

2021 Minutes of the Somerville Licensing Commission

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**City of Somerville
Licensing Commission**

Regular Meeting by Remote Participation

**DRAFT OF THE
Minutes of the Regular Meeting
Monday, January 25, 2021
Posted Thursday, February 25, 2021 at 2:15pm**

*The meeting was called to order at 6:01pm. Present were Commissioners, Lynch, Allen and Lindgren, Secretary to the Commission Lori Batzek, Lt. MacLaughlan, a member of the Fire Dept., Sgt. Chaille, a member of the Police Dept., City Clerk, John Long, Members of the City Staff, Applicants and members of the public.
The meeting adjourned at 11:36pm*

A recording of this meeting is available online

NOTICE: This is NOT the official version of the Licensing Commission's Minutes. While reasonable efforts have been made to assure the accuracy of the data provided, do not rely on this information without first checking with the Secretary to the Licensing Commission.

**Monday
January 25, 2021
6:00pm**

**Published January 15, 2021, at 6:00pm
Published January 21, 2021, at 5:00pm
Published January 25, 2021, at 4:40pm**

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/3495367668060459278>

If you wish to submit comments on any item on this agenda, you may send written comments by US mail to the Secretary of the Licensing Commission, 93 Highland Avenue, Somerville, MA, 02143, or by email to ljbatzek@somervillema.gov. Your comments must arrive no later than 12 Noon on the day of the meeting, in order to be sure they are conveyed to the Commission.

COMMUNICATIONS

1. Minutes of October 29, 2020 Special Meeting

The Commission Approved these minutes

2. Minutes of November 16, 2020 Regular Meeting

The Commission Approved these minutes, except for item #10, Public Outdoor Seating (2nd motion). This item was read, but not voted on. To be continued to the February 22, 2021 Licensing Commission Meeting

3. Notice from Governor Baker pertaining to the following: January 7, 2021, Governor Charlie Baker issued an Order extending the time period on the restriction on the number of patrons allowed in retail licensees' premises to 25% capacity limit. This includes licensees that sell alcohol for consumption both on- and off-premises. **These limits are now in effect until January 24, 2021, unless further extended by the Governor. Please note this Updated Advisory replaces and supersedes the ABCC's December 24, 2020 Advisory.** (Issued January 8, 2021) from the ABCC

The Commission noted this communication and placed it on file

- 3a. Notice from Governor Baker pertaining to the following: January 21, 2021, Governor Charlie Baker issued COVID-19 Order No. 62, an Order Further Extending Application of Additional Capacity Restrictions to Statewide COVID-19 Safety Rules and Rescinding Early Closing Requirements. **As of Monday, January 25, 2021, all retail alcohol licensees may resume sales and service of alcohol pursuant to the hours indicated on their licenses.**

Please be aware that all retail licensees are still restricted to a 25% capacity limit as explained in the ABCC's January 8, 2021, Advisory. **This restriction is extended until February 8, 2021.** (Issued January 22, 2021) from the ABCC.

The Commission noted this communication and placed it on file

- 3b. Communication from Mayor Curtatone's Office (dated January 25, 2021 at 2:23pm) pertaining Governor Baker's January 21, 2021 COVID-19 Order No. 62

Dear Licensing Chair Lynch,

For the purposes of today's commission meeting agenda, I wanted to communicate the city's current stance based on local health data.

While we have seen a minute decrease (1.9%) in our 14-day rolling average of daily incidence rate per 100,000 in the last 7 days and a modest decrease in our 14-day positivity percentage (less than 1 percentage point), we are still at critically high levels of daily incidence and prevalence high numbers. Our daily incidence rate is more than 5 times what it was at the beginning of November.

The current data does not warrant a change in our existing restrictions for restaurants and other industries. There are additional concerns about the emergence of more contagious variants and lagging vaccine distribution. We are not, until we have access to this week's 7-day report, in a position to recommend any easing of the current restrictions.

Please let me know if you have any questions or any items that you would like me to clarify.

All my best,

Omar

Omar Boukili
Virtual EOC Director | Covid19 ICS - Incident Commander
City of Somerville
93 Highland Ave.
Somerville, MA 02143

The Commission noted this communication and placed it on file

NEW Marijuana Retailer License

Applications

4. The Harvest Club, 255 Elm St. requesting approval for a Group A Priority, NEW Marijuana Retailer License

Hours of Operation: No Hours of Operation listed on the application or documentation submitted. This is the Notice of a Public Hearing for this Item. The Public is welcome to attend and be heard. (ME20-000006)

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

Christopher Vining, Attorney Anne Vigorito, Paul Verruto, Alexander Coon, Andrew Matses and Stephen Siragusa appeared for this applicant. Mr. Vining provided a presentation on this application. Attorney Vigorito spoke about the positions held by each person, including Dan Quaile the lead architect and David Giangrande regarding the Traffic Study. This company was founded approximately 2 years ago. Mr. Vining is a member of the State's social equity program. The company is also pursuing a cultivation manufacturing and processing facility in Littleton. They plan to sell a variety of marijuana products approved by the CCC. Mr. Vining discussed the floor plan and believes there will be no waiting. He also discussed the community space being made available. The floor plan continued to be discussed. An art gallery and live music and live events will also be planned. Approximately 27 security cameras will provide viewing of the entire premises. 24/7 monitoring will be done both inside and outside the premises. A security team will be monitoring the inside premises during hours of operation. Items will not be branded to children. Somerville residents and disproportionate impact persons will be given preferential hiring preferences. Commissioner Allen had some questions about local hiring, and if an employee needed to move from the City of Somerville. Mr. Vining stated this was something they could work on. Commissioner Allen asked about delivery to the facility. Mr. Vining stated this would be handled during off hours and they have a loading zone in front of the premises. Exterior cameras will be installed facing the street. Commissioner Allen referenced a large marijuana theft at a dispensary in Boston, and asked why this could not happen at this facility. Mr. Vining didn't know the circumstances of their security, but is confident in his facilities security. Commissioner Allen asked how they would be managing queues and traffic during their initial opening. Mr. Vining stated this facility will not be open tomorrow and there will be additional operations opening. He also stated they will be open by appointment only for 30 days. And then come back to the Licensing Commission for approval of the hours of operation listed below. There will be express ordering and 1500 -2000 sq. ft. of waiting space to alleviate any queueing on the street. Commissioner Lindgren asked if the signage will be in other languages. Mr. Vining stated they would be in the languages that their products serve. Commissioner Lindgren is concerned about traffic and social distancing. Mr. Vining stated he believes 4800 sq. ft. is a very large dispensary and feels this is adequate for social distancing. Commissioner Lynch asked about the wages for employees. Mr. Vining stated \$15 is the wage paid for entry level employees or possibly a little higher than that. Commissioner Lindgren asked if any CBD products will be sold. Mr. Vining stated only State approved products will be sold. Chairman Lynch asked if a community meeting was held. Mr. Vining stated a meeting was held on January 7th, and an additional meeting was held on February 4th. The reason for 2 meetings was because they want to be very up front and open with the community and for ADA compliance. The January meeting had about 60 participants, but he did not know how many were residents, or staff of the applicants, Sira was also included in this meeting. The meeting was about 2.5 hours. Charlotte Leis stated the January meeting was a requirement due to the youth special permit. Preparation of minutes were required. Charlotte stated there were approximately 30-40 members of the public in attendance. Chairman Lynch asked Mr. Vining if Councilor Davis submitted any kind of documentation to him stating he was pleased with the meeting or if he had any issues with the application, and stated he did not see Councilor Davis in attendance for tonight's meeting and has not received any written comment from him. Mr. Vining stated that Councilor Davis made comments during both Harvest and Sira's presentation. The biggest concern seemed to be line mitigation and exterior windows and the Art to be displayed. Mr. Vining mentioned Councilor Davis's concern about the aesthetic of Davis Sq. art and the art displayed by CVS. Mr. Vining is open to different thought processes for the windows. A discussion was held about the public's response to the application at this meeting. Mr. Vining feels this idea has been very well received. Attorney Vigorito stated she was at the January meeting and she stated this application was well received by the community. Commissioner Lindgren suggested signage informing customers that smoking is not allowed in public. Due to ADA compliance, they were not able to submit their application to the CCC in January, but will probably submit in February. The plans submitted to the Licensing Commission are temporary plans and not yet approved. Chairman Lynch asked for an estimate of time until the application goes before the facility will open. Charlotte Leis stated submission to the ZBA will require a use special permit for cannabis retail sales from the planning board, and will also require minor site plan approval. To confirm, it's an administrative approval that the storefront complies with zoning. Charlotte Leis explained the process for the application and approval once submitted. Once the meetings are complete and all documents have been submitted, Charlotte estimates 65 days from that date to account for advertisement and the review process. Mr. Vining believes they will not be open until Q4, as the CCC will need to also approve this license. Construction will take 12-14 weeks. This is a Group A application, as a Somerville Resident. Mr. Vining owns 50% of the company. He plans to do a joint venture with a crowd funded vehicle that will be populated with Somerville residents, who are not accredited investors to make investments into the cannabis industry. Mr. Vining intends to use crowdfunding

exemptions through the state, however if that effort is unsuccessful, he will still be in compliance with as a Priority A status application. Chairman Lynch asked if this type of funding has been allowed by the CCC previously. Mr. Vining replied no. Further discussion was held on this issue. Mr. Vining stated he had other funding available if this does not receive CCC approval. Chairman Lynch questioned the branding name of the business and asked if Mr. Vining may find a legal issue with the. Mr. Vining stated he did not.

Chairman Lynch stated that the commission has received multiple letters with comments pertaining to this application. He also asked if Mr. Vining felt it is his responsibility as a recreational marijuana operator to have some type of community association of recreational operators in the city, that share information on how to alleviate some of the problems that he may have with the community, such as a Community Advisory Board. Mr. Vining felt this was a good idea and he would welcome being a member of this type of board. Outside cameras and rear access to the building were discussed. Chairman Lynch expressed concern that sometime loading zones are removed by the City. Mr. Vining stated if this occurred, he would use best practices at all times. Mr. Vining stated unmarked vehicles will be used for delivering products, and no one inside will be armed. Commissioner Lindgren asked about delivery of product and ordering online. Mr. Vining stated online orders will be taken, however, delivery of the product is a different, separate license, and he will be looking into that in the future. Commissioner Allen asked for some crowd funding clarification. Mr. Vining stated this would only be available to Somerville residents. Ownership percentage thresholds were discussed.

Public Comments

Allison Howe spoke on this matter. She lives about a block and a half from where this establishment will be. She stated she has concerns that the city has a fair number of homeless individuals and worries that this establishment could increase this number. She was impressed with the presentation. She asked how long Mr. Vining has lived in Somerville. Mr. Vining replied he has lived in Somerville for the past year. Mr. Vining is looking to make Somerville his long term home. Mr. Vining expounded on Community involvement and taxes and fees that will be paid to help the homeless population.

Derrick Rice spoke on this matter. He is a resident of Craigie St. He attended the community meeting and wanted to speak in support of this application. He stated that someone was stuffing mailboxes with a pamphlet calling for protest of these applicants and two of the bolded comments at the top of the pamphlet were, do you care about your children and do you want your property value to drop. He feels this is a privileged view. Mr. Rice feels both the creative use of community space and equity concerns brought up at the community meeting were above and beyond other applications heard.

Jess Liborio spoke on this matter. She is a neighbor on Bowers Ave. behind the Goodwill. She received an abutter notice from Sira but nothing specific about Harvest. She submitted a letter to the commission regarding her concerns of 4 establishments in Davis Sq. and the profits made by the establishments. She does not support more than 1 license for this area.

Stephen Mackey, President of the Somerville Chamber of Commerce spoke on this matter. He is in favor of this proposal. He believes this is capable ownership. They are very familiar with the community in the business district. They have paid a great deal of attention things and the design is noteworthy. The attention to social equity and those concerns make them stand out.

Christina, Steven Kwong's wife, spoke on this matter. She is a neighbor at Bowers Ave. She agrees with what Jessie said earlier. Her property is 1-2 minutes away from both Harvest and Sira. She states we do not need 4 retail stores in such a small area. There are lots of children and families in this area. She is probably against this. She states a violent act was perpetrated at her property. She also believes traffic will be problematic. She states she is publicly against this.

Chairman Lynch states, we currently have 1 approved provisionally license from last year for the Davis Sq. Area. This evening there are 2 applications before the commission for approval, for the Davis Sq. Area. Chairman Lynch states members of the public are stating there are 4 recreational marijuana licenses for the Davis Sq. Area, please keep in mind that the commission has not seen a 4th application for the Davis Sq. Area.

Jose Comenares had his hand raised, but did not speak on this matter.

Mr. Vining replied to the speakers on this matter. He states there are 4 liquor stores in the area and there have been no issues. He also states Design Consultants was commissioned for a traffic study, and the customers that intend to come to his facility will be foot traffic, bike traffic and public transportation, and the traffic study provides evidence of that. Chairman Lynch asked if this study was submitted in Citizen Serve. Charlotte Leis stated 2 applications would have been submitted to Citizen Serve, one for Zoning and one for Licensing Commission approval. The traffic study is required for zoning approval. It may not have been to the Licensing Commission. Attorney Vigorito stated she believed it was submitted for Planning & Zoning. Chairman Lynch stated the first three applicants submitted a traffic study to the Licensing Commission as a courtesy to let the commission know what problem there may be because the members of the public are concerned about traffic. The commission's

policy is to look at this study, even though the commission cannot approve or deny the application based on the traffic study. Chairman Lynch is requesting a copy of the traffic study be provided to the commission.

Commission Allen asked Mr. Vining if he planned on providing his employees with MBTA passes as part of their package. Mr. Vining answered yes and they will have bike storage in the back as well.

Chairman Lynch stated he needed clarification of a few things. He stated he needed to see the hours and days on the application. The secretary stated there is no process at the moment to put this information on the Licensing Commission Application. A request has been put in to City Clerk John Long to allow the addition of Hours and Days of Operation. Chairman Lynch asked if Mr. Vining has a fully executed Host Community Agreement. Mr. Vining replied yes. Charlotte Leis stated there was a minor edit made on the round 2 Host Community Agreements that permitted changes in amount of ownership that do not trigger the 10% CCC requirement. If you have a 1% owner and they leave, and a different 1% owner comes in, that does not revoke the Host Community Agreement, that change was made in part two. Charlotte Leis stated Harvest Club does have a fully executed Host Community Agreement, it is available online and she will send it to City Clerk John Long and/or Secretary Lori Batzek.

Chairman Lynch asks the following questions, If the CCC does not approve this ownership, does the applicant need to get Licensing Commission Approval for different ownership? This will need to be determined by the commission. Are there any restrictions to being near a house of worship? Mr. Vining stated he believed this restriction was removed. Chairman Lynch asked if there were any restrictions being next to a playground. Mr. Vining replied there were no issues with this particular site. Chairman Lynch asked these questions due to the comments being received on marijuana retail license applications, and proximity to playgrounds, churches and primarily the proximity of potentially three recreational marijuana stores within the Davis Sq. business district. He would like the public to be aware of any restrictions Chairman Lynch recommended the commission start deliberating on this application.

Commissioner Allen stated the Marijuana Overlay is a thing of the past, with the adoption of the new zoning ordinance. All marijuana related zoning can now be found there. He stated this leads into discussing what are the criterion that the licensing commission uses, and that these were given to the commission by the City Council. There are a couple of points that are relevant and germane to the commission. An inventory of locally and regionally grown products, employment of local residence, offering competitive wages and benefits, use of sustainable and green renewable energy practices and quality of relationship with the community. The commission does not look at vicinity of competing businesses. The commission does not look at zoning. Zoning is addressed before the Planning Board. Zoning is already factor for the marijuana advisory committee, and at least one application was denied, because they were not in compliance with the new zoning ordinance. He stated the site plan looked great and the applicant did the best they could with the restrictions that cmr 935 places on the applicant in terms of how the storefront has to look. After a few additional comments, Commissioner Allen stated is generally in favor of this proposal.

Commissioner Lindgren stated she concurs. The proposal is sound and the applicant was very thoughtful and was very well planned. She has some concerns about the number of stores in a small area, but stated the commission is not in charge of zoning and did not make those decisions. Commissioner Lindgren states other than that, she would approve this license.

Commissioner Allen stated the applicant proposed a 30 day by appointment only. The commission may extend that time frame with the caveat if after a month's time there are no issues, to come back to the Licensing Commission to revisit these hours.

Mr. Vining stated this information was on the document he submitted with the hours of operation.

Chairman Lynch stated he is not ready to approve with conditions. After reading the comments submitted by the community, there appears to be a split about who is saying what to whom. He feels it is incumbent on the applicant to straighten out any misconceptions. He also stated it appears someone doesn't want marijuana shops in Davis Sq. and referenced the paperwork put in resident's mailboxes with misinformation. Chairman Lynch still has some documents to read, and would like to see the host community agreement. He also would like to see how the ownership of this entity is handled if the crowd funding is not approved by the secretary of state or the CCC. He also stated there have been complaints filed against certain applicants and the CCC, however, not Somerville applications. Chairman Lynch asked if public performances will be held in the front area. Mr. Vining replied not. It will be a static art display, which they will seek approval for the street facing windows. No live music will be played. A board will be provided for notices of Somerville performances only. Additional discussion was held on the community and art space. Mr. Vining stated if the crowd funding is not approved, they will go with another plan for financing.

Commission Allen believes the commission may be getting caught up in the details of the crowd funding, and stated we have rules in place for ownership and control on this matter. Mr. Vining stated he want to use the crowd funding to remove the accreditation requirement, for social equity purposes to allow people who may not be able to

enter into this industry, to have an opportunity. Chairman Lynch asked about how the management would be structured with so many other investors. How will policy will be designated and structured. Mr. Vining replied through the licensee, the Harvest Club.

Commissioner Allen stated there was nothing currently in the proposal for crowd funding and recommended, and perhaps specifically require, in order to move forward on this matter, to have the applicant come before the licensing commission again to discuss it, when ready to be rolled out. Additional discussed followed.

A discussion was held on the conditions of providing provisional approval. The traffic study is one. Chairman Lynch stated the commission has to listen very carefully to the community. At least 3 of the written comments express fears about congregating in front of the building with cues, with lines. The applicant has stated a preference for 30 days by appointment only. Chairman Lynch stated he does not know when the other recreational marijuana licensees, with provisional approval will be open. If this applicant opens in late summer or early fall, and is the only establishment open and selling recreational marijuana, there will be a problem on the sidewalk in front of the establishment, which will affect other businesses. Chairman Lynch stated he was not comfortable with a 30 day by appointment only, and suggested a 6 month period. The applicant could then come to the licensing commission for reconsideration. Mr. Vining agreed.

The commission Provisionally approved this Marijuana Retail License with the following conditions:

1. The business shall be run by appointment only for the first six months, after the issuing of the license, with the proviso, that the applicant may come back to the licensing commission to request a shorter period.
2. Any change to the ownership structure utilizing crowdfunding platforms or advertising for purchase by non-accredited investors shall require approval by the licensing commission.

The hours of operation will be listed as Mon.-Sat. 10am-9pm & Sun.11am-5pm

The Secretary entered into the record: An email was received on 1/21/21 pertaining to the proposed hours of operation:

Mon –Sat.: 10am-9pm and Sun.: 11am-5pm

Mr. Vining stated he would upload the traffic study and CHA to the licensing side on Citizen Serve.

5. Revolutionary Clinics II Inc., 67 Broadway requesting approval for a Group B Priority, NEW Marijuana Retailer License
Hours of Operation: Mon. – Sat. 9:00am – 9:00pm & Sun. 10:00am – 5:00pm
This is the Notice of a Public Hearing for this Item. The Public is welcome to attend and be heard.
(ME20-000007)
This is the Notice of a Public Hearing for this Item. The Public is welcome to attend and be heard.

Attorney Anne Vigorito, John Grennon, Jonathan Capano, Keith Cooper, Tom Schneider, Brad Miller, Stephen Siragusa and Bruce Hampton appeared for this application. Attorney Vigorito spoke about the positions held by each person. Mr. Cooper provided a presentation. A Summary of the Qualifications for AU Cannabis was provided. Mr. Cooper stated they have operated a medical dispensary in Somerville for over 3 years. They also have a cannabis factory in the state and produce products sold in 40 MA stores. This is a MA only company. Mr. Cooper stated his company's retail employees are over 70% Minority and female and they pay 20% higher than average wages starting at \$19.35 an hour for an entry level position plus benefits. Somerville residents are employed by this company and they have invested over \$1,000,000 to improve the existing business building. Mr. Cooper stated they will be converting the adjacent 5 car garage to expand the dispensary. He also stated they have twice as many parking spaces as required. He stated they will implement an appointment only based system, as discussed on the previous application heard. Mr. Cooper spoke about the company's Community involvement and Commitments and discussed what they were. Mr. Cooper spoke about Rev Clinics' Community Outreach manager. He also described the ASPIRE program, across the state, to help other businesses and they will be expanding this program in 2021. Mr. Cooper explained the Security Systems, Policies and Procedures that will be in place. Chairman Lynch asked about the existing security and new security. Mr. Cooper explained that the existing security is already in place for the Medical Dispensary. Additional security implementations will be provided for the Retail space, similar to what is already in place. Mr. Grennon spoke about the security and that it exceeds the requirements. He also spoke about his security company's interaction with the Somerville Police Department. Chairman Lynch asked about the external camera's pointing towards residences around the establishment, and have abutting neighbors stated cameras are pointed at their properties. Mr. Cooper stated not to his knowledge. Mr. Grennon stated none of the camera's pointed toward resident's windows and provided details on this matter. Commissioner Lindgren stated she is familiar with this property. Commission Allen stated he had questions about the difference between the Medical and Retail operations. He stated that he wanted to ensure that the applicant is cognizant and in compliance with maintain the 2 separate businesses. He noted that the website can be used to see

all the current existing operations and products. He asked what the specific differences would be, between the products for Medicinal and Recreational use. Mr. Cooper stated that the only difference would be that there are certain medical products which have higher doses than are allowed for adult use. Adult use has a limit of 100 milligrams per package, and 5 milligrams per dose of THC. An example would be a chocolate bar, with 20 squares, each square could be 5 milligrams THC for a total of 100 milligrams. A medical chocolate bar could be 800 milligrams of THC, and there are people who need that dosage for pain medication. He stated that over time, a tolerance can be built up. Commissioner Allen referenced cmr 935, 500-105 which is about packaging design, specifically the area that stipulates no bright colors and existing comparisons, any existing branded consumer products and particularly, it cannot be named after imitating or having a semblance to existing products including food and beverages that do not contain marijuana. Commissioner Allen stated that some of the items currently listed on their website, Chocolate Orange, Charlotte's Web, Apple Cider Doughnut bar, and he asked if Mr. Cooper thought that those were compatible with the recreational or adult use requirements. Mr. Cooper stated that each one would be reviewed by the CCC and they will make sure each and every product is in compliance with adult use regulations. A discussion was held on how the products are approved by the CCC and then sold. Commissioner Allen had some questions about edibles and stated some consumers can get into potential trouble. He asked how the educational campaigns help with this issue and what tools would be used for new customers who aren't familiar with this product. Mr. Cooper stated there is information on the website, there is a new customer brochure about dosages, including edibles, including regulatory limits and what they would recommend. There are 4 employee's who answer questions, 3 are full time. Chairman Lynch asked the date of the community meeting. Mr. Cooper replied, November 17th, and then a neighborhood meeting on January 5th. There were approximately 20-25 attendees, not affiliated with his company. He stated there were some really good questions, about traffic, security and so forth, and he thought it went well. The CCC application was filed on January 8th. Chairman Lynch asked about the ownership. Mr. Cooper replied, there are almost 200 individual investors, there is 1 majority owner with 10% ownership. Chairman Lynch asked if an additional Host Community was needed for the recreational license. Mr. Cooper replied, yes and stated it had been executed. Chairman Lynch requested a copy of this from Charlotte Leis. She stated she would send them this evening. Commissioner Lindgren stated all the Host Community Agreements were sent to the Commission by email this evening, by the secretary. Chairman Lynch asked if this company had any goals in trying to hire Somerville employees. Mr. Cooper stated he would like to have 15%, or more and will be hiring 20 additional employees. Starting wages are \$19.35 an hour. Covid protocols are in place. Delivery is through a window. Zoning was discussed. Attorney Vigorito stated a youth special permit is needed as well as site plan approval. This matter is going before the urban design committee, tomorrow, this is a requirement for site plan approval, another neighborhood meeting is required before proceeding to the planning board. Chairman Lynch asked if the offices upstairs will take away from parking. Mr. Cooper stated no employee's use parking on site. A discussion was held about community involvement in Somerville and Cambridge. A discussion was held about youth education as well. Outreach is done by Gary Perry, approximately 75% in Cambridge, they have 2 stores in this city. Gary also helps this business find people in the community who need a break, to employ. Further discussion followed. Also discussed was the concern that some medical marijuana patients have issues with services of both medical and recreational marijuana. Mr. Cooper stated privacy is very important and that is why his company has 2 separate sides to this business. A discussion on this matter followed. Commissioner Allen asked if there had been any complaints or issues of diversion during their 3 years of operation. Mr. Cooper replied no.

Public Comment

Liam Wang spoke on this matter. He lives on Wall St., 2 minutes from Davis Sq. He says he has no problems with these dispensaries with regard to the number of stores and feels they are probably better than liquor stores, convenience stores selling cigarettes without the security that these folks have. This application has his full support.

Stephen Mackey, President of the Somerville Chamber of Commerce spoke on this matter. He states this is outstanding ownership management, a wonderfully diverse workforce, 3 years of exceptional performance and operations, an attractive physical plant and community presence. He stated he believes overall the aspiration for best in class in the nation is to be applauded and admired Especially with the evidence in their 1st 3 years of operation. He is in favor of this proposal.

Everett Liborio spoke on this matter. He lives nearby. He is not too happy about this site they want to open. He stated they also talk about Harvest, also they're going to open one. He feels it's too many retail stores, because there is a lot of traffic in Davis Sq. and other issues related to parking and etc, etc.

Eric Schwartz spoke on this matter. He stated that it was interesting that a Somerville Official, he believes previously made the comment that Revolutionary Clinics was best in class, with the Somerville city commerce department, if he's not mistaken. He stated he wanted to go on public record, that this is the same company that did sue the City of Cambridge over an equitable ordinance and they lost, which he believes was the second of their court cases, this one being an appeals court case that actually upheld, Chapter 94g, Section 3 specifically. He stated that as much as the Curatone administration and people that work for him want to make sure this goes swimmingly and puts this through, he just wants to make sure that the people of Somerville know. He stated he

wanted to go on record that we do have a company here that has literally sued Cambridge, that is, obviously the city right next to Somerville. He stated he would leave it at that, and hopefully he made his point.

Allyson Hartzell spoke on this matter. She is a Somerville resident and homeowner. She is a medical user. She does know about this situation that the previous person talked about. She feels that expanding this place is the right thing to do. She supports Mr. Cooper and his business. She states his business has always helped her medically and some people know about this, and it doesn't really change her opinion.

Chairman Lynch stated this correction: One of the commenters, stated a Somerville official made a comment on this matter, that is an incorrect statement. The gentleman's name, Stephen Mackey is the President of the Somerville Chamber of Commerce, he is not a City of Somerville official.

Chairman Lynch asked Mr. Cooper if he received any indication from Councilor McLaughlin, either written or verbal about his opinion on this application. Mr. Cooper stated Councilor McLaughlin has been supportive of his business for the last three years. He attended the neighborhood meeting he had on the 5th, and stayed for the entire meeting. Mr. Cooper stated he has nothing in writing, but would say Councilor McLaughlin is supportive.

Commissioner Allen supports this application. Commissioner Lindgren supports this application.

Chairman Lynch asked Mr. Cooper is a Traffic Study was required. Mr. Cooper replied yes, but it requires a little more work to complete. Chairman Lynch asked if the traffic study provided for the medical marijuana license was accurate. Mr. Cooper replied it was quite accurate.

Attorney Vigorito confirmed a traffic study is required. Chairman Lynch stated we will obtain a copy from the city once it has been submitted.

Chairman Lynch asked Mr. Coopers' feeling about by appointment only. Mr. Cooper felt 6 months is a long time, but he agreed with the previous caveat instituted for the previous applicant.

The commission Provisionally approved this Marijuana Retail License with the following conditions:

1. The business shall be run by appointment only for the first six months, after the issuing of the license, with the proviso, that the applicant may come back to the licensing commission to request a shorter period.

6. Sira Naturals, 240 Elm St. requesting approval for a Group B Priority, NEW Marijuana Retailer License

Hours of Operation: Mon. – Sub. 10:00am – 8:00pm

This is the Notice of a Public Hearing for this Item. The Public is welcome to attend and be heard. (ME20-000008)

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

Attorney Sean O'Donovan, David Rosenberg, Michelle Foley, David Shwartz, Dwan Packnett, Jefferson Smith, Stephen Siragusa and Jim Kingdon appeared for this application. Attorney O'Donovan stated this establishment has a medical marijuana license in the City of Somerville, would like to co-locate this retail establishment and there have been no issues since opening in 2017. He also stated the applicant went before the MAC for an adult retail license and received a 14.5 out of 15 potential points. Attorney O'Donovan stated once approved by the Licensing Commission, they will proceed to the planning board, then to the CCC and then back to the Licensing Commission for the license issuance. He spoke about the positions held by each person in the company. A traffic study was done and uploaded in Citizen Serve. He also stated the application meets cmr 935, 501. He also stated they employ 22 employees and they are the first and only cannabis company in Massachusetts to voluntarily turn their work force into unionized labor. Chairman Lynch asked if they had a Host Community Agreement. Attorney O'Donovan replied yes and it is posted in Citizen Serve. The community meeting was held on January 7th with Harvest. Attorney O'Donovan estimate approximately 30-70 people in attendance, but referenced Charlotte Leis statement earlier that there were 30-40 neighbors in attendance. They have not yet filed with the CCC, due to an ADA issue, a community meeting will be held on the 27th of this month for ADA compliance, and will file with the CCC subsequent to this meeting. Chairman Lynch asked if there were any zoning issues. Attorney O'Donovan replied no, and as a medical dispensary they are already up and running, however, they need to be issued a condition to use permit. Mr. Rosenberg provided a presentation. The discussion included an explanation of Why Davis Sq. He stated Somerville overwhelmingly voted for cannabis legalization 76% compared to Massachusetts 54%. The recreational sales would be alongside the medical practice. Mr. Rosenberg wanted to state for the record, that there have been some rumors circulated about Sira as well as anonymous flyer being distributed concerning their application. He stated they do remain fully committed to serving their patients in Somerville and will never alter their commitment to continue serving their medical customers and any attempt to say otherwise is simply false and misleading. He also stated the CCC frequently uses their locations as training grounds for new

inspectors to show them what a good operation should look like. He stated that the space is modest, conspicuous, safe and secure. There will be no queuing or lines, now or in the future. Customer wait times have been reduced from 15 minutes to an average of 3-5 minutes, while adhering to Covid protocols. He explained the floor plan and Customer Flow. Ms. Packnett spoke about Community Engagement for Equity and Social Justice. She spoke about Community Investment and the Community Action Agency of Somerville. Ms. Packnett also spoke about their Employment Plan, being the first Cannabis Union Employer in Mass., Benefits, Creation of UFCW Cannabis Apprenticeship Program and Implementing local hiring preference for Somerville residents. Ms. Foley spoke about their Experienced Security and Operations Team, CCC Inspectors Training at Sira Natural's Facilities, their focus on keeping neighborhoods safe & preserving Public Health and their successful compliance record. She also discussed their Prevention of Diversion Plan, including restricted access to Sira facilities and preventing diversion to minors. She spoke about Product Delivery & Transportation of Cash, the safe delivery of Cannabis products and the safe and secure transportation of cash deposits. Also discussed was Transportation to the facility. Walking, biking and public transit are expected to be used. Sira will subsidize MBTA Passes and Blue Bikes membership for employees.

