



7. The Aegean Restaurant II, Inc.  
d/b/a The Aegean Restaurant  
60 Indian Head Road  
Framingham, MA 01701

- Status Hearing

8. Vegan Boston LLC d/b/a Wild Rice Café  
71 Elm Street

- Status Hearing

Continued to January 19, 2016

7:30PM to 10:10PM

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Donna B. Doucette, Chairman

Present: Donna B. Doucette, George B. Newman, Sandra Kasabian Hoffman (Alternate)

3D's Market Inc. d/b/a Bemis Market  
c/o Mr. John A. Donohue  
11 Standish Road  
Watertown, MA 02472

The Watertown Licensing Board has continued the status hearing on the matter of the, wine and malt package goods store alcohol license which had been exercised by 3D's Market Incorporated at 129 Waltham Street. The status hearing was opened on November 17, 2016.

On November 17, 2016, John Donohue appeared on behalf of 3D's Market Incorporated d/b/a Bemis Market. He reported that he had a purchase and sale agreement with Target Corp. for transfer of the license and anticipated that a transfer application would be filed within the next three weeks.

Attorney Joseph Devlin also appeared, on behalf of Target Corp., and stated that the Watertown Target is expected to be the fourth Target store in the area to obtain and exercise a retail alcohol license. He explained that company representatives had met with various Town officials regarding required approvals and the related application process. Attorney Devlin noted that the plans for the licensed area of the store require input from multiple company departments, and added that in response to a Police Department comment regarding alcohol storage the plans have been revised. He stated his expectation that the plans should be ready by the week of November 21 and that a transfer application would be filed within two to three weeks.

The continued hearing on this matter will be held on January 19, 2017 at 7:15 p.m. in the Philip Pane Hearing Room, Administration Building, 149 Main Street, Watertown, MA.

Pleasanttown SS Donuts LLC  
d/b/a Dunkin Donuts  
410 Main Street  
Watertown, MA 02472

The Watertown Licensing Board met to consider the application of Pleasanttown SS Donuts LLC d/b/a Dunkin Donuts for a Common Victualler License to be exercised at 640 Arsenal Street. Attorney William York appeared in support of the application, together with David Carvalho. (Attorney York explained that Duarte Carvalho, manager of the LLC, was unavailable on account of a required medical procedure.)

Attorney York explained that the subject property is the site of the former Aegean restaurant; 2,100 square feet will be allocated to the Dunkin Donuts operation, with an additional bathroom area of 240 square feet. The balance of the building will be occupied by an as yet undetermined tenant, which will likely be a business with activities complementary to the morning hours of a Dunkin Donuts, such as a bank. Attorney York stated that the Carvalho family has operated a Dunkin Donuts in Watertown since 1984, but the current lease at the Arsenal Mall is not being renewed. They will buy the subject property, and a purchase and sale agreement has been signed.

Attorney York noted that there are 39 shared parking spaces at the site, more than required by zoning. He stated that the proposed operation has been reviewed by other Town departments and that a building permit has been issued. Mr. Carvalho added that the site will have more parking than the Main Street Dunkin Donuts site, that the landscaping will be upgraded and that the interior fit-up will offer a more open atmosphere.

District A Councilor Angeline Kounelis reported to the Board that a group of 25 residents had registered their opposition to the proposal, and stated she was concerned that there was only one means of egress from the site, commenting that crossing Arlington Street onto Arsenal Street can be difficult. She noted that the proposed use did not require Planning Board or Zoning Board of Appeals approval and there would be no site plan approval process. Attorney York responded that the plans had been reviewed by the Police Department and Department of Public Works. He then introduced Robert Michaud of MDM Transportation Consultants.

Mr. Michaud stated that he had worked with other Dunkin Donuts operations in Massachusetts and that he had performed a traffic survey in connection with this application, using the history of Dunkin Donuts' business in Watertown. He explained that he had reviewed operations of the adjacent UPS business facility and the present use of a police officer to direct traffic at the busiest time for the applicable intersections – the morning. The survey results included an expected customer count of 100 in a typical morning hour. Mr. Michaud noted that 9 of 10 customer trips to the Dunkin Donuts are expected to be trips of convenience, so that current vehicle traffic in the area would not be classified as new traffic for the site. He continued by explaining that 7 of 10 customer vehicle trips would be oriented to Arsenal Street, with an expected traffic impact of one re-directed vehicle every 2 minutes. At the driveway, the expected exit turns are 50% left and 50% right. He added that the traffic survey indicated that the Coolidge Avenue approach is the focus. Overall, he did not anticipate a material impact on traffic at the site, and he described the proposed Dunkin Donuts as a 'manageable' use.

