

**CITY OF NEWTON**

**BOARD OF LICENSE COMMISSIONERS**

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

**Fax: (617) 552-7063 Email: [Licensing@newtonma.gov](mailto:Licensing@newtonma.gov)**

Minutes

DATE: October 19, 2021 **This meeting was accessible via Zoom Meeting  
Meeting ID: 860 8650 5372 Passcode: 575489**

PRESENT: Commissioners Kathleen McCarthy, Dina Conlin and Anil Adyanthaya

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

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

The September 14, 2021 special meeting minutes were **approved 2-0**, the September 21, 2021 meeting minutes were **approved 2-0**, and the September 30, 2021 meeting minutes were **approved 2-0**.

**ONE DAY TEMPORARY ENTERTAINMENT LICENSE**

Application filed by Adrienne Hartzell Knudsen, 35 Webster Street, Newton, MA 02465. **For two (2) one-day temporary entertainment licenses to be held at Newton North High School Auditorium, 457 Walnut Street, Newton, MA 02460.**

**PRESENT ON ZOOM: Adrienne Hartzell Knudsen. Approved 2-0**

**Symphony Concert/New Philharmonia Orchestra  
Saturday, October 30, 2021 at 7:30PM – 9:00PM**

**Entertainment will consist of live music**

**Estimated Attendance: 250, Ages: 5-100 Approved 3-0**

**New Philharmonia Symphony Concert**

**Sunday, October 31, 2021 at 3:00PM – 4:30PM**

**Entertainment will consist of live music**

**Estimated Attendance: 250, Ages: 5-100 Approved 3-0**

**ONE DAY TEMPORARY ALL ALCOHOL LICENSE**

Application filed by Andrea Newman, 276 Church Street, Newton, MA 02458. **For a one-day temporary all alcohol license for a fundraiser on Saturday, October 30, 2021 from 5:30PM – 8:30PM to be held at the West Suburban YMCA, 276 Church Street, Newton, MA 02458. Estimated attendance: 125-175, Ages: 30-60. PRESENT ON ZOOM: Andrea Newman. Approved 3-0.**

**ONE DAY TEMPORARY WINE AND MALT LICENSE**

Application filed by Jodi Kerr, 20 Manet Road, Chestnut Hill, MA 02467. **For a one-day temporary wine and malt license for a cocktail party on Saturday, November 13, 2021 from 5:30PM – 7:30PM to be held at the Mount Alvernia Academy Gymnasium, 20 Manet Road, Chestnut Hill, MA 02467. Estimated attendance: 125, Ages: 30+. PRESENT ON ZOOM: Jody Kerr. Approved 2-0-1, Adyanthaya.**

**ALTERATION OF PREMISES**

Application filed by Igor Burukhin, 1255 Washington Street, Newton, MA 02465. **For an alteration of premises to be exercised at Blue Salt Restaurant, INC, d/b/a Blue Salt Restaurant, 1255 Washington Street, Newton, MA 02465. No show. No action taken.**

**CHANGE OF MANAGER**

Application filed by Casey Naughton, 199 Boylston Street, Chestnut Hill, MA 02467. **For a change of manager from Kevin Printz to Casey Naughton to be exercised at Frank Pepe's of Chestnut Hill, LLC d/b/a Frank Pepe Pizzeria Napoletana, 199 Boylston Street, Chestnut Hill, MA 02467. PRESENT ON ZOOM: Casey Naughton. Approved 3-0.**

**CHANGE OF MANAGER**

Application filed by Chrissy Wills, 155 Otis Street, Northborough, MA 01532. **For a change of manager from Michael Gillis to Daniel Howell to be exercised at Bertucci's Restaurants, LLC d/b/a Bertucci's Brick Oven Ristorante, 275 Centre Street, Newton, MA 02458. No Show. No action taken.**

**CHANGE OF MANAGER**

Application filed by Donna Cruz, One Seafood Way, Boston, MA 02210. **For a change of manager from Christianne Mary Chetkin to Christopher P. Castellana to be exercised at LSF Chestnut Hill, LLC d/b/a Legal Sea Foods, 55 Boylston Street (restaurant), Chestnut Hill, MA 02467. PRESENT ON ZOOM: Donna Cruz and Christopher Castellana. Approved 3-0; contingent upon receipt of TiPS certification.**

**CHANGE OF MANAGER AND CHANGE OF HOURS**

Application filed by Donna Cruz, One Seafood Way, Boston, MA 02210. **For a change of manager and a change of hours to be exercised at LSF Chestnut Hill, LLC d/b/a Legal Sea Foods (package store), 55 Boylston Street, Suite 5576, Chestnut Hill, MA 02467. The manager will change Christianne Mary Chetkin to Christopher P. Castellana. The hours will change from Monday through Thursday 11:00AM - 10:00PM, Saturday, 11:00AM - 11:00PM and Sunday 12:00PM - 10:00PM to Monday through Thursday 11:00AM - 10:00PM, Friday and Saturday, 11:00AM - 11:00PM and Sunday 12:00PM - 10:00PM. PRESENT ON ZOOM: Donna Cruz and Christopher Castellana. All approved 3-0; contingent upon receipt of TiPS certification.**

