

City of Somerville
Licensing Commission

Regular Meeting by Remote Participation

DRAFT OF THE
Minutes of the Regular Meeting
Monday, June 21, 2021, 2021
Posted Monday, August 16, 2021, 2021 at 6:15pm

The meeting was called to order at 6:32pm. Present were Commissioners, Lynch, Allen, and Lindgren, Capt. Dennis Sullivan of the Fire Dept., Sgt. Warren Chaille of the Police Dept., Charlotte Leis of Office of Strategic Command and Community Development, Secretary to the Commission Lori Batzek, City Clerk, John Long, Members of the City Staff, Applicants and members of the public.

The meeting adjourned at 11:04pm

A recording of this meeting is available online

Monday
June 21, 2021
6:30pm

Published on Thursday, June 17, 2021 6:20PM

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/1396454949419782669>.

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

Continued from 3/15/21 Regular Licensing Commission Meeting,
4/26/21 Special Licensng Commission Meeting, and
5/17/21 Licensing Commission Meeting

1. 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. Commissioner Allen submitted revised rules and regulations to City Clerk, John Long for review on 5/14/21. John Long proposed changes to this draft on 6/14/21 & 6/15/21

Continued until the July 17, 2021 Meeting as 1 item

Continued from 5/17/21 Licensing Commission Meeting

2. Commissioner Allen proposing the removal of Section 4.

Items 2, 3 and 4 will be reduced to a single agenda item, to be discussed at the end of the Agenda or continued until the next Licensing Commission Meeting

Continued until the July 17, 2021 Meeting as 1 item

Continued from 5/17/21 Licensing Commission Meeting

3. Commissioner Allen proposing language to update Section 1.12.b to explicitly not apply to breastfeeding.

Items 2, 3 and 4 will be reduced to a single agenda item, to be discussed at the end of the Agenda or continued until the next Licensing Commission Meeting

Continued until the July 17, 2021 Meeting as 1 item

4. Communication from the City Council for the adoption of Agenda Item 211953 Pertaining to Ordinance 12-14 to grant licensing authority to the Licensing Commission for restaurants' outdoor seating on the public way.

Items 2, 3 and 4 will be reduced to a single agenda item, to be discussed at the end of the Agenda or continued until the next Licensing Commission Meeting

5. ABCC Communication

ALCOHOLIC BEVERAGES CONTROL COMMISSION ADVISORY

**REGARDING THE EXPANSION OF PATIO SERVICE AND TAKEAWAY/DELIVERY OF ALCOHOL BY ON-
PREMISES LICENSEES**

On June 16, 2021, Governor Charlie Baker signed into law An Act relative to extending certain COVID-19 measures adopted during the state of emergency. This Act permits on-premises licensees to continue

with (1) expanded patio service and (2) extends the ability to sell alcoholic beverages for takeaway and delivery:

Patios/Outdoor Expansions: licensees that have been approved for expanded patio/outdoor service pursuant to the Governor's executive orders may continue their outdoor operations until April 1, 2022. Licensees that seek to continue patio/outdoor service after April 1, 2022, are encouraged to apply in the ordinary course for an alteration of premises with their local licensing authorities. Otherwise, these amended licenses automatically revert to the status prior to the approval of the expansion of outdoor service as of April 1, 2022.

Takeaway/delivery of alcohol: establishments licensed for on-premises consumption of alcohol may continue takeaway and delivery sales of alcohol until May 1, 2022. All alcohol sold for takeaway/delivery must be sold with food and at the same price as alcohol for on-premises consumption.

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. All questions should be directed to the ABCC Executive Director Ralph Sacramone at rsacramone@tre.state.ma.us or (617) 727-3040 x 731.

(Issued June 16, 2021)

The Commission made a note of this communication

6. Minutes of the **Regular** Licensing Commission Meeting from 4/26/21

The Commission approved these minutes

7. Minutes of the Regular Licensing Commission Meeting from 5/17/21

These minutes are not yet available. They will be reviewed for the July 2021 Licensing Commission Meeting

SPECIAL ALCOHOL LICENSES

8. PKL Boston LLC d/b/a PKL Boston– Anni Lierhaus, requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for PKL Boston to be held Outdoors at 325-375 Assembly Row from July 1, 2021 to July 30, 2021 from 8:00am – 11:00pm
(PEL21-000027)

Anni Lierhaus appeared for this application. This is the second application received for this event. Chairman Lynch asked if Ms. Lierhaus was the original applicant on the first application. Ms. Lierhaus replied that it was Brian Weller who submitted the first application. Same hours of operation as the June application. They are hoping to open on Friday. This is a different applicant with food being provided as per the previous application.

The commission approved this Special Alcohol License.

