

**City of Somerville
Licensing Commission**

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

**Regular Meeting
Monday
June 21, 2010
6:00 p.m.**

Chairman Upton called the meeting to order. Present were Commissioners Vito Vaccaro, John J. McKenna, Inspector Warren Chaille and Administrative Assistant Jenneen M. Pagliaro.

Minutes of the April 26 & May 17, 2010 meetings were accepted as submitted.

COMMUNICATIONS

Massachusetts State Lottery Commission re: Keno-To-Go. The Board took Administrative Notice and placed the communication on file.

Henry Patterson, regarding Union Sutler, 256 Washington St. Notifying the Board that he is withdrawing the New All Forms Alcohol application (continued from the April 26, 2010 hearing). The Board took administrative notice and placed the communication on file.

Attorney Nicholas A. Iannuzzi, Jr., representing Patrick Buben d/b/a Deco 425 LLC notifying the Board that the application for the transfer of the Kirkland Café License will be heard at the July 19, 2010 meeting. The Board took administrative notice and placed the communication on file.

Tip Top Thai notifying the Board that they have closed the business as of June 1, 2010 and have returned the Beer and Wine license. The Board took administrative notice and placed the communication on file.

Razzy's, 585 Somerville Ave. notifying the Board that they have closed their business as of May 31, 2010. The Board requests Razzy's to send a letter of intention regarding the status of the license for the July meeting.

SPECIAL ALCOHOL LICENSES

Anthony's Parish

12 Properzi Way

Present: Father Guerini

Father Guerini 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 to be held in the school yard at St. Anthony's on June 26, 2010 from 7:00PM-12:00AM.

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.

Redbones Barbecue
55 Chester St.

Present: Robert Gregory

Mr. Gregory came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for Annual Block Party to be held outdoors at Chester to Herbert St. Intersection on August 2, 2010 from 5PM-10PM, rain date August 9, 2010.

The Chamber of Commerce is in support.

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.

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

Present: Michael Veveris

Atty. Veveris came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for a Wedding Reception sit down dinner to be held on July 3, 2010 from 7PM-12AM.

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.

VDA, Inc.

Present: Robert Russo

Mr. Russo came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages at The Center for Arts at the Armory, 191 Highland Ave., for the 25th Anniversary Gala on July 29, 2010 from 6PM-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.

Review of 2AM license

Dev. Corp. d/b/a Orleans Restaurant
59-65 Holland St.

Present: Attorney Richard DiGirolamo

Atty. DiGirolamo, representing Orleans, came before the Commission for the 90 day review of the 2AM license as part of the conditions on the extended hours license.

No issues have been reported at this establishment.

On a motion duly made and seconded, it was

VOTED: Orleans is to come back in 90 days for another review.

VIOLATION HEARING CONT'D FROM MAY 17, 2010

Present: Attorney Richard DiGirolamo

Atty. DiGirolamo, representing New Asia, 328 Somerville came before the Commission regarding the status of the re-opening.(The Commission gave the establishment 30 days to re-open).

The Licensing Commission was informed of the following:

1. You have (a) not taken any action relative to the reconstruction and re-opening of this restaurant, according to information obtained from the Inspectional Service Department, and (b) you have ceased to be engaged in the business you are licensed to pursue, in that you do not offer food and beverages, in accordance with G.L. c. 140, s.9 and (c) failed to operate the licensed premises on the days and at the location authorized under the license to serve alcoholic beverages in accordance with G.L. c 138, s. 77.

Atty. DiGirolamo stated that the business is waiting for final signoffs from the Health Inspector.

On a motion duly made and seconded. It was

VOTED: to Hold hearing over for another 30 days.

ENTERTAINMENT LICENSES

MCDA Inc., d/b/a The Paddock Restaurant **249 Pearl St.**

Present: Michael & Colleen DaCova

Mr. & Mrs. DaCova came before the Commission requesting approval for an Entertainment license consisting of Karaoke & Dancing by patrons at 249 Pearl St.