**NEW ALL ALCOHOL LICENSE, NEW COMMON VICTUALLER AND ANNUAL ENTERTAINMENT LICENSES**

Application filed by attorney Alex Greenaway, 800 Boylston Street, 16<sup>th</sup> Floor, Boston, MA 02109. **For a new all alcohol restaurant license, a new common victualler, and a new annual entertainment license to be exercised at DEW Enterprises, LLC d/b/a Chef Dave's, 1 Boylston Street, Chestnut Hill, MA 02467. The manager will be David Welch. The hours of operations will be Monday through Sunday from 8:00AM – 11:00PM. There will be 19 seats indoor and 8 seats outdoor. Entertainment will consist of recorded music and television. PRESENT ON ZOOM: Attorney Alex Greenway and David Welch. All approved 3-0; contingent upon receipt of Tips certification and signed floor plans.**

**DISCUSSION REGARDING "NIP" SALES IN NEWTON**

Discussion to consider draft language for a regulation that prohibits the sale of miniature, single-use containers for alcoholic beverages in containers less than or equal to 100 milliliters.

Councilor Alison Leary spoke in favor of the ban. She stated she has been working in recycling and waste reduction efforts for many years. She is involved with the sustainable material management commission, whose goal is to reduce and increase plastic recycling. She explained how the City's trash is being sent to other states because we are running out of landfills. She expressed that everything that is difficult to recycle is problematic. Nips are found littered everywhere and the littering is getting out of hand.

Councilor Andrea Kelley, spoke in favor of the ban. She explains that nips are unable to be recycled since they are too small and fall through the machinery.

Councilor Emily Norton spoke in favor of the ban. She added that plastic pollution and plastic manufacturing is an environmental injustice and that many of the plastic factories are in Louisiana and Texas and near low-income areas and communities of color. She explained that these people are who suffer the water pollution and air pollution from our addiction to plastics. She expressed that we should be acting to correct this.

Commissioner Conlin asked Councilor Kelley if people try to recycle the nip bottles. Councilor Kelley responded that the bottles that are under 3 inches fall through the machinery, they get accumulated, they get weighted and then it gets charged to the City. Then it ends up in a landfill or burned.

Ellen Katz spoke in favor the ban.

Assistant City Solicitor Maura O'Keefe explained the language of the drafted regulation. She stated that the language is an amalgamation of both the City of Chelsea and the Town of Falmouth approved regulations. The Town of Falmouth was approved by the Attorney General's Office, who is required to review any bylaw that is put in by any town in the Commonwealth of Massachusetts. The Attorney General's Office also looked at the language used and approved it. Similarly, with the City of Chelsea, while the Alcoholic Beverage Control Commission reviewed the regulation they ultimately decided that it was outside of their jurisdiction because it was solely under the purview of the City of Chelsea's Board of Commissioners to enact. Solicitor O'Keefe finalized that the language used in the proposed regulation has been vetted from the two different angles.

Councilor Kelley noted that the regulation does not specify whether it is glass or plastic that would be banned in the proposed regulation and the Commission stated that it would apply to any material.

Commissioner Adyanthaya had questions about the size of the nips. Ellen Katz answered that nips come in 50 mil and 100 mil. Commissioner McCarthy stated that the 50mil and 100 mil are covered in the proposed regulation.

Councilor Leary asked who will be enforcing this regulation. Solicitor O'Keefe stated this would be enforced by the police department and the Alcoholic Beverage Control Commission (ABCC). Any violation to this regulation would call into question a retail licensee's ability to hold the license. Solicitor O'Keefe explained that enforcement could either be complaint driven, or member of the police department, or the ABCC would be able to report any violation to the Licensing Commission. Then the licensee would be requested to appear in front of the Licensing Commission to answer questions regarding the violation. Solicitor O'Keefe stated the Licensing Commission can suspend a license, revoke a license, and request the ABCC to issue fines. The ABCC has concurrent jurisdiction, and they can also call the licensee for a hearing for any violation of the license. The ABCC on their own could issue fines or any other enforcement actions.

The Commission voted 3-0 to approve the proposed language (**Exhibit 1**) and to submit the proposed regulation to a public hearing. This was scheduled for November 16, 2021. Solicitor O'Keefe proposed that an effective date also be voted on if the regulation were to pass.

Meeting adjourned at 8:27PM.

Respectfully submitted by:  
Manuela Familia  
Administrative Clerk

**Exhibit 1**

City of Newton Board of License Commissioners

For Discussion September 21, 2021

Proposed Regulation re: Ban on Sale of Nip Bottles

The sale of alcoholic beverages by a retail establishment in containers less than or equal to 100 milliliters is prohibited within the City of Newton.