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**City of Gloucester Licensing Board
Special Meeting Minutes March 30, 2021**

City Hall Annex, 3 pond Rd.
Gloucester, MA 01930

Board Members:

Melissa J. Teixeira Prince, Chairperson
John T. Lamirande

Also In Attendance:

Alison C. Battle, Licensing Board Clerk
Officer Shawn Connor's, Gloucester Police Department

This evening meeting is being held via remote participation.
The Chair calls to order the Quorum of the Licensing Board at 6:30 PM.
The Chair reads the Open Meeting Law rules and directions.
The Clerk takes attendance, all members are present.
The Chair asks if there are any public comments for items not on this evening's agenda and there is not.

The Chair opens the Public Hearing at 6:30 PM.

Common Victualler License:

Shore Nutrition LLC, dba Shore Nutrition, 139 A Main St.

Fay Puopolo, 139A Main St. is present to represent this new application.
She is planning to open on 5/1/2021 and will be selling meal replacement shakes and energizing teas with seating for 20 people. She has 2 other locations in Beverly and Peabody.
She will receive and inspection from the Board of Health a few days before it opens and submit the Food Establishment Permit to the Clerk.

Captain Carols, LLC, 27-29 Harbor Loop

Last Stop, LLC, 273 East Main St.

Salt Water Grille, LLC, 226 Washington St.

Dyer's Studio Restaurant Corp., 51 Rocky Neck Ave.

Dyers Rudder Restaurant, 73 Rocky Neck Ave.

Sunrise Chinese Restaurant, 4 Rogers St.

Firing Up Pizza & Grille, 721 Gloucester Crossing Rd.

Action Inc., 95 Prospect St.

Eastern Point Yacht Club Inc., 125 Eastern Point Blvd.

DAB Restaurant Group, LLC, dba Yella on the Water, 31 Western Ave.

The Trio Building, Inc., dba Lobsta Land Restaurant, 84 Causeway St.

The Chair moves to approve all the above Common Victualler applications.

Mr. Lamirande seconds
All in favor, 2-0

Automatic Amusement License:

Captain Carols, LLC, 27-29 Harbor Loop

Rosemary Cranston, 27-29 Harbor Loop is present to represent this application.

Mr. Lamirande moves to approve this application.

Ms. Prince seconds

All in favor, 2-0

Lodging House License:

Action Inc., 95 Prospect St.

Action Inc., 370 Main St.

Wellspring House, Inc., 99 Washington St.

Wellspring House, Inc., 11 Chestnut St.

Geoffry Richon, dba Moore's Way, 23 Duncan St.

Brynmere Associates, dba The Brynmere, 12 Cambridge Ave.

Three Eastern Point Road Realty Trust, 3 Eastern Point Rd.

Eastern Point Yacht Club, Inc., 125 Eastern Point Rd.

Dave Perkins, 11 Pine Rd. is present to represent the Lodging House applications for both locations for Wellspring House, Inc. They are having their inspections done tomorrow and will submit the sign off sheets to the Clerk once they are done.

Elizabeth Spofford, 12 Cambridge Ave. is present to represent the Lodging House application for Brynmere Associates. She doesn't open until 7/1/2021 and will have her inspections done in June before they open. She will submit the sign off sheets to the Clerk once they are done.

The Chair moves to approve all Lodging House Licenses subject to inspections being complete.

Mr. Lamirande seconds

Sgt. Conners has no concerns or issues

All in favor, 2-0

Entertainment:

Railroad Ave. Associates, Inc., dba The Rhumb Line, 40 Railroad Ave.

Fred Shrigley, 40 Railroad Ave. is present to represent this application.

He is looking to have a similar entertainment format as in previous years, operation within the hours of Monday – Thursday 4:00 PM – 11:00 PM and Friday – Saturday 4:00 PM – 12:00 AM.

