

**City of Somerville
Licensing Commission**

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

**Regular Meeting
Monday
November 18, 2019
6:00 p.m.**

**Published on November 13, 2019 at 4:00 PM
Revised on November 14, 2019 at 6:30PM**

***DRAFT OF THE
Minutes of the Regular Meeting
Posted 12/2/19 at 3:25pm***

***The meeting was called to order at 6:06pm. Present were Commissioners, Lynch, and Allen, and Secretary to the Commission Lori Batzek, Lt. MacLaughlan, a member of the Fire Dept., Sgt. Chaille a member of the Police Department, Applicants and members of the public. Absent was Commissioner McKenna
The meeting adjourned at 8:58pm***

1. Minutes of October 18, 2019 Meeting

The Commission approved these minutes with corrections to be made by the secretary for item numbers 3, 5 & 17

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

Attorney Richard Di Girolamo appeared for this continued item. He stated that a community meeting was held several weeks ago and was well attended. Neighbors requested a traffic study, it is being prepared, but not yet ready, and a 2nd community meeting will be held for this matter.

The commission requested the secretary to enter into the record, comments received from Ben Ewen-Campen along with any other comments submitted. See all comments posted at the end of these minutes.

The commission continued this application to the January 13, 2020 Licensing Commission Meeting.

3. Union Leaf Inc., 71-72 Union Sq. requesting approval for a Group A Priority, NEW Marijuana Retailer License
Hours of Operation: Mon. - Sat. - 10AM - 8PM & Sun. - 10AM - 5PM
This is the Notice of a Public Hearing for this Item. The Public is welcome to attend and be heard.
(ME19-000008)
Continued from 10/21/19 Licensing Commission Meeting

Commissioner Lynch prepared a statement for this application. Public comment was accepted at the October 18, 2019 meeting. This matter was continued to the November 18, 2019 meeting. The commissioner had 3 consultations on November 5th, 6th and 7th with the Asst. General Council, T. Michael McDonald of the State Ethic Commission. He was advised, in order to avoid any potential conflict of interest on this matter, to file a Disclosure Form of Financial Interest and Determination by his Appointing Authority, who is the Mayor of the City of Somerville, as required by G.L. c. 268A, §19. The City Solicitors Office reviewed the disclosure form and he filed the required form with the Mayor's Office on November 7th. After review of the matter, by the mayor, it was determined that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from his performance as commissioner. The fully executed document is on file with the City Solicitors office, the Mayor's Office, the City Clerk's office and with Mr. T. Michael McDonald Asst. General Council, Mass. State Ethics Commission. Copies are available through the City Clerk's Office and copies have been provided to Attorney's Sullivan and Attorney Di Girolamo.

The Disclosure form is attached to the end of these minutes.

Attorney Sullivan appeared for this application. He stated the presentation was given at the last meeting. The continuance was due to the AD not appearing in the newspaper for the October meeting. Commissioner Lynch stated the commission was provided with a copy of the Community Host Agreement executed in October. The signatories were Katjana Ballantyne, Acting Mayor and David Shapiro, Asst. City Solicitor. In attendance for this meeting was Asst. City Solicitor David Shapiro, Deputy Chief Stephen Carrabino from the Police Dept., from Health and Human

Services, Director Doug Kress and from the Office of Strategic Planning, Sarah Lewis. Applicant Greg Santos, (Laxmi Pradhan was not able to appear, he is in Nepal) Laxmi Pradhan's son Binoj appeared, Rick Nagle, security consultant and Peter Greco, product consultant appeared. Commissioner Allen had a question about the consumer pledge and what would be implemented, to insure people who violate the pledge, would not be served again. Mr. Santos replied a computer tracking system with a data base would be used for this purpose. The applicant stated that trash around the square was brought up at the community meetings that were held. They are considering having the employees do trash pickup around the square once or twice a week. Attorney Di Girolamo stated they will appear before the planning board on December 12th for a public hearing. Mr. Pradhan stated if the planning board does not approve the 3 stories, the establishment would open the retail store and fore go the community center. There will be no back entrance. Mr. Nagle stated deliveries will be made during daylight hours during non- operating hours, early in the morning in a designated spot. Security personnel will be in attendance. A discussion followed about this procedure. Commissioner Lynch asked about cash and banking. Mr. Nagle replied there are banks close by who accept these cash deposits. A discussion followed about the procedures for cash and debit cards in the establishment, deposits to the bank and security. Commissioner Lynch also asked how problems with the site would be handled quickly and efficiently. Attorney Sullivan replied that a Community Liaison would help on this matter.

