



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 January 17, 2013

1. ACCEPTANCE OF MINUTES: December 20, 2012 Approved 3-0
2. AMG Motor Group, Inc. d/b/a AMG Motor Group
71 Rosedale Road
 - a. New Auto Repair License Continued to February 21, 2013
 - b. New Class II Auto Dealer License Continued to February 21, 2013
3. Ala Tolouei Rahim Adady d/b/a Roksana
133 Mt. Auburn Street
New Common Victualler Approved 3-0
4. Arsenal MW, Inc. d/b/a Master Wok
485 Arsenal Street F03
New Common Victualler Continued to February 21, 2013
5. Victor Teixeira d/b/a Boston By Air
7-9 Irma Ave
Modification of Livery/Limousine License Approved 3-0
6. a. Auto World Sales & Leasing, Inc.
64-66 School Street
Change of Ownership Approved 3-0
b. Auto World Collision, Inc. d//b/a Munroe Auto Body
64-66 School Street
Change of Ownership Approved 3-0
7. MJLK, Inc. d/b/a 21 Nickels
21 Nichols Ave.
Show Cause Continued to February 21, 2013
8. Donohue's Holdings, Inc. d/b/a Donohue's
85-87 Bigelow Ave.
Show Cause Decision Letter Constitute
Letter of Warning

Donna B. Doucette, Chairman

7:25 PM to 9:15 PM

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

1. Minutes from the December 20, 2012 hearing were approved by the Licensing Board.
2. AMG Motor Group LLC, Inc.
d/b/a AMG Motor Group
71 Rosedale Road
Watertown, MA 02472

The Watertown Licensing Board continued its hearing on the application of AMG Motor Group LLC, Inc. d/b/a AMG Motor Group for a motor vehicle repair license and a Class II Used Auto Dealer license to be exercised at 71 Rosedale Road. The continued hearing on the application will be held on February 21, 2013 at 7:15 p.m. in the Philip Pane Hearing Room, Administration Building, 149 Main Street, Watertown, MA.

3. Ala Tolouei Rahim Abady
d/b/a Roksana
133 Mt. Auburn Street
Watertown, MA 02472

On January 17, 2013, the Watertown Licensing Board met to consider the application of Ala Tolouei Rahim Abady d/b/a Roksana for a common victualler license to be exercised at 133 Mt. Auburn Street, Watertown.

Roksana Sasanfar, wife of the applicant, appeared in support of the application. Ms. Sasanfar stated that the business has been operating on a take-out only basis for approximately eight months. Customers have been asking for table service, and the application is intended to allow that. The restaurant will offer an all Iranian food menu.

The Building Department reported that restroom facilities must be completed.

The Fire Department reported that the licensee must retain a licensed technician to perform cleaning and inspection of the hood vent above the cooking area on a regular basis. Ms. Sasanfar noted that the business uses a contractor for this cleaning and would provide the information to the Fire Department.

The Health Department 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 hours of operation shall be 11:00 a.m. to 9:00 p.m., Tuesday through Sunday.
 2. Seating shall not exceed 16 persons, as shown on the sketch plan submitted (hand drawn floor plan filed in the office of the Town Clerk on November 14, 2012).
 3. There shall be no alcoholic beverages on the licensed premises.
4. Arsenal MW, Inc.
d/b/a Master Wok
485 Arsenal Street

Watertown, MA 02472

No one appeared on behalf of the applicant for this common victualler license to be exercised at 485 Arsenal Street, space F03 in the Arsenal Mall. The Watertown Licensing Board therefore continued its hearing on the application of Arsenal MW, Inc. d/b/a Master Wok. The continued hearing on this application will be held on February 21, 2013, at 7:15 p.m. in the Philip Pane Hearing Room, Administration Building, 149 Main Street, Watertown, MA.

The Watertown Licensing Board noted: If no one appears on behalf of the applicant for the hearing February 21, no further operations will be permitted.

5. Victor Teixeira
d/b/a Boston By Air
12 Irma Avenue
Watertown, MA 02472

The Watertown Licensing Board met to consider the application of Victor Teixeira d/b/a Boston By Air for a modification of his livery/limousine license exercised from 7-9 Irma Avenue, Watertown.

Mr. Teixeira appeared in support of the application. Mr. Teixeira explained that he operates a black car limousine service, providing service to Logan Airport, theaters and other venues. He wishes to add one vehicle to the licensed business. He stated that he has an available parking space for the additional vehicle, and had provided evidence of owner authorization for use of the space to Sgt. Grady.

Sergeant Grady stated that the Police Department had no objection to the granting of the requested license, provided that all existing license conditions remained in place.

The Licensing Board voted unanimously to approve a modification of the license, by the addition of a second vehicle to be used in the exercise of the license, subject to the requirement that all existing conditions of the license shall remain in place, and subject to the following condition:

All operators of the vehicles to be used in the exercise of the license must obtain an operator's license from the Police Department, in accordance with the Board's rules and regulations.

