



*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 FEBRUARY 17, 2011**

ACCEPTANCE OF MINUTES: January 20, 2011 **Approved 3-0**

1. The Proprietors of the  
Cemetery of Mount Auburn  
183 Grove Street  
**Open Air Parking Space License** **continued to March 17, 2011**
  
2. 7-Eleven, Inc.  
3 Mt. Auburn Street  
**(a) 24 Hour Opening License** **Denied 2-1**  
  
**(b) Sale of Food at Retail License** **Withdrawn**
  
3. Chang Xue Zou and Qiu Wang Gao d/b/a  
Tiki Inn Restaurant  
30 Mt. Auburn Street  
**New Common Victualler License** **Approved 3-0**
  
4. John and Kimberley Stathakis d/b/a  
Orchard Park Grill  
208-210 Waverley Ave.  
**Status Hearing** **Voted 3-0 to conclude status hearings**

7:30 PM to 8:50 PM

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Donna B. Doucette, Chairman

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

1. Proprietors of the Cemetery of Mt. Auburn  
580 Mt. Auburn Street  
Cambridge, MA 02138

The Licensing Board met to consider the application of Proprietors of the Cemetery of Mt. Auburn for an open air parking license to be exercised at 183 Grove Street.

At the request of the applicant the Licensing Board voted to continue its hearing. The continued hearing on this application will be held on March 17, 2011 at 7:15 p.m. in the Philip Pane Hearing Room, Administration Building, 149 Main Street, Watertown, MA.

2. 7-Eleven, Inc.  
500 Miles 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 William York appeared in support of the applicant together with Ken Barnes, the real estate manager for the Northeast Division of 7-Eleven, Donald Caron, John Powers, and Rick Mann, counsel for the owner of the property.

The proposed site is in Watertown Square. Attorney York said the 24-hour operation was critical to the proposed business of 7-Eleven at the subject property, and was a contingency in the lease for the premises. Attorney York noted other businesses in Watertown with 24-hour opening licenses, including another 7-Eleven, a Tedeschi's on Main Street, a CVS in Watertown Square, and a Hess gas station just outside the square.

The property at Three Mt. Auburn Street has recently been renovated. The space in question was previously occupied by a Kabloom flower business and a Cambridge Eye Associates office, but has been vacant for over a year.

Mr. Barnes explained that 7-Eleven operates on a franchise basis and will open its 40,000<sup>th</sup> store in the next week. It has been in business since 1927. He noted that sales between the hours of 2:00 a.m. and 5:00 a.m. would not even cover the utility costs for the premises, but that 90+% of 7-Eleven stores worldwide are open on a 24-hour basis. Twenty-four operation is a customer service aspect of the business, and that is the main reason for the 24-hour opening application. He added that stores in the United States began operating on a 24-hour basis beginning in 1968.

In response to questions from the Board, Mr. Barnes stated that 7-Eleven developed a security program in 1976, which now serves as a national model. There is a different atmosphere for the store during evening hours, including low cash in the register and the maintenance of unclouded windows. Before employees may begin working in a store, they are required to complete a 7-day training course, which must be confirmed by the franchisee. Field consultants inspect stores for program compliance. The fit-up for all stores, including security measures, is done by the corporate division of 7-Eleven.

Mr. Barnes stated, in response to a question, that if the 24-hour opening license were not granted, the site would not be leased. He stated that a thorough analysis of the trade area had been undertaken and it was his opinion that the store would not affect the business at the existing store in Watertown. Attorney York noted that the distance between the proposed location and the existing 7-Eleven in Watertown was 1.5 miles. In response to a question from the Board, he noted that there are over 40 parking spaces at the proposed site, more than required by the Zoning Ordinance, and that parking from the adjacent apartment building should not be a problem because that building has sufficient tenant parking spaces to comply with zoning requirements.

Attorney Mann stated that based on operations of the existing store, he did not believe that the proposed store would result in any harm to the area. He noted that the Watertown Square site is less congested. It is at the confluence of five major thoroughfares and therefore the chance of problem activity is lower.

