

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: August 17, 2021 **This meeting was accessible via Zoom Meeting
Meeting ID: 860 8650 5372 Passcode: 575489**

PRESENT: Commissioners Kathleen McCarthy and Anil Adyanthaya

STAFF: Sergeant Kevin Rudd, Manuela Familia and Assistant City Solicitor Maura O'Keefe

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

The July 20, 2021 meeting minutes were approved 2-0.

ONE DAY TEMPORARY ALL ALCOHOL LICENSE

Application filed by Lindy Groen and Judy Alton, 250 Waltham Street, Newton, MA 02465. **For a one-day temporary all alcohol license for a faculty/staff gathering on Thursday, September 2, 2021 from 4:30PM – 7:30PM to be held at The Fessenden School, 250 Waltham Street, Newton, MA 02465. Estimated Attendance: 75-100, Ages: 22-70. PRESENT ON ZOOM: Judy Alton. Approved 2-0; contingent upon receipt of certificate of liability.**

Application filed by Deb Lowe, 250 Waltham Street, Newton, MA 02465. **For a one-day temporary all alcohol license for a Red and Gray Leadership Donor Reception on Thursday November 18, 2021 from 6:30PM – 8:30PM to be held at The Fessenden School, 250 Waltham Street, Newton, MA 02465. Estimated Attendance: 100, Ages: 35+. PRESENT ON ZOOM: Deb Lowe. Approved 2-0; contingent upon receipt of certificate of liability.**

ONE DAY TEMPORARY WINE AND MALT LICENSE

Application filed by Deb Lowe, 250 Waltham Street, Newton, MA 02465. **For seven (7) one-day temporary wine and malt licenses all to be held at The Fessenden School, 250 Waltham Street, Newton, MA 02465. PRESENT ON ZOOM: Deb Lowe.**

Boarding Parent Reception

Wednesday, September 8, 2021 from 5:30PM – 6:30PM

Estimated Attendance: 60, Ages: 40+

Approved 2-0; contingent upon receipt of certificate of liability.

Cocktail Reception for Parents

Gibson Field (tented)

Tuesday, September 14, 2021 (rain date: Wednesday, September 15, 2021) from 5:30PM – 8:00PM

Estimated Attendance: 100, Ages: 40+

Approved 2-0; contingent upon receipt of certificate of liability.

Memorial Service

Gibson Field (tented)

Saturday, September 18, 2021 (rain date: Sunday, September 19, 2021) from 4:00PM – 7:00PM

Estimated Attendance: 100, Ages: 30+

Approved 2-0; contingent upon receipt of certificate of liability.

Lower School Potluck #1

Outdoor (tented)

Tuesday, September 21, 2021 from 6:00PM – 8:30PM

Estimated Attendance: 100, Ages: 35+

Approved 2-0; contingent upon receipt of certificate of liability.

Parent Gathering/Potluck Dinner #2

Outdoor (tented)

Thursday, September 23, 2021 from 6:00PM – 8:30PM

Estimated Attendance: 100, Ages: 35+

Approved 2-0; contingent upon receipt of certificate of liability.

Parent Gathering/Potluck Supper #3

Outdoor (tented)

Monday, September 27, 2021 from 6:00PM – 8:30PM

Estimated Attendance: 100, Ages: 35+

Approved 2-0; contingent upon receipt of certificate of liability.

Donor Dedication

School Room

Thursday, October 21, 2021 from 3:00PM – 6:00PM

Estimated Attendance: 60, Ages: 40+

Application withdrawn.

ONE-DAY TEMPORARY WINE AND MALT AND ENTERTAINMENT LICENSES

Application filed by Marie Presti, 701 Washington Street, Newton, MA 02458. For a one-day temporary wine and malt license and a one-day entertainment license for a BBQ clambake on Saturday, August 21, 2021 from 1:00PM – 5:00PM to be held at The Cove – Sites 1 and 2, 104 West Pine Street, Auburndale, MA 02466. Entertainment will consist of dancing by entertainers or performers, live music, and a juggler. Estimated Attendance: 100, Ages: 0-80. PRESENT ON ZOOM: Marie Presti. **All approved 2-0.**

Application filed by David Broad, 16 Blake Street, Newton, MA 02460. For a one-day temporary wine and malt license and a one-day entertainment license for a wedding reception on Sunday, October 10, 2021 from 2:00PM – 5:00PM to be held at The Durant-Kenrick House and Grounds, 286 Waverly Avenue, Newton, MA 02458. Entertainment will consist of recorded music with amplification system. Estimated Attendance: 45, Ages: 21-80. PRESENT ON ZOOM: David Broad. **All approved 2-0.**

ONE-DAY TEMPORARY WINE AND MALT AND ENTERTAINMENT LICENSES

Application filed by Michael Estey, Distraction Brewing Company, LLC, 2 Belgrade Avenue, Roslindale, MA 02131. For seven (7) one-day temporary wine and malt licenses and seven (7) one-day entertainment licenses for a beer garden to be held at Chestnut Hill Square, 200 Boylston Street, Newton, MA 02467. PRESENT ON ZOOM: Michael Estey and attorney John P. Connell.

Beer Garden

Sunday, August 22, 2021 from 12:00PM – 9:00PM

Estimated Attendance: 80, Ages: 21-60

Entertainment will consist of recorded music

All approved 2-0.

Beer Garden

Saturday, August 28, 2021 from 12:00PM – 9:00PM

Estimated Attendance: 80, Ages: 21-60

Entertainment will consist of recorded music

All approved 2-0.

Beer Garden

Sunday, August 29, 2021 from 12:00PM – 9:00PM

Estimated Attendance: 80, Ages: 21-60

Entertainment will consist of recorded music

All approved 2-0.

