



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 FOR October 18, 2012

1. ACCEPTANCE OF MINUTES: September 20, 2012 continued to Nov. 18, 2012
2. EZ Ride, Inc.
5 Kondazian Street
Livery/Limousine License
No One Appeared on behalf of Applicant
Considered Withdrawn 3-0
3. City Wide Livery, Inc.
21 Ralph Street
Livery/Limousine License
Approved 3-0
4. Maslow Restaurant Concepts, Inc. d/b/a
Strip T's Restaurant
93-95 School Street
Pledge of License
Approved 3-0
5. Corporate Chefs, Inc.
5 Bridge Street
New Common Victualler License
Approved 3-0
6. Joc & John, LLC d/b/a East Side Wings & Grill
613 Mt. Auburn Street
New Common Victualler License
Approved 3-0
7. 7-Eleven, Inc.
3 Mt. Auburn Street
24 Hour Opening License
Sale of Food at Retail License
Not Approved 3-0
8. MJLK, Inc. d/b/a 21 Nichols
21 Nichols Avenue
Show Cause
Approved 3-0 to continue Sunday Service of Alcohol
9. Comments by Board Clerk and Police Department
Report on Donohue Holdings, Inc. d/b/a Donohue's

7:30 PM – 9:15 PM

Donna B. Doucette, Chairman

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

1. Acceptance of Minutes for September 20, 2012 continued to November 15, 2012
2. EZ Ride, Inc.
5 Kondazian Street
Watertown, MA 02472

The Watertown Licensing Board met to consider the application of EZ Ride, Inc. for a livery/limousine license to be exercised from 5 Kondazian Street, Watertown, MA. The hearing on this application had previously been scheduled for July 19, 2012, but no one appeared on behalf of the applicant and the matter was continued to September 20, 2012. On September 20, again, no one appeared on behalf of the applicant, and the Board issued to the applicant a Notice of Continuance for a hearing on October 18. The notice stated that if no one appeared on behalf of the applicant at the October 18 hearing, the Licensing Board would consider the application to be withdrawn.

On October 18, no one appeared on behalf of the applicant. Therefore, the application was deemed to be withdrawn.

3. City Wide Livery, LLC.
21 Ralph Street
Watertown, MA 02472

The Watertown Licensing Board met to consider the application of City Wide Livery, Inc. for a livery/limousine license to be exercised from 21 Ralph Street, Watertown.

Alexandro Girginis, manager, appeared on behalf of the applicant. Mr. Girginis stated that his livery business would be a single vehicle operation. The vehicle is a Lincoln Town Car. The place of garaging is his father-in-law's house, where he also resides. There will be no passenger activity at that site.

Mr. Girginis explained that he has two years' experience as a livery service driver. He expects most of his customers/clients to be from guests at the Westin hotel in Waltham.

The Board acknowledged receipt of a report from the Zoning Officer stating as follows: The subject property is located in a S-6 Single Family Residence zoning district, and the livery use must comply with the home office provisions of section 2.36 of the Zoning Ordinance. The use may not include a delivery service. Use of the owner's personal vehicle for home office use is allowed, and it is determined that the livery use would not create excessive traffic beyond typical residential uses. Only the parking space(s) designated for the user as part of the residential use may be used for the livery service use.

Sgt. Grady stated that the Police Department had no objection to the granting of the requested license, provided that the conditions stated in items 1-5 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 pre-arranged transportation of persons rather than on-the-street pick up of persons.

2. The licensee shall maintain a current motor vehicle driving record of all employees hired as a driver of any motor vehicle to be used in connection with the license.
 3. If any driver for the licensee is cited for more than three moving violations or is involved in more than one surchargeable accident in a 12-month period, he/she shall be required, within 90 days of exceeding those limits, to attend a defensive driving training course.
 4. The licensee shall keep all records on file and they shall be made available for review by any agent of the Licensing Board.
 5. The license is for one vehicle, to be garaged at 21 Ralph Street.
 6. The licensee shall comply with the requirements contained in the report of the Zoning Officer.
4. Maslow Restaurant Concepts, Inc.
d/b/a Strip T's Restaurant
93-95 School Street
Watertown, MA 02472

The Watertown Licensing Board met to consider the application of Maslow Restaurant Concepts, Inc. d/b/a Strip T's Restaurant for approval of a pledge of its all alcohol common victualer license exercised at 93-95 School Street.

Paul Maslow, president, appeared in support of the application. Mr. Maslow explained that he had applied for a loan in connection with the funding requirements of another business venture, and that Cambridge Trust had requested a pledge of license as part of the loan transaction.

