



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

DONNA B. DOUCETTE
SANDRA KASABIAN HOFFMAN
STEVEN W. AYLWARD

ALTERNATE MEMBER

Minutes February 20, 2020

ACCEPTANCE OF MINUTES

SPECIAL LICENSES:

- Tibetan Association of Boston/ACEC 47 Nichols Ave Approved 3-0
One Day All Alcohol License/Cultural Celebration February 29, 2020

The president of the Association appeared in support of the application. He noted that this event has taken place annually for the past 20 years, but this will be the first time it will be held at the ACEC. Tickets will be sold in advance, and at the door, with a 300-person limit. Bartenders will be TIPS certified, and identification of all persons will be checked; a color coded bracelet system will be used to designate persons who may be served alcohol. A food permit application has been submitted. The Police Department reported that it had no objection to the granting of the license requested, subject to the conditions in the department's written report. The Board acknowledged receipt of reports from the Building, Fire, and Health Departments, and voted to grant the license, subject to the conditions requested by the Police, Building, Fire, and Health Departments.

- Watertown Boys & Girls Club/25 Whites Ave Approved 3-0
One Day Wine & Malt/80's Party Fundraiser February 29, 2020

Erin Macomber, a member of the board of directors and chair of the event, together with John Donohue, appeared in support of the application. This is the first year for the event, which will be a means of showcasing recent renovations at the club. Food will be served. The Police Department reported that it had no objection to the granting of the license requested, subject to the conditions in the department's written report. The Board acknowledged receipt of reports from the Building, Fire, and Health Departments, and voted to grant the license, subject to the conditions requested by the Police, Building, Fire, and Health Departments.

3. Pequosette Aerie #1928 of the Fraternal Order of Eagles
44-46 Mt. Auburn Street
Change of Manager and New Officers, Directors
Approved 3-0 Change of manager, New Officers, Directors continued to March 19, 2020

4. Donohue Holdings, Inc. d/b/a Donohue's
85-87 Bigelow Ave
Alteration of Premises Approved 3-0
5. Flaming Pit, LLC
222 Arsenal Street
Change of DBA Approved 3-0
6. Flaming Pit, LLC
222 Arsenal Street
Extension of Hours to include Sundays & Change of Hours of Operation Approved 2-1
7. Cinemaworld of Florida, Inc d/b/a Majestic 7 b Cinemaworld
435 Arsenal Street, Unit 1
Status Hearing Closed 3-0
8. Condesa Watertown, LLC d/b/a Condesa Restaurant & Tequila Bar
80 Arsenal Yards Boulevard
Status Hearing Continued to March 19, 2020
9. Bottleneck Watertown, LLC d/b/a City works Eatery & Pour House
80 Arsenal Yards Boulevard
Status Hearing Continued to April 16, 2020
10. Frank Pepe's of Watertown, LLC d/b/a Frank Pepe's Pizzeria Napoletana
24 Eldridge Avenue (Arsenal Yards)
Status Hearing Continued to June 18, 2020
11. Penta Auto Body Co., Inc. d/b/a Perfection Auto Body
483 Pleasant St. P.O. Box 403
Show Cause Hearing 60 Day Suspension 3-0

Start: 7:15PM
End: 11:00PM

Donna B. Doucette, Chairman

Present: Donna B. Doucette, Sandra Kasabian Hoffman, Steven W. Aylward

Pequosette Aerie #1928
of the Fraternal Order of Eagles
44 – 46 Mt. Auburn Street
Watertown, MA 02472

The Watertown Licensing Board met to consider the application of Pequosette Aerie #1928 of the Fraternal Order of Eagles for approval of a change of manager of its premises at 44 – 46 Mt. Auburn Street licensed for all alcohol club beverage service.

Attorney Ken Leitner appeared in support of the application. Attorney Letiner stated that Mr. Eaton is a five-year member of the organization, and has recently been serving as the *de facto* manager. He is TIPS certified, and his experience in the service of alcohol is at the lodge.

