

City of Somerville  
Licensing Commission

Regular Meeting by Remote Participation

**DRAFT OF THE**  
**Minutes of the Regular Meeting**  
**Monday,**  
**July 18, 2022, at 6:00pm**  
**Posted Monday, August 8, 2022 at 2:00pm**

*The meeting was called to order at 6:02pm. Present were Commissioners, Lynch, (chair), Allen and Thomas, Lt. Timothy Mitsakis of the Police Dept., John Howe of the Police Dept., Capt. Dennis Sullivan of the Fire Department, Matthew Mitchell Director of Prevention Services, Secretary to the Commission Lori Batzek, Assistant City Clerk, Bernabe Rodriguez, Director of Engineering, Brian Postlewaite, Members of the City Staff, Applicants, and members of the public.*  
*The meeting adjourned at 10:24pm*

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

Monday  
Regular Licensing Commission Meeting  
July 18, 2022  
6:00pm

**Published Thursday, July 14, 2022 at 4:30pm**

**REVISED – Published, Monday, July 18, 2022 at 2:30**

**REVISED – PUBLISHED, MONDAY, JULY 18, 2022 AT 3:15PM**

Pursuant to Chapter 107 of the Acts of 2022, 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 and local cable access government channels.

Copy & paste the following link into your internet browser to view this meeting live:

<https://attendee.gotowebinar.com/register/4512432428676507408>

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

**COMMUNICATIONS**

1. Minutes of the Regular Licensing Commission Meeting from 6/13/22

***The Commission Approved these Minutes on a roll call vote with 2 in favor (Allen and Thomas), 1 abstained (Lynch)***

2. The Catered Affair, P.O. Box 432 Hingham, MA notifying the Commission of an Event for approximately 35 Guests, to be held at The Cambria Hotel, 515 Somerville Ave., on Wednesday, June 22, 2022 from 4:00pm – 6:00pm (Alcoholic Beverages served from The Catered Affair) – ***received later than the required 48 hours notice***

***The Commission made a note of this item and placed it on file***

3. The Catered Affair, P.O. Box 432 Hingham, MA notifying the Commission of an Event for approximately 35 Guests, to be held at The Cambria Hotel, 515 Somerville Ave., on Thursday, June 23, 2022, 2022 from 4:00pm – 6:00pm (Alcoholic Beverages served from The Catered Affair)

***The Commission made a note of this item and placed it on file***

4. The Catered Affair, P.O. Box 432 Hingham, MA notifying the Commission of an Event for approximately 35 Guests, to be held at The Cambria Hotel, 515 Somerville Ave., on Friday, June 24, 2022, 2022 from 4:00pm – 6:00pm (Alcoholic Beverages served from The Catered Affair)

***The Commission made a note of this item and placed it on file***

5. The Catered Affair, P.O. Box 432 Hingham, MA notifying the Commission of an Event for approximately 35 Guests, to be held at The Cambria Hotel, 515 Somerville Ave., on Saturday, June 25, 2022, 2022 from 4:00pm – 6:00pm (Alcoholic Beverages served from The Catered Affair)

***The Commission made a note of this item and placed it on file***

6. The Catered Affair, P.O. Box 432 Hingham, MA notifying the Commission of an Event for approximately 35 Guests, to be held at The Cambria Hotel, 515 Somerville Ave., on Sunday, June 26, 2022, 2022 from 4:00pm – 6:00pm (Alcoholic Beverages served from The Catered Affair)

***The Commission made a note of this item and placed it on file***

7. The Catered Affair, P.O. Box 432 Hingham, MA notifying the Commission of an Event for approximately 35 Guests, to be held at The Cambria Hotel, 515 Somerville Ave., on Monday, June 27, 2022, from 4:00pm – 6:00pm (Alcoholic Beverages served from The Catered Affair)

***The Commission made a note of this item and placed it on file***

8. The Catered Affair, P.O. Box 432 Hingham, MA notifying the Commission of an Event for approximately 35 Guests, to be held at The Cambria Hotel, 515 Somerville Ave., on Tuesday, June 28, 2022, from 4:00pm – 6:00pm (Alcoholic Beverages served from The Catered Affair)

***The Commission made a note of this item and placed it on file***

9. The Catered Affair, P.O. Box 432 Hingham, MA notifying the Commission of an Event for approximately 35 Guests, to be held at The Cambria Hotel, 515 Somerville Ave., on Wednesday, June 29, 2022, from 4:00pm – 6:00pm (Alcoholic Beverages served from The Catered Affair)

***The Commission made a note of this item and placed it on file***

10. The Catered Affair, P.O. Box 432 Hingham, MA notifying the Commission of an Event for approximately 35 Guests, to be held at The Cambria Hotel, 515 Somerville Ave., on Thursday, June 30, 2022, from 4:00pm – 6:00pm (Alcoholic Beverages served from The Catered Affair)

***The Commission made a note of this item and placed it on file***

11. The Catered Affair, P.O. Box 432 Hingham, MA notifying the Commission of an Event for approximately 35 Guests, to be held at The Cambria Hotel, 515 Somerville Ave., on Friday, July 1, 2022, from 4:00pm – 6:00pm (Alcoholic Beverages served from The Catered Affair)

***The Commission made a note of this item and placed it on file***

12. The Catered Affair, P.O. Box 432 Hingham, MA notifying the Commission of an Event for approximately 35 Guests, to be held at The Cambria Hotel, 515 Somerville Ave., on Saturday, July 2, 2022, from 4:00pm – 6:00pm (Alcoholic Beverages served from The Catered Affair)

***The Commission made a note of this item and placed it on file***

13. The Catered Affair, P.O. Box 432 Hingham, MA notifying the Commission of an Event for approximately 35 Guests, to be held at The Cambria Hotel, 515 Somerville Ave., on Sunday, July 3, 2022, from 4:00pm – 6:00pm (Alcoholic Beverages served from The Catered Affair)

***The Commission made a note of this item and placed it on file***

14. The Catered Affair, P.O. Box 432 Hingham, MA notifying the Commission of an Event for approximately 35 Guests, to be held at The Cambria Hotel, 515 Somerville Ave., on Monday, July 4, 2022, from 4:00pm – 6:00pm (Alcoholic Beverages served from The Catered Affair)

