



**City of Somerville  
Licensing Commission**

**Regular Meeting via Remote Participation**

**Monday  
Regular Licensing Commission Meeting  
February 27, 2023  
6:00pm**

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.

**DRAFT MINUTES**

The meeting was called to order by Chair Lynch at 6:03pm

Attendance:

Chair Joseph Lynch – present  
Commissioner Christopher Allen – present  
Commissioner Jacques Thomas, Jr. – present

Others present: Bernabe Rodriguez – Assistant City Clerk; Lori Jean Batzek – Secretary to the Commission; Timothy Mitsakis – Police Lieutenant; Timothy Bakey – Fire Captain

**COMMUNICATIONS**

1. Minutes of the Regular Licensing Commission Meeting of 1/23/23  
***The Commission approved the minutes by a roll call vote of 2 in favor (Lynch & Thomas), 1 absent (Allen) and 0 opposed.***
2. Communication from Chair Lynch: That the SLC discuss the Licensing Commission fees associated with Adult Use Recreational Marijuana (application fee and renewal fee)  
Continued from the 10/17/22 and 1/23/23 Licensing Commission Meeting  
***Chair Lynch stated the administration is not ready to make a recommendation on this matter and it will be addressed at a future meeting.  
This item was placed on file.***



3. Commissioner Allen conveying proposed changes to the Rules and Regulations of the Licensing Commission: 1.18 Extension of Premises to Patio and Outdoor Area's:
  - h. The permit for patio seating in the public way will be seasonal, from April 1<sup>st</sup> to no later than November 30<sup>th</sup>. All tables, chairs, and accessories used in the outdoor seating area must be removed during all other time periods. This restriction is not applicable to private patio seating permits. The dates of use for each establishment may be reviewed and reduced by the Licensing Commission for any reason.

***Chair Lynch stated he believes this can be done for the March meeting and will seek Director Postlewaite's approval. Commissioner Allen stated this language is for public seating only. A discussion was held about public street and parklet seating and how to define them. Chair Lynch also stated there may be emergency reasons why a private patio would need to remove patio furniture.***

***The Commission continued this item until the March 20, 2023 Licensing Commission Meeting.***

4. Communication from the City Clerk conveying proposed changes to the Rules and Regulations of the Licensing Commission based upon the administration's Outdoor Seating Proposal: 1.18 Extension of Premises to Patio and Outdoor Area's:
  - h. The permit for service of alcoholic beverages at outdoor seating will be seasonal, from April 1<sup>st</sup> through no later than November 30<sup>th</sup>. All tables, chairs and accessories used in the outdoor seating area must be removed during all other time periods. The dates of use for each establishment may be reviewed and reduced by the Licensing Commission for any reason.
    - i. Any violation of these rules and regulations may result in fines, suspension and revocation of the license, and other punitive actions as determined by the Licensing Commission.
    - j. Licenses are not transferable.
    - k. For Public Street Seating only:
      - (1) Licensee shall provide & maintain trash receptacle and/or provide bussing service during all hours of operation.
      - (2) Licensee shall post a conspicuous sign requiring patrons to not rearrange seating or relocate seating into the sidewalk or other *accessible* walks, routes, ramps or aisles.
      - (3) Licensee's operation in the licensed area may not begin earlier than 6:00 AM and may not extend beyond Midnight (12:00AM), inclusive of time to setup, breakdown and clean the area. Operation must not exceed the hours of the master license.
      - (4) Licensed areas in the public street shall only be authorized from April 1 to November 30. All seats, tables, barriers, signs, stands, etc. shall be removed from the public street by December 1.
      - (5) Parklet Seating shall include reflective tape or reflective markers to the traffic facing sides of the Parklet structure or railings.
      - (6) Parklet Seating platforms and other temporary structures shall include removable sections to access all utility manholes and access structures. Licensee shall remove



sections when requested by City. At least 24 hours verbal notice will be provided. Emergencies may require shorter or immediate notification.

(7) Parklet Seating platforms and other temporary structures shall maintain a clear drainage path beneath the structure. Licensee shall clean beneath the structures on a monthly basis to clear debris and blockages from the drainage path.