Mr. Shrigley is interested in having outdoor entertainment and states that he is currently working with the Board of Health. He is informed by Mr. Lamirande that he should submit his paperwork and get back in front of the LLA as soon as possible to open for the 2021 spring/summer season.

Sgt. Conners has no issues.

The Chair moves to approve and entertainment license for Railroad Ave. Associates, Inc., dba The Rhumb Line, 40 Railroad Ave. for the hours of Monday – Thursday 4:00 PM – 11:00 PM and Friday – Saturday 4:00 PM – 12:00 AM.

Mr. Lamirande seconds

All in favor, 2-0

The Chair moves to recommend to the Mayor Sunday Entertainment for Railroad Ave. Associates, Inc., dba The Rhumb Line, 40 Railroad Ave. for the hours of Sunday 1:00 PM – 11:00 PM.

Mr Lamirande seconds
All in favor, 2-0

The Mayor suggests to extend the hours of entertainment to end at 12:00 AM on any Sunday before a Monday Holiday and Mr. Shrigley agrees.

Ms. Prince moves to amend the motion to add the extension of the hours of operation to end at 12:00 AM on any Sunday before a Monday Holiday.

Mr Lamirande seconds
All in favor, 2-0

Castaways Vintage Café, LLC, 65 Main St.

Paul and Bianca Gialone, 65 Main St. is present to represent this application.

They did not have entertainment in 2020 and plan to have the same entertainment as they did in 2019. They have not had any complaints from the neighbors.

Sgt. Conners has no issues with this application being granted.

Mr. Lamirande moves to approve Castaways Vintage Café, LLC, 65 Main St. for entertainment Monday – Saturday 12:00 PM – 9:00 PM and to recommend to the Mayor Sunday's 12:00 PM – 9:00 PM.

Ms. Prince seconds
All in favor, 2-0

Dyer's Studio Restaurant Corp., 51 Rocky Neck Ave.

Dennis Dyer, 5 Salt Island Lane is present to represent this application. Mr. Dyer is planning to open on 5/1/2021, and is planning to have a piano, singer and 2 piece band. Nothing loud and all indoor Monday – Saturday 11:00 AM 12:00 AM and Sunday 10:00 AM – 12:00 AM.

Sgt. Conners has no concerns.

Mr. Lamirande moves to approve Dyer's Studio Restaurant Corp., 51 Rocky Neck Ave. Monday – Saturday 11:00 AM 12:00 AM.

Mr. Lamirande seconds
All in favor, 2-0

Ms. Prince moves to recommend to the Mayor Sunday entertainment 10:00 AM – 12:00 AM. The Mayor has no issue with the times.

Mr. Lamirande seconds
Sgt. Conners has no issues
All in favor, 2-0

Dyers Rudder Restaurant, 73 Rocky Neck Ave.

Dennis Dyer, 5 Salt Island Lane is present to represent this application. Mr. Dyer is planning to open on 5/1/2021, and is planning to have live music/small bands Monday – Saturday 11:00 AM 10:00 PM and Sunday 10:00 AM – 10:00 PM.

Ms. Prince moves to approve entertainment for Dyers Rudder Restaurant, 73 Rocky Neck Ave.
Monday – Saturday 11:00 AM 10:00 PM
Mr. Lamirande seconds
Sgt. Conners has no issues
All in favor, 2-0

Ms. Prince moves to recommend to the Mayor entertainment for Dyers Rudder Restaurant, 73 Rocky Neck Ave. Sunday 10:00 AM – 10:00 PM.

Mr. Lamirande seconds
The Mayor has no issue with the times.
All in favor, 2-0

Captain Carols, LLC, 27-29 Harbor Loop

Rosemary Cranston, 27-29 Harbor Loop is present to represent this application.
She is requesting to have entertainment during the same hours as in the past Tuesday – Thursday 6:00 PM – 9:00 PM, Friday 5:00 PM – 11:45 PM and Saturday 1:00 PM – 11:45 PM.