Jessica Eshleman of Union Square MainStreets, spoke in support of this application.

The commission requested the secretary to enter into the record, any comments submitted. See all comments submitted at the end of these minutes.

The commission approved this application with the condition of an appointment by only business, for the 1st six (6) months after they commence operation.

4. NorthEast Select Harvest Corp., 378a, 378b & 380 Highland Ave. requesting approval for a Group A Priority, NEW Marijuana Retailer License
Hours of Operation: None Listed
This is the Notice of a Public Hearing for this Item. The Public is welcome to attend and be heard.
(ME19-000009)
Continued from 10/21/19 Licensing Commission Meeting

Attorney Richard Di Girolamo appeared for this application. Rob Gregory, Jamie Crumb (product expert), Scott Jenkins (with ACT Protective Services), Maria Cacciola (Chief Operating Officer for NorthEast Select) and Stephen Siragusa (Design Consultants a Traffic and Parking Engineer) also appeared for this application. Rob Gregory spoke about his business in Somerville and this new opportunity. Jamie Crumb stated he has been involved in the cannabis business since 2014. He has consulted around the United States and out of the country as well. He also discussed his experience in the business. Scott Jenkins discussed his experience and the security

that will be in place for the establishment. A discussion transpired about how delivery of the product will be handled. Commissioner Lynch expressed concern about the outdoor patio seating and safety. Maria Caccioa spoke of her banking experience. She discussed having an ATM and they are also researching a Cashless ATM on the premises to reduce the amount of cash in the premises. Steve Siragusa discussed delivery of the product and parking. He believes 75% of people will be walking, biking and taking public transportation. There will be 8-10 parking spaces at the site (for all the businesses). A discussion ensued about product delivery, public safety and delivery times. Also discussed was safety of the product and the current ban on vaping products in Massachusetts. There will be 5 points of sale with 2 of those being used for on-line sales, all of these sales would be by appointment only. A brief discussion of edibles, safety and directions of use, also ensued. Robert Gregory spoke of an App for those who are waiting for service, and other businesses in the community, who could also benefit from this App. He would also like to participate in a Marijuana Task Force with other Recreational Marijuana establishments, with City representation as well. The Hours of operation would be Mon-Thu, 10am-8pm, Fri-Sat, 10am-10pm & Sun 12pm-5pm. The applicant will send the secretary this information. The signed Host Agreement is also needed. They may be able to open within 6 months pending all city and state approvals. Commissioner Lynch expressed a concern about transporting the product through a parking lot with patrons of another restaurant being present. Jamie Crumb feels that a once a day delivery prior to opening hours could help on this matter.

Nick Sarantopoulos, Somerville resident and tenant of Mr. Poutahidis (owner of the building) spoke in support of this application. George Dardonis, owner of Davis Square Donuts and Bagels spoke in support of this application.

Commissioner Lynch suggested the applicant keep the channels open with the neighbors, both businesses and residents.

The commission requested the secretary, to enter into the record, any comments submitted. See all comments submitted at the end of these minutes.

The commission approved this application with the following conditions, an appointment by only business, for both pickup and onsite orders and consultations, for the 1st six (6) months after they commence operation, submittal of the hours of operation and the fully executed Community Host Agreement must be submitted.

All Forms Alcoholic Beverages 7 Day Restaurant Licenses

5. **2AM Closing Reviews**

<u>Date Approved</u>	<u>Business</u>	<u>Address</u>
12/21/05	Casey's	171 Broadway

Daniel Fitzgerald appeared for this renewal. Sgt. Chaille reported no violations or incidents this year.

