



**City of Somerville
Licensing Commission**

Regular Meeting in City Council Chamber

**Monday
June 5, 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 6:02pm.

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; Francis A. Otting – Fire Acting Captain; Brian Postlewaite – Director of Engineering; Isabela De Maura Maia – Junior Civil Engineer

COMMUNICATIONS

1. Minutes of the Regular Licensing Commission Meeting of 5/15/23

The Commission approved these minutes.



2. Licensing Commission requesting a status report on the use of All-Forms Alcohol License:

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, 1/23/23, 4/10/23 and 5/15/23 Licensing Commission Meeting

No representative appeared for this status report. Chair Lynch stated the Commission is in receipt of a notification from Nucleo Sportinguista of a purchase offer for this license.

The Commission continued this status report to the 7/17/23 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 and 5/15/23 Licensing Commission Meeting

No representative appeared for this status report.

The Commission continued this status report to the 7/17/23 Licensing Commission Meeting.

3. Licensing Commission requesting a status report on the use of Wine and Malt Package Store License:

License #	Business Name	Address	License Type	Category
AL20-000017	Top Shelf at Assembly	365 Canal St.	W&M Package	Private

Continued from the 11/21/22 and 5/15/23 Licensing Commission Meeting

No representative appeared for this status report. The attorney for the applicant was informed by the Executive Secretary that appearance was not required.

Chair Lynch acknowledged this license is in the process of being sold.

The Commission continued this status report to the 7/17/23 Licensing Commission Meeting.



4. Communication from Chair Lynch to amend Section 5.04 of the Somerville Licensing Commission Rules and Regulations - Additional Rules for Marijuana Establishments, to read: a. Marijuana retailers may operate no earlier than 9 AM and no later than 11 PM Monday through Saturday, and no earlier than 10 AM and no later than 11 PM on Sunday.

Chair Lynch stated that Retail Marijuana establishments have been open in the City of Somerville and no complaints have been received from the Police Department, the City Administration or from the City Councilors in these wards. Chair Lynch reached out to several Councilors, and received no objections to this change. Commissioner Allen asked about the hours of operation in neighboring municipalities. Chair Lynch indicated most municipalities currently have hours of operation until 11pm and a few are open until 12am. Chair Lynch reminded the Commissioners should any issues arise, they have the authority to bring the licensee in and to roll back the hours of operation.

The Commission approved this change to the Somerville Licensing Commission Rules and Regulations.

SPECIAL ALCOHOL LICENSES

5. The Portuguese-American Civic League, 26 Springfield St., requesting approval of a Special Alcohol License for the American Holy Ghost Fest to be held Indoors and Outdoors at 26 Springfield St. and in the Parking Lot on Friday, July 7, 2023, Saturday, July 8, 2023, and Sunday, July 9, 2023 from 7:00pm-12:00am (Alcohol Service) (PEL23-000083)

Vasco Cunha, Director, and Joe Vasconcelos, Treasurer, appeared for this application. Mr. Vasconcelos requested an amendment to this application to serve alcohol at 12pm on Sunday. Identification will be checked at the point of sale to purchase alcohol. Police and Fire details will be requested from the City of Somerville and a detail will be requested from the City of Cambridge. Americans with Disabilities Act (ADA) compliant toilet facilities will be provided. The noise ordinances for the City of Somerville and the City of Cambridge will be observed and the music volume will be lowered at approximately 10pm or 10:30pm. Neighbors will be notified of this event. Signs will state no alcohol beyond this point. Captain Otting suggested the applicant work with the Fire Department regarding tents more than 10 feet by 10 feet and for flammables permits. Mr. Vasconcelos



indicated BC Tent and Awning Co., Inc. will be contacting the Fire Department for the tent permit.

The Commission approved this Special Alcohol License.