1. For Dog Areas only:

(1) Licensees shall prohibit animals, except service animals, from all outdoor seating areas unless their license explicitly allows dogs in such areas.

(2) Licensees with a license that allows dogs shall ensure that every dog in the outdoor seating area is licensed and leashed, shall prohibit employees from touching or handling dogs, and shall provide bowls of water for the sole use of dogs.

(3) Licensees with a license that allows dogs shall post a conspicuous sign to designate the outdoor dog area, and to prohibit dogs from sitting or standing on any furniture and from eating anything, including scraps, from plates, drinkware, or utensils. Dogs may not be seated on the laps of patrons at any time.

Continued from 11/21/22 and 1/23/23 Licensing Commission Meeting

***The Commission continued this item until the March 20, 2023 Licensing Commission Meeting.***

5. Communication from Chair Lynch recommending a Change to the Rules and Regulations for Outdoor Seating, to require a Newspaper AD for All Outdoor Seating, due to recent changes to the Outdoor Seating Rules & Regulations.

Continued from the 1/23/23 Licensing Commission Meeting

***Chair Lynch stated this item was continued from the January 23, 2023 meeting in order for Commissioner Allen to weigh in on the matter. A discussion was held on how newspaper postings are the legal requirement for public hearing notices. Chair Lynch stated that during COVID, outdoor seating did not require a public hearing.***

***Commissioner Allen stated an advertisement and a notice in the storefront would be appropriate. Commissioner Thomas is against the cost of an advertisement being placed in the newspaper and stated this is not the most effective way to notify residents. Assistant City Clerk Bernabe Rodriguez reminded the Commission of the Open Meeting Law legal requirement and that the advertisement is the notice for the public hearing.***

***The Commission continued this item until the March 20, 2023 Licensing Commission Meeting.***



6. Above and Beyond Catering, Inc., 42 Plympton St., Boston, MA 02118 notifying the Commission of an Event for approximately 100 Guests, to be held at Alta Revolution, 290 Revolution Dr., on Friday, February 24, 2023, from 6:30pm – 8:30pm (Alcoholic Beverages served from Above and Beyond Catering, Inc.)

***This item was placed on file.***

### **SPECIAL ALCOHOL LICENSES**

7. St. Anthony Parish, 12 Properzi Way requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for Baile Mother's Day to be held Indoors in the School Hall, 12 Properzi Way on Saturday, May 13, 2023, from 8:00pm –12:00pm (Alcohol Service)  
(PEL23-000008)

***Raphael Alvez appeared for this application. He shared that there will be 250 People, and wrist bands will be used. Mr. Alvez will consult with the Police Department about the need for a detail.***

***The Commission voted to approve this application by a roll call vote of 3 in favor (Lynch, Allen & Thomas) and 0 opposed.***

8. St. Anthony Parish, 12 Properzi Way requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for Festa Junina 2023 to be held Outdoors in one of the parking lots, 12 Properzi Way on Saturday, June 24, 2023, from 5:00pm –11:00pm (Alcohol Service)  
(PEL23-000009)

***Raphael Alvez appeared for this application. He shared that there will be approximately 500-2000 people, and wrist bands and security will be used. Mr. Alvez stated there were 8 detail officers last year and will consult with the Police Department about the need for details. Fire Captain Bakey asked if there would be propane tanks used and Mr. Alvez stated there would be. He was instructed to contact the Fire Department to determine if a permit is necessary.***

***The Commission voted to approve this application by a roll call vote of 3 in favor (Lynch, Allen & Thomas) and 0 opposed.***

9. Licensing Commission Requesting a status report on the use of their All-Forms Alcohol License:

License #	Business Name	Address	License Type	Category
AL17-000035	The Dark Horse Public House	499 Broadway	All Forms	Private

Continued from the 10/17/22 and 1/23/23 Licensing Commission Meeting



***Patrick Grace appeared on this matter. Mr. Grace is in the process of obtaining the DOR certificate. This license is being sold to Premier on Broadway. Secretary Lori Batzek stated a DUA certificate is also needed.***

