

MINUTES  
**SPECIAL LICENSE COMMISSION MEETING**  
**6:00 p.m.**  
**Monday, August 22, 2022**  
**G.A.R. Room, City Hall, 45 School Street**

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The License Commission held a Special Meeting on Monday, August 22, 2022, in the G.A.R. Room, City Hall, 45 School Street. Present were, Commissioners Jeffrey Charnel, John McGarry, Paul Studenski, Robert P. Simpson. Also, present were Executive Assistant Silvia Carvalho, and Lt. Paul Bonanca.

1. Hearing on a request from C.M. Petti Market, Inc., Manager- Kathleen Petti, makes application for a Change of Category from a Wine and Malt Package Store license to an All-Alcoholic Beverages Package Store license at 216 Belmont Street, Brockton, MA.

Present was Attorney Mark Petti of 204 Belmont Street, Brockton, MA, and Kathleen Petti of 152 West Street, Brockton, MA.

Attorney Petti stated that they are before the board following a ZBA meeting in which they received anonymous approval for a Change of Category. Petti's Market which is present and established has been in business for well over 100 years, as well as one of their other locations on Belmont, Street which has been there for 100 years. They have been selling beer and wine since the late 60s, in addition to all sorts of products. They have taken care of the public, from children to elderly with the deli and groceries and has had camaraderie forever. Their petition is to expand the license to include all liquor.

As discussed in the ZBA meeting many customers come in for products and they request liquor, so they would like to make that available to their customer base. They have had no violations of any liquor or alcohol requirements. To fulfill the requirement of the application, they sent out notices to the abutters and received no objections that they are aware of. They are happy to do what they can for the neighborhood and the city and to continue to grow.

Commissioner McGarry asked Ms. Petti if she had anything else to add? Ms. Petti stated that Mark did say all of it. She informed the board that she does get a lot of demand, and they lose a lot of business when you can't fulfill what they want, they put it back and go where they can get what they need. She is just trying to stay alive, and everything is changing. Commissioner McGarry asked if there was anyone in favor? Todd Petti of 17 Harlan Terrace came forward as a private citizen and stated that after an 18-year period of serving on the Brockton City Council he spent many hours in the G.A.R. room advocating for businesses throughout the city, and he is proud and happy to be here tonight advocating for Petti's Market to be given a full alcohol license.

The store has legendary time in the City of Brockton and it would help the store thrive more and would give the residents in the area and opportunity to get the goods they want, and requested that the board grant them the license. Commissioner McGarry asked if there was anyone against? Commissioner Simpson informed them that he just went to their store before the meeting and asked them if they plan

on removing the items that they sell now? He informed them that he only saw one aisle being proposed for the sale of alcoholic beverages.

Kathy stated that she would like to have it along the wall behind the register and relocate everything that's there now to self-serve. Commissioner Simpson asked her again if it will be limited to that one wall? And she replied yes. He also informed her that the only parking he saw was in the front of the building, which is 2 spots. He asked her if there is any other parking in the back or the rear? Ms. Petti said no most of their business is neighborhood walk in business. That is where most of it comes from and from the deli during the day. People pick up lunch and go, other than that it's the foot traffic from the neighborhood.

Attorney Petti stated that they also have parking behind his office and a residential unit next to the store as well. Many times, people do go over and park there. It's a little bit unofficial. Kathy stated that it happens mostly during the deli hours when it is the busiest. At night people are usually in and out. Commissioner Studenski stated that he read Lieutenant Bonanca's report and he had no objections, so he is going to pass on asking any questions and defer to the Lieutenant. Lieutenant Bonanca stated that was correct he did an inspection on the 18th and there were no issues or complaints/violations at the location. The applicant showed him where the additional product would be stored and there is no objection from the Police Department. Commissioner McGarry asked if there were any other questions?

2. Hearing on a request from Mayuri Sahil Corporation, dba Debi's Convenience and Deli, Manager-Bahecharbhai Patel, makes application for a Change of Category from a Wine and Malt Package Store license to an All-Alcoholic Beverages Package Store license at 516 Pleasant Street, Brockton, MA.

Present was Attorney Philip Nessler of 1063 North Main Street, Brockton, MA, and Bahecharbhai Patel, of 435 Route 28, Harwich, MA, and Mr. Patel of 516 Pleasant Street, Brockton, MA.

Attorney Nessler stated that he is representing the applicants this evening and there are a couple of issues that the board should be aware of. As the board is aware it is located on a main thoroughfare on route 27/Pleasant Street, on the corner of Wheeler Avenue and Pleasant Street. It is a convenience store that was purchased several years ago by the current owners and applicants. It was introduced as a convenience store with beer and wine. Since it's opening it has developed an increasingly larger amount of clientele and customers who are looking for tobacco and alcohol in addition to other products.

