



*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 20, 2014

1. ACCEPTANCE OF MINUTES: October 16, 2014 Approved 3-0
2. Launch Watertown, Inc. d/b/a Launch Trampoline Park  
20 Seyon Street, Off Pleasant Street  
Automatic Amusement Device License Approved 3-0
3. Halfway Café, Inc. d/b/a Halfway Café  
394-396 Main Street  
Change of Manager Approved 3-0
4. MJLK, Inc. d/b/a 21 Nickels  
21 Nichols Ave.  
a. Status Hearing Continued to December 18, 2014
5. Sergio L. Costa d/b/a Sergio Costa Limousine Service  
20 Riverside Street #1-8  
Livery/Limousine License Continued to December 18, 2014
6. Royal Restaurant, Inc. d/b/a Royal  
45 Lexington Street  
New Common Victualler License Continued to December 18, 2014
7. Fuller Motors, Inc. d/b/a Peter Fuller Rental & Pre-Owned  
20 Coolidge Ave.  
Auto Repair w/Auto Body Approved 3-0 No Auto Body  
Auto Dealer Class II Approved 3-0  
Letting out Motor Vehicle for Hire Approved 3-0
8. Talk of the Town Diner I, Inc. d/b/a The Talk  
116 Main Street  
Show Cause Letter of Warning
9. Comments by Board Clerk and Police Department

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Donna B. Doucette, Chairman

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

On behalf of the Board, the Chair opened the meeting by reading passages from the Massachusetts "open meeting law" and the Attorney General's guidelines on the law, then reminded the public that the Board will not participate in attempts to engage in private communications that violate the law. Attempts by anyone to circumvent this requirement should cease. Private communications will not be accepted.

1. Minutes from the October 16, 2014 hearing were approved 3-0 by the Licensing Board.
2. Launch Watertown, Inc.  
d/b/a Launch Trampoline Park  
780 Marshall Street  
Holliston, MA 01746

The Watertown Licensing Board met to consider the application of Launch Watertown, Inc. d/b/a Launch Trampoline Park for an automatic amusement device license to be exercised at 20 Seyon Street.

Mark Murphy, president, appeared in support of the application. Mr. Murphy presented the list of game devices proposed and a copy of the applicant's contract with the device vendor. He stated that the devices will be located in the lobby area of the premises only. In response to a question from the Board, he stated that the revenue from the devices will be approximately 7 to 9% of the trampoline park business to be operated at the premises. The other revenue sources would be open trampoline jumping hours – 60%; birthday party type events – 20% and the café – 10-13%. He explained that the devices will function on a "redemption arcade" basis; players can win a toy prize or points, which may be redeemed for a particular item. Mr. Murphy noted that the Zoning Board of Appeals had approved a change of use at the premises from warehouse to family entertainment center.

The Building Department reported that a final occupancy certificate is required for operations at the premises. The Fire and Health Departments had no comment.

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:

1. The license shall be limited to 25 coin operated devices, as requested (description in document entitled "Amusement Equipment Listing for Launch – Watertown, MA" dated 11/6/2014).
2. The automatic amusement devices shall be located in the area defined on the sketch plan submitted and received in the office of the Town Clerk on September 4, 2014.
3. Halfway Café, Inc.  
d/b/a Halfway Café  
394-396 Main Street  
Watertown, MA 02472

The Watertown Licensing Board met to consider 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.

Kalin Marshall, the proposed manager, appeared on behalf of the licensee. Ms. Marshall stated she has been employed by Halfway Café for one and a half years and has 10 years' experience in the food service industry. She began working at the Watertown location in September of 2014. Ms. Marshall is TIPS, Serv-Safe, crowd control, choke safety, and allergen certified.

The Health Department reported that the licensee must contact the department to update its application information to reflect the change of manager.