6. Revival Davis LLC, 197 Elm St., requesting approval of a Special Alcohol License for a Sarma Picnic Party by Liz Barwick to be held Indoors in the Café and Outdoors on the private patio at 197 Elm St on Sunday, July 9, 2023, from 5:00pm–8:00pm (Alcohol Service) (PEL23-000086)

Commissioner Allen assumed the Chair.

Jillianne Quinn, Finance and Administration Manager, appeared for this application. Ms. Quinn declared this is the second pop-up event to be held with this chef. All servers will be TIPS Certified and the location is ADA accessible. Ms. Quinn stated they expect approximately 75 to 80 participants, and no prior violations were reported. Craft Collective will be the purveyor for the wine and malt for this event and wristbands will be provided for identification purposes. The alcohol service area will be cordoned off.

The Commission approved this Special Alcohol License.

7. The Center for Arts at the Armory, 191 Highland Ave., requesting approval of a Special Alcohol License for Bar Stars to be held Outdoors on the Roof of Block 3 Garage at Assembly Row on Thursday, July 13, 2023, from 6:00pm–9:00pm (Alcohol Service) with a Rain Date of 7/20/23 (PEL23-000088)

Commissioner Allen assumed the Chair.

Stephanie Scherpf, Co-Director and CEO and Haley King, Marketing Manager, from Federal Reality Investment Trust appeared for this application. Ms. Scherpf stated this will be a ticketed event, identification will be required at the door and wristbands will be provided. Food and drink samples will be provided by various restaurants in Assembly Row. Approximately 500 participants are expected to be in attendance. Servers will be TIPS Certified. Ms. King indicated she would be contacting the Police and Fire Departments to ascertain if details are required. Captain Otting clarified that this event is not being held in an approved assembly occupancy area and a Fire Department detail will



be required. Chair Lynch requested a description of any other not for profit agencies to hold this event in the past. Ms. King confirmed the Somerville Media Center was the charity partner for this event last year. There were 500 attendees last year with a Police Department detail. Ms. King indicated no response was received from the Fire Department for a detail last year. Assembly Row provides security personnel for this event.

The Commission approved this Special Alcohol License.

8. Downeast Cider House LLC, 256 Marginal St. Boston, requesting approval of a Special Alcohol License for Downeast @ Volo to be held Outdoors in the open lot adjacent to Foley St. and Assembly Row from June 6, 2023, to July 5, 2023, from 12:00pm–10:00pm (Alcohol Service)
(PEL23-000091)

Commissioner Allen assumed the Chair.

Brad Tinkham, Director, appeared for this application. Mr. Tinkham explained they will be working with Volo in the Assembly Row area. The area contains 4 volleyball courts and 9 football courts and a cider garden with picnic tables adjoining the green space will be utilized. All staff will be TIPS Certified and will have crowd management training. Bathrooms will be provided by Volo and the area will be fenced in. Commissioner Allen asked if there had been any issues during the past month of operation. Mr. Tinkham responded that the bar has not opened yet due to an electrical requirement and hopes to have this resolved and open by the weekend.

The Commission approved this Special Alcohol License.

9. Cuisine en Locale d/b/a ONCE, 12 Beech St. Cambridge, requesting approval of a Special Alcohol License for Boynton Yards Block Parties Presented by ONCE at Boynton Yards to be held Outdoors in the parking lot at 0 Windsor Place in Boynton Yards on Saturday, July 29, 2023, and Saturday, August 19, 2023, from 12:00pm–11:00pm (Alcohol Service) with Rain Dates of 7/30/23 and 8/20/23
(PEL23-000092)

Commissioner Allen assumed the Chair.



JJ Gonson, Owner, appeared for this application. Ms. Gonson specified these events will be sponsored by the Boynton Yards development in the parking lot. This will be the third summer for holding these events with 2 events scheduled for this summer. Wristbands will be used. The parking lot being used is adjacent to the one used previously. No complaints or issues were reported last year.

The Commission approved this Special Alcohol License.

