

**City of Somerville
Licensing Commission**

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

**Regular Meeting
Monday
April 22, 2013
6:00 p.m.**

MINUTES

Chairman Andrew Upton called the meeting to order. Present were Commissioners Vito Vaccaro, John J. McKenna, Inspector Warren Chaille & Executive Secretary Jenneen M. Pagliaro.

Minutes of March 18, 2013 meeting were accepted as submitted.

Common Victualer Licenses

**Starbuck Coffee Company
d/b/a Starbucks Coffee
77 Middlesex Ave.**

Present: Daniel Brennan

Mr. Brennan came before the Commission requesting approval of a Common Victualer license for Starbuck Coffee, 77 Middlesex Ave.

This business will have 57 seats and plans to be open in three weeks time.

Along with the application, a menu, floor plan and lease were submitted for the Commissioners consideration.

On a motion duly made and seconded, it was

VOTED: To approve the Common Victualer license as presented.

**Somerville Café
376 Mystic Ave.
Paul Quinn**

Present: Paul Quinn

Mr. Quinn came before the Commission requesting approval of a Common Victualer license for Somerville Café, 376Mystic Ave.

Mr. Quinn has restaurant experience.

Along with the application, a menu, floor plan and lease were submitted for the Commissioners consideration.

On a motion duly made and seconded, it was

VOTED: To approve the Common Victualer license as presented.

Union Square Companies
d/b/a Union Square Donuts
16 Bow St.

Present: Joshua Danoff

Mr. Danoff came before the Commission requesting approval of a Common Victualer license for Union Square Donuts, 16 Bow St.

Mr. Danoff stated that this business was operating at 201 Somerville Ave. An opportunity has come up to share the space occupied by Café Tango at 16 Bow St.

The City has approved this request to have two businesses sharing the Café.

Chairman Upton stated that both licensees must adhere to their requested hours and let the Commission know of any changes.

Mimi Graney of Union Square Main Streets spoke in support of this application.

Special Alcohol License

St. Anthony's Parish
12 Properzi Way

Present: Odilon Araujo

Mr. Araujo came before the Commission requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for a Mother's Day Feast on May 11, 2013 from 8:00PM-12:00AM.

Inspector Chaille stated they have had some noise issues in the past.

Chairman Upton advised the licensee to be aware of noise and parking with respect to the neighbors.

Experienced servers will be dispensing the alcohol.

Police and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to approve the Special Alcohol License.

St. Anthony's Parish
12 Properzi Way

Present: Odilon Araujo

Mr. Araujo came before the Commission requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for a Private Party on May 18, 2013 from 5:30PM-11:30PM.

Experienced servers will be dispensing the alcohol.

Police and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to approve the Special Alcohol License.

St. Anthony's Parish,
12 Properzi Way

Present: Odilon Araujo

Mr. Araujo came before the Commission requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for St. John's Feast on June 22, 2013 from 5:00PM-12:00AM.

Experienced servers will be dispensing the alcohol.

Police and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to approve the Special Alcohol License.

Trustees of Tufts College

Present: Patty Klos

Ms. Klos came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for The Fletcher School BBQ to be held at Fletcher Field, Professors Row on May 17, 2013 from 7:00PM-9:45PM.

Experienced servers will be dispensing the alcohol.

Police and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to approve the Special Alcohol License.

Hellenic Association of Somerville
d/b/a Dormition of the Virgin Mary Greek Orthodox Church
29 Central St.

Present: Teddy Menounos

Mr. Menounos came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for an Anniversary Party on May 11, 2013 from 6PM-12AM.

Experienced servers will be dispensing the alcohol.

Police and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to approve the Special Alcohol License.

Hellenic Association of Somerville
d/b/a Dormition of the Virgin Mary Greek Orthodox Church
29 Central St.

Present: Teddy Menounos

Mr. Menounos came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for a Trivia Night Fundraiser on May 17, 2013 from 7PM-12AM.

Experienced servers will be dispensing the alcohol.

Police and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to approve the Special Alcohol License.

Hellenic Association of Somerville
d/b/a Dormition of the Virgin Mary Greek Orthodox Church
29 Central St.

Present: Teddy Menounos

Mr. Menounos came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for a Gyro Day Fundraiser on May 18, 2013 from 12PM-9PM.

Experienced servers will be dispensing the alcohol.

Police and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to approve the Special Alcohol License.

Special Farmer Winery Licenses

Carr's Ciderhouse

Present: Nicole Blum

Ms. Blum came before the Commission requesting approval of a Special Farmer Winery License to sell wine produced by the licensee for off-premise consumption at The Union Square Farmer's Market to be held at the Union Square Plaza on Saturdays, June 1, 2013 thru Nov. 23, 2013 from 9AM-1PM.