9. Night Shift Brewing – Matt Eshelman, requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for Owl’s Nest at Assembly Row by Night Shift Brewing to be held Outdoors at 325-375 Assembly Row from July 1, 2021 to July 30, 2021 from 11:00am – 9:00pm (PEL21-000038)

Matt Eshelman appeared for this application. This is the second application received for this event. Chairman Lynch asked if they opened in June. Mr. Eshelman replied they had a soft opening on Friday, and they will be open this week as well. They are working with the building department to get their draft container up by the end of the month. They are currently servicing the bar with a keg-a-rater. Smoke Shop is providing the food service per the prior requirement. The April application was approved with covid restrictions in place, and customers have been asking if they have to order food. Mr. Eshelman asked if this is still a requirement. Chairman Lynch stated these restrictions are still in place due to the way they are operation under the temporary outdoor alcohol license. Mr. Eshelman asked if this was going to potentially change or be in place for the entire season. Chairman Lynch stated he believed that this would probably remain the case, until further guidance from the licensing commission. Commissioner Allen requested the relevant text for outdoor patio seating requirements be included in the minutes. Chairman Lynch clarified this by asking, on how these temporary seating licenses were issued in the first place. Chairman Lynch asked if Matt Eshelman applied for both applications. Mr. Eshelman said he had, but that Mel Galindo was the manager of record for the first application. The second applications manager is Bailey Alton. Both managers are Tip Certified.

ABCC Temporary Outdoor Seating Advisory

Telephone: (617) 727-3040 * Fax: (617) 727-1510 * www.mass.gov/abcc

Commonwealth of Massachusetts Alcoholic Beverages Control Commission 95 Fourth Street, Suite 3 Chelsea, Massachusetts 02150 Jean M. Lorizio, Esq. Chairman

ALCOHOLIC BEVERAGES CONTROL COMMISSION ADVISORY REGARDING RESTAURANTS COMMENCING OUTDOOR TABLE SERVICE OF ALCOHOL

On June 6, 2020, Governor Charlie Baker declared 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. All questions should be directed to Executive Director Ralph Sacramone at (617) 727-3040 x 731.

(Issued June 7, 2020)

The Commission approved this Special Alcohol License

10. Somerville Police Department requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for Trum Field/Franey Rd. Annual Collier Kickball Event to be held Outdoors at Trum Field/Franey Rd. on 9/25/21 from 10:00am – 5:00pm
(PEL21-000037)

No one appeared for this application.

The Commission continued this item until the next Licensing Commission Meeting on 7/19/21

11. Cuisine en Locale – JJ Gonson, requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for Once x Boynton Yards Summer Music Series. on 07/09/2021, 07/11/2021, 07/16/2021, 07/17/2021, 07/23/2021, 07/24/2021, 07/30/2021, 07/31/2021, 08/05/2021, 08/06/2021, 08/07/2021, 08/11/2021, 08/13/2021, 08/14/2021, 08/20/2021, 08/21/2021, 08/27/2021, 08/28/2021, 09/06/2021, 09/10/2021, 09/11/2021, 09/17/2021, 09/18/2021, 09/24/2021, 09/25/2021, from 12:00pm – 12:00am
(PEL21-000038)

J J Gonson appeared for this application. This is a new location and they received permission from the developers for this event. Beer and Cider will be served. Ms. Gonson wanted to confirm if Hard Seltzer would be allowed. They will be purchasing the alcohol distributors will be ones they have worked with in the past. Chairman Lynch asked Ms. Gonson to confirm that they are on the approved ABCC list with the secretary. Chairman Lynch asked about the disposition of her privately held license. Ms. Gonson stated it has been signed over to Richard Di Girolamo, but he has not gone through the process to take it over yet. It is technically still in J J Gonson's name, but belongs to Richard Di Girolimo now. Paperwork was filed for the transfer, but not yet with the ABCC or Licensing Commission. Commission Allen inquired about the food options for this event. Ms. Gonson stated they will be making arrangements with food trucks and Somerville vendors, and is working with the Health Department for proper licensure of the trucks and where the trucks will be located. Commissioner Lindgren asked if the servers are Tips Certified. Ms. Gonson stated the servers are experienced and will be Tips Certified, Crown Safety trained and Crowd De-escalation training. The entertainment will be rock shows, some comedy, dance bands, some folk stuff, some karaoke and some children's programming after the farmers market. Chairman Lynch inquired about crowd control. Ms. Gonson replied this is a 10,000 sq. ft. parking lot directly opposite Taza at 0 Windsor St. with 2 openings. They plan on having door people and security at the openings with a general manager moving through the audience. There is a general manager, a stage manager and free floating

