



Licensing Board
TOWN OF WATERTOWN
ADMINISTRATION BUILDING
149 Main Street
Watertown, Massachusetts 02472

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BOARD MEMBERS
DONNA B. DOUCETTE
GEORGE B. NEWMAN
STEVEN W. AYLWARD

ALTERNATE MEMBER
SANDRA KASABIAN HOFFMAN

Minutes February 16, 2017

ACCEPTANCE OF MINUTES

1. SPECIAL LICENSES:
 - A. Watertown Boys & Girls Club/Fundraiser March 11, 2017 Approved 3-0
 - Special One Day All alcohol License
 - B. Watertown Police/Road Race April 30, 2017 Approved 3-0
2. XZH, Inc. d/b/a New Ginza
63-65 Galen Street Approved 3-0
 - Change of Hours 6-Day to 7 Day
3. Super Target Liquor of Massachusetts d/b/a Target
550 Arsenal Street Approved 3-0
 - Wine & Malt Package Store License
 - Transfer of License
4. Athena Health, Inc.
300 North Beacon Street Approved 3-0
 - Common Victualler
5. The Aegean Restaurant II, Inc.
D/b/a The Aegean Restaurant Continued to April 20, 2017
60 Indian Head Road
Framingham, MA 01701
 - Status Hearing
6. Dionysus, LLC d/b/a Dionysus
311 Arsenal Street Continued to October 19, 2017
 - Status Hearing

Donna B. Doucette, Chairman

Present: Donna B. Doucette, George Newman, Steve Aylward

XZH II, Inc.
d/b/a New Ginza
63-65 Galen Street
Watertown, MA 02472

The Watertown Licensing Board met to consider the application of XZH II, Inc. d/b/a New Ginza for approval of Sunday service of alcohol at its premises at 63-65 Galen Street licensed for all alcohol common victualler service.

Risheng Xu, president and manager, appeared on behalf of the licensee. Mr. Xu presented a report of the licensee's accountant regarding percentages sales for food and alcohol for the period of January 2016 to October 2016. According to the report, the alcohol sales accounted for 8.1% of total sales during that period.

1. The Health Department reported no objection to the application.
2. Lieutenant O'Connor stated that the Police Department had no objection to the proposed Sunday hours, provided that the conditions stated above were imposed.
3. Board chairman Doucette stated that given the high percentage of food sales for the period of the accountant's report and Mr. Xu's statement that November and December operations were similar to those for the other months covered in the report, the Board would act in the absence of sales data for November and December of 2016.

The Licensing Board voted unanimously to approve Sunday service of alcohol, from 12:00 noon to 12:00 midnight, pursuant to Section IV.C.1.b of the Board's Rules and Regulations (7-day license), subject to the following conditions:

1. The new hours of operation will be 11:00 a.m. to 1:00 a.m. Monday through Saturday, and 12:00 noon to 12:00 midnight on Sunday.
2. A full service kitchen must be in operation during Sunday business hours.
3. All other conditions of the license shall remain in place.

Super Target Liquor of Massachusetts, Inc.
d/b/a Target
91 Taunton Street
Plainville, MA 02762

The Watertown Licensing Board met to consider the application of Super Target Liquor of Massachusetts, Inc. d/b/a Target for approval of a transfer to it from 3D's Market Incorporated d/b/a Bemis Market of the wine and malt package goods store license which had been exercised at 129 Waltham Street.

Attorney Joseph Devlin appeared in support of the application, together with Andrew Chiarelli district manager, and Jonathan Kinsley district manager for asset protection. Attorney Devlin stated that Target stores are known for the sale of alcohol in other areas of the country, and now that Massachusetts law permits the issuance of up to seven package goods store licenses to one holder there is a better situation for the company's entry into the Massachusetts market. It is currently approved for alcohol sales in its Wilmington, Everett and Boston stores. He noted that a \$1.7 million renovation to

the Watertown location had been completed in 2016, adding more grocery sale features. Eight senior managers run the store, and all are TIPS trained. In addition, all team members complete in-house training.

Attorney Devlin described the proposed alcohol operation. Security cameras will be focused on the alcohol sales area. He noted that the sales area had been moved from its originally proposed location in the store to accommodate a Police Department request after a walk-through of the site. The store opens at 7:00 a.m. on Saturday and Sunday, but alcohol sales hours will be restricted per Massachusetts law. The store remains open until midnight, but alcohol sales will be shut down at 11:00 p.m. When alcohol sales are not permitted, the applicable store aisles will be blocked off to customers.

With respect to public need, Attorney Devlin stated that there is a lot of development in the area, and it is expected there will be thousands of additional, potential customers in the neighborhood in the next few years. A Target demographic study showed a potential customer population of 324,000 within a 3-mile radius of the site. He also noted that since Target already sells pharmaceutical products it has experience in the sale of controlled substances. Through equipment controls, no cashier under the age of 18 will be able to sign into a register designated for the sale of alcohol. Every customer will be asked for identification. Mr. Chiarelli noted that alcohol is intended to be complementary to the sale of other store products, and that Target does not envision itself as a destination alcohol purchase venue.

Jay Faber of Magnolia Wine Company, a Watertown package store license holder, addressed the Board, stating he did not oppose the application but that he was concerned about the future of existing stores in light of a move toward alcohol sales by large, chain-type stores. He stated his view that all existing stores would suffer in their own sales.

Board member Kasabian Hoffman commented that she was not comfortable with the storage and security of alcohol during non-sale hours.

Lieutenant O'Connor stated that the Police Department had no objection to approval of the proposed transfer, provided that the conditions stated below were imposed.

