



**City of Somerville
Licensing Commission**

Regular Meeting Via Remote Participation

**Monday
Regular Licensing Commission Meeting
April 10, 2023
6:00pm**

DRAFT MINUTES

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.

The meeting was called to order by Chair Lynch at 6:01pm

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; Brian Postlewaite – Director of Engineering; Isabella Maia – Junior Civil Engineer

Communications

1. Minutes of the Regular Licensing Commission Meeting of 3/20/23

The Commission approved the minutes.



Special Alcohol Licenses

2. St. Anthony Parish, 12 Properzi Way requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for a Birthday Party to be held Indoors in the basement of the church, 12 Properzi Way on Thursday, June 8, 2023 from 5pm–1am (Alcohol Service)
(PEL23-000047)

Rafael Alves appeared for this application. Mr. Alves stated this is a sweet sixteen birthday party, the only alcohol being served will be from a keg of beer. The applicant confirmed this will be purchased locally from an authorized Somerville distributor. Chair Lynch reminded the applicant that whoever is dispensing the alcohol must be TIPS certified.

The Commission approved this Special Alcohol License.

Special Farmer Winery Licenses

3. Far From the Tree Cider LLC d/b/a Far From the Tree Cider, 102 Jackson St. Salem, MA requesting approval for a Special Farmer Winery License to sell hard cider produced by the licensee for off-premises consumption at the Union Square Farmers' Market every two weeks between 5/13/23 to 10/28/23 from 9am-1pm.
(SFW23-000001)

Caroline Forbes appeared for this application. Ms. Forbes stated she has been with the company for two years and this will be her first year at the Union Square Farmers' Market, which will be operating every two weeks. She stated they will be using fresh local ingredients and serve cider in cans and bottles. Ms. Forbes will be personally serving at the Farmers' Market, and she is TIPS Certified. She also noted that she has worked on three to four pouring events with no issues. Chris Allen asked if Far From the Tree Cider had been present at this market in the past and Ms. Forbes said she believed they had.

The Commission approved this Special Farmer Winery License.



4. Blisspoint LLC d/b/a Blisspoint Meadery, 1 Fox Run Rd. Bedford, MA requesting approval for a Special Farmer Winery License to sell and sample mead produced by the licensee for off-premises consumption at the Union Square Farmers' Market every Saturday between 5/13/23 to 10/28/23 from 9am-1pm.
(SFW23-000002)

Jeff Venuti appeared for this application. Mr. Venuti stated this is the second year that Blisspoint Meadery has participated in farmers markets, having participated in Davis Square for two seasons, and this will be their first season at the Union Square Market. Chair Lynch asked if the applicant had participated in events in other communities and Mr. Venuti noted that they have been in Cambridge, Boston and a number of other suburban areas as well. Mr. Venuti confirmed that there have been no issues at any of these events.

The Commission approved this Special Farmer Winery License.

5. Blisspoint LLC d/b/a Blisspoint Meadery, 1 Fox Run Rd. Bedford, MA requesting approval for a Special Farmer Winery License to sell and sample mead produced by the licensee for off-premises consumption at the Davis Square Farmers' Market every Wednesday between 5/17/23 to 11/22/23 from 12pm-6pm.
(SFW23-000003)

See item #4.

The Commission approved this Special Farmer Winery License.

6. Licensing Commission Requesting a status report on the use of 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, 1/23/23, 2/27/23 and 3/20/23 Licensing Commission Meeting

Patrick Grace appeared on this matter. Mr. Grace stated he received a Certificate of Good Standing today, however it is a photograph on his phone and he expects to receive a hard



copy eventually. Mr. Grace confirmed that he has notified the potential purchaser of receipt of these documents. Chair Lynch noted that the buyer cannot proceed with their application until these documents have been submitted and Mr. Grace stated he understood. Chair Lynch reminded Mr. Grace that as soon as he receives these documents, they must be submitted to the purchaser to enable them to effectuate the transfer of this license. Chair Lynch also stated Mr. Grace would not need to appear for the license transfer, that only the buyer will need to appear.

The Commission continued this item to the May 15, 2023 Licensing Commission Meeting.

| License # | Business Name | Address | License Type | Category |
|-------------|---------------------------|-----------------|--------------|---------------|
| AL17-000027 | Nucleo Sportinguista Inc. | 282 McGrath Hwy | All Forms | Private- Club |

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

Paulo Bizarria appeared on this matter. Mr. Bizarria explained that they had a potential buyer for the license, but the deal fell through. Another potential buyer is scheduled to look at the space today. Mr. Bizarria also noted that this license has been listed on the Multiple Listing Service for approximately a month and requested at least six weeks to sell this license. He also indicated that he would be willing to submit all paperwork pertaining to the sale to the City Clerk's office. Mr. Bizzario confirmed he would do so.