Existing Common Victualler License
Public Sidewalk Seating

10. La Cosecha Corp. d/b/a La Cosecha, 85 Broadway, requesting approval of a Public Sidewalk Seating License
Outdoor Public Sidewalk Seats: 8
(ALM23-000049)

Ana Maria Perez and Sergio Espinoza, Consulting Manager, appeared for this application. No temporary Public Sidewalk Seating was granted for the previous year. Junior Civil Engineer Isabela De Maura Maia recommended approval.

The Chair opened the public hearing at 6:29pm.

There being no speakers, the Chair closed the public hearing at 6:30pm.

Chair Lynch stated that Councilor McLaughlin, the Ward Councilor for this location, had no objections to this application.

The Commission approved this Public Sidewalk Seating License.

Existing All Forms Alcohol License
Public Parklet Seating

11. Flatbread Somerville Inc. d/b/a Flatbread Company, 45 Day St., requesting approval of a Public Parklet Seating License



Outdoor Public Parklet Seats: 45
(ALM23-000030)

James Harrison, President, appeared for this application. Mr. Harrison stated they previously had outdoor seating and it was very successful. He also mentioned the outdoor seating helped to employ 4 additional people. Commissioner Thomas asked about the Americans with Disabilities Act (ADA) accessibility apparatus they had outdoors. Mr. Harrison explained that they have a picnic table designed to the required ADA accessibility specifications and that they had the correct bathroom calculations for Public Parklet Seating. Chair Lynch inquired from Captain Otting if all concerns were addressed for the Public Parklet Seating for the small streets off Elm St. Captain Otting replied that they continue to work with each applicant and make minor adjustments as necessary. There were no access concerns for these floor plans as submitted. Engineer De Moura Maia stated she had worked with Mr. Harrison and all the required improvements were submitted. She recommended approval.

The Chair opened the public hearing at 6:35pm.

There being no speakers, the Chair closed the public hearing at 6:35pm.

The Commission approved this Public Parklet Seating License.

12. Barra Bars LLC d/b/a Barra, 23A Bow St., requesting approval of a Public Parklet Seating License

Outdoor Public Parklet Seats: 26
(ALM23-000050)

Paola Ibarra, General Director and Co-Owner, appeared for this application. Ms. Ibarra stated this is the same seating as last year with ADA accessible seating and ADA compliance in place and they have an ADA accessible bathroom. Commissioner Allen asked about future access to the courtyard. Ms. Ibarra informed the commission that this area is not ADA compliant and will not be used. Engineer De Moura Maia declared that the plans were revised as required and recommended approval.

The Chair opened the public hearing at 6:38pm.

Dan Luft, an employee of the building which abuts the area behind Barra, spoke on this matter and expressed concerns about the future use of the courtyard, the closeness of the 6



porches that about this area and indicated when there was seating in this area, the tenants had issues with the lights, noises and smells.

Chair Lynch made clear this application had nothing to do with private patio seating and the Commission would only address the application before them.

Sheila Foley, Owner of The Neighborhood Restaurant, spoke on this matter and also expressed concern about private patio seating.

Chair Lynch reiterated this application had nothing to do with private patio seating and the Commission would only address the application before them.

The Chair closed the public hearing at 6:42pm.

The Commission approved this Public Parklet Seating License.

13. Area Celeste d/b/a Celeste, 21 Bow St., requesting approval of a Public Parklet Seating License
Outdoor Public Parklet Seats: 21
(ALM23-000053)

Maria Rondeau, Owner, appeared for this application. Ms. Rondeau stated she was approved for both Public Parklet Seating and Private Patio Seating at a previous Licensing Commission Meeting but would like to change this to Public Parklet Seating only. Engineer De Moura Maia stated the seats are being moved from the Private Patio to the Public Parklet and recommended approval.

The Chair opened the public hearing at 6:44pm.

There being no speakers, the Chair closed the public hearing at 6:44pm.

The Commission approved this Public Parklet Seating License.

