



*Licensing Board*  
**CITY OF WATERTOWN**  
**ADMINISTRATION BUILDING**  
**149 Main Street**  
**Watertown, Massachusetts 02472**  
TEL. (617) 972-6486  
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**BOARD MEMBERS**

**DONNA B. DOUCETTE**  
**SANDRA KASABIAN HOFFMAN**  
**JOHN LABADINI**

**ALTERNATE MEMBER**  
**JIM TSEREKAS**

**MINUTES OCTOBER 20, 2022**

**ACCEPTANCE OF MINUTES: SEPTEMBER 15, 2022      Approved 3-0**

1. Country Mile Food, LLC  
d/b/a Ravello Italian Kitchen  
136 Belmont Street  
Change of Manager  
Approved 3-0
2. RGM Group LLC  
d/b/a Watertown Convenience  
113 Mt. Auburn Street  
Wine and Malt Package Goods Store License  
Denied 2-1
3. Bar Cino Watertown, Inc.  
d/b/a Bar Cino  
45-51 Main Street  
Status Hearing  
Continued to  
December 15, 2022
4. Comments by Board Clerk and Police Department

Regarding public notice requirements for application hearings, David Doneski, of City Attorney KP Law, stated that he had not identified any areas of the Board's regulations that could be considered for amendment with respect to publication of legal advertisements, to address the fact that many newspapers are now publishing on-line versions only. He stated his present determination that posting of notice in electronic versions of newspapers could not substitute for advertisement in printed versions.

Start: 7:17PM  
End: 9:43PM

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Donna B. Doucette, Chairman

Present: Donna B. Doucette, Sandra Kasabian-Hoffman, John Labadini, Jim Tsekrekas  
Also Present: Head Clerk, City Clerk's Office - Noelle Gilligan, Watertown Police Sgt. Ken Swift, Attorney David Doneski

Country Mile Food, LLC  
d/b/a Ravello Italian Kitchen  
136 Belmont Street  
Watertown, MA 02472

The Watertown Licensing Board met to consider the application of Country Mile Food, LLC, d/b/a Ravello Italian Kitchen for approval of a change of manager of its premises at 136 Belmont Street licensed for All Alcohol Common Victualer service.

Attorney Tricia Farnsworth appeared in support of the application, together with Jeffrey Cincotta, a manager of the LLC and the proposed manager.

Attorney Farnsworth stated that there had been four partners in the business enterprise, one of whom, Carol King, was also the manager, but she has left the management group. Jeffrey Cincotta is the chef and is proposed to be the new manager. Mr. Cincotta explained that the management group also operates Molinari's restaurant in Boston, and that there are on-premises management teams at both locations. He stated that they are very much involved with both operations on a daily basis, and that in Watertown there is a manager and a bar manager. He typically works in the kitchen in mornings, but also does front of the house work. He added that he is at the Watertown location six days a week, for at least three hours, and for eight hours on some days; and he also spends some time at the Boston location each day. Attorney Farnsworth noted that Mr. Cincotta's wife, Doreen, is the manager of the Boston location. Mr. Cincotta stated that he has been the chef at the Watertown location for about three years.

Sergeant Swift reported that the Police Department had no objection to the proposed change of manager, provided that the conditions stated below were imposed.

After hearing, the Licensing Board voted unanimously to approve a change of manager to Jeffrey Cincotta, subject to the following conditions:

1. The new manager, Jeffrey Cincotta, 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 certifications shall be maintained by the licensee and made available upon request.
2. All other conditions of the license shall remain in place.

RGM Group LLC  
d/b/a Watertown Convenience  
119 - 121 Mt. Auburn Street  
Watertown, MA 02472

The Watertown Licensing Board convened a continued hearing to consider the application of RGM Group LLC d/b/a Watertown Convenience for a Wine and Malt Package Goods Store License to be exercised at 113 Mt. Auburn Street.

Attorney Stuart Alford appeared in support of the application, together with Rafek Hanna, a manager of the LLC.

At the start of the continued hearing, Chair Doucette made an opening statement regarding the prior hearing session of September 15, 2022 and letters received by the Board since that time: one from counsel for the applicant, dated October 11, 2022, and one each from the senior pastors of Redeemer Fellowship Church and Antioch Baptist Church, both dated October 16, 2022. Chair Doucette read all of the letters into the record. She then asked David Doneski, of City Attorney KP Law, to comment on the applicable statutory provision.

Attorney Doneski stated that previously section 16C of Chapter 138 had allowed for a veto of a license application by a church, but that element of the law had been struck down by the U.S. Supreme Court in 1982, in the case of *Larkin v. Grendel's Den*. Now, the statute provides that when proposed licensed premises are within a 500-foot radius of a church the local licensing authority must determine that the premises will not be detrimental to spiritual activities of the church in order to grant a license. He noted that the statute does not define the word "detrimental."

