

**City of Somerville  
Licensing Commission**

**Regular Meeting by Remote Participation**

**DRAFT OF THE  
Minutes of the Regular Meeting  
Monday,  
February 14, 2022, at 6:00pm  
Posted Wednesday, February 23, 2022, at 5:15pm  
REVISED POSTED MONDAY, MAY 9, 2022 AT 4:30PM**

*The meeting was called to order at 6:03pm. Present were Commissioners, Lynch, Allen, and Thomas, Capt. Dennis Sullivan of the Fire Dept., Lt. Timothy Mitsakis of the Police Dept., Secretary to the Commission Lori Batzek, City Clerk, Kim Wells, Assistant City Clerk, Bernabe Rodriguez, Director of Engineering, Brian Postlewaite, Director of Economic Development Thomas Galligani, Planner Charlotte Leis, Members of the City Staff, Applicants and members of the public.  
The meeting adjourned at 10:47pm*

**A recording of this meeting is available online**

**Monday  
REVISED Regular Licensing Commission Meeting  
February 14, 2022  
6:00pm  
Published Wednesday, February 10, 2022 at 10:30am  
Published, Monday, February 14, 2022 at 11:00am**

Pursuant to Chapter 20 of the Acts of 2021, 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/7548430319963998735>

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](mailto: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 the Regular Licensing Commission Meeting from 1/10/22

*The commission approved these minutes on a roll call vote with 3 in favor (Allen, Lynch and Thomas), 0 opposed*

**CONTINUED FROM 1/10/22 LICENSING COMMISSION MEETING**

2. Communication from the City Engineer pertaining to Outdoor Seating Proposal.  
*Continued from 1/10/22*

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

*Director Postlewaite and Director Galligani spoke on this communication. Copies of these changes and a red lined version, with the changes made, were discussed. Director Postlewaite discussed the changes recommended and how these were determined. Several City departments and restaurant owners were included in this process. ADA changes and required percentage of accessibility were discussed. Warnings, violations and fines were also discussed Director Postlewaite stated if portable restrooms were provided, at least one had to be accessible. Director Galligani discussed the concerns of the restaurant owners and the Licensing Commission and the costs associated with this process. He also stated the roll out of a couple of different assistance programs. An assistance program of \$10,000 to help restaurants comply with this process will be one of these programs, design professionals will be hired by the City to help restaurants comply as well. A number of webinars have been scheduled over the next couple of months, in several languages, to help with compliance. Director Galligani stated he has had conversations with the Mayor and she is strongly suggesting the commission waive the permanent application fees and costs of these licenses for this year. Chair Lynch asked for the date of the exemption from the architectural review board. The expiration date was 12/31/21. No ADA waivers can now be granted. Chair Lynch asked about the Mass. design professional requirement and other states providing this documentation. Director Postlewaite stated out of state design professionals are not licensed in the state of Mass., and this is a requirement. Chair Lynch asked about an off the shelf seating plan for restaurants to be able to use. Director Postlewaite stated they are exploring these options. A discussion was held about reusing plans already submitted with the required authority stamp and highlighting any changes made. Discussion occurred about a Traffic & Parking meeting requirement for applicants of parklet seating. Director Galligani stated the grant application process should be up on the City's website in the next few days. A list of local professionals will be provided to restaurant applicants by Economic Development for assistance. Further discussion followed. Director Postlewaite explained the MAAB requires 5% accessibility; however the City will*

*require 10% accessibility. Commissioner Allen questioned enforcement of these rules and stated ISD has lacked manpower for enforcement purposes and 311 procedural concerns. Director Postlewaite stated a new ADA Coordinator has been hired. Chair Lynch stated the Licensing Commission also has some enforcement recourse. Commissioner Allen asked when these documents for the changes of the Rules and Regulations were made available to the public. He stated he received a complaint that they were not made available in a timely manner to provide comments. Director Postlewaite stated this document was provided to the Commission on Friday, but he did not know when it was made public. Chair Lynch stated he has checked with several other cities, Boston, Cambridge, Medford, Waltham, Newburyport and they are not expected to levy fees for outdoor applicants for 2022.*

