

## **Minutes of the January 17, 2019 meeting of the City of Chelsea Licensing Commission.**

**Location: Chelsea City Hall Council Conference Room 500 Broadway Chelsea, MA 02150**

Meeting opened at 6:10 p.m. by Mark Rossi (Chair)

Commission members present: Michael McAteer (McAteer), Vice Chair Jim Guido (Guido), Roseann Bongiovanni (Bongiovanni) and Mark Rossi (Chair)

Also present: Captain Keith Houghton, Officer Santiago and Officer James Farden on behalf of Chelsea Police Dept., City Solicitor Cheryl Watson Fisher, Strehon Treadway and Nancy Slater on behalf of Chelsea Law Dept. and Licensing Administrator Jenny Builes.

Chair Rossi announced to the public that this meeting will be voice recorded.

Guido moved to adopt the minutes of the December 6, 2018 meeting. McAteer seconded. Chair Ross-yes; Vote Unanimous.

### **Clerk's Update/New Business:**

City Solicitor read all communications including the request of stay for Rincon Latinos at 373 Washington Ave to the commission and public. Chair Rossi motioned to have two meetings in the month of February on the 12th and add the second meeting on the 27th. McAteer seconded. Guido-yes. Vote Unanimous. City Solicitor notified the commission and for the record that commissioner Valentin has resigned from the board.

### **Request of Stay: Rincon Latinos at 373 Washington Ave**

Attorney John Dodge appeared along with Orlando Pineda the owner of Rincon Latinos Restaurant. They are requesting a stay for the recent public hearing decision to suspend the liquor license for eight days for four consecutive weekends. Dodge mentions that they have appealed this decision to the ABCC and requested a stay with the licensing administrator. The stay was granted under Commission Rule 2.18 until it can be reviewed by the Commission at its January meeting. In the meantime the licensee has been working with Inspectional Services to add an additional handicap bathroom to the premises, which will allow them to increase the occupancy from 17 persons to a seating capacity of 24 and total occupancy of 28. The cost of this alteration will be approximately 15,000 dollars. For the past month there has been plans submitted to Inspectional Services. McAteer has received plans, but needed to be revised. Dodge is also filing an alteration of premises application to add the handicap bathroom. Dodge mentions that this work will take approximately five days and will have to close the premises that time. Dodge asks the commission to stay the implementation of the discipline that was previously imposed and have the licensee do the work necessary once it has been approved by the commission and ISD. Strehon Treadway spoke on behalf of the City of Chelsea Law Department and is opposing to grant the stay. What the licensee is proposing is something he would undertake to his own advantage anyway. This does not address the violations found last month regarding occupancy on the premises. The evidence showed that the violations were repeated. Captain Houghton spoke and has been conducting inspections. The only concern he has was when the door was locked. Mr. Pineda has the door locked so that customers cannot come inside the establishment but can leave for an emergency. Chair Rossi opened the public speaking portion. No one spoke, therefore the public speaking portion was closed.

The Commission considered several scenarios proposed by the licensee to resolve the appeal and, at the request of the licensee, Guido motioned, and Licensing Commission agreed that the matter would be resolved by the licensee withdrawing the appeal with the ABCC, the licensee will serve two consecutive weekend suspension on January 19, 2019 at 12:01 a.m. and January 20, 2019 at 11:59 p.m. along with January 26, 2019 at 12:01 a.m. and January 27, 2019 at 11:59 p.m. Also the license will seek a building permit to add the handicapped bathroom with the objective of increasing its occupancy. The licensee is subject to building permit approval from the Director of Inspectional Services and change in premises approval from the Licensing Commission, the licensee will close for no less than five days in order to reconfigure its premises no later than May 31, 2019. Bongiovanni seconded. Chair Rossi-yes and McAtteer-yes. Vote Unanimous.