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

The Licensing Board voted unanimously to approve Ms. Marshall as manager, subject to the following conditions:

1. The new manager, Kalin Marshall, shall ensure that all bartenders and servers of alcohol attend and successfully complete an alcohol awareness training program (e.g., TIPS) within 90 days of hire or expiration of certification. Copies of all certifications shall be forwarded to the Town Clerk's office.
2. All other conditions of the license shall remain in place.
4. 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 the 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, March 20, April 17, May 15, June 19, July 17, September 18, and October 16, 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, April 9, May 7, May 27, July 2, August 5, October 6, and November 4, 2014.

Attorney Paul Rufo appeared on behalf of the licensee, together with Michael Moran, and presented a letter to the Board dated November 20, 2014, which was read into the record. The letter reported on work that had been completed in connection with the re-opening of the premises for business: steam and pressure washing cleaning of the premises; submission of a plan review application to the Health Department, including waste disposal and pest control contracts, workers' compensation and liquor liability insurance evidence, floor plans and specifications for the food service equipment; and scheduling of a Health Department inspection for November 26. The letter also reported that inspections by the Building, Police and Fire Departments had been scheduled for the week of November 24, but Attorney Rufo corrected that statement by stating that Mr. Moran had contacted those departments, but the inspection times had not yet been confirmed.

Mr. Moran stated that a lot of progress had been made in preparing for the re-opening, but that the required work was not quite complete. He added that he did not anticipate any problems with the required departmental inspections. Mr. Moran noted a particular issue for the Health Department inspection, the walk-in food storage area floor, which must be diamond coated steel – requiring special fabrication.

In response to a question from the Board, Attorney Rufo stated that the current lease for the premises runs through September of 2015. He reported that a status conference had taken place earlier in the week in the Suffolk Superior Court litigation described at the Board meeting of June 19. If the matter is not resolved prior to December 3, the parties must return to court for further proceedings on that day.

The Licensing Board voted to continue the matter to December 18, 2014. The continued hearing will be held at 7:15 p.m. in the Philip Pane Hearing Room, Administration Building, 149 Main Street, Watertown, MA.

5. Sergio L. Costa d/b/a Sergio Costa Limousine Service  
20 Riverside Street #1-8  
Watertown, MA 02472

The Watertown Licensing Board has continued its hearing on the application of Sergio L. Costa d/b/a Sergio Costa Limousine Service for a livery/limousine license to be exercised from 20 Riverside Street. The application was originally scheduled for hearing on November 20, 2014, but no one appeared on behalf of the applicant. In addition, the applicant did not submit evidence of the required notification to abutters. The applicant must ensure that the abutters are notified of the new hearing date. The continued hearing on this application will be held on December 18, 2014 at 7:15 p.m. in the Philip Pane Hearing Room, Administration Building, 149 Main Street, Watertown, MA.

6. Royal Restaurant, Inc. d/b/a Royal Restaurant  
c/o Rim Kourda, president  
33 Parsons Street  
West Newton, MA 02465

The Watertown Licensing Board has continued its hearing on the application of Royal Restaurant, Inc. d/b/a Royal for a common victualler license to be exercised at 45 Lexington Street. The application was originally scheduled for hearing on November 20, 2014, but the applicant requested a continuance to the next Board meeting. The continued hearing on this application will be held on December 18, 2014 at 7:15 p.m. in the Philip Pane Hearing Room, Administration Building, 149 Main Street, Watertown, MA.

7. Fuller Motors, Inc.  
d/b/a Peter Fuller Rental & Pre-Owned  
160 Arsenal Street  
Watertown, MA 02472

The Watertown Licensing Board met to consider the application of Fuller Motors, Inc. d/b/a Peter Fuller Rental & Pre-Owned for a motor vehicle repair (including auto body work) license, a Class II used car dealer license and a license for letting out motor vehicles for hire, all to be exercised at 20 Coolidge Avenue.