*Public Comment followed.*

*Requesting Flexibility - 1*

*Somerville Persons with Disabilities not given red lined Document – 1*

*Redraft of the rules and regulations were not provided - 1*

*Encourage waiver of fees & ADA Furniture review – 1*

*Bonnie Denis, Chair of the Persons of Disability Commission, stated all recommendations were not included, and several things were removed.*

*Small Businesses are struggling & requests ABCC non-contiguous seating be looked into - 1*

*Chair Lynch stated Beacon Hill may pass a bill that may extend certain temporary powers to the local licensing authorities.*

*Glad for waivers and grant proposals and asked if this will be enough for new ADA furniture – 1*

*Encourages working with ADA and compliance – 1*

*Red line document not provided in timely manner, requests the commission not vote on this matter - 1*

*SPCD not being represented & non-compliance is an issue – 1*

*ADA regulations not new and this should be a non-issue of Federal Civil rights law - 1*

*Supports ADA compliance & requests year-long outdoor seating – 1*

*Recommends removing professional cert. plans requirement, requests clarifying and amending indoor & outdoor capacity for toilets and clarify process for applicants that have renewed their licenses. - 1*

*Chair Lynch asked what the toilet requirement is. Director Postlewaite stated this is based on the total seats, indoors and outdoors. Commissioner Allen asked about the ADA furniture compliance. Director Postlewaite stated the 10% minimum ADA seating requirement (by the City of Somerville).*

*Bonnie Denis stated that as this documents currently sits, it does not comply with MAAB in the terms of the percentage or number of accessible tables, it does not address they are supposed to be dispersed in each different area and by type which includes size. She also stated from a risk perspective handicap individuals dining outdoors and being forced to go indoors to use the restroom would be exclusive to them.*

*2 additional comments were made by persons who have already spoken.*

*Restaurant is ADA compliant with pre-covid restrooms and questioning why these changes are being made – 1*

*Requests flexibility – 1*

*Chair Lynch stated the commission received several ADA complaints and the ADA waiver is no longer available. He also stated the recommendations were not ignored; only 2 recommendations were not included. A short discussion was held on the ADA requirements and the Licensing Commissions purview on this matter. Director Postlewaite stated a wider accessible route on the sidewalk (expanding MAAB regulations) is required by the city. Commissioner Allen would like further review of violations, complaints and fees and would like periodic reviews of the outdoor seating establishments. He also requested clarification on greenhouses and ADA accessibility. Director Postlewaite stated accessible seating must be distributed throughout the seating that a restaurant provides, including outdoors. He stated it may be appropriate to require at least one greenhouse to be accessible, but may not require all of them to be ADA complaint. Further discussion followed. Temporary ramps and complaint ramps were also discussed. Chair Lynch asked Director Postlewaite about the general public having access to parklet seating after a business has closed and where this came from. He stated no other licensing commission has this condition. The commission has concerns about this.*

***The commission voted to waive the Application Fees and License Fees for Outdoor Dining for Public & Private Seating for 2022, waiver to end on 12/31/22, on a roll call vote with 3 in favor (Allen, Lynch and Thomas), 0 opposed***

***The commission recommended scheduling a Special Licensing Commission Meeting on 2/23/22 at 5:30pm to further review and let the public review the documents supplied.***

***The commission approved the continuation on this item for a Special Meeting to be held on 2/23/22, on a roll call vote with 3 in favor (Allen, Lynch and Thomas), 0 opposed***

3. Forklift Catering, LLC, Needham, MA notifying the Commission of an Event for approximately 150 Guests, to be held at Warehouse XI, 11 Sanborn Court, on Friday, February 18, 2022 from 8:00pm – 11:00pm (Alcoholic Beverages served from Forklift Catering, LLC)

***The secretary stated there will be approximately 150 guests. A note will be made by the secretary to correct this typo.***

***The commission made a note of this communication and placed it on file.***

### **SPECIAL ALCOHOL LICENSES**

4. Legoland Discovery Center – Jeff Lawson, 598 Assembly Row requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for Adult Night to be held Indoors at 598 Assembly Row on Wednesdays, March 9, 2022, April 13, 2022, May 11, 2022, June 8, 2022, July 13, 2022 & August 10, 2022 from 7:00pm – 9:30pm (PEL22-000003)

