

**City of Somerville  
Licensing Commission**

**Special Meeting by Remote Participation**

**DRAFT OF THE  
Minutes of the Special Meeting  
Monday,  
September 2, 2021, 2021 at 5:00pm  
Posted January 6, 2022 at 2:00pm**

*The meeting was called to order at 5:00pm. Present were Commissioners, Lynch, and Allen, Secretary to the Commission Lori Batzek, Clerk to the Commission, Andrea Torres, City Clerk, Kim Wells, Director of Economic Development, Tom Galligani, Liaison to the MAC, Charlotte Leis and Members of the City Staff, Applicants and members of the public.*

*The meeting adjourned at 6:37pm*

**A recording of this meeting available online**

**Monday  
September 2, 2021  
5:00pm  
Published on  
Wednesday, August 18, 2021 at 9:00am**

Pursuant to Chapter 20 of the Acts of 2021, 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.

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

<https://attendee.gotowebinar.com/register/7361168092880669709>

**Use: Google Chrome or Microsoft Edge to access this link**

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.

1. Communication from the Somerville Licensing Commission to discuss reviewing, updating and modifying its Rules, Regulations and Policies. The addition of two major licensing responsibilities of the Commission, Adult Use Marijuana and Outdoor Seating

on the Public Way, will necessitate the inclusion of these fees, fines and other licensee costs into the Rules, Regulations and Policies.

The 2022 annual renewal fees need to be addressed and included in any revision to our Licensing publications.

Chairman Lynch is proposing to conduct a Special Meeting of the Somerville Licensing Commission to discuss the matter before the annual renewal notices are sent to our Licensees.

Chair Lynch introduced the Commission and its purview.

The policies, procedures and guidelines will be the prevailing topic.

City Council ceded authority for outdoor seating on the public way to the Commission. And recreational marijuana guidelines and policies need to be incorporated. Fees are the third topic for discussion.

Charlotte Leis joined to discuss cannabis guidelines. Commissioner Allen noted that an initial set of rules and regulations were included. The change proposed by Ms. Leis is adoption of a formal policy on how to order the issuance of Group B licensees, when they are eligible to have a license issued. She responded to previous questions from the Commissioners, noting that there was a concern about what would happen if the MAC's method of grading changes at any point between rounds. There could be a two-step system, with one step being to look at the round that the host community agreement (HCA) recommendation was received in, and within a round using the score that an applicant receives. The other concern was about "queue jumping", which this two-step system could also address, in placing any new applicants in queue behind existing ones.

Commissioner Allen confirmed that the MAC is a tool of the current administration, and not dictated by state law. There is no guarantee that a subsequent administration would use the same system. Ms. Leis clarified that if more than one HCA was executed the same day, the score could be the determinant. Commissioner Allen elaborated that a time and date stamp would be a necessity in future executed agreements.

Chair Lynch also shared the clarification that the MAC makes the recommendation to the Mayor, and then the Commission can accept the Mayor's recommendation to grant the license. This may be a better way to refer to the process in any regulations. Chair Lynch also suggested changing the language from "marijuana" to "cannabis" to better align with the state body, the Cannabis Control Commission (CCC). Ms. Leis noted that the CCC does use both terms interchangeably, but agreed that it can be sensitive.

Commissioner Allen suggested an additional clarification to the policies to highlight that the applicant does not begin working with the Licensing Commission until an HCA has been received. Chair Lynch also suggested a rule that at least one neighborhood meeting must be held prior to appearance before the Licensing Commission. Ms. Leis noted that applicants are required to hold a neighborhood meeting prior to appearance before the Planning Board for a Special Permit. Chair Allen added that the CCC also requires a community meeting, and indicated a preference that it be encouraged but not required.

Chair Lynch asked for confirmation that one-time application fees were waived through November 2022 (the entirety of the priority application period) and Ms. Leis confirmed that.

Chair Lynch identified the next topic as the annual fees for 2022 renewals. Ms. Batzek noted that the packages from the ABCC would be received September 9-11, and the process in the Clerk’s office is to review and send for renewals. Mr. Galligani also noted that the FY22 budget does anticipate that the pre-COVID fees would be collected, but the Delta variant has caused new concerns. Ms. Torres also expressed concern about the time needed to ensure that the licensing software would be able to correct the fees so the processing can be executed properly.

Chair Lynch also asked whether Temporary Outdoor Seating would remain as such and not be charged a fee, or converted to permanent Outdoor Seating and require a fee. Mr. Galligani shared that a review of the policy and processes are in place in the Economic Development Division.

The Clerk’s office would move ahead with the annual renewals and re-institute all fees except those for Outdoor Dining on the Private Way. Ms. Batzek shared that any applicants considering applying for permanent Outdoor Seating would require a hearing, and that is the suggestion of the ABCC. The permanent licensees would then have to pay as of April 2022, and anyone who wanted to apply would do so. Ms. Batzek suggested that the businesses with permanent outdoor seating should be charged as they normally would, those with temporary outdoor seating through April would continue to have fees waived, but would have to apply for permanent seating and pay for the amendment application and the licensure at the time they are approved.

See fee schedule below:

Licensing Commission Fees, FY 2016 - Approved 9-19-16	Application Fee	1 <sup>st</sup> Year Fee	Renewal Fee	as of Licensing Commission Special Meeting - 9-2-21
All Forms Alcohol and Wine & Malt Restaurants				
*Alcohol Restaurants Surcharge to serve on a public sidewalk or street	\$200	\$165	\$165	*Plus ABCC Application Fee of \$200
Non Alcohol Restaurants (Common Victualler) to serve on a public sidewalk or street	\$50	\$165	\$165	

Chair Lynch noted that a new fee schedule will need to be created. The City Clerk’s office will work with Economic Development and others to draft this. Commissioner Allen also emphasized that the amount of the public way vs private way should be addressed in the fee structure. Chair Lynch agreed, noting that the work of City staff to address public ways is considerable.

Ms. Batzek inquired about whether new applications for temporary outdoor seating would continue to be accepted, without the COVID rules. Ms. Galligani responded that there are a few restaurants interested for the Fall season. He encouraged keeping them temporary for now, while the Division works to craft a longer-term strategy and policies, including potential options to recoup lost parking revenue. Clear fees and expectations for applicants is critical, and will be able to be delivered more thoughtfully after due consideration by City staff.

Ms. Batzek confirmed that there will be a fee charged for permanent outdoor seating that was in existence prior to the COVID changes. Temporary outdoor seating fees will remain waived. The late fees that were put in place will also be reinstated. Commissioner Allen emphasized that most fees exist to alleviate the administrative burden of issuance.

Commissioner Allen added that another rules change recommended that private licenses already revert to City control as policy, though not included specifically in the rules.

Secretary Lori Batzek researched this matter after the meeting for reference purposes. 2 private licenses were not renewed one in 2019 & one in 2020: DemApples LLC d/b/a Two, Three, Zero did not renew in 2019. Haris Jusufbegovic and Azem Dervisevic d/b/a Sabur did not renew in 2020. The ABCC was notified these licenses were not being renewed. They now become part of our City Quota.

Jessica Eshleman of Union Square Main Streets commented that extending temporary outdoor seating in a fee-free manner is appreciated; City barriers and other infrastructure are important to ensuring safety in many parklet locations, and there is an opportunity to utilize ARPA funds to distribute this type of infrastructure more evenly and equitably throughout the City; and the users of the parklet spaces turn over more than a single vehicle using the space would, and highlights additional progress toward equity goals. Michael Robles of Union Square Main Streets also thanked the Commission, particularly for the focus on extending temporary outdoor seating.