

**City of Somerville  
Licensing Commission**

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

**Regular Meeting  
Monday  
August 15, 2011  
6:00 p.m.**

**MINUTES**

Chairman Andrew Upton called the meeting to order. Present were Commissioners Vito Vaccaro, John J. McKenna, Inspector Joseph McCain, Administrative Assistant Jenneen M. Pagliaro and Administrative Assistant Jo-Ann DePrizio.

Minutes of the July 18, 2011 meeting were accepted as submitted.

**COMMUNICATIONS**

George O'Shea regarding VFW, 371 Summer St., This communication was reviewed and responded to in part and the Asst. City Solicitor is further reviewing and discussing with other Departments the requests contained therein.

Atty. DiGirolamo, notifying the Commission of the temporary closing of Las Brisas, 561 McGrath Highway due to water leak. Atty. DiGirolamo spoke on behalf of Las Brisas. Atty. DiGirolamo stated the establishment had a roof leak back in July and is anticipating opening around September 1, 2011. Atty. DiGirolamo gave an update on the pending license at the ABCC and stated that they need to supply the State with additional paperwork, but feel they are close to getting the approval they need for the Beer and Wine license.

Journeyman Restaurant, 9 Sanborn Ct. notifying the Commission of the temporary closing of the business due to car hitting building. The Commission noted this for the record.

**COMMON VICTUALER LICENSES**

**Brasil Steak House, Inc.  
129 Broadway**

Present: Gladimir Pacheco

Mr. Pacheco came before the Commission requesting approval of a Common Victualer license for Brasil Steak House, Inc., 129 Broadway.

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

On a motion duly made and seconded, it was

VOTED: to approve the Common Victualer license as presented.

**Dosa Temple**  
**447 Somerville Ave.**

Presented: Gopalakrishnan Krishrvasamy

Mr. Krishrvasamy came before the Commission requesting approval of a Common Victualer license for Dosa Temple, 447 Somerville Ave.

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

On a motion duly made and seconded, it was

VOTED: to approve the Common Victualer license as presented.

**Pao De Acucar Market**  
**57 Union Square**

Present: Valteir Rosa

Mr. Rosa came before the Commission requesting approval of a Common Victualer license for Pao De Acucar Market, 57 Union Square.

The business has been open 4 years and wants to add seating.

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

On a motion duly made and seconded, it was

VOTED: to approve the Common Victualer license as presented.

**SPECIAL ALCOHOL LICENSES**

**Hellenic Association of Somerville**  
**d/b/a Dormition of the Virgin Mary**

**Greek Orthodox Church**  
**29 Central St.**

Present: Phillip Dres

Mr. Dres came before the Commission requesting approval of three Special Alcohol Licenses for the purpose of dispensing and selling alcoholic beverages at a Festival on Sept. 9, 2011 11AM-11PM, Sept. 10, 2011 11AM-12PM & Sept. 11, 2011 11AM-10AM.

Experienced servers will be dispensing the alcoholic beverages.

Police and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

**St. Anthony's Parish**  
**12 Properzi Way**

Present: Father Ademir Guerini

Father Guerini came before the Commission requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages at a Private Wedding Party on Sept. 3, 2011 from 7PM-11PM.

Experienced servers will be dispensing the alcoholic beverages.

Police and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

**St. Anthony's Parish**  
**12 Properzi Way**

Present: Father Ademir Guerini

Father Guerini came before the Commission requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages at a Private Wedding Party on Sept. 17, 2011 from 7PM-11PM.

Experienced servers will be dispensing the alcoholic beverages.

Police and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

**St. Anthony's Parish**  
**12 Properzi Way**

Present: Father Ademir Guerini

Father Guerini came before the Commission requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages at a Community Party on Sept. 24, 2011 from 8:30PM-12:30AM.

Experienced servers will be dispensing the alcoholic beverages.

Police and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

**Prospect Hill Properties, Inc.**  
**d/b/a The Independent**  
**75 Union Sq.**

Present: Ken Kelly

Mr. Kelly came before the Commission requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for The Fluff Festival to be held out front of the Independent on Sept. 23, 2011 4PM-8PM (rain date Sept 25, 2011).

Experienced servers will be dispensing the alcoholic beverages.

Police and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

**Special Alcohol licenses for Oktoberfest**

Present: Steven Mackey of the Chamber of Commerce (spoke on behalf of all the applicants involved in the Oktoberfest to be held in Davis Sq.)

Mr. Mackey stated that each establishment will have a blocked in area for alcohol consumption.

Experienced servers will be dispensing the alcoholic beverages.

Police and Fire Details have been requested.

**Redbones Barbecue**  
**55 Chester St.**

Requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages at The Octoberfest Block Party to be held Outdoor in Davis Square on Oct. 2, 2011 from 12-6PM (rain date Oct. 9, 2011).