Beer Garden

Saturday, September 4, 2021 from 12:00PM – 9:00PM

Estimated Attendance: 80, Ages: 21-60

Entertainment will consist of recorded music

All approved 2-0.

Beer Garden

Sunday, September 5, 2021 from 12:00PM – 9:00PM

Estimated Attendance: 80, Ages: 21-60

Entertainment will consist of recorded music

All approved 2-0.

Beer Garden

Saturday, September 11, 2021 from 12:00PM – 9:00PM

Estimated Attendance: 80, Ages: 21-60

Entertainment will consist of recorded music

All approved 2-0; contingent upon receipt of updated Worker's Compensation Insurance

Beer Garden

Sunday, September 12, 2021 from 12:00PM – 9:00PM

Estimated Attendance: 80, Ages: 21-60

Entertainment will consist of recorded music

All approved 2-0; contingent upon receipt of updated Worker's Compensation Insurance

ANNUAL ENTERTAINMENT

Application filed by Douglas Peel, 277 Auburn Street, Newton, MA 02466. For an annual entertainment license to be exercised at Ward 4 LLC, 277 Auburn Street, Newton, MA 02466. The hours for the entertainment are Monday through Sunday from 11:00AM – 12:00AM. Entertainment will consist of televisions, live music, recorded music, and live entertainment. PRESENT ON ZOOM: Walter E Devine, II. Approved 2-0.

CHANGE OF HOURS

Application filed by David Sardella, 1293 Washington Street, Newton, MA 02465. For a change of hours from Monday through Saturday 8:00AM – 12:00AM and Sunday 11:00AM – 12:00AM to Monday through Saturday 8:00AM – 1:00AM and Sunday 11:00AM – 1:00AM to be exercised at New Towne Hospitality, LLC d/b/a The Bluebird Bar & Grill, 1293 Washington Street, Newton, MA 02465. PRESENT ON ZOOM: David Sardella. Approved 2-0.

CHANGE OF MANAGER

Application filed by attorney Joseph H. Devlin, 171 High Street, Newburyport, MA 01950. **For a change of manager from Guillermo Erazo to Nam Sam to be exercised at GB LL Holdings MA, LLC d/b/a goPuff, 82-84 Needham Street, Newton, MA 02461. PRESENT ON ZOOM: Attorney John P. Connell and Nam Sam. Approved 2-0.**

REQUEST TO BE HEARD

Ward 2 City Councilor Emily Norton is requesting the Licensing Commission prohibit the sale of miniature, single-use containers for alcoholic beverages in containers less than or equal to 100 milliliters.

Councilor Emily Norton explained that this request is part of the interest to help reduce plastic pollution. She stated how plastic pollution is in the bottom of the Mariana Trench, Arctic, in our bodies and everywhere and how more needs to be done to reduce the incidents in the environment. She stated this particular item is heavily littered around the city and how she cannot take a walk anywhere without seeing nip bottles littered. She explained that the idea is to reduce the source of plastic pollution in the environment as well reduce a source of litter. She mentioned the reason why this is not asked at state or federal level is because nothing is happening and starting at the local level Newton would be at the fore front if it decides to take the requested step. She informed the Commission that Chelsea, Mashpee, and Wareham have eliminated the sale of nip bottles and those cities have seen a reduction in nip bottle litter. She explained how that was the case when Newton City Council restricted the distribution of single use plastic bags. She talked about the argument that if Newton decides to take the requested step, Newton will be reducing the incidents of drunk driving, she stated she is not an expert on the matter but that anecdotally where the bottles are littered is often at interceptions, where people get to a stop light or a stop sign and then they throw it out the window.

Councilor Andrea Kelly stated she agreed with Councilor Norton and that she the main opponents will be the providers of the product, so she spoke to the owner of Marty's and he does not oppose to this request but asked that Councilor Kelly should tackle the bottle bill and plastic bottle problem. Councilor Kelly stated that there are many ways to go about the bottle environmental problem and that there have been suggestions of imposing a 5-cent return fee. She expressed it is very unlikely that the people buying nips would be interested in the 5-cent return fee.

Chair McCarthy asked Assistant City Solicitor O'Keefe what the process would be if the Commission was to consider the request. Assistant City Solicitor O'Keefe responded that the Commission would have to vote to put an item in the agenda to pursue amending the regulations. She explained since it is a regulation of the regulatory board the Commission is required to have a public hearing. Once language for a proposed regulation was determined by the Licensing Board, then it would be open for public comment prior to voting on it. Assistant City Solicitor O'Keefe informed the Commission that the Attorney General's office has determined that the Licensing Board is able to enact a regulation to ban the sale of nip bottles. She offered the example of how the City of Chelsea was challenged and it went to the Alcoholic Beverage Control Commission instead of the Attorney General's office. The ABCC concluded that it could not tell the City of Chelsea not to enact the regulation.

Commissioner Adyanthaya asked if there was an impediment to imposing a deposit for the bottles. Councilor Kelley responded that in her experience and from talking to people, people that buy the nips bottles, which are a dollar each generally, are not interested in saving, rinsing, recycling, and bringing back the bottles for a deposit. She stated that to her knowledge a 5-cent return rate is not a likely incentive for the nip users. Councilor Emily Norton stated that a deposit would be considered a tax and city council is not allowed to do that, that would need to be done at State level. She expressed the state has moved very slowly when it comes to all solid waste issues putting the cost in cities and towns, so if we were to wait for it, we would be waiting a long time. She stated that if Newton did this and other cities and towns followed, it will give the state legislators the backbone to pass restrictions.

The Commission **voted 2-0** to consider draft language for a regulation that meets the parameters stated in the request to be heard.

Meeting adjourned at 8:32PM.

Respectfully submitted by:
Manuela Familia
Administrative Clerk