

Meeting Minutes City of Melrose, Massachusetts

Organization: Melrose Local Liquor Licensing Commission

Meeting Date: Thursday, November 16, 2023

Meeting Location: Cassidy Conference Room, City Hall

Attendees: Joe Nevin, Chair
Kevin Cronin, Commissioner
Lauren Grymek, Clerk to the Liquor Commission
Mayor Paul Brodeur

6:02pm Meeting Called to Order by Chairman Joe Nevin

I. Old Business

- 1. Melrose Wine and Spirits, LLC, application for the transfer for a permit for Retail Food Establishment Pursuant to G.L. c. 138, Section 12, from A Life Story, Inc. d.b.a. Beacon Hill Wine and Gourmet to be exercised and used at 538 Main Street, Melrose MA 02176**
 - a. Commissioner Nevin noted that the matter before the Commission is a request for transfer of retail food establishment license, which is not allowed under the special legislation in Melrose (Mass General Law Chapter 290 of the Acts of 2020).
 - b. Rebecca Beraldi, current owner of Beacon Hill Wine, made a statement in favor of rejecting the application, for the purpose of moving on and ending the negotiations with the potential buyer. She requested a copy of the vote after it was taken.
 - c. Commissioner Cronin made a motion to deny the application for transfer of a retail food establishment license from A Life Story to Melrose Wine and Spirits LLC.
 - d. Seconded by Mayor Brodeur. Mayor Brodeur acknowledged that as Mayor he can make a motion at a meeting of a board or commission but cannot vote.
 - e. No discussion.
 - f. All in favor; Commissioner Nevin and Commissioner Cronin both voted in favor of the motion.
 - g. Motion passed unanimously.

II. New Business

- 1. Amending the Melrose Liquor Licensing Commission Rules and Regulations to Allow for the Issuance of Farmer Series' Pouring Permits in the City of Melrose**

- a. Commissioner Nevin acknowledged the memo to the Commission from Mayor Brodeur, which was also posted online with the meeting agenda.
- b. Commissioner Nevin acknowledged four emails received regarding this topic, now attached as part of the meeting record.
- c. Commissioner Nevin opened public comment.
- d. Melrose resident Jim O'Loughlin, Lincoln Street, read a statement, and asked that it be part of the meeting record. (Attached to the minutes). Mr. O'Loughlin advocated for the food requirement to apply to the farmer series pouring permit. He also offered comments on the 10:00am opening to be 11:00am and closing by 11:00pm on Friday and Saturday.
- e. Melrose resident Finn McSweeney, West Wyoming Avenue, spoke in favor of the proposed regulations, citing support for new small businesses, and opting to go to Malden and surrounding communities when seeking a place to meet with friends, such as breweries. Noted the community had a trial run with hosting two outdoor beer gardens, with families, and food options available but not required.
- f. Melrose resident Timothy Sandlin, Blueberry Hill Lane, spoke to offer support for the rules and regulations to allow a brewery to open. Noted the opening hour of 10:00am may be too early but overall offered support.
- g. Melrose resident Hal Waterman, Corey Street, spoke to offer support for the rules and regulations to allow a brewery to open.
- h. Mayor Paul Brodeur offered supplemental remarks and support for his proposal citing a growing industry, and the entrepreneurial spirit of such a business; Would help bring hospitality as well as meals tax dollars to Melrose.
- i. Commissioner Nevin closed public comment.
- j. Commissioner Nevin indicated the proposed regulations should be reviewed alongside the existing regulations for the hours of operation.
- k. Mayor Brodeur commented that some existing license holders choose to have more limited hours than what is permitted based on demand.
- l. Commissioner Nevin commented that the existing regulations for restaurants and drinks as it pertains to food does not require a meal but an item from the menu.
- m. Commissioner Nevin indicated the next meeting of the Commission is December 4, 2023 at 6:00PM in the Cassidy Conference Room.

