

**City of Somerville
Licensing Commission**

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

***DRAFT OF THE
Minutes of the Regular Meeting
Posted 7/18/19 at 4:46pm***

**Regular Meeting
Monday
July 15, 2019
6:00 p.m.
Published on July 5, 2019 at 11:05am
Revised on July 11, 2019 at 4:48pm**

***The meeting was called to order at 6:06pm. Present were Commissioners, Lynch, McKenna and Allen, Secretary to the Commission Lori Batzek, Sgt. Chaille a member of the Police Department, Lt. MacLaughlan a member of the Fire Dept., applicants and members of the public.
The meeting adjourned at 7:17pm***

1. Minutes of June 10, 2019 Meeting

Commissioner McKenna abstained from voting on these minutes, as he did not attend this meeting.

The Commission Approved these minutes

Communications

2. Proposed Agenda items by Commissioner Allen, to be voted on by the Licensing Commission:

1. Propose a modification to Rule 1.07c. appending “, or advertised donation of revenue to nonprofit organizations”.

2. Propose a modification to Rule 1.07d. appending

“Rule 1.07d. does not prohibit profit-sharing programs for which all employees are eligible. If a licensee has a profit-sharing program, a written copy of the program rules must be made available to the Commission or its agents upon request.”

A discussion was held by the commissioners pertaining to these changes. Commissioner Allen explained that we currently have specific rules, and working which is unambiguous in terms of revenue being allowed to be given to someone else. He indicated that historically, this was to avoid ambiguous interest and control, but pointed out that this is not the case with these modifications. He would like to make sure all businesses are in compliance.

Modifications as follows:

1.07c No Licensee shall permit any person to have a direct or indirect financial or beneficial interest in the license business or to receive any revenue from the business or to manage the premises other than the person properly approved of by the Commission and the salaried employees of such persons. The forgoing Rule 1.07.c. does not prohibit the use of revenue for payment of inventory and other operation expenses, or for donation of revenue to 501c 3 organizations that is prominently advertised in the establishment.

1.07d No licensee shall permit any person to work at the licensed premises or to hold him or herself out as a person in a position of authority at the premises except for those persons who are owners and officers or who are salaried employees for whom payroll records are available. Rule 1.07d. does not prohibit profit-sharing programs for which all employees are eligible. If a licensee has a profit-sharing program a written copy of the program rules must be made available to the Commission or its agents upon request.

The Commission approved these changes to the Rules and Regulations with the revision made to 1.07c. ABCC to be notified of these changes by the Secretary

- 2a. Forklift Catering LLC, 5 Sanborn Court notifying the Commission of an Event, to be held at Warehouse XI, 11 Sanborn Ct. on Sunday, July 21, 2019 from 2:00PM-6:00PM (Alcoholic Beverages served from Forklift Catering LLC Caterer)

The Commission made a note of this Caterers 12C notification.

Common Victualler

3. TBD Brewing LLC
d/b/a Aeronaut Brewing
14 Tyler St.
Ronn Friedlander
(AL19-000032)

Ronn Friedlander appeared for this application. A discussion was held by the commission as to who should be applying for this license, Aeronaut Brewing or Carolicious (due to Choke Safe Certification). Carolicious is a sub tenant of Aeronaut Brewing.

The Commission approved this Common Victualler License

4. Star Markets Company, Inc.
d/b/a Starbucks Kiosk at Star Market #3580
22A McGrath Hwy
Michelle Larson, Robert Gordon and Gary Morton
(AL19-000035)

Madison Resendes appeared for this application. Will be located across from the Floral Section. No major renovations will take place for this establishment. There are other Star Markets which have Starbucks located in their stores.

The Commission approved this Common Victualler License

SPECIAL FARMER WINERY LICENSE

5. Far From The Tree, LLC d/b/a Far From the Tree Cider, 102 Jackson St., Salem, MA requesting approval of a Special Farmer Winery License to sell Hard Cider produced by the licensee for off-premises consumption for The Union Sq. Farmers' Market to be held at 66-70 Union Sq., on Saturdays', July 20, 2019 through November 23, 2019, (approved by MDAR from 5/18/19-11/23/19) from 9:00am-1:00pm
(SFW19-000004)

Rebecca Changery appeared for this application. She has just been hired within the last three months. They have participated in this market in the past, perhaps 2 or 3 years.

The Commission approved this Special Farmer Winery License

Special Alcohol License

6. 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 at Legoland Discovery Center Boston on the following Wednesdays: July 17, 2019 and August 21, 2019
from 7:00pm – 9:00pm
(PEL19-000120)

Justine Kendzia appeared for this application. They have been running adult nights for the past 5 years. They bring in local breweries.

The Commission approved this Special Alcohol License

7. Hellenic Association of Somerville d/b/a Dormition of Virgin Mary Church, 29 Central St. requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for a Galatis Wedding Reception to be held Indoors in the Upper Hall at 29 Central St. on Saturday, July 27, 2019 from 5:00pm – 11:00pm (PEL19-000136)

Louise Lambrokos appeared for this application. The Commission took this item out of order (after #16). There will be approx. 175 – 180 people. Professional Bartenders will be serving and are Tips Certified.