Existing All Forms Alcohol License
Private Patio Seating

14. New England Neapolitan Assembly Row LLC d/b/a Salt and Stone, 463 Assembly Row, requesting approval of a Private Patio Seating License
Outdoor Public Parklet Seats: 64



(ALM23-000033)

Sean Olson, Owner, appeared for this application. Mr. Olson stated they were previously approved for 65 Private Patio Seats and were using approximately 45 seats inside the pavilion. They are currently in the process of increasing the size of the pavilion to include 64 seats. Commissioner Allen asked for some clarification on the pavilion. Mr. Olson declared that this is a post and beam structure, able to withstand winds up to 110 mile per hour and will be bigger by approximately 16 feet by 16 feet. The pavilion will have roll up sides and 6 ADA accessible seats. Chair Lynch asked if there were any outdoor heaters. Mr. Olson confirmed they currently have small electric heaters and hope to update these to permanent heaters. They are currently in the process of completing the permanent electrical heaters with an electrician. Chair Lynch asked if he had Fire Department approval for any type of heaters. Mr. Olson confirmed he did not have Fire Department approval and will discontinue the use of heaters until he consults with the FireDepartment. Chair Lynch instructed Mr. Olson to apply for an amendment to this license for the heaters. Engineer De Moura Maia informed the Commission that the Private Patio Seating is on Canal St. She also indicated the floor plans indicate 6 feet clearance for pedestrians, but the measurements approved were 4 feet 6 inches for pedestrian clearance, and she instructed the applicant that new floor plans must be submitted. Engineer De Moura Maia recommended approval of this license with the submission of a new floor plan and confirmed this seating is on a private way. Captain Otting informed the Commission that both the Inspectional Services Division and the Fire Department will require a review of the power supply and the type of heaters. This information can be added to the existing floor plans and will require submission to the Inspectional Services Department and the Fire Prevention Bureau.

The Chair opened the public hearing at 6:53pm.

There being no speakers, the Chair closed the public hearing at 6:53pm.

The Commission approved this Private Patio Seating License.



Existing All Forms Alcohol License
Public Parklet and Public Sidewalk Seating
and a Change of Hours

15. Thai J&J d/b/a Siam Ginger, 22 Bow St., requesting approval of a Public Parklet Seating License and Public Sidewalk Seating License and a change of hours.

Outdoor Public Parklet Seats: 12

Outdoor Public Sidewalk Seats: 4

Change of Hours:

Current Hours	Proposed Hours
Mon-Thu: 11:30am-3:00pm & 4:30pm-9:30pm	Mon-Thu: 11:30am-9:30pm
Fri: 11:30am-3:00pm & 4:30pm-10:00pm	Fri: 11:30am-12:00am
Sat: 12:00pm-10:00pm	Sat: 11:30am-12:00am
Sun: 4:30pm-9:00pm	Sun: 3:00pm-9:00pm

(ALM23-000016)

Jintana Chanthon, Owner, appeared for this application. Ms. Chanthon stated this is the same seating as last year. Engineer De Moura Maia recommended approval.

The Chair opened the public hearing at 6:58pm.

Jim McGinnis, a neighbor adjacent to Siam Ginger spoke on this matter and acknowledged that he was very pleased with this outdoor seating last year. He reported no issues last year and indicated cars that had blocked his driveway had been greatly diminished, and he also felt safer due to increased visibility while backing out of the driveway with the parklet in place. He felt this parklet was an advantage.

The Chair closed the public hearing at 7:00pm.

The Commission approved this Public Parklet Seating License, Public Sidewalk Seating License and Change of Hours.



Existing All Forms Alcohol License
Public Parklet and Public Sidewalk Seating

16. Restaurante Turistico Machu Picchu d/b/a Machu Picchu, 311 Somerville Ave., requesting approval of a Public Parklet Seating License and Public Sidewalk Seating License
Outdoor Public Parklet Seats: 40
Outdoor Public Sidewalk Seats: 16
(ALM23-000020)

Rosy Cerna, President, appeared for this application. Ms. Cerna stated this is the same seating as last year and that the public enjoys this outdoor public seating. Engineer De Moura Maia confirmed that this is the same setup for seating as last year and recommended approval.