Mr. Lamirande moves to approve the entertainment for Captain Carols, LLC, 27-29 Harbor Loop Tuesday – Thursday 6:00 PM – 9:00 PM, Friday 5:00 PM – 11:45 PM and Saturday 1:00 PM – 11:45 PM.

Ms. Prince seconds
Sgt. Conners has no concerns
All in favor, 2-0

Ms. Prince moves to recommend to the Mayor Sunday entertainment for Captain Carols, LLC, 27-29 Harbor Loop, for Sunday 1:00 PM – 9:00 PM.

Mr. Lamirande seconds
The Mayor has no issue with the times.
All in favor, 2-0

DAB Restaurant Group, LLC, dba Yella on the Water, 31 Western Ave.

Joel Favazza, Esq. of Seaside Legal Solutions, 123 Main St. is present to represent this application. They will be opening mid-April and have their inspections scheduled for 4/8/2021. They have had no complaints from the Neighbors and have applied to the ZBA for permanent outdoor seating as the temporary outdoor seating was such a success last year.

Mr. Lamirande move to approve entertainment for DAB Restaurant Group, LLC, dba Yella on the Water, 31 Western Ave. for ambient recorded music – indoor and outdoor on deck Monday – Thursday 12:00 PM -10:00 PM, ambient recorded music – indoor and outdoor on deck Friday – Saturday 12:00 PM -11:00 PM and live music indoor and outdoor on the deck Thursday – Saturday 12:00 PM- 10:00 PM.

Ms. Prince seconds
Sgt. Conners has no concerns and has received no complaints in the past.
All in favor, 2-0

Ms. Price moves to recommend to the Mayor Sunday entertainment for DAB Restaurant Group, LLC, dba Yella on the Water, 31 Western Ave. 4:00 PM – 10:00 PM indoor and outdoor subject to required inspections.

Mr. Lamirande seconds
All in favor, 2-0

The Trio Building, Inc., dba Lobsta Land Restaurant, 84 Causeway St.

Corey Grammas, 84 Causeway St. is present to represent this new application. He is currently building a deck in the back of the building for outdoor seating and would like to have a DJ or a small acoustic band of 1-2 guitars for island type music. They will have lite amplification and no dancing. They are being inspected by the Building Dept. next week and will open indoors in April and outdoors when the deck is done in approximately 2 weeks.

Ms. Prince moves to approve entertainment for The Trio Building, Inc., dba Lobsta Land Restaurant, 84 Causeway St. for Saturday 12:00 PM to 5:00 PM on the deck only subject to inspections.

Mr. Lamirande seconds
Sgt. Conners has no concerns
All in favor, 2-0

Ms. Prince moves to recommend to the Mayor Sunday Entertainment 12:00 PM – 5:00 PM.

Mr. Lamirande seconds
The Mayor has no issues with this application.
All in favor, 2-0

Eastern Point Yacht Club, Inc., 125 Eastern Point Rd.

This application has been moved to the 4/13/2021 meeting.

Sunday Entertainment:

Eastern Point Yacht Club, Inc., 125 Eastern Point Rd.

This application has been moved to the 4/13/2021 meeting.

Seasonal Package Store Wines and Malt Beverages License Renewal:

Pastaio Via Corta Inc., 123 Main St.

Danielle Glantz, 123 Main St. is present to represent this application. She is the Manager/Owner of the establishment.

Her hours of operation are Wednesday – Saturday 11:00 AM – 7:00 PM and Sunday 11:00 AM – 5:00 PM.

Ms. Glantz discusses her desire to open year round and her work with Community Development to create the Home Rule Petition.

The Chair informs here that the issue lies with Community Development and she should continue to work with them.

Mr. Lamirande moves to approve the renewal of a Seasonal Package Store Wines and Malt Beverages License to Pastaio Via Corta Inc., 123 Main St. with the hours of operation being Wednesday – Saturday 11:00 AM – 7:00 PM and Sunday 11:00 AM – 5:00 PM.

