



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
STEVEN W. AYLWARD

ALTERNATE MEMBER
SANDRA KASABIAN HOFFMAN

Minutes June 16, 2016

1. ACCEPTANCE OF MINUTES: May 19, 2016
2. Special Licenses (See below)
 - a. Food Truck Festivals of America September 10, 2016 Approved 3-0
 - Special Alcohol License Approved 3-0
 - Entertainment License
 - b. St. James Armenian Center Not Approved
 - Fundraiser July 2, 2016
 - c. Watertown Free Library Approved 3-0
 - 5K Road Race September 10, 2016
2. BYOB Permit:
 - Khayam Inc., d/b/a Jasmine Taste of Persia, 580 Mt. Auburn Street Approved 3-0
3. Khayam Inc., d/b/a Jasmine Taste of Persia
580 Mt. Auburn Street Continued to July 21, 2016
Change from Individual to a Corporation
4. Not Your Average Joe's, Inc.
55 Main Street Continued to July 21, 2016
Change of Manager
5. Vegan Boston LLC d/b/a Wild Rice Café Approved 2-1
71 Elm Street
 - All Alcohol Common Victualler
 - Change of Hours
6. Boilerplate, LLC d/b/a Branch Line Continued to July 21, 2016
321 Arsenal Street
 - Entertainment License
 - Wine & Malt 6 day to 7 day

7. BP Watertown Victualler, LLC
D/B/A Residence Inn By Marriott Watertown
570 Arsenal Street
• New Common Victualler License
• New All Alcohol Innholder License
Approved 3-0
8. J. M. R. Inc. d/b/a Mount Auburn Grill
643-649 Mt. Auburn Street
Show Cause
1 Day Suspension July 3rd
10. BYOB Regulation Fees
Approved
11. Food/Liquor Reports
Approved

7:30 PM to 10:30 PM

Donna B. Doucette, Chairman

Present: Donna B. Doucette, George B. Newman, Steven W. Aylward,

Khayam, Inc.
d/b/a Jasmine Taste of Persia
580 Mt. Auburn Street
Watertown, MA 02472

The Watertown Licensing Board met to consider the application of Khayam, Inc. d/b/a Jasmine Taste of Persia for a BYOB permit to be exercised at the applicant's restaurant at 580 Mt. Auburn Street.

Ms. ZeinswOod stated that the restaurant has been in operation for 11 years, and that he has prior restaurant experience in Brookline. He has two employees; they and he are TIPS certified.

Sgt. Grady stated that the Police Department had no objection to the granting of the requested permit, provided that the conditions stated below were imposed.

Allen Zeinswood, president and manager, appeared in support of the application. The Licensing Board voted unanimously to grant a Bring Your Own Bottle permit, subject to the following conditions:

1. BYOB service is limited to wine and malt beverages only.
2. The hours of operation shall not exceed Monday through Sunday 12:00 noon to 9:00 p.m.
3. BYOB service shall be limited to the hours of 12 noon until one half-hour prior to closing time.
4. The manager, Allen Zeinswood, shall ensure that all servers of alcoholic beverages are at least 21 years of age, successfully complete alcohol awareness training (e.g., TIPS), and demonstrate an understanding of the rules, regulations and ordinances associated with the exercise of a BYOB permit.
5. All servers of alcohol shall be properly trained in the proper resealing and bagging of partially consumed wine in accordance with the method designated in the regulations of the Alcoholic Beverages Control Commission, as stated in 204 CMR 2.18.

Khayam, Inc.
d/b/a Jasmine Taste of Persia
580 Mt. Auburn Street
Watertown, MA 02472

The Watertown Licensing Board has continued its hearing on the application of Khayam, Inc. d/b/a Jasmine Taste of Persia for a change of Common Victualer License from individual to corporation. The hearing has been continued to permit the applicant to supplement the application materials to make the application one for a new common victualer license, as the applicant proposes to operate the license under a business structure different from the one for which it was originally granted.

The continued hearing will be held on July 21, 2016 at 7:15 p.m. in the Philip Pane Hearing Room, Administration Building, 149 Main Street, Watertown, MA.

Not Your Average Joe's, Inc.
55 Main Street
Watertown, MA 02472

The Watertown Licensing Board has continued its hearing on the application of Not Your Average Joe's, Inc. for approval of a change of Manager of its premises at 55 Main Street licensed for All Alcohol Common Victualer Service. The hearing was originally scheduled for June 16, 2016, but no one appeared on behalf of the applicant.

The continued hearing will be held on July 21, 2016 at 7:15 p.m. in the Philip Pane Hearing Room, Administration Building, 149 Main Street, Watertown, MA. The Board noted that if the applicant fails to appear at the July 21, 2016 meeting, the application will be denied and the Licensing Board will schedule a show cause hearing for operation of the licensed premises without an approved manager.