Attorney Stephen Winnick and Peter D. Fuller, Jr., president, appeared in support of the application. Attorney Winnick explained that the applicant is, in essence, seeking to transfer its own

licenses for the current operations to the site it has obtained with its purchase of the Bigelow Auto Body business exercised at 20 Coolidge Avenue. The transfer includes a purchase of the real estate including a 5,000 square foot building. The purchase is contingent on the Board's approval of the transfer of the licenses.

Mr. Fuller explained that his family has been in the automobile business since 1903 and started operations in Watertown in 1975. He became active in the business in 1980, and the business operated at two locations until 2008. At that time, the business was moved to 160 Arsenal Street for rental and pre-owned sales operations. The lease for that location allowed the landlord an early termination option and a termination notice was given last year.

Attorney Winnick stated that it was not clear if the auto body portion of the repair license would be utilized immediately, but noted that the premises were well suited for such a license. The site plan submitted, showing parking on the premises, notes the currently licensed capacity, but a portion of the site has been sold and the number of spaces has therefore been reduced from 49 to 35. Board Chairman Doucette observed that the actual number of spaces on the site plan is 33, as two are now to be occupied by landscaping improvements.

In response to a question from the Board, Attorney Winnick stated that it may be necessary to do some reconfiguration on the site if auto body work is commenced. He added that the applicant had no objection to a condition requiring a subsequent application to the Board prior to performance of auto body work. Sergeant Grady noted that if auto body work were to be done, the site plan submitted would need to be revised as there are four vehicle spaces in front of the designated spray booth, and the overhead doors must be accessible for emergency vehicles.

Mr. Fuller explained that the auto rental business included both short and long term rentals of up to one month or more, in the same manner as it has been conducted at the 160 Arsenal Street site. The current fleet at 160 Arsenal Street is approximately 50 vehicles, and there may be 25 or so on site at any particular time.

Sergeant stated that the Police Department had no objection to the granting of the requested licenses, provided that the conditions stated below were imposed.

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

#### Motor Vehicle Repair

1. The hours of operation shall be 7:30 a.m. to 6:00 p.m. Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturday.
2. The number of vehicles on the premises shall not exceed 33, as shown on the plan submitted ("Site Plan" for 20 Coolidge Ave., Watertown, MA dated 10-28-14 by archspaces architecture/space planning).
3. Motor vehicle repairs are to be limited to customer vehicles and vehicles on the premises in connection with the Class II used car dealer license exercised thereon.
4. No auto body work shall be performed until the licensee presents a further application to the Licensing Board to address safety and site capacity concerns and such work is authorized by the Board.

5. Delivery of vehicles shall be made on the premises and not on the public way.
6. No alcoholic beverages shall be permitted on the premises.

#### Class II Used Car Dealer License

1. The hours of operation shall be 7:30 a.m. to 6:00 p.m. Monday through Friday, and 8:00 to 5:00 p.m. on Saturday.
2. The number of vehicles on the premises shall not exceed 33, as shown on the site plan referenced above.
3. Designated parking spaces shall be clearly striped.
4. Delivery of vehicles shall be made on the premises and not on the public way.
5. The licensee shall maintain a log book to document the purchase and sale of used vehicles in a manner consistent with the requirements of G.L. c.140, §62.

#### Letting Out of Motor Vehicles for Hire

1. Hours of operation shall be 7:30 a.m. to 6:00 p.m. Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturday.
  2. The number of vehicles on the premises shall not exceed 33, as shown on the site plan referenced above.
  3. Delivery of vehicles shall be made on the premises and not on the public way.
8. Talk of the Town Diner I, Inc.  
d/b/a The Talk  
116 Main Street  
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 September 16, 2014 at the premises located at 116 Main Street licensed for all alcohol common victualler service, to wit: sale/delivery of an alcoholic beverage to an intoxicated person in violation of G.L. c.138, §69.

Kazar M. Keuchkarian, president, appeared on behalf of the licensee.