***The Commission made a note of this item and placed it on file***

15. The Catered Affair, P.O. Box 432 Hingham, MA notifying the Commission of an Event for approximately 35 Guests, to be held at The Cambria Hotel, 515 Somerville Ave., on Tuesday, July 5, 2022, from 4:00pm – 6:00pm (Alcoholic Beverages served from The Catered Affair)

***The Commission made a note of this item and placed it on file***

16. The Catered Affair, P.O. Box 432 Hingham, MA notifying the Commission of an Event for approximately 35 Guests, to be held at The Cambria Hotel, 515 Somerville Ave., on Wednesday, July 6, 2022, from 4:00pm – 6:00pm (Alcoholic Beverages served from The Catered Affair)

***The Commission made a note of this item and placed it on file***

17. The Catered Affair, P.O. Box 432 Hingham, MA notifying the Commission of an Event for approximately 35 Guests, to be held at The Cambria Hotel, 515 Somerville Ave., on Thursday, July 7, 2022, from 4:00pm – 6:00pm (Alcoholic Beverages served from The Catered Affair)

***The Commission made a note of this item and placed it on file***

18. The Catered Affair, P.O. Box 432 Hingham, MA notifying the Commission of an Event for approximately 35 Guests, to be held at The Cambria Hotel, 515 Somerville Ave., on

Friday, July 8, 2022, from 4:00pm – 6:00pm (Alcoholic Beverages served from The Catered Affair)

***The Commission made a note of this item and placed it on file***

19. The Catered Affair, P.O. Box 432 Hingham, MA notifying the Commission of an Event for approximately 35 Guests, to be held at The Cambria Hotel, 515 Somerville Ave., on Saturday, July 9, 2022, from 4:00pm – 6:00pm (Alcoholic Beverages served from The Catered Affair)

***The Commission made a note of this item and placed it on file***

20. The Catered Affair, P.O. Box 432 Hingham, MA notifying the Commission of an Event for approximately 35 Guests, to be held at The Cambria Hotel, 515 Somerville Ave., on Sunday, July 10, 2022, from 4:00pm – 6:00pm (Alcoholic Beverages served from The Catered Affair)

***The Commission made a note of this item and placed it on file***

*No notice received for Monday, July 11, 2022 or Tuesday, July 12, 2022*

21. The Catered Affair, P.O. Box 432 Hingham, MA notifying the Commission of an Event for approximately 35 Guests, to be held at The Cambria Hotel, 515 Somerville Ave., on Wednesday, July 13, 2022, from 4:00pm – 6:00pm (Alcoholic Beverages served from The Catered Affair)

***The Commission made a note of this item and placed it on file***

22. The Catered Affair, P.O. Box 432 Hingham, MA notifying the Commission of an Event for approximately 35 Guests, to be held at The Cambria Hotel, 515 Somerville Ave., on Thursday, July 14, 2022, from 4:00pm – 6:00pm (Alcoholic Beverages served from The Catered Affair)

***The Commission made a note of this item and placed it on file***

23. The Catered Affair, P.O. Box 432 Hingham, MA notifying the Commission of an Event for approximately 35 Guests, to be held at The Cambria Hotel, 515 Somerville Ave., on Friday, July 15, 2022, from 4:00pm – 6:00pm (Alcoholic Beverages served from The Catered Affair)

*The Commission made a note of this item and placed it on file*

24. The Catered Affair, P.O. Box 432 Hingham, MA notifying the Commission of an Event for approximately 35 Guests, to be held at The Cambria Hotel, 515 Somerville Ave., on Saturday, July 16, 2022, from 4:00pm – 6:00pm (Alcoholic Beverages served from The Catered Affair)

*The Commission made a note of this item and placed it on file*

25. The Catered Affair, P.O. Box 432 Hingham, MA notifying the Commission of an Event for approximately 35 Guests, to be held at The Cambria Hotel, 515 Somerville Ave., on Sunday, July 17, 2022, from 4:00pm – 6:00pm (Alcoholic Beverages served from The Catered Affair)

*The Commission made a note of this item and placed it on file*

### **VIOLATION**

26. Woody's, Inc. d/b/a Woody, 523 Broadway for a hearing pursuant to the provisions of G.L. Chapter 138 §§ 15, 23 and 64 and Somerville Licensing Commission Rules to show cause why the All Forms Package Store License issued to the above-referenced establishment should not be modified, suspended or revoked, or the hours during which sales of alcoholic beverages may be made reduced, for alleged violation of Massachusetts General Laws, regulations, and/or Somerville Licensing Commission Rules and Regulations to wit:

Somerville Licensing Commission Rule 1.08 (f) – Licensees are responsible for ensuring that minors are not served alcoholic beverages and are not drinking alcoholic beverages on the licensed premises, whether served to them by an employee or handed to them by another patron. Licensees who do not have the ability to keep track of the drinking activity of minors at the premises may exclude minors from coming onto the premises in order to meet the burden of ensuring that there is no underage drinking at the premises. Licensees who choose to permit minors onto the premises, whether pursuant to an “I.D. bracelet” program or otherwise, are held accountable if minors are found to be drinking alcoholic beverages on the premises, whether or not the Commission’s agents are able to prove that the licensee actually served the drink directly to the minor. Sufficient security personnel should be employed to monitor the premises to ensure that patrons do not pass alcoholic beverages to minors.

Somerville Licensing Commission Rule 1.08 (i) – Whoever makes a sale or delivery of any alcoholic beverages or alcohol to any person under twenty-one years of age, either for his own use or for the use of his parent or any other person, or whoever, being a patron of an establishment licensed under section 12 or 15 of General Laws Chapter 138 delivers or procures to be delivered in any public room or area of such establishment any such beverages or alcohol to or for use of a person who he knows or has reason to believe to be under twenty-one years of age or whoever procures any such beverages or alcohol for a person under twenty-one years of age in any establishment licensed under section 12, or procures any such beverage or alcohol for a person under twenty-one years of age who is not his child, ward or spouse in any establishment that is a package store, shall be subject to disciplinary action by the Licensing Commission.