Attorney Alford stated that the legal argument is whether the Board can or should find that issuance of the license would not be detrimental to educational or spiritual activities. He noted that at the September 15 hearing session most of the applicants for licenses were themselves churches, so that there is a wide range of opinions on this issue. He stated that giving final say on a license to a church was recognized as dangerous in the *Grendel's Den* case. He further stated his disagreement with the position stated in the Antioch Baptist Church letter that the burden is on the applicant to show that the requested license would be a benefit to the church, commenting that the applicant does not have to prove that the license would not be a detriment because that is a finding for the Board to make. Attorney Alford continued that the Antioch Baptist Church letter states that a finding of not detrimental means a finding that the license would be neutral or beneficial to the church's spiritual activities, but that such a position is the wrong perspective. He added that a more concerning element of the letter of objection was the numerous references to youth drinking and the suggestion that granting the license would allow an outlet for youth drinking. He stated that it was made clear at the September 15 hearing session that the applicants are upstanding citizens and are concerned about the community. Regarding exposure to alcohol, Attorney Alford commented that if children entered the store they would see alcohol but would not likely see it from outside the store. He noted that it is a religious position of the Southern Baptist Convention to prevent the advertising and sale of

alcohol, and that a convenience store is not a place for children to get alcohol. He also stated that the letter mentions other alcohol sales outlets nearby, but that no studies were cited to show there has been a negative impact in Watertown from a store or restaurant selling alcohol. Attorney Alford added that the applicants have been in business in Watertown for 30 years, and he did not think the social and spiritual nature of the City has been negatively impacted by licensed alcohol sales locations.

Attorney Alford commented that the letter from Redeemer Fellowship Church is mostly about youth drinking and access to alcohol. He stated it was a letter meant to scare, and that although it does mention studies and footnotes them Attorney Alford had read the studies and that they talk about the role of social support and recovery for individuals with alcohol and drug problems, and that while alcohol availability and youth drinking and driving are discussed there are other variables, including those of economics and race. He also noted that the articles are 20 years old. Attorney Alford further commented that the letter closes by noting it is not an objection to the applicants personally. He added that if the argument of the church is that the license would be detrimental because the church says so that would amount to the veto situation found unlawful in the *Grendel's Den* case. He further stated that this is a mom-and-pop convenience store, not a superstore or night club; it is a low key family-based business with two people who have been part of the fabric of the community for a very long time.

Zoe Doucette commented that her windows overlook the church and the street corner where the store is located. She stated that there are people at the church all day, every day, noting that she works from home most days. She added that the church lawn is a gathering space, for more than just what the church does, explaining that she picks up her CSA package on the porch, and that some activities are community-based and some are church-based. She stated that the store space is only 800 feet, and if half of that would be filled with alcohol there is a question about what else will be there. She commented that denying the license would still allow for a convenience store and give more things benefitting the community, and that having half of the 800 square feet dedicated to alcohol would not bring a lot of positive benefit.

Amy Cal, a member of Antioch Baptist Church, stated that she was an attorney, but not acting as the church's attorney. She commented that there is no argument that the church has a veto right or is trying to upset the Establishment Clause of the Constitution; rather the issue was a response to a license application that relates to a particular place near the church. Ms. Cal stated her view that section 16C of Chapter 138 makes it clear that regulators were concerned about the impact of alcohol on a church. She added that 500 feet is the significant number, and stated that proximity is important, noting that the church has activities every day of the week. She explained that she was not saying anything about the character of the applicants, but that she knows that underage kids will find a way to get alcohol and the issue is about a sale outlet right next to the church. Ms. Cal also commented that the licenses granted to other churches noted by Attorney Alford were not for retail outlets but for one-day events. She stated that the word "detrimental" is not defined in the statute, but Black's Law Dictionary describes it as meaning any harm or loss. She continued by saying that this is a situation where two churches operate seven days a week and that their spiritual activities would be hampered by the existence of a store selling alcohol. Ms. Cal asserted that if the churches' concerns were not taken into

consideration that would be equivalent to saying that section 16C is meaningless, and the proximity of the store to the church is 'as close as you can get'.

David Um, senior pastor of Antioch Baptist Church, stated he was concerned because the church is right next door to the store. He noted he did not become aware of the application until right before the first hearing took place, and that pastor Raymond of Redeemer Fellowship Church had been out-of-state for a death in the family. He added that he was not attacking anyone's character, but knew of people in his community that are tempted by alcohol and that he would like a store selling alcohol not to be right next to the church.

Timothy Craig, a pastor at Redeemer Fellowship Church, stated that another issue to consider is a pastor giving advice, noting that he does not recommend the use of alcohol and that while he is not a crusader for temperance the location is so close to the church. He added that there are youth groups meeting at the church during the week and alcohol sales close by seems unwise.

Attorney Alford responded that he understood that alcohol abuse is serious, but that was not the issue before the Board. He stated there were arguments about a small number of people that might be harmed, but no specifics about what the harm would be. He noted that proximity is not a detriment, it only gives the right to object.

Zoe Doucette commented that there is a Dunkin Donuts business down the street from the proposed location, and that people sit there at night and drink alcohol. She stated her fear that people would migrate to the applicant's location if alcohol were sold there.