Chairman Lynch remarked on this company having no infractions from the Somerville Police Department. He stated that the owner of the building has some issues with other tenants, in terms of dumpster removal, trash and certain deliveries. Chairman Lynch suggested Sira Natural have a discussion with the landlord. Chairman Lynch has toured this facility a few years ago, and was impressed with the layout and security procedures. He asked about the side door entrance, and he did not recall this. Attorney O'Donovan stated this was part of the ZBA approval in the Spring of 2017. He also stated this entrance is primarily used for ADA compliance reasons. Commissioner Allen asked about the intercom system and camera at this entrance. Ms. Foley stated that this was correct, the elevator is located on the left, when you enter on Chestnut St., and this brings ADA customers to the subterranean facility. Commissioner Allen asked about the intercom system and camera at this entrance. Ms. Foley stated they have the same setup with the camera, the intercom system and the buzzer at both entrances, on the Chester St. and the Elm St. entrances. Commissioner Allen asked what the main differences would be on their web page between the medical customers' and recreational customers' products. Ms. Foley replied that the biggest difference is the dosage, specifically around edibles, on the medical side, the dosage goes much higher. She also stated she knows the question came up on a previous application, on packaging, and using bright colors and such, and she stated all packaging is approved by the CCC and regulators are in their store frequently. Chairman Lynch asked about the higher dosages. Ms. Foley responded that a dosage of 500 or 600 + edibles, would mostly be for cancer patients or really severe pain. Commissioner Allen asked about their statement of hiring targets for a variety of demographics, and asked if there were any numbers for the actual goals in terms of new employees this is going to bring on, and of those how many they're aiming to hire locally. Ms. Packnett responded as a floor they are looking at 35% Somerville residents, but that is a floor. Commissioner Lindgren stated that they are probably one of the more well-known medical dispensaries, and believes they will probably get a lot of traffic/customers for the adult use marijuana. She mentioned that they stated, service by appointment only, and asked if they are planning to do in terms of signage for those people that may be trying to walk in. Ms. Foley replied they do not currently have appointment signage but that's definitely something they could put outside on their signage. She also stated they currently have Covid signage on their front door and could add that. They have staff stations to check for appointments, if someone shows up without an appointment, they would be turned away. Commissioner Lindgren stated she had seen public comment, maybe by letter, stating worries about the use of products in the neighborhood. She asked if they had any signage or messaging pertaining to this on their website or at their location. Ms. Foley replied that they do have handouts that's part of the literature they provide to all current patients and security staff do monitor the perimeter of the building, along with cameras. Commissioner Lindgren stated that there appeared to be a separation between the medical and retail space. Ms. Foley agreed. Commissioner Lindgren stated that patient privacy would seem to be covered. Ms. Foley agreed and stated that the only thing not showing on the floor plan is a private consultation room they have for patients, if they choose to have a consultation. Chairman Lynch asked how they will make the community in Davis Sq. comfortable with multiple recreational marijuana sites. Mr. Rosenberg replied that this was a very good question and a difficult one. There are several things, number 1, they believe in engaging the community and Dwan Packnett can approach that. He believes that it is all about educating the community, and thinks that the marijuana space, specifically, has been given a lot of bad press, because of what happened in Brookline, originally with the line forming, as essentially the only recreational facility east of the Mississippi open. But he feels with more dispensaries opening, 52 in Boston alone, and these will be neighborhood businesses just like every other neighborhood business. They have no problems there now and they will continue to use the same processes and institute new ones as necessary. Ms. Packnett explained what they are doing for neighborhood advocacy. They have a program You Can't Be What You Can't Be Program, which deals with the stigma of cannabis. She states they are going into communities, and they have modules and discussion points, and they are working with the Somerville Media Center to make it more interesting. She also stated that this is very difficult. Chairman Lynch asked for thoughts about an Advisory Board and what is the thought in the Cannabis industry about associations or Advisory Boards or are they operating independently from each other. Mr. Rosenberg replied that there are a couple of industry organizations which they could be involved in, but they are all competitors too, however, they feel it is their responsibility, in order to be a good community member to consult with local community members. Chairman Lynch referenced the letters and emails received from the community, stating that Davis Sq. cannot support 4 recreational marijuana sites without problems. Chairman Lynch wants to advise, that anybody who is looking to locate within Somerville's small business districts with the same product, that it might be advantageous to come up with some kind of unified approach to allaying those fears of the

community, because each applicant has a different approach on how they do that. He also stated that we do not have a legislative tool to regulate buffer zones in between the recreational marijuana sites, City Council, when crafting the legislation did not want to do this. Mr. Rosenberg agreed this is a good idea.

Public Comment

James Fleming spoke on this matter. He is a Business Agent with IBEW Local 103. He is in strong support for Sira Naturals and states they are a good neighbor and employer in the City, committed to hiring local residents and paying them living wages and benefits.

Lincoln Taggart spoke on this matter. He is the Acting Executive Director at Community Action Agency of Somerville. He states Sira has been a fantastic partner and he would like to reinforce how committed they are to Somerville. In 2019 his agency was seeking to fill a large funding gap for their housing advocacy program and Sira invested \$51,000 over 3 years. This directly resulted in 75 residents avoiding eviction, 22 residents obtaining safe and affordable housing, 50 residents increasing their net worth, primarily through enrollment and public benefits and 15 residents increasing food security. Sira also had an additional investment of \$10,000 in the Somerville Cares Fund, recently, which resulted in emergency assistance reaching approximately 43 Somerville residents affected by the pandemic. Their most recent investment of \$150,000 pledged, was the same, vitalizing poverty work for years to come. He also stated Sira works with a low profile and a high degree of professionalism.

Linda Champion spoke on this matter. She stated she considers herself a Somerville resident because when she was a homeless teen, Somerville was the 1st place she landed, where she was able to get housing. She is a former prosecutor, half Korean, half Black. Her connection to Sira is through David Rosenberg, she cold called him about 10 years ago to help her bridge the divide between the Asian American and Black Communities, through music Mr. Rosenberg helped Ms. Champion build a music camp and music room at Boston Chinatown neighborhood center. She discussed the impact this had on the community.

Yvette Wilks spoke on this matter. She states she lived in Somerville, in Davis Sq. for over 18 years and raised her children there. She is an active member of the Somerville Media Center, producing a hip hop festival. She would like to reduce the stigma of what individuals view, the cannabis world about. One of her collaborations is to build the entrepreneur mindset mentor program. She is very excited being involved with this organization.

Eric Schwartz spoke on this matter. He would like to go on record as a Somerville resident that he doesn't have any concern about a cluster of retail shops in Davis Sq. He states its business, and the shops that do well for their customers, will do well. He also stated the organizations coming in will always be about restorative justice, so he looks forward to the programs that Sira Naturals will support in regards to restorative justice, in terms of the war on drugs. His primary testimony this evening, as a resident, he states that he has zero concern about a cluster of retail shops in Davis Sq.

Jody Mendoza spoke on this matter. She is a former Somerville resident, and lived on Properzi Way. She states after completing college, she moved to Davis Sq. for a long period of time, and knows and loves Somerville. She has economic empowerment certification and a provisional license in Boston granted by the CCC. She states one of the reason she was able to receive a provisional license is due to Sira, and that she is part of Sira's accelerator program. She states that getting a license is really difficult. She explained some of the process and how Sira helped her. She can vouch for their commitment to equity inclusion and believes they are a fantastic company.

Fabrico Dasilva spoke on this matter. He is the Secretary/Treasurer for UFCW Local 1445 which represents over 400 members who live in the Somerville Area. He states this union represents Sira Naturals and represents the workers. He is speaking positively in relation to Sira Naturals, as a union which represents many members in the community, and would like to encourage companies that participate in unions. He also states he would like to see companies pay good wages, have good benefits and would like workers to have representation, and Sira stand for this. Mr. Dasilva says wages, benefits, pensions and healthcare are important.

Stephen Mackey of the Somerville Chamber of Commerce spoke on this matter. He also lives in Somerville and is happy to support this proposal. He stated this is a great neighbor, with 3 years for a track record, and have been safe and secure. He also stated they stand out in terms of their policies on diversity and inclusion, they are outstanding when it comes to labor and management and also across the board in community engagement. He hopes this application prevails.

Richard Harding spoke on this matter. He is with Green Soul Organics. He states he believes they are the only Group A Priority applicant that has gone through the MAC process to be licensed as an equity applicant in Davis Square. He states that he understands there's a groundswell of community concern about having multiple operators in the square, as the only Priority A applicant who has gone through the process and negotiated an HCA, he hopes the commission will take into consideration that equity has to be the cornerstone of any true cannabis industry in the City of Somerville or the state. He would like the commission to pay close attention to the track record of Sira Naturals, as it relates to equity in the cannabis industry. He states he is probably the chief proponent of the Cambridge suit in which Revolutionary Clinics and Sira Naturals, in Cambridge, fought with furious intent to stop the most progressive equity policy that could be articulated through the local governments. That case, as

pointed out by someone earlier, was lost in the courts through all of the procedures. He states he wants to make sure that it is known that Chairman Lynch often asks about track records. He states that he believes in Cambridge, Sira had a cease and desist order, and he wants to make sure the commission is checking into the actual ownership, he asks is it the Canadian Strategic Corp. or is it the people speaking today. Mr. Harding stated we can't have the hypocrisy, hypocrisy has no greater friend than anybody who allows inequity to thrive, and he hopes the commission will take this into consideration.

Shaun Murphy spoke on this matter. He is the Vice President and Business Agent for UFCW Local 1445. He states he fully supports this measure. He referenced reiterated comments made by Mr. Dasilva. He also spoke about community service this union does in Somerville.

Jess Liborio spoke on this matter. She is an abutter to Sira and is also a union member and appreciates their labor practices. She states she understands each application is reviewed separately on its own merits, but feels compelled to say, it makes sense for multiple Somerville bodies to consider the number of establishments in the neighborhood, Somerville is really small, and states it was good to hear from Richard Harding of Green Soul. She states we don't know enough about how 3 or 4 establishments will affect things, and referenced the Brookline dispensary, and that they still have lines. She appreciates the questions raised, but doesn't feel they have been answered.

Chairman Lynch stated that Sira is o.k. with zoning and does not violate any regulations pertaining to distance from schools. Chairman Lynch stated people have been discussing the ownership and asked Mr. Rosenberg to describe the ownership. Mr. Rosenberg stated they are owned by a publicly traded company, and discussed how and why that occurred. Mr. Rosenberg also stated that they did not participate in Cambridge, in any lawsuit and that the person who called in and stated this, had his facts wrong, and that they were the dispensary that did not participate in the lawsuit. He stated that out of the 17 original companies that were granted marijuana licenses, when it was medical only, only 3 of those companies were still locally managed, and that they are one of the three. The same people with the exception of one board member were on the board when they founded the company, and that they're still on the board today. Local people, Mass. Residents who have been doing business in Mass. for decades, 4 of them, control the board, out of 5. One person from the public company, Jonathan Sandalman, sits on the board, and they cannot be removed from the board because they control the board. When they merged with the public company, none of them took any profit. He noted the previous applicants have multiple investors. Chairman Lynch asked who controls Sira Naturals as a publicly traded company and where are they publicly traded out of. Mr. Rosenberg replied, out of Canada, there is no U.S. public marijuana company, because it's still federally illegal, and stated the board controls Sira. A discussion was held about Jonathan Sandalman's ownership, as 10% or more, and who actually manages the company. Chairman Lynch explained how the licensing will be distributed. No Group B applicant can be licensed until a Group A applicant is up and running. He explained this was due to local legislation for economic empowerment purposes.

Chairman Lynch asked Mr. Rosenberg about sales by appointment only. Mr. Rosenberg stated he thought it was smart to do so for a period of time, until they could see what the traffic will bear, and he does not have a problem with this. Chairman Lynch referenced the email received about how many establishments are enough in Davis Sq. and doesn't feel that can be settled by the commission and is not part of the city legislation because there is no buffer zone.

The commission Provisionally approved this Marijuana Retail License with the following conditions:

- 1. The business shall be run by appointment only for the first six months, after the issuing of the license, with the proviso, that the applicant may come back to the licensing commission to request a shorter period.*

Continued from November 16, 2020
No appearance made for the below meeting

Common Virtualled and
Entertainment by Devices License

7. Sinev LLC d/b/a Zaruma Gold Coffee
27 Woodbine St.
Vladislav Sinev
(AL20-20-000021)

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

Maria Tacuri appeared for this application. Ms. Tacuri stated she and her husband will be running this establishment. This will be a coffee shop in a new building, at the corner of Woodbine and Lowell. They will have ambience music through a speaker with Jazz music playing. Their hours of operation will be mon-Sun 7am.- 7pm

They have a Covid plan in place.

The commission approved this Common Victualler and Entertainment by Devices License

Continued from November 16, 2020
No appearance made for the below meeting

Existing License
Private License
All Forms Alcohol
Pledge of License

8. Demeter Hospitality, LLC d/b/a Daddy Jones, 525 Medford St. requesting the approval of a Pledge of License to Enterprise Bank and Trust Company, 76 Bedford St., Lexington, MA 02140 (ALM20-000167)

Dimitra Murphy appeared for this application. Ms. Murphy stated she refinanced and collateral is required.

The commission approved this Pledge of License

Continued from November 16, 2020

TRANSFER OF LICENSE
Private License
Transfer of a Wine & Malt Package Store License
And Change of Location

9. Jai Gitanjali, LLC d/b/a Get N Go, 152 Highland Ave. requesting the approval of a Transfer of a Wine & Malt Package Store License from La Internacional Food Corp. at 318 Somerville Ave. to Jai Gitanjali, LLC d/b/a Get N Go at 152 Highland Ave. (AL20-000025)

Per request of Attorney Upton, placed this on the January 2021 Agenda. Requires abutters notice.

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

Continued to the February 22, 2021 Licensing Commission Meeting

Attorney Andrew Upton, Brian Kapadia and Andy Kapadia appeared for this application. Attorney Upton gave a brief overview. This is a family business and the owners work on-site every day. A petition was submitted with 100 signatures in support of this application, as well as 5 letters of support. This company was fined in 2015, they were cited for a tobacco violation, and paid a small fine, they learned from this experience, bought an ID scanner for \$1200, and have had no other issues for in the 5 years since. Specialty wines and beers will be sold. Customers have been requesting Beer and wine be sold and they are ADA compliant. The proposed manager, Brian Kapadia, has managed their family store in Boston, which has Beer & Wine License, for over a year, and is TIPS Certified. No incidents at the Boston location. Chairman Lynch suggested Attorney Upton check to ensure that wine/beer tastings are allowed in a convenience store.

Patrick Bryant and Brenda Divelbliss spoke on this matter. He lives at 18 Gibbons St. He is fully in support of this license. He states they are responsive to their customer's requests.

Stephen Mackey, Somerville Chamber of Commerce spoke on this matter. He lives 2 minutes away on Hudson St. and frequents this establishment 2-3 times per week at all times of the day. He is confident that they will do a good job.

John Norton retired Deputy Fire Chief, Somerville spoke on this matter. He stated before Brian and his family took over, it was Diary Mart, and it was a despicable store. They had nothing in it and it was run down. He believes this would a convenience.

Michael Dulock spoke on this matter. He is a homeowner on Woodbine St. and a business owner down the street from this business. He wishes to show his support, even though he doesn't drink a lot of alcohol. There is always a family member in the store. He's glad to have this establishment.

The commission approved this Transfer of a Wine & Malt Package Store License

Existing All Forms Alcohol
City – Assembly Row License
Requesting
Change of Officers

10. RCSH Corp. d/b/a Ruth's Chris, 375 Revolution Drive requests approval for a Change of Officers for the Removal of current officer, Alice Givens and the addition of a new officer, Erik M. Jenkins (ALM20-000170)

Attorney Grace Yang appeared for this application. Attorney Yang states Mr. Jenkins has a long career with Ruth's Chris. He began in an entry level position, has been with the company for over 30 years, has been promoted though the years and is now in a leadership position. He is a Florida resident, which is the base of this company.

The commission approved this Change of Officers

Existing All Forms Alcohol
Private License
Requesting
Alteration of Premises

11. Fraiman Enterprises Inc. d/b/a The Somerville Theater, 55 Davis Sq. requesting approval for an Alteration of Premises (ALM20-000172)

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

Attorney Robert Annise, Richard Fraiman and Ian Judge appeared for this application. The building has been in existence since 1914. The Fraiman family purchased the building in 1983. This is a family owned company. They will be converting 2 existing theaters into a ballroom, for a live event venue. This is originally how the space was setup. Chairman Lynch asked about alcohol service and ADA compliance for the upstairs ballroom. Alcohol will be served upstairs and there is an elevator for ADA access. There will be a catering kitchen for events, such as weddings, but nothing prepared on site. The name for the space will be The Crystal Ballroom at the Somerville Theater.

Stephen Mackey, Somerville Chamber of Commerce spoke on this matter. He states this is a brilliant move and he supports this application.

The commission approved this Alteration of Premises.

Existing All Forms Alcohol

City – Farmers Series Pouring License

Requesting
Change of Manager

12. Indignant Brewing Company d/b/a Winter Hill Brewing, 328 Broadway requesting a Change of Manager from Jeff Rowe to David Breckenridge Bailey
(ALM20-000175)

David Breckenridge Bailey appeared for this application. Mr. Bailey opened the establishment in 2016. Jeff Rowe is no longer with the company. Mr. Bailey is TIPS certified.

The commission approved this Change of Manager.

Existing All Forms Alcohol

Private License

Requesting
Change of Manager

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

The applicant could not stay past 6:00pm. Requested a continuance until the February 22, 2021 Licensing Commission Meeting. The Commission approved this request.

Continued to the February 22, 2021 Licensing Commission Meeting

Existing All Forms Alcohol

City – Assembly Row License

Requesting
Change of Manager

14. RCSH Corp. d/b/a Ruth's Chris, 375 Revolution Drive requests approval for a Change of Manager from Matthew Thomas William to John Allard
(ALM20-000179)

Attorney Grace Yang and John Allard appeared for this application. Mr. Allard has been with this company since October 2018 and has been a manager at the Somerville restaurant. He has previous experience at Bertucci's, Cheesecake Factory, Back Bay Restaurant Group and P.F. Chang's. Attorney Yang confirmed Mr. Allard is TIPS Certified and has gone through the certification process to manage a restaurant with All Forms Alcohol. Mr. Allard confirmed this and stated he has 20 years' experience.

The Commission approved this Change of Manager

Existing All Forms Alcohol

City – Assembly Row License

Requesting
Transfer of Stock, Change of Officers/Directors/LLC Managers,
Change of Ownership Interest and Change of Manager

15. Riverbar LLC d/b/a The Riverbar, 661 Assembly Row requesting approval for a Transfer of Stock a Change of Officers/Directors/LLC Managers, a Change of Ownership Interest and a Change of Manager from Sean Farrel to Geoffrey Arvanitis
(ALM20-000180)

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

Attorney Anne Vigorito, Kim Roop and Matthew Sullivan appeared for this application. Mr. Sullivan is currently the owner operator and manager of Nantucket Prime, since 2014, as well as from 2009 until the present, The Wharf Restaurant. They will essentially be keeping things the same, except changing a portion of the menu. Mr. Arvantis has worked as an assistant manager at this restaurant, and Mr. Farrel is leaving the company. Both Mr. Sullivan and Mr. Arvantis are TIPS Certified. Commission Allen asked for the status of hearing for the May 2020 Hearing at the ABCC. Mr. Sullivan explained the event happened in August of 2019 for a bartender over serving guests at 12:15 at night. He was not working at the establishment at that time, but the hearing was delayed due to Covid, and it has not been rescheduled yet. Ms. Roop stated that no one at River Bar, who was there when the incident happened is currently employed there now. Chairman Lynch asked for clarification, that the employee involved in this incident is no longer an employee, and Ms. Roop confirmed this.

The commission approved this Transfer of Stock, Change of Officers/Directors/LLC Manager, Change of Ownership Interest and Change of Manager

Existing All Forms Alcohol
Package Store
Private License
Requesting
Alteration of Premises

16. Kajal and Kevin LLC II d/b/a Liquor Junction, 14 McGrath Hwy requesting approval for an Alteration of Premises
(ALM20-000181)

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

Ketul Patel appeared for this application. Mr. Patel is expanding the retail space by 2000 ft. He states he has had no violations in the 3 years he has been open. The expansion is an adjoining property, and they will be going through a wall, with interior renovations to match the existing premises.

The commission approved this Alteration of Premises

EXISTING TEMPORARY OUTDOOR SEATING – ADDING SEATING & GREENHOUSES

TEMPORARY OUTDOOR PATIO SEATING
DUE TO GOVERNOR BAKER'S ORDER

Requesting

An Alteration of Premises
For TEMPORARY Outdoor Patio Seating

17.

FOR NEXT LC MEETING																
LICENSE #	BUSINESS NAME	ADDRESS	STATUS	APP. TYPE	COMPLETE	CURRENT/NEW	PUBLIC/PRIVATE	TENT	HASP	FLOOR PLAN	CONTROL ENG.	SPCD	FIRE	INSURED	WINTER CERT.	
ALM20-000177	Genki Ya	246 Elm St.	Expansion of Temp. Outdoor Seat.	from 20 to 32 Seats & Add. Greenhouses	Yes	Current/Temp	Public	Greenhouses	Yes	Yes	Yes			Yes	Yes	

The applicant was not in attendance when called. Continued until the February 22, 2021 Licensing Commission Meeting

**City of Somerville
Licensing Commission**

Regular Meeting by Remote Participation

**DRAFT OF THE
Minutes of the Regular Meeting
Monday, February 22, 2021
Posted Monday, March 15, 2021 at 5:50pm**

*The meeting was called to order at 6:00pm. Present were Commissioners, Lynch, Allen and Lindgren, Secretary to the Commission Lori Batzek, Lt. MacLaughlan, a member of the Fire Dept., Sgt. Chaille, a member of the Police Dept., City Clerk, John Long, Members of the City Staff, Applicants and members of the public.
The meeting adjourned at 6:53pm*

A recording of this meeting is available online

**Monday
February 22, 2021
6:00pm
Published February 17, 2021, at 5:20pm
Published February 22, 2021, at 5:00pm**

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/3578944846352100110>.

If you wish to submit comments on any item on this agenda, you may send written comments by US mail to the Secretary of the Licensing Commission, 93 Highland Avenue, Somerville, MA, 02143, or by email to ljbatzek@somervillema.gov. Your comments must arrive no later than 12 Noon on the day of the meeting, in order to be sure they are conveyed to the Commission.

COMMUNICATIONS

1. Minutes of January 25, 2021 Regular Meeting – (Incomplete)

Minutes will be posted as a "Draft" with the caveat that they have not yet been voted on by the commission. The minutes will be posted for March 15, 2021 Licensing Commission Agenda. Chairman Lynch stated there is a recording of this meeting available on the City of Somerville website.

2. ABCC Advisory - ALCOHOLIC BEVERAGES CONTROL COMMISSION ADVISORY REGARDING INCREASING RETAILER'S CAPACITY LIMIT TO FORTY PERCENT

On February 4, 2021, Governor Charlie Baker increased certain retailers' capacity limits from 25% to 40%.

As of Monday, February 8, 2021, all retail alcohol licensees may increase their customer occupancy to 40% capacity limit. This applies to indoor and outdoor seating separately.

For on-premises licensees, the 40% capacity limit is based on a licensee's seating capacity. Questions regarding seating capacity should be directed to your local licensing authority.

For off-premises licensees, the 40% capacity limit is calculated by the occupancy load as stated on a licensee's certificate of inspection issued under the State Building Code.

Workers/staff are excluded from the occupancy count.

Licensees for on-premises consumption are reminded that food must be served with alcohol sales, as explained in the ABCC's August 10, 2020, Advisory.

These licensees are also reminded of the 90-minute time limit per table, with a maximum of 6 patrons per table, which remains in effect.

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 February 5, 2021)

The Commission made a note of this Advisory and placed it on file. Chairman Lynch advised licensee's to read this advisory and it is available on the website.

3. Somerville Licensing Commission Advisory sent to Licensee's on 2/5/21

Somerville Businesses to Remain at 25% Capacity Limit

The City of Somerville will not join the Commonwealth in raising capacity limits on Monday February 8 for certain businesses. Capacity limits in Somerville businesses will remain at 25% or the limit set in the business's City-approved health and safety plan until further notice.

Somerville also continues to hold the limit on attendance at outdoor gatherings to stricter levels than the Commonwealth with no more than 10 persons until further notice. The limit applies to both indoor and outdoor gatherings of any kind unless otherwise specifically permitted in City activity-specific guidelines.

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

The Commission made a note of this Advisory sent to Licensee's by the Licensing Commission, and placed this on file.

4. Communication from Chairman Lynch dated 2/16/21:

Urging this Commission to review its Rules and Regulations and prepare a timeline to produce any proposed amendments.

Chairman Lynch stated he believes all 3 commissioners should work on this. He suggested submitting any changes in draft form to be discussed at next month's Licensing Commission meeting. Commissioner Lindgren suggested to Chairman Lynch that the website be updated for all the new duties and responsibilities for the Recreational Marijuana Licenses as well. Chairman Lynch requested that this be done. Any questions should be emailed to the Secretary or City Clerk John Long. Any errors or things that need to be addressed can be taken up at the March Licensing Commission Meeting for discussion.

4a. Communication from Chairman Lynch dated 2/22/21:

Submitting a preliminary status report of licensees that have indicated permanent closure, temporarily closed (hibernation) or have yet to renew their 2021 Somerville License Commission license. This report will be frequently updated as more information becomes available.

Chairman Lynch stated he has this review and will fine tune the report and send it to the commissioners for their review. Preliminary closure numbers are a total of 41 small businesses, of which 16 are Licensing Commission Licensees, have gone into hibernation, closed in November or December.

Existing All Forms Alcohol
Private License
Requesting
A Change of Officers/Directors/LLC Managers

5. Fraiman Enterprises Inc. d/b/a The Somerville Theater, 55 Davis Sq. requesting approval for an a Change in Officers/Directors/LLC Managers

From:

Douglas Fraiman – President, Director

Melvin L. Fraiman – Treasurer, Director (removing)

Beatice Z. Fraiman – Clerk, Director (removing)

To:

Richard B. Fraiman – President, Treasurer, Director (adding)

Lenie S. Fraiman – Secretary, Director (adding)

(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 requires approval

Attorney Robert Annese and Richard Fraiman appeared for this application. Chairman Lynch asked about an additional license held in the City of Arlington, because no was answered under section 6a on the ABCC application. The applicant stated he did have an interest in this license. Chairman Lynch stated the application needs to be amended to include this license.

The Commission approved this Change of Officer/Directors/LLC Managers, with the stipulation that the change discussed for 6a, be made to the ABCC application.

Continued from January 25, 2021

Existing All Forms Alcohol
Private License
Requesting
Change of Manager

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

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

No one appeared for this application. The Commission continued this item to the March 12, 2021 Licensing Commission meeting. Chairman Lynch stated the policy of the commission has been to continue an item twice, for a no show appearance, after which, it would be referred to the City Solicitors office.

Transfer
Private All Forms Package Store License

7. 88 Broadway, Inc. d/b/a Sullivan Square Liquors for 88 Broadway requesting a Transfer of an All Forms Package Store License from E Broadway Inc. d/b/a Sullivan Square Liquors for 88 Broadway to 88 Broadway, Inc. d/b/a Sullivan Square Liquors for 88 Broadway (AL21-000002)

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

Attorney Alexander Furey appeared for this application. Attorney Furey discussed the qualifications of the applicant and stated another store is owned in Cambridge. The applicant is Tips Certified. No significant feedback has been received. Attorney Furey states no violations have been reported to the ABCC from the Cambridge store. Chairman Lynch asked about the hours of operation: Mon-Sat 9am-11pm and Sun 12pm-10pm. Attorney Furey stated Councilor McLaughlin has no objection to this transfer

The Commission approved this Transfer of an All Forms Package Store License.

8. **COMMUNICATION - CONTINUED FROM NOVEMBER 16, 2020**
Motion read, however this was not voted on by the commission

Economic Development is requesting the Licensing Commission to conditionally approve outdoor seating licensees wishing to operate past January 11, 2021 on a case by case basis contingent upon DPW, Fire, Engineering and OSPCD review. For all other licenses, we are requesting to resume outdoor seating starting March 1st, 2021.

Secretary's Note:

After review of the video and minutes taken of this Licensing Commission Meeting, this motion may not have been voted on and may need to appear and be approved, for the February, 2020 Licensing Commission Meeting

MOTION: I move to allow the use of private property and the public ways for all holders of Outdoor Seating Licenses issued by this Licensing Commission from March 1, 2021 through March 31, 2021, notwithstanding the provisions of Licensing Commission Regulation 1.18h, through December 31, 2021. All other conditions apply, unless otherwise modified by the Governor or State or City legislation. Licensed use of the public way shall be discontinued upon notice by the Licensing Commission, Director of Inspectional Services, Commissioner of Public Works, Chief Fire Engineer, or City Engineer that the outdoor seating and all related equipment must be removed so the public way can be accessed for a public purpose, including, but not limited to, snow removal, street repair, and underground utility work.

Chairman Lynch read this motion into the record.

The Commission approved this motion as read.

Continued from January 25, 2021

EXISTING TEMPORARY OUTDOOR SEATING – ADDING SEATING & GREENHOUSES

Public Property Seating – Request to begin service on March 1, 2021

TEMPORARY OUTDOOR PATIO SEATING
DUE TO GOVERNOR BAKER'S ORDER

Requesting

An Alteration of Premises
For TEMPORARY Outdoor Patio Seating

9.

FOR NEXT LC MEETING																
LICENSE #	BUSINESS NAME	ADDRESS	STATUS	APP. TYPE	COMPLETE	CURRENT/NEW	PUBLIC/PRIVATE	TENT	HASP	FLOOR PLAN	CONTROL ENG.	SPCD	FIRE	INSURED	WINTER CERT.	
ALM20-000177	Genki Ya	246 Elm St.	Expansion of Temp. Outdoor Seating	from 20 to 32 Seats & Add. Greenhouses	Yes	Current/Temp	Public	Greenhouses	Yes	Yes	Yes			Yes	Yes	

Applicant not in attendance when this item was called at the Licensing Commission Meeting on January 25, 2021. Continued until the February 22, 2021 Licensing Commission Meeting.

Genki Ya – Jason Yu appeared for this application. This is a Public Street Parklet. 8 Greenhouses are being added. Chairman Lynch would like Economic Development to pay attention to this application. Lt. MacLaughlan express safety concerns and stated there seemed to be movement of the seating onto the sidewalk. Commissioner Allen has some concerns about Economic Development changing the policy and the Commission not being apprised on this.

The Commission provisionally approved this Outdoor Seating License, pending all departments' signoffs.

10.

LICENSE #	BUSINESS NAME	ADDRESS	STATUS	APP. TYPE	COMPLETE	CURRENT/NEW	PUBLIC/PRIVATE	TENT	HASP	FLOOR PLAN	CONTROL ENG.	SPCD	FIRE	INSURED	WINTER CERT.
ALM21-000001	Celeste	21 Bow St.		4 Seats & 2 Greenhouses on the sidewalk	No	Current	Public	Greenhouses	Yes	Yes	Yes	w/cond.	Yes	Yes	Yes

Celeste – Maria Rondo appeared for this application. This is a Public Street Parklet. Chairman Lynch would like Economic Development to pay attention to this application and keep the commission in the loop on this. Lt. MacLaughlan will coordinate with ISD on this license. The Commission provisionally approved this Outdoor Seating License, pending all departments' signoffs.

LATE ITEM

POSSIBLE VIOLATION

11. Request to Speak to the Somerville License Commission
From: Bonnie Denis, Chair of SCPD
Regarding: Possible Violation
Name of Business: Alpine Restaurant Group d/b/a Pizzaria Posto
Address: 187 Elm St.
Date: 2/19/21

Chairman Bonnie Denis expressed her concern about this restaurant not adhering to the terms of the approved Temporary Outdoor License. Ms. Denis read terms of the license. She provided several pictures on the matter. Ms. Denis also discussed her concerns of all the Outdoor Seating Licenses and the status of some of them not being ADA compliant. She would like to work with the commission and the city on this problem. Ms. Denis also stated that some of the Greenhouse are not handicap accessible, and a lot of complaints have been received about the lack of compliance on this matter. A lengthy discussion followed. Further review is requested on this matter.

City of Somerville Licensing Commission
Regular Meeting by Remote Participation
Monday, March 15, 2021, 6:00 pm

DRAFT OF THE
Minutes of the Regular Meeting
Monday, March 15, 2021
Posted Monday, May 17, 2021 at 9:00am

The meeting was called to order at 6:01pm. Present were Commissioners, Lynch, Allen and Lindgren, Secretary to the Commission Lori Batzek, Capt. Sullivan and Lt. MacLaughlan, members of the Fire Dept., Sgt. Chaille, a member of the Police Dept., City Clerk, John Long, Members of the City Staff, Applicants and members of the public.

The meeting adjourned at 7:52pm

A recording of this meeting is available online

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 Curt tone'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.

COMMUNICATIONS

1. Minutes of January 25, 2021 Regular Meeting

The Commission approved these minutes

2. Minutes of February 22, 2021 Regular Meeting

The Commission approved these minutes

3. Alcoholic Beverages Control Commission Advisory regarding the lifting of the 40% cap on seating capacity:
 - On February 25, 2021, Governor Charlie Baker announced that the state will move into Phase 3, Step 2 of its reopening plan. A description of this phase and step of the plan can be found at www.mass.gov/info-details/reopening-massachusetts.
 - Beginning Monday, March 1, 2021, licensees that sell alcohol for on-premises consumption are no longer subject to a 40% cap on seating capacity in their establishments; capacity will be limited only by the requirement of six feet distance

between tables. Musical performances may begin again as well, so long as 6-foot distancing between customers' tables is maintained.

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

- Food courts must remain closed during this phase of reopening.

- As reminders, licensees for on-premises consumption may continue to make alcohol sales for take-out orders until February 28, 2021, or until the end of the COVID-19 state of emergency, whichever comes later. Licensees with outdoor seating that was approved pursuant to Executive Order 35 may continue their outdoor operations until Order 35 is rescinded by the Governor. (Issued February 26, 2021)

The Commission made note of this advisory and it will be filed.

3a. Communication from the Administration with respect to re-opening capacity limits: Somerville Remains in Limited Phase 3, Step 1 Reopening; Capacity Limits Stay Status Quo *Easing of outdoor performance restrictions expected:*

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

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

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

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

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

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

The Commission made note of The City of Somerville communication to stay at 25% seating capacity and it will be filed.

