



Licensing Board
CITY OF WATERTOWN
ADMINISTRATION BUILDING
149 Main Street
Watertown, Massachusetts 02472
TEL. (617) 972-6486
FAX (617) 972-6595

BOARD MEMBERS

DONNA B. DOUCETTE
SANDRA KASABIAN HOFFMAN
JOHN LABADINI

ALTERNATE MEMBER
JIM TSEREKAS

MINUTES NOVEMBER 16, 2023

ACCEPTANCE OF MINUTES: DECEMBER 21, 2023

1. Special Licenses

- Aram Kayserian** **Approved 3-0**
Pre-wedding event One-Day Wine and Malt License
St. Stephen's Armenian Church
38 Elton Avenue December 21

Aram Kayserian appeared in support of the application. Chair Doucette reviewed the elements of the application: 7:30 p.m. to 11:30 p.m.; estimated 300 attendees; alcohol awareness certifications for servers; site layout; alcohol storage area plan; ABCC-approved wholesaler receipt. Mr. Kayserian explained that the event will include wedding guests who will be from out-of-town, family groups, and that the majority of attendees will be over 21, with a few teenagers and some children under 10. Bartenders will request identification before service. Parents have been notified that anyone under 21 years of age will not be allowed to consume alcohol. The Building and Fire Departments and Zoning Enforcement Officer had no comment on the application. The Health Department reported that its review was pending a food service permit application. Mr. Kayserian noted that the event will include service of ready-made food, from retail; no meal will be prepared. Sgt. Swift stated 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.

- Bhim Oli** **Approved 3-0**
Sweet 16 Party One-Day All Alcohol License
St. James Armenian Church
456 Mt. Auburn Street December 9

Hovannes Piranosian, facilities manager, appeared in support of the application, via telephone. Chair Doucette reviewed the elements of the application: 6:00 p.m. to midnight; an anticipated 400 attendees; alcohol awareness and crowd manager certifications for servers and crowd manager; rental agreement with the church; certificate of liability insurance; ABCC-approved wholesaler receipt – with the bulk of the product being mixers and juices; the church is permitting use of its tax-exempt status to allow for an all alcohol license; layout of venue,

including alcohol storage area. Mr. Piranosian confirmed that many of the guests will be under 21. He noted that id's will be checked and wristbands issued to those 21 and over. He stated that this is not a public event; it is invitation only, but there is a large community involved. He added that it was his understanding that not many attendees would be drinking alcohol, but that there would be at least two bartenders. The Building and Fire Departments and Zoning Enforcement Officer had no comment on the application. The Health Department reported that a food service permit application was pending. Sgt. Swift stated 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.

2. RRG-Watertown, LLC Approved 3-0
d/b/a Blackbird Doughnuts
116 Bond Square
Common Victualer License

3. XZH, II, Inc. Continued to January 18, 2024
d/b/a New Ginza
63 Galen Street
Alteration of Premises for All Alcohol Common Victualer License

4. Comments by Board and Police Department

Board member Kasabian Hoffman inquired about the status of the Wicked Bagel restaurant premises, for which the Board had approved an All Alcohol Common Victualer License in March of 2023. Board clerk Noelle Gilligan reported that there is some extra work required in the basement before the business can open.

Start: 7:20PM
End: 9:29PM

Donna B. Doucette, Chair

Present: Donna B. Doucette, Sandra Kasabian Hoffman, Jim Tsekrekas (arriving at 7:38)
Also Present: Watertown Police Sergeant Ken Swift, Attorney David Doneski,
Licensing Board Clerk - Noelle Gilligan

RRG-Watertown, LLC
d/b/a Blackbird Doughnuts
553 Tremont Street
Boston, MA 02116

The Watertown Licensing Board met to consider the application of RRG-Watertown, LLC d/b/a Blackbird Doughnuts for a common victualer license to be exercised at 116 Bond Square.

Attorney Tricia Farnsworth and Elena DeSilva appeared in support of the application. Attorney Farnsworth explained that this will be the company's seventh location, and the business will be open seven days a week. The owner of the LLC is Rebecca Roth Gullo, a restaurateur for many years. Ms. DeSilva has been with the company for nine years.

The Building and Fire Departments, and the Zoning Enforcement Officer had no comments.

The Health Department reported that there is a pending food permit application for the business.

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

After hearing, the Licensing Board voted unanimously to grant a common victualer license, subject to the following conditions:

1. The description of the premises is as follows: 642 square foot restaurant, kitchen, and outdoor takeout window, with indoor seating for 19 people.
2. The hours of operation shall be 7:00 a.m. to 6:00 p.m. Monday through Friday, and 8:00 a.m. to 6:00 p.m. on Saturday and Sunday.
3. There shall be no alcoholic beverages on the premises.