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

The Licensing Board voted unanimously to approve Timothy Eaton as manager, subject to the following conditions:

The new manager, Timothy Eaton, shall ensure that all bartenders and servers of alcohol attend and successfully complete an alcohol awareness training program (e.g., TIPS) immediately upon hire or expiration of certification. Copies of all alcohol certifications shall be maintained by the licensee and available for review upon request.

All other conditions of the license shall remain in place.

Pequosette Aerie #1928
of the Fraternal Order of Eagles
44 – 46 Mt. Auburn Street
Watertown, MA 02472

The Watertown Licensing Board has continued its hearing on the application of Pequosette Aerie #1928 of the Fraternal Order of Eagles, holder of an All Alcohol Club Beverage License exercised at 44 – 46 Mt. Auburn Street, for an approval of a change of its officers and directors.

The application was originally scheduled for hearing on February 20, 2020 but was continued at the request of the licensee.

The continued hearing on this application will be held on March 19, 2020 at 7:15 p.m. in the Philip Pane Hearing Room, Administration Building, 149 Main Street, Watertown, MA.

Donohue Holdings, Inc.
d/b/a Donohue's
85-87 Bigelow Avenue
Watertown, MA 02472

The Watertown Licensing Board met to consider the application of Donohue Holdings, Inc. d/b/a Donohue's for approval of an alteration of its premises at 85-87 Bigelow Avenue licensed for all alcohol common victualer service.

Attorney Tim McGoldrick appeared in support of the application, together with John Donohue, president and manager. Attorney McGoldrick stated that the restaurant would celebrate its 22nd anniversary this month. He noted that there is no change proposed for the hours of operation or the seating capacity. Patio hours end at 11:00 p.m. Attorney McGoldrick explained that the current arrangement on the patio, without a bar, is inefficient, with a 105-foot path for servers to travel, via a walkway passage, to attend to tables on the patio. He noted that the existing shed on the patio was approved by the Board in 2012, but that without a bar in the area there have been complaints from customers and staff regarding service. Attorney McGoldrick noted that in 2017, there had been a complete interior renovation of the restaurant and that the business has adapted to include a focus on lunchtime customers. The patio's main period of operation is May through September.

The proposed bar is a prefabricated unit measuring 20 feet by 8 feet. It is larger than the current shed on each dimension. The proposal includes ten seats at the bar area. The bar has flaps, which close and lock with a key allowing for closure at the end of each service day. It also requires plumbing and electrical service, and would have a sink and keg storage area. Attorney McGoldrick stated that the proposed bar would improve efficiency, as there would be a permanent bartender and wait staff assigned to it. He added that it would be safer for employees carrying items to patrons, on account of fewer staff trips in and out of the patio, and would also result in less noise. He stated that the restaurant business is now very competitive and that many restaurants in Watertown have implemented changes in their modes of operation.

In response to questions from the Board, Attorney McGoldrick stated that the bar would be closer to the Nichols Avenue side of the patio area. Mr. Donohue stated there would be two TVs in the patio. Board member Kasabian-Hoffman responded that it was her recollection that the license was subject to a condition of no television noise. Mr. Donohue replied that the volume would not be placed above conversation level. Board Member Kasabian-Hoffman stated further that she was concerned about noise and that other restaurants with patios do not have outside bars.

Peter Tsicoulas, who stated he was the owner of the property at 77-79 Bigelow Street, abutting the subject premises, commented that his residential tenants ask him about the outdoor area, and that there are persons who will not rent from him. He stated his concern that with a larger bar, there would be a bar-like atmosphere on the patio. He noted that the shed had previously been built without approval of the Licensing Board, and that he is concerned that people will congregate around the bar.

The current license restrictions were read into the record, including the following: “No televisions shall be displayed outside for entertainment purposes, and no music shall be permitted in the patio seating area.”

