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:

Dockside, 229 Centre Street  
Mystic Station, 139 Pleasant Street  
Frannie’s/Patrick’s, 36-40 Lebanon Street

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 Dockside, 229 Centre Street for 800 square feet in the parking area owned by the MRA with 3 tables of 6 and 3 tables of 4 with total occupancy seating of 48 people. This will have jersey barriers around it. Mr. Kinnon noted that approval has been received from the MRA Director for permission of use but we are waiting for the signed letter from the MRA and Certificate of Insurance is in order.

After review of the applications and supporting documents and upon motion by Andrew Zeiberg to approve with the following conditions:

Receipt of signed letter from MRA granting permission for use of the parking area.

Per Board of Health: The Mass.gov reopening checklist, the elf attestation form, and a sign reminding customers to wear masks when entering and exiting must be posted at the point of entry.
Motion passed.

Review application for Frannie’s/Patrick’s, 36-40 Lebanon Street, for an area of approximately 5 feet wide and 46 feet long on City of Malden sidewalk area with occupancy for 5 tables of 3 total occupancy 15 people. The area for seating will be roped off.

All sign offs and Certificate of Insurance are in order.

Motion by Andrew Zeiberg to approve with the following conditions:

Per Board of Health: The Mass.gov reopening checklist, the self-attestation form, and a sign reminding customers to wear masks when entering and exiting must be posted at the point of entry.

Motion passed.

Review application for Mystic Station, 139 Pleasant Street, for 560 square feet with total occupancy seating for 30 people on City of Malden Sidewalk in front of Krav Maga Karate Studio and MATV. Building Commissioner reviewed area with applicant and Kevin Duffy today with all approvals received. Certificate of Insurance has been amended to note sidewalk area in front of Mystic Station, Krav Maga and MATV.

After review of the applications and supporting documents and upon motion by Andrew Zeiberg to approve with the following conditions:

Per Board of Health: The Mass.gov reopening checklist, the self-attestation form, and a sign reminding customers to wear masks when entering and exiting must be posted at the point of entry.

Motion passed.

Meeting adjourned at 4:25 p.m. Next meeting will be held on June 23, 2020 at 4:00 p.m.

Submitted by:

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

[Signatures]

at 7/8/20 meeting
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 consumption, 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

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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), farmers-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)
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)