

CITY OF NEWTON

BOARD OF LICENSE COMMISSIONERS

Chair, Kathleen M. McCarthy, Dina E. Conlin & Anil Adyanthaya

Fax: (617) 552-7063 Email: Licensing@newtonma.gov

Minutes

DATE: March 19, 2019

PRESENT: Commissioners Kathleen McCarthy and Dina Conlin

STAFF: Lt. George McMains and Manuela Familia

TIME: 7:30PM – Regular meeting of the Board

The approval of the February 19, 2019 minutes were carried over to the next agenda.

The checklist for a Special One-Day Temporary Alcohol/Wine & Malt License was approved 2-0.

APPROVAL OF ANNUAL SEASONAL PERMITS:

**Sterling Golf (Restaurant Wine and Malt)
212 Kendrick Street, Newton MA 02458**

Approved 2-0

**Newton Yacht Club (All Alcohol)
12 Nonantum Road, Newton MA 02458**

Approved 2-0

ONE DAY TEMPORARY WINE AND MALT LICENSES

Application filed Barbara Plunkett, Mount Alvernia Academy, 20 Manet Road, Newton, MA 02467. **For a one-day temporary wine and malt license for an auction and dinner on Saturday, April 6, 2019 from 6:00PM – 10:00PM to be held at the Mount Alvernia Academy Gymnasium, 20 Manet Road, Newton, MA 02467. Estimated Attendance: 200, Ages: 30+. Approved 2-0; contingent upon receiving Tips certification**

Application filed Haleema Salie, L'aroma Cafe, 15 Spencer Street, West Newton, MA 02465. **For a one-day temporary wine and malt license for a fundraiser on Saturday, April 6, 2019 from 6:00PM – 9:00PM to be held at L'aroma Cafe, 15 Spencer Street, West Newton, MA 02465. Estimated Attendance: 100-200, Ages: 18+. Approved 2-0**

ONE DAY TEMPORARY ALL ALCOHOL LICENSE

Application filed by Will Savage, 1412 Beacon Street, Waban, MA 02468. **For a one-day temporary all alcohol license for an Annual Whiskey Tasting on Friday, April 26, 2019 from 7:30PM – 9:30PM to be held at The Windsor Club, 1601 Beacon Street, Waban, MA 02468. Estimated Attendance: 50, Ages: 30-80. Approved 2-0**

ONE DAY TEMPORARY ENTERTAINMENT LICENSES

Application filed by Lowell Adam Sherman, 54 Windermere Road, Newton, MA 02466. **For a one-day temporary entertainment license for a Bat Mitzvah on Saturday, April 6, 2019 from 7:00PM – 11:00PM to be held at The Windsor Club, 1601 Beacon Street, Newton, MA 02468. Entertainment will consist of a DJ, dancing, amplified music and games. Estimated attendance: 100. Approved 2-0; contingent upon receiving insurance**

Application filed by Wendy Feiner, 20 Ferncroft Road, Waban, MA 02468. **For a one-day temporary entertainment license for the Zervas Elementary School Auction on Saturday, April 27, 2019 from 7:00PM – 11:00PM to be held at Zervas Elementary School, 30 Beethoven Avenue, Waban, MA 02468. Entertainment will consist of dancing by entertainers or performers and amplification system. Estimated attendance: 125. Approved 2-0**

Application filed by Anne Bader-Martin, 32 Nehoiden Road, Waban, MA 02468. **For a one-day temporary entertainment license for a fundraiser on Thursday, May 9, 2019 from 6:30PM – 9:00PM to be held at The Windsor Club, 1601 Beacon Street, Waban, MA 02468. Entertainment will consist of live music. Estimated attendance: 120-145, Ages 21-90. Approved 2-0**

Application filed by Cindy Kane, 675 Watertown Street, Newton, MA 02460. **For a one-day temporary entertainment license for an Annual Gala Auction on Saturday, April 6, 2019 from 6:00PM – 10:00PM to be held at John M. Barry Boys & Girls Club, 675 Watertown Street, Newton, MA 02460. Entertainment will consist of recorded music. Estimated attendance: 200, Ages 21+. Approved 2-0**