### **Public Hearing: Marijuana Rules and Regulations**

Chair Rossi opened the public hearing regarding the Marijuana Rules and Regulations. City Solicitor Cheryl Watson Fisher spoke and mentioned that back in October met with the commission with a plan on the approval on Marijuana Establishments to open in Chelsea. Marijuana establishments is only allowed by special permit and 3 districts in industrial, shopping center and business highway. They cannot open certain areas because of state law and will need to be 500 feet away from any schools. The City of Chelsea has had three community meetings so far and has entered a host agreement. A host agreement is not a license under the City of Chelsea. Under state law a retail shop has to be in a host agreement before they are able to apply for a city or town license. Retail shops are limited based on the percentage of Section 15 liquor establishments to which Chelsea has four licenses available for retail shops. Medical and other facilities are subject to the approval of the commission. There is a proposal to have a retail shop at 121 Webster Ave. They have entered into a host agreement and also are going through the process to seek a special permit. In Chelsea, after they have a host agreement and community meeting, they apply for the special permit then to the Licensing commission for approval. The application requested by the city will be the same application that the Commonwealth will have, similar to the ABCC for liquor. 80 Eastern Ave is proposing a hybrid establishment of retail, grow facility and a manufacture facility. A few City officials have visited a manufacture facility and had some concerns about odor and HVAC noise. The third location is located at 200 Beacham Street, formally known as King Arthurs. They have a host agreement and is only proposing to be a retail shop. 390 Beacham Street is hosting a community meeting on 1/24/19 to propose for a hybrid medical and retail shop. Beacham is zoned all Industrial. The City is asking 3% gross revenue per year and 3% of taxes. The license fee to operate is \$5000.00 and may be changed by the licensing commission. The draft Marijuana Rules and Regulations was posted on social media and City website for the public to see, comment or suggest anything they are concerned about. There is an ordinance to limit two out of the four establishments to be economic empowerment licensees. This ordinance is to help anyone who was affected by the marijuana laws criminally have a right to benefit profit. Another ordinance that is pending is that one licensee has to be 61% or 51% owned by Chelsea residents. The law department mirrored the definitions that the Commonwealth used because their regulations are so restricted. The one regulation law department disagreed is that Chelsea would like armed guards for deliveries. Security will be a part of the host agreement and application. All Marijuana Retail shops can only operate from 9 a.m. to 9 p.m. Signage has to be approved under state law. Under M.G.L Chap 94G Sec 3 gives the licensing commission the authority to regulate to the extent that it does not make marijuana establishments unreasonably impracticable. Recently, the Attorney General has disapproved a bylaw from Town of

Charlton that attempted to be more restrictive. Law department recommends the CCC disciplines but the CCC will rely on the City's disciplines which involve ticketing systems and inspections. Bongiovanni and Chair Rossi would like to know what other cities or towns are changing for a license fee. Guido would like a provisional level section to be included in the rules and regulations and would like to see the zoning map. Chair Rossi would like the commission to have discretion on where there establishments can or cannot be located with the help of notifying the public. Chair Rossi opened the public speaking portion. John D. of 87 Murray Street in Chelsea would like to suggest to not have the same licensee own two licenses in the same district. Councilor Joe Perlatonda of District 3 in Chelsea would like sign boards to let the public know that there is a community meeting about marijuana establishments around their area. The licensing can issue the notices and well as the applicants to the public. Perlatonda has concerns regarding the air or chemicals might be harmful to the environment. City Solicitor mentions that at the facility they visited the water is infiltrated and any butane or other fire hazards the fire department will inspect. In MA there are two facilities that test the products before they are able to sell. The CCC has the authority to inspect and spot test at any time. The commission has the authority to change to lower the hours at their discretion. If a licensee would like to sell their license, the commission has to approve the transfer first. Alex Coda spoke and mentioned that Chelsea has a traffic issue already and maybe when surrounding Cities or towns start opening shops that will alleviate some traffic flow. Marianne Winship of 62 Beacon Street spoke and is in favor of what the commission has so far. She has attended three of the community meetings and is in support of all three proposals. 121 Webster Ave was interesting because they are committed to hire disadvantage people because of the marijuana laws. The formal King Arthurs location was a good use of space for that area and the Eastern Ave have yet to be decided. The transportation of the money is usually with the federal government but all with have security and has been recommended to hire any details for the opening. Chair Rossi has closed the public speaking portion. Chair Rossi motioned to continue the Marijuana public meeting to March 7, 2019. Other matters of will be moved to 2/12/19 & 2/27/19 or 2/21/19. Guido seconded. Bongiovanni-yes and McAteer-yes. Vote unanimous.

#### **Public Hearing: Shop N' Go 354 Washington Ave**

Chair Rossi opened the continued public hearing to consider revoking, suspending or modifying the wine and malt license of Sar Brothers d/b/a Shop N' Go at 354 Washington Ave for failure to use the wine and malt license number 00075-PK-0202. Mohammed Saleem of 324 Washington Ave appeared as the owner. He has no attorney today but Mr. Saleem came with a purchase agreement to sell his beer and wine license. The agreement is dated 1/10/19 to purchase the license for \$20,000 to Palmer Food & Fuel, LLC. Chair Rossi opened the public speaking portion. No one spoke therefore the public hearing portion was closed. Captain Houghton has no comment. Guido motioned to continue the hearing until March and request a written update status before or on the March meeting.

Chair Rossi motioned to adjourn at 7:45 p.m. McAteer seconded. Guido-yes and Bongiovanni-yes. Vote unanimous.