***Brendon O'Toole, Manager appeared for this application. Mr. O'Toole stated he has 8 years' experience with this event.***

***The commission approved this Special Alcohol License on a roll call vote with 3 in favor (Allen, Lynch and Thomas), 0 opposed***

### **EXISTING**

### **COMMON VICTUALLER LICENSE**

### **Change of Hours**

5. Rei Da Picanha & Events Inc. d/b/a Rei Da Picanha at 129 Broadway requesting approval for a Change of Hours  
From: Tues-Fri: 11:00am-8:00pm, Sat: 11:00am-10:00pm and Sun: 11:00am-5:00pm  
To: Sun-Sat: 5:30pm-12:00am  
(ALM22-000007)

*Felipe Nonato, manager appeared for this application. Mr. Nonato stated he has been the manager for 10 years. He also stated the hours on this application are incorrect, and should be **Sun-Sat: 6:00am-12:00am**. The secretary was instructed to correct these hours on the application.*

*The commission approved this Common Victualler License, with the noted hours of operation change, on a roll call vote with 3 in favor (Allen, Lynch and Thomas), 0 opposed*

### **EXISTING ALCOHOL LICENSE**

#### **All Forms Alcohol 7 Day Restaurant**

#### **Alteration of Premises**

#### **Change of Ownership Interest (LLC Members/LLP Partners, Trustees) and Change of Officers/Directors/LLC Managers**

6. Bow Market Entertainment LLC d/b/a Bow Market at 337 Somerville Ave. requesting approval of an Alteration of Premises, a Change of Ownership Interest a Change of Officers/Directors.  
(ALM21-000073)  
\*This is an Administrative Item only. This amendment was approved by the Licensing Commission on 9/20/21 (The AD was placed on 9/8/21). Applicant submitted requested documentation by the ABCC and requires Licensing Commission Approval.

*Zachary Baum, manager appeared for this application. The secretary confirmed that the requested documents by the ABCC were submitted.*

*The commission approved this Administrative Item for a Change of Ownership Interest (LLC Members/LLP Partner, Trustees) and a Change of Officers/Directors/LLC Managers, on a roll call vote with 3 in favor (Allen, Lynch and Thomas), 0 opposed*

### **EXISTING ALCOHOL LICENSE**

#### **Farmers Pouring License**

**Entertainment by Devices and Patrons**  
**Outdoors on PRIVATE Property**

7. Indignant Brewing Co., LLC d/b/a Winterhill Brewing Company, 328 Broadway requesting an Entertainment by Devices and Performers License Outdoors on PRIVATE Property (ALM21-000093)

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

*Breck Bailey appeared for this application. Commissioner Allen asked if they had received any noise complaints. Mr. Bailey stated they had not. Commissioner Allen asked that Mr. Bailey be cognizant of noise for the neighbors. Chair Lynch suggested he apprise himself of the noise ordinance and that he also brush up on the decibel level allowed. Bonnie Denis, Chair of SCPD stated there is a long history of non-compliance in the parking lot. Mr. Bailey stated this entertainment is for the deck only on Private Property, not the parking lot.*

*The commission approved this Entertainment by Devices and Performers Outdoors on PRIVATE Property, with the noted change to private property, on a roll call vote with 3 in favor (Allen, Lynch and Thomas), 0 opposed*

**EXISTING ALCOHOL LICENSE**

**All Forms 7 Day Restaurant**

**Change of D/B/A**

8. New England Neapolitan Assembly Row LLC d/b/a Medici at 463 Assembly Row requesting a Change of d/b/a from Medici to Salt & Stone (ALM22-000002)

*Sean Olson, manager & owner, for 3 years, appeared for this application. A statement was made that there were indoor renovations made, to the bar and new equipment was installed. Mr. Olson stated they are reinventing the inside and changing the layout. Some equipment has been added/changed, and a new bar has been installed. He also stated all city approvals were received for the renovations. The secretary stated depending on the renovations made, an amendment may be required. Mr. Olson will contact the secretary to make a determination on whether an amendment is required or not.*