The Commission continued this item to the May 15, 2023 Licensing Commission Meeting.

| License # | Business Name | Address | License Type | Category |
|-------------|-------------------------|-----------------|--------------|----------|
| AL17-000075 | The 99 Restaurant & Pub | 20 Cummings St. | All Forms | Private |

Continued from the 1/23/23 Licensing Commission Meeting

Phillip Purcell appeared on this matter. Mr. Purcell shared that a real estate group has been employed to look for sites in Massachusetts and Somerville in particular, but nothing suitable has been located. He also stated that the real estate group has not been optimistic, and they may need to sell this license. Chair Lynch request Mr. Purcell submit any documentation to show he is actively trying to sell or reactivate the license. Commissioner Allen asked when the license was last active. Secretary Lori Batzek stated her notes indicated the restaurant closed on 4/17/22. Chair Lynch elaborated that they were not requested to appear before the Commission until November. Commissioner Allen stated it



is reasonable to give additional time to find a venue or sell this license. Commissioner Thomas emphasized that timelines are important, and he is comfortable with this timeline.

The Commission continued this item to the May 15, 2023 Licensing Commission Meeting.

New
Common Victualler License

7. Mass Hold Donuts LLC d/b/a Mass Hole Donuts, 1157 Broadway requesting approval of a Common Victualler License.

Indoor Seating: 16 Seats

Hours of Operation: Sun.-Sat. 7am-12am

(AL23-000008)

Morgan Quimby, Financial and Operations Manager, appeared on this application with Owner Peter Gladstone. Ms. Quimby stated that the business sells donut holes and coffee and previously operated in Arlington and is excited to be in Somerville. Commissioner Thomas asked about the ADA accessible seating and ADA compliance of the premises. Ms. Quimby indicated there is plenty of room for wheelchair access. Commissioner Allen asked if this is an expansion of the business. Mr. Gladstone confirmed that they have closed the Arlington location. Chair Lynch inquired about outdoor seating for the premises. Ms. Quimby stated the previous business, Broadway Eatery had outdoor seating, however this establishment has not applied for outdoor seating.

The Commission approved this Common Victualler License.

Existing Farmer Brewery/Pouring License
Private Patio Seating License

8. Indignant Brewing Co, LLC d/b/a Winter Hill Brewing Co., 328 Broadway requesting approval of a Private Patio Seating License

Outdoor Private Patio Seats: 30 Seats

Designated Dog Area included.

(ALM23-000011)



This is the Notice of a Public
welcome to attend and be heard.

Hearing for this Item. The Public is

Breck Bailey appeared on this application. Chair Lynch asked if this is the same setup as the previous temporary seating. Mr. Bailey confirmed that it is the same footprint. Chair Lynch asked if the designated Dog Area would be on the private deck and the parking lot area. Mr. Breck confirmed that it would be in the parking lot area only and he is familiar with the rules and regulations pertaining to Dog Areas. Commissioner Allen asked if any complaints from abutters had been received for prior outdoor seating and Mr. Bailey stated he was not aware of any. Isabella Maia, Junior Civil Engineer, noted that this is the same footprint but the number of tables is reduced, and recommended approval of this license. Chair Lynch elaborated that permanent outdoor seating includes added requirements for restroom facilities and this application includes a port-a-toilet in the parking lot on private property. Ms. Maia confirmed that the applicant provided toilet capacity calculations for this seating. Chair Lynch noted that the rules are different for private property and public property. Mr. Bailey stated that the toilet will be ADA accessible and serviced weekly for the duration of the patio season.

The Chair opened the public hearing at 6:33pm.

Diana Sim, an owner in the building next to the brewery, asked if the port-a-toilet will be a permanent fixture. Chair Lynch stated it would be in the parking lot as long as the outdoor seating area is operational. Ms. Sim expressed concern for odors that may be associated. She also stated the owners of the condominium building must drive through the brewery parking lot to access their parking lot. Chair Lynch asked if the building owners were notified by the applicant about this, and Ms. Sim responded that the only notice she received was the public hearing notice for this meeting. Commissioner Allen asked if Mr. Bailey has a service agreement for the toilet. Mr. Bailey confirmed that there is a rental agreement that includes the toilet being cleaned and emptied once a week, and staff also ensure it is in good condition daily. Commissioner Allen asked if the portable toilet had been used previously and Mr. Bailey confirmed that it had. Commissioner Thomas expressed concern about the distance of the portable toilet from the building, as well as activity in this area, to ensure the space is not taken advantage of. Mr. Bailey confirmed that it would be in the same location it was placed in previous years, and no complaints have been received, though he noted that use was minimal.