ONE DAY TEMPORARY WINE AND MALT AND ENTERTAINMENT LICENSES

Application filed by David Sellars, 675 Watertown Street, Newton, MA 02460. **For a one-day temporary wine and malt license and an entertainment license for a Boxing Exhibition Dinner on Saturday, April 27, 2019 from 6:00PM – 11:00PM to be held at John M. Barry Boys & Girls Club, 675 Watertown Street, Newton, MA 02460. Entertainment will consist of a DJ and recorded music. Estimated Attendance: 350, Ages: 16+. All Approved 2-0; police detail will need to be set up if more than 150 people**

Application filed by Rebecca Altepeter, Dearborn Academy, 575 Washington Street, Newton, MA 02458. **For a one-day temporary wine and malt license and an entertainment license for an annual benefit and fundraiser on Thursday, May 2, 2019 from 6:00PM – 11:00PM to be held at Dearborn Academy, 575 Washington Street, Newton, MA 02458. Entertainment will consist of live music with amplification system. Estimated Attendance: 130, Ages: 21-80. Approved 2-0**

Application filed by Anne Balasa, PO Box 193, Stoughton, MA 02072. **For a one-day temporary wine and malt license and an entertainment license for a memorial service on Saturday, March 23, 2019 from 1:00PM – 4:00PM to be held at Newton Highlands Congregational Church, 54 Lincoln Street, Newton, MA 02461. Entertainment will consist of recorded music and live piano. Estimated Attendance: 150-200, Ages: All ages. Approved 2-0**

CHANGE OF DBA

Application filed by ANP Ventures, Inc, d/b/a Terry O'Reilly's Pub, 45 Union Street, Newton, MA 02459. **For a change of DBA from Terry O'Reilly's Pub to Baramor to be exercised at 45 Union Street, Newton, MA 02459. Approved 2-0**

CHANGE OF MANAGER

Application filed by LTF Club Operations Company, Inc, d/b/a Lifetime Athletic, 300 Boylston Street, Newton, MA 02458. **For a change of manager from Peter E. Alanouf to Claudio Pantoja to be exercised at Lifetime Athletic, 300 Boylston Street, Newton, MA 02458. No show; rolled over to April 16, 2019 hearing**

NEW COMMON VICTUALLER

Application filed by Joyous Scoops Inc d/b/a Wally's Ice Cream & Sweets, 419 Lexington Street, Auburndale, MA 02466. **For a new common victualler to be exercised at Wally's Ice Cream & Sweets, 419 Lexington Street, Auburndale, MA 02466. The hours of operation will be Monday through Sunday from 9:00AM – 11:00PM. There will be 12 seats. Approved 2-0**

CHANGE OF OFFICERS / DIRECTORS / LLC MANAGER

Application filed Attorney Joseph Devlin, Devlin Law Offices, LLC, 50 Congress Street, Suite 420, Boston, MA 02109. **For a change of LLC manager and treasurer from Ronald DiNella to Rebekah Cooksey to be exercised at Anthony's Coal Fired Pizza, 180 Needham Street, Newton, MA 02464. Approved 2-0**

AMENDMENT OF AN ALL ALCOHOL PACKAGE STORE LICENSE

Application filed Attorney Joseph Devlin, Devlin Law Offices, LLC, 50 Congress Street, Suite 420, Boston, MA 02109. **For an amendment of an all alcohol package store license to remove the Board's condition that no delivery of alcohol is allowed to be exercised at 82-84 Needham Street, Newton, MA 02461.** Additional discussion on this item prior to the vote included:

- Lt. George McMains spoke about the underage drinking concerns of UMass, Lasell College and Boston College and also about what GoPuff will do to alleviate the concerns.
- John Wallace, former owner of Murray's Liquors, expressed that other stores are already delivering alcohol in Newton. Lt. George McMains stated that Newton Police is not able to confirm all the deliveries happening in Newton but that currently there are two transportation of alcohol licenses; Marty's and Wegman's.
- Michael O'Connell, owner of Auburndale Wine & Spirit and Upper Falls Discount Liquors, expressed his concerns about the approval of multiple liquor stores just hundreds of yards away from each other, also about GoPuff's target audience.