Vegan Boston, LLC
d/b/a Wild Rice
71 Elm Street
Watertown, MA 02472

The Watertown Licensing Board met to consider the application of Vegan Boston, LLC d/b/a Wild Rice for an All Alcohol Common Victualer License to be exercised at the existing restaurant premises at 71 Elm Street and for approval of a change of hours of operation for the Common Victualer License exercised at the premises.

Attorney Sylvia Glick appeared in support of the application, together with Pankaj Pradhan, manager. Attorney Glick stated that the restaurant has been in operation since December of 2015. It currently serves breakfast and lunch, and Mr. Pradhan proposes to add dinner service. The alcohol

license requested is one of the additional licenses authorized by special act of the Legislature. [Chapter 73 of the Acts of 2016] All employees are TIPS certified and Mr. Pradhan has experience in restaurants serving alcohol.

Attorney Glick noted that the restaurant is adjacent to the rear parking area of the Watertown Mall and that she was aware of objections to the application by the mall manager regarding restaurant patrons using the mall's parking area. She stated her belief that there was no evidence of such patron activity, and added that there is on-street parking on Arlington Street, Nichols Avenue and Yukon Avenue. The applicant will offer valet service for the evening mealtime.

Attorney Glick reported that the applicant did contact the Watertown Mall regarding permission to use the mall parking area, but no agreement was reached. She added that spaces at the mall are not needed, but that the effort was made to be neighborly. Mr. Pradhan stated that he has a lease of three parking spaces at 70 Nichols Avenue for a six-month period, through October 31, 2016.

Patricia Stenson, general manager of the Watertown Mall stated there have been ongoing parking problems, and that she had a log of the previous two-week period for parkers in the mall lot who went to the restaurant. She also stated that the restaurant has not been offering valet services, as was represented when the common victualer license was approved, and that when persons parking on the mall property are approached by mall employees regarding the rule of parking for small business only they become aggressive toward the employees. She showed photographs to the Board of autos she said were parked by patrons on the restaurant at the Mall Lot. Ms. Stenson added that patrons have stated to the parking area guard that they were told by restaurant staff to use the mall parking lot. She stated that her concern is liability of the mall for any injuries in the parking area.

In response to questions from the Board, Mr. Pradhan stated valet service has been available, but that there had not always been a person posted outside the restaurant to make it obvious. He added that he will now use a valet stand for that purpose. Mr. Pradhan also noted that breakfast and lunch customers do not spend much time at the restaurant and are not interested in using a valet for short visits.

A restaurant customer reported he had gone to the restaurant earlier in the day and was told by a mall security guard that he could not park in the mall parking area, but that there was no signage to that effect. Another customer stated that when she has driven to the restaurant, the staff informs her not to park in the mall lot.

When asked by Board member Aylward, Mr. Pradhan stated there was no signage inside the restaurant regarding no mall parking, but that he was willing to place such signage. Ms. Stenson commented that such signage was a requirement when the common victualer license was granted. Chairman Doucette observed that even the police cannot prevent people from parking in the mall lot, and that on-street parking in the area is legal.

Sgt. Grady stated that the Police Department had no objection to the granting of the all alcohol common victualer license, provided that the conditions stated in items 1 through 5 above were imposed, and no objection to the approval of additional hours, provided that the condition stated in item 1 below was imposed.

The Licensing Board voted unanimously to grant an All Alcohol Common Victualer License, subject to the following conditions:

1. The hours of operation shall be Sunday through Saturday 6:00 a.m. until 12:00 midnight.
2. The seating capacity shall not exceed 47, 35 seats inside and 12 seats outside, as shown on the plan submitted (sketch plan entitled "71 Elm St. Watertown MA – 02472" received in the office of the Town Clerk on May 5, 2016).
3. Barriers, to include bollards, shall be constructed in the area directly abutting the frontage of the property for the safety of the public seated in the defined patio space. The specifications and design of the barriers shall be approved by the Building Department and Zoning Enforcement Officer.
4. Proper signage shall be posted to advise all patrons of alternate parking and available valet service for the restaurant.
5. No alcoholic beverages shall be served on Sundays.
6. The applicant shall offer valet service for its customers, and shall submit to the Board, by August 18, 2016, visual evidence of signage placed in the restaurant to inform customers of parking requirements and that if they park in the Watertown Mall lot their cars may be towed.
7. A status hearing will be held on November 17, 2016 to review operations of the restaurant as required by this decision.