Somerville Licensing Commission Rule 1.08 (l) – Alcoholic beverages licensees are forbidden to make a sale or delivery of alcoholic beverages or alcohol to a person who is intoxicated.

Somerville Licensing Commission Rule 1.09 (a) – It shall be the obligation of licensees to ensure that a high degree of supervision is exercised over the conduct of the licensed establishment at all times. Each licensee will be held accountable for all violations that are related to the licensed premises to determine whether or not the licensee acted properly in the given circumstances.

The date of the alleged offense is 05/28/22 and 6/4/22.

*Chair Lynch read the alleged Somerville Violation Codes into the record and the alleged dates of the violations. Commissioner Allen read the police reports into the record, as submitted by Detective Howe. Chair Lynch asked that the report from May 28<sup>th</sup> be corrected from the year 2002 to the correct year of 2022. Detective Howe confirmed this would be corrected. Detective Howe stated these reports were accurate to the best of his knowledge.*

*John Wood owner of this establishment appeared for this alleged violation. Mr. Wood stated he was in receipt of the Somerville Licensing Commission request to appear and would be representing himself. He also confirmed that he was in receipt of the documents outlining the allegations against his establishment. Chair Lynch requested Lt. Mitsakis and Detective Howe how the information came to their attention and the result of the investigation. Lt. Mitsakis stated on May 9, 2022, the Police Department received a complaint through a citizen observer, through City Hall, regarding a complaint about an underage, daughter and friend, aged 17 and 19, purchasing alcohol through Woody's Liquor at 523 Broadway. After reviewing the complaint, Lt. Mitsakis assigned Detective Howe to observe the premises to determine if any underage purchase of alcohol was taking place. Random dates were picked. On May 28<sup>th</sup> and June 4<sup>th</sup>, Detective Howe confiscated alcohol from underage persons, purchased from*

*Woody's. Lt. Mitsakis stated there were a couple of interactions with an employee as well.*

*Commissioner Allen asked Detective Howe about multiple people entering and leaving, apparently carrying nothing out of the establishment and why this was mentioned in the report. Detective Howe stated he did this to show that possibly, whoever, was on staff that night, was actually carding individuals and if in fact they were under 21, they were being denied service to purchase the beverages in question.*

*Mr. Wood stated the establishment has been at this premises for 32 years and owns another Woody's Liquors in East Boston. Chair Lynch asked if Mr. Wood has been called for notice of violation hearing within the last 5 years at any of his licensed establishments. Mr. Woods stated no. Chair Lynch asked if anything further back than 5 years has been received. Mr. Wood stated in his memory in almost 20 years, there has been nothing. Chair Lynch inquired about any training he provides to his employees who sell or transport for delivery alcoholic beverages. Mr. Wood stated all the clerks who work for Woody's are all trained by himself who has been TIPS trained. He stated his motto is "When in Doubt, Send Them Out". Mr. Wood stated the problem, especially as of late, is the rampant making of false ID's, and he has about 3 ½ inches of confiscated ID's., and also said they are very good and the bar code on the back actually works in the ID machine. He stated he has absolutely no doubt that his employee's carded the individuals that were pulled out outside. Chair Lynch asked if Mr. Wood has a list of his employees available to the SPD, the Licensing Commission and the ABCC with the status of whether or not they've gone through 21 and/or TIP Certification. Mr. Wood stated he is unaware of the 21 training but the list is available and as previously stated, he is TIP certified and trains his staff himself. Mr. Wood stated the events sound accurate with the individuals outside being asked if the staff requested an ID, however he wished he was asked to provide video of the incidents to prove they were carded. He also stated that the ID's are visually looked at, while in his staff's hands. Mr. Woods stated the staff who worked those weekends stated no one held their thumb over the birth date on the ID. He is also 100% positive that the individuals produced fake ID's and did not give them to the officers. He also stated if the customer is unknown to the staff, they are carded. Mr. Woods also stated that they knew the officers were outside carding individuals and it would have been business suicide not to card. Chair Lynch stated according to the police reports there were 5 individuals asked if they were carded, 3 responded no, 1 responded yes and 1 responded they covered the birth date. Mr. Woods stated the verification system is provided by their POS system, which is the liquor store controller system that identifies what a MA license should look like. Commissioner Allen asked for clarification on the POS system. Mr. Woods stated that the system will show what the ID should look like from*



*an individual state. He also stated the POS system reads the bar code, but some of the fake ID's will pass the system. No record is created with the system he currently has, and there is an expensive updated system is available, but is not 100% effective. Commissioner Thomas asked Mr. Woods about a June 30, 2010 incident and a six-day suspension. Mr. Woods replied he did not have a violation for this date. The Commissioner also stated the difference in under 21 ID's and that they are vertical instead of horizontal. Commissioner Thomas asked if Mr. Woods has a pdf or PowerPoint or training materials that he uses to train his employees. Mr. Woods stated he is not proficient with PowerPoint and trains his employees verbally with his almost 40 years of experience. Chair Lynch asked Detective Howe how the SPD assists the licensees with the confiscated ID's. Lt. Mitsakis replied to this question. He stated they do not have any enforcement on fake ID's other than if someone is pulled over, or if it is used to purchase alcohol, the SPD can press charges, but this is left up to the discretion of the establishment. Chair Lynch asked Matthew Mitchell Director of Prevention Services Division of Health and Human Services Department if he had any services to offer the commission or licensees in terms of how to identify fake ID's. Mr. Mitchell stated he does Serve Smart Trainings to any new liquor license. He strongly recommends asking for a second form of ID, if there are any concerns or doubts. Mr. Mitchell also stated that he has spoken with other liquor stores and they also state the POS system is sometimes not the most effective. A discussion was held on a second ID. Chair Lynch asked if Mr. Mitchell could provide any TIPS Certification assistance. Mr. Mitchell stated he could direct them to the TIPS Training, but this is not done in house with his department. A discussion was held on TIPS Training and is usually for Bar Staff, Waiters and Waitresses, but would recommend this training to all. Commissioner Allen asked how often investigations like this performed by the department and has he had any in recent history with no findings or violations. Lt. Mitsakis stated he has been with the commission for approximately 1 ½ to 2 years and cannot answer to what Sgt. Chaille did in this position, but the department has stings, however, with Covid, not much has been done. The department was notified by complaint and must act on this. He also stated random checks have been done during the holidays on establishments. No violations were reported at Christmas or New Year's during these random checks. Commissioner Thomas stated for the record a ruling from the ABCC dated November 8, 2011, which states by decision dated June 30, 2010 the Commission had previously ordered a (6) six day license suspension but had held the suspension in abeyance for a period of (2) two years provided no further violations occurred. Based on the violation above, the licensee violated the conditions that his (6) six-day suspension being held in abeyance. The Commission hereby orders the suspension to be served on and after the (6) day suspension. The licensee will serve a total of (12) twelve days. This decision was put into the record on September 13, 2011 for Woody's Liquors, 523 Broadway, Somerville, MA 02144,*