4. Alcoholic Beverages Control Commission Advisory regarding musical performances at licensed establishments:
- On February 25, 2021, Governor Charlie Baker announced that the state will move into Phase 3, Step 2 of its reopening plan. Part of this phase and step of the reopening plan permits musical performances, so long as 6-foot distancing between customers' tables is maintained.
 - The Massachusetts Department of Labor Standards has clarified that, while musical performances are permitted at licensed establishments for on-premises alcohol consumption, singing is not permissible indoors as part of these performances.
 - Singing is permissible outdoors, provided licensees comply with the following requirements:
 - 1) there must be a minimum of 10 feet between performers, and
 - 2) there must be a minimum of 25 feet between performers and first row of the audience.
 - Please be aware that plexiglass barriers cannot be used to reduce the required distance between performers or between performers and the audience.
 - Licensees can find further guidance on this phase and step of the reopening plan, including musical performances, at www.mass.gov/info-details/reopening-massachusetts. (Issued March 5, 2021)

A lengthy discussion was held on this Communication from the City. Economic Development Director Thomas Galligani was available for questions on this matter. Chairman Lynch took item # 13 out of order to discuss. Chairman Lynch mentioned the minimum distance requirements and took item # 14 out of order to discuss. Director Galligani spoke on the Somerville Covid 19 Outdoor Performance Policy.

Please see notes from Item #13 & Item #14 pertaining to discussion on this advisory. The commission made note of this advisory and placed it on file.

5. Status of Communication from Chairman Lynch dated 2/16/21, urging the Commission to review its Rules and Regulations and prepare a timeline to produce any proposed amendments. *This communication was placed on the February 22, 2021 Agenda.*

Chairman Lynch determined that all edits and suggested changes would be submitted for the April meeting, the city clerk's office will assist in formatting the proposed changes, it would then be sent to the Law Department for their review and suggestions and then it would come back to the Licensing Commission for a final vote at the May Licensing Commission meeting.

See the discussions below on this matter.

- 5a. Commissioner Allen proposing the removal of Section 4.

A discussion was held on this matter. Commissioner Allen is proposing to remove Section 4. He did some research on this Section and the relevant Mass. MGL laws this section refers to were passed in 1922. This is a prohibition era law for regulating bars that transitioned to non-alcoholic beverages. This section is not applicable to any of our current licensees. He consulted with City Clerk John Long and currently no one is listed under this section.

- 5b. Commissioner Allen proposing language to update Section 1.12.b to explicitly not apply to breastfeeding.

Commissioner Allen stated this is a very minor language modification and believes the views regarding breastfeeding and establishments are quite clear. The commission has previously acted to enforce allowing such activities, however the language in the rules and regulations is a little too strict in forbidding, in what he assumes, is a reference to strip clubs. Chairman Lynch recommends merging this language with the State's Language on breastfeeding. He also suggests that 2 commissions regulate breastfeeding in the City of Somerville, the Licensing Commission and the Human Rights Commission. Commissioner Lindgren has started a new position and has not been able to review and provide feedback on this issue. She states she can make a commitment to do this. Chairman Lynch stated he would like to get both commissioners feedback and prepare a draft document and then he can review this in depth. He also stated he believes this will be a fluid document and will be added to and deleted from, and would like to discuss this at the April Licensing Commission Meeting and perhaps vote on any changes at the May Licensing Commission Meeting. Chairman Lynch requests any revisions submitted be sent to the City Clerk and the Commissioners for review (keeping in mind the correct procedures for the Open Meeting Law Requirements). Commissioner Allen asked about the removal of Section 4 and if this section is needed, where we are not currently exercising this rule. Chairman Lynch has no objections to this removal. Commissioner Allen also questioned whether the commission needs to keep these laws and regulations and to loop in the law department on this matter. He also asked if the commission needs to have laws on nudity in the rules and regulations that may be covered by existing municipal ordinances. Chairman Lynch felt these were good questions, but did not have answers to them. The reasons these rules were placed in the policies and procedures may be outdated, and this is why he has requested this review. He also wants to ensure any changes made will not hinder new rules and regulations on CBD infused drinks. Commissioner Lindgren asked about the final signoff process on this matter, and when a final decision is made who it is submitted to. Chairman Lynch stated first the commission reviews, then makes suggested edits and changes, City Clerk John Long would be given the edits for suggestions, then it would be sent to the City Solicitor, the City Solicitor would send these back to the commission to discuss in

an open forum to adopt, edit or change the policies and procedures. The Commission would then vote on the revisions. A complete revision would then be submitted by one of the commissioners, to the commission, and it would then be passed.

EXISTING ALL FORMS ALCOHOL PRIVATE RESTAURANT LICENSE
REQUESTING CHANGE OF MANAGER

Continued from January 25, 2021 & February 22, 2021

6. Parisi's d/b/a Mike's Bar, 97 Washington St. requesting a Change of Manager from Robert Parise to Jana Brinkhaus (ALM20-000176)
On January 25, applicant requested to continue this item to the February 22 Meeting (unable to stay past 9:15pm). On February 22, applicant did not appear.

Jana Kilduff Brinkhaus appeared for this application. She is the manager of record. Mr. Parisi has passed away and Ms. Kilduff Brinkhouse is taking over as manager. This is a family business established in 1953, and she has grown up with this business. She is Tip Certified. They will have a restaurant manager at the establishment 5 days a week.

The Commission approved this Change of Manager

NEW COMMON VICTUALLER APPLICATIONS

7. Julio Pleitez d/b/a Cristian Latin Catering Cuisine, 854 Broadway, Julio Pleitez. Hours of Operation (Days not listed): 9:00am-9:00pm. (AL21-000001)

Cristian Surian appeared for this application. He states he will be the manager of record. Primarily catering with a few tables and a small takeout menu. Days of Operation 9am-9pm, 7 Days a week (Sun. – Sat.). The secretary will update the application for the days of operation. This applicant has another restaurant in Somerville, Don Julio Restaurant. Will have 2 tables with 3 seats, in the future (post covid). HASP and Control Plan to be submitted prior to seating being implemented.

The Commission approved this Common Victualler License

8. Adhikari Inc., d/b/a Veggie Indian Palace, 233 Elm St., Lokesh Adhikari. Hours of Operation: Sun-Thu 11:00am-11:00pm & Fri-Sat 11:00am-12:00am. (AL21-000003)

Lokesh Adikari appeared for this application. Currently owns 2 additional restaurants in Somerville, Momo and Curry and Mint Indian Eatery. Opened these restaurants in 2015 & 2016. The floor plan is non covid. He will not have seating indoors until covid is over.

The Commission approved this Common Victualler License

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

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

Jess Willis appeared for this application. This is just a d/b/a change, everything else is remaining the same. Ms. Willis paid the ABCC fee to the ABCC in error (a fee is not required for this transaction).

The Commission approved this D/B/A Change.

REQUESTING AN ALTERATION OF PREMISES
FOR TEMPORARY OUTDOOR PATIO SEATING

10.

LICENSE	BUSINESS NAME	ADDRESS	STATUS	APP. TYPE	COM- PLETE	CURRENT/ NEW	PUBLIC/ PRIVATE
AL17-000119	Davis Square Food Services Inc. d/b/a Boston Burger	37 Davis Sq.	Winter Cert.	Winter Cert.	Yes	Current	Private
ALM21-000007	Taqueria Montecristo d/b/a Montecristo	146 Broadway	Expanding	Adding Private Seating	Yes	Current/New	Public/Private
ALM21-000008	Area Celeste, LLC d/b/a Celeste	21 Bow St.	Expanding	Street Parklet	Yes	New	Public
ALM21-000011	Bow Market Entertainment Inc.	337 Somerville Ave.	Adding Structures	Adding Greenhouses	No	Current	Private
ALM21-000003	LDDJ Inc. d/b/a Dave's Fresh Pasta	79-83 Holland St.	New Temporary	12 seats & 6 Tables	No	New	Public

Boston Burger – This license was previously approved by the commission. A “new” floor plan was submitted, but it is the same floor plan previously approved

Taqueria Montecristo - Sue Thomas spoke for this application. Economic Development has conditionally approved this application, and they have no objections for this expansion.

The Commission provisionally approved this Outdoor Seating License, pending all required department signatures

Celeste – Maria Rondo appeared for this application. Sue Thomas spoke for this application. Shared Streets on Bow St. is not being offered this year. Celeste will operate as a parklet in lieu of shared streets. Sidewalk seating will not be implemented (is not covid compliant). Economic Development has conditionally approved this application.

The Commission provisionally approved this Outdoor Seating License, pending all required department signatures

Bow Market – Zach Baum appeared for this application. The secretary confirmed the application is now complete. They are proposing 4 structures, suited for 2 and 4 persons. A determination will be made as to whether they will be used in the summer (these structures can get very hot). Chairman Lynch reminded Mr. Baum that these structures must be ADA compliant. Commissioner Lindgren reminded Mr. Baum to make sure there is no lip impeding wheelchair access. Mr. Baum asked about the electric condition of no extension cords. His understanding is that because these structures are temporary, (approx. 90 days), that he would be able to use extension cords for lighting and would like some clarification on this). Chairman Lynch stated this condition is not within the purview of the Licensing Commission. He referred Mr. Baum to ISD inspector Mr. Powers and to contact the secretary to implement this clarification.

The Commission provisionally approved this Outdoor Seating License, pending all required department signatures

Dave's Fresh Pasta – This application was withdrawn

LATE ITEMS

EXISTING ALL FORMS ALCOHOL CITY-HELD RESTAURANT LICENSE **CHANGE OF MANAGER & CHANGE OF HOURS**

11. Rockwell Restaurant Group LLC d/b/a Foundry on Elm, Saloon, The Rockwell, 255 Elm St. requesting approval for a Change of Manager from Chris Yorty to Jess Willis, and a change of hours as follows: (ALM21-000004)
Indoor Food Service:
FROM Mo-We 11:30am-11pm, Th-Fr 11:30am-12am, Sa 11am-12am, Su 10:30am-11pm
TO Mo-Fr 11am-12am, Sa-Su 10am-12am
Indoor Alcohol Service:
FROM Mo-Th 11:30am-1am, Fr 11:30am-2am, Sa 11am-2am, Su 10:30am-1am
TO Mo-Th 11am-1am, Fr 11am-2am, Sa 10am-2am, Su 10am-1am
Outdoor Food Service on Public Property:
FROM Mo-We 11:30am-11pm, Th-Fr 11:30am-12am, Sa 11am-12am, Su 10:30am-11pm
TO Mo-Fr 11am-____, Sa-Su 10am-____ (closing time for the Streteary to be determined by the Commission)
Outdoor Alcohol Service on Public Property:
FROM Mo-Th 11:30am-____, Fr 11:30am-____, Sa 11am-____, Su 10:30am-____
TO Mo-Fr 11am-____, Sa-Su 10am-____ (closing time for the Streteary to be determined by the Commission)

Jess Willis appeared for this application. Ms. Willis will be the manager of record until she is able to bring Chris Yorty back. She has 3 other managers to help manage these establishments. This amendment is for all 3

Restaurants. Ms. Willis will be starting Brunch again. She would like to open at 10am on Saturday & Sunday. She would like to open at 11:00am, Mon-Thu. Both Indoor and Outdoor service will be at the same time.

Ms. Willis has a 2am license for all 3 establishments, but is not currently open until that time due to covid. Ms. Willis is Tips Certified.

The Commission approved this Change of Manager & Change of Hours for Foundry on Elm, Saloon and The Rockwell

**REQUESTING AN ALTERATION OF PREMISES
FOR TEMPORARY OUTDOOR PATIO SEATING**

12.

<u>LICENSE #</u>	<u>BUSINESS NAME</u>	<u>ADDRESS</u>	<u>STATUS</u>	<u>APP. TYPE</u>	<u>COM- PLETE</u>	<u>CURRENT/ NEW</u>
ALM21-000012	Painted Burro	219 Elm St	Expanding	Adding Structures	Yes	Current
ALM21-000013	Rosebud	381 Summer St.	Expanding	Adding Structures	No	Current
ALM21-000014	Posto	187 Elm St.	Expanding	Adding Structures	Yes	Current

Painted Burro - Sue Thomas, Economic Development spoke on this application. This application is based on last years' outdoor seating. The applicant went forward building this structure prior to submitting an application for approval. Nick in ISD placed a stop work order on building this structure. Economic Development will review this application to ensure it is within compliance for ADA, design and social distancing related requirements. This application was submitted today.

The Commission provisionally approved this Outdoor Seating License, pending all required department signatures and confirmation that this establishment has performed and been approved for their annual renewal license.

Rosebud - Sue Thomas, Economic Development spoke on this application. This establishment is a short distance away from Painted Burro, separated by 1 other restaurant also owned by Alpine Group. Economic Development wants to ensure that all 3 businesses are within the realm of their particular restaurant, if it encroaches into other restaurant they need to have a written email correspondence that informs Economic Development that they have worked together with neighboring businesses' to make this agreement, such as other areas of the city for outdoor seating that this policy is in place. Ms. Thomas stated they will continue to work with the owner, but expressed concern over doing this without submitting the appropriate application. This created uncertainty of what the structure would look like. Lt. MacLaughlan stated if

this application is approved, and this is a similar structure to Painted Burro, there will be limitations in front of the Rosebud. Last year they had a bicycle rack up and a Fire Hydrant that they maintained an opening to. This wooden structure is going to need to be down sized in the length, to keep the fire hydrant open.

The Commission provisionally approved this Outdoor Seating License, pending all required department signatures and confirmation that this establishment has performed and been approved for their annual renewal license.

Posto - Sue Thomas, Economic Development spoke on this application. Nick Antanavica stated they will review these applications for compliance. Posto had not yet started construction. Ms. Thomas stated she has worked with Joe Cassinelli on multiple occasions regarding his outdoor seating, including last year. They will review this application to ensure it is within compliance for ADA, design and social distancing related requirements. Commissioner Allen asked if part of the modifications to Posto are they going to bring this into compliance with the initial requests which included parking accessibility for a handicap parking space. Chairman Lynch requested of Sgt. Chaille to pay a visit to Posto to ensure compliance on this matter. He also stated according to Chair Denis, this establishment does not currently have outdoor furniture set out in the parking lot. Chairman Lynch will request Sgt. Chaille to make an inspection and have a conversation on this matter with the owner. Sgt. Chaille will make a report on whether there is a violation on this issue.

The Commission provisionally approved this Outdoor Seating License, pending all required department signatures and confirmation that this establishment has performed and been approved for their annual renewal license.

*Chairman Lynch stated, for all 3 applications, he would like assurances from the City Clerk's office that the master licenses for all three establishments, have completed all the required normal pre-covid inspections. Notice was sent out in November to renew these licenses. Chairman Lynch wants to be assured, to put this condition (they have received all necessary City Inspections), on these licenses prior to the issuance of these Outdoor Seating licenses. *See the provisional approvals on these applications above.*

COMMUNICATIONS

13. Bonnie Denis, Chair of Somerville Commission for Persons with Disabilities, regarding concerns with businesses adding greenhouses for outdoor dining not in compliance with ADA guidelines.

The Chairman took this item out of order to discuss. Chair Denis discussed her concerns regarding noncompliance of ADA guidelines. She spoke about Genki Ya, they have a lip at the bottom of the doorway to enter the structures, and their door way is too narrow for wheelchair access. She asked about signoffs on this outdoor seating license and requested a status on the matter. Chairman Lynch explained this is a 2 part issue. The first is her notice to the commission of possible noncompliance of the outdoor seating. The commission gives conditional approval or denies the application. If approved, multiple departments are required to sign off. Chairman Lynch stated it is his understanding that economic development and signatures of other required departments, make conditions on the license and inspect the area. Chair Denis stated the guidelines in place through economic development clearly indicate ADA compliance, however the Winter readiness guideline do not mention ADA compliance at all. Chair Denis asks if there is a disconnect in the process and if the structures have been inspected yet. She would also like to work with the process to ensure compliance. Chairman Lynch will work with City staff to get Chair Denis answers to her questions on Genki Ya ADA compliance. He stated that the guidelines distributed must make it clear, in no instance will the commission ignore ADA compliance. He also wants to ensure that other department approvals are ADA complaint, currently active now. Commissioner Allen stated the last document provided by Economic Development to the commission seems to have changed, and the commission has not been made of aware of this. He requests an updated guideline on this matter.

14. Thomas F. Galligani, Jr., Director of Economic Development, regarding the Somerville Covid-19 Outdoor Performance Policy:
- On March 11, 2020, the City temporarily cancelled all City-sponsored and permitted events to mitigate the spread of COVID-19. On May 15, the cancellations were extended through the end of the 2020 calendar year. Since May, new research about COVID-19 transmission has been published that expands our understanding of risk factors, including 1) COVID-19 transmission occurs significantly less in outdoor, open-air settings compared to indoor settings and 2) community mask usage is an effective strategy for reducing transmission.
 - The artist community, small business owners, venue operators, and other stakeholders have convened over multiple working sessions to develop a plan for safely resuming outdoor activities. Safe, socially distanced outdoor events can create multiple benefits for the city, including providing residents with safer alternatives for addressing pandemic fatigue and supporting Somerville artists and small businesses. This plan seeks to maximize these benefits while addressing risks in COVID-19 transmission by limiting activities with aerosol projection, and providing guidelines for crowd size, social distancing, and event duration.
 - At this time, the City proposes the first step in the plan to include the reintroduction of limited events within our public and privately-owned spaces.

Activity Type	Risk Level
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Level 1 Performance. Arts performances with no or almost no vocal projection/ aerosol emission e.g. dance, circus, mime, instrumental musicians (excluding brass and wind)	Level 1 performances are the lowest risk since there will be very little vocal projection from the performers and audience. These performances should be the first allowed.
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- All activities will be required to follow City and state health and safety guidelines, existing permitting procedures, and in addition, complete a hazard and safety plan (HASP). Performers and event organizers/ operators are responsible for ensuring compliance with mask wearing, social distancing guidelines, event duration, and other elements of the HASP plan.

General Requirements

1. Face Coverings
 - Performers must wear a mask at all times. Exceptions may be granted for specific performance types (e.g. brass and wind instrumentalists).
 - Audience members and participants must wear a mask at all times.
 - Performers and event organizers/ operators must ensure compliance with mask wearing.
2. Social Distancing
 - Performers must maintain a distance of at least 6' from the nearest audience member. If there is more than one performer, performers must maintain a 6' social distance from each other.
 - Performers and event organizers/ operators must ensure compliance with social distancing.
3. Crowd Size
 - Crowd size cannot exceed the City's guidelines for outdoor events and/or venue capacity, whichever is lower.
 - Performers and event organizers/ operators must have a system for monitoring crowd size and ensuring compliance with event size limitations.

Licensing

1. **Performances and Community Markets on Public Property:** All performances will be required to submit a HASP and must follow existing licensing procedures.
 - Parks: apply to the Parks and Rec department for a performance in a park through somervillerec.com
 - Non-parks: apply for a public event license (if needed) through Citizenserve
2. **Adjustment to an Entertainment License:** Organizations and businesses that are looking to add outdoor performances to their premises should apply for an amendment to their existing license in Citizenserve. In addition, businesses must submit a HASP.

Director Galligani spoke on the Somerville Covid 19 Outdoor Performance Policy. He stated they have been working with a group of venue and restaurant owners led by Greg Jenkins of the Arts Council for approximately 4 months. The city remains

cautious and will allow limited performances with adequate distancing (no brass and wind or singing), face coverings at all time and limit the crowd size. A health and safety plan will also be required. A discussion was held on the distance requirements. A draft template has been prepared for this purpose, for the applicant/venue/restaurant to submit. Singing is not allowed. Chairman Lynch asked about amplification outdoors. Economic Development does not have a policy for amplification and may be covered by other means, such as local ordinance or the licensing commission. He stated that regulating sound is a separate and distinct matter. The governor's orders cannot be overridden, the city can be more strict, but cannot be less strict. Chairman Lynch stated, amendments to these licenses can be conditioned with days and hours of operation. Director Galligani said he believed that this is under the purview of the Licensing Commission. Chairman Lynch also stated the City of Somerville the mayor or the administration, cannot override or extend beyond or lessen the governors orders, and the mayor takes this into account, and issues his own guidance, rules and regulations. Director Galligani stated we are at level 1 right now, and won't be at level 2 or 3 for at least a couple of weeks or longer. Chairman Lynch requested the City Clerk's office contact Ralph Sacramone at the ABCC for clarification/interpretation of Governors orders, and he received a reply, but still has a couple of questions about amplification and complaints received. He has concerns about a "battle of the bands", and how electricity is being accessed. Lt MacLaughlan stated to Chairman Lynch that extension cords will not be allowed. He is also concerned about residential areas surrounding the outdoor seating areas, and how it is controlled. Chairman Lynch suggested a couple of conditions: limiting the hours (pre pandemic outside performances stopped at 10pm), days of operation were governed by the license issued. Commissioner Lindgren expressed concern about the ending of entertainment and the time limit allowed at the establishment (90 minutes). Chairman Lynch questioned if the temporary performers would be counted against capacity and would they also be prohibited from spending more than 90 minutes in the outdoor patio areas. Commissioner Allen stated he feels the commission needs some additional time on this matter, due to existing language on entertainment on the premises not being allowed to be heard outdoors. Chairman Lynch stated indoor entertainment and outdoor entertainment are governed by existing ordinances, and economic development has been involved in this process for festival season. The question about public events and 1 day licenses with alcohol was raised, that includes entertainment. The city is not at that level yet. Chairman Lynch would like to sit with the City Clerk, Police and the Director of Constituent Serves with a few more questions in terms of trying to sync this with what the commission does with other events. Chairman Lynch would like a day to send the commission's questions and receive answers, before voting on this matter, and would like to reconvene before the end of the week to vote on this matter. The commission decided to schedule a special meeting on Thursday to vote on this matter.

This matter was continued to Thursday, March 18, 2021 for a Special Meeting

Chairman Lynch expressed his thanks to Lt. MacLaughlan for all his help and expertise while serving on the Licensing Commission and wished him a happy retirement. He also welcomed Capt. Sullivan to the commission.

**City of Somerville
Licensing Commission**

SPECIAL Meeting by Remote Participation

**Thursday
March 18, 2021
5:00pm**

Published March 16, 2021, at 4:15pm

**DRAFT OF THE
Minutes of the Regular Meeting
Monday, March 18, 2021**

Posted Monday, May 17, 2021 at 9:00am

The meeting was called to order at 5:00pm. Present were Commissioners, Lynch, Allen and Lindgren, Secretary to the Commission Lori Batzek, City Clerk, John Long, Economic Development Director Thomas Galligani, Members of the City Staff, Sgt., Chaille a member of the Police Dept. (joined the meeting in progress), Applicants and members of the public.

The meeting adjourned at 6:24pm

A recording of this meeting is available online

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/2140761647584546315>.

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COMMUNICATIONS

CONTINUED FROM MARCH 15, 2021

1. Thomas F. Galligani, Jr., Director of Economic Development, regarding the Somerville Covid-19 Outdoor Performance Policy:
 - On March 11, 2020, the City temporarily cancelled all City-sponsored and permitted events to mitigate the spread of COVID-19. On May 15, the cancellations were extended through the end of the 2020 calendar year. Since May, new research about COVID-19 transmission has been published that expands our understanding of risk factors, including 1) COVID-19 transmission occurs significantly less in outdoor, open-air settings compared to indoor settings and 2) community mask usage is an effective strategy for reducing transmission.
 - The artist community, small business owners, venue operators, and other stakeholders have convened over multiple working sessions to develop a plan for safely resuming outdoor activities. Safe, socially distanced outdoor events can create multiple benefits for the city, including providing residents with safer alternatives for addressing pandemic fatigue and supporting Somerville artists and small businesses. This plan seeks to maximize these benefits while addressing risks in COVID-19 transmission by limiting activities with aerosol projection, and providing guidelines for crowd size, social distancing, and event duration.
 - At this time, the City proposes the first step in the plan to include the reintroduction of limited events within our public and privately-owned spaces.

Activity Type	Risk Level
Level 1 Performance. Arts performances with no or almost no vocal projection/ aerosol emission e.g. dance, circus, mime, instrumental musicians (excluding brass and wind)	Level 1 performances are the lowest risk since there will be very little vocal projection from the performers and audience. These performances should be the first allowed.

All activities will be required to follow City and state health and safety guidelines, existing permitting procedures, and in addition, complete a hazard and safety plan (HASP). Performers and event organizers/ operators are responsible for ensuring compliance with mask wearing, social distancing guidelines, event duration, and other elements of the HASP plan.

General Requirements

1. Face Coverings
 - Performers must wear a mask at all times. Exceptions may be granted for specific performance types (e.g. brass and wind instrumentalists).
 - Audience members and participants must wear a mask at all times.
 - Performers and event organizers/ operators must ensure compliance with mask wearing.
2. Social Distancing
 - Performers must maintain a distance of at least 6' from the nearest audience member. If there is more than one performer, performers must maintain a 6' social distance from each other.
 - Performers and event organizers/ operators must ensure

- compliance with social distancing.
3. **Crowd Size**
 - Crowd size cannot exceed the City's guidelines for outdoor events and/or venue capacity, whichever is lower.
 - Performers and event organizers/ operators must have a system for monitoring crowd size and ensuring compliance with event size limitations.

Licensing

1. **Performances and Community Markets on Public Property:** All performances will be required to submit a HASP and must follow existing licensing procedures.
 - Parks: apply to the Parks and Rec department for a performance in a park through somervillerec.com
 - Non-parks: apply for a public event license (if needed) through Citizenserve
2. **Adjustment to an Entertainment License:** Organizations and businesses that are looking to add outdoor performances to their premises should apply for an amendment to their existing license in Citizenserve. In addition, businesses must submit a HASP.

Economic Development Director Thomas Galligani spoke on this Communication. Chairman Lynch has stated he reached out to the Licensing Commissions Chairs in the City of Medford, Boston and Cambridge to gather information on this matter.

City Clerk, John Long stated that any form of Entertainment Licenses requires a public hearing before issuing an entertainment license, per city ordinance.

Jen Atwood, Director of East Somerville Main Streets – spoke in support of entertainment, and mentioned Carnival which usually occurs in June. She feels this is much needed and is important to businesses.

Ken Field, Rep. the Honk Festival - spoke in support of opening up live entertainment.

Jessica Eshelman, Executive Director of Union Square Main Streets - spoke in support outdoor entertainment for the 200 businesses in Union Sq. and how covid has impacted those businesses.

Zack Baum, Bow Market Entertainment - spoke in support of outdoor entertainment, and feels non amplified music is not fair.

Greg Jenkins, Somerville Arts Council - spoke in support of amplified music and feels there are already adequate procedures in place.

Commissioner Allen stated at the last meeting he was amenable to approving non amplified music and willing to hash out the details for amplified music. He also stated there is already a process in place to mitigate any potential noise concerns. A discussion was held on how noise complaints would be handled by an abutter. Commissioner Allen suggested the abutter could put in a complaint with the establishment, and if that proved unsatisfactory to proceed with the Licensing Commission and/or the Police Dept. to enforce the noise ordinance. Chairman Lynch stated the Police Dept. would need to know the rules and regulations of the licensing commission for amplified or non-amplified music in order for enforcement purposes. He also stated the SPD is the enforcement regulator of the noise ordinance and questioned if they have personnel available for enforcement to take place, and confirmed that yes, they do, with the Police Dept. Commissioner Lindgren expressed concern about the distance requirement for smaller venues, and that this may reduce seating capacity. Chairman Lynch stated this was part of the research he conducted and the distance requirement is for large venues like Gillette Stadium, not for restaurants. The Law Dept. apprised Chairman Lynch that as

long as restaurants follow the Somerville Covid rules, a 6 feet distance requirement between patron and performer, this is permissible. A new Hasp would need to be submitted. Entertainment by Performers indoors is currently not allowed. Commission Allen would like to ensure that any noise violations be reported to the commission by the police dept., whether by residents or other restaurants in the same area. Chairman Lynch stated he would like these businesses to self-regulate to not burden the SPD.

Sam Epstein, The Jungle Club submitted a written email supporting outdoor amplified music and stated Somerville trusted operators of every other activity to enforce capacity and distance rules when they reopened, so too can Somerville trust musicians and operators who work with them to enforce the same rules. Chairman Lynch stated this is a very succinct and powerful statement that we are moving ahead with reopening Somerville. We are still in the middle of a pandemic, and this is a first step.

City Clerk, John Long prepared the following motion:

Motion for Temporary Outdoor Performances in Public or Private Temporary Outdoor Seating Areas:

Effective Monday, March 22, each properly licensed Restaurant and Common Victualer may apply to the Licensing Commission to amend its license for the purpose of adding Entertainment by Performers to its Public or Private Temporary Outdoor Seating. If the applicant is adjusting the pre-approved outdoor seating plan, its application must include an updated HASP Plan and Seating Layout Plan showing the location of the performer(s).

Pursuant to city ordinance, each application will be considered by the Licensing Commission after a public hearing is held to allow public input. The Licensing Commission will meet in special session on Monday, April 26, 2021, to consider each application that has been submitted in full by Thursday, April 8. Thereafter, the Commission expects to consider applications during its regular meetings, with all regular deadlines in effect.

The Licensing Commission will only consider applications for outdoor performances including, but not limited to, music, dance and circus, and as long as they meet the following conditions:

- 1. Performers must NOT emit vocal projections or aerosol emissions: Singing is NOT allowed under the Governor's Order. Brass and Wind instruments are NOT allowed.*
- 2. All performers must wear a mask at all times and maintain a distance of at least 6 feet from each other and from the audience.*
- 3. All audience members must be customers of the licensee, must be seated in the outdoor seating area, and must NOT stand, dance, or participate in the performance.*
- 4. Performances must end at 10:00 PM.*

All other State and local regulations with respect to the Covid-19 pandemic remain in place. These rules are subject to change.

A discussion was held and input received on this matter, and the motion was adjusted to reflect the final changes made, as stated above.

Sgt. Chaille stated within the last couple of weeks, a couple of minor violations have come in and verbal warnings have been issued. There hasn't been much of an issue during the pandemic due to the limited capacity of the restaurants. With the weather becoming increasingly better, they have received a couple of noise complaints. The Police Dept. will be adding additional units and adjusting hours to help with any noise complaints received. SPD, Economic Development and several City Councilors are comfortable with this outdoor entertainment policy.

Chairman Lynch wants it to be clearly understood, to the restaurateurs, that a verbal warning can be issued if complaints continue and the commission also has the authority to suspend licenses for any

continuing problems.

Director Galligani expressed his support of a cover charge and this feels this is fair for small venues to pay performers. Commissioner Lindgren stated there may be a concern of patrons staying beyond the 90 Minute time limit. Chairman Lynch stated this will be part of the condition of the issued license.

Chairman Lynch asked what days of the week this should be limited to. Director Galligani suggested 7 days a week. Chairman Lynch then asked about hours of operation. He stated that the cutoff time for Entertainment in the city is 10:00pm, whether it was pre covid, post covid indoor entertainment and we did not have outdoor entertainment. The beginning time of entertainment would be determined on a case by case basis.

The Commission approved this motion

**City of Somerville
Licensing Commission**

SPECIAL Meeting by Remote Participation

**Monday
April 5, 2021
5:00pm**

Published April 1, 2021, at 4:00pm

**DRAFT OF THE
Minutes of the Regular Meeting
Monday, April 5, 2021**

Posted Monday, May 17, 2021 at 9:00am

The meeting was called to order at 5:00pm. Present were Commissioners, Lynch, Allen and Lindgren, Secretary to the Commission Lori Batzek, Lt. Mitsakis, a member of the Police Dept., City Clerk, John Long, Members of the City Staff, Applicants and members of the public.

The meeting adjourned at 5:31pm

A recording of this meeting is available online

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.

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

1.

FOR NEXT LC MEETING			
LICENSE #	BUSINESS NAME	ADDRESS	APP. TYPE
ALM21-000015	Barra.Bars	23A Bow St.	PUBLIC - NEW Parklet & NEW Dog Area (current rules do not allow for new dog area)
ALM21-000017	Revival Café	197 Elm	PUBLIC - NEW Parklet
ALM21-000020	Dazken Corp	195 Elm St.	PUBLIC - Adding Fencing on Public Property
ALM21-000021	Mortadella Head	20 College Ave.	PUBLIC - Adding Temp Outdoor Seating on the Sidewalk
ALM21-000023	The Painted Burro	219 Elm St.	PRIVATE - Adding Tent to Private Outdoor seating
ALM21-000024	True Bistro	1153 Broadway	PUBLIC - Adding Parklet
ALM21-000025	Sally O'Brien's	335 Somerville Ave.	PUBLIC - Adding 2 Parklets (with 20 seats)
ALM21-000026	J.P. Lick's	36 Davis Sq.	Removing Seating for social distancing (indoors or outdoors?)
ALM21-000027	Mikes Bar	97 Washington St.	PRIVATE - Adding Outdoor Seating on Private Property (72 seats)
ALM21-000028	Forge Baking Company	626A Somerville Ave.	PUBLIC - Moving Parklet

Barra Bars - New dog areas are not allowed. Dog areas were not approved. Sidewalk seating was approved last year. Moving into the street this year for a parklet. Director Galligani spoke on this application and recommends provisional approval. No sidewalk seating will be in effect due to accessibility purposes.