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

**Rockwell Restaurant Group LLC**  
**d/b/a Foundry on Elm**  
**255 Elm St.**

Requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages at The Octoberfest Block Party to be held Outdoor in Davis Square on Oct. 2, 2011 from 12-6PM (rain date Oct. 9, 2011).

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

**Galwegan, Inc.**  
**d/b/a The Burren**  
**247 Elm St.**

Requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages at The Octoberfest Block Party to be held Outdoor in Davis Square on Oct. 2, 2011 from 12-6PM (rain date Oct. 9, 2011).

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

**Terranova Inc.**  
**d/b/a Mikes Restaurant**  
**9 Davis Sq.**

Requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages at The Octoberfest Block Party to be held Outdoor in Davis Square on Oct. 2, 2011 from 12-6PM (rain date Oct. 9, 2011).

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

**Joshua Tree**  
**256 Elm St.**

Requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages at The Octoberfest Block Party to be held Outdoor in Davis Square on Oct. 2, 2011 from 12-6PM (rain date Oct. 9, 2011).

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

**WINE AND MALT PACKAGE STORE**

**Kim Tran Corporation**  
**d/b/a Trans Liquor Mart**  
**545 McGrath Highway**

Present: Attorney William Goldberg

Atty. Goldberg representing Himigiri Enterprises, Inc., d/b/a K-2 Beer & Wine came before the Commission requesting approval for the transfer of the Wine and Malt Package store license from Kim Tran Corp., d/b/a Trans Liquor Mart, 545 McGrath Highway.

Atty. Goldberg stated there would be no changes to the existing business, just new owners.

The new owner has experience.

Commissioner McKenna noted that the present owner has had a number of violations and cautioned the new owners to be aware of the history of this business.

Atty. Goldberg stated they intend to comply with all the rules and regulations.

On a motion duly made and seconded, it was

VOTED: to grant the Transfer of the Wine and Malt package store license to K-2 Beer & Wine.

**ALL FORMS ALCOHOLIC BEVERAGES**  
**7 DAY RESTAURANTS**

**Change of Manager and Transfer of Stock**

**Sally O'Brien's**  
**335 Somerville Ave.**

Present: Adeleine Mannion & Liam Mannion

Sally O'Brien's came before the Commission requesting approval to transfer 50% of stock from Gilbert Carey to Adeleine Mannion, Change of Officers and change of manager from Paul Gemme to Kevin Crowley.

Ms. Mannion will be the manager and has restaurant experience.

On a motion duly made and seconded, it was

VOTED: to grant the Change of Manager & Transfer of Stock.

**Change of Manager and Transfer of Stock**  
**& Change of Officers**

Present: Attorney Ann Vigorito

Atty. Vigorito representing Uptown Café Inc., d/b/a Johnny D's Uptown Lounge, 17-27 Holland St. came before the Commission requesting approval for transfer of stock, change of officers and change of manager from Tina DeLellis to Carla DeLellis.

Atty. Vigorito stated these changes are due to the passing of Tina DeLellis.

On a motion duly made and seconded, it was

VOTED: to grant the Change of Manager & Transfer of Stock & Change of Officers.

**Transfer of License**

Present: Joshua Banfield & Victor Ortiz

Mr. Banfield came before the Commission, representing Radio Bar for the transfer of Viz Inc., d/b/a Choices, 379-381 Somerville Ave., All Forms Alcoholic Beverages 7 Day

Restaurant license to Radio Bar, LLC d/b/a Radio Bar and approval of a new Common Victualer License and Entertainment License for Entertainment by Performers, Patrons and Devices.

The new owner has restaurant experience.

Mr. Ortiz will remain the landlord of this establishment.

Commissioner McKenna noted that Choices has had some issues with the neighbors and suggests that the new owners work with the neighbors to avoid any problems.

No renovations will be done.

One letter in support was submitted for the record.

On a motion duly made and seconded, it was

VOTED: to grant the Transfer of the All Forms Alcoholic Beverages 7 Day Restaurant License, Common Victualer License and Entertainment License.

**ALL FORMS ALCOHOLIC BEVERAGES**  
**7-DAY CLUB LICENSE**

**Continued from July 18, 2011**

Present: Attorney Richard DiGirolamo & Robert Hardy

George Dilboy Post 529, Inc., VFW 371 Summer St., came before the Commission requesting approval for a change of location of the All Forms Alcohol Club license to 343-349, 351 Summer St. and for an Entertainment License for Entertainment by Performers, Patrons and Devices.