Sergeant Grady presented a Watertown Police incident report of events occurring on September 16, 2014. Officers were called to 99 Main Street, Watertown Fire Department headquarters, regarding a person appearing to be in need of medical treatment. That person had been served at the licensed premises prior to the call. Sergeant Pugliese spoke to the patron, who confirmed that he had consumed two vodka martinis at The Talk. A portable breath test was administered and the patron's blood alcohol level was .243. A receipt provided by The Talk indicated the purchase of two martinis and a glass of wine, which the patron had purchased for another customer. Sergeant Grady noted that the first martini had only been partially consumed as the patron had spilled the glass and the second drink was a replacement for the first.

The bartender at the premises was interviewed and stated that he had observed the patron while ordering his first drink and that the martini was spilled when it had been approximately half consumed. A second drink was then served to the patron. Thereafter, the patron had a sneezing episode and subsequently appeared to be sleepy. Sergeant Grady stated that nine persons at the premises were interviewed and that no one had observed any signs of intoxication in the patron when the patron arrived. He added that given the .243 blood alcohol reading, it could be assumed that the patron was intoxicated when he was served at the premises.

Sergeant Pugliese testified that he responded to the The Talk restaurant on the day in question at 6:42 p.m. When he first observed the patron, the man was sitting on the fire station steps and was unable to stand and was very confused. He repeated that the portable breath test result was a .243 blood alcohol content. He noted that the staff at The Talk was cooperative and provided a receipt for the patron's purchases. Sergeant Pugliese offered his opinion that the patron was intoxicated. He noted that an exam had been administered and a diabetes check for the patron had a negative result.

Mr. Keuchkarian stated that he did not dispute the patron's state at the time in question. He explained that he had been in business in Watertown since 1998, and that the restaurant conducts two full staff meetings each year regarding service policies. The present alcohol policy is to request identification from persons appearing to be under 40 years of age. On the day in question, the patron was greeted at the door by Kaz Keuchkarian, Jr. and then seated himself at the bar. Mr. Keuchkarian stated his position that the standard for a person who is visibly intoxicated does not include a determination of how much alcohol a person may have already consumed. He added that behavioral cues to intoxication, such as low level of inhibition, impaired judgment and decreased coordination were not exhibited by the patron in question. He further noted that when the second martini was served to the patron, the patron was still with those around him. Suddenly, however, the patron presented a problem situation and Mr. Keuchkarian then went over to talk to him.

Mr. Keuchkarian noted that the time period of the events in question was approximately 5:20 p.m. to 6:15 p.m., and that the restaurant opens at 5:00 p.m. He added his understanding that it takes approximately one hour to process alcohol in the liver and that the patron could not have processed what had been served to him at The Talk during the time in question. He stated that the patron was intoxicated but that he did not consume even one full drink at the restaurant. Mr. Keuchkarian stated that the licensee took action to place the patron in safe hands and that is why the patron was taken across the street to the fire station.

In response to questions from the Board, Mr. Keuchkarian stated that the patron had been served oil and bread, but did not order dinner. He explained that the patron had visited the restaurant in the past, but was not a frequent customer. The individual spent about 35 minutes socializing while he was in the restaurant. Mr. Keuchkarian added that when he was walking the patron to the door after the patron appeared to be in distress, the patron was still talking to him.

Board member Whitney stated he was not convinced the patron did not have a medical condition contributing to the situation.

Sergeant Grady stated that the Police Department recommended a one day suspension for the violation, and noted that since April of 2009 there had been no violations at the premises.

Chairman Doucette noted that there was no charge of improper management at this hearing and offered her belief that the licensee did everything in its power under the circumstances and that there was, therefore, appropriate management.

The Licensing Board found by a vote of 2 to 1 (Mr. Whitney opposed) that the violation, as alleged, had occurred. The Licensing Board voted unanimously to issue a letter of warning to the licensee regarding the need for diligence in the service of alcohol.