

**City of Somerville
Licensing Commission**

Regular Meeting by Remote Participation

**DRAFT OF THE
Minutes of the Regular Meeting
Monday,
March 21, 2022, at 6:00pm
Posted Thursday, May 13, 2022 at 8:30am**

*The meeting was called to order at 6:02pm. Present were Commissioners, Lynch, Allen, and Thomas, Capt. Dennis Sullivan of the Fire Dept., Lt. Timothy Mitsakis of the Police Dept., Secretary to the Commission Lori Batzek, City Clerk, Kim Wells, Assistant City Clerk, Bernabe Rodriguez, Director of Engineering, Brian Postlewaite, Director of Economic Development Thomas Galligani, Planner Charlotte Leis, Members of the City Staff, Applicants and members of the public.
The meeting adjourned at 8:54pm*

A recording of this meeting is available online

**Monday
Regular Licensing Commission Meeting
March 21, 2022
6:00pm
Published Wednesday, March 16, 2022 at 4:35pm**

**REVISED Published Thursday, March 17, 2022 at 9:00am
REVISED Published Friday, March 18, 2022 at 9:10am**

Pursuant to Chapter 22 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/5666384173043518990>

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

COMMUNICATIONS

1. Minutes of the Regular Licensing Commission Meeting from 2/14/22

The commission approved these minutes on a roll call vote with 3 in favor (Allen, Lynch and Thomas), 0 opposed

2. Minutes of the SPECIAL Licensing Commission Meeting from 2/23/22

Chair Lynch stated corrections needed to be made to these minutes. Commissioner Thomas spoke in paragraph 3, not Commissioner Allen and Commissioner Thomas not Commissioner Jacques should be referenced throughout the minutes.

The commission approved these minutes, with the above corrections to be made on a roll call vote with 3 in favor (Allen, Lynch and Thomas), 0 opposed

3. Communication from Chairman Lynch Requesting that the City Clerk provide to this Commission a list of all inactive/not in use alcoholic beverages license (private and City issued) and notify each licensee to appear at the April Somerville Licensing Commission to show cause why the Commission should not revoke said licenses

A brief discussion was held on alcohol Licensees not currently using their licenses and Licenses approved but not yet issued. The secretary will be sending notices, on 3/22/22, to these licensees to appear at the next Licensing Commission meeting on 4/11/22.

The commission agreed that these Licensees will need to appear at the 4/11/22 meeting.

4. Communication from Chairman Lynch Requesting to delay the opening date of the 2022 Outdoor Dining Program to April 15, 2022 from April 1, 2022. This request is for the 2022 program start date only.

A brief discussion was held on the Outdoor Seating procedure. Chair Lynch stated he had concerns from several standpoints and that working with internal departments, felt this would not go smoothly. He had a meeting with 2 city departments and a call last week with engineering director Brian Postlewaite. Director Postlewaite has assured the Chair when the Temporary Advisory for Outdoor seating from the ABCC and the governor, which Chair Lynch stated should be signed either today or tomorrow by the governor, is received, engineering will be able to be more flexible, than with the permanent Licensing Commission Rules and Regulation changes. He also stated following the new permanent rules would put our licensees at a disadvantage to other municipalities operating on the Temporary Outdoor Seating Advisory. Chair Lynch also relayed his understanding of the reimbursement process the city is instituting.

The ADA requirements would be strictly enforced. City Clerks, Engineering and ISD is ready to proceed. Economic Development is ready with 2 programs for businesses. Assistant City Clerk Bernabe Rodriguez state a mass email was issued to approx. 300 restauranters apprising them the application is ready. Commissioner Thomas asked about the application. Mr. Rodrigues stated he will forward a copy of this application to the commissioners for review. Commissioner Allen wanted to confirm the lifting of the contiguous requirement for outdoor seating with the Temporary Outdoor Seating, however the ADA requirements are still in effect. Chair Lynch stated relief was granted by the state under the Temporary Outdoor Seating for the contiguous requirement, the additional bathroom requirements, the requirement notices and AD for the expansion of premises and the ABCC amendment notification for an alteration of premises requirement. Commissioner Thomas stated he has not heard about the verbiage on the distribution of funds from the city and making sure this is equitable, and asked for further explanation. Director Galligani stated if you're applying for Outdoor dining, you're eligible for assistance, and the city can provide up to \$10,000 reimbursement towards cost associated with outdoor seating, which might include hiring an engineer, building a platform to accommodate handicap requirements and also may include outdoor furniture, for this year only. Chair Lynch stated these funds are derived from the Federal ARPA money.