2. Items not reasonably anticipated by Chairman at the time of posting.

- a. None

6:40pm

Motion to Adjourn

- Mayor Brodeyr made a motion to adjourn the meeting.
- Commissioner Cronin seconded the motion.
- All in favor and the motion passed unanimously.
- Meeting adjourned.



PAUL BRODEUR

Mayor

CITY OF MELROSE

OFFICE OF THE MAYOR

City Hall, 562 Main Street
Melrose, Massachusetts 02176
Telephone - (781) 979-4440

To: Melrose Liquor Licensing Commission
From: Mayor Paul Brodeur
Re: Adopting New License Farmer Series Pouring Permit (M.G.L. c. 138, § 19C)
Date: Monday, October 16, 2023

As you are aware, my administration has been working closely with the City Council and the Planning Board to establish a local process in Melrose to allow for the operation of breweries within City limits. With a reputation as a destination business¹, and with 130 breweries already across Massachusetts, a brewery in Melrose would help draw visitors from a wide geographical area, benefitting other local businesses here, and potentially generating thousands of dollars in local meals excise tax revenue for our community.

Background:

In May, the City Council accepted M.G.L. c. 138, § 19C², the statute that addresses Farmers Brewery Licenses. This is the state license which must be issued to breweries prior to their operation within City/Town limits in Massachusetts. Generally, such a license allows the business to manufacture and sell at retail those products produced by the brewer. In August, the Planning Board drafted and recommended zoning amendments to allow for this new intended use/ business within City limits. A joint public hearing by the Planning Board and the City Council was held on August 14, 2023 and on September 21, 2023, the City Council approved the zoning amendments. A copy of the Planning Board's Final Recommendation is included.

Next Steps:

The initial steps in moving us towards this goal have been completed, as outlined above. The next step in the local process involves the Melrose Liquor Licensing Commission considering, reviewing, and adopting Liquor Licensing regulations for the local issuance of Farmer Series Pouring Permits. This local pouring permit is required to allow for a Farmer Brewer Licensee to pour its own beer on-premises for sale and sampling to the public. To that end I request the Commission consider the attached regulations as a starting point for creating a Farmer Series Pouring Permit.

I expect that allowing for this new type of business within Melrose will help stimulate economic activity and support business development opportunities here, adding to the diversity of our business inventory, and offering an additional amenity to residents.

Thank you for considering these draft regulations.

¹ <https://www.mass.gov/info-details/craft-breweries>

² <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXX/Chapter138/Section19C>

**City of Melrose Farmer Series Pouring Permit
Draft Language for Consideration:**

License Description:

Farmer Series Pouring Permit: issued to qualified applicants holding a Farmer Brewery License from the ABCC pursuant to M.G.L. c.138 §19C to sell malt beverages, for consumption on the premises and at retail for consumption off the premises pursuant to M.G.L. c. 138, § 19C, and in accordance with the applicable regulations of the Massachusetts General Laws, the City of Melrose Rules & Regulations Governing the Sale of Alcoholic Beverages and any and all conditions stipulated for in the specific license. This license allows for the sale of malt beverages manufactured by the licensee on the premises, and sale of items produced for the licensee off the premises in the licensee's name, to be consumed on premises and to be sold at retail for consumption off premises. This permit only permits the licensee to sell its own products which have either been brewed on premises, or off premises in the licensee's name, and no other alcoholic beverages may be sold under this license. For purposes of these regulations, the word "License", "Licensee" and "Licensed Premises" shall include a "Farmer Series Pouring Permit", "Farmer Series Pouring Permittee", and "premises subject to a Farmer Series Pouring Permit", respectively, unless otherwise noted. (M.G.L. c. 138, § 19C)

Additional Rules Applicable to Farmer Series Pouring Permits:³

A. Purpose

The issuance of Farmer Series Pouring Permits shall be utilized so as to foster the economic development of the City by encouraging and promoting patronage in those areas where Farmer Series Pouring Permittees are located. The Commission shall consider when deciding upon a license application the foregoing factors and any other matter deemed appropriate by the Commission including by way of description but not limitation: proximity to residential neighborhoods, traffic, parking, community engagement, and other aesthetic considerations including the physical layout of the interior of the establishment.