The Commission provisionally approved both Public and Private Outdoor Seating, pending all department signatures. NO approval was given for Dog areas

Revival Café - Director Galligani spoke on this application and recommends provisional approval. Justin Schreiber stated this area and Dazken Corp. are 2 distinctive/separate area seating plans. Revival Café has a condition in place, to ensure the separate parking space remains between the 2 areas. An updated layout was submitted and approved.

The Commission provisionally approved this Public Outdoor Seating, pending all department signatures .

Dazken Corp - Justin Schreiber states this is similar to the other applications and recommends provisional approval. Commissioner Allen commented on the note that 16 seats would not fit into 1 parking space, and asked what a reasonable number of seats would be for the final license. Mr. Schreiber stated closer to 8-10 depending on how create they want to get and how wide the sidewalk is. A new plan will need to be submitted. Commissioner Lindgren wanted to ensure ADA compliance. Mr. Schreiber stated engineering will ensure this and they have created a new PDF Form with specific guidance on this matter for licensees.

The Commission provisionally approved this Public Outdoor Seating, pending all department signatures .

Mortadella Head - Withdrawn

The Painted Burro – Justin Schreiber stated this is an expansion of the tent and capacity in the back. Chairman Lynch asked if this will interfere in any way with the restaurant next door. Mr. Schreiber stated he believed they are working together to insure that the 2 private areas don't conflict. They share a common property owner and he feels they have worked out this matter, without overlapping. Chairman Lynch referenced the blueprint submitted, and had questions as to how far the area extended. Joe Cassinelli stated the floor plan showing was last year's plan. This year he submitted a new plan that shows 4 tents, and the other restaurant is putting 2 tents back up, behind their restaurant, where they placed them last year. Mr. Cassinelli stated he requested a 10x10 service area (a shipping container), but did not see it on the agenda. Out of the Blue is a separate area. This area is for The Painted Burro, he stated The Rosebud will probably try to use this same area for brunch. Chairman Lynch stated this area could not be shared with adjustments to The Rosebud's License. Mr. Cassinelli stated The Rosebud had the same as last year. Chairman Lynch stated The Rosebud did not have private seating in the back, they had Parklet seating in the front. Mr. Cassinelli stated he believed The Rosebud had private seating in the back as well. Chairman Lynch requested the Secretary Lori Batzek to investigate what was approved last year for the private patio in the back of the restaurants, he recalled Painted Burro and Out of the Blue approval for the private patio in the back. Chairman Lynch requested an update on The Painted Burro and

The Rosebud's parklets. Mr. Cassinelli stated all approvals have been received for The Painted Burro with a couple of conditions he is working on. He needs to know if the city requires an architecturally stamped plan to do a deck in front of The Rosebud, because he cannot build walls, due to the fire hydrant (there is not enough clearance). He is also going to submit the same plan for Posto as The Painted Burro for the parklet in front of the restaurant.

The Commission provisionally approved this Private Outdoor Seating, pending all department signatures .

True Bistro - Chairman Lynch found this application and documents fairly straightforward. Director Galligani agreed and recommended provisional approval pending all department signatures.

The Commission provisionally approved this Public Outdoor Seating, pending all department signatures .

Sally O'Brien's - Director Galligani agreed and recommended provisional approval pending all department signatures. Chairman Lynch asked if they were also maintaining the Public Sidewalk Seating. Justin Schreiber stated they were asked to submit for either sidewalk or parklet seating, because he did not believe there is adequate room for both. Commissioner Lindgren asked about ADA compliance. Mr. Schreiber confirmed this.

The Commission provisionally approved this Public Outdoor Seating, pending all department signatures .

J.P. Licks - Withdrawn

Mike's Bar – Justin Schreiber stated this is a relatively large parking lot and recommended provisional approval pending all department signatures. The floorplan submitted was written by hand, and Mr. Schreiber has requested some additional confirmation of the distances and measurements between the tables. Commissioner Lindgren stated proper distances for take-out needs to be taken into consideration and ADA compliance.

The Commission provisionally approved this Private Outdoor Seating, pending all department signatures .

Forge Baking Company - Director Galligani stated this is one of the city's two oldest parklets and they are expanding and recommended provisional approval pending all department signatures.

The Commission provisionally approved this Public Outdoor Seating, pending all department signatures .

**City of Somerville
Licensing Commission**

Regular Meeting by Remote Participation

**Monday
April 12, 2021
6:00pm**

Published on April 6, 2021 at 5:20PM

Republished on April 8, 2021 at 2:45PM

**DRAFT OF THE
Minutes of the Regular Meeting
Monday, April 12, 2021**

Posted Monday, May 17, 2021 at 5:45pm

*The meeting was called to order at 6:03pm. Present were Commissioners, Lynch, Allen and Lindgren, Secretary to the Commission Lori Batzek, Capt. Sullivan, a member of the Fire Dept., Lt. Mitsakis, a member of the Police Dept., City Clerk, John Long, Members of the City Staff, Applicants and members of the public.
The meeting adjourned at 7:49pm*

A recording of this meeting is available online

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COMMUNICATIONS

**1. ALCOHOLIC BEVERAGES CONTROL COMMISSION ADVISORY REGARDING
THE OPENING OF LARGE CAPACITY VENUES**

On March 18, 2021, Governor Charlie Baker confirmed that the state will move into Phase 4, Step 1, of its reopening plan on March 22, 2021. Part of this phase and step includes the reopening of large capacity venues. An explanation of how these venues may reopen can be found [HERE](#).

For all licensees for on-premises alcohol consumption **with a capacity under 5,000 patrons**, there are no changes to their current required operating procedures, other than with regards to private events. Licensees may host private events (i.e. wedding, christening, bar mitzvah) of up to 100 people indoors and up to 150 people outdoors. Licensees must follow the latest Indoor and Outdoor Event Rules.

Beginning March 22, 2021, all “large capacity venues,” i.e. those licensees **with a capacity of 5,000 or more patrons** (indoor and outdoor stadiums, arenas, ballparks, or similar facilities used for spectator sports, entertainment, or similar performances), may commence operations and the sale of alcohol with the following requirements:

1) the licensee must file a facility-specific COVID-19 plan with the Department of Public Health;
2) the licensee may operate at up to 12% of permitted capacity as specified on the certificate of occupancy. Occupancy counts include all spectators and attendees but exclude workers and staff employed by the venue;

3) the licensee is responsible for complying with sector-specific rules applicable to all activities conducted at the facility, including musical performances;¹

4) for food service: a. any counter service or passed or in-seat service to spectators must follow relevant provisions of Indoor and Outdoor Events rules, and b. seated table service must follow Restaurant rules;

¹ All sector-specific rules, including for all types of licensees for on-premises alcohol consumption, including restaurants, indoor/outdoor events, and large capacity venues, can be found at: <https://www.mass.gov/doc/covid-19-sector-specific-safety-rules-for-large-capacity-venues-permitted-to-open-to-the-public-in-phase-iv-of-the-commonwealths-re-opening-plan/download2>

5) for alcohol service: a. counter service or passed or in-seat service to spectators must follow relevant provisions of Indoor and Outdoor Events rules (drink service may be provided by servers and alcoholic beverages do not have to be accompanied by food orders), and b. seated table service must follow Restaurant rules; and

6) private events must follow the latest Indoor and Outdoor Event rules.

Any question regards these guidelines should be directed by phone to 2-1-1 or 1-877-211-MASS (6277), or online at: <https://mass211.org/>

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. Any additional questions should be directed to the ABCC Executive Director Ralph Sacramone at rsacramone@tre.state.ma.us or (617) 727-3040 x 731. (Issued March 19, 2021)

The Commission made note of this communication and placed it on file

1a. City of Somerville Covid-19 Outdoor Performance Policy

On March 11, 2020, the City temporarily cancelled all City-sponsored and permitted events to mitigate the spread of COVID-19. On May 15, the cancellations were extended through the end of the 2020 calendar year. Since May, new research about COVID-19 transmission has been published that expands our understanding of risk factors, including 1) COVID-19 transmission occurs significantly less in outdoor, open-air settings compared to indoor settings and 2) community mask usage is an effective strategy for reducing transmission.

The artist community, small business owners, venue operators, and other stakeholders have convened over multiple working sessions to develop a plan for safely resuming outdoor activities. Safe, socially distanced outdoor events can create multiple benefits for the city, including providing residents with safer alternatives for addressing pandemic fatigue and supporting Somerville artists and small businesses. This plan seeks to maximize these benefits while addressing risks in COVID-19 transmission by limiting activities with aerosol projection, and providing guidelines for crowd size, social distancing, and event duration.

At this time, the City proposes the second step in the plan to include the reintroduction of limited events within our public and privately-owned spaces. This would expand the framework beyond Level 1 performances with minimal aerosol emission to include Level 2, spoken word activities. Level 1 activities were approved by the Licensing Commission last month.

Activity Type

Level 1 Performance. Arts performances with no or almost no vocal projection/ aerosol emission

- e.g. dance, circus, instrumental musicians (excluding brass and wind)

Level 2 Performance. Arts performances with moderate vocal projection/ aerosol emission

- e.g. theater, comedy, spoken word

Risk Level

- Level 1 performances are the lowest risk since there will be very little vocal projection from the performers and audience. These performances should be the first allowed.

- Level 2 performances have low- to moderate risks of aerosol projection. Performers should use microphones to

Chairman Lynch took this item out of order. He stated at the Special Licensing Commission Meeting on April 5, 2021, Level 1 was reviewed, pertaining to Entertainment by Performers Outdoors. This communication from the Mayor for the next Level 2, Entertainment by Performers Outdoor policy. Director Galligani stated he believes this is a safe thing to do. All other Covid procedures, HASP Plans, distancing procedures... must still be kept. Chairman Lynch stated that applications submitted for Entertainment by Performers, Outdoor, from other than Restaurant Licensees, have another avenue that they will need to pursue for approval, and this is not regulated or approved by the Licensing Commission. Level 2 will take effect on April 19, 2021

Chairman Lynch stated no action is needed on this memo.

The Commission made note of this memo and placed it on file.

EXISTING **Wine & Malt Alcohol License** **CHANGE OF HOURS**

2. Sri Shaki Corp d/b/a Dosa N Curry, 447 Somerville Ave. requesting approval for a Change in Hours:
Current Hours to serve Food Indoors:
Application States: 11:30am – 10:00pm – License States: Mon-Sat 11:30am-10:00pm and Sun 11:30am-10:30pm
Proposed Hours to serve Food Indoors: Sun-Sat 6:00am-10:00pm
Current Hours to serve Alcohol Indoors:
Application States: 11:30am – 10:00pm – License States: Mon-Sat 11:30am-10:00pm and Sun 11:30am-10:30pm
Proposed Hours to serve Alcohol Indoors – Sun-Sat 11:30am – 10:00pm
(ALM21-000016)

Probhjor Kaur appeared for this application. She would like to open earlier to serve breakfast (the buffet is closed). Ms. Kaur states they already serve indoors from 11:30 am to 10:00pm. Would like to change this to 6:00am – 10:30pm, Tues. – Sun. (closed Mon.)

The Commission approved this Change in Hours.

EXISTING
All Forms Alcohol License
CHANGE OF HOURS

3. Demeter Hospitality Group LLC d/b/a Daddy Jones, 525 Medford St. requesting approval for a Change in Hours:

Licensed Current Hours to serve Alcohol INDOORS:
Monday-Wednesday: 5PM-12AM
Thursday-Friday: 5PM-1AM
Saturday: 11AM-1AM
Sunday:11AM-12AM

Licensed current hours to serve food INDOORS:
Monday-Wednesday: 5PM-10PM
Thursday-Friday: 5PM-11PM
Saturday: 11AM-11PM
Sunday:11AM-10PM

Application Current Hours to serve Alcohol INDOORS:
Starts at 4pm on Weekdays, 11am on Weekends

Application Current Hours to serve food INDOORS:
4pm-11pm

PROPOSED Hours to serve Alcohol INDOORS:
NO DAYS LISTED - 11AM-1AM

PROPOSED Hours to serve food INDOORS:
NO DAYS LISTED – 4PM-11PM

Current Hours to serve Alcohol OUTDOORS Private:
Starts at 4pm

Current Hours to serve food OUTDOORS Private:
Starts at 4pm weekdays, 11am on weekends

PROPOSED Hours to serve Alcohol OUTDOORS Private:
No Days listed 11am-10pm

PROPOSED Hours to serve food OUTDOORS Private:
No Days listed - 8am-9pm

Current Hours to serve Alcohol OUTDOORS Public:
Starts at 4pm weekdays, 11am on weekends

Current Hours to serve food OUTDOORS Public:
Starts at 4pm

PROPOSED Hours to serve Alcohol OUTDOORS Public:
Public:
No Days listed 11am No End Time

PROPOSED Hours to serve food OUTDOORS
No Days listed - 8am-9pm

PROPOSED OPENING ON SUNDAY: 8AM

Dimitra Murphy appeared for this application. She would like to open starting at 8:00am . Ms. Murphy states she has lunch hours, but is no longer using them. She stated they would like to serve food and alcohol at 11:00am, and coffee, baklava, spanakopita from 8:00am – 11:00am. Ms. Murphy confirmed food service beginning at 8am and alcohol service beginning a 11am, Indoors. She also confirmed food service beginning at 8am and alcohol service beginning a 11am, Outdoors on both the Private and Public seating. Ms. Murphy stated the service stopping at 12am from Sun. – Thu. and 1am Fri. – Sat.

PROPOSED Hours to serve Food INDOORS & OUTDOORS, Public & Private:
Sun. – Thu 8:00am – 12am, and Fri – Sat. - 8:00am – 1am

PROPOSED Hours to Alcohol INDOORS & OUTDOORS, Public & Private:
Sun. – Thu 11:00am – 12am, and Fri – Sat. - 11:00am – 1am

The Commission approved this Change in Hours

NEW
Enhancement Area Wine & Malt License,
Common Victualler, Entertainment by Devices, and
Sunday Hours Licenses

4. Koshari Mama, LLC d/b/a Koshari Mama, 586-585 Somerville Ave. requesting approval for an Enhancement Area Wine & Malt Restaurant License, a Common Victualler, Entertainment by Devices and Sunday Hours Licenses
Hours to serve Food and Alcohol: Mon – closed, Tue-Fri 11:00am – 9:00pm, Sat 11:00am – 10:00pm and Sun 11:00am – 8:00pm
(AL21-000005)

Attorney Nicholas Zozula appeared for this application. Sahar Ahmed and Dina Ahmed Fahim, a mother and daughter team, also spoke on this application. This LLC is a world business enterprise, WBE and MWE, a minority owned business, founded in 2017. They started at Farmers Markets around Somerville, graduated to Pop ups and finally opened (in September 2019). This license will help them celebrate their cultural cuisine, Egyptian, Vegan street food. This space was previously Moroccan Hospitality Restaurant, who had a Beer and Wine License. There will be 42 seats.

Attorney Zozula amended the hours of operation to:

Hours to serve Food and Alcohol: Mon – closed, Tue-Thu. 11:00am – 9:00pm, Fri - Sat 11:00am – 10:00pm and Sun 11:00am – 8:00pm

The beer and wine menu will be vegan. They are hoping to open in June. Chairman Lynch asked if this is the applicant's first liquor license. Attorney Zozula stated it is. They have previously operated at Bow Market, which has its own liquor license. Commissioner Allen asked if either applicant is Serv Safe Certified. Both are certified and Dina is enrolled in the Tips Cert. and the alcohol Serv Safe. A CV was not required for Bow Market as a Pop up. Inspections have not been completed yet, because the lease is contingent on receiving approval of the alcohol license. Also, some equipment needs to be replaced. A bar and storage area are currently being built. Dina will be the manager of record..

E. Ariel Jaffe a resident of Leland St., spoke in support of this application.

Sarah Green a resident on the same block, spoke in support of this application.

Zach Baum, Bow Street Market, spoke in support of this application. He stated they are model tenants and model community members.

The Commission provisionally approved these Enhancement Area Wine & Malt License, Common Victualler, Entertainment by Devices, and Sunday Hours Licenses, pending all department signatures

NEW
Common Victualler, Entertainment by Devices and
Outdoor Private Seating License

5. La Joie, LLC d/b/a Le Macaron, 411 Artisan Way, Debra Hilton-Creek.
Manager to be Determined
Hours of Operation Indoors: Mon-Sat 7:00am – 9:00pm and Sun 7:00am-5:00pm
Hours Outdoors on Private Property, Spring, Summer and Fall: Mon-Sat 7:00am – 7:00pm and Sun 7:00am-4:00pm
(AL21-000006)

*Debra Hilton-Creek appeared for this application. Both Ms. Hilton-Creek and her husband plan to open this French bakery at Assembly Row as their first opening, of 3 stores. They do not plan to open the outdoor seating any time soon. The bids for the buildout are currently taking place. They may open the outdoors in the fall. Their expected opening date will be mid-June to the 1st week of July. Chairman Lynch asked about a specific time frame for service of the outdoor patio in lieu of Spring, Summer, Fall and stated that we currently begin outdoor seating on March 1st. Ms. Hilton-Creek stated they would not be operating outdoor seating in the winter months. Chairman Lynch stated the City of Somerville allows for outdoor winter seating. **Chairman Lynch requested the secretary remove Spring, Summer, Fall from the Outdoor Seating on this application.** Commissioner Allen asked for confirmation of Public or Private outdoor seating. Ms. Hilton-Creek initially thought the sidewalk in front of the business was public property. Chairman Lynch questioned whether this walkway is owned by Federal Realty Trust and is Private Property. **The secretary, Lori Batzek will check with the Assessor's Office and Engineering to confirm this as Public or Private property of this area.** Entertainment will be streaming of audio and a television. David Middleton spoke on behalf of Federal Realty Trust pertaining to the question of Public or Private property for the outdoor seating. He confirmed this area Public property. **Chairman Lynch requested the Secretary change this application from Private Property to Public Property for Outdoor Seating.***

*The Commission provisionally approved these Common Victualler, Entertainment by Devices and Outdoor **PUBLIC** Seating Licenses, pending all department signatures*

NEW
Common Victualler License

6. Cambridge Public Health Commission, d/b/a Somerville Hospital Kitchen, 33 Tower St.
Yvonne Johnson
Hours of Operation: Sun-Sat 6:30am – 6:00pm
(AL21-000007)

Yvonne Johnson appeared for this application. The hospital is opening 69 Inpatient beds, which requires them to have a functioning kitchen. The kitchen had been decommissioned 5 years ago. Renovations are being done to update this kitchen. Because there will be Inpatients, more employees

will be needed, and they will open a small cafeteria with self-serve options. They so not expect to see patients until the beginning of June. A pre-open inspection will be scheduled. The license holder will be Cambridge Public Health Commission. The entity is being outsourced through Sodexo (Yvonne Johnson works for this company). Ms. Johnson stated that the State must do their own inspection prior to the kitchen opening, as well as the City required inspections.

Chairman Lynch requests the application reflect the 3rd party entity of Sodexo. He also requests the applicant send this information to the secretary.

The Commission Provisionally approved this Common Victualler License pending all department signatures.

NEW
ASSEMBLY ROW All Forms Alcohol License,
Common Victualler, Entertainment by Devices,
Outdoor Private Seating, Outdoor Heaters and
Sunday Hours Licenses

7. Parla Mystic Corporation d/b/a Parla XXI, 631 Assembly Row requests approval of an Assembly Row All Forms Alcohol License, a Common Victualler License, an Entertainment by Devices License Outdoor Private Seating License, Outdoor Heaters and a Sunday Hours License
Hours of Operation for Food Indoors and Outdoors: No Days Listed, Appl. states:
7:00am – 1:00am
*Will Require Alcohol Service Hours – Hours ALLOWED: Mon. - Sat. 8:00am – 1:00am, Sun. – 12:00pm – 1:00am or ****10:00am – 1:00am (**see MGL 138, 33B) TO BE APPROVED BY LIC. COMM.***
Hours of Operation for Alcohol Outdoors: Sun-Sat 11:00am – 1:00am
(AL21-000008)

Attorney Anne Vigorito appeared for this application. Khaled Moheydeen is the proposed manager, president and treasurer of this corporation. The hours for food service include breakfast, which was not submitted with the application, but will be provided to the commission as a supplemental item. Alcohol will be served from 11:00am to last call at 12:30am with a brunch, lunch and dinner menu. There will be 50 seats indoors and 44 seats outdoors. The entertainment will consist of background music and a TV. This is a “speakeasy” concept without the illegal aspects. The sister/original restaurant operates in the North End on Hanover St. Attorney Vigorito states the cocktail menu will be unique, and the bartenders will work with patrons. Miss Khaled and the entire staff are Tips Certified. She also states that Councilor McLaughlin supports this application. The food will have an Italian flair with a variety of appetizers. David Middleton confirmed the outdoor seating will be on Private Property, owned by Federal Reality Trust and is in favor of this application. Attorney Vigorito stated there have been no violations at the other establishment. The premises needs to be built out and approved by the ABCC, and they’re hoping to open within 60 days. Attorney Vigorito spoke about the Boston establishment and the current outdoor seating there, and how she observed their orderly closing. The capacity is based on post covid seating. A covid appropriate seating plan will be instituted. Chairman Lynch asked if any of the covid seating documentation has been submitted. Attorney Vigorito believes this has not been done. The chairman remended Attorney Vigorito this must be done prior to opening the outdoor premises.

The Commission provisionally approved these ASSEMBLY ROW All Forms Alcohol License, Common Victualler, Entertainment by Devices, Outdoor Private Seating, Outdoor Heaters and

Sunday Hours Licenses, pending all department signatures

Special Alcohol License Applications

8. PKL Boston, Special Alcohol Wine and Malt License for event “PKL Boston.” Location: Park between 325-375 Assembly Row. Dates: June 1, 2021 – October 31, 2021. Times: 8 AM – 11 PM. Food Service included. (NOTE: 30 dates not specified; proof of access to private property not provided.)

Mr. Husbands, Dustin Martin, Yvonne Johnson and David Middleton of Federal Realty Trust, appeared for this application. Proof of access to private property has been submitted prior to this meeting, by Federal Realty Trust. This event is a private park owned by Federal Realty Trust. The city is not currently issuing Special Alcohol Licenses. This application has been submitted in preparation for the relaxation of the some of the current covid restrictions in place. Mr. Middleton stated 4 pickleball courts will be used and food will be served by Smoke Shop, which abutts this area. Dustin Martin spoke and stated this will be the launch of their new brand and company, an entertainment venue centered around pickleball . The courts will be rented by the hour. 4 Shuffleboard courts and cornhole courts will also be available with a bar and seating areas. Commissioner Allen asked what pickleball is. Mr. Martin explained it is a combination of tennis and pig pong, and gave a background and history of this sport. A discussion was held about the area and where the event will be placed. Commissioner Allen asked about the covid status of events and what is allowed. Chairman Lynch responded that the applicants understand that the one day special license would not be issued right away. There is some financial considerations as to how Federal Realty and Assembly Row are trying to implement these events. He also recommended to David Middleton, that applications be submitted, in order to place these items on the agenda for discussion. When the State and the City of Somerville relax some of these restrictions that are currently in place, this can be taken up again, and it can be moved through very quickly. This application can be heard on the Special Meeting being held on April 26th. All employees will be Tips Certified by June 1st. Commissioner Lindgren asked about how many dates will this event will be for. Mr. Martin stated he was under the impression that they would apply for a single 5-6 month license or for 30 dates and then reapply for 30 day renewals thereafter, for a total of 5 or 6 months of events. They would like to serve alcohol every day they are open during certain times. Coffee and sports drinks will be sold until 11:00am. They will be streaming in low volume music. The initial paperwork has been filed with the state, but not subsequent paperwork for the following event dates. Chairman Lynch asked about the Entertainment not appearing on the application. The secretary, Lori Batzek indicated there may be no indication of Entertainment by Devices on a Special One Day License. She will work with the City Clerk John Long on this matter. A note was made in the minutes about Entertainment by Devices for this application, per the request of the Chairman. They will be purchasing alcohol from Night Shift Brewing. Mr. Martin stated they will be serving cocktails. Chairman Lynch stated multiple entities cannon own the license and serve. Mr. Martin stated there is a distinct, gated separation of the 2 premises between Night Shift Brewing and PKL. Smoke Shop’s outdoor seating is separate as well.

The dates and other information, pertaining to this application, including an ABCC determination are pending. Commissioner Allen would like to receive any guidance received from the ABCC, in compliance with Open Meeting Law requirements.

The Commission continued this application until the April 26, 2021 Special Licensing Commission Meeting.

9. Night Shift Brewing, Special Alcohol Wine and Malt License for event “Owl’s Nest at Assembly Row by Night Shift Brewing.” Location: Park between 325-375 Assembly Row. Dates: June 1, 2021 – October 31, 2021. Times: 8 AM – 11 PM. Food Service

included. (NOTE: 30 dates not specified; proof of access to private property not provided.)

Jim Raris, Matt. Eshelman, Mike O'Meara and David Middleton from Federal Realty Trust appeared for this application. They are requesting a seasonal license. Night Shift has operated 2 similar events in Boston at the Esplanade and Herder Park for the last 4 years. Last year they were operated following all state and local health and safety guidelines, and provided seated food and beverage service for their guests. They plan to operate the Owl's Nest at Assembly Row from June 1st to October 31st, weather permitting, 7 days a week from 2pm-9pm Mon.-Thu, 11am-9pm Fri-Sat and 12pm-6pm on Sun. There will be 49 tables with no more than 4 patrons per table, with 6 feet spacing or more apart, for a total capacity of 196. No alcohol will be served without first ordering food from Smoke Shop. All supervisors will be Tips Certified Bartenders and door staff will verify ID's, serve guests and enforce all state and local covid policies for restaurant dining. They understand that 1 day special alcohol licenses cannot be issued to a single entity for more than 30 days. In Boston they have separate entities licensed consecutively for no more than 30 days per entity in order to operate for the entire summer season. This will be their 4th summer at the Esplanade and Herder Park. Chairman Lynch asked if the Boston Licensing Board raised any objections to using separate LLC's for their One Day Special Alcohol Licenses. Mr. Eshelman stated, not to their knowledge. Chairman Lynch requested the secretary, Lori Batzek to contact Boson Licensing Board to determine how they issue these 30 day licenses, and share this information with all the commissioners. Mr. Eshelman explained and Mr. Husbands confirmed, how the food service will work. The servers will approach the table, complying with covid distancing rules and masked, and will request the confirmation email or code sent via the 3rd party vendor, through an internet browser, from a special menu.

Commissioner Lindgren stated the alcohol service must be within the established perimeters of the Licensing Commission. She also wanted to know about rest rooms due to the large volume of people being served, and if they will be ADA compliant. They will be providing executive toilets with running water, sinks and toilets, that will be brought in, and both the toilets and the premises will be ADA compliant.

Chairman Lynch wants to ensure proper liability for the alcohol service, due to the 3 separate entities serving alcohol in the area.

American Fresh Brewhouse was mentioned and how they received more than 30 days one day special alcohol licenses in previous years. Chairman Lynch already has the secretary looking into these licenses.

Mr. Raris clarified there will be 65 tables with no more than 4 patrons per table. He also wanted to know if the covid restrictions would be the only thing holding up approval of this license. He stated in Boston, they treat these licenses as a restaurant. He explained this is a costly endeavor and wants to ensure they have everything in place. He also remarked on the Governors Orders repealing #57 and instituting #63 and the capacity limits of up to 150 people, which would get them to a point that they could rationalize the capital investment for these licenses. He also asked if Somerville removed the covid capacity limits would that solve the problem to issue these licenses. Chairman Lynch stated he needed additional time and information from the ABCC and investigation by the Somerville Licensing Clerk as to how the City of Boston proceeds on theses licenses. He also stated the secretary has apprised him that these licenses are under scrutiny in Boston as well and he would like to make sure that once conditional approval is granted, nothing will interrupt their business plan going forward.

Chairman Lynch asked if Smoke Shop needed additional paperwork submitted. Commissioner Allen stated they would be expanding their premises to the street and paperwork to do this is required (an application, floor plan and new HASP plan, would be required).

Chairman Lynch suggested getting an application for the Special Meeting being held on April 26th.

Someone commented that Planning and Zoning have signed off on these licenses on April 8th.

The Commission continued this application until the April 26, 2021 Special Licensing Commission Meeting.

**City of Somerville
Licensing Commission**

Special Meeting by Remote Participation

***DRAFT OF THE
Minutes of the Special Meeting
Monday, April 26, 2021***

Posted Monday, June 21, 2021 at 5:10pm

*The meeting was called to order at 4:04pm. Present were Commissioners, Lynch, Allen and Lindgren, Secretary to the Commission Lori Batzek, Capt. Sullivan, a member of the Fire Dept., City Clerk, John Long, Members of the City Staff, Applicants and members of the public.
The meeting adjourned at 6:01pm*

A recording of this meeting is available online

Monday

April 26, 2021

4:00pm

Published on April 22, 2021 at 3:10pm

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/4403058499392739599>.

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

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 has discussed these changes with City Clerk John Long. He feels all the changes will be incorporated into a revamp of the Rules and Regulations and hopes to bring these to the May 17, 2021 Licensing Commission Meeting, for the public's perusal.

2. Commissioner Allen proposing the removal of Section 4.

Commissioner Allen has discussed these changes with City Clerk John Long. He feels all the changes will be incorporated into a revamp of the Rules and Regulations and hopes to bring these to the May 17, 2021 Licensing Commission Meeting, for the public's perusal.

3. Commissioner Allen proposing language to update Section 1.12.b to explicitly not apply to breastfeeding.
4. *Commissioner Allen has discussed these changes with City Clerk John Long. He feels all the changes will be incorporated into a revamp of the Rules and Regulations and hopes to bring these to the May 17, 2021 Licensing Commission Meeting, for the public's perusal.*

Late Communication

- 3a. Director Thomas Galligani sent a late communication to Chairman Lynch. This communication was read by the commissioners and into the minutes:

Mr. Chairman,

The City Administration supports the licensing Commission issuing one-day alcohol permits in circumstances that are consistent with our existing outdoor dining policies. Just as the Licensing Commission has issued outdoor dining permits to multi-business collaborations in Davis Square, one-day permits should support collaborations between permit holders and local restaurants. Above all, permitted activities need to be Covid-compliant, maintain proper social distancing between patrons, and ensure that patrons are dining while consuming alcohol.

Permitted activities shall be subject to all other appropriate City approvals.

I'll be available this afternoon at the Licensing Commission meeting to answer any questions that you may have. Please let me know if I can be of any further assistance.

Sincerely,

Tom

A discussion was held about this matter. Mr. Galligani stated this is similar to the outdoor seating approved by the commission earlier this year. He also stated this should function as outdoor dining with eating and drinking. People should be seated and organized in a safe manner. This is already being done with outdoor dining.

Chairman Lynch stated this is a privilege not a right and the city is still taking cautious approaches to how this will be done. He also stated the commission will begin issuing special alcohol licenses with the condition that food must be served. An approved Covid seating plan and all approvals from city departments is also required. Chairman Lynch stated these are not Beer Gardens, they are pop up restaurants.

Continued from 4/12/21 Regular Licensing Commission Meeting

Special Alcohol License Applications

4. PKL Boston, Special Alcohol Wine and Malt License for event “PKL Boston.” Location: Park between 325-375 Assembly Row. Dates: June 1, 2021 – October 31, 2021. Times: 8 AM – 11 PM. Food Service included. (NOTE: 30 dates not specified; proof of access to private property not provided.)

A discussion was held on this matter about the process of food, alcohol and entertainment at the last Licensing Commission meeting. Permission from the Private Property owner was requested at that time. This was received and forwarded to the commissioners by the secretary.

Anni Lierhaus appeared for this application. The dates will be from June 1st through October 31st, with food service included between 8am to 11pm. A discussion was held about the operation of this event. This will be a pickleball venue, with shuffleboard courts and a bar. They are partnering with Smoke Shop Barbeque to provide food. Receipt of food purchase will be required before alcohol service. Commissioner Lindgren had some questions about the entertainment by devices. There will be piped in music. Commissioner Lindgren had a note about the entertainment by devices and the special alcohol license being put together from the last meeting. She also asked if there was a time limit for people to stay at the venue. Ms. Lierhaus stated individuals will be able to rent a court for an hour. They have not thought about the time limit for individuals to actually be the venue. Ms. Lierhaus stated the Covid restriction of 90 minute dining currently in place. She suggested that both could be incorporated, 1 hour for play time and 30 minutes for dining.

A brief discussion was held on Entertainment on the Special Alcohol License. Chairman Lynch stated he did not see this on the application. Chairman Lynch stated the Special Alcohol License may need to be amended to include the entertainment by Devices. Commissioner Lindgren noted Dustin martin was at the last meeting. Commissioner Allen asked the specific hours of alcohol service. Ms. Lierhaus stated it would probably be from noon or a little later than that, onwards. Commission Lynch stated he would need an exact time. 11:00am was suggested and accepted, for brunch on Saturday and Sunday. 11am will be the start time for alcohol. Food service would be provided earlier at 8am. Chairman Lynch stated as a reminder, that food must be served at all times when alcohol is served. Ms. Lierhaus stated food will be ordered by a QR code at the bar, (to order food from the Smoke Shop), in order to purchase alcohol from PKL, a receipt will need to be shown from Smoke Shop.

