



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 April 17, 2014

AGENDA

1. ACCEPTANCE OF MINUTES: March 20, 2014 Approved 3-0
2. Wake Me Up, Inc. d/b/a Cha Yen
613 Mt. Auburn Street
New Common Victualler License Approved 3-0
3. Livery/Limousine Renewals Expire 3/30 11 vehicles Approved 3-0
 1. **William E. Cassidy d/b/a Cassidy Coach or Cassidy Private Car Service**
 2. **Gregory Sarafian d/b/a D & G Sedan Service**
 3. **Victor Teixeira d/b/a Boston By Air (2 Vehicles)**
 4. **Hasmik Yegiazarian d/b/a Luxury and Comfort Transport**
 5. **Vartkes Moushigian d/b/a J-M Limousine Service (2 Vehicles)**
 6. **Antoin Akl & Ashley Akl d/b/a First Class Livery**
 7. **City Wide Livery, LLC**
 8. **Christine's Limousine, Inc.**
 9. **Celil Bayram d/b/a Lamazi Limousine**
4. Storage of Flammable - **Certificate of Registration Renewals 24** Approved 3-0
5. MJLK, Inc. d/b/a 21 Nickels
21 Nichols Ave.
 - a. Show Cause Continued to May 15, 2014
 - b. Show Cause Continued to May 15, 2014
6. Carr's Ciderhouse
295 River Drive
Hadley, MA 01035
Agricultural Wine Permit Farmer's Market Approved 3-0
7. Public Hearing – Regulations for special licenses for sale of wine by farm-winereries at approved agricultural events Continued to May 15, 2014
8. Comments by Board Clerk and Police Department

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

1. Minutes from the March 20, 2014 hearing were approved 3-0 by the Licensing Board.
2. Wake Me Up, Inc. d/b/a
Cha Yen
137 Grove Street
Waltham, MA 02453

The Watertown Licensing Board met to consider the application of Wake Me Up, Inc. d/b/a Cha Yen for a common victualler license to be exercised at 613 Mt. Auburn Street.

Manita Bunnagitkarn, president, appeared in support of the application. Ms. Bunnagitkarn stated that the applicant had purchased the assets of the restaurant formerly operating at the premises (East Side Wings & Grill) to operate a take-out business. The business will sell Asian flavor ice cream. She noted that she had pastry experience, and will be assisted in the business by her sister, brother, and mother. At present, she intends to maintain her current, full-time job.

The Board acknowledged receipt of the Police Department report indicating no objection to the granting of the requested license, provided the conditions stated below were imposed.

The Health Department reported that it had received the applicant's plan for the department's plan review process.

The Building Department reported that final approval would be given upon issuance of a certificate of inspection.

The Licensing Board voted unanimously to grant a new common victualler license, subject to the following conditions:

1. The hours of operation shall be 11:00 a.m. to 11:00 p.m., Monday through Sunday.
 2. The number of seats shall be 6, as shown on the plan submitted (annotated copy of a floor plan entitled "Sevan Bakery 599 Mt. Auburn Street Watertown, MA" by Eastern Bakers Supply Co., Inc., dated Nov. 24, 2009 and received in the office of the Town Clerk on March 5, 2014).
 3. There shall be no alcoholic beverages on the premises.
3. Livery/Limousine Renewals 9 with 11 vehicles was approved by the board 3-0.
 4. Storage of Flammable, 24 Certificate of Registration Renewals were approved by the Board 3-0

5a. MJLK, Inc.
d/b/a 21 Nickels
c/o Michael J. Moran
67 Burton Street
Brighton, MA 02135

The Watertown Licensing Board has continued the show cause hearing concerning a violation of Section IV.C.1.b of the Rules and Regulations of the Watertown Licensing Board, which requires that a restaurant authorized to sell alcohol on Sundays submit an annual report, by May 1 of each year, confirming that the licensed establishment derives 60% or more of its gross revenues from the sale of food, to wit: your failure to submit an annual report for 2012. The matter had previously been continued from June 20, July 18, August 15, September 19, October 17, November 21, December 19, 2013, and January 16, February 20, and March 20, 2014, and the proceedings from the sessions held on those dates are described in the Board's Notices of Action and Continuance dated July 10, August 7, August 23, October 4, and November 1, 2013 and the Notices of Continuance dated December 2, 2013, and January 7, January 31, March 10, and April 9, 2014.

The continued hearing will be held on May 15, 2014 at 7:15 p.m. in the Philip Pane Hearing Room, Administration Building, 149 Main Street, Watertown, MA.

