

**City of Somerville
Licensing Commission**

**Public Safety Building
Academy Room
220 Washington Street**

**Regular Meeting
May 17, 2004**

6:00 p.m.

SPECIAL ALCOHOL LICENSE

1. St. Anthony Church for a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages at the Feast of St. John to be hold at 480 Somerville Avenue on June 26, 2004 between the hours of 7:00 p.m. and 12:00 a.m.

COMMON VICTUALER LICENSE

2. Yum Yum Gourmet Chinese Cuisine to
Yi Wei International, Inc.
1295 Broadway

WINE AND MALT RESTAURANTS

New Licenses

3. Namaskar, Inc. d/b/a Namaskar Fine Indian Cuisine, requesting approval of a Wine and Malt Restaurant license on the premises situated at 236 Elm Street.
4. Tingle Productions, Inc. d/b/a Jimmy Tingle's Off Broadway requesting approval of a Wine and Malt Restaurant license on the premises situated at 255 Elm Street

**ALL FORMS ALCOHOLIC BEVERAGES
7-DAY RESTAURANT LICENSES**

2 A.M. CLOSINGS

5. Prospect Hill Properties, Inc. d/b/a The Independent, 75 Union Square, requesting approval to extend its official closing hour from 1:00 a.m. to 2:00 a.m.
 6. Union Square Group, Inc. d/b/a Toast, 70 Union Square, requesting approval to extend its official closing hour from 1:00 a.m. to 2:00 a.m.
 7. KB Investments, Inc. d/b/a P J Ryan's, 239-241 Holland Street, requesting approval to extend its official closing hour from 1:00 a.m. to 2:00 a.m.
 8. Uptown Café, Inc. d/b/a Johnny D's Uptown Lounge, 17-27 Holland Street, requesting approval to extend its official closing hour from 1:00 a.m. to 2:00 a.m.
 9. Good Times Billiards, Inc. 30 Sturtevant Street, requesting approval to extend its official closing hour from 1:00 a.m. to 2:00 a.m.
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Alteration to Premises

10. Sabur, 212 Holland Street requesting approval to alter the licensed premises in order to serve food and alcohol on a new patio on their private property

Alteration to Premises

11. Pavan Restaurant Group, Inc. d/b/a Diva Restaurant, 246 Elm Street requesting approval to alter the licensed premises by expanding the location to include 248 Elm Street and to increase the seating capacity from 75 seats (presently existing at 246 Elm St.) to include 56 seats at 248 Elm St. for a total of 121 seats.

VIOLATION HEARINGS

12. Irish Eyes, 241 Washington Street, to show cause why its All Forms Alcoholic Beverages 7-Day Restaurant license, Common Victualer license and Entertainment license should not be modified, suspended, revoked, 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 1.05 a. (1) and (2)

a. Licensees may have persons, including employees, on the premises only during the following hours:

- (1) The hours on the license, except that patrons who are already on the premises prior to the official closing hour may remain on the premises and consume food and beverage served before the official closing hour or for up to one-half hour after the official closing hour; provided, however, that no new patrons are admitted after the official closing hour and that no beverages are served after the official closing hour and that no food is served after the official closing hour. No employee or owner shall serve any alcoholic beverages before the official opening hour or after the official closing hour, provided, however, that any alcoholic beverages served prior to the official closing hour must be consumed no later than one-half hour after the official closing hour;
- (2) Personnel may be on the premises after the official closing hour and prior to the official opening hour but only if they are actively engaged in cleaning, making repairs to, or providing security for such premises or preparing food for the day's business or opening or closing the business in an orderly manner. No other person, friends, or relatives may be on the premises with the owners, managers or employees of the licensed premises during the hours when the public is excluded from the premises.

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The alleged offenses, as reported by Somerville Police Officer Robert Hickey, occurred on March 20, 2004 and March 24, 2004.

13. Beacon Street Café, Inc. d/b/a O'Sullivan's, 282 Beacon to show cause why its All Forms Alcoholic Beverages 7-Day Restaurant license, Common Victualer license and Entertainment license should not be modified, suspended, revoked, or the hours during which sales of alcoholic beverages may be made reduced, and for alleged violation of G.L. Chapter 140 § 183A for conducting unlicensed forms of entertainment (karaoke) and Somerville Licensing Commission Rules and Regulations to wit: -

Somerville Licensing Commission Rule 1.06.e. - No outside area may be used as a waiting area or other gathering place without prior approval by the Commission.

Somerville Licensing Commission Rule 1.09.e. - When any noise, disturbance, misconduct, disorder, act or activity occurs in the licensed premises, or in the area in front of or adjacent to the licensed premises, or in any parking lot provided by the licensee for the use of its patrons, which in the judgment of the Commission adversely affects the protection, health, welfare, safety or repose of the residents of the area in which the licensed premises are located, or results in the licensed premises becoming the focal point for police attention, or is offensive to public decency, the licensee may be held in violation of the license and subject to proceedings for suspension, revocation or modification of the license.

Somerville Licensing Commission Rule 1.11.b. - No entertainment at the licensed premises may be conducted in a manner such that the noise from the entertainment can be heard outside the boundaries of the premises.

This hearing is being held based on a complaint received March 15, 2004.