Ken Bedrosian, who identified himself as a prior president of the Armenian Cultural and Education Center (ACEC) and a member since 1980, stated that he was currently the chair of the ACEC building committee and that he was representing seven sister organizations which own the ACEC, including St. Stephen’s Church. Mr. Bedrosian explained that the ACEC had reviewed the licensee’s request, and that its executive board and building committee supported the request. He stated that the ACEC had not had noise complaints or comments regarding negative activity at Donohue’s. On inquiry from the Board, Mr. Bedrosian added that the ACEC owns property on three sides of the subject premises.

Mark Sideris, Town Council President, addressed the Board and stated that he is a patron of the restaurant and has sat in the patio many times. He stated his view that the proposal made sense, to allow for better service, and added that all restaurants are competing for business and that Donohue’s has proven it can be a good operator.

Angeline Kounelis, District A Town Councilor, commented that seats at the bar would change the dynamic of the patio area, and noted that there had been no notice in the hearing advertisement regarding televisions.

Mr. James Mello stated that he was a Donohue’s patron, often walking to the restaurant from Mt. Auburn Street, and that he cannot not hear any noise from the restaurant until he is nearly at the premises.

Lieutenant O’Connor reported that the Police Department had no objection to the proposed alteration, provided that the conditions stated below were imposed. He noted that the department’s recommended conditions had also included the following: “Televisions shall be allowed in the Patio Bar for entertainment. The televisions will be monitored by the Manager and remain a reasonable level while the patio is in operation.”

Attorney McGoldrick responded to Mr. Tsicoulias’s comments, noting that while Mr. Tsicoulias had stated the residential use at his property has existed for 52 years, there had been a bar at the Donohue’s location longer than that. Attorney McGoldrick made reference to the concept of ‘coming to a nuisance.’ Mr. Tsicoulias replied that while there had been a bar at the site previously, when his father bought his property, an outdoor use is a different form of use.

Board chairman Doucette questioned the status of television placement and use in the patio area, and stated that the Board’s records would need to be reviewed to determine if there is any authority for the television use that had been identified.

Board member Kasabian-Hoffman stated that she would propose a service bar, without seating. Attorney McGoldrick responded that a reason for adding seating at the proposed bar is that there would be a bartender stationed there who could serve patio patrons. He added that the Board could specify that only persons on a seat could congregate at the bar. Board Member

Aylward stated that the 40 seats allowed on the patio could be allocated in various ways, and that seating at the bar would be acceptable to him, at ten seats, but with no standing or no standing at certain hours. Board chairman Doucette commented that it could be difficult to monitor compliance with the seating at the bar requirement. She asked how the 40-person limit is currently enforced by the licensee, and Mr. Donohue responded that if there is no seating available, persons are not allowed to use the patio. He added that for most people choosing to be seated in the patio area, they are there for both beverages and food.

Board chairman Doucette commented that she found Member Aylward's comments regarding a limit of ten seats at the bar and therefore a total of 30 elsewhere on the patio persuasive. She noted that the majority of abutters were of the view that the operation of the restaurant was not an issue for them.

The Building Department and Zoning Enforcement Officer reported that a building permit would be required, and the Health Department reported that a plan review process application must be submitted.

Chairman Doucette stated that the issue of televisions on the patio and any associated entertainment license requirements would be considered at the Board's March 19 meeting. She added that the licensee could submit an entertainment license application if it wanted to preserve its rights without having to wait beyond the March meeting.

The Licensing Board voted unanimously to approve the alteration of premises, by the installation of a service bar in the outdoor patio area, subject to the following conditions:

1. The outdoor patio space will remain at 1,200 square feet, as originally proposed.
2. Patio seating shall remain at 40 seats, as shown on the plan submitted (annotated sketch plan entitled "Donohue's 85-87 Bigelow Avenue, Watertown, MA 02472" with description of "Proposed Bar Structure").
3. The hours of operation shall remain Monday through Sunday 8:00 a.m. until 11:00 p.m. No alcohol shall be served before 12 noon on Sundays.
4. Bar service shall be allowed from the patio bar during the hours of operation. A bartender shall be on duty and behind the bar at all times while the bar is in operation. The bar shall be locked and secured when not in operation.
5. All other conditions of the existing license shall remain in place.