The Commission approved this Special Alcohol License

8. Hellenic Association of Somerville d/b/a Dormition of Virgin Mary Church, 29 Central St. requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for the 2019 Greek Food & Music Festival to be held Indoors and Outdoors in the Upper & Lower Halls and the Church Parking Lot at 29 Central St. on Friday, September 6, 2019, from 12:00pm – 11:00pm, Saturday, September 7, 2019, from 12:00pm – 11:00pm and Sunday, September 8, 2019 from 12:00pm – 9:00pm (PEL19-000148)

Louise Lambrokos appeared for this application. The Commission took this item out of order (after #6). This organization has had this event for over 44 years. Same set up as last year. They will be hiring Professional Bartenders, and Police and Fire Details. The church and community center will be renovated in the near future.

The Commission approved this Special Alcohol License

9. Lana's Lunch at Warehouse XI, 11 Sanborn Ct. requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for Lana's Lunch presents Chez Henri Cuban Sandwich pop-up to be held Indoors at Warehouse XI, 11 Sanborn Ct. on Saturday, July 27, 2019 from 5:00pm – 9:00pm (PEL19-000149)

Paul O'Connell & Mark Thompson appeared for this application. Paul used to have a restaurant in Cambridge Chez Henri. They will be having a popup to sell Cuban Sandwiches. Will have Tips trained servers. Will require a Health Department signoff. Paul O'Connell will work with the secretary to ensure all signoffs are obtained as some are still pending

The Commission approved this Special Alcohol License

10. Gilman Square Neighborhood Association, 87 Marshall St. #3 (Paradigm Partners, 2 Richdale Ave.), requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for Gilman Square Block Party to be held Outdoors at the Parking Lot of Mad Oyster Studio (address is approx.. 245 Pearl St.) on Saturday, September 28, 2019 from 12:00pm – 4:30pm with a rain date of 9/29/19 (PEL19-000150)

Justin Moeling appeared for this application. The address for this event (on Pearl St.) was denied by the city today (Megan Ackerman). Justin is requesting 2 Richdale Ave. for this event, same location as last year. This is not a 501c 3. Winter Hill Brewing will be serving. Lt. MacLaughlan says various departments, Police, Fire, Health, Mayor's Office and City Clerks were concerned about Pearl St. being blocked off with the bridge closure. This is why the location was denied.

The secretary will reroute this application for 2 Richdale Ave.

The Commission approved this Special Alcohol License

11. Redbones BBQ, 55 Chester St. requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for Redbone 18th Annual Pig Pickin to be held Outdoors outside the restaurant on Monday, August 5, 2019 from 5:00pm – 9:00pm with a rain date of 8/12/19 (PEL19-000156)

Applicant withdrew this application on 7/15/19 at 3:27 pm, by email notification

Commissioner Lynch read this withdrawal into the record

12. Remnant Brewing LLC d/b/a Remnant Brewing, 337 Somerville Ave. requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for August SomerStreets: Seize the Summer to be held Outdoors at the intersection of Buena Vista Rd. & Holland St. on Sunday, August 4, 2019 from 2:00pm – 6:00pm (PEL19-000159)

Brittany Lajoie appeared for this application. This will be the same setup as last year, opposite Orleans. Second year of participation for Somerstreets. Will be in fenced in area with wristbands.

The Commission approved this Special Alcohol License

Existing Alcohol License
City License
Wine & Malt Alcohol Restaurant

Enhancement Area

Change of Hours

13. Pepe Bocca Italian Specialty Market, Inc. d/b/a Pepe Bocca, 414-418 Highland Ave. requesting approval for a Change in Hours from Zero Hours (per Affidavit of Hours approved April 8, 2019), to Sunday – Thursday 11:00AM – 10:00PM and Friday – Saturday 11:00AM – 11:00PM for Food & Alcohol Service (ALM19-000014)

Attorney Rashi Mangalick appeared for this application. She requested a change of hours for closing on Friday and Saturday for a 1am closing. The secretary informed her that is not possible with a Wine & Malt License. The attorney will keep the hours as indicated. The Corporate Vote was signed and provided.

The attorney stated that the new floor plan has not been provided yet, and she is not sure if all other departments have received it yet. Lt. MacLaughlan stated Giovanni and his father met with him and Jim Aurillo shortly after the meeting last month. Giovanni went to engineering to correct his address to 414 Highland Ave. He was informed he needed an architects or engineers floor plan for both occupancies combined into one. The current occupancy being 19, one bathroom would suffice. If the plans indicate any more than that, he would need a second bathroom. Lt. MacLaughlan has not heard back from Giovanni. The proposed occupancy is 40. The second bathroom is required from Plumbing. Lt. MacLaughlan reiterated the need for a second bathroom for occupancy over the number 19. The attorney stated she received confirmation from Engineering for the combined address to 414 Highland Ave and provided this information to the commission.

