



Licensing Board
CITY OF WATERTOWN
ADMINISTRATION BUILDING
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Watertown, Massachusetts 02472
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BOARD MEMBERS

DONNA B. DOUCETTE
SANDRA KASABIAN HOFFMAN
JOHN LABADINI

ALTERNATE MEMBER
JIM TSEREKAS

MINUTES MAY 16, 2024

ACCEPTANCE OF MINUTES: APRIL 18, 2024

1. Special Licenses

- **Chef Jason Santos LLC d/b/a Buttermilk & Bourbon**
One-Day Extension of Hours
for All Alcohol Common Victualer License
100 Arsenal Yards Boulevard May 17

No one appeared on behalf of the applicant. Board clerk Gilligan contacted Mr. Santos by phone and informed the Board that the applicant reported that the event had been cancelled. Therefore, the Board took no further action on the application.

- **Community Pedal Power, Inc.** **Approved 3-0**
Family Bike Ride Event
August 3

Paul Morgan, clerk of the corporation, appeared in support of the application. Chair Doucette reviewed the elements of the application: time of 10:15 a.m. to 12:30 p.m.; participants expected to be 10 years and under, with their parents; liability insurance; route description; photos of previous events; the organization's bylaws; letters of support from State Senator Brownsberger, an Arlington Select Board member; State Representative Steve Owens of the 29th Middlesex District, and a Cambridge City Councillor. Mr. Morgan stated this would be the first time the event will take place in Watertown. It is designed to promote bicycle friendly infrastructure in Boston and northerly communities; and will promote the Greenway and a new splashpad at Filippello Park. The ride starts in Cambridge. At Arlington Street there will be a temporary bike lane so as not to disrupt traffic. At the park, ice cream purchased from a local vendor will be served. Mr. Morgan acknowledged that a food permit from the Health Department would be required. He also explained that he had obtained an approval from the Recreation Department, and Board clerk Gilligan noted that the Recreation Department had been in contact with the Health Department. The Health Department and Zoning Enforcement Officer reported no objection. Sgt. Swift stated that the Police Department had no objection to the granting of the license requested, subject to the conditions in the department's written report. The Board voted

to grant the license, subject to the conditions requested by the Police Department and Health Department food permit requirements.

- Jessica Peterson, Arsenal Yards Approved 3-0
One-Day Wine & Malt License, and Entertainment License
Food Festival June 5 (rain date June 6)
130 Arsenal Yards Boulevard

Jessica Peterson, marketing director, appeared in support of the application. Chair Doucette reviewed the elements of the application: wine and malt beverage service; expected attendance of 500 persons, of all ages; hours of 4:00 p.m. to 8:00 p.m.; food tastings and a beer garden set-up; live entertainment and music; TIPS certification; alcohol vendor agreement; liability insurance certificate. Ms. Peterson stated that this will be the third annual ‘Stick a Fork In It’ food festival event. It is a property-wide experience, with almost all Arsenal Yards restaurants participating. The goal is to create a community experience and support local restaurants. Ticket proceeds will go to the Watertown Community Foundation, which works to address food insecurity in the area. The beer garden will be in collaboration with Mighty Squirrel brewery; it will be surrounded by picket fencing, with staff at the entrance to monitor attendees. This will be an all ages event, so i.d. will be checked at the bar. Restaurants will put tents up outside their storefronts; and the beer garden will be in the River Green area only. Ms. Peterson noted that there would not be a seasonal Mighty Squirrel beer garden at Arsenal Yards this year. There will be a maximum number limit of 250 beer garden patrons at any one time, with monitoring of persons entering the garden. Ms. Peterson stated that the maximum had not been reached in past events. The Fire and Health Departments and Zoning Enforcement Officer reported no objection. Sgt. Swift stated that the Police Department had no objection to the granting of the licenses requested, subject to the conditions in the department’s written report. The Board voted to grant the license, subject to the conditions requested by the Police Department.