Flaming Pit, LLC
222 Arsenal Street
Watertown, MA 02472

The Watertown Licensing Board met to consider the application of Flaming Pit, LLC for approval of a change of d/b/a name for its All Alcohol Common Victualer License exercised at 222 Arsenal Street.

Tigran Yesayan, manager of the LLC, appeared in support of the application. Mr. Yesayan stated that the restaurant opened for business in October of 2017, and he is looking to change the present restaurant concept. He is making menu changes to help support the business, which has been struggling, and the new d/b/a name will reflect the changes.

Lieutenant O'Connor stated that the Police Department had no objection to the proposed change of d/b/a name, provided that the conditions stated below were imposed.

The Board of Health reported that the licensee must submit an application for a name change and menu changes, if any.

The Licensing Board voted unanimously to approve a change of d/b/a name to Kahlo Taqueria & Bar, subject to the following conditions:

1. The new d/b/a shall be listed as Flaming Pit, LLC d/b/a Kahlo Taqueria & Bar.
2. All conditions of the license shall remain in place.

Flaming Pit, LLC
222 Arsenal Street
Watertown, MA 02472

The Watertown Licensing Board met to consider the application of Flaming Pit, LLC for an extension and change of the hours of operation, to include Sunday operations, for its All Alcohol Common Victualer License exercised at 222 Arsenal Street.

Tigran Yesayan, manager of the LLC, appeared in support of the application. Mr. Yesayan stated that the restaurant has been closed on Sunday and Monday for the last two months, though it did previously operate seven days a week. Current hours of operation are 10 a.m. to 11 p.m. Sunday to Wednesday, and 10 a.m. to midnight Thursday through Saturday. The change of hours is requested to accommodate breakfast service and later evening service.

A Mr. Levantakis, who identified himself as a neighbor to the subject property, stated that when the alcohol license had been granted, the restaurant started hosting private events and that people leaving the premises were loud. He noted an incident on February 2, 2020 where he

called the Police Department and officers arrived at about 12:30 a.m. to find a party taking place at the premises. He added that at 1:45 a.m., a neighbor also called the police when patrons were leaving the building. He further stated that noise from the restaurant after midnight is an issue. Lt. O'Connor reported that on February 1 at 7:09 p.m. and on February 2 at 12:29 a.m. the Police Department received a call for a disturbance at the premises.

Michael Ohanesian, who stated he had lived at 213 Arsenal Street since 2009, commented that the street was previously wider, and there is now more traffic congestion. He stated he had also called the Police Department on February 2, explaining that while the business was closed there were three patrons inside, and that he had observed persons in the building at 3:00 a.m. He stated that there are 15 homes on the block with the restaurant and that the residents need a break. He further stated that on occasion he had gone to the restaurant to ask that the noise be kept down.

Mr. Yesayan responded that the restaurant closes in accordance with the licensed hours. He stated that February 1 was his birthday and that the restaurant had been closed. He added that when the police arrived at about 12:20 a.m., he spoke to them, that there was no music playing at the time, and that he then left the restaurant. Board chairman Doucette stated that a private party is not allowed after the licensed hours.

Mr. Levantakis stated further that the largest issues occur on Fridays and Saturdays, with persons at the site well after midnight and people outside the premises smoking.

Lieutenant O'Connor reported that the Police Department had no objection to a change of hours, provided that the conditions stated below were imposed.

Board member Kasabian-Hoffman stated that the licensee needed to be vigilant regarding patrons clearing the area when they leave the restaurant. Board member Aylward stated that he had too many questions regarding the ongoing operations and was not in favor of the requested change.

The Health Department reported that the licensee must show that there is adequate food storage capacity and waste storage capacity for the additional operating hours.

The Licensing Board voted 2 – 1, with Mr. Aylward opposed, to approve a change in hours, subject to the following conditions:

1. The new hours of operation shall be Sunday through Wednesday 8:00 a.m. to 11:00 p.m., Thursday through Saturday 8:00 a.m. to 12 midnight. No alcohol shall be served before 11:00 a.m. Monday through Saturday. No alcohol shall be served before 12 noon on Sunday.
2. All other conditions of the existing license shall remain in place.