Ms. Prince seconds
All in favor, 2-0

DATI INC., dba Tony's Variety, 183 Washington St.

Savita Kumari, 184 Washington St. is present to represent this application.

Their hours of operation are Monday – Sunday 8:00 Am – 9:00 PM.

Ms. Prince moves to approve a Seasonal Package Store Wines and Malt Beverages License to DATI INC., dba Tony's Variety, 183 Washington St. for the operating hours of Monday – Sunday 8:00 AM – 9:00 PM.

Mr. Lamirade seconds
All in favor, 2-0

Energy North Inc., 73 Essex Ave.

Joseph Green, 73 Essex Ave. is present to represent this application. He is the Director of Operations of Energy North. Assmad Madkour is still the Manager for this property but was unable to attend this evenings meeting.

Their hours of operations are Monday – Saturday 8:00 AM – 11:00 PM and Sunday 8:00 AM – 10:00 PM.

Mr. Lamirade moves to approve a Seasonal Package Store Wines and Malt Beverages License to Energy North Inc., 73 Essex Ave. for the hours of Monday – Saturday 8:00 AM – 11:00 PM and Sunday 8:00 AM – 10:00 PM.

Ms. Prince seconds
Sgt. Conners has no concerns or issues.
All in favor, 2-0

Mr. Green is also interested in having an annual liquor license.

Seasonal Restaurant Wines and Malt Beverages with Cordial/Liqueur License Renewal:

Sugar Magnolia's, 112 Main St.

Melissa Sallah, 112 Main St. is present to represent this application. This is a late renewal

The Chair gives the background of this license.
Ms. Sallah was unable to renew this license last year due to Covid. She spoke to the ABCC and was told to submit this license as a late renewal.

Ms. Prince moves to waive the following submission requirements for a new application for this application. Abutters list, floor plans, ad in paper and proof of citizenship.

Mr. Lamirade seconds
All in favor, 2-0

Ms. Sallah will send in her proof of Workers Comp. to the Clerk.

Hours of Tuesday – Friday 8:00 AM 8:00 PM and Saturday – Sunday 10:00 AM – 8:00 PM

Sgt. Conners has no issues

Ms. Prince moves to approve the renewal of a Seasonal Restaurant Wines and Malt Beverages with Cordial/Liqueur License Renewal to Sugar Magnolia's, 112 Main St. for the hours of Tuesday – Friday 8:00 AM 8:00 PM and Saturday – Sunday 10:00 AM – 8:00 PM.

Mr. Lamirade seconds
All in favor, 2-0

Seasonal Restaurant All Alcohol License Renewal:

Dyer's Studio Restaurant Corp., 51 Rocky Neck Ave.

Dennis Dyer, 5 Salt Island Lane is present to represent this application.

There are no changes to this application from last year. They employ 45 people and the Clerk will add this to his Workman's Comp. application.

Hours of operation are Monday – Sunday 11:00 AM – 12:00 AM

Mr. Lamirande moves to approve a Seasonal Restaurant All Alcohol License Renewal for Dyer's Studio Restaurant Corp., 51 Rocky Neck Ave. for the hours of Monday – Sunday 11:00 AM – 12:00 AM subject to receiving inspections.

Sgt. Conners has no objections.

Ms. Prince seconds

All in favor, 2-0

Dyers Rudder Restaurant, 73 Rocky Neck Ave.

Dennis Dyer, 5 Salt Island Lane is present to represent this application.

They have 30 employees employed.

Mr. Lamirande moves to approve a Seasonal Restaurant All Alcohol License Renewal For Dyer's Rudder Restaurant Corp., 73 Rocky Neck Ave. for the hours of Monday – Sunday 11:00 AM – 12:00 AM subject to receiving inspections.

