



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

DONNA B. DOUCETTE
SANDRA KASABIAN HOFFMAN
JOHN LABADINI

ALTERNATE MEMBER
JIM TSEKREKAS

MINUTES MARCH 17, 2022

ACCEPTANCE OF MINUTES: FEBRUARY 20, 2022 **Approved 3-0**

1. Special Licenses:

- **Gordon's Family Liquor Store, Inc.** **Approved 3-0**
 d/b/a Gordon's Fine Wine & Liquors
Food and Wine Sampling, Bridal Event **92 Arsenal Yards Blvd.**
Entertainment License **March 20, 1:00pm – 6:00pm**

Chelsea Bell appeared on behalf of the applicant, and explained that Gordon's is partnering with Roche Brothers supermarket for this event. Alcohol service/tasting is a permitted activity at Gordon's retail licensed premises, so the application is for an entertainment license only. The proposal is for a small band, with a singer and guitarist. The hours are 2:00 – 5:00 p.m. Sgt. Swift reported 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.

- **Arsenal Yards** **Approved 3-0**
Entertainment License 130 Arsenal Yards Blvd.
Outdoor Music Series **April 1 – December 31, 2022**

Jessica Reed, marketing director, appeared in support of the application. She explained that Arsenal Yards held a music series last year and would like to bring it back for 2022, based on the success of 2021. She stated that the series supports the retailers at Arsenal Yards. Some of the events will feature a DJ and some will be concert presentations. The series will include family events, as was the case last year. The performance area will be Bond Square and the area near the Ben & Jerry's ice cream store. Ms. Reed noted that no alcohol will be served for the music series events. Sgt. Swift reported 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.

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| 2. Chikama Phase 2 LLC
d/b/a Nzuko Restaurant
60 Howard Street
Entertainment License | Approved 3-0 |
| 3. 8G Arsenal Yards LLC
d/b/a Taffers Tavern
541 Arsenal Street
All Alcohol Common Victualer License, Entertainment License | All Alcohol CV Approved 3-0 |
| 4. Kura Sushi USA, Inc.
d/b/a Kura Sushi Revolving Sushi Bar
101 Bond Square
Wine & Malt Common Victualer License | Approved 3-0 |
| 5. Cinemaworld of Florida, Inc.
d/b/a Majestic 7 at Arsenal Yards
81 Arsenal Yards Boulevard
Show Cause Hearing | 1-Day License Suspension Imposed 3-0 |
| 6. Jalapeno Enterprises, Inc. d/b/a
Ixtapa Mexican Grill & Cantina
18 Mt. Auburn Street
Show Cause Hearing | Continued to March 24, 2022 3-0 |
| 7. Public Hearing on Board's Regulations,
Sunday service hours for restaurants and commercial clubs | Amendment adopted 3-0 |

The Board held a public hearing to consider amendment of its regulations, particularly section IV.C.1.b. Before amendment, this section read as follows: "Licensees may operate from 12 noon to 12 midnight on Sundays provided they have applied for and been issued a seven (7) day license by the Licensing Board."

Acting clerk Noelle Gilligan reported that notice of the hearing was published on March 4. Attorney David Doneski of City Attorney, KP Law explained that a hearing to consider amendment of the regulations had been scheduled following inquiry from on-premises alcohol licensees regarding approval to serve alcohol prior to noon on Sundays, for brunch hours. He explained that service between 10:00 a.m. and noon on Sundays required acceptance of a provision of the General Laws, section 33B of Chapter 138, by the City Council and that the Council had voted acceptance in February.

The Board discussed whether to adopt an amendment allowing for earlier Sunday service on individual application of licensees or an amendment granting approval for all licensees. There was no public comment. Chair Doucette suggested amendment of the existing language so it would read as follows: "Licensees may operate from 10:00 a.m. to

12 midnight on Sundays provided they have applied for and been issued a seven (7) day license by the Licensing Board.” The Board voted unanimously to adopt the amendment.

Start: 7:15PM
End: 9:49PM

Donna B. Doucette, Chairman

Present: Donna B. Doucette, Sandra Kasabian-Hoffman, John Labadini, Jim Tsekrekas
Also Present: Noelle Gilligan – acting clerk, Watertown Police Sgt. Ken Swift,
Attorney David Doneski

Chikama Phase 2 LLC
d/b/a Nzuko Restaurant
60 Howard Street
Watertown, MA 02472

The Watertown Licensing Board met to consider the application of Chikama Phase 2 LLC d/b/a Nzuko Restaurant for a 6-day Entertainment License (Monday through Saturday) to be exercised at 60 Howard Street.

Obi Ndukwe, son of Laurette Ndukwe, a manager of the LLC, appeared in support of the application.