*Licensee number 113000085. Commissioner Thomas stated he entered this information into the record because the licensee updated nothing within the last 20 years. Mr. Wood stated he completely forgot about this, because this had nothing to do with serving a minor, they were a type of gambling machine, and he had no knowledge of this being illegal, when he found out, he removed these machines. Commissioner Thomas stated this is correct, the violation was for these machines. He also stated there were prior violations, including one from July 18, 2013 and this was for an underage purchase. Mr. Wood stated this was not true. Chair Lynch stated the violation for an illegal gambling machine has no bearing on this case. Commissioner Allen stated he found on April 20, 2010, for a delivery to an underage person at a residence, at Mr. Wood's East Boston premises for a 6 day suspension with 3 days held in abeyance, located at 1035-1037 Saratoga St. Chair Lynch reminded Mr. Wood that he had asked him, at the beginning of this hearing, at any establishment Mr. Wood has been licensed to sell in the Commonwealth of Massachusetts has he had any run-ins with the local licensing authorities or the ABCC. Mr. Wood stated he did not remember this, and he was speaking about his Somerville location. Chair Lynch requested the record show that the 1<sup>st</sup> question he asked the licensee is if he had any infractions in the last 5 years. Chair Lynch also stated that there have been no disciplinary hearings related to the sale of alcohol to under 21 in the last 5 years.*

*Chair Lynch stated that when Detective Howe spoke to the individuals that he suspected as being underage, the report indicates that when 3 of the individuals were asked if they were carded inside of Woody's Liquors, they replied no, and Detective Howe also stated that all three individuals when asked to produce their ID, they said they did not have one. Chair Lynch asked in the police jurisdiction of doing an investigation, if he is allowed to request a wallet to see if they do have an ID. A short discussion was held about the reports. Chair Lynch asked when an individual says to the investigative officer, I don't have an ID on me, what recourse does the SPD have. Detective Howe stated he could call in over the radio and ask dispatch to confirm the information the individual proved to him verbally, he chose not to do so, because he spoke with the gentlemen on May 28<sup>th</sup> and they appeared to be truthful in their answers, with dates of birth, places where they resided, and he did not feel the need to run them through dispatch.*

*Chair Lynch asked Mr. Wood, what disciplinary action he has taken or will take on the individuals in his employ. Mr. Wood stated one employee, was a recent employee hired in January, and was terminated for this and other infractions. The other employee, has worked at the establishment for 2 years, has continued to work for Mr. Wood, and has been reprimanded and told he must 100%, without a doubt, if he is unsure to send them out. Chair Lynch asked if any other remedial action has been taken since*

*notification of this hearing. Mr. Wood stated they have been 1000% more diligent, and if there is any question whatsoever, they have been sent out.*

***Public Comments:***

*Doug Carriger of Medford spoke in support. He stated he was in the establishment on June 4<sup>th</sup>, on 3 different times, and he was carded and is 57 years old. On all occasions on this day, he stated the gentleman behind the counter was carding everyone.*

*Rudy Onassis of Somerville spoke in support. He stated he has been a customer of this establishment for years and always see's customers being carded, and has also seen individuals kicked out if they don't provide an ID.*

*The commissioners deliberated on this matter and determined this would be considered a 1<sup>st</sup> offense.*

*The Commission voted to sanction the establishment by restricting the Licensee's hours to 9:30AM to 10:00PM (from 9:30AM to 11:00PM) for a Thursday, Friday, and Saturday to be determined after the appeals window for this decision has ended. In addition, the Licensee shall require TIPS certification for all counter and delivery employees and provide documentation of said TIPS certification to the Licensing Commission within two months after the appeals window for this decision has ended. In addition, the Licensee shall post conspicuous signage at the front entrance door of the establishment and at the front counter stating that they card regularly.*

*The commission voted to sanction this establishment on a roll call vote with 3 in favor (Lynch, Allen and Thomas), 0 opposed*

**New**  
**Common Victualler License**

27. Yego Coffee LLC  
d/b/a Yego Coffee  
1198 Broadway  
Francois Tuyishime  
Hours of Operation: Mon-Sun: 6:00am-8:00pm  
AL22-000024

**Please note: The lease states the address is 1212 Broadway**

\*New business at this address. Previous business was Sushi Sushi – Did not have a CV license, only a Food Establishment license

(AL22-000024)

*Franciois Tuyishime appeared for this application. Mr. Tuyishime stated he is originally from Rwanda and grew up in a coffee farming family. He immigrated in 2015 and began training in coffee roasting and serving in 2017. He is currently a roaster at Saxon V Café in Framingham. He has been selling roasted coffee in Farmers Markets. He also imports coffee from his family company in Rwanda. Commissioner Allen asked what the correct address is. Mr. Tuyishime stated it is 1212 Broadway. Commissioner Allen requested this address be updated in Citizen Serve.*

*The commission voted to approve this Common Victualler application on a roll call vote with 3 in favor (Lynch, Allen and Thomas), 0 opposed*

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

28. Visiting Nurse Communities Inc.

d/b/a Visiting Nurse Assisted Living Community  
259 Lowell St.