The commission approved this 2am license renewal

2/26/07

The Burren

247 Elm Street

Brendan Quirke appeared for this renewal. Sgt. Chaille reports 2 minor incidents, in June and February. One on Saturday at 11:30 pm, 2 parties separated from a fight, no incident with this issue. The other incident was Friday into Saturday, it came into the police dept. as a fight, however, this was verbal, not physical. The owners called the police department for both incidents and no violations were issued.

The commission approved this 2am license renewal

12/14/09

Orleans Restaurant

59-65 Holland St.

No one appeared for this renewal. The commission made note that the Licensee failed to appear last year for the 2am renewal and the commission granted the renewal at that time.

The commission revoked this 2am License. The Licensee will need to reapply for a 2am license.

2/22/16

Earl's Kitchen & Bar

698 Assembly Row #102

Dillon Todd appeared for this renewal. Sgt. Chaille reported no violations or incidents this year.

The commission approved this 2am license renewal

Communications

Continued from 9/16/19 & 10/21/19 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

Continued from 9/16/19 & 10/21/19 Meetings

The commission decided to wait on voting on this matter because it was felt full participation of all the commissioners was important. (Commissioner McKenna was absent at the previous meeting).

The Commission continued this item until the January 13, 2020 meeting

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 that the original draft memo was provided by Alex Mello. In his opinion, both of their analysis' pertaining to the CMR and CCC regulations, cover everything in exceedingly thorough detail, except for a couple of details, for example ownership interest and/or contractual agreements. Commissioner Lynch stated he believed a decision was made to wait on voting on this matter because it was felt full participation of all the commissioners was important. (Commissioner McKenna was absent at the previous meeting). There was a short discussion of the wording to be used, Marijuana or Cannabis. The CCC uses both terms. Commissioner Lynch stated the commission may wish to reach out to the public on this matter. The City of Somerville is currently using the term Marijuana, however this could be changed. Commissioner Lynch would like to submit something in Draft form to the Office of Strategic Planning and Community Development, to open this up to the public for comment. Commissioner Allen suggests using the draft memo submitted by Alex Mello with one additional control bullet point to be added. Commissioner Lynch would like this to be one of the first action items in January, with the hope that Commissioner McKenna will be in attendance for the discussion

Thomas Morales spoke on this matter, he was part of the 1st round of Adult Use Marijuana Applications. He had questions about how the process would look for the 2nd round of applications. Commissioner Lynch explained the process with the MAC (who made the recommendations), and then the recommended applications brought before the commission for review and/or approval. He also indicated George Proakis

has stated the process is reopening up again and Mr. Morales stated he already reapplied last week.

2 other gentlemen were in attendance, Dave thanked the commission. Another gentleman had a question about Café's opening in the future. Commissioner Lynch stated this is at the state level and the CCC level, and would also require City Council input.

The Commission continued this item until the January 13, 2020 meeting

SPECIAL FARMER WINERY LICENSE

8. 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 Somerville Winter Farmers' Market to be held at The Armory at 191 Highland Ave. on Saturdays', December 14, & 21, 2019, January 18, February 15, March 21, & April 11, 2020 from 9:30am-2:00pm (SFW19-000007)

Max Sorger, employee, delivery driver and bartender appeared for this application.

Mr. Sorger is Tips Certified and will be serving. If anyone else serves, they will be Tips certified as well. They have been doing this farmers market for 5 years. They also do approximately 15 other Farmers Markets.

The commission approved this Special Farmers Winery License

9. Jonathan Carr d/b/a Carr's Ciderhouse, 295 River Drive, Hadley, MA requesting approval of a Special Farmer Winery License to sell Hard Cider produced by the licensee for off-premises consumption for The Somerville Winter Farmers' Market to be held at The Armory at 191 Highland Ave. on Saturdays', December 14, 2019, January 4, February 1, 15, 29, March 14, 28, & April 11, 2020 from 9:00am-1:00pm (SFW19-000008)

Leah Russio from Arts at the Armory, Market Manager, appeared for this application. They have co managed this market in the past with Groundworks Somerville. This will be their 1st year managing the market alone. Ms. Russio states the application hours are incorrect (these are the summer hours). Winter hours should be 9:30am – 2:00pm. There should also be another date added, January 18, 2020. The secretary will check the state paperwork to ensure these changes are part of the approval.