*The commission approved this Change of D/B/A, and Mr. Olson will contact the secretary to determine if an amendment will need to be filed, on a roll call vote with 3 in favor (Allen, Lynch and Thomas), 0 opposed*

### **EXISTING ALCOHOL LICENSE**

#### **All Forms 7 Day Restaurant**

#### **Change of Manager**

9. Rebel Restaurants Somerville LLC d/b/a Tony C's at 699 Assembly Row requesting a Change of Manager from Richard Irvine to George C. Mugford (ALM22-000003)

*Ann Marie Johnnene and George Mugford appeared for this application. Mr. Mugford has been with Tony C's just under 3 years and is TIPS Certified.*

*The commission approved this Change of Manager, on a roll call vote with 3 in favor (Allen, Lynch and Thomas), 0 opposed*

### **EXISTING ALCOHOL LICENSE**

#### **Wine and Malt Package Store License**

#### **Change of Officers/Directors/LLC Managers**

10. LLH, LLC d/b/a Trader Joe's at 145 Middlesex requesting a Change of LLC Managers from Edward Seeker to Tracy Anderson-Ingram (ALM22-000005)

*Attorney Andrew Upton appeared for this application. Attorney Upton stated this is a corporate headquarters change for all Mass. Stores.*

*The commission approved this Change of Officers/Directors/LLC Managers, on a roll call vote with 3 in favor (Allen, Lynch and Thomas), 0 opposed*

### **EXISTING ALCOHOL LICENSES**

#### **All Forms 7 Day Restaurant**



### **Alteration of Premises**

11. Vinal General LLC d/b/a Vinal General Store at 220 Somerville Ave. requesting approval for an Alteration of Premises: The applicant submitted a new Floor Plan with 2 additional Partitions and reduced seating from 24 Seats to 12 Seats (ALM22-000006)

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

*Sarah Murphy appeared for this application. Bonnie Denis, Chair of SCPD asked if this is in compliance with ADA seating. Chair Lynch stated this was signed off on by the correct departments. Brian Postlewaite, Director of Engineering, spoke on the signoffs for this application and he is not certain Engineering was notified. He also stated ISD would solely sign off on this application with potential signoff by the ADA Coordinator. Public attendee Crystal Huff would like to see the floor plan. Chair Lynch referred Ms. Huff to the secretary to request this information.*

*The commission approved this Alteration of Premises, on a roll call vote with 3 in favor (Allen, Lynch and Thomas), 0 opposed*

### **NEW**

### **All Forms 7 Day Restaurant, Enhancement Area Common Victualler, Entertainment by Devices Indoors and Outdoors, Sunday Hours Licenses and**

#### **\*Outdoor Public Parklet Seating – subject to a Change in the Rules and Regulations**

12. EL K Group LLC d/b/a La Bottega at 251 Washington St. requesting approval of an All Forms 7 Day Alcohol, Common Victualler, Entertainment by Devices Indoors and Outdoors, Sunday Hours and an\*Outdoor Public Parklet Seating License (subject to a change in the Rules and Regulations)  
(AL21-000048)  
Hours of Operation: Sun-10:00am-1:00am and Mon-Sat: 8:00am-1:00am  
(AL21-000048)

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

*Victoria Campbell and Kevin Walsh, owners, appeared for this application. Ms. Campbell discussed their qualifications and Somerville resident status. Bonnie Denis, Chair of SCPD stated the current outdoor furniture is not ADA compliant.*

***The commission Conditionally Approved the Outdoor Public Parklet seating contingent on the acceptance of New Outdoor Seating rules and regulations to be voted on at a future meeting.***

***The commission approved this NEW All Forms 7 Day Restaurant, Enhancement Area, Common Victualler, Entertainment by Devices Indoors and Outdoor and Sunday Hours License, on a roll call vote with 3 in favor (Allen, Lynch and Thomas), 0 opposed***

## **NEW**

### **All Forms Package Store License**

#### **Transfer of License, Pledge of License and Pledge of Inventory**

13. SKNM Corporation d/b/a Teele Square Liquors 1119 Broadway requesting a Transfer of an All Forms Package Store License from Everest Mart Inc. d/b/a Teele Square Liquors at 1119 Broadway to SKNM Corporation d/b/a Teele Square Liquors and a Pledge of License and a Pledge of Inventory to Eagle Bank  
(AL22-000002)