- Garifalia Davos, Taxiarchae Archangels Approved 3-0
Greek Orthodox Church
One-Day All Alcohol Licenses (three)
and Entertainment License
Greek Festival
Hellenic Cultural Center, 25 Bigelow Avenue June 21, 22, 23

Irene Cobb, function manager for the Hellenic Cultural Center, appeared in support of the application. Chair Doucette reviewed the elements of the application: Friday, June 21 5:00 p.m. to 11:00 p.m., Saturday, June 22 12:00 noon to 11:00 p.m., Sunday, June 23 12:00 noon to 8:00 p.m.; expected attendance of 500 persons, of all ages; food, live music, a dj, and dancing under a tent; names of alcohol servers; tax exemption certificate; ABCC-approved wholesaler; floor plan, including alcohol storage area; sample of advertising flyer; certificate of liability insurance; TIPS certifications; crowd manager certifications. Ms. Cobb stated that the church is celebrating the 50th year of the festival. There will be two bands, with music from 7:00 p.m. to 11:00 p.m. Friday

and Saturday, and from 4:00 p.m. to 8:00 p.m. on Sunday. Music will be amplified and will be outside; the band will face toward Bigelow Avenue. The church will use the parking lot at the bottom of Bigelow Avenue for festival parking, and patrons will walk to the site from there. There will be four musicians, including a singer. For alcohol service, i.d. will be checked at the bar, inside and outside. Chair Doucette noted that the time by which the premises must be vacated will be midnight on Friday and Saturday, and 9:00 p.m. on Sunday. The Fire Department reported no objection, and the Health Department reported that a food permit had been issued. Sgt. Swift stated that the Police Department had no objection to the granting of the licenses requested, subject to the conditions in the department's written report. The Board voted to grant the licenses, subject to the conditions requested by the Police Department.

- **Maheshwar Pant** **Approved 3-0**
One-Day Wine and Malt License, Marriage reception party
Armenian Cultural and Educational Center, 47 Nichols Avenue
June 1

Maheshwar Pant appeared in support of the application. Chair Doucette reviewed the elements of the application: a wedding reception; layout and floor plan, with alcohol storage area; ABCC-approved wholesaler receipt; liability insurance certificate; TIPS and crowd manager certifications. Maheshwar Pant stated that the event is for his daughter's wedding reception, and that he and his son would be the crowd managers. It is an invitation only event, with expected attendance of about 350 persons. All attendees will be aged 21 or over. Chair Doucette noted that the applicant would need to be alert to fire exits, etc. at the site. Board clerk Gilligan reported that the event caterer had contacted the Health Department directly regarding a food permit. Sgt. Swift stated that the Police Department had no objection to the granting of the license requested, subject to the conditions in the department's written report. The Board voted to grant the license, subject to the conditions requested by the Police Department.

- **John Piranosian** **Approved 3-0**
Church Picnic Festival, One-Day Wine and Malt License
And Entertainment License
St. James Armenian Church, 465 Mt. Auburn Street June 9

Board clerk Gilligan reported that John Piranosian, facilities manager for St. James Church, was unable to attend the meeting but referred the Board to the application materials. Chair Doucette reviewed the elements of the application: annual festival with live band, food, beer and wine; approximately 400 attendees; hours of noon to 6:00 p.m.; tax exemption certificate; ABCC-approved wholesaler receipt; certificate of liability insurance; TIPS certifications; layout for exterior of the site, including a moonwalk installation, tents, band with speakers, with the band's back toward Mt. Auburn Street; inside layout; crowd manager certification. Chair Doucette read a written statement from Mr. Piranosian describing the event. This will be the 70th annual festival. Only beer will be served under the alcohol license. Two crowd managers will monitor parking on the surrounding streets to ensure access and passage for neighbors and emergency

vehicles. Board clerk Gilligan reported that a food permit was pending with the Health Department. Chair Doucette state that in the future the applicant will need to have someone appear in person to present the application. She noted that the written statement did not address the entertainment element of the event. Board clerk Gilligan commented that the diagram submitted showed the loudspeaker locations; and she stated that the representative is aware this will be the last meeting for which no personal appearance will be required. Chair Doucette stated her belief that the Board had sufficient information to make a decision, but it would not proceed in this manner in the future. Sgt. Swift stated that the Police Department had no objection to the granting of the licenses requested, subject to the conditions in the department's written report. The Board voted to grant the licenses, subject to the conditions requested by the Police Department.