No vote was taken. The commission made no change to the Outdoor Seating Start date. It will remain at April 1, 2022.

SPECIAL ALCOHOL LICENSES

5. Warehouse XI, - Samantha Mollo , 34 Sunset Ave., North Providence, RI requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for Alicia Durfey's Bridal Shower to be held Indoors at 11 Sanborn Ct. on Sunday, April 3, 2022, from 11:00am –4:00pm (Alcohol Service)
(PEL22-000011)

No one appeared for this application. This Special Alcohol License was not approved.

6. Indignant Brewing Co. LLC d/b/a Winter Hill Brewing, 328 Broadway requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for Winter Hill Brewing Taproom Outdoor Seating to be held Outdoors at 328 Broadway in the Private Parking lot on the following Thursdays, Fridays and Saturdays: 3/31/22, 4/1/22, 4/2/22, 4/7/22, 4/8/22, 4/9/22, 4/14/22, 4/15/22, 4/16/22, 4/21/22, 4/22/22, 4/23/22, 4/28/22, 4/29/22, 4/30/22, 5/5/22, 5/6/22, 5/7/22, 5/12/22, 5/13/22, 5/14/22, from 12:00pm –9:45pm (Alcohol Service)
(PEL22-000014)

Breck Bailey appeared for this application. Mr. Bailey expressed confusion on some of the policies and asked if the commission had a sense of the processing time for applications, particularly on private property. He also asked if full site and architectural design plans would be required. Mr. Bailey stated he would be replicating the private patio as has been done for the previous 2 years, and would be contained to 4 of the 6 private parking spaces he leases. Chair Lynch stated if Mr. Bailey is using the same plans submitted for the last 2 years, these will be accepted by the Engineering Dept, which would provide for additional days of using this patio instead of applying for a Special Alcohol License. Mr. Bailey requested to amend the date of this Special Alcohol application for only March 31, 2022. He will apply for the Temporary Outdoor Seating under the amendment process to replicate last years outdoor seating. A brief discussion was held about the application process for public vs. private outdoor seating. Chair Lynch stated Special Meetings may occur to get these applications approved quickly. Commissioner Thomas asked if an amendment of the dates were not requested, what would be the cost for each day on the license. Chair Lynch stated each day's fee would be required.

The commission approved this Special Alcohol License, with the above date amendment to 3/31/22 only, on a roll call vote with 3 in favor (Allen, Lynch and Thomas), 0 opposed

7. Warehouse XI, - Margaret Morrissey, 11 Sanborn Ct. requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for Berkeley School of Music Concerts to be held Indoors at 11 Sanborn Ct. on the following dates: 3/24/22, 3/25/22, 3/26/22, 3/27/22, 4/1/22, 4/6/22, 4/8/22, 4/14/22, 4/16/22, 4/17/22, 4/21/22, 4/22/22, 4/24/22, 4/27/22, 4/30/22, 5/17/22, 5/18/22, 5/19/22, 5/20/22, 5/28/22 from 7:30pam –10:30pm (Alcohol Service)
(PEL22-000022)

Margaret (Peggy) Morrissey appeared for this application. Ms. Morrissey stated there is a couple of changes in the dates. She stated on 3/25/22, 4/6/22 they need a bartender, 4/14/22, 4/17/22 she stated yes, 4/21/22& 4/27/22 she stated no. The commission instructed Ms. Morrissey to contact to the city clerk/secretary with the date changes by email. Ms. Morrissey stated she had events in May for another event. She was apprised to put in a new application for this.