Requesting a D/B/A change from: Visiting Nurse Assisted Living Community to: VNA Senior Living at Lowell  
(ALM22-000101)

*Linda Cornell president & CEO of VNA Senior Living Communities appeared for this application. Ms. Cornell stated this is for the Lowell St. facility only and agreed this is purely an administrative move.*

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

New – Approved 6/13/22  
All Forms 7 Day Restaurant License - Assembly Row Area  
Chapter 142, Acts of 2016  
Common Victualler License,  
Entertainment by Devices and Performers Indoors and Outdoors License,  
A Sunday Hours License  
And Outdoor Patio (Private) License (Assembly Row)

29. Civility Inc. d/b/a Civility Social House, 490 Foley Street requesting approval of an All Forms 7 Day Restaurant License - Assembly Row Area, a Common Victualler License, an Entertainment by Devices and Performers Indoors and Outdoors License, a Sunday Hours License and an Outdoor Patio (Private) License (Assembly Row).  
Hours of Operation Indoors and Outdoors for Food and Alcohol:  
Mon-Sun: 11:00am-12:00am  
(AL22-000016)

*\*This is an Administrative Item only. This application was approved by the Licensing Commission on 6/13/22 (The AD was placed on 6/1/22). In order to comply with the 3 day abutters notice requirement, a 2<sup>nd</sup> AD was placed on 7/6/22 for the 7/18/22 Licensing Commission Meeting.*

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

*Brad Dalbeck appeared for this application/administrative item. Director of Engineering Brian Postlewaite asked for clarification and if there is any outdoor seating in the public way. Commissioner Allen stated this was discussed at the last meeting and the outdoor seating was confirmed as Private by David Middleton of Federal Realty. Director Postlewaite is concerned that the parklet is on Public Property and wants to make sure that the premises is licensed appropriately. Chair Lynch recommended amending the agenda item to ensure both Public and Private Outdoor Seating. Chair Lynch also asked where the outdoor entertainment would be taking place. Mr. Dalbeck stated it would be held on Private Property only. Chair Lynch stated the license should state that the Entertainment by Devices and Performers is for outdoors for the Private Patio Only. Director Postlewaite stated he is fine with this determination of both public and private outdoor seating. Secretary Lori Batzek stated this application was received a permanent outdoor PRIVATE Seating, the ABCC does not currently recognize Parklet Seating. The commission has been recommending licensees put in an amendment for Public Parklet Seating. Chair Lynch authorized the Temporary Public Outdoor Seating for this application. Mr. Dalbeck will supply the Private Seating total and the Public Seating total to the secretary the following day.*

*Public Comment: none*

***The commission AMENDED this application from a Private Outdoor Seating License to a Permanent Private Outdoor License and a TEMPORARY Public Outdoor License on a roll call vote with 2 in favor (Lynch, Allen and Thomas), 1 recused (Lynch), 0 opposed***

New  
All Forms 7 Day Restaurant License – City Wide  
Chapter 142, Acts of 2016  
Common Victualler License,  
Entertainment by Devices and Performers Indoors License,  
A Sunday Hours License  
And Outdoor Patio (Private) License

30. **SHG** Somerville Hotel LLC d/b/a Cambria Boston Somerville, 515 Somerville Ave. requesting approval of an All Forms 7 Day Restaurant License – City Wide, a Common Victualler License, an Entertainment by Devices and Performers Indoors License, a Sunday Hours License and an Outdoor Patio (Private) License.  
Hours of Operation Indoors and Outdoors for Food: Sun.-Sat.: 6:00am-10:00pm & 5:00pm-10:00pm plus ALL DAY for Package food  
Hours of Operation Indoors and Outdoors for Alcohol: Sun-Sat: 10:00am – 11:59pm  
\*Applicant requesting customers to be allowed to bring alcohol outside on the premises (There will be no food service outside)  
(AL22-000017)

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

*Attorney Andrew Upton, Jordan Warshaw and Meredith White appeared for this application. Chair Lynch noted this establishment has been operating with a Caterers License and looks like they are now ready to open up their kitchen, bar and outdoor patio. Attorney Upton stated this is a brief and very close to accurate synopsis and hopes this is one of the last steps in the permitting process. He stated that they are most concerned about getting alcohol service and getting rid of the caterer they have had on premises as a stop gap measure. Attorney Upton expressed the character and fitness of the applicant and the need for an alcohol license at this location. He stated they are a little bit behind on the delivery of commercial food equipment due to supply chain issues. Chairman Lynch asked for clarification on “plus all day for packaged food” on the application. Attorney Upton stated there is not yet a full meal service, so a lot of the food they serve is packaged food pr-prepared provided by a Caterer or various*

