

**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: February 8, 2022 **This meeting was accessible via Zoom Meeting  
Meeting ID: 860 8650 5372 Passcode: 575489**

PRESENT: Commissioners Kathleen McCarthy, Dina Conlin and Anil Adyanthaya

STAFF: Lieutenant Kevin Rudd and Manuela Familia

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

The January 18, 2022 meeting minutes were approved 3-0.

**ONE DAY TEMPORARY WINE AND MALT LICENSE**

Application filed by Jo-Ann Stevens, 275 Grove Street, Auburndale, MA 02466. **For a one-day temporary wine and malt license for a retirement party on Thursday, March 3, 2022, from 5:00PM – 8:00PM to be held at the Riverside Office Park-Cafeteria 1<sup>st</sup> Floor, 275 Grove Street, Newton, MA 02466. Estimated Attendance: 130, Ages: 40+. Moved to next scheduled hearing.**

**NEW COMMON VICTUALLER LICENSE**

Application filed by Robert Quinlan, 28 Cedar Street, Duxbury, MA 02332. **For a new common victualler license to be exercised at GQ Chicken Newton, LLC d/b/a Dave's Hot Chicken, 165 Needham Street, Newton, MA 02461. The hours of operation will be Monday through Sunday from 11:00AM – 12:00AM. There will be 48 seats. PRESENT ON ZOOM: Robert Quinlan. Approved 3-0; contingent upon receipt of signed floor plan, food permit, and proof of insurance.**

**CHANGE OF MANAGER, CHANGE OF OWNERSHIP INTEREST AND CHANGE OF OFFICERS/DIRECTORS/LLC MANAGER**

Application filed by attorney Kristen L. Scanlon, 112 Water Street, Suite 201, Boston, MA 02109. **For a change of manager, change of ownership interest and change of officers/directors/LLC manager to be exercised at Farmstead Table, LLC d/b/a Farmstead Table Restaurant, 71 Union Street, Newton, MA 02459. The manager will change from Chad E. Burns to Sharon Burns. Change of ownership interest from will change from Chad Burns to Sharon Burns. The change of officers/directors/LLC manager will remove Chad Burns as an LLC manager. PRESENT ON ZOOM: Attorney Adam Barnosky, Sharon Burns and Chad Burns. All approved 3-0.**

**ALTERATION OF PREMISES**

Application filed by Arpit Patel, 45 Union Street, Newton, MA 02459. **For an alteration of premises to be exercised at ANP Ventures, INC d/b/a Baramor, 45 Union Street, Newton, MA 02459. Requesting 10 seats and up to 48 seats in the sidewalk areas and requesting 70 seats in the parking space area. PRESENT ON ZOOM: Attorney Daniel Johnson and Arpit Patel.**

Councilor Victoria Danberg, and Deb Crossley expressed support regarding this request. **Approved 3-0; contingent upon receipt of fully executed parklet license and any necessary regulatory or statutory approvals.**

**ALTERATION OF PREMISES**

Application filed by Kaitlyn Smith, 105 Union Street, Newton, MA 02459. **For an alteration of premises to be exercised at Alma Hilton, LLC d/b/a Thistle & Leek 105 Union Street, Newton, MA 02459. Requesting up to 24 seats in the sidewalk and parking space area. PRESENT ON ZOOM: Kaitlyn Smith.**

Gloria Gavis and Councilor Deb Crossley expressed support regarding this request. **Approved 3-0; contingent upon receipt of fully executed parklet license and any necessary regulatory or statutory approvals.**

#### **ALTERATION OF PREMISES**

Application filed by Seana Gaherin, 344 Elliot Street, Newton, MA 02464. **For an alteration of premises to be exercised at Dunn Gaherins, INC d/b/a Dunn Gaherins 344 Elliot Street, Newton, MA 02464. Requesting up to 40 seats in private patio. PRESENT ON ZOOM: Seana Gaherin.**

Jerry Reilly expressed support regarding this request. Despina Felis, a direct abutter does not support the application. Despina presented a video where music was being played at 9:30pm. She stated music was “blasting”. She mentioned this has happened in more than one occasion. She states that the quality of life has been affected, the rental income and property value has also negatively been impacted. The noise in the outdoor area was an issue when Despina tried to rent the upstairs unit to potential tenants, had to reduce the rent by 40% in order to get tenants to sign a 6-month lease. She expressed that if the request gets approved, there should be some conditions. She recalled how on September 6, 2016, a City Order requested Dunn Gaherins to plant evergreen trees along the fence line, she stated the order has not been complied. She talked about the noise ordinance and how there was music playing after 9:00pm. She also brought up noise pollution and parking concerns.