A representative of the owner, Robert Mascaro, stated that marketing efforts for the site include placing of the property with Dartmouth Companies, a well-known leasing firm, for over one year.

Board Chairman Doucette read into the record the provisions of Section 113.04 of the Watertown Ordinances, authorizing special permit licenses for 24-hour retail opening.

Sergeant Grady stated that the Police Department recommended denial of the application for the following reasons: the 7-Eleven company operates the same type of store as Tedeschi Food Shops, located at 164 Main Street, which is within one-quarter mile of the proposed location; 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 license would serve the interests of the neighborhood, nor add to the quality of life of the citizens of Watertown.

Board Chairman Doucette noted that the standard in the ordinance that the “public good requires” the issuance of a special permit license is a high standard. But finding a tenant for a key site in the Square could be considered a public good, as well as the opportunity to place a licensed business there that would be subject to review. For those reasons she stated she would recommend granting the license, subject to a full hearing review within one year.

Board Member Newman stated his view that any convenience associated with the 24-hour operation would be for those traveling into the Town, not Town residents. Board Member Whitney stated that he agreed with the Police Department recommendation

The Licensing Board voted 2 to 1 to deny the application for the 24-hour opening license. Following that action, Attorney York stated that there would be no need to proceed with the application for the retail food sale license.

3. Chang Xue Zou and Qiu Wang Gao  
d/b/a Tiki Inn Restaurant  
30 Mt. Auburn Street  
Watertown, MA 02472

The Watertown Licensing Board met to consider the application of Chang Xue Zou and Qiu Wang Gao d/b/a Tiki Inn Restaurant for a common victualer license to be exercised at 30 Mt. Auburn Street.

Attorney Christopher Coleman appeared in support of the application together with his paralegal and interpreter, Andrea Korr, and the applicants.

Attorney Coleman stated that there is currently a restaurant of the same name on the subject property. The applicants will maintain an Asian cuisine menu, and both are chefs. Mr. Xou has worked at the Thai Too Restaurant in Medway for the last two years and Mr. Gao has worked at the Osaka Japanese restaurant in Northampton.

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.

Board Chairman Doucette noted that the applicants must familiarize themselves with the Licensing Board's rules and regulations.

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

1. The hours of operation shall not exceed 11:00 a.m. to 12:00 midnight Monday through Saturday for full service and 12:00 midnight to 1:00 a.m. take-out only, and 12:00 p.m. to 12:00 midnight on Sunday.
2. The seating capacity shall be 30 persons.
3. There shall be no alcoholic beverages on the premises.
  
4. John and Kimberley Stathakis  
d/b/a Orchard Park Grill  
208-210 Waverley Avenue  
Watertown, MA 02472

The Watertown Licensing Board held a continued session of its status hearing on the ownership and exercise of the all alcohol common victualer license issued to John and Kimberley Stathakis d/b/a Orchard Park Grill for the premises at 208-210 Waverley Avenue.

The Board acknowledged receipt of a document entitled "Orchard Park Grill Loan Schedule" indicating weekly payments of \$175.44 beginning January 6, 2007 and ending April 24, 2010. Sergeant Grady stated that he had spoken to Mr. Stathakis prior to delivery of the document to the Police Station, and Mr. Stathakis had informed him that this document was all he had to submit in response to the Board's request at its meeting of January 20, 2011.

Board Chairman Doucette stated that the schedule submitted is not responsive to the Board's request, and included no bank records or receipts. However, she stated that she did not see that any more would come from leaving the matter open. It was clear that the licensee did not observe good recordkeeping practices.

Mr. Newman stated that the document was inconsistent with previous evidence offered to the Board, including Mr. Stathakis' testimony, which was that he made payments from time to time to Mr. Garufi, and Mr. Garufi's affidavit stating that the loan was paid off in 2009. He added that the record showed evidence of the licensees not being appropriate persons to hold a license.

The Licensing Board, after consideration of the record, expressed its dissatisfaction with the materials submitted by the licensees in response to the Board's requests, but determined to conclude the status hearing proceedings, noting the representation of the licensees that they had no further records to present. However, the Board reserved its rights to make any further inquiry into the ownership and exercise of the license and the operation of the licensed business.