*purveyors in the City of Somerville. Jordan Warshaw stated they are doing 3 things food wise at this time as an interim measure until they're restaurant previously came before the commission opens. They will be serving breakfast and late afternoon light snacks prepared outside the building, bought from third parties to be served to their guests. He also stated that the kitchen Attorney Upton is referring to is a kitchen that will be making breakfast for guests even after the restaurant is open and serving temporary late afternoon food for guests until the restaurant opens. They are awaiting equipment to fully open. The all-day package food is part of the program for this hotel for the so-called pantry, similar to what is seen in other hotels, with a mini market with snacks. Mr. Warshaw feels their concept is a little more interesting because they will be sourcing a lot of local, Somerville and New England made items. The idea is to serve guests who check into the hotel at 2a.m., can pick up something from the pantry, for the all-day service mentioned. Chair Lynch asked about the request for customers to be allowed to bring alcohol outside on the premises and no food service outside. Mr. Warshaw stated that they plan to serve local craft beer purchased from the pantry, once officially licensed, and customers would bring this outdoors on the patio. They will not have servers and this will not be a restaurant type of facility. Chair Lynch stated that there will be 2 distinct patio's, one for the restaurant and one for the hotel. Mr. Warshaw confirmed the large patio to the east is the restaurant's patio with dinner and drink service, the smaller patio to the west will be for the hotel guests. Commissioner Allen asked for clarification on the pantry items and the packaged foods and cans and bottles of beer. Mr. Warshaw confirmed this with wine being sold as well. Commissioner Allen asked if this would be items for checkout and then take the items back to the hotel room or sit outside on the patio or sit in the lobby and asked if this would have a dedicated seating area. Mr. Warshaw stated this would be a social lobby with various seating and most guests will take items and sit in the lobby but also be able to take items up to their rooms. Commissioner Thomas asked where the pantry will be located. Mr. Warshaw stated it will be in sort of a U Turn from the front desk, not visible from the street. Commissioner Thomas expressed concern about bringing alcohol outside on the premises without food service. Mr. Warshaw stated with the catering program that they have now, there is food out while there is alcohol out and stated they will be bringing in third party providers until they have a working kitchen. They plan to continue with this but with their license first and then with prepared food as opposed to off-premises prepared food as things move forward. The afternoon service is a stop gap until the restaurant is open, which he hopes will be open in mid-fall. Chair Lynch asked for a clarification of the address and if it is distinct and separate from the hotel. Attorney Upton stated the premises for the hotel and the premises for the restaurant are separate and distinct and according to the ABCC, even if the building has the same number for both, if the premises is described differently and the hotel premises to be licensed specifically excludes the restaurant that is already licensed, the ABCC can approve it. Attorney Upton stated he received this in writing and forwarded it to the secretary Lori Batzek. He also stated because this is confusing, they are still working on renaming the address for both sides. Director Postlewaite confirmed for the Chair that the Fire Department wants a distinction in the address, when a situation such as this arises with 2 operable units or entities that front separately to the public way, emergency services requires that each entity have a*

separate address, and if there is room in the address numbers to have unique digits as opposed to a lettered suffix, A,B etc. it must be a separate digit or numeral. Chair Lynch stated this must be done and Attorney Upton stated they have spoken with all departments and the applicant and stated the fact that the restaurant, Josephine's has yet to begin their build out, they feel they have enough time to get this done. Chair Lynch expressed concerns about the food and alcohol service and a discussion followed on this matter. Mr. Warshaw stated the purchases will be made and carded by the front desk attendant who manages the pantry, directly in the line of sight and fairly close to the front desk. There will not be a separate employee for the pantry. He also states this is no different than many hotels that have pantry's that sell beer and wine, and says this is a brand standard of the Cambria Hotels and further discussed this concept. Mr. Warshaw stated they are willing to implement the patio seating at a later date if this is problematic for the commission. Chair Lynch asked if Mr. Warshaw had any examples of where they have used this before in Massachusetts. Mr. Warshaw stated there is one other Cambria in MA and he can look to see if this pantry is carrying beer and wine products. Chair Lynch stated selling beer and or wine in the pantry would be classified as a package store, if you choose to let patrons take it off premises, out to the patio by themselves without a server involved. He does not understand the intricacies of this. Attorney Upton stated the reason they are looking to license the outdoor premises is so it would be part of the entire hotel premises, therefore getting a beer served on premises in the lobby would be the same as patio and it would all be part of the on-premises Section 12 license. Chair Lynch state this would be self-serve versus a server. Attorney Upton stated he believes as a Section 12 Licensee it is within the Somerville Licensing Commissions authority to grant some form of this and does not have to be a Section 15 License. Chair Lynch requested the pantry be removed for now and further investigation be done by Mr. Warshaw or Attorney Upton to provide to the Licensing Commission an example of an approval that was given by another authority and the Chair will do an investigation with the ABCC or the clerks will do the investigation as to how to do this, without violating any rules and regulations. He also stated that he would have our clerks research our own policies, as we do not issue licenses where food is not served. Chair Lynch asked if Attorney Upton and his client would be amenable to remove the pantry from this application and concentrate on the Common Victualler, the Entertainment by Devices and Performers Indoors, Sunday Hours and Outdoor Private Patio License and if we have to amend this to include the pantry, this can be done at a later time. A discussion followed pertaining to what an on premises and off premises license entails. Attorney Upton stated the distinction between off-premises and on-premises is if you purchase off-premises alcohol at any type of retail establishment you take it off the premises and you cannot consume it there, that is not what this is. Further discussion ensued about controls for purchasing the alcohol. Mr. Warshaw stated it is very common in hotels that you get a drink in the lobby and you walk up to your room with it. He also stated the only way to buy something at the pantry is by putting it on your room charge, it is for hotel guests only. He also stated the Canopy Hotel near the TD Garden and the Avid Hotel in Revere do this kind of thing. Chair Lynch stated he is still not comfortable with the food pantry and bringing containers out to an unsupervised patio. Mr. Warshaw stated he would be alright shelving the outdoor patio for now and come



*back next summer if they decide to go forward with this. Further discussion was held on this matter. Attorney Upton asked that this application be approved, send it , how to the ABCC with the condition that the license not be issued until the operator submits a plan that is satisfactory to the commission on how ID's are checked, how guests are charged, where guests can bring drinks, how the drinks are served... A discussion was held on food service with alcohol service. Further discussion was held on licensing this premises. Attorney Upton suggested approving this application now, with the condition that the license will not be issued until the applicant has satisfactorily presented a plan of service to make the pantry work. Chair Lynch stated he will do research with Boston to see how the pantry was licensed at the Boston hotel.*

*Move to grant SHG Somerville Hotel LLC d/b/a Cambria Boston Somerville an All Forms 7 Day Restaurant License – City Wide, a Common Victualler License, an Entertainment by Devices and Performers Indoors License, a Sunday Hours License. Hours of Operation: Sun.-Sat.: 6:00am-10:00pm plus ALL DAY for Package food Hours of Operation Indoors for Pantry Alcohol Service: Sun.-Sat.: 10:00am – 11:59pm*

*The license shall not be issued until the applicant comes before the Somerville Licensing Commission and receives approval for a set of policies and procedures for “pantry alcohol” service that satisfy all rules and regulations of the Somerville Licensing Commission.*

*Public Comment: None*

*The commission voted to approve this All Forms 7 Day Restaurant License, Common Victualler License, Entertainment by Devices and Performers Indoors License, A Sunday Hours License with the **DELETION of the Outdoor Patio (Private) License** application and the above specified condition, on a roll call vote with 3 in favor (Lynch, Allen and Thomas), 0 opposed*

New  
All Forms 7 Day Restaurant License – City Wide  
Chapter 142, Acts of 2016  
Common Victualler License,  
Entertainment by Devices Indoors License,  
A Sunday Hours License  
And Outdoor Patio (Public Sidewalk) License

31. Lion Rock LLC d/b/a Saigon Tiger, 5 Holland St. requesting approval of an All Forms 7 Day Restaurant License – City Wide, a Common Victualler License, an Entertainment by Devices Indoors License, a Sunday Hours License and an Outdoor Patio (Public) License.

