

## **Minutes of the Licensing Board Meeting Held Wednesday, January 26, 2022**

Attending: Greg Mitrakas, Chairman; David Bouvier, Member; Mary Jo Nawrocki, Member, Tina Nolin, Clerk

Meeting called to order by Chairman Mitrakas at 7:00 pm.

### **New Business**

Chairman Mitrakas motioned to move agenda items #3 Change of Officers for LongHorn Steakhouse and #4 Change of Officers for Qdoba to the beginning of the meeting as they are reviewed and voted on the Board with no presentations required. Member Bouvier seconded the motion. The motion passed with a 3-0 vote.

#### **1. Application for Change of Officers relative to all Massachusetts locations of Rare Hospitality, d/b/a Longhorn Steakhouse, 191 Boston Post Road W**

Member Bouvier motioned to approve the application for a change of officers for Rare Hospitality, d/b/a Longhorn Steakhouse, 191 Boston Post Road W. Member Nawrocki seconded the motion. The motion passed with a 3-0 vote.

#### **2. Application for Change of Officers relative to all Qdoba Restaurant locations, locally 180 Poston Post Road W. The attorney for Qdoba attended the meeting via TEAMS.**

Member Nawrocki motioned to approve the application for a change of officers for Qdoba Restaurant Corp. d/b/a/ Qdoba, 190 Boston Post Road W. Member Bouvier seconded the motion. The motion passed with a 3-0 vote.

Before hearing the applications related to the newly available All Alcohol Off-Premises License, Chairman Mitrakas explained that the Board would hear both presentations from Marlboro Country Convenience Store and Denny's Liquors before discussing and possibly voting on either.

#### **3. Application for Change of Category of an Off-Premises License from Wine and Malts to All Alcohol, Krish and Ishani Corporation, d/b/a Marlboro Country Convenience Store, 256 West Main Street, Linesh Patel, Manager**

The Public Meeting was opened at 7:05 pm.

Mr. Patel presented his application. He has been at his location for 13 years. In the past six years, there has been a lot of growth in his community area, including the building of Apex and several Condos on Simarano drive, etc. As a result, his clientele has been asking him to offer Spirits. He has discussed with his landlord that if he were to get the all-alcohol license, he would expand his location by taking over the space next door, increasing his establishment from its current 1600 square feet to an additional 1700 square feet for a total of 3300 square feet.

Mr. Patel noted that in his 13-year tenure in Marlborough, he has never had a violation against him of any kind. He also noted that he has been before the Board a couple of times for this change to his license, and he lost out to establishments with more seniority in the

City. He hoped the Board at this time, given his history and the changes in his area, would award him the available all-alcohol license.

There were no other speakers, positive or negative, relating to the application.

Chairman Mitrakas stated that how long someone has been waiting for the license is not a factor in the Board's decisions and acknowledges that he has been a good proprietor in the city.

There was some discussion related to adding the new space to his current location, and the point was made that if Mr. Patel did get the license, he would no longer be a convenience store but would become a full package store.

The public meeting portion for Marlboro Country Convenience was closed at 7:10 pm.

**4. Application for a New All Alcohol Off-Premises License, Denny's Liquors, proposed location RK Plaza at 193 Boston Post Road W, Samir Patel, proposed manager**

The Public meeting was reopened at 7:11 pm.

Attorney Brian Faulk Mirick O'Connell presented the application. The store would be a new one in the city, located in the 11,000 square feet of retail space currently occupied by Dollar Tree. Described as a "destination" store that people would come to for a specific reason, it would attract people from Marlborough and surrounding towns. Mr. Patel would hire full-time tasters to educate patrons on varieties, styles, and options. They likened it to a Julio's in Westboro or Wegman's in Northboro. The projection for sales was 7 million a year.

Mr. Patel has a store in Bellingham, but this store will be his main location, and he will be the manager. ID scanners will be installed at all checkouts, and all employees will be TIPs certified.

Attorney Faulk noted that the Dollar Tree lease would be up later in 2022, but if the license is secured, Dollar Tree will give up the lease sooner.

Ken Fries, from RK Centers, who own the plaza, spoke in favor of the application stating they had invested millions of dollars in the city and were facing high competition from Highland Commons in Hudson with the opening of Highland Liquors and Wegman's in Northboro. RK Centers has been trying to get a liquor store into the plaza as the parking is good, and the grocery store also in the plaza makes it is a prime location. This particular use is exciting for what it can bring to the plaza and the city. RK looks for good operators, and Mr. Patel will be an asset.