The commission provisionally approved this Special Alcohol License, with the date amendment changes with the condition that Ms. Morrissey submit the dates to the city clerk/secretary by email, on a roll call vote with 3 in favor (Allen, Lynch and Thomas), 0 opposed

8. Warehouse XI, - Second Chances, Inc. – Andrea Shapiro, 11 Sanborn Ct. requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages Spring Gathering to be held Indoors at 11 Sanborn Ct. on Wednesday, May 18, 2022 from 5:30pam –8:30pm (Alcohol Service) (PEL22-000025)

Andrea Shapiro appeared for this application. Ms. Shapiro stated this was supposed to be a 15th anniversary celebration, but postponed due to covid, it is now the 17th year anniversary. This will be a ticketed event with primarily donors and colleagues. This organization provided clothing for the homeless and with the pandemic there is an even greater need for their services. A TIP's Certified Bartender will be used and they will purchase the alcohol from an approved distributor. The commission approved this Special Alcohol License on a roll call vote with 3 in favor (Allen, Lynch and Thomas), 0 opposed

EXISTING ALCOHOL LICENSE

All Forms Alcohol 7 Day Restaurant

Change of Stock Interest, Change of Officer/Directors & Change of Manager

9. Papagayo Somerville, Inc. d/b/a Papagayo requesting approval for a Change Transfer of Stock from: Bradford Dalbeck to Christopher Damian, a Change of Officers from Bradford Dalbeck, President to: Christopher Damian, President and a Change of Manager from: Bradford Dalbeck, Manager to: Christopher Damian, Manager (ALM22-000009)

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

Bradford Dalbeck appeared for this application. Mr. Dalbeck stated he has been an equal partner with Christopher Damian since 2002 for all their restaurants. Mr. Dalbeck is stepping down and has turned all the financial end of this business to Mr. Damian. Mr. Damian will be taking over 100% ownership and will also be the manager. No violations with the Licensing Commission or the ABCC have been issued. Mr. Dalbeck stated he will still be helping. No members of the public spoke.

The commission approved this Transfer of Stock Interest, Change of Officer and Change of Manager on a roll call vote with 3 in favor (Allen, Lynch and Thomas), 0 opposed

EXISTING ALCOHOL LICENSE

Wine & Malt Alcohol 7 Day Restaurant

Change of Manager

10. Center for Arts at the Armory, 191 Highland Ave. requesting approval for a Change of Manager from: Joe Botsch, Manager to: Jess White, Manager (ALM22-000010)

Jess White appeared for this application. Ms. White has been with the Armory since August of 2021 and is not TIP's Certified. She stated the entire bar and staff are TIP and SERV Safe Certified. Chair Lynch recommended Ms. White become TIP Certified, and stated it is not strenuous or expensive.

The commission approved this Change of Manager on a roll call vote with 3 in favor (Allen, Lynch and Thomas), 0 opposed

EXISTING ALCOHOL LICENSE

Farmers Pouring License

Alteration of Premises – **Indoors and Permanent Outdoor Seating on a Private Patio And Entertainment by Devices and Patrons Outdoors**

11. TBD Brewing LLC d/b/a Aeronaut Brewing Co, 14 Tyler St. requesting approval of an Alteration of Premises for Outdoor Seating on a Private Patio (ALM22-000011)

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

Ronn Friedlander appeared for this application. Mr. Friedlander stated they have increased the indoor seating and would like the Outdoor Seating permanently, as this was very useful during the pandemic. Mr. Friedlander would also like outdoor entertainment with recorded and occasionally live, smaller quieter bands and acoustic music. He also stated while doing this application, he wanted to make sure the indoor seating matches what the state (ABCC) has on file, and he believed there was a discrepancy on total indoor seats. Mr. Friedlander stated they had between 70 and 90 outdoor seats during the pandemic, and that these numbers were changed a couple of times. Chair Lynch asked if these additional outdoor seats would trigger additional bathroom requirements. Mr. Friedlander stated he had an architect review the indoor seating, and based on the number of fixtures indoors, they felt they could accommodate the added number without changing the bathrooms. Commissioner Thomas is concerned about the acoustics due to residences within 300 feet of this area. He stated

they should take the noise ordinances into account. Mr. Friedlander stated he wanted to be a good neighbor and received no complaints about noise last season, and will continue to be mindful. Commissioner Allen asked about Carolicious and Tasting Counter appearing on the floor plans submitted and did not understand the relationship between Aeronaut and Tasting Counter. Mr. Friedlander stated he believed the commissioner was looking at an old floor plan submitted during Covid, but stated this is not the floor plan they are currently going with. He stated they wanted to make sure Tasting Counter had some seating outside (during Covid), but they would be control the patio entirely, and they would have no designated seats. Commissioner Allen stated there would be liability questions if Tasting Counter was under this expansion, but was happy that this would not be implemented. Chair Lynch also stated the commission has brought up, to other licensees, the outdoor entertainment by performers, especially if amplified, and requests they be mindful of the noise ordinances in the city. He also requested Mr. Friedlander contact Ward 2 Counselor JT Scott to see if he has anything to add by way of notifying neighbors. No members of the public spoke.