B. Applicants

Applicants for a Farmer Series Pouring Permit shall hold a Farmer-Brewery License (M.G.L. c.138, §19C) from the ABCC at all times. If an Applicant for a Permit does not have a valid ABCC Farmer-Brewery License at the time of Application, issuance of the Permit shall be conditioned on receipt of such ABCC license.

C. Water Station

At all times, there shall be a free, self-service water station for patrons and customers to use without staff assistance. This provision may be waived by the Liquor Commission upon a

³ Additional, General Liquor Licensing Commission rules and regulations not mentioned here are applicable to Farmer Series Pouring Permits.

showing of good cause and only if a sign is posted by the bar stating that tap water is available upon request and free of charge.

D. Occupancy

Where required by the Commission, the Licensee shall delegate a staff member to keep and maintain an accurate count of all individuals occupying the premises to ensure compliance with building code occupancy limits.

E. Food Service

The Permittee shall ensure that food service is available to its patrons at all times that alcohol is served for on-premises consumption. The Permittee may satisfy this provision by (i) holding a Common Victualler's license and operating a full-service kitchen; or (ii) arranging for food to be brought onto the premises by mobile food truck vendors; or (iii) contracting with nearby restaurants; or (iv) allowing patrons to have food delivered for consumption on the premises; or (v) such other arrangement as the Liquor Commission deems appropriate. The Permittee shall submit a plan for food service with its application.

G. Hours of Operation

The hours during which sales of alcoholic beverages may be made under any license issued in accordance with G.L. c.138 §12, §14, or §19C shall be as set forth by the Commission but in no event shall the hours exceed the following: Sunday 10:00a.m. to 11:00 p.m.; Monday through Wednesday - 11:00a.m. to 11:00p.m.; Thursday through Saturday Friday – 11:00a.m. to 12:00a.m.; and Saturday 10:00a.m. – 12:00a.m. The hours during which sales of alcoholic beverages may be made under any license issued in accordance with G.L. c.138, §15 shall be from 10:00a.m. – 10:00p.m., Monday through Saturday, and from 1:00p.m. to 9:00p.m. on Sunday.

H. License Fee

The annual fee for licenses issued pursuant to these regulations for a Farmer Series Pouring Permit shall be \$1,500 annually.

Grymek, Lauren

From: Nick Yankauskas <[REDACTED]>
Sent: Monday, November 13, 2023 8:12 PM
To: Licensing, Liquor
Subject: Supporting: Adopting New License Farmer Series Pouring Permit (M.G.L. c. 138, § 19C)

Hello,

My wife and I moved to Melrose in 2020 and 100% support the idea of a brewery with pouring privileges. As parents of a rambunctious 1-year old, we do not have freedom to sit down at a restaurant longer than our daughter's patience allows. Hence, breweries (we frequent Idle Hands taproom most Fridays and seek out other kid-friendly breweries on road trips) and outdoor festivals (2 at the Beebe Estate this fall) are perfect venues for us to get out as a family. We're hopeful that this proposal comes to fruition!

Best Regards,

Nick, Andrea, and baby Eliza

****CITY OF MELROSE PUBLIC RECORDS NOTICE: Please be advised that the Massachusetts Attorney General has determined that email is a public record unless the content of the email falls within one of the stated exemptions under the Massachusetts Public Records Laws.****

Grymek, Lauren

From: Kenneth Hoffmann <[REDACTED]>
Sent: Friday, November 10, 2023 2:26 PM
To: Licensing, Liquor
Subject: November 16th Public Hearing Support Statement

Hello,

I am writing in support of the brewery proposal that is appearing before the liquor commission. Many Boston-area and North Shore towns such as Malden, Medford, Somerville, Everett, and others, have hosted breweries and experienced significant positive effects from their ability to draw customers into their commercial and recreational areas. Trillium Brewing on the Boston Greenway, Faces and Idle Hands Brewing in downtown Malden, and Medford Brewing Company are all great examples of successful breweries that have helped to foster thriving areas without adverse side effects. Melrose should not sit on the sidelines while neighboring towns reap the rewards, especially considering how strong the need is for the city to diversify its tax base away from residential property taxes and increase its tax collection. I strongly encourage the Liquor Licensing Commission to approve the proposal for breweries in Melrose.