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

***Attorney John Mooradian of Demarkis Law Office and Nitash (Nick) Patel appeared for this application. Mr. Patel has 17 years of alcohol sales experience. Mr. Patel stated no violations with local authorities or the ABCC have been reported.***

***The commission approved this Transfer of an All Forms Package Store License, Pledge of License and Pledge of Inventory, on a roll call vote with 3 in favor (Allen, Lynch and Thomas), 0 opposed***

## **MARIJUANA RETAILER LICENSES**

### **New Marijuana Retailer License**

14. Holistic Industries, Inc. d/b/a Liberty, at 304 Somerville Ave. requesting approval for a Group B Priority, NEW Marijuana Retailer License  
Hours of Operation: Mon. – Sat.: 10:00AM – 8:00PM & Sun: 11:00am-5:00pm  
(ME21-000004)

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

*John Harrington, lead presenter, David Cohen, Steve Harrell, Vince Canalas, Chief Security Officer, Rabbi James Kahn, Executive Director of Liberty Cannabis Cares and Sharon Ciaramitaro appeared for this application. A presentation was made to the commission by these individuals and is included in the meeting materials on the website.*

*Charlotte Leis, liaison to the Office of Community Development spoke on this application. Ms. Leis stated the execution date of the HCA was 11/20/20. The neighborhood meeting was held on 9/7/21 or 9/8/21 (no video is provided by the city or the applicant. A Community Meeting is a requirement prior to being eligible for the planning board and the special permit. Chair Lynch stated several comments were received on this application, Councilor JT Scott recused himself from commenting, and Councilor Ben Ewen-Campen is taking the lead on the Council side of this matter. Chair Lynch asked about a Somerville Police Department investigation in the area. One of the speakers stated there have been formal and informal requests received from the police department (due to cameras at this location) and this establishment has cooperated. Commissioner Allen asked about the 50% hiring commitment from Somerville and surrounding communities (in the greater Boston area). A discussion was held on recruitment of employees. Commissioner Allen asked about the parking lot being used for a queuing area, and no public way will be blocked. He also asked about product being provided. All products will derive from Mass. No armed security will be on the premises.*

*Commissioner Thomas disclosed he is an abutter to this application. After a recess, Attorney David Shapiro, from Somerville's Legal Dept. determined Commissioner Thomas would need to recuse/remove himself from this discussion due to being an abutter.*

*The applicant stated the license and special permit are required prior to submission of the application to the CCC. Chair Lynch asked if the CCC and the Somerville Licensing Commission applications were in sync. It was stated they were.*

*Documents were submitted by the applicant for the approved HCA and the Change of Ownership approved by the CCC.*

*Chair Lynch stated the front door doesn't appear to be ADA compliant. The applicant stated the side door is ADA compliant.*

*Charlotte Leis discussed how applicants were scored and the order of approval for their license to be issued.*

*Commissioner Allen asked about a CCC Investigation due to an email received by the commission late this evening.*

*Who is handling ATM at the establishment. Applicant stated he would get back to the commission with this answer.*

*Public Comments: Crystal Huff is concerned about racial Justice*

*Jessica Eschelman is in strong support of this application  
Rabi James Hahn spoke on behalf of this application*

***Please note: A Change in Ownership was submitted and approved by the CCC. The HCA was issued with the original ownership listed.***

*The commission approved this application for Retail Marijuana with the following condition: 6 months by Appointment only, after the License is issued. The applicant can come back to remove this requirement within this 6 months, on a roll call vote with 2 in favor (Allen, and Lynch), and 1 recused (Thomas)*

### **LATE ITEM**

15. Communication from the City Clerk conveying proposed changes to the Rules and Regulations of the Licensing Commission based upon the administration's Outdoor Seating Proposal.

*The commission approved the continuation on this item for a Special Meeting to be held on 2/23/22, on a roll call vote with 3 in favor (Allen, Lynch and Thomas), 0 opposed*