The secretary memorialized, that the application states the indoor seats will be increased to 218 and the outdoor seats will be increased to 138 seats. She also stated an AD was placed in the newspaper for an Alteration of Premises (which she believed would cover both the indoor and outdoor alteration), but left this up to the commission to approve this, the AD also stated an Entertainment by Devises and Performers Outdoors.

Mr. Friedlander was asked by Chair Lynch the hours of operation for the Patio. Mr. Frielander stated he would like the hours changed on the application to Mon-Thu: 5:00pm-11:00pm, Fri: 5:00pm- 11:30pm, Sat: 12:00pm-11:30pm and Sun 12:00pm-8:00pm

The secretary confirmed receipt of the abutters list and post office receipts.

*The commission approved this Alteration of Premises **Indoors** and Outdoor Private Patio and **Entertainment by Devices and Performers Outdoors**, with the change of hours stated above, on a roll call vote with 3 in favor (Allen, Lynch and Thomas), 0 opposed*

MARIJUANA RETAILER LICENSES New Marijuana Retailer License

12. Botanica, LLC , Inc. 620 Broadway requesting approval for a Group A Priority, NEW Marijuana Retailer License
Hours of Operation: Sun. – Sat.: 10:00AM – 8:00PM
(ME22-000001)

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

Denise O'Donovan, Attorney Sean O'Donovan and Matt Rodebach appeared for this application. Attorney O'Donovan stated this application was filed in May of 2019, 2 years after Attorney O'Donovan's family purchased the gas station at 620 Broadway and run by his brother Michael. Attorney O'Donovan stated the Ball Sq. Bridge closed. At the time of the purchase, he stated they were of the opinion and understanding that the Green Line extension was going to be in one direction and the bridge would not be closed in totality. The bridge would be closed in one direction for 6 months, then the other direction would be closed for 6 months. The total bridge closure resulted in a new plan, and the gas station had to be closed and the tanks removed due to a 120 day rule for gasoline storage. This resulted in Michael O'Donovan being approached by Brenda DeAngelis and Denise O'Donovan about this new idea. An interview was granted to the applicant that summer, and they received a score of 9.5 out of 15. The MAC wanted the site built out, and they have gone through the ZBA. There was concern expressed about industry experience. Matt Radabach, with over 10 years' experience in the industry, came on board after the MAC interview. In the fall, on October 4th, the application was refiled and they received another interview approximately 18 months later, which resulted in a MAC score of 13 out of 15 and were recommended for an HCA which was signed by the city. A neighborhood meeting was held last fall simply because they desired to. A DRA application was filed and they appeared before the ZBA in December for a 1 story building. A neighborhood meeting was required and held for this process and Botanica wanted to join in to meet the neighborhood. A presentation was given for the Building only and Botanica gave a separate presentation. A change in City Councilors resulted in another neighborhood meeting last month by Botanica. Owners Michael O'Donovan, Denise O'Donovan and Brenda DeAngelis live locally in Somerville and Medford. CEO Denise O'Donovan stated she is a lifelong resident, mother, registered nurse and CEO of Botanica, a female majority owned Adult Marijuana Dispensary. Ms. O'Donovan explained this location is a former gas station and discussed the individual owners and their experience for this company. Ms. O'Donovan also stated they intend to hire a diverse team from the community. She also discussed the various neighborhood meetings that were held. Matt Rodebach made a presentation of the Operation of this business. Mr. Rodebach stated there is a change to the Hours of Operation, Mon-Sat – 10am-8pm and Sun 11am-6pm. He also stated there will be an Advanced Odor Mitigation system, No ready to use Vape products, Firearms will not be carried by anyone registered with Botanic, on Cash pick-up service will have firearms. Staff will be stationed outside to ensure no lines and general order. Mr. Rodebach discussed the layout of the premises, the systems in place and customer flow. He also discussed Botanica philosophy on security and the cameras that will be used. Mr. Rodebach spoke about the steps Botanica will take to prevent diversion. He also stated the neighbors had traffic concerns and stated they will be encouraging alternate means of transportation, such as biking, walking, ride share, glx and the mbta. The website will connect to apps for Blue Bikes, Uber Lift and local cab companies and public transit schedules. They will be subsidizing employee transit passes. Chairman Lynch asked Charlotte Leis about