Chair Doucette stated that when considering to grant any license the Board must consider the location, the character of the applicant and the common good. She commented that, for her, the character of the applicants was not an issue, and noted that the common good overlaps into whether the Board can certify in writing with its decision that the proposed premises are not detrimental to educational and spiritual activities of a school or church. She referenced a prior application for a restaurant where the service of alcohol was proposed to be almost as close as in this case to a church school that bordered the back of the restaurant. In that situation, there was a fence and the applicant was willing to increase its height, and access to the school was on a different street; whereas, here, there is a densely populated neighborhood and a large inviting lawn in front of the church. Chair Doucette noted that the store would be in a block of stores, and provided to the Board members an annotated Google Maps document, entitled "Watertown Package Stores," showing the location of the 14 package stores presently existing in Watertown. She also noted that one-day licenses are for people to host an event at a church property, not permanent licenses.

Sgt. Swift reported that the Police Department had no objection to the granting of the requested license, subject to certain conditions and subject to the Board's determination.

Board member Kasabian-Hoffman asked about alcoholic beverage stores in proximity to the proposed site, and Chair Doucette listed the addresses of all package stores, and those selling

beer and wine only. Board member Kasabian-Hoffman responded that those stores in walking distance of the proposed site have ‘all alcohol’ licenses.

Chair Doucette asked Attorney Doneski for comment on the standard for a licensing authority to apply to an application, and he read an excerpt from the decision of the Massachusetts Appeals Court in the case of *Ballarin, Inc. v. Licensing Board of Boston* regarding public need.

Board member Kasabian-Hoffman stated that there are many outlets in Watertown for alcoholic beverages, and that she thought there were an adequate number of places.

Board member Labadini stated that the character of the applicant was not in dispute. He stated his view that markets are efficient and help determine what a retailer would sell.

Chair Doucette stated she was concerned with whether declaration of harm would in some way harm others, commenting that there can be a valid spiritual belief about practices that not all persons would share, such as multiple spouse marriage or underage marriage. She explained that in this case she did not see self-proclaimed spiritual beliefs and community beliefs as causing harm to others around them, but that she looks more closely at the sites and needs of the community.

Board member Tsekrekas stated that each person will have their own definition of what is “detrimental;” and that he saw the issue as more the proximity of the site to other alcohol sales locations in the area.

In response to the comments about efficiency of markets, Chair Doucette stated her view that markets are imperfect, having no consciousness as to what is good or bad and looking only at what is efficient and how much money can be made. She commented that on the question of public good she saw an unconvincing argument that the proposed site needs to sell beer and wine. Chair Doucette explained that while she had concerns about the proximity to a church and the programs run there, she did not view those as a foreclosing argument, but that the more important issue was where the public good would be best met. She added that if the site were a block over and on the other side of the street she would not find the churches’ arguments to be as relevant; and that, for her, the proximity was the issue. Chair Doucette recommended that the Board not approve the license for the reasons discussed, noting that her primary focus was proximity to a church site where community and vulnerable populations have a need for an environment that supports their mission rather than one that can be seen as a threat.

Board member Kasabian-Hoffman stated her agreement that proximity was an issue, but that more so for her was that the need in the area was not compelling.

Board member Labadini stated he respectfully disagreed, and that he would grant the license.

Bar Cino Watertown, Inc.  
d/b/a Bar Cino  
300 Metro Center Boulevard, Suite 100  
Warwick, RI, MA 02886

The Watertown Licensing Board conducted a hearing on the status of the All Alcohol Common Victualer License previously held by Margaret Enterprises, Inc. d/b/a Stellina for exercise at 47 Main Street, and which was approved for a transfer to Bar Cino Watertown, Inc. d/b/a Bar Cino for exercise at 45 - 51 Main Street.

Gary Morrison, regional manager, and Brian Parkin, who will be general manager of the licensed premises, appeared on behalf of the applicant. After hearing, the Licensing Board voted unanimously to continue the hearing to December 15, 2022.

Chair Doucette read the transfer decision into the record, and referenced the provisions of section 77 of Chapter 138 of the General Laws regarding an alcohol license that is not exercised. She noted that the applicant is still not operating a business at the licensed premises, and that the annual license renewal time period is approaching, requiring the Board to certify to the Alcoholic Beverages Control Commission that licenses are being exercised.

Mr. Morrison stated that all rough renovation work at the premises has been done, and that restaurant equipment has been purchased and is being stored in a warehouse. He noted that the building permit was issued in September of 2022, and that the food plan review process went into effect in June, with approval issued in July. He explained that securing equipment needed slowed down the food plan process, but that those issues are now resolved. He stated that the building is scheduled to be ready in December, but that a hiring process must take place so that the target time frame to open the restaurant is mid-February or March. He further explained that the time period to obtain a building permit was extended on account of a change in staff in the Building Department and a question regarding sprinkler system requirements. Mr. Morrison stated that there was no financial issue. He presented a photograph showing the work in progress, and added that during the wait for a building permit arrangements were made to build divider walls at another site for later installation at the premises. Mr. Morrison described the normal hiring process as including use of a satellite location and training program. In this situation, there were employees to whom commitments were made but it was necessary to wait until they could be assigned to this site. Mr. Morrison also submitted to the Board a copy of the construction schedule.

The Licensing Board voted unanimously to continue the status hearing to December 15, 2022.