The Chair opened the public hearing at 7:03pm.

There being no speakers, the Chair closed the public hearing at 7:04pm.

The Commission approved this Public Parklet Seating License and Public Sidewalk Seating License.

17. Bow Street Charm Corp. d/b/a Fuki Japanese Cuisine, 16 Bow St., requesting approval of a Public Parklet Seating License and Public Sidewalk Seating License
Outdoor Public Parklet Seats: 16
Outdoor Public Sidewalk Seats: 2
(ALM23-000071)

Ken Zhang, Owner, appeared for this application. Mr. Zhang stated this is the same seating as last year. Engineer De Moura Maia recommended approval.

The Chair opened the public hearing at 7:06pm.

There being no speakers, the Chair closed the public hearing at 7:07pm.

Chair Lynch addressed the parking concerns on Bow St., expressed by a business in this area. He will reach out to the Inspectional Services Department, Engineering Division and the Parking Department to evaluate the problem of short-term parking.



The Commission approved this Public Parklet Seating License and Public Sidewalk Seating License.

New
Common Victualler License

18. Maprang Inc. d/b/a Maprang Bakery & Café, 51 Union Sq., requesting approval of a Common Victualler License
Gumnod Nakapandu
Indoor Seats: 8
Hours of Operation for Food Service: Sun-Sat: 7:00am -10:00pm
(AL23-000016)

Commissioner Thomas assumed the Chair.

Dr. Pilee Junsangsri, appeared for this application. Dr. Junsangsri declared this bakery will be selling baked goods, coffee and special tea. They will be serving takeout and have seating available for 8.

The Commission approved this Common Victualler License.

Existing
All Forms Alcohol License
Change of Officers

19. 99 Restaurant of Boston LLC d/b/a 99 Restaurant, 20 Cummings St., requesting approval of a Change of Officers:

Current Officers	Proposed Officers
Wendy Harkness, LLC Manager and Secretary	Clinton Lautenschlegar, LLC Manager
Charles Noyes, LLC Manager and President	Marjorie Nemzura, LLC Manager
Kurt Schnaubelt, LLC Manager and CFO	Phillip Purcell, LLC Manager
	Mark Spugin, LLC Manager
	Kara Jacobs, LLC Manager

(ALM23-000047)



Attorney Tyler Henseler of Upton, Connell & Devlin appeared for this application. Attorney Henseler stated the current officers will be leaving and will be replaced by the proposed officers. This change is effective for all of the 99 Restaurants of Boston and has been approved by the Alcohol Beverages Control Commission.

The Commission approved this Change of Officers.

Transfer
Wine and Malt Package Store License - Private

20. Vatika Corporation d/b/a 350 Food Mart, 350 Broadway, requesting approval of the Transfer of Wine and Malt Package Store License from Himgirl Enterprise d/b/a K-2 Beer and Wine, 500 Medford St., to Vatika Corporation d/b/a 350 Food Mart, 350 Broadway
Hours of Operation: Sun-Sat: 11:00am-11:00pm
(AL23-000012)

Commissioner Thomas assumed the Chair.

This application was heard and approved at the 5/15/23 Licensing Commission Meeting, and the Commission was later informed that the abutter notices had not been sent. This item came before the Commission again for the required properly noticed public hearing. That hearing was not properly noticed for this meeting, and the item will once again be before the Commission at its next meeting.

The Commission continued this Wine and Malt Package Store application to the 7/17/23 Licensing Commission Meeting.

New Wine and Malt 7 Day Restaurant License
City Quota License

21. 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

(AL22-000031)

Continued from the 1/23/23, 2/27/23, 3/20/23, 4/10/23 and 5/15/23 Licensing Commission Meetings.

The Public Hearing was held on 5/15/23.

