

**MEETING OF THE
WOBURN LICENSE COMMISSION
MAY 19, 2016 – 5:30 P.M.
COMMITTEE ROOM
WOBURN CITY HALL**

Present: Chairman Paul Medeiros, Member David Gilgun, Member Thomas Skeffington, and Police Liaison Captain John Murphy

Reading of Minutes of previous meeting(s). Motion was made and seconded to accept the minutes. The Vote was all in favor, 3-0.

Annunciation of the Virgin Mary Greek Orthodox Church, 70 Montvale Avenue, Woburn, MA, requesting five (5) special one-day licenses for events to be held: June 10, 11, and 12, 2016 (Annual Festival); June 23, 2016 (Teachers Party); and July 9, 2016 (90th Birthday) at 70 Montvale Avenue. On behalf of the Church, Wilma Thomas stated that they are having its annual Festival on June 10, 11 and 12, 2016; that they will have police detail on Friday and Saturday. Motion was made and seconded to approve the request and waive the fee. The Vote was all in favor, 3-0. Ms. Thomas stated that the Reeves Teachers are having a party on June 23, 2016 for the hours of 4:00-9:00 pm. Motion was made and seconded to approve the request. The Vote was all in favor, 3-0. Ms. Thomas explained the event on July 9th is for a 90th Birthday party for the hours of 12:00 pm to 6:00 pm. Motion was made and seconded to approve the request. The Vote was all in favor, 3-0.

Saint Anthony Parish, 80 Elm Street, Woburn, MA, requesting special licenses for 37th Annual Religious Festival to be held on June 4, 2016 with setup, storage and breakdown (June 3 and 5, 2016) at 859 Main Street. (This matter was tabled until after the petition of Arcenia's) On behalf of the Parish, Mark Salvati, Esquire, 10 Cedar Street, Woburn, MA explained that he was filling in; that the festival is the same as always; and that this is its 37th event; and confirmed to Member Skeffington that the bartender(s) is TIPS certified. Motion was made and seconded to approve the request and waive the fee. The Vote was all in favor, 3-0.

Petition of Red Robin International, Inc. dba Red Robin Gourmet Burgers & Brews, Inc. 369 Washington Street, Woburn, MA, relative to a Petition for New License for an On-Premises All Alcoholic Beverage License pertaining to the premises at 369 Washington Street. Representing the petitioner, Andrew Upton, Esquire, Beacon Street, Boston, MA along with proposed manager Jessica Manning were present. Attorney Upton handed out pictures and stated that there 500 Red Robins in the United States and Canada; that there are five in

Massachusetts; that he was informed by the Building Commissioner that he won't have the occupancy number until they come up with the plan; and that Ms. Manning is the current manager in Salem, New Hampshire and has been with Red Robin for over ten years. Ms. Manning explained that Red Robin is a family friendly restaurant ; that there are three areas in the restaurant, namely: 1) kids area; 2) in-between area; and 3) bar area; that they serve burgers, salads and wraps. Attorney Upton stated that the revenue mix is less than 20% from alcohol; and that they are not known as a drinking establishment. Member Gilgun spotted the Building Commissioner in the audience and asked if he would speak on the matter, to which Building Commissioner Thomas Quinn stated that the Building Permit has been issued and approved; that they have been made aware of the details of the plan; that he sees there are Ziosk machines which would require a Special Permit of the City Council; and that without it, it would hinder their occupancy permit. Attorney Upton stated that they anticipate starting work in late June and opening in October, 2016. Michael Meaney of the Woburn Business Association stated they want to go on record as being in favor; that the property had been abandoned for year; that this is an opportunity to scope; that this license is intricate to the business and asks the Commission to look favorably. Motion was made and seconded to grant the New License condition on necessary approvals and special permit(s) of the City Council. The Vote was all in favor, 3-0.

Petition of Tudo Na Brasa Inc. dba Taste of Brazil, 414 Main Street, Woburn, Massachusetts relative to a Petition for Transfer of License to Taste of Brazil-Tudo Na Brasa LLC pertaining to the premises located at 414 Main Street. The Petitioner, Hugo Moraes, of 1 Middlesex Canal Park Drive, Woburn, MA explained that he is changing from an corporation to an LLC (limited liability company); and that everything will be the same. Motion was made and seconded to grant the Transfer of License. The Vote was all in favor, 3-0.