Mr. Ndukwe explained that the plan is to provide live music, with a maximum of a 3-piece band, from 6:00 p.m. to 10:00 p.m., Thursday through Saturday. The musical offerings will be Caribbean or Middle Eastern, and the musicians will be located adjacent to the front entrance/lobby area. (See annotated floor plan sheet submitted with the application, received in the office of the Town Clerk on January 14, 2022.)

Chair Doucette asked about the impact of the music on upstairs occupants at the premises. Mr. Ndukwe responded that the space is currently office use, the leasing office for the apartment building; and stated that if the music becomes a disruption the restaurant will make accommodations or stop the entertainment.

Sergeant Swift reported that the Police Department had no objection to the grant of the requested entertainment license, provided that the conditions stated below were imposed.

After hearing, the Licensing Board voted unanimously to grant the requested license, for musical entertainment, subject to the following conditions:

1. The hours of exercise will be Thursday through Saturday, 6:00 p.m. to 10:00 p.m.

2. Musicians shall be limited to three, and one singer.
3. Neither the band nor the patrons shall impede access to the entrance or exits of the restaurant.
4. The entertainers shall perform in the area designated on the plan submitted, at the front entrance/lobby area. (See annotated floor plan sheet submitted with the application, received in the office of the Town Clerk on January 14, 2022.)
5. Music must be kept at a reasonable and unobtrusive level.
6. A full-service menu must be available during hours of entertainment.

8G Arsenal Yards LLC
d/b/a Taffers Tavern
11 Hayden Drive
Foxboro, MA 02035

The Watertown Licensing Board met to consider the application of 8G Arsenal Yards LLC d/b/a Taffers Tavern for an All Alcohol Common Victualer License to be exercised at 541 Arsenal Street.

Marc Magerman, a franchise owner and manager of the LLC, appeared in support of the application with partner Peter Weber, also a manager of the LLC.

Mr. Magerman stated that he and Mr. Weber operated Five Guys hamburgers businesses from 2007 to 2019. He explained that Taffers Tavern is a franchise, founded by John Taffer, of TV show *Bar Rescue* fame. This will be the first Massachusetts location, and the third in the country. The concept is sous vide cooking, and the facility will have the required technology. Food is delivered vacuum sealed and then cooked in water; in general, fresh food will not be kept on the premises, though salads, appetizers and desserts will be locally prepared. The anticipated food supplier is Cuisine Solutions. As part of the preparation, and as needed, proteins and other foods will be put in a press, similar to a panini press, to sear and add char. The on-site freezer and cooler will be 8 feet by 10 feet, a fairly standard size and per guidance from the franchisor. The same size equipment is in use in the Alpharetta, Georgia location.

In response to a question from the Board regarding alcohol service experience, Mr. Magerman stated that they have partnered with Mr. Taffer to get the benefit of his expertise. There will be a full management team, with TIPS certification and compliance with other City requirements. He added that both he and Mr. Weber are TIPS certified, and that there will be a training team on-site for 60-90 days after opening. Training will also take place prior to opening, and the process will include a range of topics from beverage choice to making cocktails, inventory management, and anti-theft procedures.

Chair Doucette asked about outdoor seating, and Mr. Weber noted there are 16 seats in the 'via' area. Mr. Magerman stated that they probably would not use outdoor seats in colder weather.

Sgt. Swift reported that the Police Department had no objection to the granting of the requested alcohol license, provided that the conditions stated below were imposed.

With regard to the entertainment license, Chair Doucette noted that the Board did not yet have the information required to act on the application.

After hearing, the Licensing Board voted unanimously to grant the requested alcohol license, subject to the following conditions:

1. The description of the licensed premises is as follows: pub with indoor and outdoor patio; approximately 4,444 square feet – pre-construction figure.
2. The hours of operation shall be 11:00 a.m. to 12:00 a.m. (midnight) Monday through Saturday, and 11:00 a.m. to 12:00 a.m. (midnight) on Sunday. No alcohol shall be served before 12:00 noon on Sundays.
3. Seating for 169 persons as shown on the plan submitted (see plan prepared by LYF Architects "Taffers Tavern Schematic Plan," dated 21 Oct. 2021, sheet 01).
4. The managers, Marc Magerman and Peter Weber, and all servers employed by the licensed establishment shall attend and successfully complete an alcohol awareness training program (e.g., TIPS) immediately upon hire or expiration of certification.
5. Copies of all alcohol awareness training certifications shall be maintained by the licensee and reviewable upon request.

After voting to grant the alcohol license, the Licensing Board voted unanimously to table the application for the entertainment license, pending receipt of additional information.

Kura Sushi USA, Inc.
d/b/a Kura Sushi Revolving Sushi Bar
82 Wendell Avenue, Suite 100
Pittsfield, MA 01201

The Watertown Licensing Board met to consider the application of Kura Sushi USA, Inc. d/b/a Kura Sushi Revolving Sushi Bar for a Wine and Malt Common Victualer License to be exercised at 101 Bond Square.