5b. MJLK, Inc.
d/b/a 21 Nickels
c/o Michael J. Moran
67 Burton Street
Brighton, MA 02135

The Watertown Licensing Board held a continued session of a show cause hearing on the matter of the closure of the premises at 21 Nichols Avenue licensed for all alcohol common victualler service and failure to comply with the conditions of the Board's approval of that closure. The matter had been continued from June 20, July 18, August 15, September 19, October 17, November 21, December 19, 2013, and January 16, February 20, and March 20 2014, and the proceedings from the sessions held on those dates are described in the Board's Notices of Action and Continuance dated July 10, August 7, August 23, October 4, November 1, December 2, 2013, January 7, January 31, March 10, and April 9, 2014.

Attorney Paul Rufo appeared on behalf of the licensee, together with Michael Moran, president. Attorney Rufo presented a letter to the Board dated April 17, 2014 and reporting a letter on a letter of intent with Gerald P. Caico for sale of the license. Board chairman Doucette raised the issue of ownership of the subject property, as outlined in a letter to the Board dated April 14, 2014 from Sandra Gavin. Attorney Rufo stated that Michael Moran, Shaun Moran and Sandra Gavin are co-trustees of the 21 Nickels Realty Trust, and noted that he had had discussions with Ms. Gavin's attorney, David Eisenberg, who was present at the hearing, regarding the proposed sale and transfer transaction.

There is a term sheet for sale of the license and a lease with an option to purchase. Attorney Rufo stated that a copy has been provided to another attorney for Ms. Gavin. He noted his acknowledgment that the transfer process had been running too long and stated that the present deal would either get done or the relevant parties would be in court looking for a judicial determination of their rights. He added that Mr. Caico's counsel had communicated via e-mail regarding progress on the purchase agreement.

Attorney Eisenberg addressed the Board, confirming that he represented Sandra Gavin and that Attorney Rufo's statements were correct. Ms. Gavin is not yet in agreement with the proposed lease of the subject premises. He noted he had not seen Ms. Gavin's letter of April 14. Board chairman Doucette read the letter into the record. She stated to Attorney Eisenberg that this matter was now well beyond the grace period for closure allowed by the Alcoholic Beverages Control Commission, and that if a transfer were not soon consummated the license would lapse and the value of the property in question would decrease. Therefore, she stated, it behooves all parties to reach an agreement within the next two months. She explained that a transfer application must be ready for consideration by the Board's meeting of June, 2014.

Attorney Rufo stated that he hoped to have a completed application by the Board's May meeting date. Chairman Doucette responded that if the application were submitted and a lease signed prior to that date, May 15, the licensee need not appear at the May meeting.

The Licensing Board voted to continue the matter to May 15, 2014, subject to the condition that if the ABCC transfer application and a copy of a signed lease have been filed by that date the licensee need not appear.

The continued hearing will be held on May 15, 2014 at 7:15 p.m. in the Philip Pane Hearing Room, Administration Building, 149 Main Street, Watertown, MA.

6. Carr's Ciderhouse
c/o Nicole Blum
295 River Drive
Hadley, MA 01035

The Watertown Licensing Board met to consider the application of Carr's Ciderhouse – Nicole Blum for A Special Farmer-Winery License under Section 15F of Chapter 138 of the General Laws for Sale of Wine at an Agricultural Event, to wit: the Watertown Farmers Market at the Arsenal on the Charles, 311 Arsenal Street.

Mimi Graney of Relish Management LLC, manager of the Farmers Market, appeared in support of the application. Ms. Graney explained that Carr's would sell hard cider, vinegar and soap. She stated that she was appearing on behalf of Carr's on account of the distant location of Carr's business. Ms. Graney explained that she manages other farmers markets and has experience with Carr's operations at other venues. In response to a question from the Board, she stated that Carr's would offer samples of its hard cider at its market booth.

The Board acknowledged that the application materials included a copy of the certification of the Commissioner of the Massachusetts Department of Agricultural Resources that the Watertown Farmers Market is an agricultural event, in accordance with section 15F of Chapter 138.

A representative of Athena Health, whose offices are adjacent to the market place, stated she was very pleased with Relish Management's performance, and that it had a long history of events management. Councilor-at-Large Aaron Dushku stated that the farmers market would promote healthy living and bring vibrancy to the area.

The Licensing Board voted unanimously to grant a Special Farmer-Winery License for Sale of Wine at the Watertown Farmers Market for the market's 2014 season: Thursdays from June 5 to October 30 during the hours of 3:00 p.m. to 7:00 p.m.

7. Public Hearing – Regulations for special licenses for sale of wine by farm-wineries at approved agricultural events

The licensing board voted to continue this matter to the May 15, 2014 hearing.