security, and there will be at least 4 dedicated security personnel. Chairman Lynch asked how what will the capacity be for each event and how many people are expected for each event. Ms. Gonson stated the space would hold 1000 people. They have no interest or intention of having that many people. Her previous venue held 461 people and they never sold more than 460. This is what her security and bartenders have worked with. For the children's events, she expects about 30 families. She believes the rock/funk band at the end of July will probably sell out, but she has no intention of filling to the capacity limit. Ms. Gonson doesn't anticipate more than 355 total people including vendors, bands and staff. The events will be ticketed except for the children's events. Chairman Lynch has concerns with multiple events running at the same time and not knowing how many attendee's there will be. Ms. Gonson stated she has no intention of selling more than 400 tickets for the largest show. The cap will be 400 and no additional tickets will be sold at the gate. Sgt. Chaille stated limiting the ticket sales would be helpful. There have been events held the past, which have been oversold, the organizer thinking that some people won't show up. He gave an example of the Holiday Inn. 700 tickets were sold to a capacity of around 400. He recommended hiring police details, in advance. Scott Whalen would be able to provide the number of details required to the number of people in attendance. Chairman Lynch asked Capt. Sullivan to weigh in on this license. Capt. Sullivan stated if a Police detail is needed, then a Fire detail would also be needed. They usually rely on the Police departments requirements to match the Fire Detail. Ms. Gonson stated the electricity is being provided by the parking lot next door, through a box on a pole. Boynton yards will have an electrician install the connection needed for this special license use. She also stated wrist bands and click counts will be used for capacity purposes. Event Bright is being used for ticket sales. Chairman Lynch asked which Ward district this is, and Ms. Gonson did not know. It was determined it is Ward 2 and the councilor is J T Scott. Chairman Lynch advised Ms. Gonson to email Councilor Scott to let him know she appeared at tonight's meeting, and stated he would also ask the City Clerk to apprise Councilor Scott of this event being held in his ward. Chairman Lynch also advised Ms. Gonson to be careful of the amplification and to comply with the noise ordinance. Ms. Gonson stated they have run sound tests, and will continue to monitor the noise level.

The Commission approved this Special Alcohol License.

12. # 12 not used. Clerical Error

Continued from 4/26/21 & 5/17/21 Licensing Commission Meetings
Temporary Outdoor Seating

13.

Outdoor Seating		LICENSE #	BUSINESS	ADDRESS	APP. TYPE
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				NAME		
APPL. DATE						
4/6/2021	Special Meeting - 4/26/21		ALM21-000034	Rosebud Restaurant, Inc.	381 Summer St.	Outdoor Seating - Requesting permission to share Painted Burro seating space - Private Property

The Rosebud - No one appeared for this application. The applicant has missed 2 hearings and the commission is not going to approve this. The Commission instructed the secretary to send a Certified Letter informing the applicant that this application has been denied and they will need to reapply for this license.

The Commission did not approve this license

Temporary Outdoor Seating

14.

NEW OUTDOOR SEATING		LICENSE #	BUSINESS NAME	ADDRESS	APP. TYPE
APPL. DATE					
4/27/2021	Regular Meeting - 6/21/21	ALM21-000047	Istanbul'lu	237 Holland St.	Outdoor Seating - Parklet - Public Property
5/6/2021	Regular Meeting - 6/21/21	ALM21-000051	City Slickers Café	588 Somerville Ave.	Outdoor Seating - Parklet - Public Property
5/17/2021	Regular Meeting - 6/21/21	ALM21-000055	Zaruma Gold Coffee	37 Woodbine St.	Outdoor Seating - Private Property
6/6/2021	Regular Meeting - 6/21/21	ALM21-000059	Spoke	89 Holland St.	Outdoor Seating - Public Property - adding seats from 18 to 26
6/8/2021	Regular	ALM21-000060	Papagayo	331 Great River Rd.	Outdoor Seating - Parklet - Public Property - adding seats

	Meeting - 6/21/21					from 24 to 62
6/14/2021	Regular Meeting - 6/21/21	ALM21-000064	The Center for Arts at the Armory	191 Highland Ave.		Outdoor Seating - Private Property - adding seats from 20 to 52

Istanbul’lu – Director Thomas Galligani spoke for this application. He recommended provisional approval pending all city signoffs. One additional review is needed and he expects this to be completed within the next couple of days.

City Slickers – Director Thomas Galligani spoke for this application. He recommended provisional approval pending all city signoffs.

Zaruma Gold Coffee – Director Thomas Galligani spoke for this application. He recommended approval, all city reviews have taken place.

Spoke – Director Thomas Galligani spoke for this application. He recommended provisional approval pending all city signoffs.

Papagayo – Director Thomas Galligani spoke for this application. He recommended provisional approval pending all city signoffs.