In the last year they have been confronted with where's the alcohol? over and above the beer and wine. They have a substantial amount, of customers who go in to get bread and milk and they go elsewhere to get the alcohol. He does not think that is the concept when we give people a license and permission for convenience stores. This was bought from Steve David who developed it to a certain level. He feels that we have inadvertently clipped the wings of this establishment to work to the fulfillment of what it can offer that being the full alcohol license.

There are no other stores of similar nature along route 27, there are no other liquor stores in that area unless you get into Westgate mall and a lot of people don't like to drive in there get cluttered up and try to get out again. This would be a very smooth transition and would serve the community in that local area by offering the full alcohol. There are two factors that he thinks are significant when looking to a favorable resolution in vote for the applicants. One is location, it was initially over 2,000 square feet of

retail space. Sometime ago he appeared before the Planning Board and Zoning and they were given permission to add another 3,000 square feet, giving them excess of 5,000 square feet on the premises.

So, they could store the alcohol, convenience store items rather than having trucks coming in and out, everything could be self-contained in that area and there will not be any elbow banging because of the large amount of retail and storage space that they have. In addition to that they have on-site parking, more than sufficient parking and they vetted that through the Planning Board where they can park all the cars they want on the side, front and the rear of the store. So, parking is not an issue. Therefore, he feels it is the most attractive site that will be coming before the board.

The second aspect that he thinks is equally important as physical location is the ownership and the applicants themselves. His clients have been in the full alcoholic business for several years, and they have interest in facilities in Cape Cod, Harwich Port, and they run them all without incident, and have high commendations from the communities they're in. They know how to serve the people and they know how to present and know how to monitor, so that it is free and clear of any type of infractions or legal issues, which they have not had.

They are quite capable, having run full alcohol establishments for a number of years and Brockton would be an additional one that they could smoothly transition into. The city would be secure and comfortable that the operators will be doing it at the highest level that the city would expect, because they don't want any infractions with an alcohol store. They will run a clean operation, they have more than sufficient parking, more than sufficient space, they are more than capable and qualified applicants. So, for those reasons they asked the board to look at their application favorably and would be happy to answer any questions that the board may have.

Commissioner McGarry asked if there was anyone in favor or opposition? He then asked the Commissioners if they had any questions? Commissioner Simpson asked if the 3,000 square feet is the existing business now? Attorney Nessralla stated it is the proposed, but not only that, it had been granted by the city. It went through Zoning and Planning, and they are starting the developmental stage. Commissioner Simpson asked him if the 3,000 square feet is included in the layout? Attorney Nessralla replied, it's on the premises and it is adjoining the existing store that's there now.

Commissioner Simpson asked Attorney Nessralla to clarify the location for him on the plans. Attorney Nessralla stated that the plans showed the interior, it is in addition to it. Commissioner Simpson asked him if it will be in addition to where the spirits are being sold? And will there be 3,000 square feet? He stated he would like to know what the actual square footage would be. Attorney Nessralla stated that it will be 5,300 square feet. Commissioner Simpson stated so it's included. Commissioner Simpson asked him how it will impact the current parking when it is developed? Attorney Nessralla stated they have ability all in the rear, in the front and on both sides.

They are going to layout the parking spaces and went through the enumerations with the Planning board to show that the parking is sufficient for the square footage in sales. Commissioner Simpson asked what the current number is now, and would it decrease? Attorney Nessralla stated it would increase. Commissioner Simpson asked him if he was adding parking to what they currently have? He replied that is correct, they will have over 40 spaces. Commissioner Simpson then asked the Attorney if they are getting more land? How are they adding more parking? Attorney Nessralla replied that they have the whole property in the rear that they never utilized, and they have some on the sides.

Commissioner Simpson stated that when he drove by there, he didn't see that. Attorney Nessralla stated they are trying to do it so they can keep all the green space. Commissioner Simpson replied that he does not see any setbacks and does not know what their proposed layout would be once it is developed, that's why he is trying to understand the parking. Attorney Nessralla assured them that they did go before the Planning board and that it was scrutinized, so there is sufficient parking, and they were granted permission from the Planning board and the Zoning board.

He informed the board that there were two things that they looked at microscopically, one that there was sufficient parking and two, proper drainage, and they granted unanimously on both. Commissioner Simpson asked him if there were any plans to renovate the existing building? Attorney Nessralla stated that they do not have any plans to renovate the existing building. Commissioner Simpson stated that so, it is a proposed building, with parking lot development and the existing building is staying the way it is. What about signage? He is trying to get the full picture of what would be entailed in this.