There were no further comments in favor of the license, and no one spoke in opposition,

The Public Meeting was closed at 7:18 pm.

Chairman Mitrakas asked for thoughts from the Board.

Member Bouvier said he would like some time to think about these licenses and ensure that the Board had exhausted their options regarding license transfers. He cited that he wanted to do so quickly to ensure the applicants did not have to wait long for a decision.

Chairman Mitrakas agreed that there seems to be a different interpretation from the City Solicitor and the ABCC response Member Bouvier had received. Therefore, it would be beneficial to take a short time to investigate it further.

Member Nawrocki agreed the applicant deserved an answer to their applications but would like to make sure that if limits can be made on license transfers, the Board acts on them, and any applicant understands them.

Chairman Mitrakas then asked, leaving the issue of transfers aside, what members were thinking regarding the applications before them tonight.

Member Bouvier said he wanted time to carefully consider both applications and consider which would be best for the city overall. Chairman Mitrakas recognized both presentations were good and had merit. However, as the Board has discussed in the past, he noted that his considerations include how best to use the licenses to foster and stimulate economic growth in areas of the city that need them. His hesitation is that once this license is gone, the Board will not be able to use it to stimulate growth elsewhere when wanted. However, it was conceded that they still have Wine and Malt licenses available.

After some further discussion Chairman Mitrakas motioned to close the public meeting for both applications, and the Board for consideration, while the Board completes its due diligence concerning license transfers after which the applicants will be notified, and the Board will reconvene, in a special meeting, if necessary, to finalize discussion and vote. Member Bouvier seconded the motion. Motion passed with a 3-0 vote.

**5. USA Motorsport, 433 Maple Street, A. Cuellar, owner - Update regarding number and condition of cars on the lot and application to change the license**

The Board discussed with Mr. Cuellar the status of the car removal, the status of the new landowner's site plan being reviewed by the site plan review committee, and correspondence from Pam Wilderman, the city code enforcement officer, requesting on behalf of Mr. Cuellar an extension for car removal.

Chairman Mitrakas motioned to extend the time frame for Mr. Cuellar to get the number of cars on the lot down to 50, in compliance with his current license, for the time that the property's new owner goes through site plan review. Mr. Cuellar should continue to try to reduce the number of cars down to 50, but may have the 98 cars currently on the property – the 45 in the front on Maple St and the 53 on the south side lot also on Maple St., while waiting for site plan review to complete. However, no more cars may be brought onto the lot at any time, for any reason. And, there can be no replacing cars that move off the lot with new cars. Member Bouvier seconded the motion. The motion passed with a 3-0 vote.

## 6. Reports from the Chairman

- The Chairman reported that he had attended the MMLA Webinar, and it was very informative. It had been mentioned that the date for outside seating is expected to be extended. He was glad to hear that they've recognized the popularity of outside dining and continue to make it even easier to achieve.
- OUI Last Drink Data – The Board received from City Council President a copy of the latest OUI Report, which lists establishments where defendants convicted of OUI say they were served alcohol before their arrest. The Board discussed how to get the report regularly and inform establishments cited in the report that a copy would be placed in their file. Chairman Mitrakas asked the other members for their thoughts and whether establishments that appear in the report more than once should come before the Board to discuss their protocol practices.

Member Bouvier said he would like establishments to come in the first time they appear in the report. He requested they present their protocols to prevent over-serving customers, where things may break down, and how they can improve. Member Nawrocki agreed.

The Board chair requested the clerk draft a letter to those establishments mentioned in the latest report reviewed tonight, requesting their presence at the February meeting. It was also decided to send a general letter to all licensees regarding the report. Recognizing that while the information does not constitute an accusation of criminal or negligent conduct by any establishment, the Board takes the information seriously and will request an establishment that appears in the report to appear before it to review their protocols.

## 7. Review minutes from the December 22, 2021, meeting

Member Bouvier motioned to approve the December 22, 2021, meeting minutes. Chairman Mitrakas seconded the motion; Member Nawrocki was absent at the meeting in December and abstained from the vote. Motion passed with a 2-0 vote.

The next meeting of the Licensing Board will be Wednesday, February 23, 2022, at 7:00 pm.

Member Nawrocki motioned to adjourn the meeting at 8:23 pm; Chairman Mitrakas seconded the motion; the motion passed with a 3-0 vote.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Greg Mitrakas', with a horizontal line extending from the end of the signature.

Greg Mitrakas, Chairman