Cinemaworld of Florida, Inc.
970 16th Place
Vero Beach, FL 32960

The Watertown Licensing Board held a continued hearing on the status of the general on premises all alcohol common victualer license approved for your exercise at 485 Arsenal Street.

James Deal, senior vice president of operations, and Dino Pacello, director of retail, appeared on behalf of the licensee. Mr. Deal reported that the planned opening date was Wednesday, February 26, 2020.

Board chairman Doucette stated that she would consider the hearing closed.

Condesa Watertown, LLC
d/b/a Condesa Restaurant and Tequila Bar
35 Braintree Hill Office Park, Suite 401
Braintree, MA 02184

The Watertown Licensing Board has continued its hearing on the status of the All Alcohol Common Victualer License approved for your exercise at 485 Arsenal Street.

The hearing was originally scheduled for February 20, 2020. At that time, the Licensing Board acknowledged receipt of a letter dated February 19, 2020 from counsel for the applicant stating that on account of an 'all hands' event being held at another of the applicant's restaurants on February 20, there was no knowledgeable person available to attend the hearing, and an e-mail of the same date reporting that the building plans had been approved and the developer is in the process of submitting the application for a building permit for the restaurant buildout. The e-mail further reported that construction of the building in which the restaurant will be located is already underway, and that the restaurant buildout will begin after the permitting process, expected to be in April, with an anticipated opening date in August.

The Board voted to continue the status hearing to Thursday, March 19, 2020.

The continued hearing will be held on March 19, 2020 at 7:15 p.m. in the Philip Pane Hearing Room, Administration Building, 149 Main Street, Watertown, MA.

Bottleneck Watertown, LLC
d/b/a City Works Eatery and Pour House
2211 N. Elston Avenue Suite 206
Chicago, IL 60614

The Watertown Licensing Board has continued its hearing on the status of the All Alcohol Common Victualer License approved for your exercise at 485 Arsenal Street.

The hearing was opened on February 20, 2020. At that time, Nick Weltz, director of development, appeared on behalf of the licensee. Mr. Weltz reported that the planned opening date was Monday, March 16, 2020.

The Board voted to continue the status hearing to Thursday, March 19, 2020, with the condition that if the restaurant has opened for business prior to that date, the licensee may notify the Board clerk and a representative of the licensee need not appear for the hearing.

The continued hearing will be held on March 19, 2020 at 7:15 p.m. in the Philip Pane Hearing Room, Administration Building, 149 Main Street, Watertown, MA.

Frank Pepe's of Watertown, LLC
d/b/a Frank Pepe's Pizzeria Napoletana
130 Research Parkway Suite 212
Meriden, CT 06450

The Watertown Licensing Board has continued its hearing on the status of the Wine and Malt Common Victualer License approved for your exercise at 485 Arsenal Street.

The hearing was opened on February 20, 2020. At that time, Kevin Gagliardi, director of operations, appeared on behalf of the licensee. He reported that the target opening date was May 4, 2020.

The Board voted to continue the status hearing to Thursday, June 18, 2020, with the condition that if the restaurant has opened for business prior to that date, the licensee may notify the Board clerk and a representative of the licensee need not appear for the hearing.

The continued hearing will be held on June 18, 2020 at 7:15 p.m. in the Philip Pane Hearing Room, Administration Building, 149 Main Street, Watertown, MA.

Penta Auto Body Co., Inc.
d/b/a Perfection Auto Body Service & Towing
483 Pleasant Street
Watertown, MA 02472

The Watertown Licensing Board held a show cause hearing concerning violation of requirements of your Class 2 used motor vehicle dealer's license exercised at 483 Pleasant Street, as outlined in a November 27, 2019 letter from the Office of the Massachusetts Inspector General to the Acting Registrar of Motor Vehicles and the Licensing Board.