Mr. DaCova stated that they would move the tables out to make room for dancing.

The Commission recommends that a flex floor plan be submitted to the Board at the next meeting for approval.

On a motion duly and seconded, it was

VOTED: To continue until next month's hearing.

Mirabella, Inc., d/b/a Pescatore Restaurant **158 Boston Ave.**

Present: Marianna Buonopane

Ms. Buonopane came before the Commission requesting approval for an Entertainment license consisting of audio and television.

Upon a motion duly made and seconded, it was

VOTED: to approve the Entertainment License as presented.

OUTDOOR SERVICE OF ALCOHOLIC BEVERAGES

Present: Attorney Adam Dash

Atty. Dash, representing Alpine Restaurant Group, Inc., d/b/a Pizzeria Posto, 187 Elm St. came before the Commission requesting approval for service of alcoholic beverages in the outdoor seating area, also requesting to increase the indoor seating capacity from 50 to 98 seats.

Atty. Dash submitted a Petition of 960 signatures in favor of this request.

A parking study was done and it has concluded that the lot is not being utilized.

A zoning hearing will be held on July 14, 2010.

The Chamber of Commerce spoke in support.

David Cosack, neighbor was originally in favor of this liquor license but is disappointed that they would want to serve alcohol outdoors. Mr. Cosack feels that the sidewalk is too narrow.

Matthew Sullivan, neighbor is against the increase in number of seats. Mr. Sullivan feels this could create a parking problem.

Atty. Dash stated that the ratio of food to alcohol is 70-30.

Two separate motions were made and are as follows:.

Upon motion dully made and seconded, it was

VOTED: to approve the indoor seating change, subject to zoning approval.

Regarding the service of Alcohol outdoors,

Upon a motion duly made and seconded, it was

VOTED: to approve service of Alcohol outside with the condition that last service will be no later than 10PM unless otherwise approved.

Commissioner Vaccaro voted against service of alcohol outdoors.

EXTENDED HOURS

Present: Attorney Arthur Goldberg & Jazwinder Pablo

Atty. Goldberg, representing, Pavan Restaurant Group, Inc., d/b/a Diva, 246-248 Elm St. Came before the Commission requesting approval to extend its official closing hour from 1AM-2AM.

Atty. Goldberg stated that he met with Ald. Connolly, Ald. Gerwitz and the Davis Sq. Task force. The major concerns they had with this petition was that Diva was not involved with the Community. However, Atty. Goldberg submitted a list of all the events that Diva has contributed and been involved with over the years.

Inspector Chaille stated that no complaints have been filed at this establishment.

On a motion duly made and seconded, it was

VOTED: to approve the extended hours license as presented.

Wine and Malt Restaurants (Two Licenses available, 6 applicants)

For the Record Take out should be less than 25% of total sales.

A & C Food Co., Inc.
d/b/a Zoe's Gourmet Chinese Cuisine
296-298 Beacon St.

Present: Attorney Ann Vigorito

Atty. Vigorito, representing Zoe's came before the Commission requesting approval of a Wine and Malt Restaurant License at 296-298 Beacon St. Atty. Vigorito stated that this is a family run business. The family has been at this location for 10 years. The establishment has 30 seats and 12 tables. Zoe's has had numerous write up in the newspaper. They feel a Beer and Wine license will enhance the dining experience. Five people spoke in support of this application and no one spoke in opposition.

Commissioner McKenna made a motion to deny the Beer and Wine License. Motion was seconded by Commissioner Vaccaro.

Upon Motion duly made and seconded, it was

VOTED: To deny the Beer and Wine Restaurant License.

Attorney Vigorito moved to withdraw the application,
Motion failed.

Masala
1127 Broadway

Present: Attorney Ann Vigorito

Atty. Vigorito, representing Masala came before the Commission requesting approval of a Common Victualer License and a Wine and Malt Restaurant License and Common Victualer License at 1127 Broadway. Atty. Vigorito stated this establishment was formerly Tip Top Thai. The owner has restaurant experience. No one spoke in opposition of the application and two people spoke in support. A Petition with forty signatures in support was submitted for the record.