Secretary to the Commission , Lori Batzek, asked to clarify the earlier question about Entertainment by Devices on a Special Alcohol License. Entertainment has not appeared on a separate license in the past and has always been included in a Special Alcohol License. Chairman Lynch stated he would prefer this be included on the license as a condition, because this is a temporary outdoor establishment. The commissioners agreed.

The secretary noted that there were no specific dates on the application, and Chairman Lynch stated a new application will need to be submitted every 30 days. Chairman Lynch stated the way the City of Boston and Cambridge issue these licenses, the same license responsible person cannot be on multiple licenses. The application should come in under PKL Boston, but a different person will be responsible for each license.

The Licensee will be required to submit another application for July, August, September and October. PKL states they will need to amend the start date of June 18th. Chairman Lynch stated he was o.k. with the start date of June 1st and activating the license when they want to. He would prefer to keep the dates at the beginning of the month to the end of the month.

The Commission approved this Special Alcohol License with the following conditions: Hours of alcohol service start at 11am to 11pm, 7 days a week, Food Service is 8am to 11 pm, 7 Days per week, Entertainment by Devices is added and Food Service is required. This application is approved for June 1st, 2021 through June 30th, 2021

5. Night Shift Brewing, Special Alcohol Wine and Malt License for event “Owl’s Nest at Assembly Row by Night Shift Brewing.” Location: Park between 325-375 Assembly Row. Dates: June 1, 2021 – October 31, 2021. Times: 8 AM – 11 PM. Food Service included. (NOTE: 30 dates not specified; proof of access to private property not provided.)

Mr. Matthew Eschelman appeared for this application. The operation of this license is basically the same as previous stated. They will have seated table service where food will be required. They are partnering with Smoke Shop, which is adjacent to this location. This is being held on private property. Chairman Lynch stated Smoke Shop has its’ own liquor license and outdoor seating. He also asked how the areas will be separated and if there will be signs distinguishing the 3 establishments. Mr. Eschelman replied that they would have signage. Chairman Lynch stated the fees associated for a one day license are on the website. The secretary commented on the Entertainment by Performers and stated we have never had separate licenses for Entertainment of any kind, nor has this been advertised, for a Special Alcohol license, she also suggested checking with City Clerk John Long on this matter. Mr. Eschelman stated he definitely wants Entertainment by Devices and differs to state and city regulation regard Covid safety, if this is allowed. He stated if it is allowed, they would like to have it. Chairman Lynch stated entertainment is not on the application. He suggested this be placed on future applications, because we are required to notice the public on entertainment by Performers. He stated we have to advertise it and we have to ask for a public comment. Mr. Eschelman agreed to Entertainment by Devices only for this month and to revisit the issue if it’s something they are still interested in, moving forward.

Mr. Eschelman stated they are targeting the opening for June 1, but this will depend on some of the equipment that has a longer lead time. He stated he would like to keep the June 1st date. He also stated that they file each 30 day period with

different LLC's. He said Boston has done this a couple of different ways over the years. Chairman Lynch would like to discuss this with the City Clerk.

The Licensee will be required to submit another application for July, August, September and October.

The Commission approved this Special Alcohol License with the following conditions: Hours of alcohol service start at 11am to 11pm, 7 days a week, Food Service is 8am to 11 pm, 7 Days per week, Entertainment by Devices is allowed and Food Service is required. This license will commence on June 1st 2021 and end on June 30th, 2021

Entertainment Applications

6.

	LICENSE #	BUSINESS NAME	ADDRESS	APP. TYPE	CURRENT/NEW	PUBLIC/PRIVATE
6a.	ALM21-000015	Barra.bars, LLC	23A Bow St.	Entertainment by Devices & Performers - Outdoors on Public & Private Property	New	Both
6b.	ALM21-000022	Midici	463 Assembly Row	Entertainment by Devices & Performers - Outdoors on Private Property	New	Private
6c.	ALM21-000027	Mike's Bar	97 Washington St.	Entertainment by Devices & Performers - Outdoors on Private Property	New	Private
6d.	ALM21-000032	Bow Market Entertainment, LLC	337 Somerville Ave.	Entertainment by Devices & Performers - Outdoors on Private Property	New	Private
6e.	ALM21-000033	Out of the Blue Restaurant	215 Elm St.	Entertainment by Devices - Outdoors on Private Property	New	Private

6f.	ALM21-000036	The Burren	247 Elm St.	Entertainment by Performers - Outdoors on Private Property	New	Private
6g.	ALM21-000037	Aeronaut	14 Tyler St.	Entertainment by Devices (including projections) & Performers (including dance) - Outdoors on Private Property	New	Private
6h.	ALM21-000039	The Center for Arts at the Armory	191 Highland Ave.	Entertainment by Performers - Outdoors on Private Property	New	Private
6i.	ALM21-000040	The Jungle Club	66 Union Sq.	Entertainment by Devices & Performers with Amplification - Outdoors on Private Property	New	Private

Temporary Outdoor Seating

7.

	LICENSE #	BUSINESS NAME	ADDRESS	APP. TYPE	COMPLETE	CURRENT/NEW	PUBLIC/PRIVATE
7a.	ALM21-000031	Oat Shop	22A College Ave.	Outdoor Seating - Parklet with Barriers - Public Property	Yes	New	Public
7b.	ALM21-	Rosebud	381 Summer	Outdoor Seating -	Yes	New	Private

	000034	Restaurant, Inc.	St.	Requesting permission to share Painted Burro seating space - Private Property			
7c.	ALM21-000035	Rosebud Restaurant Inc.	381 Summer St.	Outdoor Seating - Parklet with Decking & Barriers - Public Property	Yes	Current w/new add.	Public
7d.	ALM21-000037	Aeronaut	14 Tyler St.	Outdoor Seating - Adding 6 Seats, with alternates for live performances & removing heaters - Private Property	No	Current	Private
7e.	ALM21-000041	Anna's Taqueris	236 Elm St.	Outdoor Seating - Parklet - Public Property	No	New	Public
7f.	ALM21-000042	Posto	187 Elm St.	Outdoor Seating - Parklet with Wooden Structure, same as Painted Burro - Public Property	Yes	Current w/new add.	Public

6a. Barra Bars – Paola Ibarra Deschamps - Did not withdraw, this is just an entertainment by Devices only. Will have a sm. Bluetooth speaker. - APPROVED

6b. Midici - Susan Olsen - Entertainment by Performers (singing is not yet approved), only primarily for brunch on Saturday & Sunday, applicant states they were previously approved for Entertainment by Devices - APPROVED

6c. Mike's Bar – No Show – Continued to May 17, 2021 Licensing Commission Meeting

6d. Bow Market Entertainment – Zach Baum – Would like some live music performance in the courtyard in the corner. A table has been removed to accommodate the performers due to Covid restrictions. Mostly acoustic music, but they do plan to have 1 day a week for a D.J. Performers will be using existing sound system. Chairman Lynch suggested they be cognizant of the noise volume in this residential neighborhood. Jessica Eshelman, Union Sq. Main Streets spoke in support of this applicant - APPROVED

6e. Out of the Blue Restaurant – Lidia Liacos – Will use some background, wired speakers for under their tent. Chairman Lynch stated ISD will need to approve this. - APPROVED

6f. The Burren – Tommy McCarthy – Entertainment by Performers only in the back, amplified acoustic music. The sound system is a battery solar mixer. Chairman Lynch suggested they be cognizant of the noise volume in this residential neighborhood. - APPROVED

6g. Aeronaut - Ron Friedlander - A couple of different seating plans were submitted to accommodate the performers, each plan removes 1-2 tables to make space. 1-2 performers with instrumental music, and no wind instruments until allowed. The performers, only, may dance. Projections may be used so people can participate from their seats. If used, the audio would be amplified. Chairman Lynch asked if they have outdoor lighting. Mr. Friedlander stated they did, and doesn't feel the lights would be dimmed during the projection due to the location, in a dark corner. Carolicious serves food. Jessica Eshelman, Union Sq. Main Streets spoke in support of this applicant. Chairman Lynch asked how they will crowd control. Mr. Friedlander stated they have a reservation system and walk ups can use the pre-reservation, but seating needs to be assigned, to a table to get in. Servers ensure food purchase at the time the drink order is fulfilled, and they cross check with Carolicious. Chairman Lynch suggested they be cognizant of the noise volume in this residential neighborhood. - APPROVED

6h. The Center for Arts at the Armory – Stephanie Scherph – Same area for Entertainment as the outdoor seating. Would like to potentially book strings players, classical music, acoustic guitar and possibly dance. She may wait for Covid restrictions to be further relaxed. For performers who need amplification, they could use a small pa portable system or Bluetooth. It would depend on the performer and what is needed. Chairman Lynch suggested they be cognizant of the noise volume in this residential neighborhood. – Ms. Scherph asked if she could include Entertainment by Devices with this or does she need to reapply. Chairman Lynch stated he believed they have already been approved for Entertainment by Devices, and requested the secretary to confirm this. The secretary was researching this. Chairman Lynch stated to Amend the application for Entertainment by Devices. - APPROVED

6i. The Jungle Club - Sam Epstein – Entertainment by Devices and Performers, by local musicians, 4 days a week basically repeating everything they did last year but now having live performers. They are expanding the area to include the performers, so no seating

will be affected. They will use the existing power to plug into for portable amplification for instruments and when allowed, singers. Recorded music will be using Bluetooth. Chairman Lynch stated that although this is primarily a commercial district, he suggested they be cognizant of the noise volume, due to the residents on the other side of Stone Park. Mr. Epstein asked if performers who are too loud in the proximity of neighboring restaurants, especially at night, could appear earlier at 11am. Chairman Lynch stated his hours are governed by his CV and Alcohol license. Mr. Epstein stated they currently open at 5pm. If he is adjusting his hours of operation, an amendment would be needed for this. Jessica Eshelman, Union Sq. Main Streets spoke in support of this applicant - APPROVED

7a. Oat Shop – Mr. Alan Donovan – Would like to put 2 tables with barriers on the sidewalk. - APPROVED

7b. Rosebud Restaurant, Inc. – No Show. They would like to share Painted Burro space. Chairman Lynch recalls this space was solely approved for Painted Burro last year. Justin Schreiber stated he believes the Rosebud will use this space when Painted Burro is not open and using this space. Justin confirmed the Chairman's statement, this space was not shared last year. Chairman Lynch expressed concerns about service to and from all the establishments. He also stated it appears staff will need to cut through Out of the Blue from the Rosebud for service. Justin looked up this information in the computer. The floor plan was pulled up for review. Chairman Lynch wants to ensure there are no conflicts with staff and the serving of alcohol and the accouterments involved. Chairman Lynch asked Justin to do a site visit to help answer these questions. Steve Liacos had comments on the rosebud application and the space in the back. He stated the Rosebud was not part of this parking lot and their parking lot access is to accept deliveries. Lidia Liacos stated the Rosebud used the Painted Burro space last year, but Out of the Blue Restaurant was not open for lunch at that time, they will be this year. An agreement was made between Out of the Blue to allow the Rosebud to go through their area to bring food to the Painted Burro seating area. That can't be done this year, because Out of the Blue will be open for Brunch. Other issues were also brought up, such as cutting through and coming through with garbage. Chairman Lynch stated he was concerned about Health and Safety. Mr. Liacos and Ms. Liacos had additional comments about Rosebud having no right to access this parking lot, except for deliveries. He feels the owner is bullying him. Chairman Lynch requesting Justin Schrieber to bring an inspector to this premises and to report back to the commission – Continued until 5/17/21 Licensing Commission Meeting

7c. Rosebud Restaurant, Inc. - No Show. Justin Schreiber stated they are raising the seating similar to Out of the Blue to make a kind of deck. Justin stated he feels this is all set. Justin also confirmed the Fire Hydrant won't be blocked, there will be a removable chain, and Capt. Sullivan confirmed this. - APPROVED

7d. Aeronaut - Mr. Friedlander – Heaters are being removed to accommodate live performances. Cortney Kirk approves this under conditional approval. She state the layouts are Covid compliant, with social distancing and also proper distancing between the tables and entertainment. This is a revised seating plan. - APPROVED

7e. Anna's Taqueria – Justin Schrieber is o.k. with this application - APPROVED

7f. Posto - No Show – Justin Schrieber stated this structure is almost identical to Painted Burro with identical documents and identical application submitted. - CONDITIONAL APPROVAL TO BE REVIEWED BY JUSTIN SCHRIEBER

City of Somerville
Licensing Commission

Regular Meeting by Remote Participation

DRAFT OF THE
Minutes of the Regular Meeting
Monday, May 17, 2021, 2021
Posted Thursday, August 5, 2021, 2021 at 9:45

The meeting was called to order at 6:02pm. Present were Commissioners, Lynch, and Allen, Capt. Dennis Sullivan of the Fire Dept., Lt. Timothy Mitsakis of the Police Dept., 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 8:47pm

A recording of this meeting is available online

Monday
May 17, 2021
6:00pm
Published on May 12, 2021 at 7:30 PM
Published on May 17, 2021 at 4:00PM
CORRECTION Published on May 17, 2021 at 7:20pm

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/1620777311277668107>.

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,
And 4/26/21 Special Licensng 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

The Commission continued this communication to the June 21, 2021 Licensing Commission Meeting

- 1a. Minutes of the Regular Licensing Commission Meeting from 3/15/21

The Commission approved these minutes

- 1b. Minutes of the Special Licensing Commission Meeting from 3/18/21

The Commission approved these minutes

- 1c. Minutes of the Special Licensing Commission Meeting from 4/5/21

The Commission approved these minutes

- 1d. Minutes of the Regular Licensing Commission Meeting from 4/12/21

The Commission approved these minutes

2. Commissioner Allen proposing the removal of Section 4.

The Commission continued this communication to the June 21, 2021 Licensing Commission Meeting

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

The Commission continued this communication to the June 21, 2021 Licensing Commission Meeting

4. **Somerville to Move into Modified Phase 4, Step 1 Reopening on May 7**

With more residents and employees able to be vaccinated and a recent decrease in COVID-19 cases, Somerville will move into a modified Phase 4, Step 1 of the State's reopening plan starting on Friday, May 7.

What will change in Somerville starting May 7:

- With any additional guidance noted below, all businesses in categories included through the State's Phase 4, Step 1 as well as houses of worship will be allowed to operate at up to 50% capacity with social distancing and with all [sector-specific guidelines](#) followed.
- Included in the above are movie theaters and bingo halls, previously closed in Somerville.

- Event capacity limits at private residences will remain at 10 people indoors and will increase to 25 people outdoors.
- Event capacity limits at public event venues or spaces will increase to 100 people indoors and 150 people outdoors with approved safety plans for social distancing, masking guidance, and other safety protocols.
- Singing (while masked) and woodwind/brass instrument performances will be allowed outdoors. As per State guidance, greater distancing requirements are required for wind and brass instruments and singing performances including at least 10 feet between performers and performers must be 25 feet from the audience for these performance categories.
- Indoor performances, subject to the 50% business capacity limits or event gathering limits above, will be allowed for all performance types except for singing and woodwind and brass instruments, which remain prohibited indoors until further notice.
- With the approval of the Somerville Licensing Commission, restaurants and bars or breweries can partner to offer outdoor dining with alcoholic beverages. All other regulations must be followed.

Businesses and other venues that wish to increase their capacity to the new limits above must submit revised Health and Safety Plans (HASP) to the Inspectional Services Division. If your business is licensed through CitizenServe, please upload a revised HASP under your existing license in CitizenServe at [somervillema.gov/citizenserve](https://www.somervillema.gov/citizenserve). Other businesses and venues should email their revised HASP to isd@somervillema.gov. For information on how to prepare a HASP visit www.somervillema.gov/HASP.

The State is expected to announce additional reopening guidelines this week. The City will review any additional reopening measures to determine which might be adopted in Somerville. The City of Somerville continues to monitor COVID case trends, vaccination rates, and other related data on a daily basis. As more people are vaccinated there is hope for further reopening in the near future. All persons age 16 or older are currently eligible for vaccination. For information on how to schedule an appointment, visit www.somervillema.gov/vaccine or call the statewide helpline at 2-1-1.

“We are making real progress in Massachusetts on reducing COVID-19 cases, and to keep that momentum going as reopening progresses, I strongly urge everyone to keep up the good work. If we all get the vaccine, wear our facemasks, keep our distance in public, stay home and get tested when feeling ill, and wash our hands frequently, we can keep one another safer as we work to drive down COVID-19 cases and strive for a great summer,” said Doug Kress, Director of Health and Human Services.

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

Meghann Ackerman
Deputy Director of Communications
City of Somerville
Pronouns: She/Her
617-625-6600 ext. 2120 | 857-523-2193

The Commission made a note of this communication

5. Additional Reopening Steps Go into Effect June 1

Beginning on Tuesday, June 1, additional reopening steps that allow for expanded athletic activities and indoors performances will go into effect in Somerville. Somerville is joining with Boston in rolling out these reopening steps on a delay from the State schedule. All of the newly allowed activities will be subject to regular City permitting and safety rules and [sector-specific COVID-19 guidelines](#).

What changes in Somerville on June 1:

- Singing and woodwind/brass instrument performances will be allowed indoors. Performers must be at least ten feet apart from each other and 25 feet away from the audience.
- Road races and large athletic events will be allowed.
- Youth and amateur adult tournaments for moderate- and high-risk sports, including baseball, softball, track and field, football, wrestling, and basketball, will be allowed.

The City of Somerville continues to monitor COVID case trends, vaccination rates, and other related data on a daily basis. As more people are vaccinated there is hope for further reopening in the near future. All persons age 16 or older are currently eligible for vaccination. For information on how to schedule an appointment, visit www.somervillema.gov/vaccine or call the statewide helpline at 2-1-1.

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Meghann Ackerman
Deputy Director of Communications
City of Somerville
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617-625-6600 ext. 2120 | 857-523-2193

The Commission made a note of this communication

6. New Reopening Steps Go into Effect June 1

Additional reopening steps, beyond what was [announced earlier this week](#), will go into effect on Tuesday, June 1. All of the newly allowed activities will be subject to regular City permitting and safety rules and [sector-specific COVID-19 guidelines](#).

Additional changes going into effect in Somerville on June 1:

- Dance floors will be allowed at private events, but facial coverings must be worn and there should be social distancing between households.
- Food and drinks will be allowed with recreational activities, but they must remain in one location. This means, for example, moviegoers can have snacks and drinks at their seats during a screening or bowlers can have food at their lane.

The City of Somerville continues to monitor COVID case trends, vaccination rates, and other related data on a daily basis. As more people are vaccinated there is hope for further reopening in the near future. All persons age 16 or older are currently eligible for vaccination. For information on how to schedule an appointment, visit www.somervillema.gov/vaccine or call the statewide helpline at 2-1-1.

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The Commission made a note of this communication

7.

Entertainment Applications

Continued from 4/26/21 Special Licensing Commission Meeting

Entertainment			LICENSE #	BUSINESS	ADDRESS	APP. TYPE
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				NAME		
APPL. DATE						
3/20/2021	Special Meeting - 4/26/21		ALM21-000027	Mike's Bar	97 Washington St.	Entertainment by Devices & Performers - Outdoors on Private Property

Jana Brinkhouse appeared for this application. Ms. Brinkhouse stated she wants to make this a beer patio and will be purchasing beer from Winter Hill Brewing. They will only be open on Saturday's to start. A revised floor plan will be submitted. Food Trucks will be used. Chairman Lynch asked where the food truck approvals came from and if she had documentation for this. Ms. Brinkhouse stated she believed she did and she will be checking with the property owner. Chairman Lynch wanted to know why they were using food trucks when they have a CV license. Ms. Brinkhouse stated they wanted to mimic what the brewery was doing. Chairman Lynch has some concerns about the food truck on the private patio, usually the food is served from the restaurant. Ms. Brinkhouse stated the manager from Winter Hill Brewery spoke with someone in economic development on this issue. Ms. Brinkhouse will find out who he spoke with along with the property owner to see who she spoke with as well. Chairman Lynch states he needs more information about the participants involved and who was spoken to about this matter. He also stated the Licensing Commission does not license food trucks. The only item that could be approved tonight, is the Entertainment by Devices and Performers – Outdoors on Private Property License. If alcohol is served, food must also be served from the restaurant, unless appropriate authorization has been received. Chairman Lynch also recommended that the establishment be considerate of the noise level.

The Commission approved this Entertainment by Devices & Performers – Outdoors on Private Property License

8.

Temporary Outdoor Seating

Continued from 4/26/21 Special Licensing Commission Meeting

Outdoor Seating			LICENSE #	BUSINESS NAME	ADDRESS	APP. TYPE
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

No one appeared for this application. The Commission continued this application until the June 19, 2021 Licensing Commission Meeting

9.

New Entertainment Applications

NEW ENTERTAINMENT						
Entertainment			LICENSE #	BUSINESS NAME	ADDRESS	APP. TYPE
APPL. DATE						
4/23/2021	Regular Meeting - 5-17-21		ALM21-000044	Gauchao Brazilian Cuisine	102 Broadway	Entertainment by Devices and Performers - Outdoors Private

Benjamin Argueta could not speak on this matter, due to technical difficulties.

The Commission approved this Entertainment by Devices and Performs – Outdoors Private License, pending all City Signoffs. Chairman Lynch requested Benjamin contact the secretary, this week, with any questions pertaining to the required signoffs.

10.

NEW Temporary Outdoor Seating

NEW OUTDOOR SEATING			LICENSE #	BUSINESS NAME	ADDRESS	APP. TYPE
APPL. DATE						
5/10/2021	Regular Meeting - 5-17-21	10a.	ALM21-000052	Ola Café	112 Broadway	Outdoor Seating -Public Property
5/12/2021	Regular Meeting - 5-17-21	10b.	ALM21-000054	Highland Kitchen	150 Highland Ave.	New Outdoor Seating - Moving from Public Parklet to Private Parking Lot

Ola Café – No one appeared for this application. Thomas Galligani recommended provisional approval of this license, pending all city signoffs

The Licensing Commission provisionally approved this Outdoor seating – Public Property License

Highland Kitchen – Mr. Romano appeared for this application. He felt that Highland Ave. was a little bit dangerous and he is trying to make this a little safer. Thomas Galligani recommended provisional approval of this license, pending all city signoffs. Chairman Lynch asked about ADA access to the restrooms and requested Mr. Romano check on this with Economic Development

The Licensing Commission provisionally approved this Outdoor seating – Private Property License

11.

Common Victualler

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 continued this application until the June 19, 2021 Licensing Commission Meeting

12.

Common Victualler

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 continued this application until the June 19, 2021 Licensing Commission Meeting

13.

NEW Common Victualler,

Entertainment by Devices Indoors and Outdoor Seating – Private Property

Sweetgreen Boston, LLC

d/b/a Sweetgreen

345 Assembly Row

Jackly Ruess

Hours of Operation: Sun. – Sat. 10:30AM – 10:00PM

(AL21-000017)

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

Arianna Goldberg appeared for this application. This is a nationwide restaurant. Uses small to medium farms. The music will be piped out from inside.

The Commission provisionally approved this Common Victualler, Entertainment by Devices Indoors and Outdoor Seating on Private Property License.

14.

EXISTING LICENSE

All Forms 7 Day Alcohol License – Assembly Row

Change of Officers/Directors/LLC Mangers

Outback Steakhouse of Florida LLC d/b/a Outback Steakhouse, 625 Grand Union Blvd.
requesting approval for a Change in LLC Managers:

FROM:

David J. Deno – LLC Manger

Joseph J Kadow – LLC Manager

TO:

Christopher Meyer – LLC Manager

Kelly Lefferts – LLC Manager

(ALM21-000009)

Attorney Joseph Devlin appeared for this application. The menu and operations will remain the same. Both managers will be located in the Florida offices.

The Commission provisionally approved this Change of LLC Managers

15.

EXISTING LICENSE

All Forms PRIVATE Package Store License

Pledge of License

DBRC Ventures, LLC d/b/a Proof, 8-10 Main St. requesting approval for a Pledge of License to Winter Hill Bank F.S.B.
(ALM21-000038)

David Blumsack appeared for this application. This is a collateral pledge.

The Commission approved this Pledge of License.

16.

EXISTING LICENSE

All Forms 7 Day Alcohol License – Assembly Row

Change of Manager

Ninety Nine Restaurant & Pub, 20 Cummings St. requesting approval for a Change of Manager from Graham Chateaufeuf to Jahaida Marie Lozada Gonzalez
(ALM21-000043)

Jahaida Marie Lozada Gonzalez appeared for this application. Ms. Gonzalez has been with this company for 12 years.

The Commission approved this Change of Manager

17.

NEW 7 Day All Forms Alcohol License – Assembly Row

Common Victualler, Entertainment by Devices Indoors,

Sunday Hours and Outdoor Seating – Private Property Licenses

LSF Legal on the Mystic, LLC d/b/a Legal on the Mystic, 301 Great River Road requesting the approval of an ALL Forms 7 Day Alcohol License – Assembly Row, a Common Victualler, Entertainment by Devices Indoors, a Sunday Hours and an Outdoor Seating – Private Property License
(AL21-000011)

**The existing Licensee sold this restaurant to the new owners listed above. Upon license approval, the existing license must be returned.*

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

An email was sent an email withdrawing Outdoor Seating. Donna Cruz stated a neighboring restaurant got to this space before Legal Seafood could appropriate this (only for the expansion purposes of the Temporary Outdoor Seating). The current outdoor seating will remain.

Attorney Trish Farnsworth, Donna Cruz and Charlotte Wirtanen appeared for this application. 23 restaurants were purchased in 5 states. New owners, they own Smith and Walenski's and Strega and are experience. They will be keeping things as is and most of the employees.

The Commission approved these 7 Day All Forms Alcohol – Assembly Row, Common Victualler, Entertainment by Devices Indoors, Sunday Hours and Current Permanent Outdoor Seating – Private Property Licenses

18.

NEW 7 Day All Forms Alcohol License – Assembly Row
Common Victualler, Entertainment by Devices Indoors,
Sunday Hours and Outdoor Seating Licenses

PennyandLogan LLC d/b/a Yakitori Totto, 455 Foley St. requesting approval of a NEW 7 Day All Forms Alcohol License – Assembly Row, a Common Victualler, an Entertainment by Devices Indoors, a Sunday Hours and an Outdoor Seating License (AL21-000014)

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

Attorney Nicholas Zozula and Nghi Nguyen appeared for this application. Originally opened about 18 years ago in NY city. This is one of the new buildings at Assembly Row, not finished yet, but expected to be within the next month or so. The restaurant will be 1500 square feet. No tv's just background music. Hours of Operation will be Sun-Thu 11am to 10pm, Fri-Sat 11am to 11pm. Mr. Nguyen has 3 other restaurants with similar hours and concepts, one already at Assembly Row, Totto Ramen. No issues or violations at these restaurants.

The Commission approved these 7 Day All Forms Alcohol – Assembly Row, Common Victualler, Entertainment by Devices Indoors and Sunday Hours Licenses. There is NO OUTDOOR Seating (clerical error). An updated agenda was sent and is part of the Video

19.

NEW 7 Day Wine and Malt Alcohol License – Assembly Row
Common Victualler, Entertainment by Devices Indoors,
Sunday Hours and Outdoor Seating – Private Property Licenses

Shake Shack Massachusetts LLC d/b/a Shake Shack, 355 Assembly Row requesting approval of a NEW 7 Day Wine and Malt Alcohol License – Assembly Row, a Common Victualler, an Entertainment by Devices Indoors, a Sunday Hours and an Outdoor Seating – Private Property License
(AL21-000015)

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

Attorney Mark Vaughn, Jared Schenkel and Zach Cosseifi appeared for this application. The premises is approximately 3000 square feet with 2 outdoor patio's in each corner. They specialize in hamburgers, hotdogs and shakes. They have a restaurant in Woburn and 8 other cities in MA. They have discussed this with Matt MacLaughlan. They would like to open the first week in July. Attorney Vaughn is not aware of any violations. Both Mr. Schenkel and Mr. Cosseifi stated they and all the staff are tips certified.

The Commission approved these 7 Day Wine & Malt Alcohol – Assembly Row, Common Victualler, Entertainment by Devices Indoors, Sunday Hours Licenses and Outdoor Seating – Private Property Licenses

20.

MARIJUANA RETAILER LICENSES

New Marijuana Retailer License

Nuestra, LLC d/b/a The Boston Garden Dispensary, 518 Somerville Ave. requesting approval for a Group A Priority, NEW Marijuana Retailer License
Hours of Operation: Mon. – Sat. 9AM - 9PM & Sun. 11PM - 9PM
(ME21-000001)

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

Attorney Brandon Kurtzman, Elisa Riviera and Jonathan Tucker appeared for this application. Attorney Kurtzman prepared a brief presentation. A lengthy discussion was held about the premises and vendors of the product. There are 5 vendors. Firearms will not be used per state law. The discussion continued about the various responsibilities of the employees, the floor plan, the camera's and security in the building. Chairman Lynch asked about hiring Somerville residents and he was assured they will be hiring as many Somerville residents as possible. The HCA was executed on April 23rd. Miss Riviera signed for Nuestra. Chairman Lynch asked if all the information is consistent for all the applications submitted. He was told they were. Abutters notifications, newspaper notices were discussed as well as the participation of the Ward City Councilor . Chairman Lynch had some questions about the

ownership of the company and the percentages held. A lengthy discussion was held about how the ownership and control of the company works. They will be submitting this application to the CCC upon Licensing Commission approval. A discussion was held on the CCC procedure of the license approval process. The special permit for the ZBA will be done after the Licensing Commission has approved this application. The community meeting did not meet the requirements of the ZBA and another meeting will need to be held. The community of Somerville was discussed by Elisa Riveira on her hopes for this business. A discussion was also held pertaining to the floor plan. A statement was made, for the record, that the floor plan submitted, is not the final floor plan, and changes will be made as part of the zoning approval process. Chairman Lynch also inquired about the Traffic Study. A statement was made that if this is part of the process, it will be done. Both Chairman Lynch and Charlotte Leis confirmed that a traffic study is part of the zoning process.

Various comments were heard on this application.

A discussion was held about the community meeting and the abutters notices that were sent. Chairman Lynch stated that the abutter notices are sent to the homeowner and not tenants, which is why the commission like to see multiple AD's for the meetings.

The Commission granted Approval conditional on scheduling of a meeting with counselor Scott that is amenable to him and with the requirement that on conclusion of that meeting, if there are any significant issues in councilor Scott's opinion, that have been raised by the community, he provide written documentation to the licensing commission of that for discussion at the next meeting.

The following motion was made:

I move to grant this, conditional on 2 conditions, the first being the applicant scheduling a meeting with councilor Scott for a second community meeting. On conclusion of said meeting, Councillor Scott shall provide a list of any serious issues raised in the meeting to the Commission, for discussion with the applicant at the next regular meeting. The 2nd condition, conditional on 6 months by appointment only, after the issuance of the license. The applicant may appeal to the commission to have this modified, once it has commenced operations.

**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.

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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 conscious, 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 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

City of Somerville
Licensing Commission

Regular Meeting by Remote Participation

DRAFT OF THE
Minutes of the Regular Meeting
Monday, July 19, 2021, 2021
Posted September 17, 2021, at 11:30am

The meeting was called to order at 6:04pm. 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, David Shapiro, Assistant, 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 12:43am

A recording of this meeting is available online

Monday
July 19, 2021
6:00pm

Published on Thursday, July 15, 2021 at 5:00PM
REVISED Published on Thursday, July 15, 2021 at 4:45PM
REVISED Published on Monday, July 19, 2021 at 9:20AM

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/3557843022038201356>

If you wish to submit comments on any item on this agenda, you may send written comments by US mail to the Secretary of the Licensing Commission, 93 Highland Avenue, Somerville, MA, 02143, or by email to ljbatzek@somervillema.gov. Your comments must arrive no later than 12 Noon on the day of the meeting, in order to be sure they are conveyed to the Commission.

COMMUNICATIONS

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

The Commission postponed approval of these minutes in order to review them.

2. Minutes of the Regular Licensing Commission Meeting from 6/21/21

The Commission postponed approval of these minutes in order for them to be completed and sent to the commission for review.

**Continued from 3/15/21 Regular Licensing Commission Meeting,
4/26/21 Special Licensing Commission Meeting,
5/17/21 Licensing Commission Meeting and 6/21/21 Licensing Commission Meeting**

3. 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

The Commission deferred this item, in order to hold a special meeting on this matter.

Continued from 5/17/21 & 6/21/21 Licensing Commission Meetings

4. Commissioner Allen proposing the removal of Section 4.

The Commission deferred this item, in order to hold a special meeting on this matter.

Continued from 5/17/21 & 6/21/21 Licensing Commission Meetings

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

The Commission deferred this item, in order to hold a special meeting on this matter.

6. 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.

This communication has a subset, as the previous communication on Outdoor Seating did. The subsets will be included in the new policy and procedures.

The Commission made a note on this matter.

7. Email correspondence from Keltar Corp. d/b/a Sligo's Pub, 237A Elm St. - Kelly Melin requests discontinuance of Temporary Outdoor Patio License. Dated 6/13/21

The Commission made a note on this matter.

