

**City of Somerville  
Licensing Commission**

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

**Regular Meeting  
Monday  
August 19, 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 the July 15, 2013 meeting were accepted as submitted.

**Communications**

Alcoholic Beverages Control Commission Notice of Informational Hearing, Papagayo, 311 Great River Road. The Board took administrative notice and placed the communication on file.

99 Restaurant & Pub, 20 Cummings St. notifying the Commission that they will be closed down for five days beginning Oct. 20-24, 2013 to complete a routine “refresh” of the restaurant. The Board took administrative notice and placed the communication on file.

**Common Victualer Licenses**

Ola G. Café, 112 Broadway requesting approval to change hours of operation to include Sundays. (7 days from 6AM-6PM). (Continued until September Hearing, No show)

**Whole Food Market  
45 Beacon St.  
Michael Walker**

Present: Michael Walker

Mr. Walker came before the Commission requesting approval of a Common Victualer license for 45 Beacon St.

Mr. Walker stated that he has met with Alderman Heuston and has gone thru the Zoning process.

Mr Walker stated that they do not plan on applying for a liquor license.

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

On a motion duly made and seconded, it was

VOTED: To approve the Common Victualer license as presented.

Top Speed Pizza (**APPLICATION HAS BEEN WITHDRAWN**)\*\*  
8 Highland Ave.  
Sandro Attaccalite

**Special Alcohol Licenses**

**Galwegan, Inc.**  
**d/b/a The Burren**

Present: Desmond Rushe

Mr. Rushe came before the Commission requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for 5K BBQ to be held at Grove St. parking lot behind the Burren on August 25, 2013 9PM-6PM (rain date Sept. 8, 2013).

This will be an Outdoor event with the proceeds going to MS

Alderman Desmond spoke in favor

Experienced servers will be dispensing the alcoholic beverages.

Police Details and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol License as presented.

**Johnny D's Uptown Lounge**  
**17-27 Holland St.**

Present: Carlene Campbell

Ms. Campbell, representing Johnny D's came before the Commission requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic

beverages for SomerStreets event to be held outdoors from Davis Sq. to Teele Sq. on Sept. 8, 2013 from Noon-4PM.

Experienced servers will be dispensing the alcoholic beverages.

Police Details and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol License as presented.

**PJ Ryans**  
**239-241 Holland St.**

Present: Carlene Campbell

Ms. Campbell, representing PJ Ryans came before the Commission requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for SomerStreets event to be held outdoors from Davis Sq. to Teele Sq. on Sept. 8, 2013 from Noon-4PM.

Ms. Campbell stated this is the 4<sup>th</sup> year for this event. This would be the first year the event takes place on Holland St.

Experienced servers will be dispensing the alcoholic beverages.

Police Details and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol License as presented.

**Rudy's Café**  
**248-250 Holland St.**

Present: Carlene Campbell

Ms. Campbell, representing, Rudy's Café requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for SomerStreets event to be held outdoors from Davis Sq. to Teele Sq. on Sept. 8, 2013 from Noon-4PM.

Experienced servers will be dispensing the alcoholic beverages.

Police Details and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol License as presented.

**All Forms Alcoholic Beverages  
7 Day Restaurant License**

**Transfer of license  
& Entertainment License**

**Cuisine En Locale, Inc.  
156 Highland Ave.**

Present: Attorney Richard DiGirolamo & JJ Gonson

Atty. DiGirolamo, representing Cuisine En Locale, Inc., requesting approval to transfer the All-Forms Alcoholic Beverages 7 Day Restaurant license of Anthony's Functions, Inc., 156 Highland Ave. and approval for an Entertainment License for Entertainment consisting of Entertainment by performers, patrons and devices.

Atty. DiGirolamo stated that Cuisine En Locale, Inc. attending the July SLC Hearing for approval of their Common Victualer License. The Owner Ms. Gonson will run an upscale catering business. Ms. Gonson has 8 years in the catering business. This business was run out of a shared kitchen. Ms. Gonson has signed a 10 year lease with the landlord. The building has parking.

Mike Janedy, a neighbor voiced concerns with noise issues and people exiting quietly when the function is over.

Allison Martell an abutter spoke in support of this application.

Ms. Gonson stated this would be a food centered business.

Atty. DiGirolamo stated they have parking for 50 vehicles between the two available lots.

Alderman Desmond spoke of problems some ten years ago but the City worked them out.

On a motion duly made and seconded, it was

VOTED: to approve the Transfer of All Forms Alcoholic Beverages 7 Day Restaurant License & Entertainment License.

**Wine and Malt Package Store License**

**Transfer & Change of Location**

**Everest Mart, Inc. d/b/a Union Mart**  
**71-72 Union Square**

Present: Attorney Anne Vigorito

Atty. Vigorito came before the Commission requesting approval to transfer the Wine and Malt package store license and approval for a change of location from Fauji Corp., d/b/a Farmers Bounty, 234 Elm St. (Last transfer was disapproved by ABCC).