Mr. Michaud stated he did assess safety at the driveway area, including sight lines for exiting and approaching vehicles. He found no sight line impact from the proposed use. The average exit delay time was identified as one minute. Mr. Michaud also noted that the vehicle crash history at the Arlington Street and Arsenal Street area was low, and that he anticipated only a little delay or vehicle queuing. Board member Kasabian-Hoffman commented that a crash history based on a restaurant use was not an equal comparison to a Dunkin Donuts type use; and Mr. Michaud responded that volume at the intersection is modest and there is a police officer presence in the morning. Sgt. Grady added that the police traffic detail is in effect from 7:30 a.m. to 9:00 a.m., and that the officer controls the traffic lights. Attorney York stated that if operations at the site indicate that a turn restriction should be imposed the issue could be addressed in the future.

Board chairman Doucette noted that the Health Department had approved the proposed renovations at the site, per its letter to the applicant.

Sgt. 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 stated her expectation that traffic issues at the site would be monitored.

The Building Department reported it had no issues with the application, pending a final inspection per the project plans.

The Licensing Board voted unanimously to grant the requested license, for premises described as follows: 2,107 square feet plus 245 square feet of shared lobby and alcove, containing 4 rooms

including dining service, prep. area, storage, kitchen, and 2 bathrooms, with 4 entrances/exits, and subject to the following conditions:

1. The hours of operation shall be Monday through Sunday 5:00 a.m. to 12:00 a.m.
2. Interior seating for no more than 36 persons, as shown on the plans submitted plans entitled: "Dunkin Brands" dated: September 2, 2016. Aharonian & Associates, Inc.
3. There shall be no alcoholic beverages on the premises.

7-Eleven, Inc.  
3200 Hackberry Road  
Irving, TX 75063

The Watertown Licensing Board met to consider the application of 7-Eleven, Inc. for approval of a change of name of the business licensed for common victualer service at 164 Main Street from TFS Newco, LLC d/b/a Tedeschi Food Shops #37341 to 7-Eleven, Inc. Raymond Coulard appeared in support of the application.

Mr. Coulard stated that in August of 2015 7-Eleven, Inc. acquired the Tedeschi FoodShopsbusiness and has been engaged in a process of store remodeling and name changes. For the subject property, the remodeling is expected to take place next year. 7-Eleven will retain the current store manager, and no operational changes are planned.

Sergeant Grady stated that the Police Department had no objection to approval of the change of name, provided that the condition stated below was imposed.

The Health Department reported that the applicant must obtain new food, tobacco and other relevant department permits.

A resident of 170 Main Street stated concerns regarding operation of the store at the subject property, including noise from the roof top heating/cooling unit and customers sitting on the steps of his condominium building. Board chairman Doucette responded that residents may report complaints regarding a license holder's activities to the Police Department, and noted that renewal of common victualer licenses would be considered at the Board's meeting of December 15.

The Licensing Board voted unanimously to approve the change in name, subject to the following condition: all conditions of the existing license issued for TFS Newco, LLC d/b/a Tedeschi Food Shops #37341 shall remain in place.

Yere 1, Inc.  
d/b/a Coolidge Corner Food Yere 1  
43 Rando Lane  
Waltham, MA 02451

The Watertown Licensing Board met to consider the application of Yere 1, Inc. d/b/a Coolidge Corner Food Yere 1 for approval of an alteration of its premises at 4 Bigelow Avenue licensed for

Wine and Malt Package Goods Store Sales. Attorney Ken Leitner appeared in support of the application.

Attorney Leitner explained that the beer and wine coolers are presently on the right hand wall. The licensee proposes to remodel the premises, which are a convenience store, and move the coolers to the left hand wall, as shown on the plans presented. There will be a public bathroom on the first floor and an employee bathroom in the basement. Attorney Leitner stated that the bulk of the work is structural, excavation and footings, and that the licensee hopes to open in January, 2017.

Sgt. Grady stated that the Police Department had no objection to approval of the proposed alterations, provided that the conditions stated below were imposed.

The Licensing Board voted unanimously to approve the alteration of premises, subject to the following conditions:

1. The description of premises shall be as shown on the plans submitted ("4 Bigelow Avenue Kitchen Watertown MA" sheet A-6 (site plan, dated 7/4/16) and sheets A-1 (Prep Area in Basement, dated 6/4/16), A-2 (Cooking Area in 1<sup>st</sup> Floor, dated 6/4/16), and A-4 (Details, dated 5/14/16)): approximately 1,305 square feet of retail space with main entrance on Bigelow Avenue, rear entrance to Wells Avenue, private restroom, office space and basement for storage.
2. All conditions of the existing license shall remain in place.