The Center for Arts at the Armory – Stephanie Scherpf appeared for this application. Ms. Scherpf stated it is their intent to use the outdoor seating for 52, only if they have 52 guests that they would like to seat outdoors, and there would be no indoor seating in that situation. They currently have 3 tables and 6 chairs in the café. They are requesting a flexible seating, in case of an event that requires outdoor seating. They will be keeping the plan initially submitted to the commission, which are 10 tables, including an ADA table, and 20 chairs, for the most part. However, they would like the option of having up to 52 seats outdoors for those events that would need it. Another floor plan was submitted, which has 6 seats in the café, and 46 seats outdoors. Commissioner Lindgren asked if the ADA seating was being increased. Ms. Scherpf replied they had not, but could do so if necessary. A further discussion was held on this matter. Commissioner Allen asked if they had any issues with the abutters pertaining to the Entertainment outdoors. Ms. Scherpf replied that the Claycombs have sent several emails to her, and said they were not happy that they have permission for outdoor seating and events in that area. She was asked if it had to do with the noise level. Ms. Scherpf replied that she believed this was correct. She also stated that for the Thespian event decibel readings were taken and they never exceeded the noise ordinance, however the Claycombs stated to her that they had different readings. She also stated she just got a very long email from them today about their concern for future events. Ms. Scherpf stated she believed they had up to 3 events to date. Future events would be held with Matt Heaton, children concerts, every other Friday morning, a comedy event, Strumerville and the folk music event coming up.

Staff will be on premises to monitor decibel levels and they will abide by any other restrictions that they need to follow. Commissioner Allen stated he would like them to keep checking these levels and that this is important quantitative data. Chairman Lynch asked if the Café furniture was being used outdoors. Ms. Scherpf stated it was not, they have 10 outdoor patio tables and they are bring out folding chairs from the performance hall. Currently they are using 5 tables and 10 folding chairs for customers to eat outdoors. Chairman Lynch stated that Director Galligani would require detail looking at by his staff for this license, to make sure if this is approved by the commission, that ADA compliance is strictly adhered to, that noise levels are being monitored, because he is privy to the complaint letters submitted. Chairman Lynch stated he didn't know how they would be trying to assist the abutters, and suggested to Ms. Scherpf that this is something that is probably going to need attention, if she is going to be increasing the amount of people on the side lawn, and that the abutters need to be satisfied that they will be able to live with this for the summer.

Chairman Lynch noted the conditions placed on the license by the Planning Board. If there are 52 seats outdoors, there will be no seating in the Café indoors and no alcohol service is allowed outside. Ms. Scherpf clarified that the chairs are folding, but the tables are not, that they are small patio tables. Commissioner Allen requested that Ms. Scherpf be cognizant not just of performance noise levels, but also of patrons' noise levels outdoors. Chairman Lynch requested Director Galligani inform Councilor Niedergang of tonight's action on this matter.

The Commission approved this Temporary Outdoor Seating License

Continued from 5/17/21 Licensing Commission Meeting
Common Victualler

15.

Building Operations, LLC
d/b/a Visiting Nurses Association
186 Highland Ave.
Brian Bishop
Hours of Operation: 7 Days a week, 3 Times per Day
(AL21-000013)

No one appeared for this application. The Commission instructed the secretary to send a Certified Letter informing the applicant that this is the second time this application was placed on an agenda, with no one appearing. This application will be denied and they will need to reapply for this license.

Continued from 5/17/21 Licensing Commission Meeting
Common Victualler

16.

Highland Pizza
22 Highland Ave.

Asim Azam

Hours of Operation: Days not listed Hours: 9AM – 9PM
(AL21-000018)

**New Owners, Previous Owner: Highland Market Pizza, Inc.*

No one appeared for this application. The Commission instructed the secretary to send a Certified Letter informing the applicant that this is the second time this application was placed on an agenda, with no one appearing. This application will be denied and they will need to reapply for this license.

Existing License
All Forms City License
Change of Hours

17. The Jungle Club LLC d/b/a The Jungle Club, 66 Union Sq. Plaza requesting a Change of Hours for Indoor and Outdoor Food and Alcohol service from: 5pm-1am daily to 11am-1am daily
(ALM21-000053)

Sam Epstein appeared for this application. Mr. Epstein would like to open earlier for brunch and R&B music and a dance party from 5pm-7pm on the weekends before a night time show. He stated this has been very popular and he would like to make it a brunch and lunch thing. Chairman Lynch asked about the outdoor seating and how it was going. Mr. Epstein stated now that indoor seating has opened up, he really doesn't feel that they need it, and that the indoor seating is more in demand. Chairman Lynch asked if he was going to be incorporating serving food and alcohol outdoors with this change of hours. Mr. Epstein stated they were planning on going back to pre-pandemic indoor seating only.

Chairman Lynch asked Mr. Epstein if he wanted to amend this application for Indoor service only. Mr. Epstein stated yes, he is only going to be open for indoor service only and will not be continuing the outdoor seating. Mr. Epstein is requesting the Temporary Outdoor Seating be discontinued. The secretary reminded Chairman Lynch that an ABCC application is required for this Change in Hours. Commissioner Allen asked Mr. Epstein if he was no longer using the Temporary Outdoor Entertainment License. Mr. Epstein confirmed he is no longer using this, starting in July. Commissioner Allen asked if he had received any complaints from abutters during the outdoor seating. He stated he received a complaint from Field and Vine about how loud a show was, but he received this during a performance and did not want to interrupt it and said he apologized. He stated most of the other performances were acoustic.