The Licensing Board also voted unanimously to approve a change of hours to Sunday through Saturday 6:00 a.m. until 12:00 midnight, subject to the following conditions:

1. All other conditions of the license shall remain in place.
2. The applicant shall offer valet service for its customers, and shall submit to the Board, by August 18, 2016, visual evidence of signage placed in the restaurant to inform customers of parking requirements and that if they park in the Watertown Mall lot their cars may be towed.
3. A status hearing will be held on November 17, 2016 to review operations of the restaurant as required by this decision.

Boilerplate, LLC
d/b/a Branch Line
321 Arsenal Street, Building 312
Watertown, MA 02472

The Watertown Licensing Board met to consider the application of Boilerplate, LLC d/b/a Branch Line for an entertainment license to be exercised at its restaurant premises at 321 Arsenal Street, Building 312.

Andrew Holder, member of the LLC and owner, appeared in support of the application. Mr. Holder explained that as the restaurant is getting more requests for special events such as rehearsal dinners it made more sense to seek an annual entertainment license rather than individual licenses. The type of entertainment desired at these events may include music with the group's meal, for example. The restaurant does not plan regular music offerings for its dining customers.

1. The Building Department reported that egress may not be hindered when entertainment is offered.
2. The Police Department reported that it 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 entertainment shall be Monday through Saturday from 2:00 p.m. until 11:00 p.m.
2. The number of musicians shall be limited to four (4), one (1) of which may be a singer.
3. Instruments shall be limited to piano, string and/or reed.
4. Space provided for entertainment shall be limited to the area shown on the plan submitted (seating plan labeled "Branch Line" and showing table numbers 52 and 53 to be removed when entertainment is offered, resulting in a decrease of eight (8) seats).
5. Entertainment provided shall be reasonable and remain consistent throughout the event.
6. No dancing shall be allowed.

Boilerplate, LLC
d/b/a Branch Line
321 Arsenal Street, Building 312
Watertown, MA 02472

The Watertown Licensing Board has continued its hearing on the application of Boilerplate, LLC d/b/a Branch Line Inc. for approval of Seven-Day Alcohol Service for its Wine and Malt Common Victualer License exercised at 321 Arsenal Street, Building 312. The applicant was asked to update its report on the percentage of food sales and to demonstrate reasons it should receive approval prior to the usual 12-month waiting period in Watertown for a Seven-Day application.

The continued hearing will be held on July 21, 2016 at 7:15 p.m. in the Philip Pane Hearing Room, Administration Building, 149 Main Street, Watertown, MA.

BP Watertown Victualler, LLC
d/b/a Residence Inn by Marriott Watertown
c/o Boylston Properties
800 Boylston Street, Suite 1390
Boston, MA 02199

The Watertown Licensing Board met to consider the application of BP Watertown Victualler, LLC d/b/a Residence Inn By Marriott Watertown for a Common Victualer License and an All Alcohol Innholder License to be exercised at 570 Arsenal Street.

Attorney York stated that construction for the hotel began in May of 2015. The anticipated occupancy time frame is late August or Labor Day weekend. The alcohol license requested is one of the additional licenses authorized by special act of the Legislature. [Chapter 73 of the Acts of 2016]

Mr. Deschenes stated that the hotel will be owned by BP Watertown Hotel; the Stonebridge Companies will be the operator, under a 20-year franchise agreement with Marriott. In the Marriott chain, this hotel will be classified as upscale. He presented floor plans of the hotel and described the first floor as including a 'grab and go' market (the market area), a 9-seat bar, and a fitness area. (See plan entitled "570 Arsenal Street Watertown, MA 02472, Enlarged Ground Floor Plan – West," sheet A-131, revised through 04/30/2015.) Only limited dining service will be offered, which will be a free breakfast for guests; there will be no lunch or dinner. Occasionally, there may be an afternoon snack type function event. Rooms in the hotel have a small kitchen.

Mr. Deschenes explained that the lobby runs along Arsenal Street and bar patrons could sit at various places in the lobby to consume drinks purchased at the bar. There will be no wait service. The conference/meeting room could host functions, for which there would be catered service. The market area, which is part of the Marriott hotel program, will have sealed beer and wine for consumption by guests in their rooms. Mr. Deschenes noted that Mr. Chand is TIPS trained and has operated several restaurants. He added that any front desk staff or bar servers will also be TIPS trained.

Mr. Chand stated he has been a general manager in the Boston hotel market for over 10 years, and has worked in the Boston area for 19 years, including seven years at a Marriott in Brookline with an alcohol license. He explained that the bartender and manager will have supervisory responsibility for the alcohol license, and that there will be 24/7 staffing for the hotel.

Town Council president Sideris noted the economic development effort that helped to secure authorization for additional alcohol licenses from the Legislature.

Sgt. Grady stated that the Police Department had no objection to the granting of the common victualer license, provided that the condition stated above was imposed, and no objection to the granting of the all alcohol innholder license, provided that the conditions stated below were imposed.

