

CITY OF NEWTON

BOARD OF LICENSE COMMISSIONERS

Chair, Kathleen M. McCarthy, Dina E. Conlin & Gloria M. Gavis

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

Minutes

DATE: August 15, 2017

PRESENT: Commissioners Kathleen McCarthy, Gloria Gavis

Staff: Sgt. Kevin Rudd, Attorney Maura O'Keefe, Sherri Lougee, Teresa Kett

The meeting was called to order at 7:01PM.

Councilor Lennon, Councilor Ciccone, and Councilor Leary requesting to appear before the Board of License Commissioners to discuss complaints regarding Shaking Crab.

Councilor Ciccone and Councilor Leary appeared before the Board of License Commissioners to discuss complaints regarding Shaking Crab.

Councilor Leary expressed happiness in the success of the Shaking Crab, but is concerned about the appearance and cleanliness of the outside of the restaurant. She spoke about barrels that were blocking the sidewalk and pallets that are also partially blocking the sidewalk. She stated because of the nature of their business there has been grease on the sidewalk from the barrels and an aroma. She also stated there are rat traps in front of the restaurant and dead plants. She stated there have been complaints from abutters regarding the odor, blocked sidewalks and the appearance of the restaurant.

Councilor Ciccone spoke about the encapsulated refuse room that contains the barrels. The complaints he has received from neighbors have been about the smell, trash bags leaking when they're moved and broken shells from seafood. Councilor Ciccone presented pictures taken by Anthony Pellegrini, Jr that shows the pallets. There have been complaints about vehicles blocking driveways and confrontations.

The Commissioners asked if the Councilors had addressed these issues with other city depts., and Leary and Ciccone said they had been in contact with the Health Department inspectors who have been out and are working with the restaurant to address some issues.

Mr. Pellegrini spoke about issues with the leaking trash on the sidewalks and street. He feels that the leaking trash is staining the sidewalk and is afraid the new sidewalks will also be stained. Mr. Pellegrini stated he has had issues with patrons with the restaurant in the past and the patrons congregated outside of the restaurant.

Mrs. Claire Leone spoke about the noise at night after the restaurant has closed. She has spoken to the employees loitering outside of the restaurant and has asked them to stop. She has called the police in the past.

Teresa Sauro from the Nonantum Neighborhood Association spoke about the restaurant and the neighborhood. She feels the restaurant needs to work with the neighborhood.

Kevin Duong, one owner of Shaking Crab, spoke to the complaints he heard at this meeting. He offered his cell phone number to neighbors and the Councilors so that he would be notified when they have an issue. He stated that they are actively working on a long term solution for the trash with an architect and the Inspectional Services Department. As a short term fix they will be adding a deodorizer to all bags, double bag the bags and taking them out before the bags become too heavy for the trash company. They have also added carbon filters to the trash room.

Commissioner McCarthy and Mr. Duong discussed the rat traps in front of the restaurant. Attorney O'Keefe stated that in her research it is not uncommon for traps to be set around restaurants, and that the health inspectors are satisfied with the pest control measures in place, there is not currently a pest problem.

Commissioner McCarthy stated to Mr. Duong that the meeting is happening because he has not been responsive to the neighbors and how can that be changed. Mr. Duong stated that he had not heard of the complaints recently. Mr. Duong stated that he had worked on the previous complaints. Commissioner McCarthy stated that they would not be here if he had been responsive.

Attorney Maura O'Keefe requesting a pre-meeting discussion with the commissioners to update commissioners about the Charles River Country Club.

Attorney O'Keefe spoke to the Commissioners regarding the Charles River Country Club. Attorney O'Keefe stated that there have been a couple of articles in the Boston Globe concerning the Charles River Country Club and a complaint that has been made against the Club regarding gender discrimination. The complaint says that there was a grille that was constructed inside the men's locker room that is inaccessible to women in the Club.

Attorney O'Keefe stated that during her background review of the plans there was a significant renovation done in the late 1990's and a smaller renovation done in 2013. Both of these renovations significantly altered the premises. Attorney O'Keefe stated that the Club has not applied for or been granted an extension of the premises from this Commission.

Attorney O'Keefe recommended that the Commission send a notice to the Club requesting them to apply for an extension of licensed premises.

Attorney O'Keefe contacted the ABCC and inquired about the status of their investigation. There is an ongoing investigation into the allegation of gender discrimination. Attorney O'Keefe stated that this Commission does have concurrent jurisdiction with the Alcoholic Beverages Control Commission ("ABCC"), however the ABCC is already handling the investigation. The investigation team with the ABCC did state that they would share with the Commission any final documents.

Attorney O'Keefe asked the Commission to send notification to the Club that they are in violation and need to apply for an extension of premises. Attorney O'Keefe stated that the discrimination issue will not and cannot be handled by this Commission, and that it should remain separate from the extension of premises request.