8. Letter sent to the Center for the Arts at the Armory, 191 Highland Ave. on July 12, 2021 from the Somerville Licensing Commission pertaining to a noise ordinance complaint

Stephanie Scherpf, Executive Director for The Arts at the Armory, appeared for this complaint. Sgt. Chaille was available on this matter. A letter was sent to the establishment at the request of the Chief of Police, Charles Femino. Sgt. Chaille discussed a report submitted by the Somerville Police Department. Chief Femino is recommending a return to pre covid, indoor seating. A discussion was held about the complaints received and the noise level on 2 different dates. Sgt. Chaille stated the house is very close to the establishment and virtually impossible not to have a noise issue. Ms. Scherpf submitted an answer to this letter with letters of support and decibel readings of events were enclosed. Ms. Scherpf also discussed why she felt this outdoor seating with entertainment is needed. She also feels they are being harassed and bullied by 2 neighbors. The hours of operation were discussed and Ms. Scherpf stated the events are done by 7:30pm and she is aware of the noise level ordinance in the city. The ordinance and decibel levels were also discussed. Temporary Outdoor seating, Outdoor Entertainment, and the orders issued by the governor, due to covid, were discussed. Chairman Lynch asked what is prohibiting the establishment from using the indoor space, now that the restrictions have been lifted. Ms. Scherpf stated some of the performers and audience members aren't comfortable indoors for covid reasons. There are also costs for using the indoor spaces. The Claycombs discussed their complaint and recording the decibel levels for some events. There was also a letter submitted by their tenants.

The Commission rescinded any Amplification of Outdoor Entertainment by Performers and also rescinded the Outdoor Entertainment by Devices. Non amplification of Outdoor Entertainment by Performers will be allowed. The Commission took a roll call vote, on both issues, of 3 in favor (Lindgren, Allen, Lynch), and 0 opposed.

SPECIAL ALCOHOL LICENSES

Continued from 6/21/21 Licensing Commission Meeting

9. 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)

Continued from 6/21/21

Jennifer Caranfa appeared for this application. Ms. Caranfa discussed the history of this license. Franey Road will be closed. No previous issues on this event. No alcohol will be allowed on the field. Wrist bands will be used. The Commission approved the application on a roll call vote of 3 in favor (Lindgren, Allen, Lynch), and 0 opposed.

The Commission approved this Special Alcohol License

10. Brooklyn Boulders, 12A Tyler St. requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for Somerslam to be held Indoors at 12A Tyler St. on August 28, 2021. Alcohol to be served from: 6:00pm – 9:00pm (PEL21-000048)

Foxman McCarthy Japes appeared for this application (not sure of the spelling of this individual's name). This is an annual event. Partnering with Aeronaut Brewing. The Commission approved the application on a roll call vote of 3 in favor (Lindgren, Allen, Lynch), and 0 opposed.

The Commission approved this Special Alcohol License

11. Legoland Discovery Center Boston, 598 Assembly Row requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for Adult Night Lego Land to be held Indoors at 598 Assembly Row on 8/11/21, 9/8/21, 10/13/21, 11/17/21 and 12/15/21 from: 7:00pm – 10:00pm (PEL21-000053)

Adrian Thompson appeared for this application. This is a regular event, almost monthly and they partner with local breweries. The Commission approved the application on a roll call vote of 3 in favor (Lindgren, Allen, Lynch), and 0 opposed.

The Commission approved this Special Alcohol License

12. Warehouse XI, 11 Sanborn Ct. requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for a Jazz Event to be held Indoors at 11 Sanborn Ct. on **Thursdays, 8/5/21, 8/12/21 and 8/19/21** from: **7:00am** – 9:30pm (PEL21-000054)

Kayla on behalf of Peggy Morrissey appeared for this application. Time should be 7pm. Tips Certified servers and wristbands will be used. The Commission approved the application on a roll call vote of 3 in favor (Lindgren, Allen, Lynch), and 0 opposed.

The Commission approved this Special Alcohol License

13. Cambridge Hackspace, 18 Orchard St., Cambridge, MA requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for Somerville FAB16 Festival to be held Outdoors in Private courtyard adjacent to 24-28 Dane St. (Greentown Labs) and the parking spaces immediately in front of the courtyard on August 14, 2021 from: 10:00am – 4:00pm (PEL21-000065)

Jonathan Biterman appeared for this application. The event is being hosted by several other local partners as well. Artists and Musicians will be involved in this event. Aeronaut will be one of the servers, and they are working with Somernova to determine

this, and who else might be serving. Mr. Biterman should coordinate with the secretary to confirm who will be serving. The Commission approved the application on a roll call vote of 3 in favor (Lindgren, Allen, Lynch), and 0 opposed.

The Commission approved this Special Alcohol License

14. Alessandra Seiter, 13A Green St., Apt 2R, Somerville requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for a Birthday in Powderhouse Park to be held Outdoors in the Park on Saturday, September 18, 2021 from: 5:00pm – 9:00pm
(PEL21-000071)

Alessandra Seiter and Caleb Simone appeared for this application. They are librarians who want to have a birthday party in the park. Chairman Lynch asked City Clerk John Long if permission has been received for this event in a public park. Mr. Long stated, it had been signed off. The Commission approved the application on a roll call vote of 3 in favor (Lindgren, Allen, Lynch), and 0 opposed.

The Commission conditionally approved this Special Alcohol License with the condition of confirmation from the Director of Parks Department that they understood alcohol will be served, and guidance on whether a perimeter will be required

Chairman Lynch moved that this application be given reconsideration. The Commission approved the Reconsideration of this application on a roll call vote of 3 in favor (Lindgren, Allen, Lynch), and 0 opposed.

The Commission rescinded approval of this Special Alcohol License. An email was received by the Director of Parks and Recreation, stating it was not their intent that alcohol be served at a private event in a public park. The Commission Rescinded approval of the application on a roll call vote of 3 in favor (Lindgren, Allen, Lynch), and 0 opposed.

The This Special Alcohol License was Not Approved

15. Somerville Museum, 1 Westwood Rd. requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for Somerville Museum Block Party to be held Indoors at the Somerville Museum on Saturday, September 18, 2021 with a Raindate of Sunday, 9/19/21 from: 3:00pm – 7:00pm
(PEL21-000074)

Alison Drasner appeared for this application. They will be blocking Westwood Rd. for this event. No alcohol will be allowed outdoors. Server will be Tips Certified. The Commission approved the application on a roll call vote of 3 in favor (Lindgren, Allen, Lynch), and 0 opposed.

The Commission approved this Special Alcohol License

16. Somerville Museum, 1 Westwood Rd. requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for a Reception for Penny Chronicles and the Stories They Tell to be held Indoors at the Somerville Museum on Thursday, September 9, 2021 from: 6:00pm – 8:00pm
(PEL21-000075)

Alison Drasner appeared for this application. This will be a small reception before the show. The Commission approved the application on a roll call vote of 3 in favor (Lindgren, Allen, Lynch), and 0 opposed.

The Commission approved this Special Alcohol License

17. Dormition of the Virgin Mary, 29-31 Central St. requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for the 2021 Greek Food & Music Festival to be held Indoors and Outdoors on the Church Grounds in the Parking Lot and lower Hall on September 10th, 11th and 12th, 2021 from: 9/10/21 - 12:00pm – 11:00pm, 9/11/21 - 12:00pm - 11:00pm, 9/12/21 - 12:00pm – 9:00pm
(PEL21-000076)

Themis Caulfield appeared for this application. This is an annual event and is held on private property. They anticipate approximately 6000 attendee's during this 3 day event. Sgt. Chaille stated she should call Sgt. Whalen for a police detail. Beer, Wine & Margarita's will be served. The Commission approved the application on a roll call vote of 3 in favor (Lindgren, Allen, Lynch), and 0 opposed.

The Commission approved this Special Alcohol License

18. 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 31, 2021 to August 29, 2021 from 11:00am – 10:00pm
(PEL21-000077)

Matt Eshelman appeared for this application. No issues have been reported to Matt Eschelman. Commissioner Allen asked for a clarification on the condition of Food Service with an Alcohol order on Special Alcohol Licenses. This requirement was carried over for the last Licensing Commission Meeting . Secretary Lori Batzek was having connection issues to the meeting and could not help on this matter. Mr. Eschelman stated Boston lifted the food requirement when the Covid restrictions were lifted in May or June. Commissioner Allen stated this occurred in June. Chairman Lynch stated the commission has lifted the Food service with alcohol service restriction for these licenses due to the lifting of Covid restrictions. Mr. Eshelman is also requesting an extension of the premises. Chairman Lynch stated this must be done through an amendment to his outdoor seating. The secretary Lori Batzek stated this applicant does not have Temporary Outdoor Seating and may be required to submit a

new floor plan. Chairman Lynch agreed with this statement. The Commission approved the application on a roll call vote of 3 in favor (Lindgren, Allen, Lynch), and 0 opposed.

The Commission approved this Special Alcohol License

19. PKL Boston LLC d/b/a PKL Boston– Katie Coakley 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 31, 2021 to August 29, 2021 from 8:00am – 11:00pm
(PEL21-000079)

Anni Lierhaus appeared for this application. This is the 3rd application submitted with no problems. Chairman Lynch stated the Food requirement has been lifted.

The Commission approved lifting the Food Requirement on Special Alcohol applications on a roll call vote of 3 in favor (Lindgren, Allen, Lynch), and 0 opposed.

The Commission approved the application on a roll call vote of 3 in favor (Lindgren, Allen, Lynch), and 0 opposed.

The Commission approved this Special Alcohol License

TEMPORARY
ENTERTAINMENT BY DEVICES
OUTDOORS

20.

Entertainment by Devices - Outdoor Seating			LICENSE #	BUSINESS NAME	ADDRESS	APP. TYPE
Temporary						
APPL. DATE						
7/8/2021	Regular Meeting - 7/19/21		ALM21-000065	Sweetgreen	345 Assembly Row	Entertainment by Devices for Outdoor Seating

Emma Arrouse appeared for this application. The sound system is hardwired and attached to the building. The Commission approved the application on a roll call vote of 3 in favor (Lindgren, Allen, Lynch), and 0 opposed.

The Commission approved this Temporary Outdoor Entertainment by Devices License.

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

Continued from 6/21/21 Licensing Commission Meeting

21. 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)

Continued from 6/21/21

Lokesh Adikari appeared for this application. This is an existing business, currently serving vegetable dishes. Mr. Adikari would like to add some meat dishes to help increase business. The Commission approved the application on a roll call vote of 3 in favor (Lindgren, Allen, Lynch), and 0 opposed.

The Commission approved this Change of D/B/A

NEW License
Common Victualler License

22. Ramper Inc. d/b/a Los Paisanos Restaurant, 62 Broadway requesting a Common Victualler License and Entertainment by Devices Indoors License
Nelson Ramos & Julio Perdomo - *New Owners,
Old Owner Chacon Restaurant Group – AL17-000277
(AL21-000026)

Nelson Ramos appeared for this application. Mr. Ramos is the new owner of the current establishment. There will be TV's only, no music.

The Commission approved this Common Victualler License and Indoor Entertainment by Devices License

23.

Existing All Forms Alcohol
Private License
Requesting
A Transfer of Stock

Continued from 6/21/21 Licensing Commission Meeting

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).*

Provisionally approved, pending required AD in the newspaper for 7/19/21 Meeting

Transfer of Stock advertised on 7/7/21 for a Vote by the Licensing Commission for the July 2021 Licensing Commission meeting.

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

Continued from 6/21/21

Attorney Annese, Attorney Vigorito and Mr. Fraiman appeared for this application. Attorney Annese discussed the transfer of stock from father to son. The Commission approved the application on a roll call vote of 3 in favor (Lindgren, Allen, Lynch), and 0 opposed.

The AD was placed in the newspaper per the requirement.

The Commission approved this Transfer of Stock

EXISTING LICENSE
PRIVATE ALL FORMS PACKAGE STORE LICENSE
CHANGE OF LOCATION

24. Woody's Inc. d/b/a Woody's Liquors, 523 Broadway requesting approval for a Change of Location for an All Forms Package Store License from 523 Broadway to 483 Broadway (AL21-000020)

John Wood appeared for this application. This establishment has been in business for almost 31 years. Mr. Wood is moving about a block away on the same side of the street. Mr. Wood owns the premises. He will be applying to both Somerville and Medford Planning Departments because the building is in both cities. No issues were reported by Sgt. Chaille. The Commission approved the application on a roll call vote of 3 in favor (Lindgren, Allen, Lynch), and 0 opposed.

The Commission approved this Change of Location

25. Starl Liquors Inc. d/b/a Sav Mor Discount Liquors, 15r-17r McGrath Highway requesting approval for a Change of Location for an All Forms Package Store License from 15r-17r McGrath Highway to 325 Canal St., Unit 518 (AL21-000024)

Jonathan Plout, Marcy Costa, Michael Weiner, Attorney Steven Miller and Melin Panagopolous appeared for this application. The owners have operated in Somerville for 39 years. Attorney Miller discussed the Weiners' background and qualifications. No violations have been issued in the last 5 years. Sgt. Chaille confirmed this.

Tim Panagopolous, owner of Top Shelf at Assembly spoke in opposition, and sent a letter to the secretary. He stated there is litigation in Superior Court against Federal Realty Trust. He also stated this business will be next door to his business. Mr. Panagopolous asked that this be tabled until the issue is resolved. He further discussed the public need of this license and how it would impact his business. Mr. Panagopolous further requested that this establishment be barred from selling beer and wine, until this matter is resolved in Superior Court. Attorney Plout also stated he was opposed to this relocation, they would probably go out of business, and stated this is evidence of fraud, unfair business practices and negligent misrepresentations by the landlord. He requested a denial or stay of this license.

Chairman Lynch stated they do not get involved in private dealings between the landlord and their tenants. A further discussion was held on the public need of this relocation. Mr. Panagopolous stated he would like City Attorney David Shapiro to weigh in on this matter. Chairman Lynch stated there are no buffer zones in the city.

David Middleton, General Manager of Assembly Row spoke in support of this license and stated that Top Shelf does not have an exclusive at Assembly Row. He also stated the businesses are separated by a residential entrance and a residential garage, in a separate building on the same street.

Chairman Lynch stated we do not have a Hard Liquor License only. Mr. Panagopolous reiterated his request to continue this matter. Additional discussion was held on the public need of this license.

Commissioner Allen stated the commission's objectives do not include protection from competition. We do not acknowledge a buffer zone and that the commission does not determine how many licenses the Assembly Row Area needs.

Commission Lindgren states she agrees with Commissioner Allen, but that this is not a good situation from a marketing prospective.

Chairman Lynch asked if any outreach was done with tenants, not just property owners at Assembly Row. Attorney Miller stated Mr. Weiner reached out to the City Councilor.

Michael Weiner stated the notice was posted on the door of the premises and Top Shelf approached them the next day. Chairman Lynch stated we do not get involved in private court cases. He also stated there is a need for a full service package store at Assembly Row. No issues were addressed by Councilor Maclaughlan on this full alcohol package store. Chairman Lynch stated he was taking into account the letter submitted by Top Shelf in opposition, the testimony by Top Shelf's attorney and David Middleton of Federal Realty, he made a motion to approve this license. The Commission approved the application on a roll call vote of 3 in favor (Lindgren, Allen, Lynch), and 0 opposed.

The Commission approved this Change of Location

26.

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, an Increase in Indoor Seating from 102 to 350

And an Alteration of Premises

And, also a Change in Hours

Continued from 6/21/21 Licensing Commission Meeting

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)

A new floor plan was submitted for 355 Indoor Seats and 90 Outdoor Seats on 7/15/21 – Total Indoor Seats 355. The 100 seats of “Banquet Seating” will be removable for a dance floor for 200 people.

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

Continued from 6/21/21 – due to AD being required for the Alteration of Premises

Deborah Zammuto appeared for this application. Ms. Zammuto stated there is also a change in hours for Food and Alcohol Service, from: Sun-Fri: 3pm-11pm & Sat: 3pm-1am

*To: Food Service: Mon-Wed: 3pm-11pm, Thu-Sat: 8am-1am & Sun 8am-11pm and
Alcohol Service: Mon-Wed: 3pm-11pm, Thu-Sat: 8am-1am & Sun: 8am-11pm*

Ms. Zammuto stated they were adding roughly 5000 sq. ft., including a stage and movable tables to allow for dancing when live bands are playing. A discussion followed on this alteration. The secretary stated signatures were still required for the Outdoor Seating, and on the Original Approved License, the Final Health Review and the ISD building 304 Inspection is still required. Ms. Zammuto stated she would have 355 seats with 450 occupancy. Brian Postlewaite, Director of Engineering, spoke on the Outdoor Seating portion of this application. He stated they do not currently have sufficient documentation for the Engineering Dept. to approve the outdoor seating on a public way. The Zammuto's asked to table the Outdoor Seating at this time. Lena Flannery spoke on the Outdoor Seating and stated she was opposed to this number. She also had an issue with the sign on the side Jennifer Dorsen spoke in opposition to this application. She stated this is shockingly enormous and expressed concern for parking and traffic conditions. Debbie Canoa spoke in opposition to this application. She stated she also felt this is shockingly enormous and has issues with a nightclub in the neighborhood with children and the traffic and parking issues. Mr. Zammuto responded that the sign on the side of the building is not a gun or rifle, but is of a famous Freddie Mercury picture with a microphone and a quote. He also stated they are working with an architect and are cutting back the outdoor seating by about half and will be submitted to engineering. He addressed the parking issue by stating a lot of people use Uber, they have a parking lot in back, there is parking across the street and a lot down the street they can use. He also stated this is not a nightclub, it is an upscale restaurant with a music lounge. He further discussed the operation of this business.

The secretary stated the change in hours was submitted on a Boston Licensing Board application (a Request for Changes to License/Corporation), and did not appear on the agenda.

Ms. Zammuto asked if the originally approved license could be issued without these alterations, the secretary stated this could not be issued without all city department signatures 1st we are still awaiting the ISD 304 Inspection, ISD building and the Final Health Department signoffs. When this is completed, the original license with the original seating, hours of operation and d/b/a can then be issued as approved by the ABCC.

The Temporary Parklet Outdoor Seating and Private Patio Outdoor Seating were tabled at this time, and the Commission did not approve the Temporary Outdoor Seating for 10 Seats on a Private Patio and 90 seats on the public street for a Parklet. The Commission removed both the Temporary Parklet Outdoor Seating and the Private Patio Outdoor Seating from this application, on a roll call vote of 3 in favor (Lindgren, Allen, Lynch), and 0 opposed.

The Hours of Operation were changed:

from: Food and Alcohol Service: Sun-Fri: 3pm-11pm & Sat: 3pm-1am

To: Food and Alcohol Service: Mon-Wed: 3pm-11pm, Thu-Sat: 10am-1am & Sun: 10am-11pm

The Alteration of Premise was changed:

From 102 Indoor Seats to 355 Indoor seats with 100 “banquet” removal seats for a dance floor for 200 people.

The Commission approved the application for a Change of Hours and Alteration of Premises (see the above changes) on a roll call vote of 3 in favor (Lindgren, Allen, Lynch), and 0 opposed.

NOTE: Original Application states Hours of Operation for Food & Alcohol Service were Mon-Wed: 3pm-11pm, Thurs-Sat: 8am-1am, Sun: 10am-11pm

NEW 7 Day Wine & Malt License
Enhancement Area
Common Victualler, Entertainment by Devices Indoors
and Sunday Hours Licenses

27. Vinal General LLC d/b/a Vinal General Store, 220 Somerville Ave. requesting approval of an Enhancement Area 7 Day Wine and Malt Alcohol License, a Common Victualler License, an Entertainment by Devices License and a Sunday Hours License

Hours of Operation:

To Serve Food: Mon-Fri, 11am-8pm, Sat-Sun, 8am-8pm

To Serve Alcohol: Mon-Fri, 11am-8pm, Sat, 8am-8pm & Sun, 10am-8pm

(AL21-000022)

Sarah Murphy appeared for this application. Ms. Murphy owns Vinal Bakery and would like to open a 2nd business with Beer and Wine service. She stated TIPS training will be employed. Would like to be open early for Bakery service. Commissioner Lindgren questioned the hours. The secretary stated the rules and regulations for the Licensing Commission state Wine & Malt Licenses Hours of Operation are 11am-11pm.

The Hours of Operation were amended as follows:

To Serve Food: Mon-Fri, 11am-8pm, Sat-Sun, 8am-8pm

To Serve Alcohol: Mon-Fri, 11am-8pm, Sat, 11am-8pm & Sun, 11am-8pm

The Commission approved the application, Wine & Malt, Enhancement Area, Common Victualler, Entertainment by Devices Indoors and Sunday Hours License, with an amendment to the Hours of Operation, (see the above changes) on a roll call vote of 3 in favor (Lindgren, Allen, Lynch), and 0 opposed.

28.

MARIJUANA RETAILER LICENSES
New Marijuana Retailer License

Continued from 6/21/21 Licensing Commission Meeting

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.

Continued from 6/21/21

Attorney Walter Sullivan, the Advesa Team, Tom Miscelli, Owner of the property, Dennis Greenwood, Architect, and Ian McKinnon, Traffic Consultant appeared for this application. Attorney Sullivan made a correction to the Hours of Operation appearing on this application from 10am-10pm, amending them to: 10am-9pm, due to the Licensing Commission Retail Marijuana rules of operation. Jessica Pelletier and Shanel Lindsay spoke for this application and the changes made since the last commission appearance. Ms. Pelletier stated with the Covid restrictions lifted, they have interacted face to face with the businesses in Ball Sq. and surrounding residents . Open Houses were conducted at 694 Broadway on July 8^h, July 10^h and July 17^h. Leaflet drops will be made beyond the streets previously done for additional meetings to address any concerns. 279 individuals have attended the community meetings. 219 people signed a letter of support, of which 106 are from the Boston area. Ms. Pelletier discussed Advesa meeting all the requirements to obtain a license. Shanel Lindsay discussed the CCC regulations and how they would meet those requirements. Public transportation was also discussed. This commission discussed the changes made by this business from the last meeting and what changes were made for the MAC to recommend this license. Charlotte Leis, of Planning and Zoning discussed the memo submitted to the Licensing Commission pertaining to the outlining process of the MAC. Ms. Leis also discussed both of Advesa's application submissions for Round 1 and Round 2, what the differences were, and why there was a delay between the 2 rounds. Commissioner Allen requested clarification of the MAC scores. Chairman Lynch stated the composition of the MAC is not within the purview of the Licensing Commission. Commissioner Lindgren stated most of the comments received were not in support of the applicant, and most stated a lack of community engagement. Further discussion ensued about how community engagement has expanded, the choice of the location of the business, how the storefront will be using local artists and zoning of Retail Marijuana Establishments. Ms. Pelletier stated employees will not be using the parking spaces, they will incentivize them to use public transportation and blue bikes, she also stated there will be 10 parking spaces for customers. Chairman Lynch stated this application was approved through the MAC, and was then sent to the Licensing Commission for consideration. There was no behind the scenes maneuvering between any entities in the city. The MAC is a completely separate entity. He also explained the process of the application process and what happens after the application is heard by the commission. Chairman Lynch stated if anyone would like a copy of the report sent to the Licensing Commission or the report from the Mayor's Office regarding some of the recommendations, to request this through the City Clerk's Office. The site is in compliance with zoning, it is a matter of opinion that the site is too big. Legally the commission cannot determine how close each establishment is, as the City Council did not adopt buffer zones. A traffic study is requirement before appearing before planning and is not in the purview of the commission. Chairman Lynch requested confirmation that there will be

no armed guards, and this was confirmed by Attorney Sullivan. He stated the Brown School is beyond the buffer zone requirement under City and State Legislation. Ownership is attested on the application, if found in violation, this would trigger a CCC review and the license can be revoked. Chairman Lynch has questions about the Customer Pledge, off-site parking, an agreement with the owner of the Medford building, on street parking directly in front of the business with a bus stop and fire hydrant. He stated the floor plan submitted to the MAC and the Licensing Commission are different is needs clarification. Zoning is not determined by the Licensing Commission but by the City Council who created this zoning. This is not the largest retail establishment in Ball Sq. The green line will change this area substantially. 348 comments were received. Ms. Pelletier stated the petition, signed by the businesses and residents in the neighborhood were obtained from the 3 open houses, the employee that did the flyer drop, people walking by the establishment and an online petition. Ms. Pelletier stated 3 businesses do not support this business. Chairman Lynch stated he had a list of 16 businesses that support this business. Ms. Pelletier clarified the ownership and stated there are 4 different separate economic empowerment designations and applied on the 68% EEA ownership, however 100% ownership is EE applicants with their own designation. A discussion was held on sustainable practices. Chairman Lynch stated this will take 2 storefronts, not 3. He also stated Delivery options have not made to allow a delivery system in the City of Somerville. A further discussion was held on violations of the pledge, how these will be tracked, reported and the consequences of the violations.

The commission heard public comment on this application.

In support – 13

In opposition – 15

Would support with conditions – 3

Attorney Sullivan requested the commission close comments on this matter. Chairman Lynch stated community engagement needs to be beefed up and suggested another community meeting. Attorney Sullivan stated they have more than met the requirements and beyond, but if this is what the commission wants, they would do it. Ms. Pelletier indicated she would work with the commission for another community meeting, but in the future, does not wish to hear the same feedback. She also asked for advice from the commission to have a productive meeting.

The Commission voted to continue this application to a Special Meeting in order to receive additional information on community engagement. Commissioner Allen recommended the commission provide guidance for additional community feedback. The commission concurred.

Hours of Operation changing from 10am-10pm, amending them to: 10am-9pm, due to the Licensing Commission Retail Marijuana rules of operation.

The Commission voted to continue this application for a Special Meeting to be held on August 2, 2021 at 6pm on a roll call vote of 3 in favor (Lindgren, Allen, Lynch), and 0 opposed.

City of Somerville
Licensing Commission

Special Meeting by Remote Participation

DRAFT OF THE
Minutes of the SPECIAL Meeting
Monday, August 2, 2021, 2021 at 6:00pm
Posted Tuesday, September 21, 2021, at 8:30am

The meeting was called to order at 6:09pm. Present were Commissioners, Lynch, Allen, and Lindgren, Capt. Dennis Sullivan of the Fire Dept., Sean Keane, 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, Kimberly Wells, Members of the City Staff, Applicants and members of the public.

The meeting adjourned at 8:18pm

A recording of this meeting is available online

Monday
August 2, 2021
6:00pm
Published on
Thursday, July 22, 2021 at 7:25PM
REVISED Published on Thursday, July 29, 2021 at 2:10PM

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/7167737608703468556>.

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.

1.

MARIJUANA RETAILER LICENSES
New Marijuana Retailer License

Continued from 6/21/21 & 7/19/21 Licensing Commission Meetings

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.

Continued from 6/21/21& 7/19/21

Attorney Walter Sullivan, Jessica Pelletier and Shanel Lindsay appeared for this application. Ms. Pelletier explained the additional community outreach they have done since the last meeting. 1600 flyers were delivered in neighborhoods of Somerville and Medford, they published the flyer in the Somerville Times, in print and online and on the Davis Sq. Facebook group. Flyers were also sent to Councilors Neidergang and Davis, various business and neighborhood groups, the Mayor, all City Councilors, the State Senator and the State Representative. 2 open houses were held on July 27, 2021 and July 31, 2021. A community Zoom session was held on July 29, 2021, and they met with neighbors and opponents on July 27, 2021. Ms. Pelletier felt these meetings went well and will continue them monthly. 18 business are now in support of this business and the number of signatures on the petition has increased to 387, along with the support of Councilor Neidergang, MacLaughlin, the MAC and former Mayor Gene Brune. Shanel Lindsay spoke on this application and stated they would be willing to make changes and accept conditions for the approval of this application. However Ms. Lindsay requests any restrictions on their license also be issued to the other licenses within a mile radius. Ms. Lindsay provided the list of conditions they propose: reducing the hours of operation to 10-8 on Mon. -Sat. and 11-8 on Sun. They will also reduce the number of POS from 9 to 6, and only use 4 POS, unless there is a high volume of traffic that requires additional POS opening. No armed guards inside or outside. Hiring a monitor and/or security company to monitor the area of Ball Sq. to ensure no blocked driveways, no double parking, no cannabis use in public or diversion of cannabis. Attorney Sullivan stated there were 18 or 19 call ins for the last meeting of which 6 were Advesa representatives. Chairman Lynch stated comments were still being submitted up to today. Commission Allen asked for clarification from the last meeting pertaining to additional Outreach provided by the Commission, if this was granted and by who? Chairman Lynch stated it was provided by himself to Councilor Sullivan in a subsequent phone call and provided the details he recommended. Councilor Sullivan provided details on the streets that were provided with flyers. Chairman Lynch asked who would be staffing the location. Ms. Pelletier stated she and her husband will be. Tony and a person under him, who has not been hired yet, will be the day to day managers of the business. A part time community liaison will be hired which will transition into a full time position and will also be from the Ball Sq. neighborhood.

Chairman Lynch invited the Public to speak.

Support - 9

Opposed - 4

Support with conditions and concerns on the size of the business and traffic issues - 6

Ms. Pelletier stated they are not the largest dispensary in the city. She also stated a lot of the square footage is for the house operation located in the back. Ms. Pelletier also provided several other approved dispensaries and their approved sq. ft. and total POS. She also discussed delivery, sales, as well as state and city requirements for the product in the establishment.

The commission deliberated on this application.

Commissioner Lindgren stated she believed this is a good opportunity for Advesa to be best in class women minority-owned business. They have gone through the processes required and met the criteria of the licensing ordinance and shown a willingness to adapt and concede to make the community comfortable. Commissioner Lindgren stated she believes there is some additional shoring up of the entire recreational marijuana process and communications across the board from zoning onward and believes this is true bringing new businesses into the city. There are always unknown risks with business growth and change is never easy. We need to mitigate the risks as best we can. Commissioner Lindgren detailed other proactive actives which could be taken by Advesa. She also stated she understood peoples concern with the size and POS's of the establishment and believes the concessions made are good and in line with other business metrics seen. Commissioner Lindgren would like to hear the other commissioners thoughts on this application.

Commissioner Allen stated he appreciated the efforts made by the applicant to increase their outreach efforts. He believes there is a gap between what is legally required and what may be expected. He thinks it is unfortunate that applicant are having to figure this out via trial and error and hopes the city council can move forward with in terms of, as they consider things like rental databases integrating those into notification systems to ensure residents and not just property owners receive notification. Commissioner Allen stated he felt Advesa did a good job with their additional outreach and is glad there are several things they are willing to make concessions on and listed these concessions. He also stated he knew about the concerns of Neta Brookline and visited shortly after they opened, and more recently. The licensing commission can and would quickly act if any issues arrive and reminded everyone that service is by appointment only, for a particular amount of time. He is inclined to move forward with this, integrating all of the restrictions listed today along with no devices sold ready to use, as discussed at the last meeting.

Chairman Lynch discussed the request by the applicant to levy the same conditions on all of our applicants. He is not willing to do that, each application has to be taken point by point, neighborhood by neighborhood, step by step, and is unwilling to level the same conditions on all applicants. This could not be done for the seven applications already granted conditional approval, this could be challenged in court. Chairman Lynch also stated this would not be fair to new applicants that may not have the type of neighborhood opposition as this application has had during the last 3 meetings. Every application will get the same treatment in terms of by appointment only for six months. The MAC recommended this application on the 2nd round and he detailed the CHA's execution. He also stated his questions have been

satisfactorily answered and finds all necessary paperwork filed to the licensing commission for its consideration is complete and not in conflict with state rules and regulations regarding the retail sale of cannabis. It should be noted that the floor plan which the Somerville Licensing Commission reviewed, differs from the floor plan that will be submitted to the Special Permit Granting Authority, any discrepancies or approvals, will be addressed by the special permit granting authority (Zoning Board of Appeals). He further stated the proposed site is within the marijuana overlay district and complies with the zoning related to public and private elementary schools and houses of worship (outside the 500 foot distance required) and well below the 10, 000 sq. ft. threshold established by the city ordinance Zoning does allow the licensing commission to set conditions to regulate the time and manner of operation . As far as the organization, the leadership, management and operations, the city has tasked the Somerville Licensing Commission to determine whether or not the applicant meets the standards set by the city regarding the above. Chairman Lynch's finding is the Somerville Licensing Commissions have not met in person with the principals nor their legal council regarding this application, but did disclose tonight, he did have a phone call with their council. All interactions have been conducted via remote participation and must therefore rely heaving on the MAC recommendation and the Mayor's request for consideration of this application in addition to discussion with city staff. He also stated the applicant's background in managing retail cannabis sites is noteworthy and should be given high consideration. The information provided to the Somerville Licensing Commission, Chairman Lynch finds the applicant has demonstrated the organizational and operational skill set to properly manage this operation. He requests to keep in mind the following: All state and local application requirements have been met. Robust compliance inspections will be performed by state and local authorities. There are no criminal records of the entity owners except for where provided for Marijuana infractions. Regarding the ownership and management of the entity, ant change of ownership, management, contact information, name change, relocation,, owner or staff convictions other than marijuana infractions or civil judgements, not disclosed to the state and local authorities, may result in the immediate suspension, termination or revocation of the license to operate in the City of Someville. Chairman Lynch stated the notification requirement to property owners for community outreach, within 300 ft. of the establishment, obtained from the City of Somerville and the proof provided of the notifications. He also mentioned Councilor Neidergang advising the applicant, that community input should be obtained through community meetings prior to appearing before the licensing commission and special permit granting authority (zoning board of appeals). Chairman Lynch's findings: The local statute has been complied with for property notification. Written, verbal and audio visual recordings of community outreach meetings were provided for meetings held in December 2020, June 2021, July of 2021, leaflet drops where done 2-4 times, 5 open house sessions were done at the proposed site and the applicant has appeared for 3 public meetings of the Somerville Licensing Commission. The community meetings were attended by 30-60 in December, 50-60 in June and at the most recent meeting, in July, about a dozen attendees. The Somerville Licensing Commission has received hundreds of written and verbal comments from the public as well as petitions provided by the applicant, by both Somerville residents and businesses, it should be noted, that not all comments came from Somerville residents and businesses. Chairman Lynch stated the initial comments regarding insufficient meeting notices from mainly residents of the immediate Ball Sq. neighboring streets to be concerning. He does not expect to flyer every street between Magoun Sq. and Powderhouse Rotary or

between Broadway and Morrison Ave. A reasonable expectation has to be set, however, this applicant had a false in its outreach efforts and would highly recommend the applicant produce a robust notification system regarding its efforts of engagement with the public, should they be given provisional approval. Chairman Lynch provided further commentary about these expectations and city and state guidelines on security. He also discussed the concessions made and further review process of special permit granting authority, among other issues. He also stated a full traffic and parking study is required.