this application. He asked the date of the CHA and who executed it. Ms. Leis stated it was dated 5/10/21, signed by Denise O'Donovan. Chair Lynch stated a letter of no opposition from Counselor Beatrice Gomez Morkad was received and additional comments were also received by the public. Ms. Leis clarified that this applicant has a slightly different process on the zoning side than other applicants. They have been to the zoning board of appeals to deal with a hardship variance related to the number of stories of the building, but they have not been to the Planning Board yet and have not been received or been heard for a special permit for the use. Ms. Leis has been working with the applicant on the various procedural steps that they need to take prior to being able to go to the planning board, because they are building a new building. She stated they need a neighborhood meeting for the Use Special Permit and an additional neighborhood meeting and a meeting with the Urban Design Commission regarding the design of the building in particular. They are scheduled to go before the Urban Design Commission tomorrow night. Ms. Leis stated for the record, that the floor plan they have presented tonight is not compliant with Zoning and will be changing or will need to change before approval from the Planning Board. Commissioner Thomas asked Mr. Rodebach to talk about data security. Mr. Rodebach stated they would be working with their IT company and will set up the firewalls and safety through their internal network. It will have hospital level security that will meet all HIPA requirements. He stated that the actual license information is not retained as part of the CCC, they're verifying and deleting license numbers and they do not hold personal information longer than 24 hours to ensure they do not exceed the 24 hour purchase allotment and will then be wiped. The only information retained will be permission-based marketing of Name, Email Address, or Phone Number for opt-in for texting. All this information will be encrypted and have HIPAA level cyber security.

Commissioner Thomas stated he believed there is a 6 month date retention requirement for data. Mr. Rodebach stated they have camera storage requirements that are different from license storage, the most recent guidance is for the 24 hour purchase period, but for video cameras, it will be through a cloud service, on-site for 30 days as well as off-site and they will use a service such as AWS or other cloud based service.

Commissioner Thomas asked about parking and how many spaces will be for customers, deliveries or employees. Mr. Rodebach stated they will not have any parking spaces available on site, parking will be available on the street. Attorney O'Donovan stated he believed approximately 5-6 street parking spots will be available. He also stated they will be requesting a loading zone for one of the parking spots, for daytime use. Commissioner Thomas asked if they would be open to exploring express parking spots for express pickup and delivery. Attorney O'Donovan stated they would, the traffic engineer and architect are working on this. He also stated they were looking into bike parking on site. Commissioner Allen had some questions about security that was satisfactorily answered by Mr. Rodebach. He also had a question about the subsidizing employee transit. Mr. Rodebach stated internal discussion is still being held on this matter with at least 50%. Commissioner Allen also asked how many attendees appeared at the main meetings. Mr. Rodebach stated at least 30 people

attended both meetings. Attorney O'Donovan stated approximately 30-50 attendees appear and asked if he could get back to the commission with an exact count. Commission Allen was satisfied with a follow up with exact numbers to the commission. Chairman Lynch stated it would be advantageous to post any recorded meetings. Mr. Rodebach stated one of the meetings is posted on YouTube and will post the other meetings as well. Chair Lynch asked about the back of the building being so close to an open piece of land which is owned by the state, and had some question about security cameras in this area. Mr. Rodebach stated there will be at least 3-4 cameras on each wall. Chair Lynch asked about the wall in the back and was satisfied with Attorney O'Donovan's description. He also asked about the T and the building site, and was apprised that this process is currently under way, as the T is an abutter to this property. A discussion was held on the building and the plans for the premises. Chair Lynch stated the Traffic plan needs to be submitted.

Public Comment

9 Residents spoke in Support of this application

2 Residents did not Support this application and expressed concerns

The members of this commission held a discussion of this application.

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

Applicant may come back to the commission after commencement for reconsideration of these conditions

Hours of Operation: Changed to Mon.-Sat.: 10am-8pm & Sun.: 11am-6pm

The Commission Provisionally approved this Retail Marijuana License on a roll call vote with 3 in favor (Allen, Lynch and Thomas), 0 opposed