



BOARD OF LICENSE COMMISSIONERS

City Clerk's Office, 166 Boulder Drive
Fitchburg MA 01420
(978) 829-1820

Daniel Sarefield, Chair
Donna Pawlak
Glenn Fossa

MINUTES OF MEETING

The regular meeting of the Board of License Commissioners was held on July 16, 2018 in the Fitchburg Fire Department Community Room, 33 North St., Fitchburg, and called to order by Commissioner Sarefield at 6PM. Commissioner Fossa was present. FPD liaison Capt. Lemay arrived at 6:02PM. Commissioner Pawlak was absent.

The agenda consisted of the following:

I. REVIEW AND ACCEPTANCE OF MINUTES FROM PREVIOUS MEETING

Minutes of the previous meeting were accepted and signed.

II. APPLICATIONS

Taxi Driver application:

Stanley Byner (renewal) – City Cab

Mr. Byner was present. Application approved 2/0

Taxi Driver appeal of denial:

Christopher Palvio – City Cab

Mr. Palvio was present. In order to discuss criminal history background information the Board unanimously voted to enter in to executive session at 6:06PM and resumed open session at 6:12PM. Application was accepted and will be reviewed on September 5, 2018 pending court decision on open case. 2/0

Solicitor applications:

Edgar Falilejev– Southwestern Advantage (educational kids books)

Mr. Falilejev was present. Application approved 2/0

The following applications were continued to September 5, 2018. None of the applicants were present.

Daniel Reardon – Power Home Remodeling (free estimates – windows, roofing, siding)

John Carroll - Power Home Remodeling (free estimates – windows, roofing, siding)

Ryan Barrett- Power Home Remodeling (free estimates – windows, roofing, siding)

Dalton McLaughlin- Power Home Remodeling (free estimates – windows, roofing, siding)

Blake Jalbert-Sullivan Power Home Remodeling (free estimates – windows, roofing, siding)

Continued Solicitor application:

Sean Sullivan – Xfinity

Mr. Sullivan was not present. Application continued to September 5, 2018

Compass Group NA dba Chartwells Dining Service for Special One Day license for wine and malt beverages for End Zone Club-Ber Garden from 12PM to 4:30PM on September 29, 2018 for 150 people maximum at any given time at Elliot Field FSU Fitchburg MA

Mr. Bowers was present. Application approved 2/0

Papa Gino's, 399 John Fitch Highway for Automatic Amusement device – One (1) video and One (1) PAPA SMCS 60 (Sunstar Vending Machine)

Ms. Sue Custer was present. Application approved 2/0

III. HEARINGS

KRB Corp., Inc. dba Log Cabin, 135 Westminster St. for Transfer of Stock from Brian and Joanne Keenan to Shannon and Amy Keenan.

Shannon and Amy Keenan were present. Amy Keenan stated that Brian and Joanne Keenan made the decision to transfer the stock last November and that this paperwork finalizes that transfer. No one spoke in favor of or in opposition to the transfer. Hearing closed and application approved 2/0

Strong Style Coffee, Inc., Eirean Bradley, Manager, 13 Cushing St., for New, Annual, On-Premise, Restaurant, Wine and Malt Beverages license with Cordials/Liquors permit. Licensed premise to include 1000 sq. ft. indoor area and 644 sq. ft. outdoor area.

Eirean Bradley and Kim Jones were present. They described the type of establishment they are planning as a true coffee shop opening early in the morning and in to the evening with various forms of entertainment and light fare including cold sandwiches and pastries. In order to discuss criminal history background information the Board unanimously voted to enter in to executive session at 6:45PM and resumed open session at 6:52PM.

Public comment:

Speaking in favor of the application were Peter Cote-Beemer's Pub, Jim Lattanzi-Hollis Hills Farm, MaryJo Bohart-Fitchburg Economic Development Director.

Application approved 2/0

RELATED APPLICATIONS - Strong Style Coffee, Inc.

Strong Style Coffee, Inc., 13 Cushing St. for 1AM Late Closing Sunday through Saturday

Application approved 2/0

Strong Style Coffee, Inc., 13 Cushing St. for 10AM Early Sunday Opening

Application approved 2/0

Strong Style Coffee, Inc., 13 Cushing St. for Mon-Sat Entertainment Permit (live acoustic music, live amplified music, live poetry readings and theatre productions)

Application approved 2/0

Strong Style Coffee, Inc., 13 Cushing St. for Sunday Entertainment Permit (live acoustic music, live amplified music, live poetry readings and theatre productions)

Application approved 2/0

SACF, Inc. dba Beemers Pub and Grill, 310 Main St., Peter C. Cote-Manager for Transfer of License to Peter C. Cote and Alteration of Premises to expand the outdoor seating to include the parking lot in the rear of the building (approx.5000 sq.ft.)

Note: this application is awaiting letter from the Building Commissioner regarding the proposed outdoor seating alteration.

The letter from Building Commissioner has been received stating that Mr. Cote's application for outdoor seating is incomplete (see attached). Mr. Cote has obtained the required Planning Board Site Plan Review (see attached)

Mr. Peter Cote was present. He stated that his outdoor plans include the use of 5 tables in a 12' x 19' area every Friday and Saturday night and 10-12 large functions per year utilizing the entire parking lot.