Ms. Sim asked how long this license will be in effect. Chair Lynch explained that this will be a renewable part of the license, provided that the property owner continues to allow access and no changes are made. Chair Lynch informed Ms. Sim that there are multiple



avenues to address any issues or complaints, and the city strives to settle any issues before they become a problem. Chair Lynch added that outdoor seating on private property does not have a time limit in terms of seasonality and can operate through the winter. Mr. Bailey stated they have been closing this outdoor seating in October, and have no plans to operate in winter.

The Chair closed the public hearing at 6:47pm.

The Commission approved this Private Patio Seating License.

Existing Common Victualler License
Public Sidewalk Seating License

9. Creations Coffee Somerville LLC d/b/a True Ground Café, 717 Broadway requesting approval of a Public Sidewalk Seating License
Outdoor Public Sidewalk Seats: 12 Seats
(ALM23-000013)

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

Jonathan Spees appeared for this application. Chair Lynch asked if this is the same setup as last year. Mr. Spees confirmed that it is. Commissioner Thomas asked Mr. Spees to tell the Commission about this business. Mr. Spees stated this business has been operational for approximately fifteen to twenty years and he acquired the business last January 1st. He also stated they had this temporary seating last year; it was very successful, and no issues were raised during this time. Ms. Maia recommended approval of this license. She stated that the plans were revised to address the Engineering Division's concerns from last year to provide a bike rack and to provide a seven-foot clearance for the public use and a five-foot clearance for pedestrians.

The Chair opened the public hearing at 6:50pm.

There being no speakers, the Chair closed the public hearing at 6:50pm.

The Commission approved this Public Sidewalk Seating License.

10. Withdrawn.



Existing All Forms Alcohol Restaurant
Public Parklet Seating License

11. Annextw Inc. d/b/a Bronwyn, 255 Washington St., requesting approval of a Public Parklet Seating License

Outdoor Public Parklet Seats: 36 Seats

(ALM23-000019)

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

Bronwyn Wiechmann appeared for this application. Ms. Wiechmann confirmed this is the same seating as last year. Ms. Maia recommended approval of this license. Commissioner Thomas asked if there have been any issues with the farmers' market and the spacing for the outdoor seating. Ms. Wichmann stated that no problems have been brought to her attention and that they do not operate during the farmers' market and plans to keep this arrangement. Chair Lynch asked about the conditions on this seating from the Department of Public Works (DPW). Ms. Maia replied that the DPW condition to remove furniture if needed is a standard condition. Chair Lynch asked if the toilet capacity has been met because the establishment did not go back to their pre-pandemic seating capacity indoors and Ms. Maia, noted that toilet capacity is reviewed by the Inspectional Services Department, and she can just confirm that it had been met. Ms. Weichmann confirmed that the Chair is correct, and the indoor space has been adjusted.

The Chair opened the public hearing at 6:57pm.

There being no speakers, the Chair closed the public hearing at 6:57pm.

The Commission approved this Public Parklet Seating License.



Existing All Forms Alcohol Restaurant
Entertainment by Devices and Performers for Outdoor Public Seating and a
2AM Closing on Friday and Saturday License

12. Gauchao Brazilian Cuisine LLC d/b/a Gauchao Brazilian Cuisine, 102 Broadway requesting approval for an Entertainment by Devices and Performers for Outdoor Public Seating and a 2AM Closing on Friday and Saturday License (ALM23-000005)

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

Blanca Morales-Argueta and Benjamin Morales appeared for this application. Mr. Morales stated this establishment has been operating for nineteen years and has had outdoor dining previously. Chair Lynch asked when the outdoor seating was approved. Secretary Batzek confirmed it was approved at the March 20, 2023 Licensing Commission meeting. Mr. Morales stated that this application is for between one and four performers with guitars, and two speakers for amplified music for the outdoor entertainment which would end between 6:00-9:30 pm, depending on the day. Chair Lynch confirmed the cutoff time would be 9:30 pm. Mr. Morales also confirmed the food and alcohol service would be stopped at 9:30 pm outdoors. Commissioner Allen clarified that the 2AM license will have no impact on the Entertainment for Outdoor license. Commissioner Allen asked if any noise complaints had been received and Mr. Morales stated they had received no complaints about noise. Commissioner Thomas asked about indoor entertainment. Mr. Morales confirmed there would be a DJ or band inside. Commissioner Thomas expressed concern that this could turn into a nightclub. Chair Lynch confirmed that the applicant already has an Entertainment by Devices and Performers Indoors license.

Chair Lynch noted that the newspaper advertisement was somewhat confusing and neighbors may have thought the outdoor entertainment would end at 2:00 am, but this is not the case. Chair Lynch referred back to Commissioner Thomas's concern about what time the indoor entertainment would end if the 2AM closing license is granted. Mr. Morales would like to end the indoor entertainment at 1:00 am if closing at 2:00 am. They currently end the indoor entertainment by 12:30 am for the 1:00 am closing, and he is amenable to maintaining that if it poses an issue. Commissioner Thomas expressed concern about the bass level after 1:00 am. Commissioner Allen agreed that an extension



of hours is reasonable, and performances ending at 1:00 am would be viewed positively. Chair Lynch recommended indoor sound checks.

