



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
ROBERT J. WHITNEY

ALTERNATE MEMBER
SANDRA KASABIAN HOFFMAN

MINUTES November 17, 2011

ACCEPTANCE OF MINUTES: October 20, 2011

1. SE Asian Bistro of Watertown, Inc.
485 Arsenal Street E06
New Common Victualler
Transfer of All Alcohol License
Application Withdrawn
2. NN Business Development LLC
d/b/a Subway
9 Main Street
New Common Victualler License
Application Withdrawn
3. SUBJI, Inc. d/b/a Subway
485 Arsenal Street F05
New Common Victualler License
Approved 3-0
4. Halfway Café, Inc. d/b/a Halfway Café
394-396 Main Street
Change of Manager
Continued to December 15, 2011
5. Miller's Ale House, Inc. d/b/a
Miller's Ale House
617 Arsenal Street
Entertainment License
Automatic Amusement Device License
Music Box License
Approved 3-0
Approved 3-0
Approved 3-0
6. Armenian-American Social Club of Watertown, Inc.
76 Bigelow Ave.
Status Hearing
7. SMAT, Inc. d/b/a Grappa Restaurant
71 Elm Street
Show Cause
1 Day Suspension

8. China Rainbow, Inc. d/b/a China Rainbow
36-38 North Beacon Street
Show Cause 1 Day Suspension
9. Comments by Board Clerk and Police Department

Donna B. Doucette, Chairman

7:32PM to 9:50 PM

Present: Donna B. Doucette, Robert J. Whitney, George B. Newman, Sandra Hoffman Kasabian

1. SE Asian Bistro of Watertown, Inc.
738 Bark Street
Swansea, MA 02777

At the request of the applicant, the Watertown Licensing Board accepted the request from SE Asian Bistro of Watertown, Inc. to withdraw its application for an all alcohol common victualler for a transfer to it of the all alcohol common victualler license currently held by Lazziz Restaurant, Inc. for exercise at 61 Main Street, for exercise at different premises located at 485 Arsenal Street in the Arsenal Mall, tenant space E06A. The application has been considered withdrawn.

2. NN Business Development LLC
90B River Street
Waltham, MA 02453

At the request of the applicant, the Watertown Licensing Board accepted the request from the NN Business Development LLC to withdraw its application for a common victualler license to be exercised at 9 Main Street, and voted to grant leave to withdraw. The application has been considered withdrawn.

3. SUBJI, LLC d/b/a Subway
c/o Jasmeen Hirachan
42 Fordham Street Unit 2
Arlington, MA 02474

The Watertown Licensing Board met to consider the application of SUBJI, LLC d/b/a Subway for a common victualler license to be exercised at 485 Arsenal Street in the Arsenal Mall, tenant space F05.

Jasmeen Hirachan, a manager of the applicant, appeared in support of the application. Ms. Hirachan stated that she had completed a 2-week franchise training course for operation of a Subway business. She noted that she had received an occupancy permit from the Building Department and a temporary food service permit from the Health Department.

Sergeant Grady stated that the Police Department had no objection to the granting of the requested license, provided that the conditions stated in items 1-2 below were imposed.

The Health Department reported that the applicant must comply with Health Department requirements, including, but not limited to, food establishment plan review application and permit requirements.

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

1. The hours of operation shall not exceed 10:00 a.m. to 9:30 p.m. Monday through Saturday and 11:00 a.m. to 6:00 p.m. on Sunday.
2. There shall be no alcoholic beverages on the premises.

4. Halfway Café, Inc.
d/b/a Halfway Café
394-396 Main Street
Watertown, MA 02472

At the request of the applicant, the Watertown Licensing Board has continued its hearing on the application of Halfway Café, Inc. d/b/a Halfway Café for approval of a change of manager of its premises at 394-396 Main Street licensed for All Alcohol Common Victualler service. The continued hearing on this application will be held on December 15, 2011 at 7:15 p.m. in the Philip Pane Hearing Room, Administration Building, 149 Main Street, Watertown, MA.

5. Miller's Ale House, Inc.
d/b/a Miller's Boston Ale House
c/o Anthony Rovet
28 Hanrahan Avenue
Farmingville, NY 11738

The Watertown Licensing Board met to consider the application of Miller's Ale House, Inc. d/b/a Miller's Boston Ale House for an entertainment license, an automatic amusement device license and a music box license to be exercised at 617 Arsenal Street.

Entertainment License:

Anthony Rovet, manager, appeared in support of the application. Mr. Rovet stated that live entertainment would commonly be offered for special events, such as St. Patrick's Day and on such occasions a band would be provided. Since the restaurant typically does not offer band entertainment, these events would probably be on the order of three to eight times per year. The applicant proposes a limit of four musicians, three of which would be instrumental and one of which would be a vocalist. He also said they would like one of the musicians to be a drummer (percussionist). The restaurant also would use a disc jockey on a more frequent schedule than live entertainment. Evening entertainment hours would typically be for approximately three hour sessions, such as 8:00 p.m. to 11:00 p.m. or midnight, or 9:00 p.m. to midnight.

