

**Woburn License Commission  
Regular Meeting  
City Council Chamber  
Thursday, March 17, 2022**

Voting Members present: Chairman Thomas Skeffington, Commissioner William Pappalardo, and Commissioner David Gilgun

Also present: Woburn Police Capt. John Murphy, liaison to the License Commission

Chairman Skeffington convened the regular meeting of the License Commission at 6 p.m.

- 1. James L. McKeown Boys & Girls Club of Woburn, 1 Charles Gardner Lane, Woburn, MA, application for a special 1-day liquor license for a 5k road race and health walk from 8 a.m. – 4 p.m. on Sunday, May 1, 2022:** Representing the James L. McKeown Boys & Girls Club of Woburn was Julie Gage, Executive Director, 1 Charles Gardner Lane, Woburn, MA. Ms. Gage said the club is seeking a 1-day liquor license for an annual event. She said the event is returning to its normal date on the first Sunday in May after some schedule alterations due to the pandemic. She said alcohol consumption will occur on the basketball court. Chairman Skeffington asked when the alcohol is arriving. Ms. Gage said the alcohol will arrive on the same day as the event. Commissioner Pappalardo said this event is run fantastically. Chairman Skeffington asked if anyone in the audience wished to address the commission in regard to the petition. There were no respondents. Chairman Skeffington asked Ms. Gage if there is a rain date. Ms. Gage said there is no rain date. Motion made by Commissioner Pappalardo and seconded by Commissioner Gilgun to grant the license and waive the application fee; approved, 3-0.
- 2. Annunciation of the Virgin Mary Greek Orthodox Church, 70 Montvale Avenue, Woburn, MA, application for a special 1-day liquor license for a luncheon feast day from 11 a.m. – 5 p.m. on Sunday, March 27, 2022:** Chairman Skeffington asked if anyone is present to represent the Annunciation of the Virgin Mary Greek Orthodox Church. There were no respondents. Motion made by Commissioner Pappalardo and seconded by Commissioner Gilgun to table the matter; approved, 3-0.
- 3. 2030 Ocean Street LLC, 103 Commerce Way, Woburn, MA, application for a new license for a package store at 103 Commerce Way, Woburn, MA: Representing the applicant were Attorney Joseph R. Tarby III, Rubin Rudman LLP, 600 Unicorn Park, Woburn, MA; and Daniel Newcomb, 125 Standish Street, Marshfield, MA.** Attorney Tarby said binders outlining the applicant's presentation were delivered to members of the commission. He said he would like to submit 71 letters written by people in support of the package store. He also submitted an affidavit of notice to abutters along with registered mail receipts. He also provided a letter in support of the application from Kelli D. Dickerson, Principal, Asset Management, Bentall Green Oak, 7315 Wisconsin Ave., Suite 200 West, Bethesda, Md., on behalf of the ownership of Metro North Retail Center. Attorney Tarby also provided the commission with a plan that shows the Target

shopping center along with the two out-parcel buildings, with parking. He said the plan shows there is plenty of parking for the proposed package store. Attorney Tarby also submitted a copy of the minutes of the License Commission's meeting from January 2022 indicating the commission's preference for Commerce Way as a location for a package store. He said the applicant has applied for a Section 15 off-premises package store license, which he said became available due to the population increase of the city as certified by the 2020 U.S. Census. He said the applicant has an agreement to occupy a 2,377-square-foot store in a single-multi tenant building that is owned by Sun Life Insurance Co. He said there is plenty of parking for a package store that will also sell gourmet coffee beans and other comestibles. He said there will be no lottery tickets sold at the store. He said Mr. Newcomb will go over the retail concept. Attorney Tarby said Mr. Newcomb is looking forward to the working with the community. He said Mr. Newcomb will be in full compliance with all liquor regulations. Attorney Tarby said every customer will be asked for proof of identification. He said there will be no sales of candy. He said there will not be an outdoor gathering area for customers. He said all employees will be Tips-certified. He said there will be a cloud-based digital cash register system and a state-of-the-art system to check identification. He said there will be video surveillance. He said there will be no kegs for sale. He said there will be communication with local police. Mr. Newcomb said the Wine & Market concept is well-thought out. He said his father operated the Mug & Muffin franchise. He said he has experience with on and off-premises liquor licenses, including three licenses at Stop & Shop stores with no violations. He said he is very mindful of safety. He said he has been sober for 34 years. He said he knows what it is like to be part of a community. He said his company has sponsored events in Milton. He said the store will be an upscale adult beverage store. He said he obtained signatures in support of the package store. He said a plan was developed with community input. He said there will also be non-alcoholic beverages for sale, including coffee. He said there may be acoustic music. He said this is a good location for a store. He said the area is not saturated with package stores. He said the package store will have no negative impact on the community. Commissioner Pappalardo said the concept is phenomenal. He said the location is good. He said it seems like the cart is being put before the horse, however. He asked if the commission should decide first if the commission is going to issue this license before it decides to whom it is going to be issued. Chairman Skeffington said his opinion is that if the commission decides whether there is a need for this license, the two best locations would be the Commerce Way area and the area on the other side of the New Boston Street bridge, when the bridge is finished. He said those are the two places in the city of Woburn that are going to be booming. He said then the question becomes if there is a need. He said he does not think the board has determined there is a need yet. He suggested holding a community meeting to determine what the community feels as a whole. Commissioner Pappalardo said he totally agrees. He said once the board gets positive or negative feedback, it will be in a better position to make a decision. He said the board denied an application in November because the applicant was not yet 21, and because the board had not yet been made aware that the new license is available and had not had time to put anything together. Attorney Tarby said there are two more issues he would like to address. He said the first issue is the public need and the second is the fitness of the applicant. He said there is public need established by the number of letters that have been submitted in support. He said the