2. JKT Watertown Partners LLC Approved 3-0
d/b/a Conley's Pub & Grille
160 – 168 Belmont Street
Alteration of Premises for All Alcohol Common Victualer License

3. XZH, II, Inc. Continued to June 20, 2024
d/b/a New Ginza
63 Galen Street
Annual Entertainment License

The Board acknowledged receipt of a letter dated May 16, 2024 from counsel for the applicant, Kenneth Leitner, Jr., stating that the applicant was reconsidering areas within the premises for staging entertainment and requesting a continuance to the June 20, 2024 Board meeting.

4. License Renewals: Auto Repair, Open Air Parking, Second Hand Dealer, Letting out of Motor Vehicles

The Board reviewed a list of the renewal applicants. Board clerk Gilligan reported that only two of the applicants had an issue with unpaid City taxes or fees and were working out payment plans with the Treasurer – Dan's Roadside Service and Charles Bank Garage & Boat Co., Inc. The Board voted unanimously to renew all the other licenses, and voted unanimously to conditionally renew the licenses for Dan's Roadside Service and Charles Bank Garage, subject to a payment agreement with the Treasurer.

5. Comments by Board and Police Department

The Board continued a discussion of possible amendment to its regulations and/or procedures respecting taxi and livery licenses, and common victualer licenses, which was reviewed at the February 15, March 21 and April 18 meetings. David Doneski, of City Attorney KP Law, presented a document with excerpts from Section I (Jurisdiction), Section II

(Applications and Public Hearings), Section III (General requirements), Section VI (Common Victualer Licenses), and Section VIII (Hackney Carriage, Livery and Limousine, and Shuttle Services) of the regulations showing draft revisions based on previous Board discussion.

Chair Doucette stated that she would hold off on livery section amendments, but was comfortable with the change to notice by certified mail. She stated agreement with the language for common victualer license applications – no abutter notification required for an application for premises where a licensed common victualer is currently operating or was operating within 30 days of submittal of the application. She offered she had no opinion on the removal of livery, etc. licenses from the Section II notice requirements.

Members Tsekrekas stated he had no objection to increasing the prior common victualer license operating period to 60 or 90 or days. Attorney Doneski stated that the intent was to allow for the application process when there is a buyer for a going concern restaurant.

Member Labadini asked about the situation of a long closed business. Chair Doucette stated that new operators have been required to seek a license; this change is to address a sale in process but where the seller wants to shut down during the application process – for financial or other reasons. She stated she would be comfortable with a 60-day period. Members Kasabian Hoffman and Labadini agreed.

Attorney Doneski noted that for livery/limousine and shuttle/jitney licenses the change to a no hearing requirement would need some ‘perfecting’ amendments regarding process, and that it was the Board’s decision on whether to retain an actual license requirement for liveries.

Chair Doucette stated that for hackneys she thought it made sense to retain Licensing Board oversight; and that the definitions in the regulations should remain.

Board clerk Gilligan noted that Watertown Taxi identification had been removed from the Galen Street storefront, and that the hackney license had expired. It has one vehicle and now operates via a cell phone number, so the Board will need to determine how to address that situation. She stated an issue is the use of an actual storefront in Watertown, with a question as to a single taxi stored on private property with business operated out of the home. She asked whether a business with two or fewer vehicles would require a formal process.

Chair Doucette stated that a hackney or livery does not require a storefront, and the shuttle/jitney definition is based on a person operating the vehicle. Board clerk Gilligan commented that the state has oversight for livery and taxi license plates. Member Labadini asked whether more than two vehicles would require abutter notice, and Board clerk Gilligan stated that was her suggestion.

