rising vaccination rates. We are hopeful that after we get through the holding period called for by the CDC that we will be able to move responsibly and safely into the next phases of reopening,” said Health and Human Services Director Doug Kress. “But embracing hope does not warrant abandoning caution. Just as we are eagerly looking forward to reopening, we are just as committed to holding on until more of our most vulnerable are vaccinated and scientists better understand what impacts the variants may bring.”

Due to the relatively lower COVID-19 risk of some outdoor activities versus those conducted indoors, the City is also actively considering new guidance to permit certain outdoor performances and commercial activities. This includes performances in public and commercial outdoor spaces such as outdoor dining. Some of these options are subject to approval by the Licensing Commission. Updates will be announced when finalized and if approved.

Until such time, Somerville continues to hold the limit on attendance at gatherings to no more than 10 persons until further notice. The limit applies to both indoor and outdoor gatherings of any kind unless otherwise specifically permitted by City activity-specific guidelines or City-approved health and safety plans.

For more information and regular COVID-19 updates, visit www.somervillema.gov/coronavirus and sign up for City alerts at www.somervillema.gov/Alerts. Community members are encouraged to sign up for every alert method: phone call, text, email. Also follow [FB.com/SomervilleCity](https://www.facebook.com/SomervilleCity) and [@SomervilleCity](https://twitter.com/SomervilleCity).

Denise Taylor
Director of Communications & Community Engagement