Commissioner Allen stated as a point of clarification, that the special permit granting authority is the Planning Board not the ZBA. Charlotte Leis confirmed this.

The commission discussed the conditions on this license, if approved.

Commissioner Allen moved that the commission approve this license contingent on the following conditions:

Conditions: Operation by appointment only for the first Six (6) months, after issuance of the license by the Somerville Licensing Commission

Hours of Operation: 10am-8pm Mon.-Sat. & 11am-8pm Sun.

Licensee will have a maximum of six (6) Point of Sale (POS) Stations

The licensee will not employ or contract with a private security firm for armed guards to be present interior or exterior to the proposed site.

This condition does not apply to 3rd party vendors providing periodic cash management services for the licensee

The sale of Ready to use Vape devices is prohibited

Written proof of Part Time to Full Time, when in operation, Community Liaison, provided to the Somerville Licensing Commission for a minimum of one (1) year after the issuance of license by the Somerville Licensing Commission

The Commission Provisionally approved this Retail Marijuana License on a roll call vote in favor (Lindgren, Allen, Lynch), and 0 opposed

**Continued from 3/15/21 Regular Licensing Commission Meeting,
4/26/21 Special Licensing Commission Meeting, and
5/17/21, 6/21/21 & 7/19/21 Licensing Commission Meetings**

2. 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

The commission deferred this item the regular Meeting on August 16, 2021 on a roll call vote of in favor (Lindgren, Allen, Lynch), and 0 opposed

Continued from 5/17/21, 6/21/21 & 7/19/21 Licensing Commission Meetings

3. Commissioner Allen proposing the removal of Section 4.

The commission deferred this item the regular Meeting on August 16, 2021 on a roll call vote of in favor (Lindgren, Allen, Lynch), and 0 opposed

Continued from 5/17/21, 6/21/21 & 7/19/21 Licensing Commission Meetings

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

The commission deferred this item the regular Meeting on August 16, 2021 on a roll call vote of in favor (Lindgren, Allen, Lynch), and 0 opposed

**City of Somerville
Licensing Commission**

Regular Meeting by Remote Participation

**DRAFT OF THE
Minutes of the Regular Meeting
Monday, August 16, 2021, 2021 at 6:30pm
Posted Friday, September 17, 2021, at 11:30am
REVISED – POSTED Wednesday, September 22, 2021 at 1:15pm**

The meeting was called to order at 6:31pm. Present were Commissioners, Lynch, Allen, and Lindgren, Capt. Dennis Sullivan of the Fire Dept., Sean Keane, 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, Kimberly Wells, Members of the City Staff, Applicants and members of the public.

The meeting adjourned at 9:21pm

There is not a recording of this meeting available online due to a Technical Failure

**Monday
August 16, 2021
6:30pm**

**Published Monday, August 12, 2021 at 6:30pm
Published Monday, August 16, 2021 at 3:40PM**

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/3687554608766633488>

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COMMUNICATIONS

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

The minutes were approved on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed, and 1 abstained (Lindgren).

2. Minutes of the Regular Licensing Commission Meeting from 6/21/21

The minutes were approved on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed, and 1 abstained (Lindgren).

***Continued from 3/15/21 Regular Licensing Commission Meeting,
4/26/21 Special Licensing Commission Meeting,
5/17/21 Licensing Commission Meeting and 6/21/21 Licensing Commission Meeting**

*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

*see #3

***Continued from 5/17/21 & 6/21/21 Licensing Commission Meetings**

*Commissioner Allen proposing the removal of Section 4.

*see #3

***Continued from 5/17/21 & 6/21/21 Licensing Commission Meetings**

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

*see #3

3. Commissioner Allen proposing a new set of Rules and Regulations

The commission discussed the rules and regulations changes, proposed by Commissioner Allen. Additional information is required. These revisions will be submitted to Kim Wells, City Clerk, the secretary to the commission and the Law Department for their review and recommendations.

The Commission continued this item to the next Licensing Commission Meeting for September 2021, on a roll call vote of 3 in favor (Lindgren, Allen, Lynch), and 0 opposed.

4. By the authority of the Commission, a reconsideration is proposed for the rescinded Amplification for the Entertainment by Devices and Performers License, for Outdoor Seating, for The Center for the Arts at the Armory at 191 Highland Ave.

Outdoor Amplification was Rescinded on 7/19/21

This item was withdrawn. **Withdrawn by request of Stephanie Scherpf by email on 8/16/21.**

5. Request from the Office of Strategic Planning and Community Development for the Somerville Licensing Commission to adopt the recommended policy, regarding Group B Recreational Marijuana sequencing of issuing licenses.

The Commission discussed this item with Ms. Leis from the Planning Division. There were concerns about what would happen if multiple Group B applicants were approved in the same meeting. The recommendation from the Planning Division was to use the MAC score. Ms. Leis stated there are currently 12 executed CHA agreements and expressed no issues with the Group status, of applicants, who have yet to appear before the commission for approval. The item will be further discussed at the next meeting.

SPECIAL ALCOHOL LICENSES

Continued from 6/21/21 Licensing Commission Meeting

6. East Somerville Main Streets , 3 Glen St. requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for Foodie Crawl 2021 to be held Outdoors at Deano's Pasta outdoor parking lot at 15 Garland St. on 9/21/21 from 6:00pm – 10:00pm with a Rain date of 9/22/21 (PEL21-000083)

Chair Lynch invited the applicant to speak. The applicant described the plan for seating in two parking lots at Deano's and Mount Vernon, with parklet seating along Broadway as well. The Commission expressed concerns about the parklet seating, specifically accessibility in accordance with the ADA and street safety with the proximity to the roadway.

The Commission approved the Special Alcohol License with the condition that it permits the Alcohol and Entertainment portions of the license only, on a roll call vote of 3 in favor (Lindgren, Allen, Lynch) and 0 opposed. Chair Lynch suggested that the applicant re-apply for the outdoor seating component with plans to demonstrate how they will address the safety concerns.

7. Groundwork Somerville, 337 Somerville Ave #2B requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for Groundwork Somerville's Harvest Gala to be held Outdoors at 138 South St. on September 18, 2021 from: 5:00pm – 9:00pm (PEL21-000093)

Chair Lynch invited the applicant to speak. The applicant shared the plans for the annual gala event, to be held on tier own property. The Commission approved the application on a roll call vote of 3 in favor (Lindgren, Allen, Lynch), and 0 opposed.

8. PKL Boston LLC d/b/a PKL Boston– Shana Weller 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 August 30, 2021 to September 28, 2021 from 8:00am – 11:00pm.
(PEL21-00009704)

Chair Lynch invited the applicant to speak. The applicant shared that they have received 30 day licenses for several months, and they are hoping for another. The Commission approved the application on a roll call vote of 3 in favor (Lindgren, Allen, Lynch), and 0 opposed.

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 August 30, 2021 to September 28, 2021 from 11:00am – 10:00pm

An additional request is being made, to expand the perimeter to include the green space adjacent to the location, (with games and Adirondack chairs)
(PEL21-000104)

Chair Lynch invited the applicant to speak. The applicant shared that they have received 30 day licenses for several months, and they are hoping for another. The Commission approved the application on a roll call vote of 3 in favor (Lindgren, Allen, Lynch), and 0 opposed.
Chair Lynch reminded staff to make sure that the City is aware of the changes to the space. Ms. Batzek confirmed that she will do so.

10.

EXISTING LICENSE
COMMON VICTUALLER WITH
INDOOR ENTERTAINMENT BY DEVICES AND OUTDOOR PRIVATE PATIO
SEATING

PERMANENT Outdoor Entertainment by Devices License (APPROVED ON 7/19/21 for a *Temporary Outdoor Entertainment by Devices License – no Ad was required*) AD placed for Permanent Outdoor Entertainment by Devices License on 8/4/21

Sweetgreen Boston, LLC d/b/a Sweetgreen, 345 Assembly Row requesting approval of a Permanent Outdoor Entertainment by Devices License.
(ALM21-000065)

FOR: PERMANENT

ENTERTAINMENT BY DEVICES
OUTDOORS

Entertainment by Devices - Outdoor Seating			LICENSE #	BUSINESS NAME	ADDRESS	APP. TYPE
PERMANENT						
APPL. DATE						
7/8/2021	Regular Meeting - 7/19/21		ALM21- 000065	Sweetgreen	345 Assembly Row	Entertainment by Devices for Outdoor Seating

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

Chair Lynch invited the applicant to speak. The applicant shared that they want to install several small Bluetooth speakers, to play the same music on the patio that is playing indoors.

No members of the public spoke at the public hearing.

The Commission approved the application on a roll call vote of 3 in favor (Lindgren, Allen, Lynch), and 0 opposed.

11.

TEMPORARY
OUTDOOR SEATING

Entertainment by Devices - Outdoor Seating			LICENSE #	BUSINESS NAME	ADDRESS	APP. TYPE
Temporary						
APPL. DATE						
8/6/2021	Regular Meeting — 8/16/21		ALM21- 0000715	Siam Ginger	22 Bow St.	Parklet Seating – 16 Seats

(ALM21-000071)

Chair Lynch invited the applicant to speak.

The City Engineer confirmed that the seating did not pose a concern.

The Commission approved the application on a roll call vote of 3 in favor (Lindgren, Allen, Lynch), and 0 opposed.

12.

NEW
COMMON VICTUALLER

Keb Companies Inc.
d/b/a Subway 58318
271 Broadway
Kevin Buyinza
Hours of Operation: Mon-Fri: 9am-8pm, Sat: 10am-8pm & Sun: 11am-5pm
(AL21-000028)

Chair Lynch invited the applicant to speak. The applicant shared that he has one other franchise location and looks forward to being in Somerville. The Commission approved the application on a roll call vote of 3 in favor (Lindgren, Allen, Lynch), and 0 opposed.

NEW
COMMON VICTUALLER

13.

X & W PaPa Inc.
d/b/a PaPa Sushi
499 Broadway
Wei Xu
Yi Xu
Hours of Operation: Mon-Thu: 11:30am-10:30pm, Fri-Sat: 11:30am-11:00pm, Sun:
11:30am-10:00pm
(AL21-000030)

Chair Lynch invited the applicant to speak. The applicant shared that she will be taking over part of the former Dark Horse Public House space. The space will be divided by the owner, and the applicant will only be leasing one part. The Commission approved the application on a roll call vote of 3 in favor (Lindgren, Allen, Lynch), and 0 opposed.

14.

Continued from 7/16/21 – Due to Abutter Requirement

NEW 7 Day Wine & Malt License
Enhancement Area
Common Victualler, Entertainment by Devices Indoors
and Sunday Hours Licenses

Vinal General LLC d/b/a Vinal General Store, 220 Somerville Ave. requesting approval of an Enhancement Area 7 Day Wine and Malt Alcohol License, a Common Victualler License, an Entertainment by Devices License and a Sunday Hours License

Hours of Operation:

To Serve Food: Mon-Fri, 11am-8pm, Sat-Sun, 8am-8pm

To Serve Alcohol: Mon-Fri, 11am-8pm, Sat, 8am-8pm & Sun, 10am-8pm
(AL21-000022)

Approved on /16/21 – Abutters were not notified.

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

Per request of the applicant, placing this on the August 2021 Agenda. Requires abutters notice. AD was placed on 8/4/21. Awaiting abutters notices.

Continued from 7/16/21

Chair Lynch invited the applicant to speak. The applicant stated that the hours of operation should be changed for Alcohol Service to 11am-8pm, 7 days a week. Chair Lynch asked if the abutters notices were received. The secretary will confirm.

No members of the public spoke at the public hearing.

The Commission approved the application on a roll call vote of 3 in favor (Lindgren, Allen, Lynch), and 0 opposed.

15.

Existing License

Private

All Forms Alcohol Package Store License

Pledge of License

DBRC Ventures, LLC d/b/a Proof, 8-10 Main Street requesting approval for a Pledge of License to Winter Hill Bank, FSB, ATIMA
(ALM21-000038)

Approved by The Licensing Commission on 5/17/21. The secretary was awaiting additional documentation.

This item was withdrawn. Secretary Lori Jean Batzek withdrew this application due to posting this on the agenda in error. This application was approved by the commission on 5/17/21.

16.

Existing License
Assembly Row
All Forms Alcohol 7 Day Restaurant
Change of Manager

LSF Legal on the Mystic LLC d/b/a Legal on the Mystic, 301 Greate River Rd.
requesting approval of a Change of Manager from Charlotte Wirtanen to Christopher P.
Castellana
(ALM21-000066)

Chair Lynch invited the applicant to speak.

The Commission approved the application on a roll call vote of 3 in favor (Lindgren, Allen, Lynch), and 0 opposed.

17.

Existing License
All Forms Alcohol 7 Day Restaurant
Assembly Row
Change of Officer/Directors/LLC Managers

RCSH Operations Inc. d/b/a Ruth's Chris Steakhouse, 375 Revolution Drive requesting
approval for a Change of Officers from (Remove) Arne Haak, EVP, CFO, Treasurer &
Secretary to (Add) Kristy L. Chipman, EVP & CEO, (Add) Marcy N. Lynch Secretary
and (Add) Stephen G. Szucks Treasurer
(ALM21-000068)

Chair Lynch invited the applicant to speak. Applicant stated 2 spelling corrections were needed:
Szucs and Kristy Chipman as CFO

The Commission approved the application on a roll call vote of 3 in favor (Lindgren, Allen, Lynch), and 0 opposed.

18.

Existing License
Private
All Forms Alcohol Package Store License
Change of D/B/A

MVP Liquors Inc. d/b/a Sav Mor Liquors, 2153 Mystic Valley Parkway requesting
approval for a Change of D/B/A from Sav Mor Liquors to Sav-Mor Spirits
(ALM21-000144)

Chair Lynch invited the applicant to speak.

The Commission approved the application on a roll call vote of 3 in favor (Lindgren, Allen, Lynch), and 0 opposed.

19.

NEW
All Forms 7 Day Alcohol Restaurant License
Enhancement Area
Common Victualler and Sunday Hours License

Mavericks at Washington LLC d/b/a Juliet, 263 Washington St. requesting approval for an Enhancement Area All Forms 7 Day Alcohol License, a Common Victualler License and a Sunday Hours License.

Hours of Operation for Food Service: Sun-Sat: 8am-12am

Hours of Operation for Alcohol Service: Sun-Sat: 10am-12am

(AL21-000023)

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

Chair Lynch invited the applicant to speak. Applicant has another restaurant in vicinity with the same d/b/a. They will be changing the old license d/b/a to something like Petite Juliet with a new concept and menu. Chair Lynch recommended the applicant speak with the secretary to clear up any questions on these licenses. No members of the public spoke at the public hearing. The Commission provisionally approved the application on a roll call vote of 3 in favor (Lindgren, Allen, Lynch), and 0 opposed.

20.

NEW
Wine & Malt 7 Day Alcohol Restaurant License
Enhancement Area
and Sunday Hours License

Adhikari Inc. d/b/a India Palace, 233 Elm St requesting approval of an Enhancement Area 7 Day Wine & Malt Alcohol License and a Sunday Hours License.

Hours of Operation: for Food Service and Alcohol: Sun-Sat: 11am-11pm

Already has a CV License AL21-000003

(AL21-000027)

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

Chair Lynch invited the applicant to speak. Applicant had a liquor license for 1 year in Maynard. Applicant is Tips Certified and will ensure staff is as well. No members of the public spoke at the public hearing.

The Commission provisionally approved the application on a roll call vote of 3 in favor (Lindgren, Allen, Lynch), and 0 opposed.

21.

TRANSFER
PRIVATE ALL FORMS 7 DAY RESTAURANT
Common Victualler, Indoor Entertainment by Devices & Performers Licenses
And Sunday Hours License

Thirsty Scholar Barrrom LLC d/b/a The Thirsty Scholar, 70 Beacon St. requesting approval for a Transfer of a Private All Forms 7 Day Alcohol Restaurant License, a Common Victualler License, an Indoor Entertainment by Devices and Performers License and a Sunday Hours License.

Hours of Operation for Food and Alcohol Service: Mon-Thu: 5pm-1am and Fri-Sun:
10am-1am
(AL21-000029)

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

Chair Lynch invited the applicant to speak. Applicant states there will be 125 seats and no changes are being made to the premises or menu. Applicant is a joint owner of the Tamworth and several other establishments. No members of the public spoke at the public hearing. The Commission provisionally approved the application on a roll call vote of 3 in favor (Lindgren, Allen, Lynch), and 0 opposed.

**City of Somerville
Licensing Commission**

Special Meeting by Remote Participation

**DRAFT OF THE
Minutes of the Special Meeting
Monday,
September 2, 2021, 2021 at 5:00pm
Posted January 6, 2022 at 2:00pm**

The meeting was called to order at 5:00pm. Present were Commissioners, Lynch, and Allen, Secretary to the Commission Lori Batzek, Clerk to the Commission, Andrea Torres, City Clerk, Kim Wells, Director of Economic Development, Tom Galligani, Liaison to the MAC, Charlotte Leis and Members of the City Staff, Applicants and members of the public.

The meeting adjourned at 6:37pm

A recording of this meeting available online

**Monday
September 2, 2021
5:00pm
Published on
Wednesday, August 18, 2021 at 9:00am**

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/7361168092880669709>

Use: Google Chrome or Microsoft Edge to access this link

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.

1. Communication from the Somerville Licensing Commission to discuss reviewing, updating and modifying its Rules, Regulations and Policies. The addition of two major licensing responsibilities of the Commission, Adult Use Marijuana and Outdoor Seating

on the Public Way, will necessitate the inclusion of these fees, fines and other licensee costs into the Rules, Regulations and Policies.

The 2022 annual renewal fees need to be addressed and included in any revision to our Licensing publications.

Chairman Lynch is proposing to conduct a Special Meeting of the Somerville Licensing Commission to discuss the matter before the annual renewal notices are sent to our Licensees.

Chair Lynch introduced the Commission and its purview.

The policies, procedures and guidelines will be the prevailing topic.

City Council ceded authority for outdoor seating on the public way to the Commission. And recreational marijuana guidelines and policies need to be incorporated. Fees are the third topic for discussion.

Charlotte Leis joined to discuss cannabis guidelines. Commissioner Allen noted that an initial set of rules and regulations were included. The change proposed by Ms. Leis is adoption of a formal policy on how to order the issuance of Group B licensees, when they are eligible to have a license issued. She responded to previous questions from the Commissioners, noting that there was a concern about what would happen if the MAC's method of grading changes at any point between rounds. There could be a two-step system, with one step being to look at the round that the host community agreement (HCA) recommendation was received in, and within a round using the score that an applicant receives. The other concern was about "queue jumping", which this two-step system could also address, in placing any new applicants in queue behind existing ones.

Commissioner Allen confirmed that the MAC is a tool of the current administration, and not dictated by state law. There is no guarantee that a subsequent administration would use the same system. Ms. Leis clarified that if more than one HCA was executed the same day, the score could be the determinant. Commissioner Allen elaborated that a time and date stamp would be a necessity in future executed agreements.

Chair Lynch also shared the clarification that the MAC makes the recommendation to the Mayor, and then the Commission can accept the Mayor's recommendation to grant the license. This may be a better way to refer to the process in any regulations. Chair Lynch also suggested changing the language from "marijuana" to "cannabis" to better align with the state body, the Cannabis Control Commission (CCC). Ms. Leis noted that the CCC does use both terms interchangeably, but agreed that it can be sensitive.

Commissioner Allen suggested an additional clarification to the policies to highlight that the applicant does not begin working with the Licensing Commission until an HCA has been received. Chair Lynch also suggested a rule that at least one neighborhood meeting must be held prior to appearance before the Licensing Commission. Ms. Leis noted that applicants are required to hold a neighborhood meeting prior to appearance before the Planning Board for a Special Permit. Chair Allen added that the CCC also requires a community meeting, and indicated a preference that it be encouraged but not required.

Chair Lynch asked for confirmation that one-time application fees were waived through November 2022 (the entirety of the priority application period) and Ms. Leis confirmed that.

Chair Lynch identified the next topic as the annual fees for 2022 renewals. Ms. Batzek noted that the packages from the ABCC would be received September 9-11, and the process in the Clerk's office is to review and send for renewals. Mr. Galligani also noted that the FY22 budget does anticipate that the pre-COVID fees would be collected, but the Delta variant has caused new concerns. Ms. Torres also expressed concern about the time needed to ensure that the licensing software would be able to correct the fees so the processing can be executed properly.

Chair Lynch also asked whether Temporary Outdoor Seating would remain as such and not be charged a fee, or converted to permanent Outdoor Seating and require a fee. Mr. Galligani shared that a review of the policy and processes are in place in the Economic Development Division.

The Clerk's office would move ahead with the annual renewals and re-institute all fees except those for Outdoor Dining on the Private Way. Ms. Batzek shared that any applicants considering applying for permanent Outdoor Seating would require a hearing, and that is the suggestion of the ABCC. The permanent licensees would then have to pay as of April 2022, and anyone who wanted to apply would do so. Ms. Batzek suggested that the businesses with permanent outdoor seating should be charged as they normally would, those with temporary outdoor seating through April would continue to have fees waived, but would have to apply for permanent seating and pay for the amendment application and the licensure at the time they are approved.

See fee schedule below:

Licensing Commission Fees, FY 2016 - Approved 9-19-16	Application Fee	1 st Year Fee	Renewal Fee	as of Licensing Commission Special Meeting - 9-2-21
All Forms Alcohol and Wine & Malt Restaurants				
* Alcohol Restaurants Surcharge to serve on a public sidewalk or street	\$200	\$165	\$165	*Plus ABCC Application Fee of \$200
Non Alcohol Restaurants (Common Victualler) to serve on a public sidewalk or street	\$50	\$165	\$165	

Chair Lynch noted that a new fee schedule will need to be created. The City Clerk's office will work with Economic Development and others to draft this. Commissioner Allen also emphasized that the amount of the public way vs private way should be addressed in the fee structure. Chair Lynch agreed, noting that the work of City staff to address public ways is considerable.

Ms. Batzek inquired about whether new applications for temporary outdoor seating would continue to be accepted, without the COVID rules. Ms. Galligani responded that there are a few restaurants interested for the Fall season. He encouraged keeping them temporary for now, while the Division works to craft a longer-term strategy and policies, including potential options to recoup lost parking revenue. Clear fees and expectations for applicants is critical, and will be able to be delivered more thoughtfully after due consideration by City staff.

Ms. Batzek confirmed that there will be a fee charged for permanent outdoor seating that was in existence prior to the COVID changes. Temporary outdoor seating fees will remain waived. The late fees that were put in place will also be reinstituted. Commissioner Allen emphasized that most fees exist to alleviate the administrative burden of issuance.

Commissioner Allen added that another rules change recommended that private licenses already revert to City control as policy, though not included specifically in the rules.

Secretary Lori Batzek researched this matter after the meeting for reference purposes. 2 private licenses were not renewed one in 2019 & one in 2020: DemApples LLC d/b/a Two, Three, Zero did not renew in 2019. Haris Jusufbegovic and Azem Dervisevic d/b/a Sabur did not renew in 2020. The ABCC was notified these licenses werenot being renewed. They now become part of our City Quota.

Jessica Eshleman of Union Square Main Streets commented that extending temporary outdoor seating in a fee-free manner is appreciated; City barriers and other infrastructure are important to ensuring safety in many parklet locations, and there is an opportunity to utilize ARPA funds to distribute this type of infrastructure more evenly and equitably throughout the City; and the users of the parklet spaces turn over more than a single vehicle using the space would, and highlights additional progress toward equity goals. Michael Robles of Union Square Main Streets also thanked the Commission, particularly for the focus on extending temporary outdoor seating.

**City of Somerville
Licensing Commission**

Regular Meeting by Remote Participation

**DRAFT OF THE
Minutes of the Regular Meeting
Monday,
September 20, 2021, 2021 at 6:30pm
Posted Monday, October 18, 2021, at 1:15PM**

*The meeting was called to order at 6:00pm. Present were Commissioners, Lynch, and Allen, Capt. Dennis Sullivan of the Fire Dept., Lt. Timothy Mitsakis of the Police Dept., Secretary to the Commission Lori Batzek, Retired City Clerk, John Long, Members of the City Staff, Applicants and members of the public.
The meeting adjourned at 7:31pm*

A recording of this meeting available online

**Monday
September 20, 2021
6:00pm
Published Monday, September 13, 2021 at 4:40pm
REVISED PUBLISHED Thursday, September 16, 2021 AT 5:40pm**

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/5170071217250865163> If you wish to submit comments on any item on this agenda, you may send written comments by US mail to the Secretary of the Licensing Commission, 93 Highland Avenue, Somerville, MA, 02143, or by email to ljbatzek@somervillema.gov. Your comments must arrive no later than 12 Noon on the day of the meeting, in order to be sure they are conveyed to the Commission.

COMMUNICATIONS

1. Minutes of the Regular Licensing Commission Meeting from 7/19/21

The commission approved these minutes on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed

2. Minutes of the Special Licensing Commission Meeting from 8/2/21

The commission approved these minutes on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed

3. Minutes of the Regular Licensing Commission Meeting from 8/16/21

The commission approved these minutes, to be updated, with the addition of the persons who requested the withdrawals for applications #4 & #15, on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed

4. Minutes of the Special Licensing Commission Meeting from 9/2/21

The secretary stated these minutes are not yet completed.

The commission differed these minutes, until the next Licensing Commission Meeting, on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed

5. Communication from the ABCC pertaining to a Notice of Violation Hearing on Wednesday, September 22, 2021 at 10:00AM (Continued from May 19, 2020) For: River Bar LLC d/b/a River Bar, 661 Assembly Avenue, Somerville, MA 02143, License #: 00162-RS-1130

Chairman Lynch questioned this address. The ABCC listed the address on the communication. The correct address should be 661 Assembly Row. The ABCC will notify the commission of this disposition of this hearing.

The commission made a note of this communication on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed

6. Communication from the ABCC pertaining to a Notice of Violation Hearing on Wednesday, September 22, 2021 at 11:00AM (Continued from April 7, 2020) For: Earl's Restaurant (Somerville) Inc. d/b/a Earl's Kitchen & Bar, 698 Assembly Row, Store #102, Somerville, MA 02145, License #: 00164-RS-1130

The ABCC will notify the commission of this disposition of this hearing.

The commission made a note of this communication on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed

PLEASE NOTE: *Chairman Lynch announced that the commission is down to 2 commissioners. If there is any variance in the voting, the item will not pass. Under Roberts Rules, a tie vote, is a NO vote.*

SPECIAL ALCOHOL LICENSES

7. Indignant Brewing Co. LLC d/b/a Winter Hill Brewing, 328 Broadway, requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for a Gilman Square Neighborhood Association Block Party to be held Outdoors in a fenced in parking lot at Mad Oyster Studios (243 Pearl St.) on October 16, 2021 from 12:00pm to 6:00pm with a Rain Date of 10/17/21 (PEL21-000103)

Breck Bailey appeared for this application. He stated this is the 3rd year for this event. There will be live music in between Mad Oyster Studios and Sarma, the space is fenced in on 3 sides and will have good Alcohol control. Wristbands will be used, and all servers will be TIPS Certified. Sarma is a different lot.

The commission approved this Special Alcohol License on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed

8. Warehouse XI, 11 Sanborn Ct., requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for a Crunchin at WXI to be held Indoors at Warehouse XI in the Catering room on October 3, 2021 & October 24, 2021 from 7:00pm to 10:00pm with Rain Dates of 10/2/21 & 10/23/21 (PEL21-000114)

Margaret Morrissey appeared for this application. Ms. Batzek stated the dates of the event and the rain dates seem to be switched Ms. Morrissey states the application states an incorrect event name, date and time. Ms. Morrissey stated that Kayla submitted the application incorrectly. The date should be October 3, 2021. There is no second date or raindate. The hours should be from 1pm – 4pm. The event name should be Brunching at the Warehouse. This is one big room, no Catering room at these premises. Tickets will be sold through Event Bright. Capacity is 150, but they will not be going above 70 due to Covid.

The commission approved this Special Alcohol License on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed

9. PKL Boston LLC d/b/a PKL Boston– Dustin Martin 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 September 29, 2021 to October 28, 2021 from 8:00am – 11:00pm.

(PEL21-0000119)

Anni Lierhaus appeared for this application. Chairman Lynch asked if there had been any issues from the previous licenses issued. Ms. Lierhaus stated there were not. Lt. Mitsakis stated there were no issues.

The commission approved this Special Alcohol License on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed

10. 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 September 29, 2021 to October 28, 2021 from 11:00am – 10:00pm
(PEL21-0000120)

Matt Eshelman appeared for this application. Mr. Eshelman stated there were no changes since the last application and no problems to his knowledge. Lt. Mitsakis confirmed this.

The commission approved this Special Alcohol License on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed

TEMPORARY OUTDOOR SEATING
FOR SPECIAL ALCOHOL

- 10a. East Somerville Main Streets, 3 Glen St. requesting approval for Temporary Outdoor Public Seating on the side walk for a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages (approved on 8/16/21), for the Foodie Crawl 2021 to be held Outdoors in front of the establishments at Maya Sol, Casey’s, Fasika, Tapatio, Vinny’s, and Los Paisano’s
9/21/21 from 6:00pm – 10:00pm with a Rain date of 9/22/21
(PEL21-000083) – SPECIAL ALCOHOL LICENSE APPROVED 8/16/21
(ALM21-000072)

Chairman Lynch stated he was uncomfortable approving temporary seating for these businesses for parklet seating under a Special Alcohol License, in the public street, at the last Licensing Commission Meeting, and recommended the applicant reapply for Temporary Outdoor Seating.

Lindsay Allen appeared for this application. Ms. Allen stated they have changed the seating to the sidewalk instead of the street and worked with the Engineering Dept. on this seating. She also stated Fasika and Los Paisano will not participating. A discussion was held on whether a Police presence or detail was necessary. Ms. Batzek stated Scott Whalen signed off on this application for the Police Department, under an informational basis. Commissioner Allen stated both the City Engineer approved, with conditions, and ISD signed off on this application.

The commission approved these Temporary Outdoor Seating licenses for a Special Alcohol License. The businesses approved were: Maya Sol, Casey's, Tapatio, and Vinny's, however, Fasika and Los Paisano's were not approved (both were withdrawn by Lindsay Allen, with verbal notification at this meeting) on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed

COMMON VICTUALLER

LICENSES

11. Managed Healthcare System
d/b/a Visiting Nurses at Highland Inc.
186 Highland Ave.
Brian K. Bishop
Hours of Operation: Sun. – Sat. 8:00am – 6:00pm
(AL21-000031)

Brian Bishop appeared for this application. Mr. Bishop stated they property manage the facilities for The Visiting Nurses Assc. at 186 and 190 Highland Ave. They also assist at the property on Lowell St. and Alewife. Managed Healthcare Systems is a new company managing Little Sisters of the Poor.

Chairman Lynch invited public comment.

The commission approved this Common Victualler License on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed

12. AEGJ, Inc
d/b/a Mama Gina's Pizzeria
19 Union Sq.
Thanas Gjerazi
Hours of Operation: Sun. – Sat. 11:00am – 11:00pm
*New Owner – Previous owner – AN, LLC - AL17-000206
(AL21-000032)

Thanas Gjerazi appeared for this application. Mr. Gjerazi previously owned Caprese Pizzeria and Grill on Medford St. in Magoun Sq., 6 years ago. He stated there will be 16-22 seats, and the tables will be 6 feet apart due to Covid. No changes are being made to the interior floor plan.

Chairman Lynch invited public comment.