Yi (Stephanie) Xu, Owner, appeared for this application. Chair Lynch confirmed the transfer of the All-Forms Alcohol License from The Dark Horse Public House at this address. The Commission held a public hearing for this application at the 5/15/23 Licensing Commission Meeting and can now proceed forward with this license.

The Commission approved this New Wine and Malt 7 Day City Quota License.

New All Forms 7 Day Restaurant License

City Wide

Chapter 142, Acts of 2016

A Common Victualler License,

and an Entertainment by Devices Indoors License

22. Pinky Swear Inc. d/b/a Junebug, 251 Washington St., requesting approval of an All Forms 7 Day Restaurant License, City Wide, Chapter 142, Acts of 2016, a Common Victualler License, and an Entertainment by Devices Indoors License

Hours of Operation for Food and Alcohol Service: Sun-Sat: 12:00pm -12:00am

(AL23-000018)

Andrew Brady, Owner, appeared for this application. Mr. Brady stated this will be a neighborhood restaurant serving new American cuisine. They will be making cosmetic changes to the restaurant. Mr. Brady has worked in Union Sq. for 10 years and lived there for 7 years. Both Mr. Brady and Ms. Sara Markey oversaw the day-to-day operations of Bronwyn Restaurant for the first 2 years of operations and administered the Field and Vine Restaurant operations for 6 years. They have been active in the community by providing meals to medical workers during the early stages of the COVID-19 pandemic. Commissioner Thomas inquired about the cosmetic changes being made. Mr. Brady stated they would be implementing new benches, tables, and chairs. Commissioner Allen



inquired if the indoor entertainment by devices would be background music. Mr. Brady confirmed this.

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

Michael Katz, Union Square resident, spoke on this matter and supports Mr. Brady and Ms. Markey in their endeavor and has frequented the establishment they currently manage. He highlighted their active community involvement. The Chair closed the public hearing at 7:16 pm.

The Commission approved this New All Forms 7 Day Restaurant License – City Wide, Chapter 142, Acts of 2016, Common Victualler License and Entertainment by Devices Indoors License.

Retail Marijuana **Change of Hours**

23. The Harvest Club, LLC d/b/a The Goods, 255 Elm St., requesting approval of a Change of Hours

Current Hours of Operation: Mon-Sat: 10:00am-9:00pm and Sun: 11:00am-5:00pm

Proposed Hours of Operation: Sun-Sat: 10:00am-11:00pm

(MEA23-000003)

Continued from the 5/15/23 Licensing Commission Meeting.

Christopher Vining, Owner, appeared for this application. Mr. Vining stated this establishment has been open since November 17th, a little over 6 months, with no incidents from the Police Department or the Fire Department. A desire has been expressed by consumers to stay open later. Chair Lynch asked what the standard hours are for Recreational Cannabis shops in the Metropolitan Boston area. Mr. Vining stated most Boston area shops are open until 10pm or 11pm, with a shop in Melrose open from 8am-12am. Chair Lynch reminded the members of the public that if there are any issues, to use the Somerville Police Department, 311, the local City Councilor or to directly contact the Licensing Commission.

The Commission approved this Retail Marijuana Change of Hours.



LATE ITEMS

24. Revival Davis LLC, 197 Elm St., requesting approval of a Special Alcohol License for a Sekali Pop-Up by Derrick Teh to be held Indoors in the Café and Outdoors on the private patio at 197 Elm St on Sunday, June 25, 2023, from 5:00pm–8:00pm (Alcohol Service) (PEL23-000085)

Commissioner Allen assumed the Chair.

Jillianne Quinn, Finance and Administration Manager, appeared for this application. Ms. Quinn described Chef Derek Teh operating as a pop-up only business. Chef Teh will be featuring Malaysian Fusion Cuisine. Commissioner Allen asked if there was anything appreciably different to note from the earlier application on this agenda, other than the chef. Ms. Quinn declared the conditions will be the same.

The Commission approved this Special Alcohol License.

The meeting was adjourned at 7:51pm.