The Chair opened the public hearing at 7:14pm.

Annie Silva of East Somerville Main Streets supported this application, noting that this business has had performers for events that have been well-received, and this will create vibrancy for Broadway in East Somerville. Matthew Hunt, an abutter, stated that he has fifteen years of experience in the entertainment industry, and asked if it is necessary for the outdoor music to be amplified, what time food service stops indoors, and what security provisions are in place.

The Chair closed the public hearing at 7:18pm.

Commissioner Allen echoed the question of whether amplification outdoors is necessary. Mr. Morales replied that it is necessary in order to hear the guitar, but it is not too loud. Commissioner Allen expressed concern for the adjacent residential properties and expressed that this could be a valid concern. Commissioner Thomas recommended a speaker size of no more than twelve inches for the outdoor space. Chair Lynch reminded the applicant to comply with the city's Noise Ordinance. Commissioner Thomas also recommended security and Mr. Morales clarified that he already has a security guard in place.

The Commission approved this Entertainment by Devices and Performers for Outdoor Public Seating License with the following condition: Outdoor entertainment will end at 9:30 pm.

The Commission approved this 2AM Closing on Friday and Saturday License with the following condition: Indoor entertainment by devices and performers will end by 1:00 am on Friday and Saturday.

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, 2/27/23 and 3/20/23 Licensing Commission Meetings

Yi (Stephanie) Xu appeared for this application. Chair Lynch explained that the current owner of the license at this address has expressed that he has the necessary documents, but they have not been effectuated to the purchaser of that license or the City Clerk's office, so this application cannot proceed. Chair Lynch asked Ms. Xu if they would be re-opening in June. Ms. Xu stated they would be open sometime in June or July.

The Commission continued this item to the May 15, 2023 Licensing Commission Meeting.

Late Items

Special Alcohol Licenses

14. Foody's Kitchen, 235 Holland St. requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for an Engagement Party to be held Indoors behind the counter, 235 Holland St. on Saturday, April 29, 2023, from 1:00pm – 8:00pm (Alcohol Service)
(PEL23-000046)

Francillon Dabady appeared for this application. He noted that Foody's has a Common Victualler license, but no alcohol license. Chair Lynch confirmed that Mr. Dabady would be the one serving the alcohol and asked if Mr. Dabady was TIPS certified. Mr. Dabady stated he was not TIPS certified. Commissioner Thomas asked about the space and how many people would be attending and Mr. Dabady replied that approximately twenty people would be attending. Commissioner Allen asked if the alcohol would be purchased from a licensed distributor and Mr. Dabady confirmed that it would. The Commissioners all urged the applicant to get the TIPS certification. Commissioner Thomas suggested that the certification be sent to the City Clerk's Office.



***The Commission approved this Special Alcohol License with the following condition:
TIPS Certification is completed and provided to the City Clerk's Office by April 28, 2023.***

15. Downeast Cider House LLC d/b/a Downeast Cider House, 256 Marginal St. Building #32, East Boston, MA requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for an Outdoor Beer Garden to be held Outdoors, 301 Assembly Row, daily from 5/6/23 to 6/5/23, from 12:00pm –9:30pm (Alcohol Service)
(PEL23-000048)

Brad Tinkham and David Middleton appeared for this application. Mr. Tinkham stated Volo Sports will be operating twelve pickleball and four volleyball courts and would like to offer alcoholic beverages within that establishment. He also stated they would be operating within a fenced in areas and using an established container to be brought on site with refrigeration and storage, that would be locked up when not operating. Wait staff are TIPS certified and door staff will be checking identification. Mr. Tinkham stated this is the first year for Downeast Cider House at Assembly Row, however they do operate a Marina Pop-Up in East Boston with a similar setup and no problems have been reported for the three years of operation. Chair Lynch indicated that a Health Division Permit would need to be issued due to the refrigeration and running water components and inquired whether the application has been submitted. Mr. Tinkham stated that the application had not yet been submitted but he understands this requirement. Commissioner Allen asked if this is the same footprint as in previous years. Mr. Tinkham stated it is not. In prior years, operations were in the alley adjacent to Café Nero. This year's operation will be on a parcel of land to the side of this area with the pickleball and volleyball courts surrounding the bar. Mr. Middleton suggested this year's operation is a better set up and will be operating on an empty parcel and turf rather than on the street.

The Commission approved this Special Alcohol License.

The meeting was adjourned at 7:49pm.