applicant meets the test of fitness. He said the applicant has been in business for more than 25 years and he has credentials. He said he believes the applicant's concept will help the landlord recover from the pandemic. He said the applicant is proposing a brand-new store. He said the store will generate jobs, tax revenue and economic activity. He said he believes his client will provide the highest and best use for the license. He said this is the ideal location for a number of reasons. He said there are no schools nor churches in the area. He said the area is predominantly retail. He said there is plenty of parking. He said life science uses are coming to the area to augment the businesses that are already established in the area. He said there will be new residential units in the area. He said there will be 750 additional units at 200 Presidential Way, 120 Commerce Way and 0 New Boston Street, along with another 425 new units at 316 New Boston Street. He said the new units will draw business to this location. He said the package store is unlikely to create excessive noise or lighting issues. He said he has submitted the following proposed findings of fact: 1. The Applicant will operate a responsible package store operation; 2. The Applicant will conduct a very thorough Compliance Program with a state-of-the-art ID scanner system and other practices as set forth on Page 7 and Page 8 of the Presentation Binder submitted to the License Commission; 3. There is no issue as to the character and fitness of the Applicant to hold a package store license; 4. There is no issue as to the character, fitness and experience of Dan Newcomb to serve as Manager; 5. After taking into consideration the public support from residents of Woburn, the location of the package store, the number of new residential units approved in the immediate area, the number of businesses currently in and planned for the immediate area and a concept that is different from the other package stores in the City of Woburn we find there is a public need for the issuance of a license at 103 Commerce Way. Commissioner Gilgun said as far as he is concerned, he is ready to vote up or down tonight. Mr. Newcomb said his landlord is looking to make a decision on the space, and time is not on his side. Chairman Skeffington asked if anyone in the audience wished to address the commission in regard to the commission. Mayor Scott Galvin, 4 Foley Road, Woburn, MA, said the decision on whether to issue this license comes down to public need. He said he does not want the board to get pushed into making a vote. He said he thinks the clerk has struggled with the number of inquiries. He said there are already eight liquor stores in the city. He said no one in the city has to travel more than a mile and a half to get to a liquor store. He urged the board not to be rushed. He said this process may take a couple of months. He said the population of the city has increased only slightly. Chairman Skeffington asked if anyone else in the audience wished to address the board in regard to the petition. Hearing none, Chairman Skeffington said he would accept a motion to close the public hearing. Motion made by Commissioner Pappalardo and seconded by Commissioner Gilgun to close the public hearing; approved, 3-0. Chairman Skeffington said the package the applicant submitted is incredible. He said he does not think anyone on the board questions the fitness of the applicant. He said he would prefer to hold a couple of meetings to determine if there is a need for this license. He said he wants to get input from residents. Mr. Newcomb said this license was issued by the ABCC in November. He said there have been multiple public hearings about this license and the residents have had their chance to speak. He said he gathered 71 letters of support. He said thinks the public has had its chance to speak about the license. Attorney Tarby said he thinks the applicant has made a case for public need. He said the evidence is overwhelming. He said his client

would like to proceed to a vote. He said if the process continues for several meetings, it goes on and on. He said he would like to put the application to a vote tonight. Motion made by Commissioner Gilgun and seconded by Commissioner Pappalardo to table the matter until the commission hears from the other applicant for the license; approved, 3-0