- 6a. Auto World Sales & Leasing, Inc.
64-66 School Street
Watertown, MA 02472

- 6b. Auto World Collision, Inc.
d/b/a Munroe Auto Body
64-66 School Street
Watertown, MA 02472

The Watertown Licensing Board met to consider the application of Auto World Sales & Leasing, Inc., holder of a Class II Used Car Dealer License and Auto World Collision, Inc., holder of a Motor Vehicle Repair License exercised at 64-66 School Street, Watertown, for approval of a change in its ownership.

Peter Valle, manager, appeared in support of the application together with Mikhail Lukatsky and Anna Salgan, president. Mr. Valle explained that the business was taking on a partner to strengthen the business. Mr. Lukatsky stated that the business has been in operation since 1996, but has operated under the Auto World name since September of 2009. Mr. Lukatsky stated that he would act as an investor and would have some on-premises duties. Mr. Valle added that Mr. Lukatsky would work on outside sales and customer recruitment.

Board member Whitney stated that the on-site car limit was 32, but that numbers in excess of that limit had been observed over the years. Mr. Valle replied that vehicles are sometimes dropped off over night, which can lead to a number over the limit. Board chairman Doucette noted that the 32-car limit included 5 vehicles for the Class II license and 27 for the motor vehicle repair business also conducted at the premises.

The owner of an adjacent property, George Pizzone, expressed his concern about on-site storage of damaged and used motor vehicle equipment, currently in an approximately 12-foot by 8-foot area on the lot, and stated his objection to any extension of such a salvage area use. Mr. Valle responded that as part of the motor vehicle repair activities, it is necessary to disassemble cars and store parts. These materials are in a fenced area, but the licensee plans to close that area and move storage to a space within the building. He noted that there is a need to store parts in a manner that avoids damage to them, and that the repair work is done inside the building.

The Board acknowledged receipt of a memorandum from Community development and Planning Director Steve Magoon dated January 10, 2013, which explained that the Zoning Board of Appeals had granted a use variance for the property in 1977, and that the authorized parking on the site was 32 vehicles. The memorandum included an aerial photograph showing vehicles in excess of that number on site, and noted that a violation notice had been issued by the Zoning Officer. Mr. Lukatsky responded that he had spoken to Mr. Magoon, that he would be coming to the site for an inspection, and that the licensee would clean up the salvage conditions.

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

The Licensing Board voted unanimously to approve the change in ownership, consisting of the addition of a new, 50% shareholder, Mikhail Lukatsky, subject to the following conditions:

1. All existing license conditions shall remain in place.
 2. All deliveries of vehicles to the licensed premises shall be made on the property and not on the public way.
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8. Donohue Holdings, Inc.
d/b/a Donohue's
85-87 Bigelow Avenue
Watertown, MA 02472

The Watertown Licensing Board held a show cause hearing on the matter of alleged violations of the Liquor Control Act by Donohue Holdings, Inc. d/b/a Donohue's at its premises licensed for all alcohol common victualler service at 85-87 Bigelow Avenue, to wit: service of alcohol to an intoxicated person in violation of G.L. c. 138, §69, and improper management in allowing the over service of alcohol, in violation of G.L. c. 138, §23.

Attorney Tim McGoldrick appeared on behalf of the licensee, together with John Donohue, president.

By agreement with the Police Department, Town Clerk John Flynn presented the contents of police incident reports for November 21, 2012. At approximately 7:40 p.m. on November 21, 2012, Officer Dupuis responded to a report of a man stumbling while walking on Bigelow Avenue. Upon his arrival, Officer Dupuis was directed by two taxi drivers at the taxi stand to a man being placed by two other men into a car parked in front of 32 Bigelow Avenue. The man had slurred speech and an odor of alcohol. Officer Dupuis inquired of one of the assisting persons, who knew the stumbling man, about whether he could take the man home. The assisting person then declined to take further action to take the stumbling man home. The man in question was then taken to Officer Dupuis' cruiser. He told Officer Dupuis that had been drinking at Donohue's restaurant since 5:00 p.m. and had consumed 6 pints of beer. When administered a portable breath test (PBT) by Officer Rocca the man registered a blood alcohol content of .249. At that point, the man was taken into protective custody and transported to the Police Station.

The report of Sgt. Duguay, who also responded to the scene, described a man with glassy, bloodshot eyes who was unsteady on his feet, and was loud and argumentative. The man stated he had consumed what he estimated to be 6 to 7 pints of beer at Donohue's, and that he had not been drinking at any other location. Sgt. Duguay then went to Donohue's and spoke to John Donohue, who reported that the man had been at the restaurant with a group of co-workers and been asked to leave when he became rude and loud. Mr. Donohue and workers at the restaurant had asked one of the man's friends, who was with him, to take the man home. Sgt. Duguay spoke to the friend, who stated he had tried to take the man home but that the man had resisted, and it was then that the police had arrived. Sgt. Duguay collected receipts at Donohue's reflecting that the man had ordered two 20-ounce glasses of Hoegaarden beer. The bartender stated to Sgt. Duguay that he had served the man two pints of Guinness prior to the man meeting up with friends in the restaurant.