Kenneth Hoffmann

[REDACTED]

Melrose, MA

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Grymek, Lauren

From: Becky Kay via Melrose MA <cmsmailer@civicplus.com>
Sent: Thursday, November 9, 2023 8:39 PM
To: Mayor's Office
Subject: Contact the Mayor

Submitted on Thursday, November 9, 2023 - 8:39pm
Submitted by anonymous user: 98.118.100.56
Submitted values are:

Subject: Contact the Mayor

Message: Hi, I'm a concerned citizen that wants to show my support for the Brewery! I cannot attend the meeting next week, but wanted to add to the support of this measure. Thanks.

==Please provide the following information==

Your Name: Becky Kay

Your E-mail Address: [REDACTED]

Organization:

Phone Number:

==Address==

Street: [REDACTED]

City: Melrose

State: Massachusetts

Zipcode: 02176

File Upload:

The results of this submission may be viewed at:

<https://www.cityofmelrose.org/node/2/submission/50791>

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Grymek, Lauren

From: Rebecca Perlmutter <[REDACTED]>
Sent: Wednesday, November 15, 2023 8:05 AM
To: Licensing, Liquor
Subject: Writing in support of a brewery in Melrose

Dear Melrose Liquor Licensing Commission,

We are writing to voice our support for a brewery in Melrose, and asking the commission to adopt the regulations put forward for your meeting this Thursday.

We have lived in Melrose for 7 years, and would love to see more variety of businesses in the town. We think a brewery would be a vibrant addition to Melrose and thank you for your consideration.

Best,
Rebecca Perlmutter and Dan Bradford
[REDACTED]

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I'd just like to re-iterate my advocacy that the food requirement apply to the farmer series pouring permit (the brewery permit). To be clear, by food requirement I mean that food would be required after the first drink.

This topic was discussed at City Council meetings:

8/14/23 Public Hearing: 33-minute mark:

Councilor Garipay: "Just regarding the food, and I'm assuming that's going to be required by the liquor commission, right, the food requirement. Cause that's our current ordinance now."

City Planner Gaffey: "That is my understanding."

9/11/23 Appropriations Committee Meeting: 26-minute mark:

Councilor Cinella: "Just clarity around the food aspect of it right now, as it stands, if they were to open up, we pass this and the Liquor Commission passes this, and they open tomorrow, would they not be under the two drink, they would be."

Mayor Brodeur: "Correct"

Councilor Cinella: "All right. That's all. I'm kind of curious. I figured that it would be."

While I understand that the content of this permit is under the jurisdiction of the Liquor Commission, I'd ask that the Commission take into consideration these as well as other discussions by the City Council, as well as my comments from the last meeting, and incorporate the food requirement into the farmers series pouring permit.

Additional Comments on Draft Regulation:

Paragraph A: Include "houses of worship, schools, and daycare facilities" after "residential neighborhoods". Discussed in Joint City Council / Planning Board Meeting and / or City Council Meetings

Paragraph E: Indicates that food service shall be available. Add language to make food required after first drink.

Paragraph E: Delete "(iv) allowing patrons to have food delivered for consumption on the premises". Even setting aside the concept of food being required after the first drink, that is not reliable enough to insure that food is readily available.

Paragraph G: Typo on line 4 "Saturday" (Should read "Thursday through Friday")

Paragraph G: Opening at 10:00 AM on Saturday and Sunday. Should be 11:00 AM. If people are going to a bar at 10:00 AM, that tells me they could have a problem. We should not be enabling or normalizing that. And sports in Europe is not enough of a justification. 11:00 AM is plenty early.

Paragraph G: Closing at midnight on Friday and Saturday. 11:00 PM should be plenty of time.

JAMES O'LOUGHLIN