Sergeant Grady stated that the Police Department had no objection to the granting of the requested licenses, provided that the conditions stated below were imposed, with the exception of the number of musicians for the entertainment license, for which the Department had proposed a limit of three.

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

Entertainment License:

1. Musicians shall be limited to four, one of which may be a singer.
2. Instruments shall be limited to a piano, string and reed instruments.

3. The space provided for entertainment shall be limited to the area shown on the plan submitted (highlighted and annotated copy of sheet TV-1 of plan entitled “Miller’s Ale House Watertown MA Location 2, Version 1, 10-17-11” by RPC GC, Inc. – Design Division, “1 Equipment Placement Plan,” received in the office of the Town Clerk on October 27, 2011).
4. No dancing shall be allowed.
5. Hours for 6-day entertainment shall be 6:00 p.m. to 12:00 a.m. Monday through Friday, and 12:00 p.m. to 12:00 a.m. on Saturday.
6. A full service menu and kitchen hours shall be maintained when entertainment is offered.
7. The restaurant seating shall decrease by 16 persons, (four 4-person tables as shown on the plan submitted), during entertainment hours.
8. Sunday entertainment shall be subject to the same conditions, except that the permissible hours for entertainment shall be 12:00 p.m. to 10:00 p.m.

Automatic Amusement Device:

The applicant proposes to install and maintain five automatic amusement devices: a “Buckhunter” game, a “Golden Key” game, an arcade type crane game, and two “Mega Touch” games. Mr. Rovet stated that the Buckhunter and crane games are primarily for children while the Mega Touch games are bar top installation games, and one would be located at each bar.

Sergeant Grady 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:

Automatic Amusement Device

1. The devices shall be located in the premises as described on the plan submitted (highlighted copy of sheet TV-1 of plan entitled “Miller’s Ale House Watertown MA Location 2, Version 1, 10-17-11” by RPC GC, Inc. – Design Division, “1 Equipment Placement Plan,” received in the office of the Town Clerk on October 28, 2011).

Music Box License:

The proposed juke box would be located in the bar area. The music is streamlined, i.e., filtered, to remove any language determined to be inappropriate, and music is “broadcast” only in the bar area. The restaurant will maintain general background music, but this will be de-activated in the bar area at any time the juke box is in use.

Sergeant Grady 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:

Music Box License

1. The music box shall be located in the premises in accordance with the plan submitted (highlighted and annotated copy of sheet TV-1 of plan entitled “Miller’s Ale House Watertown MA Location 2, Version 1, 10-17-11” by RPC GC, Inc. – Design Division, “1 Equipment Placement Plan,” received in the office of the Town Clerk on October 28, 2011).

6. Armenian-American Social Club of Watertown, Inc.
c/o PeggyAnn K. Wollman, P.C
Lafountain & Wollman, P.C.
507 Mt Auburn Street
Watertown, MA 02472

The Watertown Licensing Board held a status hearing on the previously approved application for alteration of the premises at 76 Bigelow Avenue licensed for all alcohol club beverage service.

Khajag Megerdichian, president of the club, and Attorney Peggy Ann Wolman appeared on behalf of the licensee.

Licensing Board Clerk Donna Gill informed the Board that the Alcoholic Beverages Control Commission had not given the required approval for the alteration of premises previously voted by the Board on December 16, 2010. The issue for the ABCC is the financing for the alterations. Supplemental information was submitted in October of 2011 which differed from the information contained in the 2010 application. Therefore, the ABCC will require submission of a new application form.

Mr. Megerdichian explained that the original estimated cost of the alterations was \$65,000, that the club had \$55,000 and that it was hoping for a \$10,000 donation. However, the donation was ultimately not made and after the work began, other issues in the building were discovered including mold and moisture in the basement. As a result, the cost of the work increased. Thereafter, the Armenian Cultural Association of America agreed to make a \$100,000 loan to the club, to be repaid over time. At present, the alterations are nearly complete and code inspections are in process.

Attorney Wolman stated that the ABCC had asked for backup regarding the anticipated donation to the club, but since the donation was not made, the club could not provide any backup material.

Mr. Megerdichian stated that he estimated that the club would be ready to reopen by the end of 2011.

The Licensing Board voted unanimously to direct the licensee to submit a corrected ABCC application form respecting the alteration of the premises by December 5, 2011, and to appear for an additional status hearing at the Board's meeting of December 15, 2011 if the application is not submitted by that date. In addition, the Board noted that it would review the matter of the reopening of the licensed premises at its meeting of December 15, as part of the annual license renewal process.

7. SMAT, Inc. d/b/a Grappa
71 Elm Street
Watertown, MA 02472

The Watertown Licensing Board held a show cause hearing, on the application of the Watertown Police Department, concerning alleged violations of G.L. c.138 (the Liquor Control Act) at your restaurant premises at 71 Elm Street, to wit: sale/delivery of an alcoholic beverage to a person under 21 years of age in violation of G.L. c.138, §34.

Shelley Matarazzo, president, appeared on behalf of the licensee.