Yere 1, Inc.  
d/b/a Coolidge Corner Food Yere 1  
43 Rando Lane  
Waltham, MA 02451

The Watertown Licensing Board met to consider the application of Yere 1, Inc. d/b/a Coolidge Corner Food Yere 1 for a Common Victualer License to be exercised at 4 Bigelow Avenue. Attorney Ken Leitner appeared in support of the application.

Attorney Leitner explained that the site is presently the Coolidge Market, with a small butcher shop. The applicant proposes to provide Middle Eastern take-out food. Harry Sahakian will manage the cooking and take-out operations. No seats are proposed. There will be a public bathroom on the first floor and an employee bathroom in the basement. Attorney Leitner stated that the proposal has been discussed with the Health and Building Departments and the Zoning Enforcement Officer.

The Health Department reported that the applicant's food service plan and application were under review by the department.

Sgt. Grady stated that the Police Department had no objection to approval of the proposed transfer, 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 description of premises shall be as shown on the plans submitted ("4 Bigelow Avenue Kitchen Watertown MA" sheet A-6 (site plan, dated 7/4/16) and sheets A-1

(Prep Area in Basement, dated 6/4/16), A-2 (Cooking Area in 1<sup>st</sup> Floor, dated 6/4/16), and A-4 (Details, dated 5/14/16)): approximately 1,305 square feet of retail space with main entrance on Bigelow Avenue, rear entrance to Wells Avenue, private restroom, office space and basement for storage.

2. The hours of operation shall be 8:00 a.m. to 8:00 p.m. Monday through Wednesday, 8:00 a.m. to 9:00 p.m. Thursday through Saturday, and 10:00 a.m. to 9:00 p.m. on Sunday.
3. No set number of seats is provided; however, space identified as wood counters on the plans submitted will be available to patrons to stand and consume takeout food and provisions offered.
4. No alcohol shall be consumed on the licensed premises.

New Salts, Inc.  
d/b/a La Bodega by Salts  
61 Prichard Avenue, No. 1  
Somerville, MA 02144

The Watertown Licensing Board had continued the status hearing on the matter of this all alcohol common victualler license granted to New Salts, Inc. d/b/a La Bodega by Salts for exercise at 21 Nichols Avenue. The status hearing was opened on September 15, 2016, continued to October 20 and further continued to November 17, 2016.

On November 17, Gabriel Bremer, manager, reported that construction for renovations to the licensed premises was moving along; all demolition has been completed and the new construction portion of the project is set to begin. He stated that the anticipated opening for business is sometime in January of 2017.

The continued hearing on this matter will be held on January 19, 2017 at 7:15 p.m. in the Philip Pane Hearing Room, Administration Building, 149 Main Street, Watertown, MA.

The Aegean Restaurant II, Inc.  
d/b/a The Aegean Restaurant  
Attn. Chris Ntasios  
60 Indian Head Road  
Framingham, MA 01701

The Watertown Licensing Board had continued the status hearing on the matter of this alcohol common victualler license previously issued for exercise at 640 Arsenal Street and the December 14, 2015 report to the Board that the lease for the premises had been terminated. The status hearing was opened on January 21, 2016, continued to April 21 and August 18, 2016, and continued again to November 17, 2016.

On November 17, attorney Norman Kaplan appeared on behalf of the licensee, together with Chris Ntasios, the owner of the former Aegean Restaurant. He stated that the current license should soon become active because a third party has made an offer to purchase the license. There is an

agreement to transfer the license, but attorney Kaplan requested confidentiality of the buyer at this time. The current agreement is a handwritten document, which is to be formalized within two weeks. He stated that he expected an application for transfer would be submitted by December 15.

The Board noted that identification of a named potential buyer is needed in order to complete a renewal request at the end of the year. Attorney Kaplan expects the formal document and transfer application to be ready in time.

The continued hearing on this matter will be held on January 19, 2017 at 7:15 p.m. in the Philip Pane Hearing Room, Administration Building, 149 Main Street, Watertown, MA.

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

The Watertown Licensing Board met to review the status of the restaurant operations of Vegan Boston, LLC d/b/a Wild Rice, holder of a Common Victualler License and an All Alcohol Common Victualler License for exercise at 71 Elm Street, in accordance with the Board's vote and decision in June of 2016 to grant the All Alcohol Common Victualler License and approve a change of hours of operation for the Common Victualler License, in particular, issues related to patron parking at the adjacent Watertown Mall.

Attorney Sylvia Glick and Jaime Berryman appeared on behalf of the licensee and presented photographs of signage placed at the premises. After hearing, the Licensing Board voted unanimously to close the hearing and to take no further action respecting license conditions at this time.