Attorney William York appeared in support of the application, together with Mark Deschenes – member, Sharad Chand – manager, and Attorney Josh Bowman. The Licensing Board voted unanimously to grant a Common Victualer License, subject to the following condition:

1. The hours of operation shall be Monday through Sunday 6:00 a.m. until 12:00 midnight.

The Licensing Board also voted unanimously to grant an All Alcohol Innholder License, subject to the following conditions:

1. The description of the licensed premises shall be as follows: dining areas, bar area, lounge area, lobby, the market area and conference/meeting space all located on the first floor of the hotel, and the guest rooms (subject to condition number 3 below).
2. Seating will be limited to 192 seats, 77 seats in the dining area, 31 seats in the bar area, 10 in the TV lounge, 29 in the lobby and an estimated 45 seats in the conference space.
3. All alcoholic beverages served at the bar shall be consumed in the area defined by the license on the first floor of the hotel.
4. No alcoholic beverages purchased outside the hotel or from the market area shall be consumed by any patron in the area defined by the license on the first floor of the hotel.
5. No alcoholic beverages will be available for purchase from the market area after 12 midnight and prior to 12 noon on Sundays.
6. Signage shall be posted by the licensee to inform patrons of limitations of the licensed space.
7. The hours of operation shall be Monday thru Friday 4:00 p.m. until 12:00 midnight, Saturday and Sunday 12:00 noon until 12 midnight.
8. The manager, Sharad Chand, shall ensure that all employees engaged in the sale and service of alcoholic beverages attend and successfully complete an alcohol awareness training program (e.g. TIPS) within 30 days of hire or expiration of certification.
9. Copies of all alcohol awareness training certifications shall be maintained by the licensee and available for verification upon request.
10. All alcohol shall be locked and secured during times the license is not in operation.

J.M.R., Inc.
d/b/a Mount Auburn Grill
643-649 Mt. Auburn 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 January 31, 2016 at your premises located at 643-649 Mt. Auburn Street licensed for all alcohol common victualer service, to wit: improper management of the licensed premises in violation of G.L. c.138, §23. Mal Atamian, owner, and Paul Seymour, bartender on the date in question appeared on behalf of the licensee.

Sgt. Grady summarized the contents of Watertown Police Department reports for the events of January 31, 2016. That evening, officers responded to the restaurant upon report of a fight, an altercation between two customers. On arrival only one of the two men involved was present, and he had swelling on the left side of his face. This customer provided the name of the other customer, and stated he knew him. While the two were sitting at the bar, words were exchanged about the cane the other man was carrying. The two men got up to leave, but the man with the cane then struck the first man with the cane, hitting him in the face. The man who was struck pushed the man with the cane

down to the floor. Bartender Paul Seymour stated he did not call the police at that time or direct anyone else to make a call; rather, he attempted to assist the man who had been struck, but the man with the cane swung it again. Patrons also assisted in separating the two men. The man with the cane then went out the rear entrance; he was located by the police about 1 ½ hours later and upon questioning became belligerent. The man with the cane was arrested and charged with assault and battery and resisting arrest.

Sgt. Grady noted that the Licensing Board's Rules and Regulations require licensees to call 911 when a person on the premises is injured or otherwise incapacitated. [Section III.6]

Mr. Atamian stated that a waitress was instructed to call the police. Mr. Seymour confirmed that he asked a server to call the police after he had diffused the situation, noting he had not seen the initial altercation. He explained that he tried to escort the man who had been struck out of the premises, but he came back inside. At that point, Mr. Seymour told a waitress to call the police. He stated officers were on the scene in 2 to 3 minutes. When asked by the Board, Mr. Seymour stated the time elapsed between his coming from behind the bar to assist and when he asked the waitress to call the police was about 6 to 7 minutes. She told him that she had called an off-duty officer – who then called police dispatch. Mr. Seymour stated the waitress did not tell him at the time that she had only called the off-duty officer.

Sgt. Grady stated that the call to dispatch came in at 9:23 p.m. Board member Aylward commented that the waitress should have known to call the police directly. Chairman Doucette stated her belief that a better choice could have been made at the time, but she did not see a reason for a serious penalty under the circumstances.

Sgt. Grady reported that a verbal warning had been given to the licensee for a similar type of incident on June 4, 2015, when a physical assault was not reported until 24 hours later – by the victim. Board member Newman stated that management is responsible for training the staff.

The Licensing Board unanimously found that the violation of improper management (one count) had occurred, and voted to impose a one-day license suspension. After explanation of the Board's practice, Mr. Atamian stated that he would waive his right to appeal and selected July 3 as the day the suspension would be served. The license is to be physically delivered to the Police Department on the morning of Sunday, July 3.