Public comment:

Speaking in favor – MaryJo Bohart-Fitchburg Economic Development Director

Speaking in opposition – Attorney David Nickless. He stated that he has an issue with the transfer of the license, that it requires approval of the bankruptcy court, that Mr. Cote has not approached the court, that a plan of re-organization is yet to be approved by the court. He states that he represents LA Bank, a significant creditor of SACF.

Mr. Cote disputed the claims of Attorney Nickless and stated all paperwork has been filed correctly. In order to provide Mr. Cote with the opportunity to collect his paperwork showing resolution of the above noted issues the hearing was continued to September 5, 2018. 2/0

Hollis Hills Farm, Inc., 340 Marshall Rd., James P. Lattanzi-Manager for Alteration of Premises: Adding to existing licensed premise: construction of a permanent outdoor service area underneath the wrap around deck. Add ¾ acre to previously licensed 3.78 acres of outdoor service area to allow adults to consume alcoholic beverages in the animal viewing area.

Note: this application is awaiting letter from the Building Commissioner regarding the proposed outdoor seating alteration.

Upon telephone request from Mr. Lattanzi, the letter from the Building Commissioner was obtained by the City Clerk this afternoon and delivered to him at the meeting.

Mr. James Lattanzi was present. He stated that he began construction of the outdoor service area some time ago not realizing that he needed an Alteration of Premises or building permit. He looked at the letter from the Building Commissioner and stated that the letter is a problem and that he was very upset to see that he is required to obtain a Planning Board Site Plan Review. He stated that the Fitchburg City Solicitor told him he is not required to submit an Alteration of Premises application for the outdoor service area. He stated that he filed the application because the City Clerk instructed him to do so. The City Clerk spoke to clarify that the construction had been brought to her attention by the Food Inspector who asked her if an Alteration of Premises was necessary. The City Clerk stated that she confirmed with the ABCC Licensing Supervisor that an Alteration of Premises is required and communicated that to Mr. Lattanzi after which he filed the application.

Public comment:

MaryJo Bohart-Fitchburg Economic Development Director stated that the requested renovations will strengthen the Hollis Hills Farm business concept and likely increase the number of tourists and visitors to his establishment. In regard to the Site Plan Review, she noted that it is a simple process, that the Planning Board meets twice in August and that it is not too late to get on the agenda for the first August meeting date.

Discussion ensued between Mr. Lattanzi and the Board regarding the reported statement from the City Solicitor that he does not need an Alteration of Premises vote for the outdoor service area. The Board stated that if they received such opinion from the City Solicitor they would be satisfied that the application is unnecessary. Mr. Lattanzi stated that he would contact the City Solicitor for an opinion letter on the matter, withdraw his entire application and re-apply in September for an Alteration of Premise only to add the ¾ acres for the animal viewing area. Stephen Curry-BOH Director was in the audience on another matter and joined the discussion. He stated that he has viewed the outdoor service area under construction and that there is a considerable amount of work left to do. He stated that it will be inspected when it comes closer to completion. After further discussion with the Board Mr. Lattanzi decided against withdrawing the application and supported allowing it to move forward only with a vote pertaining to the proposed additional ¾ acre in the animal viewing area and no vote to be taken on the outdoor service area. He stated that he will pursue a written opinion from the City Solicitor to accompany the application's submission to the ABCC pertaining to the outdoor structure.

After further discussion with Mr. Lattanzi to ensure he was satisfied with the outcome, motion was made by Commissioner Fossa and seconded as follows:

Accept the application to add the additional ¾ acres to the boundary of the licensed premise pending receipt of the City Solicitor's written opinion that use of the new, permanent outdoor service area is a compliant use within the existing description of the licensed premise and does not require further approval. 2/0

(NB: no vote was taken on the outdoor structure)

IV OTHER

1. BOH Director Stephen Curry and representative from LUK, Inc. to discuss Substance Abuse Prevention grant and how this can assist the Commission to reduce underage drinking.
Brandy Litt and Dave Greco from LUK accompanied Stephen Curry for this discussion. They presented sample documents regarding substance abuse prevention they will distribute to alcohol licensees and requested a letter of endorsement from the Board. Chairman Sarefield stated that he will draft such letter. Discussion ensued about the Board and LUK joining together to provide trainings for licensees and both sides agreed this is a good idea. They asked to be placed on the agenda for the first meeting in September to further discuss ideas and plans for trainings.

2. Commissioner Pawlak – Review of draft letter re: inviting licensees to a meeting for discussion of licensing requirements
Continued to September 5, 2018

V. CONTINUED MATTERS

1. Lodging House licensing procedure (Continued from June 2017)
Continued to September 5, 2018
2. Proposed change to License Commission regulation 3.12 Compliance Checks: “Notice of Violation” form. (Continued from May 7, 2018)
Continued to September 5, 2018

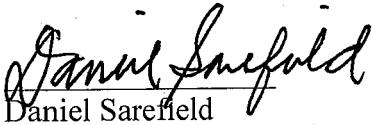
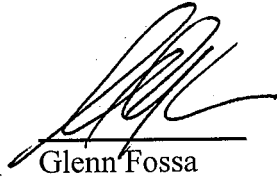
The meeting adjourned at 8:45 PM

Respectfully submitted,



Anna M. Farrell
City Clerk

Approved:


Daniel Sarefield
Glenn Fossa

ABSENT
Donna Pawlak