Sergeant Grady stated that the Police Department had no objection to the pledge of the license.

The Licensing Board voted unanimously to approve a pledge of the license to Cambridge Trust Bank.

5. Corporate Chefs, Inc.
22 Parkridge Road
Haverhill, MA 01835

On October 18, 2012, the Watertown Licensing Board met to consider the application of Corporate Chefs, Inc. for a common victualer license to be exercised at 5 Bridge Street, Watertown.

Kathleen Randolph, district manager, appeared in support of the application. Ms. Randolph stated that the proposed operation is for a corporate cafeteria, serving only tenants of the building at 5 Bridge Street and their guests. The on-site manager will be Catherine Santo, who has four years food service experience. She previously served as chef at one of Corporate Chefs' largest accounts.

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 Health Department reported that the applicant has contacted the department, has completed the food service establishment plan review process, and has received a food service establishment permit.

The Building Department reported no objection, subject to final occupancy permit and Health Department approval.

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

1. The hours of operation shall be 7:30 a.m. to 2:30 p.m., Monday through Friday.
 2. The seating capacity shall not exceed 60 seats, as shown on the plan submitted (floor plan for "Project: 480 Pleasant St Watertown, MA" by United Restaurant Equipment Co. Inc., dated 3/21/12, filed in the office of the Town Clerk on September 5, 2012)
 3. There shall be no alcoholic beverages on the licensed premises.
6. Joc and John, LLC
d/b/a East Side Wings & Grill
613 Mt. Auburn Street
Watertown, MA 02472

The Watertown Licensing Board met to consider the application of Joc and John, LLC d/b/a East Side Wings & Grill for a common victualer license to be exercised at 613 Mount Auburn Street.

Jonathan O'Connor, manager, appeared in support of the application. Mr. O'Connor stated that he has been in the restaurant business for 20 years. He currently owns a pub & grill restaurant in Waltham. East Side Wings is currently operating as a take-out and delivery only business, and proposes to add 6 seats for sit-down customers.

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 Health Department reported that the applicant has contacted the department, has completed the food service establishment plan review process, and has received a food service establishment permit.

The Building Department reported that there should be no increase in the seating capacity.

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 11:00 p.m., Monday through Sunday.
2. The total number of seats shall be 6, as shown on the plan submitted ("Sevan Bakery 599 Mt. Auburn Street Watertown, MA" by Eastern Bakers Supply Co., Inc., dated Nov. 24, 2009, revised Feb. 17, 2010, filed in the office of the Town Clerk on September 10, 2012).
3. There shall be no alcoholic beverages on the licensed premises.

7. 7-Eleven, Inc.
500 Myles Standish Boulevard
Taunton, MA 02780

The Watertown Licensing Board met to consider the application of 7-Eleven, Inc. for a 24-hour opening license and a retail food sale license to be exercised at Three Mt. Auburn Street.

Attorney Rick Mann appeared in support of the application together with Mark Colleary, regional sales manager. The subject property is in Watertown Square. Attorney Mann explained that 7-Eleven has been operating at the site, under license, since August of 2011. He noted that the applicant had sought a 24-hour opening license in February of 2011, but that the application had been denied. He explained that obtaining a 24-hour license was a condition of the lease for the premises, that the lease had been amended, and that the amendment granted a right to terminate in four years if no such license is obtained. Therefore, 7-Eleven is making a re-application.

Attorney Mann stated that sales at the site had been lower than expected, but that sales at the 7-Eleven at the Watertown-Belmont line (650 Mt. Auburn Street) had a 7% increase. He explained 7-Eleven's belief that sales have been lower because the store is not open 24 hours, and stated that estimated additional daily sales with a 24-hour operation would be \$400. Attorney Mann also noted that 90% of 7-Eleven stores nationally have 24 hour operations.

Attorney Mann stated that the standard for the application was benefit to the public good, and that the question for the Board was whether, in its reasonable determination, a 24-hour operation would be in the interest of the public. He submitted that a 24-hour license would benefit the public, and presented a petition of customers in support of the application, noting the petition had also been signed by other business persons. He stated that two additional persons would be hired for 24-hour operations, and that if the lease at the site were not continued, a vacancy at the location would result in a decrease in property values. Attorney Mann also noted the support of a residential abutter, the owner occupant of property at 24 Arsenal Street, in the form of a letter.