Woburn Lodge of Elks #908, 295 Washington Street, Woburn, MA relative to request for Special One-Day License for a pig roast event to be held on September 10, 2016 in the parking lot at 295 Washington Street. On behalf of the Petitioner, John Mulrenin, Manager and Allen Wallace explained that this request of a fundraiser as part of a cigar club; that they expect 100 persons; that the hours will be from 2:00 pm -10:00 pm; that they will have a pig roast; that they will collect a fee which will go to the Elks to be disbursed to various charities; and that the bartenders will be all TIPS certified. Member Skeffington asked if they will still serving lunches; that they have been two years straight without a common victuallers license; that he doesn't have a problem with the pig roast but does want them to be in compliance; and suggests that the matter be tabled until the meeting. Chair Medeiros questioned that the liquor liability insurance that is 'on file' extends to the parking lot, and would like proof; and that they have to be in compliance. Mr. Mulrenin will speak with the appropriate party tomorrow. Member Gilgun commended them for making the request early. Motion was made and seconded to continue the matter until the next meeting. The Vote was all in favor, 3-0.

Maryann Mitchell, 23 Bailey Road, Somerville, MA relative to an application for Fortune Tellers License for premises located at 291 Montvale Avenue. The applicant, Maryann Mitchell and her attorney, Alfred Farese, Jr., Esquire of Everett, MA were present. Attorney Farese explained that Ms. Mitchell is interested in opening a business at 291 Montvale Avenue; that she has a business in Somerville; that that he had provided a Memo from Justice Gants which provides three criteria, namely: 1) no criminal record; 2) occupancy of premises; and 3) premises is properly zoned; and that M.G.L. Ch. 104 §184(I) as to 12-month residency there is a case in the Federal Court. Responding to the Commission, Ms. Mitchell stated that the hours of operation will be Monday through Saturday 10:00 am to 9:00 pm; and Sundays 11:00 am to 7:00 pm. Attorney Farese responded to communications received by the Commission, that they run into this because there are monopolies over areas; and that we get letter like this; that it is an unusual license; and that they have to realize equal protection. Chair Medeiros stated that they don't take anonymous letters; that the Building Commissioner and Police Chief to look over; and that we may rethink the regulations. Responding to Member Skeffington, Ms. Mitchell stated that none of the name on the letters ring a bell; that she doesn't have any family members in this business; and that her residence is in Somerville. Attorney Farese stated that there are numerous Mitchells in this culture; that the 12-month residence is still on the books, but nobody has taken to Massachusetts Court; that he provided a case in Revere. The Clerk stated that the City Solicitor has been looped in on this matter.

Member Gilgun spotted the Building Commissioner in the audience. Motion was made and seconded to request the Building Commissioner to speak on this matter. The Vote was all in favor, 3-0. Building Commissioner Tom Quinn referred to the Zoning Ordinances, specifically 1.2 "No use of land or use of building or structures no specified in this zoning ordinance shall be permitted."; that the address of 291 Montvale Avenue is in a B-N District; that he is of no obligation to respond to anonymous communications; that there needs to be a proper floor plan, parking requirements, safety and sanitary and a certificate of occupancy; that he has a communication from the City Solicitor and under Section 5.1, the do not have an occupancy and they have 30 days. Responding to the Commission, Attorney Farese stated that they have gone beyond and provided a CORI form; that they can't grant 'eagle protection' (i.e. nude dancing); that there is a current occupancy to which Mr. Quinn stated that a new use would be a new occupancy. Motion was made and seconded to hear from Captain Murphy. Captain Murphy explained that this is new to the police as well and they will need time to get up to speed; that they will give time to do the right thing; and explained a public CORI versus a private. Attorney Farese stated that they realize that it's new to them; that he was asked to go to Russia to speak on this matter; that he knows what he's talking about; and that it would be easy if the regulations are there. Motion was made and seconded to continue the matter until the next meeting. The Vote was all in favor, 3-0.

Lord Hobo Brewing Company, LLC, 5 Draper Street, Woburn, MA relative to request for eight (8) Special One-Day License for events to be held: May 20 and 21, 2016; May 27 and 28, 2016; June 3 and 4, 2016; and June 10 and 11, 2016 for the premises located at 5 Draper Street. Motion was made and seconded to take the matters collectively. The Vote was all in favor, 3-0. Representing the applicant, Richard Maher of Somerville was present and stated that it is coming up on their one-year anniversary; that they are releasing a new product; that they were present in Philadelphia which they didn't get an award but did well. Chair Medeiros expressed that he had no problem with the licenses but has an issue that there is no food; that they usually grant with food, to which Mr. Maher stated that they are thinking of adding a kitchen; and they have put out flyers for local restaurants and have had pizza delivered as well as promoting that everyone can bring their own. Motion was made and seconded to approve the eight dates request. The Vote was all in favor, 3-0.