The commission approved this Special Farmers Winery License

10. Far From Tree, 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 Somerville Winter Farmers' Market to be held at The Armory at 191 Highland Ave. on Saturdays', Weekly, from December 4, 2019 through April 4, 2020 from 9:30am-2:00pm
(SFW19-000009)

Nathaniel Sisson appeared for this application.

Application should read every other Saturday. They are alternating with Carr's. All servers are Tips Certified. Far From The Tree has been in business since 2013 and started at Farmers Markets.

The commission approved this Special Farmers Winery License

Special Alcohol License

11. 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)

No applicant appeared for this application. The Commission continued this item until the January 13, 2020 meeting.

12. Saint Anthony of Padua Parish, 12 Properzi Way requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for a New Year's Eve Party to be held Indoors at Saint Anthony Church Hall, 12 Properzi Way on Tuesday, December 31, 2019 from 7:00pm – 12:00am with a Rain Date of 1/4/20
(PEL19-000245) – *corrected the Citizen Serve license number*

Luiz Castro appeared for this application.

This is an annual event, that has transpired for the past 10–12 years. The alcohol is purchased from a wholesaler. The servers will be Tips Certified. Approximately 360-400 attendee's. A police detail will be hired. A rain date was requested for parking reasons.

The commission approved this Special Alcohol License.

13. Brooklyn Boulders, 12A Tyler St. requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for The Lizzy Strong Benefit

to support Lizzy's journey to healing, to be held Indoors at Brooklyn Boulders, 12A Tyler St. on December 7, 2019 from 4:00pm – 7:00pm (PEL19-000246)

Typo - Removed Broadway from the description

Alexis Anderson appeared for this application.

Sierra Nevada will be catering this event. Approximately 30-60 attendee's.

The commission approved this Special Alcohol License.

Existing Common Victualler

Change of Manager and Change of Hours

14. J.P. Licks at Assembly Row, Inc.
d/b/a J.P. Licks
611 Assembly Row
Paul Johnston

Requesting a Change of Manager and a Change of Hours:

Proposed Hours – Mon-Thu 7:00am-11:00pm, Fri 7:00am-12:00am and Sat-Sun 8:00am-12:00am

Current Hours – Sun-Sat 8:00am-12:00am

Change of Manger– from Meagan Lynch to Lourdes Arroyo
(ALM19-000030)

Tom Army, District Manager, appeared for this application. They would like to open early to serve coffee. The new manager has worked for the company for approximately 8-10 years.

The commission approved this Change of Hours and 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

15. Rincon Mexicano Inc. d/b/a Rincon Mexicano, 99 Broadway requesting approval for an Entertainment by Performers License (ALM19-000009)

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

Lorenzo Reyes appeared for this application.

Mr. Reyes would like to have a Mariachi band, once a week to begin with. He needs to check with the band to confirm which day, possibly on Friday's at 6pm or 7pm. The entertainment hours will mirror the existing license hours.

Jen Atwood, East Somerville Main Streets, spoke in support of this application. She stated that Councilor Matt McLaughlin is also in support of this application.

The commission approved this Entertainment by Performers License.

Existing Alcohol License
City License
All Forms 7 Day Restaurant License

Requesting
Entertainment by Patrons and Performers
Change of Hours
& 2AM Closing License

ENHANCEMENT Area
Chapter 142, Acts of 2016

16. Petiscos Group Inc. d/b/a La Posada Restaurant, 505 Medford St. requesting approval for an Entertainment by Patrons and Performers, 2AM Closing License and a Change of Hours from:
Serving Food – *From: Sun.-Sat. 11:00am-1:00am to: Sun.-Sat. 10:00am-2:00am*
Serving Alcohol – *From: Sun.-Sat 11:00am-1:00am to: Sun-Thu 10:00am-1:00am and Fri-Sat 10:00am-2:00am*
(ALM19-000023)

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

Johel Posada appeared for this application.