On a motion duly made and seconded, it was

VOTED: To grant the Common Victualer License as presented.

With Regards to the application for a Beer and Wine License for Masala

Commissioner McKenna made a motion to approve, however no second, motion failed

Attorney Vigorito moves to withdraw the application,

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Las Brisas
561 McGrath Highway

Present: Attorney Richard DiGirolamo

Atty. DiGirolamo, representing Las Brisas came before the Commission requesting approval of a Wine and Malt Restaurant License and an Entertainment License consisting of Entertainment by Performers, Patrons and Devices.

Atty. DiGirolamo stated this establishment has 28 seats. Three people spoke in favor and a petition with thirty signatures in support was submitted for the record. The Chamber of Commerce spoke in support of this application.

On a motion duly made and seconded, it was

VOTED: To grant the Entertainment License as presented.

With Regards to the Beer and Wine license for Las Brisas

Commissioner Vaccaro made a motion to deny the Beer and Wine License.
Motion was seconded by Commissioner McKenna.

Upon Motion duly made and seconded, it was

VOTED: To deny the Beer and Wine Restaurant License.

Attorney Vigorito moves to withdraw this application,

Motion fails

Sweet Ginger
22 Bow St.

Present: John Smith

Mr. Smith came before the Commission requesting approval of a Wine and Malt Restaurant License at 22 Bow St.

Mr. Smith submitted two letters in support. This establishment has 30 seats. No one spoke in opposition. One neighbor spoke in support.

Rob May, OSPCD recommends approval of this application.

Commissioner Vaccaro makes a motion to approve, Chairman Upton seconds the motion.

Upon motion duly made and seconded, it was

VOTED: to grant the Beer and Wine Restaurant license as presented.

Pho & Rice
289 Beacon St.

Present: Sumon Suwan, Assistant City Solicitor David Shapiro

Mr. Suwan came before the Commission requesting approval of a Wine and Malt Restaurant License at 22 Bow St.

Mr. Suwan has 20 years restaurant experience.

ASC Shapiro spoke on behalf of Alderman Heuston. Ald. Heuston is opposed to the license because of the health code violations that have recently occurred at this establishment. The Board is in receipt of an e-mail expressing strong opposition from Ald. Heuston.

Commissioner McKenna made a motion to deny the Beer and Wine License. Motion was seconded by Commissioner Vaccaro.

Upon Motion duly made and seconded, it was

VOTED: To deny the Beer and Wine Restaurant License.

Mr. Suwan moves to withdraw the application

Motion failed

Daikichi Japanese Restaurant
132 College Ave.

Daikichi Japanese Restaurant requesting approval of a Wine and Malt Restaurant License. **(Application was Withdrawn prior to meeting)**

Martsa on Elm
233A Elm St.

Present: Dawa Thoulutsang

Ms. Thoulutsang came before the Commission requesting approval of a Wine and Malt Restaurant License and an Entertainment License consisting of audio and television.

A letter of support from Ald. Heuston, Gerwitz and Sullivan was submitted for the record.

Rob May, OSPCD recommends approval of this application.

Commissioner McKenna makes a motion to approve, Chairman Upton seconds the motion.

Upon motion duly made and seconded, it was

VOTED: to grant the Beer and Wine Restaurant license as presented.

COMMON VICTUALER LICENSE

Acai Juice Bar, Inc.
415 Broadway
Paula Arruda

Present: Paula Arruda

Ms. Arruda came before the Commission requesting approval of a Common Victualer license for Acai Juice Bar, Inc. at 415 Broadway.

Ms. Arruda stated this is a natural juice bar which will have 8 seats.

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

On a motion duly made and seconded, it was

VOTED: to grant the Common Victualer license as presented.

Having no further business, the meeting was adjourned.

Respectfully

Jenneen M. Pagliaro
Administrative Assistant