***The Commission continued this item until the March 20, 2023 Licensing Commission Meeting.***

**Common Victualler**  
**NEW**

10. Food Time Inc. d/b/a Tribos Peri Peri,, 431 Artisan Way requesting approval of a Common Victualler License  
Indoor Seats: 54  
Hours of Operation: Sun-Mon 9:00am-9:00pm  
(AL22-000043)

***Faiyaz Washwell appeared for this application. He informed the Commission that this is a new concept for the Peri Peri franchise in the Boston area. Mr. Washwell has another restaurant in Somerville, Guru the Caterer.***

***The Commission voted to approve this application by a roll call vote of 3 in favor (Lynch, Allen & Thomas) and 0 opposed.***

**Existing All Forms 7 Day Restaurant**  
**Assembly Row License**  
**Change of Manger**

11. Papagayo Somerville Inc. d/b/a Papagayo, 331 Great River Rd. requesting approval of a Change of Manager from: Bradford Dalbeck to: Robert Murphy  
(ALM22-000114)

***Robert Murphy appeared for this application. Mr. Murphy has been a manager for two years at Papagayo and has extensive restaurant experience. He is TIPS certified.***

***The Commission voted to approve this application by a roll call vote of 3 in favor (Lynch, Allen & Thomas) and 0 opposed.***



**Existing All Forms Alcohol License**  
**City Held – City Wide License**

**Alteration of Premises**  
**PUBLIC PARKLET OUTDOOR SEATING**

12. Rockwell Restaurant Group, LLC d/b/a Foundry on Elm, 255 Elm St. requesting approval for an Alteration of Premises for Outdoor Public Parklet Seating.  
Outdoor Public Parklet Seats: 24  
(ALM22-000122)

*Jess Willis appeared for this application. Ms. Willis stated this is the same seating as last year and meets all city requirements.*

*The Chair opened the public hearing. There being no speakers, the Chair closed the public hearing.*

*The Commission voted to approve this application by a roll call vote of 3 in favor (Lynch, Allen & Thomas) and 0 opposed.*

**NEW**  
**Wine and Malt 7 Day Restaurant License**  
**City Quota License**

13. X & W Papa Inc. d/b/a Papa Sushi, 499 Broadway requesting approval of a Wine and Malt 7 Day Restaurant City Quota License.

Hours of Operation for Food and Alcohol Service Indoors:

Mon-Sat: 11:30am-11:00pm & Sun: 12:00pm-10:00pm

Indoor Seats: 44 – same as current CV

*Currently has a Common Victualler License #AL21-000030*

Current Indoor Hours for Food Service: Mon-Thu: 11:00am-10:30pm, Fri-Sat: 11:00am-11:00pm & Sun: 11:00am-10:00pm

New Indoor Hours for Food and Alcohol Service: Mon-Sat: 11:30am-11:00pm & Sun: 12:00pm-10:00pm

(AL22-000031)

Continued from the 1/23/23 Licensing Commission Meeting

*Yi (Stephanie) Xu appeared for this application. Ms. Xu stated she hoped to be open soon, but does not have a date yet. Chair Lynch informed Ms. Xu that the license is*



*being sold from The Dark Horse Public House and paperwork is pending. This license is required to be transferred prior to a new license being issued at the same address.*

*The Commission voted to continue this item until the March 20, 2023 Licensing Commission Meeting by a roll call vote of 3 in favor (Lynch, Allen & Thomas) and 0 opposed.*

### **Marijuana Establishment License**

#### **Amendment**

#### **Change of D/B/A**

14. Northeast Select Harvest Corp., 378-380 Highland Ave. requesting approval for a Change of D/B/A to NESH  
(MEA23-000002)

*Attorney Anne Vigorito, Robert Gregory and Maria Cacciola appeared for this application. A discussion was held on how the d/b/a was determined.*

*The Commission voted to approve this application by a roll call vote of 3 in favor (Lynch, Allen & Thomas) and 0 opposed.*

The meeting was adjourned at 7:35pm, by a roll call vote of 3 in favor (Lynch, Allen and Thomas) and 0 opposed.