The secretary was instructed to remove the Temporary Outdoor Seating and Outdoor Entertainment from this license and application.

The Commission provisionally approved this Change in Hours.

Existing License
Common Victualler License
Change of Hours

18. Vinal Bakery, 222 Somerville Ave requesting a Change of Hours for Indoor Food and service see application for days and times
(ALM21-000062)

Sarah Murphy appeared for this application. The current hours of operation are Mon/Wed/Thu/Fri: 6:30am-3:00pm, Sat-Sun 7:30am-4:00pm, would like to change these hours to Mon-Fri: 7am-1pm, Sat-Sun: 8am-2pm. Ms. Murphy stated some of these hours were instituted due to Covid and they have been working well, and would like to expand to 7 days.

The Commission approved this Change in Hours.

Existing License
Common Victualler License
Change of D/B/A

19. Adhikari Inc. d/b/a Veggie Indian Palace, 233 Elm St. requesting a Change of D/B/A from Veggie Indian Palace to India Palace
(ALM21-000063)

No one appeared for this application.

The Commission continued this item until the next Licensing Commission Meeting on 7/19/21

- 20.

Existing All Forms Alcohol
Private License
Requesting
A Transfer of Stock

Fraiman Enterprises Inc. d/b/a The Somerville Theater, 55 Davis Sq. requesting approval for Transfer of Stock from Melvin Fraiman (1250 shares – 100% Interest) to Richard B. Fraiman (1250 shares – 100% Interest)
(ALM20-000172)

Alteration of Premises was approved under this amendment ALM20-000172 at the January 25, 2021 Licensing Commission Meeting. Change of Officers/Directors/LLC Managers was

*inadvertently not updated on Jan. Agenda and was approved at the February 22, 2021 Licensing Commission Meeting. A revised ABCC application was submitted on 5/13/21 to include Transfer of Stock on this application. ALM20-000172 was updated to include a Transfer of Stock, with a Change of Officers and an Alteration of Premises (*see above approvals). Transfer of Stock to be advertised on 7/7/21 for a Vote by the Licensing Commission for the July 2021 Licensing Commission meeting.*

Attorney Robert Annese, Attorney Anne Vigorito and Richard Fraiman appeared for this application. Previously approved for an Alteration of Premises and a Change of Officers. The stock transfer is occurring from father to son. There will be no other change in the ownership. Mr. Richard Fraiman has operated the theater for some time. This item was inadvertently left off the previous application. This Advertisement will appear in the newspaper on 7/7/21.

The Commission provisionally approved this Transfer of Stock, however, the applicant will appear at the next Licensing Meeting to answer any questions of the public, due to the AD being placed in the newspaper after this meeting, in order to fulfill the public hearing aspect of this application.

21.

Existing All Forms Alcohol
City Held License
Requesting

A Change of D/B/A, a Change of Outdoor Seating from Private Outdoor Patio to Temporary Outdoor Public Parklet and an Increase in Indoor Seating from 102 to 350

Premier Restaurant Group d/b/a Da Vittorio, 519 Broadway requesting a Change in D/B/A from Da Vittorio to Premiere on Broadway, a Change in Private Outdoor Patio Seating (10 seats) to Temporary Outdoor Parklet Seating (90 seats) and a Change in Indoor Seating from 102 to 350 Seats (Previously approved for 150 indoor occupancy, will be applying for an increase to 450 occupancy).
(ALM21-000061)

Debbie Zammuto appeared for this application. Ms. Zammuto stated the space increased to 10,000 Sq. Ft. from original 5,000 Sq. Ft., when they initially started the procedure for opening this restaurant, which increased the number of people allowed inside. A discussion was held on the change of occupancy and change of seating. Ms. Zammuto stated the interior was a shell and it has undergone a complete remodel. Chairman Lynch stated that this is considered an Alteration of Premises. Commissioner Lindgren asked why the d/b/a is being changed. Ms. Zammuto stated for marketing purposed and to broaden the group of people from just an Italian restaurant to now adding live music and comedy. Commissioner Lindgren asked out the interior alteration. Ms. Zammuto stated the kitchen is a lot bigger to accommodate the amount of increased seating, with the rest of the premises pretty much the same,