Lt. Maclaughlan stated one of the contingencies of the Alteration of Premises approved at the last meeting were to follow up with ISD, Fire Inspection, Building Inspection

Commissioner McKenna asked do we have an anticipation as to when the business will open. Attorney Rashi she will follow up with her client and said once the floor plan is complete the inspection can be done, the rest will follow, the license and the opening. Commissioner McKenna was hoping for an answer of weeks or months. Attorney Rashi is hoping to get the finalized floor plan this week. Commissioner Lynch stated at last months' meeting the applicant was targeting opening at the end of July. Attorney Rashi stated this would be contingent on ABCC approval

The Commission approved this Change of Hours

NEW Alcohol License

City License

All Forms 7 Day Restaurant License,

Entertainment by Devices & Sunday Hours License,

CITY WIDE Area
Chapter 142, Acts of 2016

Continued from June 10, 2019

14. Highland Cuisine Inc. d/b/a Highland Cuisine, 2 Highland Ave. requesting approval for a NEW All Forms 7 Day Alcohol Restaurant License – City Wide Area, an Entertainment by Devices and Sunday Hours License
Currently has a CV License AL19-000007
Food Service Hours – Mon-Sat: 8am-11pm & Sun: 8am-9pm
Alcohol Service Hours – Mon-Sat: 8am-11pm & Sun: 10am-9pm
(AL19-000029)

Stanley Falaise appeared for this application. Stanley indicated the Personal Property tax has been paid. There are still signatures pending. Commissioner Allen asked if Stanley has alcohol training. He stated he hasn't finished ETips yet. He was reminded employees who serve alcohol need this training as well within a certain time frame

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

NEW Alcohol License
City License
All Forms 7 Day Restaurant License,
Common Victualler License, Entertainment by Devices License,
Outdoor (Private Patio) and Sunday Hours License

ASSEMBLY ROW Area
Chapter 142, Acts of 2016

15. Assembly River Bar LLC d/b/a The River Bar, 661 Assembly Row requesting approval for a NEW All Forms 7 Day Alcohol Restaurant License – Assembly Row Area, a Common Victualler License, an Entertainment by Devices, Outdoor (Private) Patio and Sunday Hours License
Currently has an All Forms – Assembly Row Area (Chap. 152, Acts of 2012), CV License AL17-000099 - Non Transferable License – New Owner, New License
Food Service Hours – Mon- Sun: 11:30am-11:00pm
Alcohol Service Hours – Mon- Sun: 11:30am-1:00am
Outdoor Food Service on Private Property - Mon- Sun: 11:30am-11:00pm
Outdoor Alcohol Service on Private Property - Mon- Sun: 11:30am-1:00am
(AL19-000030) – *New Owner, New License*

Attorney Anne Vigorito requests this application be continued until the August 19, 2019 meeting

Commissioner Lynch read this continuance into the record

NEW Alcohol License
City License
All Forms 7 Day Restaurant License,
Common Victualler License and Entertainment by Devices License

Enhancement Area
Chapter 142, Acts of 2016

16. Bow Street Charm Corp. d/b/a Yoi Sushi & Chinese Restaurant, 16 Bow St. requesting approval for a NEW All Forms 7 Day Alcohol Restaurant License – Enhancement Area, a Common Victualler License and an Entertainment by Devices License (AL19-000034)
Food & Alcohol Service Hours – Mon- Thu: 11:00am-10:30pm, Fri-Sat: 11:30am-11:30pm & Sun 12:00pm-9:30pm
Replacing Yuki Shabu Chinese Gourmet (AL17-000263). Yuki returned their All Forms Restaurant

Anne Vigorito appeared for this application. The Commission took this item out of order (after #3). The new owners have over 10 years of experience in food and alcohol service. Nicole Xu is Tips Certified. There will be takeout and delivery. No live entertainment. They will be bringing in a Chef from China Town

The Commission approved this All Forms Alcohol, Common Victualler and Entertainment by Devices

Before the Commission Adjourned, Commissioner Lynch provided an update on Recreational Marijuana Licenses

Discussion of Marijuana Licenses - Update from Commissioner Lynch

There are a significant number of empowerment applications that have gone through the first phase of culling. There are a few that are executing host agreements with the city. There are 3 medical marijuana establishments that are already established in the city that are applying. We could potentially see 7 applications in August. They may not all be approved in August. The host agreements will be executed by Council President Katjana Ballantyne. The Mayor chose not to have any conflict of interest appearance at all, this is due to one of the applicants proposing to establish in a building owned by Maria Curtatone. If this happens in August, Commissioner Lynch wants to advertise the start time at either

4:30pm or 5:00pm before the Regular Licensing Commission Meeting in the Council Chambers. If the city misses the August deadline for these applications, they will be heard in September. Invitations will be sent to The Head of Planning OSPCD, George Proakis, The Law Department and Alex Mello. Commissioner Lynch believes the Health Department and Economic Development will be there at his request, so if there are any questions, they can provide backup if necessary. Once a license is approved, we will follow the same guidelines as when alcohol licenses are issued. Commissioner Allen stated we still have no terminology regarding marijuana in our rules. Commissioner Lynch stated George Proakis has volunteered and will be taken up on the offer to supplement our policy and procedures in this regard with terminology, glossary of terms and other things that are necessary. It is not clear if City Council president will continue to execute the host agreements once the conflict of interest is out of the way.