District A Councilor, Angeline Kounelis, commented that she did not support 24-hour stores in the community, and noted there had been many complaints regarding operation of the 7-Eleven in the Coolidge Square area. In response to a question she posed, the applicant's representatives noted that the Watertown Square store is a corporate operation.

Sgt. Grady stated that the Police Department recommended the following information for the Board's consideration: the 7-Eleven company operates a 24-hour location at 650 Mt. Auburn Street, approximately 1.5 miles from the location at 3 Mt. Auburn Street; similar 24-hour operations are available within the community, including those of Tedeschi Foods and CVS, which are located within 0.3 miles of the 3 Mt. Auburn Street site; the Department believes there is a sufficient number of 24-hour retail food establishments currently available to meet the needs of area residents; the Department does not believe that granting the requested license would serve the interests of the neighborhood, nor add to the quality of life of the citizens of Watertown.

Board member Newman stated that, based on the availability of other 24-hour stores, 3 Mt. Auburn Street is not a good location for another 24-hour operation.

Board member Whitney stated that he would follow the Police Department recommendation.

Board Chairman Doucette noted that the Town comprises only four square miles, and stated that she concurred with the views of the other Board members.

The Licensing Board voted unanimously to deny the application for the 24-hour opening license. Based on Attorney Mann's representation that the application for the retail food sale license was made for technical purposes in the event the 24-hour opening license were granted, the Board took no action on the application for the retail food sale license.

8. MJLK, Inc.
d/b/a 21 Nickels
21 Nichols Avenue
Watertown, MA 02472

On October 18, 2012, The Watertown Licensing Board held a show cause hearing on the matter of alleged violation of the Liquor Control Act and the Rules and Regulations of the Licensing Board by MJLK, Inc. d/b/a 21 Nickels at its premises licensed for all alcohol common victualer service at 21 Nichols Avenue, in particular, the management being exercised by the licensee and the management oversight of the licensed premises, and the licensee's compliance with Section IV.C.1.b(1) of the Board's rules and regulations regarding Sunday alcohol sales, to wit: the requirement to file a report showing 60% of gross revenues from food sales for the previous year by May 1.

Michael Moran, president, and Sean Gavin, a representative of stockholder Karen Murray, appeared on behalf of the licensee. Mr. Moran and Mr. Gavin submitted an uncertified report of food and alcohol sales for 2011, showing a percentage range of monthly sales from 48.3 to 62.5. Mr. Gavin stated that for 2012, food sales were closer to 70%, noting that the restaurant has been open for limited hours, from 7:00 p.m. to 12:00 a.m.

Mr. Gavin explained that there were air conditioning problems at the restaurant in the summer, and that most of the current business is take out. He stated that total sales for 2012 were not expected to exceed \$250,000, of which \$170,000 would represent food sales. Mr. Gavin noted that food revenues had been decreased as a result of certain special offers, such as \$1.00 burgers on Mondays and a free buffet during Patriots game Sundays, and that the revenue from alcohol sales would quickly exceed that from food for such events.

The Licensing Board voted unanimously to permit continued Sunday service of alcohol, subject to a review of the percentage of food sales reported in the report required to be submitted in May of 2013.

9. Comments by Board Clerk and Police Department
Donohue Holdings, Inc. d/b/a Donohue's

The Watertown Licensing Board reviewed information concerning the premises at 85-87 Bigelow Avenue licensed for all alcoholic common victualer service and an inspection of the premises conducted in September, as requested by the Board at its meeting of July 19, 2012 when it conducted a remand hearing following an order of the Alcoholic Beverages Control Commission regarding the restaurant's outdoor seating area. That inspection confirmed the existence of an enclosed wooden structure that has been constructed in the outdoor seating area subsequent to the Board's decision of February 16, 2012, which denied the application for alteration of premises by construction of a service bar in the outdoor seating area. At the time of the inspection, the wooden

structure was observed to contain tableware, glasses, take-out food containers, a soda gun attached to an unplumbed metal sink containing some ice, 2 empty keg refrigerators, and a glass front refrigerator containing bottled soda and approximately 25 bottles of beer.

The Board also reviewed a copy of building permit dated June 11, 2012 for construction of an 'outdoor temporary waitress station' at the licensed premises.

After review of this information, the Licensing Board determined that there has been an alteration of premises requiring approval of the Board under the provisions of Chapter 138 of the General Laws. Therefore, the Board will direct Donohue Holding's Inc. d/b/a Donohue's to file an application for alteration of the licensed premises, to be considered at the Board's meeting of December 20, 2012.