but on a larger scale. Chairman Lynch asked about the Temporary Outdoor Parklet Seating and of Director Galligani if a separate application would need to be submitted for the Temporary Outdoor Seating. Director Galligani stated he didn't know and neither he nor his staff had seen this. Ms. Zammuto stated she applied for Temporary Outdoor Seating last week. Chairman Lynch asked Director Galligani if this should be stricken tonight or left as part of this application. Director Galligani stated if the Temporary Outdoor Seating is in the system, he would be happy to review this. Director Galligani asked Ms. Zammuto when they planned on opening. She stated mid July. Director Galligani stated he would entertain a conditional approval upon all City Department approvals. Chairman Lynch wants to ensure this outdoor seating would be within compliance. Chairman Lynch also stated the front part of this building is in Somerville and the back part of the building is in Medford, and he inquired about any accommodations for off-site parking. Ms. Zammuto stated they have made arrangements with the Sunoco Gas station, which closes at 8pm and has obtained approval for parking during events. Chairman Lynch asked if that requires a permit from the City. Ms. Zammuto does not know yet. She stated that they own the building on Broadway, and have set aside some parking in the back, for 20 spaces for restaurant parking. Chairman Lynch stated that there is a municipal parking lot across the street and on street parking. Ms. Zammuto stated Medford has on street parking which is non permit parking. The commissioners express concern about parking in general and parklet seating taking some of these spaces. The secretary confirmed she believed this is an alteration of premises and would require ABCC approval.

Commissioner Allen stated he believed they were approved for an Entertainment by Devices and Performers License on their original application in 2019. Ms. Zammuto confirmed this. He also asked if Zoning would need to sign off on the additional seating. Ms. Zammuto stated this does not require any sign offs from zoning. Chairman Lynch asked if the Fire Dept. has signed off on this application yet. Ms. Zammuto stated no, but the Medford Fire Dept. has because the construction is under the Medford license (license to build). Corrine Zammuto also spoke on this application and stated she spoke with Ralph Sacramone about the occupancy increase and she said he stated they should be all set. She also asked if the square footage could be removed from the application due to the pandemic, cost and hiring of employee's. Chairman Lynch stated that this is not possible. Debbie Zammuto stated she has spoke with Maureen in the Health Dept. and the kitchen layout has been approved. She is waiting for her to come out and do the 304 inspection review. Ms. Zammuto stated they have also spoken with ISD (John Driscoll) and everyone is just waiting for them to come in and do the finals. Capt. Sullivan stated when the buildout is complete, he will need to go in and do a final walk through. Chairman Lynch suggested Ms. Zammuto contact the secretary for any additional paperwork to be done.

The Commission provisionally approved A Change of D/B/A from Da Vittorio to Premier on Broadway, pending all city department signoffs

The Commission provisionally approved a Change of Outdoor Seating from Private Outdoor Patio (10 seats) to Temporary Outdoor Public Parklet (90 seats), pending all city department signoffs

The Commission stated an Alteration of Premises is required for an Increase in Indoor Seating from 102 to 350, (previously approved for 150 indoor occupancy, and will be applying for an increase to 450 occupancy, for the seating and occupancy, and the increase in square footage from 8,000 to 10, 000 square feet.

The Commission provisionally approved the Increase in seating pending all city department signoffs and ABCC approval

Please Note: an AD requirement and ABCC approval of an Alteration of Premises is a requirement of this approval

**A request for a break was made, but prior to the break, Commissioner Allen asked for a clarification of the special event licenses (#8 & #9) approval conditions. See the notes below*

**Commissioner Allen asked for a clarification of the commissions' issue of special event licenses, where the commission expressed to the applicants that food service is required still. Chairman Lynch stated this was not on the agenda and asked if he wanted to get into a discussion on this or is this critical to an application already heard. Commissioner Allen stated this question was asked by an applicant and what conditions this was issued under. He also stated it wasn't clear what conditions we issued those licenses under. The applications were item numbers 8 and 9, The Assembly Row event licenses. Commissioner Allen stated the previous licenses were issued with the condition that food be mandatory with alcohol service. He stated the applicant asked about this again today, and the commission gave him the impression that this is still the case. Chairman Lynch stated that he gave the applicant the answer that this is still the case. Commissioner Allen stated he looked back through the minutes and the previous licenses were issued with this condition explicitly due to Governor Baker's Emergency Order. He asked if it is the intent of the commission that we are continuing that rule ourselves. Chairman Lynch stated we are continuing that due to a local ordinance in the city, when you serve alcohol, you must have food available. Commissioner Allen stated there is a difference between having food menus available and requiring the purchase of food. Chairman Lynch stated we are getting into semantics and this is debating policy rather than what was approved. Chairman Lynch requested Commissioner Allen's kind indulgence on this matter, due to the Retail Marijuana License being heard this evening. If Commissioner Allen feels this matter is critical, it can be taken up at the end of the meeting. Commissioner Allen stated he would place an item on the Agenda for next months' meeting on this matter. Chairman Lynch stated it could also be place on tonight's meeting as a late item. Commissioner Allen stated he would like to see how late the meeting goes this evening.*

A 2 minute break was taken

22.