On a motion duly made and seconded, it was

VOTED: to grant the Special Farmer Winery license as presented.

Lexington Consulting Group, Inc.
d/b/d Turtle Creek Winery

Present: David Neilson

Mr. Neilson, representing Kip Kumler came before the Commission requesting approval of a Special Farmer Winery License to sell wine produced by the licensee for off-premise consumption at The Union Square Farmer's Market to be held at the Union Square Plaza on Saturdays, June 1, 2013 thru Nov. 23, 2013 from 9AM-1PM.

On a motion duly made and seconded, it was

VOTED: to grant the Special Farmer Winery license as presented.

David Neilson
d/b/a Coastal Vineyards

Present: David Neilson

Mr. Neilson came before the Commission requesting approval of a Special Farmer Winery License to sell wine produced by the licensee for off-premise consumption at The Union Square Farmer's Market to be held at the Union Square Plaza on Saturdays, June 1, 2013 thru Nov. 23, 2013 from 9AM-1PM.

On a motion duly made and seconded, it was

VOTED: to grant the Special Farmer Winery license as presented.

Green River Ambrosia LLC

Present: Mimi Graine

Ms. Graine, representing Green River Ambrosia came before the Commission requesting approval of a Special Farmer Winery License to sell wine produced by the licensee for off-premise consumption at The Union Square Farmer's Market to be held at the Union Square Plaza on Saturdays, June 1, 2013 thru Nov. 23, 2013 from 9AM-1PM.

On a motion duly made and seconded, it was

VOTED: to grant the Special Farmer Winery license as presented.

All Forms Alcoholic Beverages
7 Day Restaurant

Alterations To Premises

Flatbread Somerville, Inc.
d/b/a Flatbread Company at Sacco's Bowl Haven
45 Day St.

Present: Attorney Anne Vigorito

Atty. Vigorito came before the Commission requesting approval for alterations to premises to expand into the building located next door to the premises.

Atty. Vigorito stated this business will be expanding into the building next store which was formerly occupied by Ideal Engine. They are waiting on Zoning approval. The business will have 95 seats with a small bar and some additional bowling lanes. This space will be used mainly for private events.

On a motion duly made and seconded, it was

VOTED: to approve the alterations to premises.

Pledge of License

Bull McCabe's
366A Somerville Ave.

Present: Brian Manning

Mr. Manning came before the Commission requesting approval for a pledge of license to Cambridge Trust Company.

On a motion duly made and seconded, it was

VOTED: to approve the Pledge of license.

(One available) Wine and Malt Restaurant License (City License-Non Transferable)

Yoshi's Japanese Korean Cuisine
132 College Ave.

Present: Attorney Neil Berman

Atty. Berman came before the Commission requesting approval for a Wine and Malt License.

Atty. Berman stated that his client bought this business in 2011 and has applied one time for a Wine and Malt license without success. This licensee plans to stay at the location for a long time. This is the only Japanese restaurant in this neighborhood. A lot of the area restaurants have alcohol licenses and his customers are requesting the same of his establishment. Atty. Berman stated that he spoke with Alderman Gerwitz and she is in support of this application. The previous owner of this establishment has applied for Wine and Malt in the past as well without success.

The building owner spoke in support of this application.

Four people spoke in support and No one spoke in opposition.

George Proakis of OSPCD made a recommendation to support this establishment.

On a motion duly made and seconded, it was

VOTED: To grant the Wine and Malt Restaurant license.

Aguacate Verde
13 Elm St.

Present: Attorney William Goldberg

Atty. Goldberg, representing Aguacate Verde came before the Commission requesting approval for a Wine and Malt License.

Atty. Goldberg stated his client has applied three times in the past for a wine and malt license without success.

This business offers a unique concept by offering vegan meals and this area needs development.

The Owner Ms. DeLaSota has been a Somerville resident for 15 years and participates in community events.

Alderman O'Donovan sent an e-mail in support.

1000 signatures in support were submitted for the record.

Five residents spoke in support of this application.

George Proakis of OSPCD stated this is not in an economic development area and because there is only one license they can't recommend this applicant at this time. However they feel both Yoshi's and Aguacate Verde are good candidates for a Wine and Malt license.

Commissioner McKenna questioned whether an applicant can apply for two different types of alcohol licenses at one time.

Chairman Upton stated the City Solicitor said it was allowed.