St. Barbara's Church, 138 Cambridge Road, Woburn, MA 01801, relative to request for Special One-Day License for an event to be held on May 22, 2016 for Father Al Sallese's 50th Jubilee at 138 Cambridge Road. On behalf of the Church, Maryann Chorlton of Woburn, MA stated that they are having a 50th Jubilee for Father Sallese; that they will have a mass first; that they will need storage on May 21st; and the server(s) will be TIPS certified. Motion was made and seconded to approve the request for May 22nd with storage on May 21st, and waive the fee. The Vote was all in favor, 3-0.

Bayberry Café Inc, 502 Main Street, Woburn, MA relative to a request for Common Victualler's License pertaining to the premises at 502 Main Street. Representing the petitioner, Russell Chin, Esquire, Chin Law Firm of Quincy stated that the petitioner Mr. Long Zian (sp?) and his wife are present; that Mr. Zian is the president of the corporation; that this is a straightforward purchase; that there will be no changes to the floor plan; and that it will be a Chinese restaurant. Responding the Commission's questions, Attorney Chin stated that they have no plans to use outdoor seating at this time but may in the future. Mrs. Zian added that this will be a vegan Chinese restaurant. Motion was made and seconded to approve conditioned upon completion. The Vote was all in favor, 3-0.

Castelluccio LLC dba Arcenia's Cucina Rustica, 428 Main Street, Woburn, MA relative to a Petition for Change of Manager (to Eloisa Clemente) pertaining to the premises at 428 Main Street. Representing the petitioner, Mark Salvati, Esquire, 10 Cedar Street, Woburn, MA and proposed manager Eloisa Clemente were present. Attorney Salvati explained that the current manager is going back to Italy for an extended period; that Ms. Clemente has been in the business with Hilton for years where she has been working full time; and will be leaving at the end of June. Motion was made and seconded to approve the petition. The Vote was all in favor, 3-0.

Communication received from Alcoholic Beverages Control Commission relative to petitions of Uno Restaurant LLC for New Officers/Directors/Managers and Transfer of Stock pertaining to premises located at 300 Mishawum Road. The Clerk explained that the communication was received relative to the matter of a multi location transaction with the ABCC; and we are awaiting on further documentation. Motion was made and seconded to receive and place on file. The Vote was all in favor, 3-0.

Apple New England, LLC aka Applebee's Neighborhood Grill & Bar, 2 Elm Street, Woburn, MA relative to request for an Amusement License pertaining to the premises at 2 Elm Street. Representing the applicant, Michael McElman and Daniel Carver of Applebees were present. The Clerk apprised that the applicant was in at the last meeting with the wrong petition; and they have now filed for an Amusement License for the 48 Ziosk machines at their location. Member Gilgun is against charging for these machines. Motion was made and seconded to approve the request. The Vote was two in favor, one opposed (Gilgun) (2-1).

Discussion relative to including Cordials with Beer and Wine licenses Common Victualler License Renewals. The Clerk reads from an e-mail received from the City Solicitor, as follows: *"c.138, sec. 12 states "In any city or town which votes to accept the provisions of this paragraph, a common victualler, who holds a license under this section to sell wines and malt beverages may, upon written approval, also sell liqueurs and cordials pursuant to said license, subject, however, to all other licensing provisions of this chapter."* Captain Murphy stated that cordials will make policing more difficult; that beer and wine is beer and wine, but cordials (come in all disguises); and that they will do what needs to be done; and that it is an enforcement headache. Chair Medeiros stated that we need a list of what is a cordial; that restaurants have become very creative; that we need some list; and that we should work with the City Solicitor. Captain Murphy stated that it would be helpful to have a better definition. Motion was made and seconded to table the matter until the next meeting. The Vote was all in favor, 3-0.

Discussion relative to hours of service of alcoholic beverages. Member Skeffington stated that he seems to be hearing that people are leaving and going to other towns; that he has no problem with last call at 12:30 and drinks off the table at 1:00; that he likes the 1-hour after food (clause); that we don't want Woburn to be the last stop but that the businesses need to compete. Chair Medeiros stated that no one has contacted the Commission; and that many restaurants abut residential properties; that he likes the rules we have for the clubs. Captain Murphy stated that they (police) will figure it out. Member Skeffington added that we need to be in parity with other towns. Motion was made and seconded to table the matter until the next meeting. The Vote was all in favor, 3-0.

Discussion of Fortune Teller's License application. Chair Medeiros stated that we will await information from the Police Chief and City Solicitor. Motion was made and seconded to table the matter until the next meeting. The Vote was all in favor, 3-0.

The next meeting of the License Commission will be June 16, 2016.

Motion made and second to adjourn, all in favor, 3-0. Meeting adjourned at _____ p.m.

Patricia Bergeron George
Clerk of Committees