MARIJUANA RETAILER LICENSES
New Marijuana Retailer License

Advesa MA, Inc., 690-692 Broadway requesting approval for a Group A Priority, NEW Marijuana Retailer License
Hours of Operation: Mon. – Sun. 10AM - 10PM
(ME21-000003)

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

Attorney Walter Sullivan, Jessica Pelletier, Tatiyana Benjamin, Dennis Greenwood, Architect Ian McKinnon, Traffic Consultant and Tom Risselli, Landlord, appeared for this application. Attorney Sullivan states the address should be 690-694 Broadway. The HCA was executed on 11/17/20. 2 Community Outreach meetings were conducted, one on 12/20 /20 and 6/16/21 (moderated by Councilor Neidergang). Attorney Sullivan stated they have received a provisional license from the CCC on May 13th. Jessica and Tatiyana made statements. Ms. Pelletier stated she is the CEO of Advesa d/b/a Blue River. She stated while new to Ball Sq. and the Ball Sq. community, she believes their social equity and social justice is in line with the neighborhoods values and that they intend to live up to those values. She stated theirs is one of the few woman owned and operated equity cannabis business and each member of the executive team, has been certified as an EEE Priority applicant by the CCC . Ms. Pelletier discussed how this business will employ Somerville residents and especially those residents formally incarcerated for marijuana crimes. She also stated they intent to purchase locally from Economic Empowerment, Social Equity Applicants, Woman and Minority Owned Businesses and LGBTQIA Businesses. They will provide funding to Somerville Health and Human Services to support substance abuse and prevention programs. She also discussed education, prevention, housing, other programs and a 5 year commitment to fund programs by the Cambridge Health Alliance. Tatiyana Benjamin discussed that the company is environmentally conscios, and discussed how this is being implemented. She also stated a local community liaison will be hired. Attorney Sullivan stated he believed that this company meets the criteria set by the local ordinance. Chairman Lynch requested the commission be supplied with a copy of the community presentation made last week with Councilor Neidergang in attendance. Chairman Lynch stated he was in attendance at this meeting. Commissioner Allen stated he was in attendance for this meeting. Commissioner Lindgren stated she was not in attendance at this meeting and felt there would not be enough time to look at the slides from this presentation. Chairman Lynch stated there are approximately 35 attendees and the commission has received more than 45 written comments from the public. Councilor Neidergang has weighed in on this matter, but the commission has not heard from

Councilor Davis. Commissioner Allen asked how the virtual que will work and is software already set up. There are a couple of different apps available, and they do not know which specific one they will be using. Appointments will be available on these apps. A discussion was held on how this will work. Attorney Sullivan stated the commission has previously approved recreational marijuana applications conditional on a 6 months by appointment only. There are is also a zoning requirement by appointment only for traffic purposes.

Commissioner Allen asked how many customers can be serviced. The answer was that there are 9 POS systems in the store, and inside occupancy is 70. Commissioner Allen asked the average party size, would they be individuals, or groups of 2 or 3. The reply was each transaction at the POS is individual. Most people come in alone or by two. Transactions are 1 person at a time per state regulations. Commissioner Allen asked for the ownership structure. Jessica Pelletier, president and CEO, Shanel Lindsay, Executive Director and Director of Hiring, Isiah Benjamin, CFO, Tony Verzura, Chief Operating Officer, Tatiyana Benjamin, Chief Marketing Officer and Account Manager, Michael Latulippe, Director of Business Development. 4 individuals were certified as Economic Empowerment designations on this team. A discussion was held on how EEA has 6 different criteria to be certified by the CCC and how these individuals qualified. A discussion was held on Shanel Lindsay and Michael Latulippe involvement in the CCC. Commissioner Allen asked how many people attended the community meetings. The answer was 55 members of the community last week and in December approximately 48-60. They do not cultivate marijuana, however Mr. Verzura is applying for a manufacturing license and they will be purchasing supplies from him as well as other suppliers. Commissioner Lindgren asked how much time was given to the community and how they were given notice of the meeting. Attorney Sullivan stated abutters were mailed notices within 300 ft. of the location. Leaflet/Flyer drops were done on streets that the Councilor provided to Advisa. It was posted in the Somerville Times and the City of Somerville Website. The Councilor sent out an email blast to his email group and South Medford and Ball Sq. neighborhood groups sent out email blast to their lists. Commissioner Lindgren asked if any Advisa personnel was available at booths on the ground to provide information or answer questions. The answer provided was that the leaflets were dropped off by one of Advisa employee's and he answered any questions asked from him from anyone home or people he encountered along the way. Commissioner Lindgren expressed concern over Councilor Neidergang's comments about following through as a good neighbor. Attorney Sullivan stated Councilor Neidergang feels they will be a good neighbor and was concerned about past practices. Attorney Sullivan stated it has been a tough year due to Covid and there were other reasons why they may not have been as involved in the community, as they wanted to be. Attorney Sullivan reiterated the outreach done and that the applicant wants to be part of the community. Commissioner Lindgren stated she has read many emails relating to the lack of transparency and lack of notification on this application. Ms. Pelletier stated covid restrictions have only recently been lifted, but a lot more in person community engagement will be done and that the abutters were notified within 300 feet, by the list provided. Attorney Sullivan stated that this was advertised by the City for the HSA. Chairman Lynch asked about security, how many cameras are pointing towards neighbors home. Attorney Sullivan stated none. Chairman Lynch asked if anyone engaged the neighbors behind the establishment. A discussion was held on this. Chairman Lynch asked if an armed guard would be in the interior. He was told yes in the interior, no to the exterior. A discussion was held about cash machines on the premises and payments methods being used. Chairman