Commissioner McCarthy expressed concern about the Commission licensing something that's found to be illegal. O'Keefe said she would look into that more.

Commissioner McCarthy stated they would like a current floor plan that outlined all of Charles River Country Club's alcohol service areas, provided by the Club. Attorney O'Keefe will review the letter before it is sent.

The Commissioners voted to approve having a letter sent to the Charles River Country Club. Approved 2-0.

Fees and Fines to be placed on another agenda at a later time.

The July 18, 2017 minutes were approved 2-0.

CHANGE OF BENEFICIAL INTEREST

Application filed by Attorney Andrew Upton, Six Beacon Street, Suite 700, Boston, MA 02108. **For a change of beneficial interest for Cheesecake Factory Restaurants, Inc. d/b/a The Cheesecake Factory. Wayne Douglas Benn has resigned as CFO and Matthew Clark has replaced him as CFO (corrected) to be exercised at 199 Boylston Street, Newton, MA 02467.**

Approved 2-0

ONE DAY TEMPORARY WINE AND MALT LICENSE AND A ONE DAY TEMPORARY ENTERTAINMENT LICENSE

Application filed by Boris Iurman, 71 Webster Park, Newton, MA 02465. **For a one day temporary wine and malt license and a one day temporary entertainment license for a 60th Birthday Party on Saturday, September 16, 2017 from 5:00PM – 11:00PM to be held at the Windsor Club, 1601 Beacon Street, Waban, MA 02468.**

***Entertainment will consist of recorded music ***

Estimated Attendance: 70, Ages: 45-60

Approved 2-0

ONE DAY TEMPORARY ALL ALCOHOL LICENSE

Application filed by New Art Center in Newton, Daniel Elias, 61 Washington Park, Newtonville, MA 02460. **For two (2) one day temporary all alcohol licenses to be held at New Art Center in Newton, 61 Washington Park, Newtonville, MA 02460.**

**Color: Coded/Holzwasser Opening Reception
Friday, September 15, 2017 from 6:00PM – 8:00PM
New Art Center in Newton, 61 Washington Park
Estimated Attendance: 80, Ages: 21+**

**Wen-Hao Tien Opening Reception
Friday, September 22, 2017 from 6:00PM – 8:00PM
New Art Center in Newton, 61 Washington Park
Estimated Attendance: 80, Ages: 21+**

Vote – All private events noted above are approved 2-0

ONE DAY TEMPORARY WINE AND MALT LICENSE

Application filed by Mount Ida College, Greg Gamwell, 777 Dedham Street, Newton MA 02459. **For two (2) one day wine and malt licenses and a one day entertainment license to be held at Mount Ida College, 777 Dedham Street, Newton, MA 02459.**

**Reception
Monday, August 28, 2017 from 4:30PM – 7:30PM
Wingate Hall – Mount Ida College
Estimated Attendance: 65, Ages: 28-70**

**Pub Night
Friday, September 8, 2017 from 8:00PM – 12:00AM
Dining Commons – Mount Ida College**

***Entertainment will consist of a DJ and amplification system* (corrected)**

Estimated Attendance: 100, Ages: 18-65

Vote – All private events noted above are approved 2-0

Application filed by Church of the Redeemer, Suzanne Westcott, 21 Essex Rd, Newton, MA. **For seven (7) one day temporary wine and malt licenses to be held at Church of the Redeemer, 379 Hammond Street, Chestnut Hill, MA 02467.**

Reception Following Evening Church Service
Sunday, October 22, 2017 from 5:30PM – 9:00PM
Church of the Redeemer, 379 Hammond Street
Estimated Attendance: 100, Ages: 21+

Reception Following Evening Church Service
Sunday, November 19, 2017 from 5:30PM – 9:00PM
Church of the Redeemer, 379 Hammond Street
Estimated Attendance: 100, Ages: 21+

Reception Following Evening Church Service
Sunday, January 28, 2018 from 5:30PM – 9:00PM
Church of the Redeemer, 379 Hammond Street
Estimated Attendance: 100, Ages: 21+

Reception Following Evening Church Service
Sunday, February 25, 2018 from 5:30PM – 9:00PM
Church of the Redeemer, 379 Hammond Street
Estimated Attendance: 100, Ages: 21+

Reception Following Evening Church Service
Sunday, March 18, 2018 from 5:30PM – 9:00PM
Church of the Redeemer, 379 Hammond Street
Estimated Attendance: 100, Ages: 21+

Reception Following Evening Church Service
Sunday, April 29, 2018 from 5:30PM – 9:00PM
Church of the Redeemer, 379 Hammond Street
Estimated Attendance: 100, Ages: 21+

Reception Following Evening Church Service
Sunday, May 20, 2018 from 5:30PM – 9:00PM
Church of the Redeemer, 379 Hammond Street
Estimated Attendance: 100, Ages: 21+