Attorney Nessralla asked him what he means in terms of signage? Commissioner Simpson stated that when he went there today the sign at the front of the property is in need of some repair. The interior has leaks and because the Attorney was talking about cleanliness, he is asking what they are going to do? Attorney Nessralla stated that they can remediate the aesthetics. The signage is not within the purview of the License Commission on the physical real estate, and with what they are expanding to they are going to make it look attractive, they are going to change the beer and wine, etc.

He explained to the board that he went before the Zoning board but did not make any preparation to do so before the License Commission, because is not usually one of the factors you get into with the License Commission. He stated that for people who are going to expend that type of money, it's like having a new suit with crappy shoes they are not going to do that. They will layout the whole thing and stated that it was a fair question and Commissioner Simpson stated yes, that is why he is asking. Commissioner Studenski asked him if the board would get something with parking so that they can see it?

Attorney Nessralla stated that they can give the board the finished parking plans, but they are dealing with water runoff and did not want to get several different plans. Again, he reiterated that Planning and Zoning were satisfied and that they would have enough parking. That was the main issue that they would have enough parking where they are increasing the square footage and they were satisfied with that. Commissioner Studenski then yielded to Lieutenant Bonanca.

Lieutenant Bonanca stated that he conducted an inspection on the 18th and that there are no violations or complaints. He did speak with one of the applicants and if they are granted the license, they will be placing the alcohol temporarily behind the counter where they have tobacco products. At some point, they will increase their building size by tearing down the wall and expanding with additional space which will be over the green space. He is not sure how that is going to increase, if they are taking over the green space. He is not sure where additional parking would be involved. As far as the building size he was told they would tear a wall down and add additional space, as far as anything else the Police Department does not have any objections. There are no violations or complaints with the address.

Commissioner McGarry stated that his understanding is if the license is granted, that one wall is going to be used to put full liquor until you add the addition and redesign the entire store. He then asked if there were any other questions?

3. Hearing on a request from Montello Package, LLC, Manager, Ricky DaSilva makes application for an All-Alcoholic Beverages Package Store license at 1115 North Montello Street, Brockton, MA.

Present were Attorney Jose Centeio of 183 State Street, Boston, MA, and Ricky DaSilva of 30 Sprague Street, Randolph, MA.

Attorney Centeio stated that he is in a unique role this evening because he is representing his sister son and the godfather of his son. He stated that what the board has before them is a unique location 1115 N. Montello Street and he showed the board what it looks like today. It is an eyesore and an abandoned building, but it does have a lot of potential. It has plenty of land to the left and the front and on the side. His proposal is to borrow money to rehab, the building and he is also going to put a lot of cash into it, which will include inventory.

He stated that they have an engineered and architectural plan of the location and informed the board that it is a one story, one floor building. The 1st floor is 60 square feet with a basement which is 1,500 square feet. The proposal from the engineer was done by a local person in which he has worked with in the past. They also had an architect do a rendering of the parking space. As the board can see from the plans it will have 21 parking spaces, including two handicapped spaces in the front. The description of the front of the building when converted will be major.

The dimensions of the building will be kept the same 1,700 square feet. There will be an entrance in the front and an exit on the right. He showed the board where the cashier's office will be as well as the main office. The handicapped spaces will be the first two spaces next to the entrance. There will be parking spaces on the side and to the right. Right now, the parking spaces are between trucks which can be seen from the drawings. He has approval from the Brockton Planning board and the Zoning board.

He then showed the board a side rendering of the project and informed them that signage is going to be moved because they were told to move it by the Zoning board, and he then presented a rendering of the landscape which has 2 entrances in and out of the property. The property will have a lot of landscape which includes greenery. The property will be well lit, and the signage has been approved and will be moved. The interior will be modern, and he showed the board where the entrance and exit are located on the drawing as well as the office and checkout counter. The deliveries will be on the side because that is the radius for 18 wheelers, and it enables them to make the turn easily in and out of the parking lot without any difficulty.

He has storage in the back and in the basement, it was designed so that they can go around the building. There is no curb cut there now, but it will be done according to the plans. Attorney Centeio informed the board that Ricky DaSilva worked for Gillette as the club manager and did that full time for six years. He has also worked as a bartender, and he is TIP Certified. He also has friends in the business one of which is present this evening Mr. John Barros who will speak on behalf of Mr. DaSilva. He also has a couple of big liquor store owners in Brockton who can also help him. He is going to operate under the first-class system, he has done a few people in Brockton, and he told him that he needs a top-of-the-line register, lighting, and video cameras. People will be tested and if you come in with a fake ID the cash register will be able to assist them with that.