The commission approved this Common Victualler License on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed

13. Aramark Corporation
d/b/a Aramark Services Inc,
399 Revolution Drive
Rosmery Melo
Hours of Operation: No Days listed, 6:00am – 4:30pm
(AL21-000033)

Rosemary Melo appeared for this application. Ms. Melo stated this will be for business dining. This business has been in operation since 2015 and Ms. Melo has just taken over as manager. They currently have limited service for a coffee shop. The Department of Health apprised this business in the summer that they need a Food License and 2 more Licenses, after they did an inspection. This is a separate license to what they previously had. This will be Food Service with Catering and cafeteria for the staff of Partners Health Care. Ms. Melo stated she has updated the hours of operation: The Days and Hours of Operation are Mon.-Fri. 6:00am-4:30pm

Chairman Lynch invited public comment.

The commission approved this Common Victualler License on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed

EXISTING ALCOHOL LICENSES

All Forms 7 Day Alcohol License **Enhancement Area – City Held License** **Alteration of Premises** **Change of Officers/Directors/LLC Managers** **Change of Ownership Interest**

- 13a. Bow Market Entertainment LLC d/b/a Bow Market 337 Somerville Ave. requesting approval for an Alteration of Premises to increase the indoor and outdoor seating, A Change of LLC Managers and A Change of Ownership to Add Zachary Baum (ALM21-000073)

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

Attorney Nick Zozula, Zachary Baum and Matthew Boyes Watson appeared for this application. Attorney Zozulla stated the change of ownership is adding Zachary Baum as 50% LLC member and owner, which was previously owned 100% by Matthew Boyes Watson. Zachary Baum is also being added as 50% LLC Manager, which was previously listed as Matthew Boyes Watson as 100% LLC Manager. Zachary Baum and Matthew Boyes Watson will be 50% LLC Managers and 50% Owners. There will be 3 changes to the alteration of premises. The 1st change would add 1 additional

licensed space, and sq. ft. on the 2nd floor, space #8 on the map, which is approx. 584 sq. ft., and the name would be changed to Vinal Index. This space would not have its own bar, and would be for consumption only and customers would be able to peruse and listen to albums as well. This space would be managed and operated, directly under Bow Market Entertainment LLC, the premises licensee. The 2nd change would be to add a bar and kitchen into the lobby space, which is already licensed, under #10 on the map, shaded in green. This space would be managed and operated, directly under Bow Market Entertainment LLC, the premises licensee. The 3rd change would be on the second fl., #6 on the map, previously called Bow Market Hall, and would be changing the name to Wild Child. This area has slightly changed, but nothing else has and it has not gotten larger. This area was previously licensed as well. This space would be managed and operated, directly under Bow Market Entertainment LLC, the premises licensee. Attorney Zozula stated the overall number and seats and occupancy has not changed since approval in 2020 and will remain 374 Seats Total and 484 Occupancy Total. Seats will be moved from the 1st floor to the 2nd floor. Attorney Zozula states none of these alterations will require a new Management Agreement. Commissioner Allen asked for a clarification of ownership and the impact on the Alcohol License. Ms. Batzek stated she believed a Purchase and Sale is required and had not received this yet. Mr. Baum stated this was submitted and uploaded in Citizen Serve on Friday. Chairman Lynch stated no complaints have been received. Chairman Lynch requested a clarification on Vinal Index. Mr. Baum stated this space would allow drinks to be brought in and be served drinks while perusing records and listening to music. Mr. Baum stated the alcohol would most likely come from the Comedy Studio, #7 on the map. Chairman Lynch asked if the customer would be allowed to carry their drink from the sub licensee, Comedy Studio, through a public space to Vinal Index. Mr. Baum confirmed this is a licensed space with seating and supervised. He also stated an attendant will be placed at the door of Vinal Index. Chairman Lynch asked if records would be sold, Mr. Baum stated they would, and Chairman Lynch stated this is basically a retail store. Commissioner Allen asked if a person could purchase a drink in the Comedy Studio and travel with it to Rebel Rebel. Mr. Baum stated this is currently allowed by their license, but is not something they support in their day to day operations. Mr. Baum stated this space is expanding into one of the adjacent store fronts. Commissioner Allen asked for clarification on the spaces and management of them, he also asked for clarification of the occupancy of the premises. Mr. Baum stated the seating being placed into space #10 (the lobby), is being under-utilized and they will be moving 19 seats from space #10 to space #8. Chairman Lynch asked for clarification of space #10 and adding a point of sale to this area. Mr. Baum stated patrons would be able to purchase food and alcohol from this new area, with a full kitchen and a small restaurant, this will be called The Eaves operated directly under Bow Market Entertainment. Chairman Lynch asked for clarification about space #6. Mr. Baum this space used to hold small events, however, this had to stop due to Covid. The name is being changed from Bow Market Hall to Wild Child. Chairman Lynch stated Wild Child and The Eaves are under currently under Bow Market Entertainment LLC license. He also asked if they were hoping that the alcohol being served by the Comedy Studio is the alcohol that will be consumed in Vinal Index. Mr. Baum stated yes, and that Bow Market Entertainment controls the service and security management of this premises. Chairman Lynch confirmed the total seats and occupancy and Bow Market

Entertainment will be responsible for any complaints. Lt. Mitsakis stated he had no concerns with traveling in the premises with alcohol, as long as they are not going out into the Union Sq. area. Capt. Sullivan stated he had no concerns or previous problems with this business. Commissioner Allen asked if there have been any instances of patrons being cut off at one venue and going to another and being served. Mr. Baum stated they used "Slack" to send the information to the manager and servers at the POS systems.

Chairman Lynch invited public comment.

The commission approved this Change of LLC Manager, Change of Ownership Interest and Alteration of Premises on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed

ALL FORMS PACKAGE STORE
Privately Owned
CHANGE OF D/B/A

14. Starl Liquors Inc. d/b/a Sav-Mor Liquors, 325 Canal St. requesting approval of a Change of D/B/A from Sav-Mor Liquors to SAV-MOR SPIRITS
(ALM21000074)

Marcy Costa of McDermot, Quilty and Miller appeared for this application. Ms. Costa stated they appeared before the commission last month and this is simply a d/b/a change.

The commission approved this Change of D/B/A on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed

All Forms 7 Day Restaurant
Assembly Sq. Area, City Held License
Change of Officer/Directors/LLC Manager
And Change of Manager

15. Earl's Restaurant (Somerville, MA) d/b/a Earl's Kitchen & Bar, 698 Assembly Row requesting a Change of Officer Directors from Gabriel Katsimpas to Kenneth Jimenez and a Change of Manager from Gabriel Katsimpas to Kenneth Jimenez
(ALM21000077)

Attorney Kristin Scanlon and Kenneth Jimenez appeared for this application. Mr. Jimenez is the new manager. Attorney Scanlon stated Mr. Jimenez has been with Earls since 2014 at several different locations in Miami and Virginia. He has also worked at

other restaurants, including The Pru in Boston and has 10 years experience in this field. He has experience with the rules and regulations in the state for alcohol service. Chairman Lynch asked if Mr. Jimenez was the manager of record for the above mentioned violation (communication #6). Attorney Scanlon stated he was not, and believes Mr. Katsimpas was the manager of record at that time.

The commission approved this Change of Directors and Change of Manager on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed

LATE ITEMS

SPECIAL ALCOHOL

16. PKL Boston LLC d/b/a PKL Boston– Katie Coakley requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for PKL Boston & Owl's Nest Oktoberfest to be held Outdoors at Assembly Row, in a designated fenced in area at PKL and the designated area for Owls Nest on October 16, 2021 from 9:00am – 12:00pm.
(PEL21-0000128)

Anni Lierhaus appeared for this application. Ms. Lierhaus stated there will be live bands and alcohol will be served from PKL to the Greenway in between PKL and Owl's Nest. This is a one day event. Commissioner Allen asked if there have been any incidents that required a Police presence. Ms. Lierhaus stated they had not, and wristbands will also be required. She also estimated approximately 300 patrons throughout the day.

The commission approved this Special Alcohol License on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed

**City of Somerville
Licensing Commission**

Regular Meeting by Remote Participation

**DRAFT OF THE
Minutes of the Regular Meeting
Monday,
October 18, 2021, at 6:00pm
Posted Monday, January 10, 2022, at 2:00PM**

The meeting was called to order at 6:02pm. Present were Commissioners, Lynch, and Allen, Capt. Dennis Sullivan of the Fire Dept., Lt. Timothy Mitsakis of the Police Dept., Secretary to the Commission Lori Batzek, City Clerk, Kim Wells, Director of Engineering, Brian Postlewaite, Members of the City Staff, Applicants and members of the public.

The meeting adjourned at 7:43pm

A recording of this meeting is available online

**Monday
October 18, 2021
6:00pm
Published Thursday, October 14, 2021 at 4:40pm
REVISED Published Monday, October 18, 2021 at 2:00PM**

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/6633550880905126670>

If you wish to submit comments on any item on this agenda, you may send written comments by US mail to the Secretary of the Licensing Commission, 93 Highland Avenue, Somerville, MA, 02143, or by email to ljbatzek@somervillema.gov. Your comments must arrive no later than 12 Noon on the day of the meeting, in order to be sure they are conveyed to the Commission.

COMMUNICATIONS

1. Minutes of the Regular Licensing Commission Meeting from 9/20/21

Chairman Lynch asked for a Correction to be made for this Regular Meeting.

The commission approved these minutes on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed

2. Communication from Chairman Lynch requesting a report from the Police Department for any issues, violations or complaints received for all 2AM Closing Establishments

Chairman Lynch requested the old name of Brass Union be changed to their new d/b/a Vera's

These renewals to be placed on the November agenda for approval. Licensees do not need to be present if no violations or concerns from the Police Department were reported.

The Commission made a note of this communication.

SPECIAL ALCOHOL LICENSES

3. 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 October 29, 2021 to October 31, 2021 from 11:00am – 10:00pm (PEL21-0000151)

Matthew Eshelman appeared for this application. Mr. Eshelman stated they had a great season. There were no issues and no changes are being made. PKL did not appear on the agenda and Mr. Eshelman stated this would not affect their operation, and that they are completely separate. This is the same footprint as the previous 2 months.

The commission approved this Special Alcohol License on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed

4. Greentown Labs, 444 Somerville Ave. requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for Climatetech Summit to be held Indoors at 444 Somerville Ave. in the Main event space and kitchen on November 4, 2021 from 8:00am to 7:30pm (PEL21-000149)

*Jill Kirkpatrick appeared for this application. Approximately 350 people are expected over the course of the day. They will not be serving alcohol at 8am. **Request a change of alcohol service beginning at 4:30pm.** The servers will be Tips Certified and the alcohol will be purchased through a licensed distributor.*

The Secretary will change the hours of alcohol service to 4:30pm to 7:30pm

The commission approved this Special Alcohol License on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed

5. The Elizabeth Peabody House, 277 Broadway requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for a Fall Fundraiser 2021 to be held Indoors and Outdoors, in Playground space at 277 Broadway from October 21 2021 from 6:00pm – 8:00pm with a rain date of 10/28/21 (PEL21-0000147)

Katie Aucella appeared for this application. They are celebrating 121 years. Alcohol service would only be for the outdoors. They will have Tips Certified staff, and will purchase the alcohol from an approved distributor. They will be hosting a wine expert and there will be approximately 60 people in total.

The commission approved this Special Alcohol License on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed

6. Cuisine en Locale, Inc. 67 Pleasant St., Cambridge, requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for Boynton Yards Publicity Events to be held Outdoors at Union Sq., Boynton Yards 561 Windsor St/0 Windsor St. on October 23, 2021, November 20, 2021 & December 11, 2021 from 12:00pm – 12:00am with rain dates of 10/24/21, & 11/21/21 (PEL21-0000146)

JJ Gonson appeared for this application. Please note: The November date was changed to 11/20/21 and the Rain date was changed to 11/21/21. Ms. Gonson requested another Rain date be entered for December as 12/12/21. Ms. Gonson stated the events held at Boynton Yards this summer have been very successful with no issues. The address is located near Union Square. The same area, setup, bar staff... will be used.

The commission approved this Special Alcohol License on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed

7. City Nails, 315 Broadway requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for Relax to be held Indoors at 319 Broadway on 11/2/21, 11/9/21, 11/23/21, 12/1/21, 12/14/21, 12/29/21, 1/1/22, 1/12/22, 1/27/22, 2/5/22, 2/16/22, 3/1/22, 3/17/22, 3/30/22, 4/6/22, 4/20/22, 5/3/22, 5/12/22, 5/25/22, 6/4/22, 6/14/22, 6/24/22, 7/5/22, 7/15/22, 7/27/22, 8/7/22, 8/16/22, 8/23/22, 8/31/22, 9/11/22 from 10:00am – 7:00pm (PEL21-0000143)

*Phi Pham Owner and Manager appeared for this application. Mr. Pham feels something is missing and would like to provide wine or beer to his customers (this is a nail salon). Mr. Pham will be charging for the alcohol. There are 6 chairs and 6 tables. Mr. Pham chose random dates. Chairman Lynch wanted to make sure Mr. Pham understands these will be the only dates he can serve alcohol. **Change his Sunday hours to 10am-5pm (his hours of operation).** Commissioner Allen reiterated Mr. Pham needs to purchase the alcohol from an approved distributor. Mr. Pham stated he received the website information from City Hall. Commissioner Allen stated a license can only be issued 30 days per each calendar year. No bartender will be serving the alcohol, the receptionist will be serving. Chairman Lynch asked if the receptionist is TIPS Certified. Mr. Pham wasn't aware of this; Chairman Lynch stated the commission would require TIPS Certification. Mr. Pham understands this license will cost \$3000 and he is fine with that.*

Chairman Lynch stated the Sunday Hours need to be amended, and Mr. Pham must provide proof of TIPS Certification.

The commission approved this Special Alcohol License on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed

8.

NEW
All Forms 7 Day Alcohol Restaurant License
Enhancement Area
Common Victualler and Sunday Hours License

Mavericks at Washington LLC d/b/a Juliet, 263 Washington St. requesting approval for an Enhancement Area All Forms 7 Day Alcohol License, a Common Victualler License and a Sunday Hours License.

Hours of Operation for Food Service: Sun-Sat: 8am-12am

Hours of Operation for Alcohol Service: Sun-Sat: 10am-12am

(AL21-000023)

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

Approved by the Licensing Commission on 8/16/21. AD placed in the newspaper on October 6, 2021, at the applicants request, to comply with the Abutters Notice Requirement

Katrina Jazayeri appeared for this application. This is an abutters notice requirement. The AD appeared on 10/6/21. This fulfills the requirement. Hoping to open sometime in December.

The commission approved these licenses on 8/16/21. This is an administrative item for abutters notice purposes, and was approved on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed

NEW
Entertainment by Devices, Performers and Patrons

9. Union Comedy Cooperative Corporation d/b/a Union Comedy, 593 Somerville Ave. requesting approval of an Entertainment by Devices, Performers and Patrons License (AL21000034)

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

Pat Kearnan appeared for this application. Training classes and performances will occur, without food or alcohol. Chairman Lynch suggested Mr. Kearnan contact the Ben Ewen-Campen. Mr. Kearnan stated he has already done that and Mr. Ewen-Campen did not have an issue with this. Total seating will be 40 plus staff, for a total of 49 occupancy.

The commission approved this Entertainment by Devices, Performers and Patrons License on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed

10.

NEW
Common Victualler and
Outdoor Private Patio and
Outdoor Public Seating on the Sidewalk Licenses

U & S LLC d/b/a Café Rustica, 356 Beacon St. requesting approval of a Common Victualler, Outdoor Private Patio Seating and Outdoor Public Seating on the Sidewalk Licenses

*Sujan KC

Hours of Operation: Sun – Sat: 7:00am – 6:00pm

*New Owners, Old Owners Café Rustica, Inc. – AL17-000183
(AL21-000035)

Sujan appeared for this application. This will be a breakfast and lunch café selling sandwiches and coffee. This establishment has been in existence for 22 years. Sujan states the paperwork is complete and he is now the owner of Café Rustica. There will be 2 seats and a small table on the sidewalk and 18 seats on the private patio.

The commission approved this Common Victualler, Outdoor Private Patio and Outdoor Public Seating on the Sidewalk License, Pending all City sign-offs, on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed

11.

TEMPORARY OUTDOOR SEATING

NEW OUTDOOR SEATING	LICENSE #	BUSINESS NAME	ADDRESS	APP. TYPE	COMPLETE	CURRENT/NEW	PUBLIC/PRIVATE	TENT	HASP	FLOOR PLAN	CONTROL/ENG.	SPCD	FIRE	INSURED	WINTER CERT.
APPL. DATE															
9/3/2021	Regular Meeting 10/20/21	ALM21-000076	Tu Y Yo Mexican Restaurant	852 Broadway	Outdoor Seating - Parklet & Sidewalk - Public Property	Yes	New	Public	No	N/A	Yes	N/A			
9/17/2021	Regular Meeting 10/20/21	ALM21-000080	Rei Da Picanha	129 Broadway	Outdoor Seating - Parklet & Sidewalk - Public Property	Yes	New	Public	No	N/A	Yes	N/A			
9/18/2021	Regular Meeting 10/20/21	ALM21-000082	Thai J&J LLC d/b/a Siam Ginger	22 Bow St.	Outdoor Seating - Parklet & Sidewalk - Public Property	Yes	New	Public	No	N/A	Yes	N/A			
10/12/2021	Regular Meeting 10/20/21	ALM21-000086	Mariachi Foods, Inc. d/b/a El Potro	61 Union Sq.	Outdoor Seating - Parklet & Sidewalk - Public Property	Yes	New	Public	No	N/A	Yes	N/A			

NEW OUTDOOR SEATING		LICENSE #	BUSINESS NAME	ADDRESS	APP. TYPE
APPL. DATE					
9/3/2021	Regular Meeting 10/20/21	ALM21-000076	Tu Y Yo Mexican Restaurant	852 Broadway	Outdoor Seating - Parklet & Sidewalk - Public Property
9/17/2021	Regular Meeting 10/20/21	ALM21-000080	Rei Da Picanha	129 Broadway	Outdoor Seating - Parklet & Sidewalk - Public Property
9/18/2021	Regular Meeting 10/20/21	ALM21-000082	Thai J&J LLC d/b/a Siam Ginger	22 Bow St.	Outdoor Seating - Parklet & Sidewalk - Public Property
10/12/2021	Regular Meeting 10/20/21	ALM21-000086	Mariachi Foods, Inc. d/b/a El Potro	61 Union Sq.	Outdoor Seating - Parklet & Sidewalk - Public Property

- a. Applicant was not present for Tu Y Yo – ALM21-000076. Brian Postlewaite spoke on this application. Mr. Postlewaite has requested additional information from the applicant several times, pertaining to a portion of the proposed parklet location in what was formally a bus stop and is now currently a bike lane. Mr. Postlewaite has requested a revised plan that shows just the single parking space that is available.***

Brian Postlewaite is not assured the applicant will provide this information as he has not received any communication pertaining to his request for a revised plan.

Chairman Lynch stated the Governor's Temporary Expansion of Patio Service will continue until April 1, 2022, however, the Somerville Licensing Commission (local authority), has the authority to amend that date. Chairman Lynch is awaiting a proposal for Outdoor Seating from Economic Development for 2022.

*The commission **Continued this Application until November 2021**, for Outdoor Seating - Parklet & Sidewalk Seating on Public Property License on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed*

- b. Philippe Nanato appeared for Marlene Asevedo (to interpret) for Rei Da Picanha – ALM21-000080. Ms. Asevedo stated she wanted to do what has been done in Davis Sq. **There will be no seating on the sidewalk.** A total of 4 tables with 2 chairs each (total of 8 chairs) on the street for the parklet. **Secretary to update/correct this application.** This business was established in 2012. Commissioner Allen stated there were originally chairs and tables on the sidewalk on the floor plan submitted. Ms. Asevedo stated this was not approved, and will not have sidewalk seating. Brian Postlewaite stated they don't generally approve both sidewalk and parklet seating for the same location, as it tends to cramp the sidewalk for pedestrian flow, and becomes a discontinuous layout for the restaurateurs. Both are approved only in extenuating circumstances. Chairman Lynch asked when this ruling was established. Mr. Postlewaite stated this was started at the beginning of this calendar year. A discussion followed about pre covid seating and what the rules would be going forward (this has not been determined yet). Chairman Lynch asked about Safety and ADA regulation concerns (that they need to be adhered to). Mr. Postlewaite agreed and stated some of the sidewalks are too narrow to accommodate these regulations. Mr. Nanato confirmed that they are dropping the Outdoor Sidewalk Seating. Mr. Postlewaite stated he had no problem with this application after the removal of the sidewalk seating.*

*The commission approved this Temporary Outdoor Public Seating – for a Parklet License **(with the removal of the Public Sidewalk Seating)** on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed*

- c. Jintana Chanthon appeared for this application for Siam Ginger – ALM21-000082. Ms. Chanthon stated she was approved at last month's meeting, but was required to change the plans for seating only in front of her establishment. Mr. Postlewaite agreed, he stated the sidewalk is narrow and recommended only parklet seating. The new floor*

plan was uploaded today, October 18, 2021. Mr. Postlewaite stated the floor plan submitted meets with his approval.

The commission approved this Temporary Outdoor Public Seating – for a Parklet License (with the removal of the Public Sidewalk Seating) on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed

- d. Joseph Carreiro appeared for this application El Potro – ALM21-000086. Mr. Carreiro stated he is withdrawing this application. He is extremely frustrated by the application process. He states this is the third iteration, because of the failure of the City Departments, other than the Licensing Commission, to work with them and to be forthcoming and open about their plans. He states he received no responses for months. Mr. Carreiro stated he already has permanent sidewalk seating, and does not want to choose between his sidewalk seating and the parklet. Chairman Lynch extended his apologies for this matter and explained this area is under construction and a lengthy discussion followed. Chairman Lynch expressed concern about the conditions placed on this license and asked for an explanation. Discussion continued on this matter. Chairman Lynch stated he wanted to help resolve this matter. Commissioner Allen asked where the language was taken from. Mr. Postlewaite stated this is language from the ADA and these requirements only apply to Temporary Ramps. Mr. Postlewaite will amend condition 5. Mr. Carreiro stated he could not make the parklet ADA compliant. He states he was told by the Somerville Building Dept., that because he was ADA compliant with his existing patio, there would be no need to create ADA compliance in this additional seating, however, if this was a new application, he would be required to be ADA compliant, but because he already has ADA compliant seating outdoors, he was told this would not be necessary. He would rather use his previously approved outdoor sidewalk seating. He states he is withdrawing this application for a parklet.*

Mr. Stephen Mackey and Ms. Jessica Eschelman spoke in support, of this applicant. A discussion was held about ramps and turning radius requirements for parklet seating.

The commission WITHDREW this Temporary Outdoor Public Seating – for a Parklet License AND the removal of the Public Sidewalk Seating)

12.

EXISTING ALCOHOL LICENSES

All Forms 7 Day Alcohol License

Private License

Change of Officers/Directors/LLC Managers

99 Restaurants of Boston, LLC and 99 West, LLC d/b/a The 99 Restaurant, 20 Cummings St. requesting approval for Change of Officer and Director from Goodloe M. Partee as General Counsel, Secretary, and LLC Manager to Wendy Harkness, Chief Administrator Officer, Secretary and LLC Manager
(ALM21-000079)

Elizabeth Pisano of Upton, Connell & Devlin appeared for this application. This is an officer change from Goodloe Partee to Wendy Harkness.

The commission approved this Change of Officers/Directors/LLC Managers on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed



**City of Somerville
Licensing Commission**

Regular Meeting by Remote Participation

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

The meeting was held remotely using the GoToWebinar platform and was called to order by Chair Lynch at 6:00pm and adjourned at 6:53pm.

Commissioners Lynch and Allen were both present.

Others present: Lieutenant Timothy Mitsakis – Police; Captain Dennis Sullivan – Fire; Kimberly Wells – City Clerk

Noting that this is the last meeting of 2021, Chair Lynch thanked: former City Clerk John Long, current City Clerk Kimberly Wells, City Clerk's Office staff Lori Jean Batzek and Andrea Torres, Police Sergeant Warren Chaille, Police Lieutenant Timothy Mitsakis, Fire Captain Dennis Sullivan, Former Fire Lieutenant Bob McLaughlin, former Commissioner Christine Lindgren, and all of the licensees for all that they do for the City, with a special thank you to Commissioner Allen.

Commissioner Allen noted that the Commission is still awaiting guidance on outdoor seating from Economic Development. Chair Lynch has been in touch and is prepared to vote on regulations in January, with apologies to licensees for a short timeframe.

COMMUNICATIONS

1. Somerville Police Department conveying a report on 2AM Closing Establishments.

Chair Lynch took up item #9 in conjunction with this item and listed the establishments that this pertains to. Chair Lynch noted that the report from Lieutenant Mitaskis includes Orleans, which has been removed as it did not renew its license last year and will need to reapply, and Dark Horse, which is now closed. Liuetenant Mitaskis will make those updates.

Commissioner Allen moved to renew the 2AM closing permits for 2022. The motion was approved.



SPECIAL ALCOHOL LICENSES

2. Saint Anthony of Padua Parish - Ramone Morneau, requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for Baile Beneficente at St. Anthonys Parish to be held at 12 Properzi Way, November 20, 2021 from 8:00pm - 12:00am.
(PEL21-000156)

There was nobody present to speak on the item.

Chair Lynch suggested approval, given the timing of the event, and noting that these events have been held for over 25 years with no issues.

Chair Lynch moved to approve, with a note that the approved without anyone present and the Commission may not be so generous in the future. The motion was approved.

SPECIAL FARMER WINERY LICENSES

3. House Bear Brewing – Beth Borges requesting approval of a Special Farmer Winery License to sell mead and cider at the Somerville Winter Farmers Market, to be held at 191 Highland Ave on Saturdays December 4, 2021 through April 16, 2022 from 9:30am – 1:30pm.
(SFW21-000001)

The applicant, Ms. Borges, shared that she is one of the owners and the business has operated since 2013. The Somerville Winter Farmers Market was one of their first and they are excited for the opportunity to come back. Commissioner Allen clarified that they will be on alternating Saturdays, beginning December 4, but Ms. Borges elaborated that they may be asked to take additional days, and they can only do that if the permit covers the entire period. Chair Lynch asked if they would be pouring beginning at 9:30am, and Ms. Borges stated that it is not yet determined if there will be samples, as there are rules about the samples needing to be covered, but if so it would begin at 9:30am. Chair Lynch suggested that the start time for serving would be 10am, though sales could still occur before that.

Chair Lynch moved to approve as amended, with serving beginning at 10am, and selling at 9:30. The motion was approved.

4. 1634 Meadery – Dan Clapp requesting approval of a Special Farmer Winery License to sell mead at the Somerville Winter Farmers Market, to be held at 191 Highland Ave on Saturdays December 11, 2021 through April 16, 2022 from 9:00am – 1:00pm.
(SFW21-000002)

Mr. Clapp shared that his plan is the same as that of House Bear.

Chair Lynch again stated that samples should begin at 10am, and Mr. Clapp noted that there has never been a time restriction in the past. Chair Lynch detailed that the goal is to make the policy more consistent citywide and Mr. Clapp agreed that he will adhere to the rule and wait until 10am. Chair Lynch also suggested updating the application to reflect that the estimated



attendance at any one time is approximately 200, to represent the total in the space, rather than at one booth.

Chair Lynch moved to approve as amended, with serving beginning at 10am, and selling at 9:00. The motion was approved.

TRANSFER OF LICENSE **Restaurant (with alcohol)**

This is the Public Hearing for this item. The Public is welcome to attend and be heard.

5. Lord Hobo Somerville, 156 Highland Avenue, requesting approval of a transfer of Restaurant (with alcohol) license from Cuisine En Locale, Inc.
Hours of Operation for Food Service: Sun-Sat: 12:00pm-1:00am
Hours of Operation for Alcohol Service: Sun-Sat: 12:00pm-1:00am
(AL21-000040)

Anne Vigorito spoke on behalf of the applicant, along with Daniel Lanigan, a signatory, and John Higgins, who will be the manager for the establishment. Ms. Vigorito highlighted that the premises is two levels, with a seating capacity of 252 and total occupancy of 390. A letter of intent has been submitted by the landlord. Lord Hobo has other locations in Cambridge, Woburn, and a scheduled opening in Boston Seaport. The entertainment will include 8 televisions and an audio system to play streaming music. There will be no live music. Ms. Vigorito also noted that she reached out to a neighbor and the Ward Councilor. The new owners are committed to being good neighbors.

Commissioner Allen asked about the abutters' concerns, as shared by Councilor Ewen-Campen, specifically the use of the rear parking lot. Ms. Vigorito noted that the designated entrance is in the front of the building, and the live entertainment in the previous venue contributed to the gatherings in the rear, but the manager will be on alert for that and she is confident that any concerns will be addressed. Commissioner Allen asked as well if any of the other locations had received violations, and Ms. Vigorito noted that a former location (Amherst) received a violation in 2003, with a staff member caught drinking after hours, and the penalty was that the business was closed for one week. They no longer have ownership of that location. She added that Mr. Higgins has been the manager at the Cambridge location for 9 years.

Chair Lynch asked for confirmation that there are no liens or encumbrances with the former license holder, Cuisine en Locale, and to Ms. Vigorito's knowledge there are not and a certificate of good standing has been sent. She will forward the pledge as well. Chair Lynch also confirmed that the square footage is 12,000.

Mr. Lanigan also spoke and emphasized the excitement to be part of the Somerville community. Chair Lynch advised double checking the abutters list with the Assessor's office and Ms. Vigorito will do so.

Chair Lynch opened the public hearing at 6:30pm. Bonnie Denis asked what the extent of the renovations will be and Mr. Lanigan explained that the space will be cleared and rebuilt with a new kitchen, bar, speakers. The changes will be largely cosmetic, and no walls will be shifted.



Chair Lynch asked about the elevator, and Mr. Lanigan noted that there is a staircase and a handicapped accessible lift will be installed. The lift will serve both floors. Ms. Denis added that there is currently no ADA accessible access from the exterior of the building, and she would be happy to assist with ensuring that there is full access. Katherine Dyson, the immediate abutter on Gibbons Street, noted that there were no issues with the previous tenant and asked for clarification on the use of the back door. Mr. Lanigan noted that there are no plans to utilize the back area. The back entrance is currently the ADA access, but by adding a ramp to the front, the goal is to make that the access point, with the exception of possibly a few deliveries. Mr. Lanigan confirmed that the back door is the emergency exit.

Chair Lynch closed the public hearing at 6:36pm.

Commissioner Allen moved to grant the transfer of license. The motion was approved.

NEW **Common Victualler Licenses**

6. Gurunanak Premier Establishment LLC dba Davis Square Pizzeria
351 Highland Ave
Ashwinder Dhillon
(AL21-000037)

Mr. Dhillon introduced himself and shared that he grew up in Somerville and is opening this business with his best friend from Somerville High School. They will start small and will be replacing a business called Davis Square Pizza and Subs. They will be keeping the menu and operations the same. The restaurant is 1,260 square feet and 10 seats, focusing mostly on takeout and delivery.

Commissioner Lynch clarified that the hours of operation will also remain the same.

Chair Lynch moved to approve. The motion was approved.

7. Creations Coffee Somerville LLC dba True Grounds Café
717 Broadway
Jonathan Spees
Outdoor seating on public property. 4 seats, 60 sq ft.
(AL21-000036)

Mr. Spees noted that he and his son operate a coffee shop called Creations Coffee in Wakefield. They have always wanted to expand and grow and have entered into an asset purchase agreement with the current owner of True Grounds. No changes are anticipated for the operation, which has just celebrated 18 years in Somerville.

Chair Lynch elaborated on the outdoor seating, noting that it ends on December 31, 2021 and will be started again in the Spring. He also suggested subscribing to the Economic Development Department's newsletter to stay on top of the updates in Somerville.

Chair Lynch moved to approve. The motion was approved.



CHANGE OF MANAGER

Restaurant-All Forms, Common Victualer, Entertainment-Devices, Private Patio

8. Legal on the Mystic requesting approval for a Change of Manager from Christopher P. Castellana to Alicia P. Yates.
(ALM21-000085)

Ms. Yates shared that she has worked with Legal on the Mystic for a month, but with the company since 2013. She verified that she is TIPS certified.
Chair Lynch moved to approve. The motion was approved.

2AM CLOSINGS

9.

<u>Date Approved</u>	<u>Business</u>	<u>Address</u>
09/29/05	The Independent	75 Union Square
12/21/05	Casey's	171 Broadway
09/29/05	P.J. Ryan's	239-241 Holland Street
09/29/05	Vera's (Formerly Brass Union)	70 Union Square
04/26/06	Olde Magoun's Saloon	518 Medford Street
03/19/12	Foundry on Elm	255 Elm Street
02/26/07	The Burren	247 Elm Street
08/27/07	Fasika	145-147 Broadway
11/15/10	Trina's Starlight Lounge	3 Beacon Street
06/16/14	El Potro	61 Union Square
02/22/16	Earl's Kitchen and Bar	698 Assembly Row #102
11/18/19	La Posada Restaurant	505 Medford Street

See Item #1.

LATE ITEMS

2022 License Renewals

10. 2022 License Renewals
Requesting Approval for all 2022 License renewals.

Chair Lynch noted that these approvals would reflect the 2AM closings, and clarified that they need to be sent into the ABCC by the end of November.
If any applicants do not apply, the Clerk's Office will notify the Commission.
Chair Lynch moved to approve all 2022 renewals. The motion was approved.