Vote – All private events noted above are approved 2-0

Application filed by Boston College, Elizabeth Emery, 140 Commonwealth Avenue, Chestnut Hill, MA 02467. **For four (4) one day temporary wine and malt licenses.**

Hospitality Tent for Wake Forest Football Game
Saturday, September 9, 2017 from 10:30AM – 2:00PM
O'Neill Plaza, 130 Commonwealth Ave, Chestnut Hill, MA 02467

Estimated Attendance: 200, Ages: 21+

Hospitality Tent for Notre Dame Football Game
Saturday, September 16, 2017 from 9:00AM – 1:00PM
O’Neill Plaza, 130 Commonwealth Ave, Chestnut Hill, MA 02467
Estimated Attendance: 200, Ages: 21+

Hospitality Tent for Central Michigan Football Game
Saturday, September 30, 2017 from 12:00PM – 6:00PM (1/2 hour before kickoff)
O’Neill Plaza, 130 Commonwealth Ave, Chestnut Hill, MA 02467
Estimated Attendance: 200, Ages: 21+

Hospitality Tent for Virginia Tech Football Game
Saturday, October 7, 2017 from 12:00PM – 6:00PM (1/2 hour before kickoff)
O’Neill Plaza, 130 Commonwealth Ave, Chestnut Hill, MA 02467
Estimated Attendance: 200, Ages: 21+

Vote – All private events noted above are approved 2-0

ONE DAY TEMPORARY WINE AND MALT LICENSE AND ONE DAY ALL ALCOHOL LICENSE

Application filed by The Fessenden School, Judy Alton, 250 Waltham Street, West Newton, MA 02465. For three (3) one day temporary wine and malt licenses and three (3) one day temporary all alcohol licenses to be held at Fessenden School, 250 Waltham Street, West Newton, MA 02465.

Faculty /Staff Opening School BBQ / Party for a wine and malt
Wednesday, August 30, 2017 from 4:00PM – 8:00PM
Fessenden Courtyard / Dining Hall
Estimated Attendance: 100, Ages: 23+

Middle School Parent Night & Dinner for a wine and malt
Monday, September 25, 2017 from 6:30PM – 8:30PM
Sanderson Dining Hall – Fessenden Campus
Estimated Attendance: 128, Ages: 30+

Upper School Wine & Cheese Social for a wine and malt
Monday, October 23, 2017 from 6:00PM – 8:30PM
Hart House – Fessenden Campus
Estimated Attendance: 80, Ages: 30+

Head of School Welcome Reception for an all alcohol
Thursday, September 14, 2017 from 6:30PM – 8:30PM
Ciogoli Center for Innovation – Fessenden Campus
Estimated Attendance: 100, Ages: 30+

Trustee Reception & Squash Court Dedication for an all alcohol
Thursday, October 19, 2017 from 6:30PM – 8:30PM
Wrestling Gym – Fessenden Campus
Estimated Attendance: 60, Ages: 30+
Faculty /Staff Holiday Party for an all alcohol
Friday, December 15, 2017 from 3:30PM – 7:30PM

Hart House – Admission Building – Fessenden Campus
Estimated Attendance: 75, Ages: 23+

Vote – All private events noted above are approved 2-0

CHANGE OF MANAGER

Application filed by Attorney Joseph Devlin, 50 Congress Street, Suite 420, Boston, MA 02109. **For a change of manager for Anthony's Coaled Fired Pizza of Newton, LLC. d/b/a Anthony's Coaled Fired Pizza. The existing manager is Michael Francis Berry and the new manager will be Juan Miguel Carrera to be exercised at 180 Needham Street, Newton, MA 02464.**

Approved 2-0

Application filed by Attorney Laurance Lee, 246 Walnut Street, Suite 201, Newton, Massachusetts 02460. **For a change of manager for B & B Culinary Concepts, LLC. d/b/a Lumiere Restaurant. The existing manager is Larry Cunningham and the new manager will be Jordan B. Bailey to be exercised at 1293 Washington Street, Newton, MA 02465.**

Approved 2-0

TRANSFER OF ALL ALCOHOL LICENSE / NEW COMMON VICTUALLER / WEEKLY AND SUNDAY ENTERTAINMENT (corrected)

Application filed by Attorney Robert Launie, 1200 East Street, Westwood, MA 02090. **For a transfer of an all alcohol license for Deluxe Station Diner, LLC d/b/a Deluxe Station Diner to new ownership and to be exercised at 70 Union Street, Newton, MA 02459. The new owner/manager will be James Loring Kaye. The hours of operation will be Monday through Sunday from 7:00AM – 1:00AM. There will be a seating capacity of 88 seats. Entertainment will consist of 2 televisions and recorded music.**

Approved 2-0, hours will be Monday through Sunday from 7:00AM – 11:00PM

Meeting adjourned at 8:33PM.

Respectfully submitted by:
Sherri Lougee
Administrative Clerk