- 4. Dayalu Inc., 120 Commerce Way, Woburn, MA, application for a new license for a package store at 120 Commerce Way, Woburn, MA:** Representing the applicant were Attorney Thomas T. Truax, 530 Loring Avenue, Salem, MA; and Sandip Patel, 4 Watson Lane, Woburn, MA. Attorney Truax said he is not sure if the proper procedure is to move forward with their presentation if the matter is just going to be tabled. He said he has run into issues of this type in other towns, where two applications for the same license have been filed. He said he is not sure whether the commission is going to give precedence to the application that was filed first. Commissioner Gilgun said he would like to see all the evidence before he decides what is best for the city of Woburn. Commissioner Pappalardo asked why the commissioner is going through a dog and pony show when it hasn't decided whether it will issue the license. Attorney Truax said whether the city determines there is a need is not going to be part of his presentation. He said it may be better for the commission to table his client's application as well. Chairman Skeffington said if the applicant does not feel the need to go through a presentation, that's fine with him. Attorney Truax said he does not want to waste the commission's time. Motion made by Commissioner Pappalardo and seconded by Commissioner Gilgun to table the matter; approved, 3-0. Motion made by Commissioner Gilgun and seconded by Commissioner Pappalardo to take a 5-minute recess; approved, 3-0. Chairman Skeffington recessed the meeting at 6:40 p.m. Motion made by Commissioner Pappalardo and seconded by Commissioner Gilgun to return to the regular order of business; approved, 3-0. Chairman Skeffington resumed the meeting at 6:45 p.m. Chairman Skeffington said the commission will take a vote on both petitions and asked if Attorney Truax would like to resume his presentation. Attorney Truax said he would like to resume his presentation. Motion made by Commissioner Pappalardo and seconded by Commissioner Gilgun to take from the table the petition for an off-premises liquor license from Dayalu, Inc.; approved, 3-0. Attorney Truax said he has submitted a more specific floor plan that is more accurate. He said Mr. Patel is the sole officer, director, shareholder, and proposed manager of the proposed liquor store. He said Mr. Patel has been a Woburn resident since 1996. He said Mr. Patel owns property at 4 Watson Lane and 6 Darling Drive. He said he also owns commercial property at 675 Main St. He said Mr. Patel has had a long connection to Woburn, and he is committed to Woburn. He said the proposed location is 120 Commerce Way, which he noted across the street from 103 Commerce Way in a building that is being developed by Toll Brothers. He said the project is about complete. He said there is a 6-story building with five floors of apartments. He said Mr. Patel has a lease agreement for 3,189-square-feet of retail space on the left side of the building. He said there will be two entrances, one in the front and the other in the rear entrance going to the garage. He said there are 12 dedicated parking spaces in front of the building and there is more than adequate parking. He said the landlord is providing \$299,000 toward the build-out of the retail space. He said this is a first class building. He said the Toll Brothers are well-known. He said they would not build anything less than a first class building. He said Mr. Patel has many years of retail experience. He said Mr. Patel owns a Mobil

station in Wakefield and five convenience stores. He said Mr. Patel is the part owner of Jack's Variety in Central Square. He said Mr. Patel has experience working at a liquor store in New Jersey a number of years ago. He said Mr. Patel is not currently operating a package store but he has five years of experience. He said there have been no violations of any tobacco regulations over the 20-30 years that Mr. Patel has been involved in retail sales. He said Mr. Patel will be attending a training program from alcohol sales. He said there is a lot of money going into this store and it will be a first-class operation. He said all employees will be Tips-certified. Attorney Truax said the bottom line is Mr. Patel has been vetted by Toll Brothers and has been deemed a prime tenant. He said the package store at 120 Commerce Way will fill a need. He said the area has boomed and will continue to boom. Commissioner Pappalardo said it seems like there are two good candidates who have submitted applications to the commission. Chairman Skeffington asked if there will be lottery or Keno facilities offered. Mr. Patel said there will be no lottery sales but he is considering Keno. Chairman Skeffington asked if Mr. Patel intends to sell cigarettes. Mr. Patel said he will sell cigarettes if the city allows it. Chairman Skeffington asked if anyone in the audience wished to address the commission in regard to the petition. There were no respondents. Commissioner Gilgun asked if the commission wants to hold meetings in the future to determine the need for this package store license. Chairman Skeffington said there is an item at the end of the agenda to set dates of future meetings. He said the commission will instruct the clerk to set up a couple of meetings to get feedback from the community and feedback about the overall need for a ninth liquor store license. He said the commission will propose meeting dates based on the availability of the City Council Chamber. Commissioner Gilgun said he does not believe the commission should be prolonging the agony of the two applicants. He said the commission should tell the applicants now where they stand. He said if the commission votes to deny it does not mean the applicants cannot re-apply. Motion made by Commissioner Gilgun and seconded by Commissioner Pappalardo to deny the application from 2030 Ocean Street LLC; all in favor, 3-0. Motion made by Commissioner Gilgun and seconded by Commissioner Pappalardo to deny the application from Dayalu, Inc.; all in favor, 3-0. Commissioner Gilgun said he thinks it's only fair to let the applicants know where they stand.