Lynch stated inventory control is strictly regulated and asked if everything is removed and put in the vault at the end of the day. The answer was yes. Quality control, seed to sale systems are regulated by the state. Training of personnel will be done by interior and exterior personnel. Customer pledges will be put in place. The applicant signed the CHA on 11/17/20, and the Mayor signed it on 12/1/20.

Chairman Lynch stated the mixup with the time of the meeting due to open meeting law was due to processing documents. He apologized for any inconveniences this caused. Chairman Lynch stated the ownership of 68% EEA ownership – Jessica, Tony & Michael on the original application. They have a shop opening in Cambridge, hopefully by mid fall. Ms. Pelletier is hoping to hire Somerville residents previously incarcerated for marijuana offense or disproportionately affected by the war on drugs. A discussion was held on product sales and the CCC rules on these sales. Chairman Lynch asked if there were substantial changes between the application originally submitted to the MAC and the CCC and Citizen Serve. Ms. Pelletier stated they did a lot of copy and paste on the applications and felt they are all in sync. A discussion was held on how the business would handle any problems that arose. Commissioner Allen asked how Mayor Curtatone signed the CHA when he originally recused himself from these applications. Charlotte Leis provided the answer to this, the Law Dept. advised that possibility of a conflict of interest no longer existed and the Mayor could un-recuse himself. Commissioner Allen asked what changed between the 1st round application, and not being approved and the 2nd round applications and being approved. Ms. Pelletier stated a of couple edits were made to local Somerville Pledges and Isiah Benjamin and Tatiyana Benjamin were added to the team. Commissioner Lindgren asked about the alternate locations, the dialysis center and the gas station. A discussion was held on this matter.

The public was heard on this application. The issues of concern expressed were: not enough outreach was done, parking, traffic, residential neighborhood, families with children, too close to a school, too many recreational marijuana establishments in the city and the store is too large.

Approximately 19 opposed

Approximately 3 in support

Additional comments were made by Attorney Sullivan. He also stated the traffic study done indicated no issues and reiterated the outreach done and stated they did more than was required by law. Ms. Pelletier made additional comments about the public who spoke on this matter and reiterated this company's qualifications. She also commented on a statement that was made by public comment and the owner of the building is required to approve of the recreational marijuana establishment, a requirement of the CCC. Security issues were addressed and she stated they would go by the recommendation of the community, if they do not wish armed guards on the premises. Ms. Pelletier gave an estimate of customers and revenue. Attorney Sullivan discussed the interior premises. A discussion was held on the previous establishments and businesses in the area. Commissioner Allen asked about the armed guard policy. Business policies and other cities policies on this matter were discussed.

The commission deliberated on this application. Armed guards are a concern and verification of policy on this matter is requested. Some of the concerns expressed are not within the scope of the commission. Lack of community engagement is a concern of the commission. It was noted that abutters are homeowners, but renters are not. Chairman Lynch stated while it is not a requirement to have a community meeting prior to the Licensing Commission meeting, he would prefer this to be done prior to the meeting in order for the neighbors to work out things with the applicant and to cut down on the meeting length. He also noted it is important to know the ownership of the business. Charlotte Leis stated there is no recommendation report at this time. Chairman Lynch stated that the previous applications had recommendation reports and the commission has questions on how and why this application was previously denied and is now being recommended. He requests a recommendation report be submitted by the MAC. Chairman Lynch would like additional time to go through the comments received. The commission cannot change the zoning. A traffic study is required. The commission states additional work needs to be done with the neighborhood and how the applicant has addressed the issues raised by the neighbors. An independent review of the original documents and the resubmitted documents is being requested of the MAC and the Licensing Commission (by the Mayor). The commission is also requesting Councilor Davis weigh in on this Matter. A link to the December 2020 community meeting is also being requested of the applicant.

Attorney Sullivan stated if armed guards are an issue, his applicant will do without them.

The Commission continued this application to the July 17, 2021 meeting

Commissioner Allen asking for a discussion on the Special Alcohol Licenses and the Food requirement

Chairman Lynch requested a step by step process for the secretary to inform the commission of when food service is required for the July 17, 2021 Licensing Commission Meeting