Chair Doucette stated that the notification requirement in section VIII.A.2 doesn’t require a particular place of business. She asked if there were a technical move of the business should the Board be informed. She stated the Board should think of the future, and the concept of a business looking to expand and grow, commenting that the Board would not want to have to come up with regulations for many more vehicles, but also would not want to be so stringent as

to prevent the one-vehicle operation. She questioned whether changing a place of business is a necessary reason for Board action, and stated that if there is a dispatch office it should be.

Board clerk Gilligan noted that a storefront establishment would require other approvals, such as zoning. Chair Doucette commented that zoning doesn't look to passenger safety or vehicle conditions. She suggested that the Board assume no change to the general requirements and the subsections up to C., Taxi Cab Licenses.

Board clerk Gilligan stated that an operator has to notify the Registry of Motor Vehicles within 30 days of a change of location.

Chair Doucette referred to subsection C.2.b, and stated the rule could be no legal ad required if you park one cab at your house, and you wouldn't have to notify abutters. She suggested adding to subsection 2.b.1 – 'if number of vehicles exceeds two, also include a legal ad for publication'; and deleting #2. For #3 she stated there may not be a business office, but the regulations could include a note regarding a consultation with the Zoning Enforcement Officer for a business office in Watertown – a supplemental note. Then, #4 would become #2, etc.; the net result being: if there are only one or two vehicles a legal ad is not required.

Chair Doucette also stated that subsections C.3 through 11 could be left alone for now.

For livery/limousine, chair Doucette stated that for subsection D.2.b there should be a change for the site plan item to a note, as for hackney licenses. Attorney Doneski stated it is in the same form as for a taxi license.

Chair Doucette continued that the regulations could say to submit an application per the number of vehicles: if more than two a legal ad will be needed and there will be a hearing. She asked about including a summary report from the clerk to the Board of 'x applicants' and the Board approving applications based on that information. Member Tsekrekas responded that he found that acceptable, and that the Board's main concern is quality of life for residents.

Chair Doucette stated there should be some Licensing Board action so as to avoid a situation where a single individual in the City Clerk's office could be blamed for a particular license being issued.

Board clerk Gilligan stated she had spoken at length with staff in Waltham, and there are other cities that have removed their livery license requirement because it is redundant. Attorney Doneski stated that "transportation network companies" are regulated under G.L. c. 159A1/2, which does include a background check requirement, so a question is whether all livery operators are covered by that statute and the Department of Public Utilities regulations. He suggested deferring further discussion on that issue until the Board could get a definitive answer to the question.

For shuttle/jitney licenses, Chair Doucette stated that for subsection E.2.b it would ok to change "shall" to "may," and that she was comfortable removing the hearing requirement. Member Kasabian Hoffman agreed on removing the hearing. She asked about a company that

has a shuttle for its employees. Attorney Doneski stated that, per the definition, that would not be “transportation for hire.”

Chair Doucette commented that the Board needed to distinguish between vehicles and persons. Attorney Doneski noted that a “person” in the law includes non-natural persons.

Chair Doucette and members Labadini and Kasabian Hoffman stated agreement to removing the legal ad requirement. Member Tsekrekas stated that for livery/limousine operations if the oversight elements are already being done by the state, the Board could get rid of all requirements.

Updates

Board clerk Gilligan reported that ABCC approval of outdoor dining approval will no longer be required; approvals are done on the local level by the LLA (local licensing authority). Attorney Doneski stated that it is now a situation like the alteration of premises for outdoor dining before the special COVID rules; the Board had followed the alteration of premises procedure.

Board clerk Gilligan noted that with work on Mt. Auburn Street there will be a lot of establishments looking to do outdoor dining; after the work, the sidewalks will be wider and could accommodate seating. She stated that the zoning and planning departments were looking to perhaps make things easier for food establishments, with a concept being – if outdoor dining had been done in the past then it could be allowed to continue.

Chair Doucette stated that the legal ad issue is where to advertise, because no one reads notices in newspapers. Attorney Doneski noted that for statutory ad requirements, the notice must be in a print publication.