Sgt. Conners has no objections.

Ms. Prince seconds

All in favor, 2-0

Captain Carols, LLC, 27-29 Harbor Loop

Rosemary Cranston, 27-29 Harbor Loop is present to represent this application.

The liability insurance expires soon and Ms. Cranston will submit the new policy to the Clerk.

They have 55 employees and the Clerk will add this information to the Workman's Comp. paperwork.

Hours of operation are Monday – Sunday 11:00 AM – 12:30 AM

Ms. Prince moves to approve a Seasonal Restaurant All Alcohol License Renewal to Captain Carols, LLC, 27-29 Harbor Loop, Monday – Sunday 11:00 AM – 12:30 AM.

Sgt. Conners has no objections.

Mr. Lamirande seconds

All in favor, 2-0

DAB Restaurant Group, LLC, dba Yella on the Water, 31 Western Ave.

Joel Favazza, Esq. of Seaside Legal Solutions, 123 Main St. and Danielle Berdahn, 24 Green St. Lynnfield, MA are present to represent this application.

Hours of operation are Monday – Sunday 10:00 AM – 11:00 PM

Mr. Lamirande moves to approve a Seasonal Restaurant All Alcohol License Renewal for DAB Restaurant Group, LLC, dba Yella on the Water, 31 Western Ave. for the hours of Monday – Sunday 11:00 PM – 11:00 PM.

Danielle Berdahn thanks the Board for all their assistance and states that doing business in Gloucester is Awesome.”

Mr. Lamirnde moves to amend the hours for a Seasonal Restaurant All Alcohol License Renewal for DAB Restaurant Group, LLC, dba Yella on the Water, 31 Western Ave. for the hours of Monday – Sunday 10:00 AM – 11:00 PM.

Sgt. Conners has no objections.

Ms. Prince seconds

All in favor, 2-0

The Trio Building, Inc., dba Lobsta Land Restaurant, 84 Causeway St.

Corey Grammas, 84 Causeway St is present to represent this application.

Hours of operation are Monday – Friday 11:00 AM – 10:00 PM and Saturday – Sunday 10:00 AM – 10:00 PM.

Mr. Lamirande moves to approve a Seasonal Restaurant All Alcohol License Renewal for The Trio Building, Inc., dba Lobsta Land Restaurant, 84 Causeway St. for the hours of Monday – Friday 11:00 AM – 10:00 PM and Saturday – Sunday 10:00 AM – 10:00 PM.

Sgt. Conners has no objections.

Ms. Prince seconds

All in favor, 2-0

Mr. Grammas discusses his temporary and permanent extension of premise.

Sunrise Chinese Restaurant, Inc. 4 Rogers St.

No one is present to represent this application. This is a long standing restaurant and the Board feels that there may have been some confusion earlier in the meeting causing the owners mistakenly leave the meeting early. They decide to renew their application this evening to insure that the service of their business doesn't get interrupted, as their license expires tomorrow. This is not a practice that the Board usually follows.

Sgt. Conners states that there have been no issues at this establishment.

Mr. Lamirande moves to approve the license subject to no changes in operation or business hours for a Seasonal Restaurant All Alcohol License Renewal for Sunrise Chinese Restaurant, Inc. 4 Rogers St, subject to supplying a dba certificate and hours of operation to the Clerk.

Ms. Prince seconds

All in favor, 2-0

Salt Water Grille, LLC, dba Salt Water Grille, 226 A Washington St.

Christopher Fallon and John Fallon 226 Washington St are present to represent this application.

They are opening in mid- April.

Hours of operation are Monday – Sunday 11:00 AM – 12:00 AM

Mr. Lamirande moves to approve a Seasonal Restaurant All Alcohol License Renewal for Salt Water Grille, LLC, dba Salt Water Grille, 226 A Washington St. for the hours of Monday – Sunday 11:00 AM – 12:00 AM.

