MINUTES OF MEETING
MALDEN LICENSING BOARD
June 9, 2020

Lee A. Kinnon, Chairman
Andrew Zeiberg, Board Member
Kathryn M. Fallon, City Solicitor
Diane M. Anthony, Clerk

The meeting was called to order by Chairman Lee Kinnon via telephone/zoom conference call at 4:00 p.m.

The purpose of this meeting was to approve/deny the completed applications to expand licensed premises for outdoor seating in accordance with ABCC Advisory issued June 1, 2020 and June 7, 2020 (copy attached to these minutes)

The following completed applications to expand licensed premises for outdoor seating before the Board were:

Irish American, 177 West Street
Pearl Street Station, 53 Summer Street
Mystic Station, 139 Pleasant Street
3 Amigo’s, 375 Main Street
Faces Brewing Company, 50 Pleasant Street
John Brewer’s Tavern, 7 Highland Avenue

Approval sign off sheet from Board of Health Director, Police Chief, Fire Chief, DPW Director, Building Commissioner and Parking Director for each applicant have been received.

Review application for Irish American, 177 West Street for 2,175 square feet seating for 8 tables of 6 people total occupancy 48. Mr. Kinnon noted that certificate of insurance must indicate expanded outdoor space is insured.

After review of the applications and supporting documents and upon motion by Andrew Zeiberg to approve application pending receipt of corrected certificate of insurance noting outdoor seating is insured.

Motion passed.
Review application for Pearl Street Station, 53 Summer Street, for 8,460 square feet with total occupancy seating for 76 people.

After review of the applications and supporting documents and upon motion by Andrew Zeiberg to approve.

Motion passed.

Review application for 3 Amigo's, 375 Main Street, for approximately 690 square feet on City of Malden sidewalk area with occupancy for 5 tables of 2 on Irving Street side and on Main Street 1 table for 2, 1 table for 4 and 1 table for 6 total on Main Street 12.

Noted that Certificate of Insurance needs to be changed to City of Malden from DPW and should note outdoor space.

Motion by Andrew Zeiberg to approve pending receipt of corrected certificate of insurance.

Motion passed.

Review application for Faces Brewing Company, 50 Pleasant Street, for approximately 6,000 square feet with occupancy up to 118 seats. All paperwork is in order.

Motion by Andrew Zeiberg to approve.

Motion passed.

Review application for John Brewer’s Tavern, 7 Highland Avenue for 40’ x 40’ area with occupancy for 72 people for expanded outdoor patio service. All paperwork is in order.

Motion by Andrew Zeiberg to approve.

Motion passed.

Approve Withdrawal of Application for Mystic Station, 139 Pleasant Street –will resubmit application with an alternative plan
Clerk will issue Amended Licenses with expiration date of November 1, 2020 for the expanded outdoor service for those approved at this meeting.

Meeting adjourned at 4:20 p.m. Next meeting will be held on June 11, 2020 at 4:00 p.m.

Submitted by:

Diane M. Anthony, Clerk
Malden Licensing Board
Minutes Approved by:

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_________________________________
Commonwealth of Massachusetts  
Alcoholic Beverages Control Commission  
95 Fourth Street, Suite 3  
Chelsea, Massachusetts 02150

Jean M. Lorizio, Esq.  
Chairman

ALCOHOLIC BEVERAGES CONTROL COMMISSION ADVISORY REGARDING  
LOCAL LICENSING AUTHORITIES’ APPROVAL OF OUTDOOR SEATING

On June 1, 2020, Governor Charlie Baker issued an Order Clarifying the Progression of the Commonwealth’s Phased Workplace Re-Opening Plan and Authorizing Certain Re-Opening Preparations at Phase II Workplaces, which, in part, details the process for reopening establishments for on-premises consumption. The text of the Governor’s Order can be found HERE.

When the Governor declares that the Commonwealth has entered Phase II of its reopening plan all licensees for on-premises consumption of alcohol may commence outdoor table service only. Indoor service will remain prohibited until further order from the Governor.

The Governor’s Order also grants the local licensing authorities (“LLA”) the authority to expand alcohol licensees’ licensed premises for outdoor seating in an expedited process.

Pursuant to the Governor’s Order, on application from a licensee that serves alcohol for on-premises consumption1, the LLA may alter the description of the licensee’s licensed premises to expand for outdoor seating that the LLA deems “reasonable and proper.” The LLA does not need to comply with M.G.L. c. 138, § 15A, and therefore does not need to provide advance notice to abutters or hold a public hearing on the application. LLAs must continue to follow the ABCC’s guidelines issued in 2015 for the approval of outdoor seating, which can be found HERE.

ABCC approval is not required on these applications. Upon approval from the LLA the LLA may issue the amended license forthwith. The LLA must provide notice by mail to the ABCC on all application approvals. For further guidance on the process of approving and issuing these amended licenses LLAs should consult with their counsel.

Please be aware that all expanded premises approved pursuant to this Order are only effective through November 1, 2020, or until the Order is rescinded, whichever is sooner, and revert to their original licensed premises on that date.

The ABCC continues to retain supervision and oversight of all alcohol licensees, including those that expand their licensed premises pursuant to this Order. As always, all licensees must ensure that they comply with the laws of the Commonwealth of Massachusetts, and that sales of

1 This includes restaurants, bars, hotels, general-on-premises, clubs, war veterans’ clubs, continuing care retirement communities, pub-brewers (M.G.L. c. 138, §§ 12 and 19D), farmer-series pouring permits, and manufacturers’ pouring permits (M.G.L. c. 138, §§ 19(b), 19B(n), 19C(n), and 19E(o)).
alcoholic beverages take place only as authorized by federal, state, and local law. All questions should be directed to Executive Director Ralph Sacramone at (617) 727-3040 x 731.

(Issued June 1, 2020)
ALCOHOLIC BEVERAGES CONTROL COMMISSION ADVISORY REGARDING
RESTAURANTS COMMENCING OUTDOOR TABLE SERVICE OF ALCOHOL

On June 6, 2020, Governor Charlie Baker declared that the Commonwealth had entered Phase II of its reopening plan. According to the Governor and the Executive Office of Housing and Economic Development, licensees for on-premises consumption of alcohol may commence outdoor seated service, provided food is prepared on-site under a retail food permit issued by a municipal authority pursuant to 105 CMR 590.000.

Indoor service remains prohibited until further order from the Governor.

Please note that establishments that do not offer seated table service of food that is prepared on-site under a retail food permit are not allowed to open in Phase II.

Please refer to your Local Board for guidance on outdoor seating.

The ABCC continues to retain supervision and oversight of all alcohol licensees, including those that expand their licensed premises pursuant to this Order. As always, all licensees must ensure that they comply with the laws of the Commonwealth of Massachusetts, and that sales of alcoholic beverages take place only as authorized by federal, state, and local law. All questions should be directed to Executive Director Ralph Sacramone at (617) 727-3040 x 731.

(Issued June 7, 2020)