Attorney Nicholas Iannuzzi appeared in support of the application, together with Andrew Wilbur – manager, and Nicole Arai.

Mr. Wilbur explained the restaurant concept. There will be tables and booths, eight single seats; and they will be served by overhead conveyor belts, one running continuously and one that will run directly to particular seating locations. Attorney Iannuzzi stated that this will be a beer and wine only operation; sake will be served but it is rice wine and is not considered to be hard liquor. He noted that the business has other establishments in California, Texas and Illinois, and added that Mr. Wilbur was a TIPS trainer for many years. Mr. Wilbur stated that he lives in Milton, Massachusetts and has been in the restaurant industry for many years. He was a TIPS trainer for 14 years, and there will be a requirement for this restaurant that within their first 30 days, employees must be certified for alcohol service, either through TIPS or ServSafe. He added that the restaurant will not have a physical bar, and there will be no TVs or sports viewing. Mr. Wilbur explained that he did a 2 ½ month training in California for this dining concept. He stated that he is a trained chef and has worked in various Boston restaurants.

Ms. Contreras stated that the parent company is located in Japan, with 300 restaurants. The concept is based on fresh sushi, served quickly; a protective dome is used to cover plates that are loaded with food in the kitchen. Customers can take food from the general conveyor belt or use the express belt for direct delivery. They will order food on a tablet device at their table and it will be sent direct from the kitchen. The restaurant will limit the time of food to air exposure to 4 hours, mostly 2 hours. If food ‘times out,’ it will be disposed of; once food is exposed, the dome cannot be replaced. This will be a mostly dine-in experience, with 90% of business estimated to be dine-in. Mr. Wilbur explained the alcohol service process. A server will take drink orders and check id’s; servers will deliver drinks directly to the patrons. Customers can order alcohol on the tablet, but must provide proof of legal age. Alcohol will be single service, and it will be stored that way, so there will be no mixing of drinks.

Mr. Wilbur noted that approval from the Building and Health Departments had been obtained.

Sgt. Swift reported that the Police Department had no objection to the granting of the requested alcohol license, provided that the conditions stated below were imposed.

After hearing, the Licensing Board voted unanimously to grant the requested alcohol license, subject to the following conditions:

1. The description of the licensed premises is as follows: approximately 2,800 square feet; full service restaurant and dining area; kitchen and restrooms.
2. The hours of operation shall be 11:00 a.m. to 10:00 p.m. Monday through Sunday. No alcohol shall be served before 12:00 noon on Sundays.
3. Seating inside for 88 persons as shown on the plan submitted (see plan prepared by Tricarico Architecture and Design PC for “Location: Kura Sushi 101 Bond

Square Space C105 Watertown, MA 02472,” dated 04/15/2021, drawing no. EQ100 – Equipment Plan).

4. The manager, Andrew Wilbur, and all servers employed by the licensed establishment shall attend and successfully complete an alcohol awareness training program (e.g., TIPS) immediately upon hire or expiration of certification.
5. Copies of all alcohol awareness training certifications shall be maintained by the licensee and reviewable upon request.

Cinemaworld of Florida, Inc.
d/b/a Majestic 7 at Arsenal Yards
81 Arsenal Yards Boulevard
Watertown, MA 02472

The Watertown Licensing Board held a show cause hearing on a complaint of the Watertown Police Department alleging a violation of G.L. c.138 (the Liquor Control Act) on October 10, 2021 at your premises located at 81 Arsenal Yards Boulevard licensed for general on-premises all alcohol service, to wit: sale or delivery of an alcoholic beverage to an intoxicated person, in violation of M.G.L. c. 138, § 69; and improper management, in violation of M.G.L. c.138, § 23 in allowing such over service of an alcoholic beverage. The hearing was held remotely, via ZOOM.

Jim Deal, director of operations for Cinemaworld, appeared on behalf of the licensee, together with Jesus Navarro and James Joyce, manager.

On March 17, Sgt. Swift summarized the contents of Watertown Police Department reports for events of October 10, 2021. Police responded to the premises at approximately 1:00 a.m. in response to a report of an altercation outside. Several officers were on scene and they located a party with minor cuts on his hand and a bloody sweatshirt. The person said he got into an argument with his brother, and they were wrestling on the ground outside. He declined medical attention, and had a strong odor of alcohol on his breath and glassy eyes. He was asked if had consumed alcohol, and eventually said he had consumed 6 beers and 3 shots. He was given a BAC (blood alcohol content) test, with a result of .154, which is above the legal limit. Officers spoke to the brother, who also said he got into an argument. He had an odor of alcohol on his breath, and stated he had consumed 5 beers at the premises and also some prior to arrival. His BAC test result was .282. Officers also spoke to another person who said he didn't see what happened, but who also had alcohol on the breath. The person did not consent to a breath test. Charges for assault and battery under G.L. c. 265, section 13A were sought.