Ms. Prince seconds
Sgt. Conners has no concerns
All in favor, 2-0

Seasonal Club All Alcoholic Beverages Renewal:

Eastern Point Yacht Club, Inc., 125 Eastern Point Rd.
This application has been moved to the 4/13/2021 meeting.

Change of Manager:

Eastern Point Yacht Club, Inc., 125 Eastern Point Rd.
This application has been moved to the 4/13/2021 meeting.

Discussion/Deliberation/Action:

1. Temporary Alteration of Premise for the service of onsite alcohol during the Covid-19 pandemic.

Ms. Prince moves that all temporary Extensions of Premises allowed and approved by the Gloucester Licensing Board over the past year and specifically in year 2020 due to the Covid pandemic, officially declared by Governor Baker, are approved for the 2021 season expiring on November 1, 2021, if no alterations are made to the prior approval as they have met the legal standards mentioned during the 2020 discussions of each establishment and that they are reasonable and proper given the current economic circumstances.

Mr. Lamirande seconds
All in favor, 2-0

2. "BYOB" - Bring Your Own Bottle or Bring Your Own Booze regulations within the City of Gloucester are discussed.

There is currently no regulations within the City of Gloucester for BYOB, which means that it is allowed without any regulations. Because there are no regulations, that means that there is no one checking I.D.'s, monitor the consumer's abilities to drive or extra liability put on the establishment who allow the consumption of alcohol brought in. This is a public safety concern.

Sgt. Conners states that the ABCC defers to the Municipalities on this topic and the Municipality has 3 options when it comes to BYOB. They can completely ban it, they can allow it with regulations or they can remain silent and not do anything. If they remain silent, it is basically the equivalent of legalized authorization. Gloucester has remained silent in the past because there is no Ordinance in place. Not having an Ordinance in place creates some issues. Restaurants have no training requirements, liability waivers or rules on underage persons serving alcohol and the Licensing Board has no oversight which he feels is necessary. Things like who handles the alcohol in the establishment, what type of alcohol is

allowed to be brought into an establishment, or what happens to the alcohol once the person leaves the establishments. Do they walk down the street with it? These are all things that need to be considered. The Police Department is not opposed to a BYOB, they just feel that there needs to be some regulations and a City Ordinance.

Mr. Lamirande agrees and states that the Board holds the restaurants with liquor licenses liable for not following the liquor service regulations and feels that BYOB establishments should be held to the same standards.

The Chair has been speaking to Chip Payson, City Solicitor for the City of Gloucester, regarding this topic and has researched how other City's handle this topic. The LLA has the authority to have this discussion and to put language forward to recommend to the Mayor to bring to City Council. Then Mayor would then put it forward to City Council.

The Chair discusses the next step options. The LLA can discuss and decide to do nothing at this time, decide to take the position to ban BYOB until the City Council comes up with an Ordinance or leave things how they are and let the Mayor know that the LLA would like the City Council to make an ordinance based on the LLA's concerns. She spoke to the ABCC who suggested that the LLA have a public hearing before they take a position and let the restaurant owners come directly to this Board to voice their opinions instead of only the City Council before a decision is made.

The Mayor discusses what she's seen and her concerns regarding BYOB and agrees with going forward with this process and feels the City needs to take responsibility with this issue.

The Board agrees to hold a public hearing as soon as possible, hopefully during the 4/13/2021 meeting as long as it can be advertised in time.

Approval of Minutes:

Ms. Prince moves to approve the minutes of 3/9/2021 as they were written.

Mr. Lamirande seconds
All in favor, 2-0

New Business: None

A motion was made to adjourn at: 9:01 PM
By: Mr. Lamirande
Seconded by: Ms. Prince
All in favor, 2-0

The above agenda items are those reasonably anticipated by the chair to be discussed at the meeting. Not all items listed may in fact be discussed, items not listed may also be brought up for discussion, to the extent permitted by law.