Mark Bridger, Gary DeMaria, Verne Porter, Ed Colasacco, Matt Chotkowski, Katherine Mullen, Anthony Colasacco, Councilor Victoria Danberg, Judith Malone-Neville, and Councilor Deb Crossley all expressed support regarding this request.

Commissioner Dina Conlin stated that is unfortunate that this restaurant’s outdoor use is good for most of the neighborhood but not good for the neighbor. She explained the Commission’s jurisdiction and how the Commission looks at the extension of premises application and makes decision based on if it is good for the neighborhood and good for the restaurant. She mentioned that there is tension there and wondered if there had been a conversation between the restaurant management and the abutter. Seana, owner of Dunn Gaherins stated that it was unfortunate and that she had hope that the abutter had come to her. She mentioned she was aware of two (2) instances where the police were called. The police came and that it was noted on the police report that the music playing was not loud, and it was within the time frame. She expressed that it is unfortunate that this has been building up. Seana, also mentioned how Haynes Management and a nearby church offered their parking lot to help Dunn Gaherins restaurant. Seana stated that she was unaware of great the animosity from the neighbor was and wished had known.

Demetri, Despina’s brother stated that back in 2016 when Seana bought the lot and it was converted from residential to commercial they were in favor, but Dunn Gaherins was ordered to have the tree line built. In 6 years, the tree line that would help reduce the noise was not built. Demetri mentioned how during [start of] COVID19 they were understanding and how they would not complaint daily because the restaurants were struggling, but Demetri mentioned how COVID19 cannot continue to be used as an excuse, they had been accommodating and they had reached out to the restaurant, and nothing has been done to correct the matter. Despina added that she has had to call the police after numerous attempts of calling the restaurant because of music being played at 9:30pm and 10:00pm. She has newborn daughter and states the house shakes at the base because the music is extreme.

Commission Chair Kathleen McCarthy stated that hearing an overwhelming response from the community counterbalanced by the nearest neighbor’s difficulties, that have interrupted their life and lost of money, she wondered if there was a way to accommodate the neighbor’s concerns. Commissioner Conlin explained that the restaurant does need to comply with the city’s noise ordinances and if asked if the restaurant would be willing to turn off the music at 9:00pm. Seana responded that she would be willing to down the music at 9:00pm and that would even seat the later diners closer to the street away from this abutter’s line. Despina explained that the noise ordinance states that at 9:00pm music must be turned off.

Commission Chair Kathleen McCarthy asked if the commissioners wanted to weigh in any conditions. Commissioner Conlin responded that the licensee must comply with the noise ordinance and liked the idea of closing the section closer to the neighbor. She asked the licensee to be mindful of the neighbors and to the extent that there is other mitigation that the

licensee could think of doing to lessen the noise in the neighborhood, Commissioner Conlin explained that she was not going to make it a condition of her vote tonight. Conlin voted the licensee must comply with noise ordinance of the City of Newton and to close the area closest to the neighbor (Despina) first. Commissioner Anil second the vote and Commissioner Chair voted in favor of the application based on the conditions that were discussed. Commissioner McCarthy also stated for the record that unequivocally the Licensing Commission will listen if there are complaints, if things do not go well, the Licensing Commissioners Board would like to hear about it. They have the authority and the power to bring in the licensee in to talk, and /or to amend the license based on what they hear. **Approved 3-0, with the discussed conditions: the licensee must comply with noise ordinance of the City of Newton and to close the area closest to the neighbor (Despina) first, and subject to any necessary regulatory or statutory approvals.** McCarthy hopes that there will be on ongoing communication between the neighbor and the licensee to reach an agreement.

**REQUEST FOR REFUND ONE-DAY LICENSES**

Maria Granik- cancellation of event due to COVID19

Rose Perriello, Art Center- event adjusted due to COVID19

Commission Chair Kathleen McCarthy will speak to the Mayor's Office regarding this matter. **Moved to next scheduled hearing.**

Meeting adjourned at 8:55PM.

Respectfully submitted by:

Manuela Familia  
Administrative Clerk