Atty. Vigorito stated that last November a transfer of this license to Union Mart was approved, However the owner on record currently holds a Sec. 12 All-Forms Alcohol restaurant license. MGL doesn't allow an applicant to hold Sec. 12 & Sec. 15 license at the same time. A family member is taking over the corporation and will be running the business. We are treating this application as a (NEW) transfer of license application.

Commissioner McKenna stated applicants should know the law in regards to this.

Atty. Vigorito stated that this was a misunderstanding. This is a family business and the father and son will work together.

Ald. O'Keefe sent an e-mail in support.

On a motion duly made and seconded, it was

VOTED: to approve the Transfer of Wine and Malt Package Store License and Change of Location.

**VIOLATION**

**The Center for Arts at the Armory**  
**191 Highland Ave.**

Present: Assistant City Solicitor Jason Grossfield & Attorney Adam Dash

Atty. Dash, representing The Center for Arts at the Armory came before the Commission to show cause why the Wine and Malt Restaurant license, Common Victualer and Entertainment License of the above-referenced establishment 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(3). Licensees must ensure that their patrons leave the premises in an orderly manner. Licensees who have a clientele that regularly fails to leave the area in a quiet and orderly manner must take appropriate steps which may include a police detail to supervise the leave-taking of the patrons at closing

time. Said police detail shall be in addition to, and not instead of, the licensees own personnel;

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

Somerville Licensing Commission Rule 1.09.a. It shall be the obligation of licensees to ensure that a high degree of supervision is exercised over the conduct of the licensed establishment at all times. Each licensee will be held accountable for all violations that are related to the licensed premises to determine whether or not the licensee acted properly in the given circumstances.

Somerville Licensing Commission Rule 1.11.d. No entertainment may take place at a licensed premises and no member of the public may be at the licensed premises except during the hours and days when the Commission has approved the premises to be open to the public. It shall be a violation of the food or beverage license if entertainment is conducted on the premises prior to the opening hour set by the Commission or subsequent to the closing hour set by the Commission for the exercise of the food or beverage license or during any period when the food or beverage license has been suspended.

Somerville Licensing Commission Rule 1.05.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.

The date of the alleged violations were April 20, 2013 & May 18, 2013

Assistant City Solicitor Jason Grossfield read the violations into the record. ASC stated these violations are the result of two separate complaints. The April 20, 2013 complaint was made by Alderman Bruce Desmond & the May 18, 2013 complaint was made by John Sullivan.

On April 20, 2013 the Armory hosted a wedding. The neighbors contacted Ald. Desmond reporting a caterer running an outdoor kitchen. Ald. Desmond went to the Armory to speak to the manager. While at the Armory Ald. Desmond witnessed a school bus blocking the Fire lanes.

On May 18, 2013 John Sullivan, a neighbor witnessed guests consuming alcohol outdoors.

ASC Grossfield and Atty. Dash, representing The Center for Arts at the Armory came to a Joint recommended disposition of as follows:

- A. The Licensee accepts facts establishing a violation of the Somerville Licensing Commission Rules and Regulations as stated in the Notice and report attached thereto.
- B. The Licensee shall be found in violation of the Somerville Licensing Commission Rules and Regulations as stated in the Notice.
- C. As a result of the Licensee's violation of said rules and regulations, the following sanction is imposed upon the Licensee:
  - 1. Licensee is issued a WARNING for failure to comply with rules and regulations.
  - 2. Outside area on the Premises, including the parking lot, shall not be used as waiting area or gathering place for patrons, without prior approval of the Commission. Nothing herein shall prohibit the use of said outside area as an emergency exit, for temporary, or other lawful purpose, in accordance with all applicable laws and regulations.
  - 3. Outside area on the Premises, including the parking lot and driveway, shall not be used for the service of alcoholic beverages.
  - 4. Entertainment must cease ½ hour before the Official Closing Hour.
  - 5. Licensee shall request a police detail for all private hall functions where alcohol is being served and which are not primarily for an arts or culturally related purpose or for a community event.
- D. Any costs incurred by the Licensee associated with acceptance of the recommended disposition shall be borne by the Licensee.
- E. Licensee, agrees that upon the Commission accepting and entering the above-recommended disposition, the Licensee waives all available appeals, including but not limited to, any rights to appeal the facts, the decision, and/or any sanctions imposed by the Somerville Licensing Commission based on the admitted facts.

On a motion duly made and seconded, it was

The Commission voted to approve the joint recommended disposition.  
There being no further business, the meeting was adjourned.

Respectfully  
Jenneen M. Pagliaro  
Executive Secretary