

**City of Somerville
Licensing Commission**

**Senior Center
Tufts Administration Building
167 Holland Street**

**Regular Meeting
Monday
April 25, 2011
6:00 p.m.**

COMMUNICATIONS

1. Alcoholic Beverages Control Commission notifying the Board of the New Law regarding Crowd Managers for Section 12 licensee with an occupant load of 100 or more people.

SPECIAL FARMER WINERY LICENSES

2. Lexington Consulting Group, Inc., d/b/a Turtle Creek Winery requesting approval of a Special Farmer Winery License to sell wine produced by the licensee for off-premises consumption at The Union Square Farmers Market to be held at the Union Square Plaza on Twenty-two consecutive Saturdays from June 4 thru October 29, 2011 from 9AM-1AM.

SPECIAL ALCOHOL LICENSES

3. Hellenic Association of Somerville d/b/a Dormition of The Virgin Mary Greek Orthodox Church, 29 Central St., requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages at a Dinner Dance Fundraiser on April 30, 2011 from 7:00PM-12:00AM.
4. Redbones Barbecue, 55 Chester St., requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for the Annual Bike Party & benefit to be held outdoors in front of 55 Chester St. on June 6, 2011 from 5PM-10PM (rain date June 13, 2011).

COMMON VICTUALER LICENSES

5. Vej Naturals LLC d/b/a The Pulse Café, 195 Elm St., requesting approval to change the hours of operation on the Common Victualer license to include Monday from 11AM-10PM.

6. Pic Nic Pizza Place
1 Main St.
Israel M. DeJesus
7. Dhaulagiri Inc., d/b/a Yak & Yeti Café
719 Broadway
Amrit T. Bhattachan

ENTERTAINMENT LICENSES

8. Dhaulagiri, Inc., d/b/a Yak & Yeti Café, 719 Broadway requesting approval for an Entertainment License consisting of Radio and CD player/audio system.

**ALL FORMS ALCOHOLIC BEVERAGES
7 DAY RESTAURANT LICENSE**

2AM License Review

(This Matter continued from Dec. 13, 2010 Hearing)

9. Fasika, 145-147 Broadway for 6 month review of 2AM License.

VIOLATION

10. New Asia Restaurant, 324-328 Somerville Ave. to show cause why the All Forms Alcoholic Beverages 7-Day Restaurant license, Common Victualer, Entertainment License of the above-referenced establishment should not be modified, suspended, revoked, cancelled or the hours during which sales of alcoholic beverages may be made reduced for alleged violation of Somerville Licensing Commission Rules and Regulations to wit:-

Somerville Licensing Commission Rule 1.06. a. No licenses shall be issued or shall be considered in good standing unless licensed premises comply with all statutory requirements, including all applicable building codes, and fire, health, safety, trash, and other government regulations and laws.

Somerville Licensing Commission Rule 1.06. b. The licensed premises shall conform to the floor plan approved by the Commission with regard to the structures and the walls at the premises, as well as with regard to all tables, chairs, booths, bars, counters, barstools, dance floors or areas, railing partitions, and other barriers at the premises. Any changes in the floor plan or any renovations of any kind may not be made without notification to the Commission and the prior approval of the Commission. The floor plan shall be drawn to scale. It shall include the location and dimensions of all equipment, fixtures and furniture and otherwise be satisfactory to the Licensing Commission.

Somerville Licensing Commission Rule 1.06. c. All premises covered by the license shall be kept in a clean and sanitary condition at all times:

(1) No service of alcoholic beverages shall be made to any person in a Hotel, Restaurant, Tavern or Club in a glass or any other container which has not been thoroughly cleansed and properly sterilized prior to such service. Hotels, Restaurants, Taverns and Clubs, licensed to sell alcoholic beverages, shall be provided with an adequate supply of running hot and cold water and soap and towels, at all times readily accessible, to thoroughly cleanse the hands of persons employed in such licensed premises. All glasses, dishes, silverware and other utensils used in such licensed places for service of food or alcoholic beverages shall be thoroughly cleansed after service to each patron and subjected for at least five minutes to the germicidal action of clean water heated to and maintained at a minimum of 160 degrees Fahrenheit. Equally effective methods of germicidal action by the use of heat, hot water, steam or mechanical devices may be substituted. After being cleansed and sterilized glasses, dishes, silverware and other utensils shall be packed or stored or arranged in such manner as not to become contaminated before again being used;

Somerville Licensing Commission Rule 1.06. j. All areas of the licensed premises that are intended for use by members of the general public shall be readily accessible to all patrons of the licensed establishment by way of clearly marked doorways or passageways by which patrons may travel unimpeded by doors, equipment, furniture or other materials. Without the express approval of the Licensing Commission, the licensee shall not establish areas of the licensed premises that are intended for public use but which are, by design or appearance, separate premises not readily accessible from one to the other from the interior of the structure.

Somerville Licensing Commission Rule 1.07. 1. Any alcoholic beverage licensee intending to close its place of business for a short or long term must receive prior approval from the Commission and, therefore, must notify the Commission in writing before such closing and state the reason for such closing.

Somerville Licensing Commission Rule 1.15. a. Any license issued pursuant to General Laws Chapter 138 and Chapter 140 for the service of food or beverages to the public may be modified, suspended, revoked, or have their operating hours reduced for any of the following causes:

- (1) fraud, misrepresentation, false material statement, concealment or suppression of facts by the licensee in connection with an application for a license or permit or for renewal thereof or in connection with an application for the removal of the licensed premises or the alteration of the premises or in connection with any other petition affecting the rights of the licensee or in any interview or hearing held by the Commission in connection with such petition, request, or application affecting the rights of the licensee;

- (2) failure to operate the premises covered by the license;

Somerville Licensing Commission Rule 1.17 a. Licenses are granted to serve the public need and to that end licensees are expected to operate the licensed premises for a substantial number of hours on all days when the premises are permitted to be open under the terms of the license. In the case of alcoholic beverages licenses, the numbers of which are limited according to statute, no alcoholic beverages licensee may close its place of business for any reason other than the following:

- (1) upon request to the Commission for closing in order to do renovations after approval by the Commission for such renovations and for a reasonable time of closing in order to perform the renovations;
- (2) to comply with the ABCC's annual calendar of holidays and Sunday package store openings;
- (3) a closing of one or more days per week upon approval of the Commission pursuant to licensee's request and a showing by licensee that it does not have adequate business upon such days;
- (4) a closing due to an act of God or an illness or some other business problem for which request has been made to the Commission and approval granted.

CLUB LICENSE

HEARING CONTINUED FROM MARCH 30, 2011 MEETING

11. George Dilboy Post 529 Inc., VFW, 371 Summer St. requesting a change of location of the All Forms Alcohol Club License to 343-349 Summer St.

Late Items

12. St. Anthony's Parish, 12 Properzi Way requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages at a Mother's Day Celebration on May 7, 2011 from 8:00PM-12:00AM.
13. St. Anthony's Parish, 12 Properzi Way requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages at a Wedding Celebration on May 21, 2011 from 7:00PM-11:00PM.