On a motion duly made and seconded, it was

VOTED: To deny the Wine and Malt Restaurant license but Chairman Upton encouraged Ms. DeLaSota to come back when a Wine & Malt license does become available.

**(Five available) All Forms Alcoholic Beverages 7 Day Restaurant Licenses
(City Licenses-Non Transferable)**

**Aguacate Verde
13 Elm St.**

Present: Attorney William Goldberg

Atty. Goldberg came before the Commission requesting approval for an All Forms Alcoholic Beverages 7 Day Restaurant License.

George Proakis of OSPCD stated this is not in an economic development area and feels this establishment was not good fit for an all forms license.

On a motion duly made and seconded, it was

VOTED: To deny the All Forms Alcoholic Beverages 7 Day Restaurant License.

**Area Four Somerville Operating LLC
d/b/a A4 Restaurant
445 Somerville Ave.**

Present: Attorney Karen Simeo

Atty. Simeo, representing A4 Restaurant came before the Commission requesting approval for an All Forms Alcoholic Beverages 7 Day Restaurant License, Common Victualer License and an Entertainment License consisting of Entertainment by Devices.

Atty. Simeo stated this licensee currently operates a restaurant in Cambridge with alcohol service. This business will have 36 seats. Atty. Simeo stated that they have Alderman Houston's support.

George Proakis of OSPCD made a recommendation to support this establishment.

On a motion duly made and seconded, it was

VOTED: To grant the All Forms Alcoholic Beverages 7 Day Restaurant License.

Legendary Burger Concepts, LLC d/b/a Burger Dive, 702 Assembly Square Drive requesting approval for an All Forms Alcoholic Beverages 7 Day Restaurant License. (This applicant withdrew the application before the meeting).

Davis Square WOB, LLC d/b/a World of Beer, 240 Elm St. requesting approval for an All Forms Alcoholic Beverages 7 Day Restaurant License, Common Victualer License and an Entertainment License consisting of Entertainment by Performers and Entertainment by Devices.

(THE APPLICANT FOR WORLD OF BEER WISHES TO WITHDRAW THIS APPLICATION WITHOUT PREJUDICE)

Wine and Malt Package Store License

**Transfer of License
& Change of Location**

(Continued from March 18, 2013 Hearing)

Present: Attorney Michael Ford

Atty. Ford, representing McGrath Beer and Wine came before the Commission requesting approval to transfer the Wine and Malt Package Store License of Foodmaster Super Markets, Inc. d/b/a Johnnie's Foodmaster Super Market to McGrath Beer and Wine and for a change of location to 14 McGrath Highway.

The Public Hearing was closed at the April 22, 2013 meeting. The applicant was requested to do outreach to the neighborhood.

Chairman Upton stated that people should make their comments brief.

Commissioner McKenna was not at the April Hearing but has since listened to the audio in regards to this application.

Atty. Ford stated that he had submitted exhibits for the record at the last Hearing and stated a long line of people spoke in support of this transfer. Those who spoke in opposition sounded like they didn't want any business competition. Which is not grounds to deny a transfer of license

Commissioner Vaccaro visited the establishment and stated the manager of Shaws did not know exactly where this business would be located within the store.

Atty. Ford explained the layout to the Commission.

Chairman Upton questioned Atty. Ford about the extent of the outreach done.

Atty. Ford stated they submitted 3000 signatures for the record.

Ald. Heuston stated that she received some concerns from a few neighbors and has some concern about people hanging out in the parking lot area. Ald. Heuston feels there are

plenty of empty store fronts in the City that can be rented and there is no reason to have to put a store with in a store.

Ald. Heuston is not in support of this application.

Ald. Bastardi, Connolly, Sullivan & White do not support this application.

State Representative Toomey sent a letter in opposition to this application.

Chairman Upton stated he is not persuaded by the testimony in opposition to this application. There seems to be a lot of support for this and with respect to the liquor store across the way that can not be a factor in the decision to decide a transfer of this license.

Commissioner McKenna made a motion to approve.

Upon motion duly made and seconded, it was

VOTED: To approve the transfer of the Wine and Malt Package Store License and Change of location.

Commissioner Vaccaro voted NO.

Chairman Upton put a motion on the table to accept MGL 138 33B to allow restaurants with alcohol licenses to serve alcohol at 10AM on Sundays.

A motion was made to accept this change on a case by case basis.

Motion was seconded, and approved

Commissioner Vaccaro voted NO.

This matter will be referred to the City Solicitor and The City Clerk for any guidelines and/or fees.

There being no further business, the meeting was adjourned.

Respectfully

Jenneen M. Pagliaro
Executive Secretary