Ms. Berryman stated that the experience of the past few months was that there had not been issues with parking on the Watertown Mall property. With respect to the requirement of the Board's June 2016 decision that valet service be provided, she explained that most customers are not interested in using a valet. She stated that two persons had been hired to provide the valet service but that they left because of a lack of business. At present, an in-restaurant worker assists with valet operations. Ms. Berryman also noted that because business has been slow the hours of operation have been changed; opening time on Monday, Wednesday, Thursday and Friday is 11:00 a.m., and the restaurant is closed on Tuesday. The majority of sales now take place at the dinner hour. It is her understanding that customers are parking at the Moynihan window/lumber site, which is available by agreement with the owner.

Attorney Steve Winnick appeared on behalf of Patricia Stenson, general manager of the Watertown Mall, with Ms. Stenson and Milton Schul of Ocean States Investigative Group, LLC. He stated that unauthorized parking at the Watertown Mall by restaurant customers is chronic and that Ms. Stenson had video of persons parking at the mall and then patronizing the restaurant. He referred the Board to his letter of November 17 and the accompanying report of Ocean States Investigative Group. The report documented surveillance conducted on Saturday and Sunday, October 15 and 16, 2016 and described various instances of persons parking at the Watertown Mall and then patronizing the restaurant. Attorney Winnick stated that the licensee had admitted by its presentation at this hearing that there is no real valet service, and asserted that auxiliary parking for the restaurant cannot be effective unless patrons are shuttled to the restaurant.

Ms. Stenson stated that the site is monitored daily and she has never seen the umbrella type valet stand the licensee represented would be used when the matter was considered at the Board's August 18, 2016 status hearing. She added that people who are notified or realize that they have parked illegally move their cars before the vehicles can be towed, so there is no Police Department report of such parking. Ms. Stenson presented photographs of the restaurant and stated they do not show a visible valet stand. Attorney Winnick's submission included a statement dated 11/15/16 from Franks Towing of Allston, MA to Ms. Stenson that the company is often called to the mall to tow vehicles and those include cars of persons who are patrons of Wild Rice. Ms. Stenson responded to a question from Sgt. Grady by stating that Franks Towing does not keep track of the number of cars towed.

Mr. Schul described the surveillance of October 15 – 16, stating that several Wild Rice customer vehicles were documented on October 15, and noting that some persons returned to their vehicles after approaching the restaurant, and apparently reading the signage regarding no mall parking, but simply moved their vehicles to another portion of the mall lot. Mr. Schul added that on October 16, several customer vehicles were also parked in the mall lot and only a few were moved by the customer after approaching the restaurant signage. He also stated that no valet was observed on either day.

Sgt. Grady reported he had reviewed every private tow company report for the Watertown Mall submitted to the Police Department since January of 2016, and the total number was 14. He stated his understanding that tow companies comply with the department's requirement that such tows be reported to the police. Sgt. Grady also reported the number of recorded parking violations on Elm Street for the period November 15, 2015 to November 15, 2016 – 7; the number of handicap parking space violations for that period – 20; and the number of Watertown Mall parking violations for that period – 48.

Ms. Stenson responded that she had not hired a tow company until June of 2016, and had instead tried to mitigate the situation with notices placed on vehicles.

Board member Newman stated that the restaurant seemed to be doing what it said it would do regarding parking, though it was not living up to expectations regarding valet service, but he did not see how the restaurant could be expected to police its customers.

Attorney Winnick stated that no one wanted to close the restaurant down, but that some means for parking needed to be provided, and that it was unfair to put the burden on the mall. He stated that if a customer arrives back at his vehicle when the tow company is starting to attach the vehicle to the tow truck, the company must release the vehicle. Sgt. Grady responded that the decision whether to tow is up to the company. Attorney Winnick asked for another status hearing in 60 days.

Attorney Glick stated that Ms. Berryman herself valeted cars on October 15.

District A Councilor Angeline Kounelis commented that parking is tight in the neighborhood and that the restaurant needs to provide customer parking. She noted that the off-site areas contracted for by the licensee are within walking distance of the restaurant, and suggested a phone number be posted at the valet stand to allow customers to call for service. Ms. Berryman responded that the restaurant website does direct customers to the off-site parking areas: off Nichols Avenue (3 spaces) and the window/lumber business (full use of the lot after 4:00 p.m.). The eight spaces at 71 Arlington Street are for employees. She added that customers are not making valet requests, and that if people appear to be coming into the restaurant from the mall they are told to move their cars.

Board chairman Doucette commented that valet service is being offered, but that customers are not following the posted signage. She stated that neither the restaurant nor the mall can be forced to monitor persons parking cars.

Board member Newman stated he believed the licensee had complied in spirit with the parking requirements, but cautioned that the licensee should advise its customers they will be towed if the park at the mall.

Considering the provision of offsite parking locations, the installation of signage, and the efforts put forth to address Mall parking, the Board Voted unanimously to close the status hearing.