The report of Lt. O'Connor stated that when the man was brought to the Police Station he had glassy and bloodshot eyes, was unsteady on his feet, had a strong odor of alcohol, and slurred his speech. He was placed in a cell. The man subsequently fell and struck his head and face on the wall/bench area of the cell. The man did not break his fall with his hands. Officers responded to the cell. Owing to the man's aggressive behavior he was evaluated inside the cell by the officers. Due to the nature of the fall, Fire Department rescue personnel and Armstrong Ambulance paramedics were dispatched to the booking area. The man was then transported to the hospital. At the request of the man, an employee of a local hospital, he was taken to a Boston hospital.

In response to a question from the Board, Sgt. Grady stated that the legal blood alcohol limit was .08.

Upon questioning by Attorney McGoldrick, the Town Clerk stated that the report of Sgt. Duguay did indicate that the Donohue's staff was cooperative and was able to confirm that the man in question had arrived at approximately 5:00 p.m. and left at approximately 7:45 p.m.

In response to additional questions by Attorney McGoldrick, Sgt. Grady stated that .08 is the legal blood alcohol limit for operation of a motor vehicle; that administration of a portable breath test does not require the same certification as is required for the breathalyzer equipment used at the Police Station; that PBT results are not admissible in court; and that when a breathalyzer test is administered at the station there is a 15 minute waiting period and a re-administration.

John Donohue testified that the man in question arrived at the restaurant at 5:00 p.m. and was accompanied by co-workers; that he paid cash for two pints of Guinness; that he sat at a table with others and the tab showed he had been served two 20-ounce Hoegaardens. Mr. Donohue stated he could not find documentation of any other service of alcohol to the man. He explained that he had been approached by the staff, who reported they were no longer comfortable serving the man. Mr. Donohue stated that he knew the man and spoke to him at about 7:00 p.m. The last Hoegaarden receipt was for 6:30 p.m. Mr. Donohue continued, that he told the man it was time to go home, and that a friend of the man said he would drive him. The three of them walked outside to Bigelow Avenue, and Mr. Donohue then returned inside the restaurant. A few minutes later, the friend re-appeared at Donohue's and said the man wanted to walk home so he did not give him a ride. Mr. Donohue confirmed that he spoke to Sgt. Duguay and that at that time the bartender was still on the premises.

Attorney McGoldrick noted that according to Officer Dupuis' report the man was being placed in a car by two friends on Bigelow Avenue when the police arrived; that according to Sgt. Duguay's report he spoke to Mr. Donohue, who stated that the man had been asked to leave the restaurant and that co-workers had agreed to take him home; that according to the Dupuis report one of the friends was identified at the scene at Bigelow Avenue trying to put the man into a car; and that the server for the table where the man had been seated informed Sgt. Duguay that she did not serve him a drink.

In response to questions from the Board, Mr. Donohue stated that restaurant records showed that the man had been served two 16-ounce Guinnesses and two 20-ounce Hoegaardens between 5:00 and 6:30 p.m., and that during the time in question there were three bartenders, three servers and one doorman on duty.

Attorney McGoldrick argued that when the waitress serving the man's table identified a problem service was stopped, Mr. Donohue was notified and he addressed the situation. He stated that the man became boisterous after the fact, was not served when in that state and that there was no evidence of intoxicated behavior at the time of service. Attorney McGoldrick noted that management cooperated with the police and that there had been no alcohol incidents at the premises since October of 2002.

Town Clerk Flynn stated a recommendation of a one-day suspension on account of the finding of service to an intoxicated person.

Board chairman Doucette noted that the licensee was cooperative with the police, and stated that it is important to ensure that violations are taken seriously. She recommended that the licensee provide a report in six months regarding the status of the restaurant staff's TIPS training, and Board members Whitney and Newman concurred. Board chairman Doucette requested that the Police Department keep a record of any incidents reported at the premises over the next six months. She also noted the right of the licensee to appeal the Board's decision.

The Licensing Board found by a vote of 2-1, with Mr. Whitney in the negative, that service of an intoxicated person had occurred. In addition, the Licensing Board unanimously found that the licensee had not engaged in improper management. The Licensing Board then unanimously voted to issue a letter of warning, directing the licensee to be vigilant in the proper service of alcohol and protecting against the service of alcohol to intoxicated patrons, and directing the licensee to provide a report to the Board in six months regarding the status of the restaurant staff's TIPS training.