The board approved 2-0 to remove condition that no alcohol delivery is to be exercised, with the attached conditions discussed during the hearing.

NEW ALL ALCOHOL AND COMMON VICTUALLER LICENSES

Application filed by Attorney Stephen Miller, McDermott, Quilty & Miller LLP, 28 State Street, Boston, MA 02109. **For a new all alcohol license and a common victualler license to be exercised at Bianca on the Hill, LLC d/b/a Bianca, 47 Boylston Street, Chestnut Hill, MA 02467. The manager will be Nancy Cushman. The hours of operation will be Sunday through Saturday from 8:30AM – 1:00AM. There will be 223 seats. All Approved 2-0**

Meeting adjourned at 8:56PM.

Respectfully submitted by:
Manuela Familia
Administrative Clerk

Conditions upon the License to Sell Alcohol (chapter 138 § 15) For GB LL Holdings MA, LLC

The City of Newton Board of License Commissioners (the "Board") herein imposes, and GB LL Holdings MA, LLC (the "Licensee") agrees to accept, the following conditions on its license to sell alcoholic beverages issued by the Board pursuant to M.G.L. c. 138 § 15.

- 1) The Licensee will not deliver more than five (5) units of alcohol from the licensed premises. One (1) unit of alcohol is equivalent to: one (1) case of beer, one (1) bottle of wine, or one (1) bottle of liquor. However, Licensee will at no time deliver more than three (3) units of beer from the licensed premises.
- 2) All drivers will have affixed to the rear doors of their vehicles large, magnetized signs identifying the Licensee's business name when making deliveries of both alcoholic and non-alcoholic products.
- 3) The Licensee will not sell "kegs" or "airplane" bottles (aka Nips, or a bottle containing 2 oz. or less of liqueurs or spirits) to customers either at the location or via delivery.
- 4) The following delivery protocol and procedure shall be implemented by the Licensee:
 - a. All drivers will be TIPs certified.
 - b. Upon placing an order for delivery of alcoholic products, the purchaser will be required to scan and upload proof of age/identification ("Identification") through a phone-based app which verifies the information and validity of the Identification. An order cannot be processed without this step.
 - c. At time of delivery, the driver will physically review and check the Identification using their TIPs training, and also scan the Identification using the phone-based app to verify the information and validity of the Identification. Drivers are required to deliver to the person who placed the order and uploaded their Identification, and only if the person is within the building designated for delivery. Deliveries will only be made to buildings with official street addresses and never to vehicles, parking lots and sidewalks.
 - d. Driver Agreements and delivery operating procedures will prohibit any driver from entering the premises wherein deliveries are made.
 - e. Drivers will have the right, and be trained and encouraged, to refuse delivery if driver suspects alcohol is being purchased for underage consumption. Notice of the Licensee's delivery policy will be presented to customers upon ordering. Driver's will be paid the delivery fee even if delivery is refused by them.
 - f. The online ordering system will not allow alcoholic beverage deliveries to be processed after 10:30.
- 5) The Licensee will schedule site visits with the Newton Police Department to inspect and observe the operations at the licensed premises and accompany delivery drivers in fulfilling customer orders. This will allow law enforcement to see the delivery system first-hand so that law enforcement may offer additional suggestions to further improve operations.
- 6) The Licensee will not deliver any products to Lasell College or any other college dorm or campus designated as "dry", and the addresses for the same shall be entered into the delivery database to prevent orders from those locations. The Licensee shall continue to work with law enforcement, the Newton Licensing Board and the higher educational institutions in Newton to address issues and concerns.