Sgt. Grady testified that on September 29, 2011, the Watertown Police Department conducted a compliance check of several alcohol service establishments in town. The compliance check involved two female volunteers, aged 19, entering licensed premises with instructions to order a beer. The volunteers were given copies of the Police Department's compliance check guidelines, which they stated they understood and signed. Each volunteer's dress and appearance were consistent with her age. Photographs of the volunteers were taken prior to the compliance check operation. Volunteers were asked to enter the licensed establishment, take a seat at a table or approach the bar and request one beer each. If they were served, they were to advise the participating officers immediately by cell phone and remain seated.

At approximately 7:28 p.m., the volunteers entered the Grappa restaurant. Within a few minutes thereafter, Sgt. Grady was notified by a telephone call that the volunteers had been served alcohol. He went into the restaurant and observed both volunteers sitting at a table with bottles of beer in front of them. They identified the server to be the manager for the evening. Sgt. Grady then spoke to the server and informed her of the compliance check. The server was upset about the improper service, and stated that she was TIPS certified.

Ms. Matarazzo stated that she was not present at the restaurant on the night in question, but that she understood what happened to be as described by Sgt. Grady in his report. In response to a question from the Board, Sgt. Grady stated that the restaurant was very busy on the evening of the incident.

Ms. Matarazzo stated that she takes holding an alcohol license seriously, and that she had a license in Newton for seven years without any violations. Since the incident, all servers have been recertified for TIPS, even though they were all certified at the time of the incident. The server who provided alcohol to the volunteers has been employed by the restaurant for five years; she was suspended for one week without pay. Ms. Matarazzo noted that the restaurant staff is small – 4 persons – and that there had been a lapse of judgment on the evening in question. In response to a question from the Board, she stated that she has made a change in restaurant policy so that anyone appearing to be under 35 years of age will be asked for identification when ordering alcohol.

Sgt. Grady stated that there had been no issues at the licensed premises since the license was transferred to the current holder in April of 2006.

The Licensing Board unanimously found that the violation as alleged had occurred. The Board unanimously voted to impose a 1-day suspension, and offered the licensee the opportunity to choose the date the suspension would be served if it chose to waive its right of appeal. Ms. Matarazzo stated that she did waive the right of appeal on behalf of the licensee and designated December 8, 2011 as the date the suspension would be served.

8. China Rainbow, Inc.
d/b/a China Rainbow
36-38 North Beacon Street
Watertown, MA 02472

The Watertown Licensing Board held a show cause hearing, on the application of the Watertown Police Department, concerning alleged violations of G.L. c.138 (the Liquor Control Act) at your restaurant premises at 36-38 North Beacon Street, to wit: sale/delivery of an alcoholic beverage to a person under 21 years of age in violation of G.L. c.138, §34.

Tammy Young, president and manager, appeared on behalf of the licensee.

Sgt. Grady testified that on September 29, 2011, the Watertown Police Department conducted a compliance check of several alcohol service establishments in town. The compliance check involved two female volunteers, aged 19, entering licensed premises with instructions to order a beer. The volunteers were given copies of the Police Department's compliance check guidelines, which they stated they understood and signed. Each volunteer's dress and appearance were consistent with her age. Photographs of the volunteers were taken prior to the compliance check operation. Volunteers were asked to enter the licensed establishment, take a seat at a table or approach the bar and request one beer each. If they were served, they were to advise the participating officers immediately by cell phone and remain seated.

At approximately 8:00 p.m., the volunteers entered the China Rainbow restaurant. Within a few minutes thereafter, Sgt. Grady was notified by a telephone call that the volunteers had been served alcohol. He went into the restaurant and observed both volunteers sitting at a booth with bottles of beer in front of them. They identified the server to be the owner/manager of the restaurant. Sgt. Grady then spoke to Ms. Young and informed her of the compliance check. She apologized for the service to the volunteers and stated she had been rushing to get a takeout order from the kitchen. She also stated she had questioned herself about serving the volunteers when they ordered the beers. Ms. Young also noted that she was TIPS certified.

Ms. Young stated that she had been focusing on takeout orders at the time in questions. She was the only server in the restaurant, which has 68 seats and two chefs. Her son had previously worked at the restaurant, but he is now deceased. In response to a question from the Board, Sgt. Grady stated that the restaurant did not appear to be busy on the evening of the incident, but there were persons waiting for takeout orders.

Ms. Young stated that since her son's death business at the restaurant has decreased, but she is trying to keep it running. She noted that her nephew, who is TIPS certified, is now available to assist her. In response to a question from the Board regarding requests to patrons for identification when alcohol is ordered, Ms. Young stated that the business is a family restaurant and many of the patrons are known to her, but that strangers are asked for identification.

Sgt. Grady stated that the last incident of record at the licensed premises was ten years ago – service to an intoxicated person. Chairman Doucette noted that Ms. Young’s son was the manager at that time.

The Licensing Board unanimously found that the violation as alleged had occurred. The Board unanimously voted to impose a 1-day suspension, and offered the licensee the opportunity to choose the date the suspension would be served if it chose to waive its right of appeal. Ms. Young stated that she did waive the right of appeal on behalf of the licensee and designated November 24, 2011 as the date the suspension would be served.