Hours of Operation Indoors for Food: Sun.-Sat.: 8:00am-12:00am  
Hours of Operation Outdoors for Food: Sun.-Sat.: 8:00am-10:00pm  
Hours of Operation Indoors and Outdoors for Alcohol: Sun-Sat: 11:00am – 10:00pm  
\*ABCC application states the address is 7 Holland St.  
(AL22-000021)

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

*Attorney Chris Coleman and Man Cheng appeared for this application. Chair Lynch asked for a clarification on the address. Mr. Cheng confirmed it is #7 Holland St. as stated on the lease, but he cannot change the address in Citizen Serve. The secretary will make this address correction.*

*Attorney Coleman stated the Hours of Operation are incorrect and should be as follows: Hours of Operation for Food & Alcohol Indoors: Sun.-Sat.: 8:00am-12:00am and Hours of Operation for Food & Alcohol Outdoors: Sun.-Sat.: 11:00am-10:00pm (Sunday Hours for alcohol service cannot be prior to 10:00am either indoors or outdoors). Attorney Colman discussed the indoor and outdoor floor plan and also stated the qualifications of the applicant.*

*Public Comment: None*

*The commission voted to approve this All Forms 7 Day Restaurant License – City Wide, Common Victualler License, Entertainment by Devices Indoors License, A Sunday Hours License and an Outdoor Patio (Public Sidewalk) License application, on a roll call vote with 3 in favor (Lynch, Allen and Thomas), 0 opposed*

### **COMMUNICATION**

32. Communication from Commissioner Allen, Commissioner Allen requests a discussion on policy for inactive licenses that are blocking license applications.

*Commissioner Allen stated that the ABCC does not allow a license to be issued for an address that already has a license and the ABCC does not keep track of if a license is active or inactive, that the local licensing authority keeps track of this to the best of our ability. He also stated that there have been a couple of places they've been able to get around this via address manipulation, such as the Cambria applicant heard earlier in this meeting. He also stated this is a route other applicants can take, but it is not necessarily guaranteed. Commissioner Allen would like to discuss this as a general policy. He asked if there is anything we should be doing differently when an inactive*

*license is tied to an address and is blocking a new applicant who wants to utilize this space. He also stated a licensee at an address that has an inactive, "pocket license", can and may in the future, interfere with applicants who do want to take out a new license. Commissioner Allen stated he attempted to bring up this issue during the commissions last discussion of inactive licenses and would like to see if there is something that the commission can do differently, in terms of our polies or practices to work on this issue. Chair Lynch stated he believed this is a result of the pandemic and how many of our licensee's were closing due to financial hardship, but some owned private licenses that are tied to an address. Commissioner Thomas asked how long a license can be held without it being active. Chair Lynch stated both the ABCC and the Somerville Licensing Commission frown on inactive licenses whether they private or city issued. A discussion was held on the differences between these licenses and the value of a private license. Also discussed was a landlord subdividing the premises of a licensed establishment with the same address, and the process to change the address through the Fire Department and/or the Engineering Department for 2 different addresses of the premises. Chair Lynch stated earlier this year, all inactive licenses, whether private or city issued, were brought before the commission and asked what the status of this license was, or what was being done with the license. Chair Lynch also stated the commission decided during 2021, not to put any more burden on licensees during the pandemic. He also stated the commission called these inactive licensees in for a status report earlier in 2022 and the commission voted to give them 6 months for a status review before the commission at that time. Further discussion was held on how to proceed with premises that have an inactive license and the new establishment wanting to obtain an alcohol license for the premises. Commissioner Allen would like to establish a default policy for a 6 month period unless a new tenant wants an alcohol license, this would be the one scenario where things outside their control would change that timer. Chair Lynch stated Commissioner Allen is stating and existing licensee who has an address attached to his license and if somebody else wants to get an alcohol license for this premises, the commission would revoke the existing private license. Chair Lynch requested Commissioner Allen to put in writing what the dilemma is and the commission would get an interpretation from the City Solicitor's office, whether or not the commission has standing to revoke a private license, due to the fact that there is another licensee who wants an alcohol license at the same address. Commissioner Thomas and Chair Lynch agreed the commission would need to demonstrate due process and a hearing would be required prior to the license being revoked. Secretary Lori Batzek stated the licensee's were called in for hearings on April 11, 2022 and May 16, 2022 and given 6 months to provide a status update from their hearing date except for Eat at Jumbo's d/b/a Sassafra. Commissioner Allen expressed concern for a business that closed a month ago and a new tenant wants to establish a business at the premises, he is concerned from the prospective of dealing with the legal hurdles of revoking and waiting for this license to go away or the new tenant could buy the existing license and this problem would go away as a license transfer. He stated this scenario which in his opinion could become extortion. Chair Lynch stated he feels this could be wading into legal territory that he doesn't want the commission to get into. He also stated every one of our private license holders considers their private license an asset. A further discussion was held on the price of a city issued license and a private*