Board clerk Gilligan stated that the ABCC refers to outdoor dining as outdoor table service; there is a change for existing restaurants. She referenced a list of restaurants that had been approved for outdoor dining.

Member Kasabian Hoffman asked about the issue of outdoor seating blocking a sidewalk, for example. Attorney Doneski stated that a business can’t just ‘occupy’ the sidewalk because the City has jurisdiction over that; and noted that the current Board regulations require that a physical change to common victualer premises be approved by the Board.

Board clerk Gilligan stated that planning and zoning are interested in facilitating outdoor dining for as many places as possible properly. She noted there were some businesses approved during COVID that can’t be approved by the Building Department in the same form as under the COVID provisions. The Licensing Board would still review, but there is a question of whether a legal ad and abutter notice are required, for example, in a situation where outdoor dining had already taken place.

Chair Doucette commented that a question is where in the regulations to add an outdoor dining provision.

Sgt. Swift noted that Gerry's Italian Kitchen has an alteration of premises application for hearing at the June meeting.

Board clerk Gilligan reported that 'drinks to go' sales by restaurants are now for mixed drinks only, after amendment of the applicable law. She added that an establishment can choose not to sell alcohol 'to go.'

Start: 7:26PM
End: 10:37PM

Sandra Kasabian Hoffman

Present: Donna B. Doucette, Sandra Kasabian Hoffman, John Labadini, Jim Tsekrekas
Also Present: Watertown Police Sergeant Kenneth Swift, Attorney David Doneski,
Licensing Board Clerk – Noelle Gilligan

JKT Watertown Partners LLC
d/b/a Conley's Pub & Grille
93 Foster Street
Brighton, MA 02135

The Watertown Licensing Board met to consider the application of JKT Watertown Partners LLC d/b/a Conley's Pub & Grille for approval of alteration of its premises at 160-168 Belmont Street licensed for All Alcohol Common Victualer Service, to include outdoor seating.

Jim O'Rourke, Tim Warner and Kevin Treanor, managers of the LLC, appeared in support of the application.

Chair Doucette acknowledged receipt of a letter dated April 29, 2024 from the Belmont Town Administrator stating that the Select Board had approved outdoor patio service on April 24, for use of up to two parking spaces within Belmont Street, starting on May 6 and contingent on receipt of necessary licenses from the Alcoholic Beverages Control Commission. The letter confirmed that the Belmont DPW would place barriers at 164 Belmont Street on May 6, but that no outdoor alcohol service would be allowed until ABCC approval issued. [Note that on April 30, 2024 the Governor signed into law Chapter 88 of the Acts of 2024. Section 4 of Chapter 88 amended Chapter 40A of the General Laws to provide that a local licensing authority may approve a change in the description of licensed premises for the purpose of allowing outdoor alcohol service without further review or approval by the ABCC. G.L. c. 40A, §3B.]

Mr. Treanor stated that current ownership of the restaurant is getting ready for its second summer season. He explained that last year, seasonal summer seating approved under the state's

special provisions in response to the COVID 19 pandemic helped the restaurant's business. He noted that during the summer the patron count in the outdoor seating area was 20 to 24. Mr. O'Rourke stated that the proposed seating will be on a deck structure, with railings. Mr. Treanor stated that the deck was built last year, and is in storage now. He added that there are usually one or two servers for the outdoor area, and that there were no problems last year.

Sgt. Swift reported that the Police Department had no objection to approval of the alteration of premises, provided that the conditions stated below were imposed together with a condition on total seating.

Board clerk Gilligan noted that the occupancy limit for the premises is set by the Building Department, and reported that the seating number is 152 persons and the occupancy limit is 164. Sgt. Swift stated that he would stipulate to total seating of 152. Chair Doucette identified the inside seating number as 124.

After hearing, the Licensing Board voted unanimously to approve the alteration of premises, for a maximum outdoor seating of 28 persons, with total seating of 152, subject to the following conditions:

1. All other conditions of the existing license shall remain in place.
2. Use of the outdoor seating area shall be subject to the applicable regulations of the Town of Belmont, which has jurisdiction of the street and sidewalk area.