Michael Penta, president, and Michael Paul, service manager, appeared on behalf of the licensee. Michael Paul stated that he is not a sales manager as reported in the Inspector General's letter, but a service manager. With regard to the Volvo vehicle referenced in the letter, Mr. Paul stated it belonged to a neighbor of his in Waltham and that he helped him sell it to the Mr. Simmons identified in the letter. He represented that the sale had nothing to do with Penta Auto Body, and did not recall the purchase price. In response to a question from the Board, Mr. Paul answered that the car was on the Penta lot at the time of the sale but that the transfer was from his neighbor to Mr. Simmons.

Mr. Paul's wife, Linda, stated that the neighbor, a man whom she believes to be 85 years old, has a limiting medical condition. She stated that Mr. Paul did bring the car to Penta for service on behalf of the neighbor's wife, and that at one point the neighbor said he did not want to pay any more for that car and wanted to get a new one. Mrs. Paul explained that Penta Auto Body told him that the car could be kept on the Penta lot until it was sold. Mr. Paul added that there was no 'for sale' sign placed on the vehicle and it was not placed in the used car area of the Penta lot. Michael Penta added that Mr. Simmons is a state dispatcher and that he would get information regarding available vehicles by word of mouth. Mr. Penta stated that if his business sells a car, it has certain warranty obligations. Board member Aylward asked how many cars Penta Auto Body sells during a year, and Mr. Penta responded 20 or so. Board chairman Doucette stated that the situation being described was a consignment, with Penta acting as a go-between for buyer and seller. She added that a person or business cannot just arrange sales of used vehicles without a Class 2 license. Mr. Penta explained that he did not want to be in the middle of vehicle sale transactions, and so would direct people to deal with each other. Chairman Doucette replied that if a car is on the Penta lot, Penta is acting as a used car dealer.

Mrs. Paul asked what was Penta to do in a situation where Penta allowed a person to leave a car on its lot, and chairman Doucette replied that when activity is allowed to happen on the site, the licensee is responsible. On request by chairman Doucette, Attorney David Doneski of Town Attorney, KP Law stated that facilitating a sale of a vehicle is a type of activity that requires a license. Mr. Penta then responded that he did not realize what he had been doing was a problem and that he simply did not want to assume warranty issues.

Board Chairman Doucette asked about the procedure for recording vehicle sales at the business, and Mr. Penta responded that no one person is really assigned to the task, and that 'the

girls would do it upstairs.’ He added, “again, I’m negligent.” He stated he was responsible for the book to record sales and that he was at fault for using a loophole. He added that it would not happen again. Board Chairman Doucette replied that if Penta wanted to keep its license, it would have to keep records, and that if it did not want warranty duties, it should not make sales of vehicles. Mr. Penta replied that he would assign Linda Paul to maintain the record book. Mrs. Paul stated that she attempts to move vehicles through the sale process because she does not want to keep them on the site for a long period of time. However, she said, it takes six to eight weeks to go through the mechanic’s lien process and get clear title to a vehicle. She noted that, as an example, damaged cars brought to the site may be owned by college students who will simply leave them there if they cannot afford the repair cost.

Board chairman Doucette commented that she would suggest a 60-day suspension, during which time she would expect Penta Auto Body would develop written procedures regarding how transactions are to be handled in the future, and that the Licensing Board would review the books for a period of one year after the suspension ends. She stated that the procedures should be submitted to the Board by the date of its April meeting, April 16. Further, she proposed a status hearing on May 21 for a review of the procedures, and a second status hearing one year later.

The Licensing Board unanimously found that the licensee had violated regulations applicable to its license, by not complying with recordkeeping and reporting requirements for the sale of vehicles, and voted to impose a 60-day suspension of the license, with the following provisions:

1. The licensee shall prepare written procedures regarding how vehicle sale transactions are to be handled in the future. These procedures shall be submitted to the Licensing Board by April 16, 2020.
2. The Licensing Board will review the licensee’s books for a period of one year after the suspension ends.
3. The Board will hold a status hearing on May 21, 2020 for a review of the written procedures, and a second status hearing one year later.

After the Board’s vote, Mr. Penta stated that he would turn in his license the next day.