*license. Commissioner Allen restated that some would call this extortion. Chair Lynch stated due process and that the commission can't just revoke a license because someone else wants one at that address, time needs to be given for the licensee to dispose of the license, and that is how the commission proceeded at the earlier hearings for inactive licensees. Chair Lynch stated when the licensee's appear for the 6 month status update, the commission could then proceed with revoking the inactive licenses. Commissioner Allen requested a default policy of 6 months for revoking a license and feels this is reasonable. He also stated that he would like to shorten the period for revocation. Chair Lynch stated this should be included in Commissioner Allen's missive to the commission and the City Solicitor. Commissioner Allen will write a series of questions to the city solicitor, carbon copy the commission, and the responses can be discussed at the next meeting or when available. Chair Lynch suggested Commissioner Allen state on the missive that the commission would like to discuss this at the August Licensing Commission Meeting and a timely response would be appreciated. Commissioner Thomas feels this is an important policy discussion. Assistant City Clerk Bernabe Rodriguez stated Secretary Lori Batzek prepared a memo with recommendations, but it got stuck in his draft folder and he extends his apologies. Mr. Rodriguez has sent this memo to the commissioner's and it is also included in the package materials for this meeting. A discussion was held on the memo provided by Mr. Rodriguez. Chair Lynch asked Commissioner Allen to include this memo in the missive being sent to the City Solicitor and to copy the City Clerk, Assistant City Clerk and Secretary to the Commission*

*The Commission has continued this item to the August 15, 2022 Licensing Commission Meeting.*

### **LATE ITEMS**

#### **SPECIAL ALCOHOL LICENSE**

33. Alta Revolution, 290 Revolution Dr. requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for Alta Revolution Block Party, to be held Outdoors on the street/alley on the south side of the business building at 290 Revolution Drive on August 18, 2022 from 12:00pm –4:00pm (Alcohol Service)

*\*Malt Only was checked on the application, but a note on the question "Describe the location(s) where alcohol will be served" indicates Beer and Cocktails (this does not appear to be a non-profit organization)*

*(PEL22-000109)*

*No one appeared for this application. The Commission voted to Deny this Special Alcohol application on a roll call vote with 3 in favor (Lynch, Allen and Thomas), 0 opposed*

34. Night Shift Brewing, 87 Santilli Hwy, Everett, MA requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for Owls's Nest at Assembly Row by Night Shift Brewing to be held Outdoors at 325-375 Assembly Row Daily on 8/5/22 – 9/3/22, from 11:00am – 10:00pm (Alcohol Service)  
*\*Night Shift is requesting an expansion of the licensed premises to include the adjacent green space.*  
(PEL22-000117)

***Mark Strauss appeared for this application. A discussion was held on monitoring the premises. This is the second year for this event and this applicant also operates 4 other daily beer gardens throughout the City of Boston. Mr. Strauss states no problems were reported last year. Federal Realty has authorized the expansion of this premises.***

***The Commission voted to approve this Special Alcohol application on a roll call vote with 3 in favor (Lynch, Allen and Thomas), 0 opposed***

### **COMMUNICATIONS**

35. The Catered Affair, P.O. Box 432 Hingham, MA notifying the Commission of an Event for approximately 35 Guests, to be held at The Cambria Hotel, 515 Somerville Ave., on Monday, July 18, 2022, from 4:00pm – 6:00pm (Alcoholic Beverages served from The Catered Affair)

***The Commission made a note of this item and placed it on file***

36. The Catered Affair, P.O. Box 432 Hingham, MA notifying the Commission of an Event for approximately 35 Guests, to be held at The Cambria Hotel, 515 Somerville Ave., on Tuesday, July 19, 2022, from 4:00pm – 6:00pm (Alcoholic Beverages served from The Catered Affair)

***The Commission made a note of this item and placed it on file***

37. The Catered Affair, P.O. Box 432 Hingham, MA notifying the Commission of an Event for approximately 35 Guests, to be held at The Cambria Hotel, 515 Somerville Ave., on Wednesday, July 20, 2022, from 4:00pm – 6:00pm (Alcoholic Beverages served from The Catered Affair)

***The Commission made a note of this item and placed it on file***

38. The Catered Affair, P.O. Box 432 Hingham, MA notifying the Commission of an Event for approximately 35 Guests, to be held at The Cambria Hotel, 515 Somerville Ave., on Thursday, July 21, 2022, from 4:00pm – 6:00pm (Alcoholic Beverages served from The Catered Affair)

*The Commission made a note of this item and placed it on file*

39. The Catered Affair, P.O. Box 432 Hingham, MA notifying the Commission of an Event for approximately 35 Guests, to be held at The Cambria Hotel, 515 Somerville Ave., on Friday, July 22, 2022, from 4:00pm – 6:00pm (Alcoholic Beverages served from The Catered Affair)

*The Commission made a note of this item and placed it on file*

40. The Catered Affair, P.O. Box 432 Hingham, MA notifying the Commission of an Event for approximately 35 Guests, to be held at The Cambria Hotel, 515 Somerville Ave., on Saturday, July 23, 2022, from 4:00pm – 6:00pm (Alcoholic Beverages served from The Catered Affair)

*The Commission made a note of this item and placed it on file*

41. The Catered Affair, P.O. Box 432 Hingham, MA notifying the Commission of an Event for approximately 35 Guests, to be held at The Cambria Hotel, 515 Somerville Ave., on Sunday, July 24, 2022, from 4:00pm – 6:00pm (Alcoholic Beverages served from The Catered Affair)

*The Commission made a note of this item and placed it on file*

### **TEMPORARY OUTDOOR SEATING**

#### **Alteration of Premises**

42.

<b>License #</b>	<b>Business Name</b>	<b>Address</b>	<b>Parklet</b>	<b>Private</b>	<b>Sidewalk</b>	<b>Heating Element</b>
ALM22-000099	Genki Ya	246 Elm St.	X			

*Genki Ya – 32 Parklet Seats*

*Director Postlewaite Director of Engineering, spoke on this application. This restaurant had a pre-covid license which did not meet the most recent rules established with spacing on the sidewalk at their main entrance off of Elm St. Engineering requested a revised floor plan and they have requested to reconstruct the parklet they were approved for during Covid on Chester St. with major modifications to raising it up to sidewalk level and meeting the recently enacted requirements over the winter. Director Postlewaite recommends this Temporary Outdoor Seating. No greenhouses have been proposed.*

*The commission voted to approve this Temporary Outdoor Public Parklet Seating License application, on a roll call vote with 3 in favor (Lynch, Allen and Thomas), 0 opposed*