Mr. Posada has been in business for 6 years in February, in 2 different locations. He would like to have live music and private parties. He would like to be able to rearrange the space for dancing. Lt. MacLaughlan stated Mr. Posada would need to bring the

rearranging of seating to the attention of ISD, Building Dept. and Fire Prevention, with the appropriate floor plans for approval. Sgt. Chaille stated that movement of tables and chairs has transpired in the past, and this has caused violations. Commissioner Lynch stated this is a safety issue. The secretary will check with the ABCC to see if approval of the floor plan (moving of furniture) is necessary.

The Entertainment by Performers approval, is contingent upon the floor plan being to ISD, Fire and the ABCC, for the movement of tables and chairs, for dancing/entertainment purposes

The commission approved the 2am closing

Existing Alcohol License
City License
All Forms 7 Day Restaurant License
Alteration of Premises and Outdoor Patio

City Wide Area For the Quota

17. Federal Wine & Spirits Belmont, Inc. d/b/a Field and Vine, 9 Sanborn Ct. requesting approval for an Alteration of Premises for an Outdoor Patio License for 12 Seats (Private Property) and Indoor Seating to be increased to 20 seats in the 2nd Dining Room (ALM19-000024)

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

The commission continued this application to the January 13, 2019 meeting

Existing Common Victualler

Reopening (closed January 2019 without notification),

Change of Hours & Change of Manager

18. 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 Licensing Commission Meeting

No one appeared for this application. The commission instructed the secretary to send a notice by certified mail for the applicant to attend the January 13, 2020 Licensing Commission Meeting.

The commission revoked this 2am License. The Licensee will need to reapply for a 2am license

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

Assembly Row
Area
Chapter 142, Acts of 2016

19. Legal Sea Foods, LLC d/b/a Legal on the Mystic, 301 Great River Rd. #122 requesting approval for a Change of LLC Manager from Edward H. Pendergast to Eric Kriss (ALM19-000026)

This item to be continued to the November 18, 2019 Licensing Commission Meeting per Attorney Heller's request.

Continued from 10/21/19 Licensing Commission Meeting

Donna Cruz, paralegal of the corporate office, appeared for this applicant. This amendment has already been approved by the ABCC (for multiple locations). The ABCC reviewed and were satisfied, that the transaction is consistent with the purposes of the law (M.G.L. C. 138) and would not result in the individual corporate licenses being deemed to be out of compliance with the applicable statute. Mr. Pendergast has retired.

The commission approved this Change of LLC Manager

Existing Alcohol License
City License
Wine and Malt Restaurant License

Requesting
Change of Hours for FOOD SERVICE ONLY

ENHANCEMENT Area
Chapter 142, Acts of 2016

20. NLP 280 Elm St. Davis Square, LLC d/b/a Oath Craft Pizza, 278 Elm St. requesting approval for a Change in Hours for FOOD SERVICE ONLY

Current Hours for Food Service Only – Sun-Sat. 8:00am-11:00pm
Proposed Hours for Food Service Only – Sun-Sat 8:00am-1:00am
(ALM19-000031)

Attorney Rashi Mangalick and Peter Croto, corporate representative, appeared for this application.

These hours are for food service only. Alcohol will not be served after 11:00p (Wine & Malt Licenses are not allowed to sell alcohol after 11pm).

The commission approved this Change of Hours, for Food Service Only

NEW City License

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

ENHANCEMENT Area
Chapter 142, Acts of 2016

21. 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.

Keith Schubert appeared for this application.

Mr. Schubert will not be serving alcohol outdoors on the public patio. The application needs to be updated. He has been opened since 2015, and had a Food Truck prior to opening this establishment. Mr. Shubert previously applied for an alcohol license, was approved by the Licensing Commission and the ABCC, however, ISD could not sign off on this, because a restroom is necessary for the premises. He is expanding into the space next door, which has restrooms.

The commission approved this All Forms Alcohol License only (applicant stated he will not be serving alcohol on the outdoor public patio).

2020 License Renewals

22. 2020 License Renewals
Requesting Approval for all 2019 License renewals

The commission approved all 2020 licenses except, the 2am closing license for Orleans Restaurant (they will need to reapply for this license; no representative appeared for the renewal last year or this year.)