Chairman Upton read a letter from Mark Levy from The Board of Assessors Office Into the record. The letter is in regards to the June 20, 2011 minutes of the Licensing Commission meeting. The letter stated that for the record Atty. DiGirolamo's office submitted a written request on September 28, 2010 for an abutters list for 343-349 Summer St. The Assessor's Office supplied the appropriate list according to State requirements for the address requested. On June 27, 2010 Atty. DiGirolamo's office submitted an additional request for an abutter's list to include 351 Summer St. and the appropriate list was supplied. The Assessors Office acted appropriately and provided accurate lists to Atty. DiGirolamo based on what his office requested. The requests made were two different requests and therefore produced different names on the lists.

Chairman Upton announced that this is a continuation of prior hearings and the Board will not tolerate interruptions.

Since this is a continuation from the last hearing, everything that happened at the last hearing is on the record. You are free to testify, but The Board is not interested in hearing a rehash of last time. The Board would like to hear new information.

Atty. DiGirolamo spoke in regards to issues that have come up at a previous hearing regarding documents that were not in the Licensing Commission files. Atty. DiGirolamo stated he had supplied the Board with the necessary relative pieces of information. The Real estate development agreement amendment between the parties that will expire July 31, 2011 and a second real estate development agreement amendment that will expire September 30, 2011.

The Chair noted that they are in procession of these extensions.

Atty. DiGirolamo stated for the record that the Worker's Compensation Insurance Affidavits that were filed with the Commission had different numbers due to the renewal process from the company. Upon renewal of policies a new number is issued. They also supplied the Commission with new plans.

Atty. DiGirolamo stated that the Presentation Board does not reflect the new plans.

Mr. Robert Arista, the Developer explained the differences in the old plans and new plans. stating the difference is the connection of the buildings. This is one building with two separate ownership rights.

The connection is a material connection, not a property Interest connection. The VFW has us of all the parking spaces except for some visitor's spaces. The Condo owners will park underground.

The Board opened the podium for comments and concerns.

Tom Bok spoke in regards to the real estate development agreement. Mr. Bok feels this agreement is not legal and is being done this way in order to add extra condominiums.

Commissioner McKenna noted this is not relevant to the Licensing Commission. We are not handling the development of the condominiums.

Chairman Upton stated that how they configured the site is a Zoning Matter and If you any have Zoning arguments we are not ruling on them and are not involved in Zoning Issues. We are here to discuss the character and the fitness of the applicant and the application and its completeness as to form and the public need.

Atty. DiGirolamo stated this agreement is legal and is represented by lawyers. All the documents have been examined by counsel and have a title commitment.

Commissioner Vaccaro questioned Atty. DiGirolamo as to why the lawyer that is representing the VFW isn't here tonight?

Mr. Hardy responded that and stated that they felt this meeting was just for the liquor license approval and they wouldn't need counsel. Atty. Costello is representing the VFW on the real estate part of the deal only.

The lack of the Entertainment license was raised.

Atty. DiGirolamo asked Mr. Hardy to respond.

Robert Hardy, stated that when he found out that they weren't in compliance with the law they came forward to apply for the needed licenses. They said they were never informed by the City that they needed these licenses.

The Commission noted that if they don't have the proper licenses they would be at risk for a violation.

Mr. Bok submitted a copy of his remarks to the Board.

Keith Benacoso, Chaplin and member of the VFW spoke in favor of the transfer and feels this organization is a great asset to the Community.

Claudia Morrow stated that the VFW is missing licensing and are not in compliance with the laws.

Ms. Morrow brought up the matter of a complaint that was filed by the neighbors prior to this hearing and wondering what the process is for filing complaints.

Chairman Upton stated that Ms. Morrow was referring to the complaint filed by Mr. O'Shea, which was in part a complaint and a request for documents, which the City has already supplied. The City is further reviewing the other issues raised and will bring it to the Board's attention for a hearing if legal counsel feels it is appropriate.

Ms. Morrow brought up the issue of the Real Estate agreement and feels they should be able to discuss the document.

Atty. DiGirolamo stated that he represents the VFW on the Real Estate Development issues.

Ms. Morrow discussed Use issues of the parking lot.

Chairman Upton suggested Ms. Morrow talk to the Zoning Board about this. The Board is only considering the transfer of the Liquor License.

Marc Maxwell Submitted aerial photographs for the record and feels the new VFW would be too close to the neighbor's houses.

Upon transfer of this license the ABCC needs to approval the license. When the ABCC approves the license the City has to do final sign offs at the new location before the license can be moved.

Nancy Iappini, Mr. O'Shea, Carol Dambroski & Angela Laramie also spoke in opposition to this transfer.

Atty. DiGirolamo stated that the VFW will be back before the Zoning Board on August 24, 2011.

A motion was made to continue this hearing until September 19, 2011.

Motion was seconded.

Hearing to be continued.

Having no further business, the meeting was adjourned.

Respectfully

Jenneen M. Pagliaro  
Administrative Assistant