The report of Sgt. SarkisSian included the following. The first party contacted said he arrived at the premises at 9:30 p.m. (on October 9), then said 10:30 p.m., to watch a professional fight being screened at the cinema. He then said he consumed 2 beers prior to arrival and 3 beers, with shots, at the cinema. He was observed to have slow breath, and alcohol on his breath. When police arrived on the scene the Majestic was closed, but a visit was made the next day and police were advised that bartender James Cox had served the persons in question, who were

reported to have arrived at approximately 9:00 p.m. Mr. Cox stated the service as 3 beers each and 2 rum and cokes; and he said each person must order his own drinks. Sgt. Sarkisian also spoke to an usher – John Micco, who stated he thought he saw a flask in the pants pocket of one of the persons. Mr. Cox said he told the person to remove the flask and the person then went outside. James Joyce, the manager, was also interviewed. He stated he was not on duty at the time, but that the purchase transaction record showed the following: 9:34 p.m. – 3 bottles of beer; 9:47 p.m. – 3 rum and cokes; 10:08 p.m. – 3 rum drinks, 10:13 p.m. – 3 beers; 10:34 p.m. – 3 beers.

Sgt. Swift reported on his own investigation. He spoke to Mr. Cox by telephone, and was informed there were three men at the bar for 2 hours. An usher identified a person with alcohol brought in from outside, and Mr. Cox told him he had to dispose of it. The man left the building and returned after 15 minutes. At 10:45 p.m. the men left the bar and went into the theater; no more alcohol was served to them. Mr. Cox said he didn't believe the men were intoxicated. All three had 5 drinks – 3 beers and 2 rum and cokes. Sgt. Swift noted that Mr. Joyce was very cooperative, and that Cinemaworld was doing its own internal investigation. He verified each man consumed 5 drinks, and that at least one man brought alcohol into the building. The ushers reported no complaints in the theater. Sgt. Swift spoke again to Mr. Joyce in November and December, and he reported that Cinemaworld could not acquire a surveillance video of the incident. Sgt. Swift informed him that a show cause hearing before the Licensing Board would be requested.

Mr. Deal stated that the police reports jibed fairly well with Cinemaworld's own investigation. He stated that it takes an incident such as this very seriously, and noted that in its two years of operation it had not had any other such incidents. He explained that the event on the evening in question was a screening of a live fight, and he noted there have been other such screenings without incident. Mr. Deal further stated that Cinemaworld had asked its point-of-sale vendor about a software solution to assist with tracking of alcohol purchases, because identification is required for each drink purchase. He stated that there is now a new system of swiping id for every drink, and a limit of three drinks every 6 hours has been established. He commented that Cinemaworld is not a 'bar' operation; and that only about 3% of sales is from the bar. He stated that the focus is to serve a family audience, and that Cinemaworld intend to be vigilant in that regard.

In response to questions from the Board Mr. Deal and Mr. Joyce stated that the screening event itself was about 2 hours, and started around 10 p.m. There is usually a series of fights prior to the main event. The men in question had drinks prior to entering the theater. Patrons are allowed to bring drinks into the theater space.

Sgt. Swift confirmed that the 911 call came into the Police Department at 1:02 a.m.

Board member Kasabian-Hoffman commented that management had taken steps to prevent future incidents, with the point-of-sale system. Member Labadini suggested that any penalty should address only the sale of alcohol and not the screening of movies. Chair Doucette stated that the Board usually follows a practice of two days of license suspension per violation, for a typical restaurant, but noted that was not the case here.

After hearing, the Licensing Board unanimously found that the violations as alleged had occurred, and the Board voted unanimously to impose a one-day suspension of the alcohol service license. The Board offered the licensee the opportunity to choose the dates the suspension would be served if the licensee chose to waive its right of appeal to the Alcoholic Beverages Control Commission. Mr. Deal stated that the licensee wanted to waive the right to appeal, and proposed the date of Sunday, March 20, 2022 for service of the suspension. The Board approved the suspension date of March 20. Sergeant Swift stated that the licensee must deliver the license to the Police Department at the end of the licensee's operations on Saturday, March 19 or Sunday morning.

Jalapeno Enterprises, Inc. d/b/a
Ixtapa Mexican Grill & Cantina
18 Mt. Auburn Street
Watertown, MA

The Chair acknowledged the Board's receipt of a request from the licensee's attorney to continue the hearing to the Board's next meeting or an earlier date if the Board wished to hold a special meeting. The Board voted unanimously to continue the hearing to March 24, at 6:00 p.m., via Zoom.