XZH, II, Inc.
63-65 Galen Street
Watertown, MA 02472

The Watertown Licensing Board met to consider the application of XZH, II, Inc. for approval of alteration of its premises at 63-65 Galen Street licensed for All Alcohol Common Victualer Service.

Attorney David Klick and Risheng (Sam) Xu, president and manager of the restaurant, appeared in support of the application.

Attorney Klick stated that the restaurant has been in existence since 2001, with a transfer to the current owner in 2015. The licensee is proposing to make what has been a temporary outdoor seating arrangement a permanent part of the premises. Outdoor seating was added in 2021, under the state's COVID-19 rules for outdoor dining. The site is directly across the street from a new commercial building, which is still under construction and has an underground garage. He explained that the plan submitted shows seating as it presently exists; and he noted his understanding that a tree in front of the restaurant has been replaced by a traffic signal. There is no parking in front of the restaurant, and signs have been placed on the front door and at the outdoor seating area stating that it is a no parking area for food pick-up drivers, etc.

Member Tsekrekas asked about the barriers in the outside area, and Attorney Klick stated they are moved to a spot adjacent to the building when outdoor seating is not in place. Mr. Xu added that the outdoor seating is on the restaurant's property.

Chair Doucette displayed a photo from the restaurant's website showing tables and barriers, and Mr. Xu stated that the arrangement shown is no longer in place.

Anthony Farina, an abutting business owner (Farina's bicycle shop) and owner of property located on the opposite side of the site, commented that he had submitted a letter to the Board and that he was opposed to application. He stated that in the past month there had been a dramatic change in the small traffic island in front of the restaurant, including two signal posts and two curb cuts, so that the corner location has changed from what was presented to the Board. He also stated that the square footage of the seating area had been misrepresented. He added that seating must be ADA compliant – such that a minimum of 5% or one table must be accessible, and that with a passage area required, the calculation would come out to 1.5 tables. Mr. Farina further stated that the Watertown bike committee had maintained a bike rack on the traffic island and that the rack would be replaced after completion of Galen Street improvements. He noted his position that with planters in the seating area there would be a violation of the sight line requirements in the Zoning Ordinance. Mr. Farina explained that his greatest concern was that there are incidents at the location every day, including customers and food pick-up personnel being disruptive and disrespectful. He stated that he had videos of customers and tenants being threatened, but that he and other neighbors could not call the police every day for such incidents. Mr. Farina asserted that the applicant's statement regarding 'no parking' issues was a misrepresentation. He stated that there is no customer parking for the restaurant, and that the restaurant owners themselves park their vehicles so as to block his residential tenants.

Chair Doucette noted that the applicant had submitted a surveyor's plan, and asked if the square footage misrepresentation related to the requirement of a 36-inch travel way for ADA compliance, and Mr. Farina responded yes. He said he was not disputing that the sidewalk is the size shown on the plan, but commented that the area had changed a lot in the last month. He presented photographs of the sidewalk area, and stated his view that the square footage indicated was accurate but that the manner in which the number of tables was computed was inaccurate.

Mr. Farina stated that parking for his customers is the three spots in front of the door to his building, and that there is no parking allowed on Aldrich Road, the street intersecting with Galen Street at the corner where the restaurant is located. When asked by the Board, he responded that it is possible that his customers or those of other businesses are parking there. He added that he had tried to communicate with the New Ginza operators, but they had only posted an 8.5 x 11 sheet on their door regarding parking restrictions. He stated his belief that the outdoor table use would spill out onto the public way.

Michael Farina, a part owner of Farina's and part owner of Aldrich Road property addressed the Board. He stated he is there every day and sees what goes on with parking, noting that during the morning there are cars dropping off patients for the adjacent dentist office and that at night people park in the Farina's spots. He added that he goes next door to the restaurant and asks them to move, with some complying and some not. Mr. Farina also stated that food delivery vehicles will park on the street and block his business's parking spaces. He described the biggest problem as the sight lines for vehicles pulling out of Aldrich Road, and said that even though there are 'no parking' signs on Aldrich Road the food delivery vehicles park there every night.

Board member Kasabian Hoffman noted that the purpose of the new traffic lights is to stop drivers from pulling out quickly. Michael Farina responded that the public discussion on intersection redesign did not include an outdoor seating component for the restaurant. He stated his observation that mostly every other day, for Aldrich Road, the customers and owners will park on Aldrich Road so as to block access to his property, overhanging the curb by about a half car length.

Board clerk Gilligan reported that there had been a zoning review for compliance, and that the Building Department had viewed the site to give approval for the temporary outdoor seating under the COVID-19 rules. Chair Doucette commented that the COVID allowances for outdoor seating are the changes that the applicant seeks to make permanent. She noted that the photo of outdoor seating on the restaurant's website shows a layout different from what is there now. Michael Farina responded that the tables and chairs were moved on account of the construction work in the roadway.