The Licensing Board voted unanimously to approve the transfer, subject to the following conditions:

1. The hours of operation for sale of wine and malt beverages will be 8:00 a.m. to 11:00 p.m. Monday through Saturday, and 10:00 a.m. to 11:00 p.m. on Sunday.
2. The space designated for storage of wine and malt beverages shall be limited to the area shown on plans submitted (annotated floor plan schematic, T1442, received in the office of the Town Clerk on December 20, 2016) and shall be secured at all times. The manager and his/her designee shall be responsible for the security, control and maintenance of this area at all times.
3. The manager, Molly Freeman, shall ensure that any employees engaged in the sale of alcohol shall complete a valid alcohol awareness training program (e.g., TIPS) upon hire or expiration of certification. A copy of employee certifications shall be maintained by the licensee and made available upon request to any agent of the Licensing Board.

Guckenheimer Enterprises, Inc.
(athenahealth, Inc. – *Nourish Café*)
1850 Gateway Drive
San Mateo, CA 94404

The Watertown Licensing Board met to consider the application of Guckenheimer Enterprises, Inc. for a common victualler license to be exercised at 300 North Beacon Street, under the name Nourish Café at the offices of athenahealth, Inc.

Chuck Labins, athenahealth manager for projects, and Michael Thibault, general manager, of Guckenheimer Enterprises, appeared in support of the application. Mr. Thibault stated that he has been the executive chef for athenahealth for five and a half years. The Nourish Café operation at athenahealth's 311 Arsenal Street facility began operations about two years ago. The present proposal is to replicate that space at the 300 North Beacon Street facility, a new 60,000 square foot building with approximately 350 workers. The proposed café will offer "grab and go" food items that are prepared at 311 Arsenal Street, including coffee service and retail products such as chips and snacks. Drinks such as 'smoothies' will also be offered. It is anticipated that approximately 150 people will be served daily. Mr. Thibault noted that the Health and Building Departments had completed their inspections of the premises.

The Health Department reported that it has conditionally approved the application submitted for the department's required plan review process.

Lieutenant O'Connor stated that the Police Department had no objection to the granting of the requested license, provided that the conditions stated below were imposed.

The Licensing Board voted unanimously to grant the requested license, subject to the following conditions:

1. The hours of operation shall be 7:30 a.m. to 4:00 p.m. Monday through Friday.
2. The café area, on the third floor of the building, will consist of 1,500 square feet, including open retail space, service area, storage and prep space, with a seating capacity of 49 seats, as shown on the plan submitted ("athenahealth Building 39 300 North Beacon Street, Watertown MA 02472, Third Floor Power and Signal Plans" Drawing No. A-713, revision 9, by Stantec Architecture and Engineering, P.C., received in the office of the Town Clerk on January 4, 2017).
3. There shall be no alcoholic beverages on the premises.

The Aegean Restaurant II, Inc.
d/b/a The Aegean Restaurant
Attn. Chris Ntasios
60 Indian Head Road
Framingham, MA 01701

The Watertown Licensing Board has continued the status hearing on the matter of the all alcohol common victualler license previously issued for your exercise at 640 Arsenal Street and the December 14, 2015 report of your attorney to the Board that your lease for the premises had been terminated, including the matter of a proposed transfer of the license. The status hearing was opened

on January 21, 2016, continued to April 21, August 18, November 17, and December 15, 2016, and continued again to February 16, 2017.

On February 16, attorney Norman Kaplan appeared on behalf of the licensee. Board chairman Doucette acknowledged the Board's receipt, on February 16, of an e-mail from counsel for an applicant for transfer of the license, stating that the transfer application would be filed on February 17. Attorney Kaplan reported that a deposit under the agreement for purchase of the license had been made and that he is acting as escrow agent.

The Licensing Board voted unanimously to continue the period of conditional renewal of the license for 2017 to April 20, 2017, the date of the next session of the status hearing.

The continued hearing on this matter will be held on April 20, 2017 at 7:15 p.m. in the Philip Pane Hearing Room, Administration Building, 149 Main Street, Watertown, MA.

Dionysus, LLC
d/b/a Dionysus
311 Arsenal Street
Watertown, MA 02472

Notice is hereby given that the Watertown Licensing Board has continued the status hearing on the matter of the all alcohol common victualler license granted to Dionysus, LLC d/b/a Dionysus for exercise at Kingsbury Avenue on the Watertown Arsenal campus. The status hearing was originally scheduled for January 19, 2017, and continued to February 16, 2017.

On February 16, Attorney Kristen Scanlon appeared on behalf of the licensee. She noted that the licensee had not received the Board's prior notice for the original hearing date of January 19, and referenced an e-mail she had sent earlier in the evening regarding the build-out status for the site of the restaurant which will utilize the license. She explained that a Watertown zoning ordinance amendment adopted after the Board's approval of a license transfer to Dionysus required a master planning special permit process before the Planning Board, which was not concluded until August of 2016. The planning process produced a phased build-out plan for the site. Construction of the garage facility began in the fall of 2016, and completion is expected in early 2018. Accordingly, the site plan process for Building 5, the restaurant location, is being planned for the end of 2017, so work may commence when the garage is completed. It is currently anticipated that the Building 5 work would be completed in 2018.

Chuck Labins of athenahealth, on whose overall building campus the restaurant will be located, addressed the Board and stated that the intent is to utilize the existing plans, which were presented in 2015, and be able to start Building 5 construction upon completion of the garage. Attorney Scanlon added that the Planning Board did not want contemporaneous construction activity.

The continued hearing on this matter will be held on October 19, 2017 at 7:15 p.m. in the Philip Pane Hearing Room, Administration Building, 149 Main Street, Watertown, MA.