5. **Motion** made by Commissioner Pappalardo and seconded by Commissioner Gilgun to take from the table the following matter: Annunciation of the Virgin Mary Greek Orthodox Church, 70 Montvale Avenue, Woburn, MA, application for a special 1-day liquor license for a luncheon feast day from 11 a.m. – 5 p.m. on Sunday, March 27, 2022: Representing the applicant was Taki Lambropoulos, 70 Montvale Avenue, Woburn, MA. Chairman Skeffington said the event is not-for-profit and the applicant is seeking a special 1-day license for beer and wine. Capt. Murphy said there has never been a call for service for an event at the Greek Church. Chairman Skeffington asked if anyone in the audience wished to address the commission in regard to the petition. Mr. Lambropoulos thanked the commission for everything it has done for the church. Motion made by Commissioner Pappalardo and seconded by Commissioner Gilgun to grant the license and waive the application fee; approved, 3-0.

- 6. Approval of meeting minutes from February 17, 2022:** Motion made by Commissioner Pappalardo and seconded by Commissioner Gilgun to approve the minutes of the meeting of February 17, 2022; approved, 3-0.
  
- 7. Any other matters that may be legally before the Commission:** Chairman Skeffington said the next three License Commission meetings will be held on April 28, May 19, and June 23. Chairman Skeffington said he also wants to arrange meeting dates and times for a community forum for the ninth liquor license. He suggested Thursday, April 14, 2022, at 6:30 p.m. and Thursday, May 12, 2022, at 6:30 p.m. He said he would like the clerk to invite the City Council. He said once the commission takes input from the community, it should have enough information to render a decision. Commissioner Pappalardo said the two applicants who appeared before commission tonight should be made aware of the process. Appearing before the commission was Kristian Xherimeja, W Café, 109 Main St., Woburn, MA. Mr. Xherimeja said he has been working with various city officials to try to re-open the restaurant. He said he has submitted all the paperwork for a Common Victualer's license to the clerk. Chairman Skeffington said the commission is very attuned to what is going on at W Café. He said Mr. Xherimeja was a cook there for three years while the restaurant was operated by his brother, and now he is trying to run the operation. Chairman Skeffington said Mr. Xherimeja's brother ignored the commission for almost three years. Mr. Xherimeja said his brother is no longer involved with the restaurant. Chairman Skeffington said he has seen a lot of posts on social media about W Café that indicate Mr. Xherimeja's brother is still involved. Mr. Xherimeja said his brother is not involved. Chairman Skeffington asked if Mr. Xherimeja is representing his brother will not be there. He said W Café operated for a year and a half without a Common Victualer's license and then Me. Xherimeja opened about two weeks ago until the restaurant was shut down by the city's Board of Health. Chairman Skeffington asked what the board wants to do. Commissioner Gilgun asked if Mr. Xherimeja is willing to follow all the city's rules and regulations. Mr. Xherimeja said he will. Motion made by Commissioner Gilgun and seconded by Commissioner Pappalardo to grant the Common Victualer's license; approved, 2-1, with Chairman Skeffington opposed.
  
- 8. Motion made by Commissioner Pappalardo and seconded by Commissioner Gilgun to adjourn; approved, 3-0.** Chairman Skeffington adjourned the meeting at 7:15 p.m.

A TRUE RECORD

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Gordon Vincent  
Clerk of Committees