Chair Doucette noted that the Zoning Enforcement Officer had reported no objection to the Board and that she presumed that was based on the current situation. Michael Farina responded that the plan submitted does not show the tree removed or the light posts or curb cuts at the traffic island.

Mr. Xu addressed the Board, noting that English is his second language. He stated he has been in the restaurant business for 25 years and that since COVID the whole business has changed, with more take out and pick-up at most restaurants and a lot of pick-up drivers parking everywhere. He stated he was trying to survive, so he includes take-out and pick up as part of his operations. He added that other restaurant pick-up drivers are also parking in the area. He explained that he is applying for outdoor seating in order to get more dining customers.

Attorney Klick stated there were two issues: parking and sight lines. He expressed his view that the seven tables proposed would not create a parking issue, and that even if a table were placed in front of the restaurant's second entrance, that would be free and clear if four tables were placed along the property line. He saw no obstruction from tables in regard to building access. He added that sight lines are not an issue because there would still be access on the public, concrete sidewalk, and that the new traffic signal would allow for better turning conditions.

Board member Tsekrekas asked if the applicant had tried contacting the food pick-up companies to address the parking concerns. Attorney Klick replied that they could have that conversation, and that the signs on the door could be enlarged and other signs placed on the exterior of the building.

Chair Doucette asked about the area to the rear of the restaurant building, and Attorney Klick stated it is a shared driveway.

Paula Farina Pollis, a part owner of Farina's and 15-17 Aldrich Road, and an owner of Atina LLC, stated that there had been no conversations with New Ginza operators regarding a parking solution. She said she had spoken to Mr. Xu on numerous occasions about the constant flow of cars blocking Farina's parking spaces, but no compromise had been offered. She reported that on one occasion she was essentially physically assaulted by a customer when she asked him to not park in the Farina's space. She commented that expanding the size of the restaurant is not fair, stating that outdoor dining is a good thing but that this is not an appropriate place. She stated she takes a photo of the area every night when she leaves work at 6:05, and often calls the police but does not see it as the best use of police time. She added that the private driveway in the rear has been there for 50 years, and that the 6-foot barricades for the outdoor seating impair the vision of drivers backing up from the Farina's parking spaces. She noted that no New Ginza representatives attended the public meetings on the 66 Galen Street construction project and the plans for the area. She requested that Board members visit the site before making a decision, because the layout being presented did not reflect current conditions.

Chair Doucette read into the record an October 19, 2023 letter to the Board from Iliana Farina of I&G, LLC, expressing opposition to the application.

The Board acknowledged reports from the Building and Fire Departments and the Zoning Enforcement Officer stating no objection to the application, and noted that the Board of Health had no comment.

Sgt. Swift stated that the Police Department had no objection to approval of the requested modification, provided the conditions stated in the department's report were imposed.

Chair Doucette commented that there were competing problems including a shift in the restaurant business and the only thing that might help with food delivery drivers is to post a police officer at the location given that a restaurant owner cannot control the drivers; and the changes across Galen Street, with the new construction, adding to the situation. She stated she was not sure there was a way to resolve the issues that would satisfy everyone.

Member Tsekrekas stated his view that parking was an issue prior to COVID and prior to outdoor dining, and that the restaurant would have the same occupancy limit, just moving some seating to the outdoor area.

Member Kasabian Hoffman stated that parking was not a deciding issue for her, and asked whether the sight lines issue is a zoning matter.

David Doneski, of City Attorney KP Law, noted that the sight line requirement is in the Zoning Ordinance, the restriction zone is 2.5 feet above curb level to 7 feet above curb level so as not to interfere with traffic visibility.

Chair Doucette stated that Farina's is not open during the evening when it would be expected that there would be more traffic from restaurant customers. She added that she found a lack of sufficient information to make a decision at this time, given the new construction and sidewalk change. She stated that the Board could ask the Zoning Enforcement Officer to take another look at the site and provide precise dimensions, and that she would also like to see a more detailed design layout for the premises, including numbers on table sizes and dimensions of the area where tables and chairs would be placed.

Board clerk Gilligan noted that Zoning had previously looked at the site and directed a change in the original set-up. Chair Doucette commented that the applicant's presentation appears to be different from what was approved under the COVID rules.

Attorney Klick stated that the applicant could update the site plan, and also contact the Zoning Enforcement Officer. Anthony Farina asked if it would be a professional design plan, and Attorney Klick responded that it would.

The Board voted to continue the hearing to January 18, 2024, at 7:15 p.m., in the Philip Pane Hearing Room.