Mr. DaSilva has also been in the construction business, he purchases multi families and rehabs them. He has done one rehab in Brockton in the past. Attorney Centeio showed the board photos of the

dilapidated homes that Mr. DaSilva purchased and rehabbed. He informed the board that Mr. DaSilva speaks to the city officials on what needs to be done. The location 1115 N. Montello Street is right at the border of the Avon line, and if you cross the road, there is Holbrook. He has a five-year lease, but they are also trying to negotiate with the owner to buy the property. If that can be done it would be better. They have a lease in place, but it is not their facility, so if that takes place, they would, spend a lot more money.

This will serve the public need in the community. There are many communities in that area, there is Avon, Brockton, and Holbrook. It is a beautiful facility and location. There are many commercial spaces in that the area, and he did not see any liquor stores unless you go further down to Avon. It's an area that needs a lot of work and this is a great way to improve the eyesore that is in that area of Brockton. He stated that was his presentation and asked the board if they had any questions, they would be happy to answer them. Commissioner McGarry then opened the hearing for public discussions and asked if there was anyone in favor?

Mr. John Barros of 97 Neponset Valley, Milton MA stated he is formerly of Brockton and went to St. Edwards and he has known Ricky his whole life. His family has been in the liquor business for 35 years, and currently owns and operates Gigi's liquors in Dorchester. They have been there since 1999, so anything that Ricky needs as far as daily operations or setting up wholesalers he can help him with that. Also present is Domingas Rodrigues Mr. DaSilva's fiancé, and the attorney informed the board that she will be working with him in the business. Mr. DaSilva will be the primary manager.

Councilor Shirley Asack came forward to speak in favor of the applicant. She stated that she was present at the zoning meeting when they went before them. The building is dilapidated, and that area needs to be revitalized, it is nice to see nice plans. Mr. DaSilva has done great things and his work shows. She understands the board is in a tough situation, and she knows that they are all amazing businesses, but as a Ward Seven City Councilor, she thinks Ward Seven would be lucky to have a beautiful new building at the entrance of North Montello Street in Brockton. Commissioner McGarry asked if there was anyone in opposition? Commissioner McGarry then asked the Commissioners if they had any questions?

Commissioner Simpson stated that he sees the five-year lease, but he does not see and any options. He knows it's only an LOI but asked them if they were trying to get any options? Attorney Centeio stated that he has been asked to start the negotiations of trying to purchase the building. Mr. DaSilva has a couple of homes that are under contract to close in a couple of months, and he would like to transfer that money to the acquisition of the building. He has given him the contact information of the landlord and he is also from his hometown, so he will try his best. That is their goal, if not they will try to get an option to extend the lease to maybe a five and five.

With the money they're spending they need at least a ten-year lease, and his goal is to get him to buy the premises. Commissioner Simpson asked if it is just a five-year lease? Attorney Centeio replied yes, and they will start the negotiations on the purchase. Commissioner Simpson stated that he went by there and he thinks the plans are great. He asked them what they are planning to do with the back of the property? Will they put up a fence? Mr. DaSilva replied that it's right on the property line and it is almost like a retaining wall. It's extensive and he will probably spend \$500,000 on it.

They also need to do foundation work and part of the foundation work is in the back part of it. He will be using 1,500 square feet in the basement so that if a truck was able to load in the basement that would

create another access point. Commissioner Simpson asked them what they were going to do land wise? He stated that he did see that they will be adding green space and asked them if they were doing anything other than repaving? Attorney Centeio stated it is the whole lot and it includes the front left front and sides. Commissioner Simpson asked them if they will be doing any land work that includes excavation of soil?

Mr. DaSilva stated that most of the parking lot is asphalt right now, and they will be cutting out the asphalt to add to the green space and they may need to add granite curbing, other than that he will fill the holes and apply sealcoating to create a nice fresh look. They will add the parking lot lines as well as move the sign. Commissioner Simpson stated that he knows they mentioned lighting and he knows it's not going to be included in the rendering, but is there a lighting plan?

Mr. DaSilva replied there will be no LED, but it will be lit up in the front and the side of the building. They don't have it on the plans, but it is something that they will take care of. Attorney Centeio stated that for safety reasons he always tells his clients the more cameras they place inside and outside, the better for the patrons and for everybody. He makes sure all his Brockton clients do that. The City of Brockton likes it when you add exterior lights. He knows there are no residents here, but they do like that, and he does it to please the community, so that nobody would object.

There will be lighting and there will be cameras. He can introduce Ricky to the company that does it. Mr. DaSilva said it is a big parking lot, so it is going to need it. You want to make sure it picks up people coming in and the people on the inside. It's the same alarm company that does all of that. Commissioner Simpson stated that for their own knowledge he noticed that the LOI stated it expired in August of 2017, it might be a typo. Attorney Centeio said he noticed that, and he asked him to change it. Mr. DaSilva asked him if it was the same on the lease? Commissioner Simpson stated he did not go through the lease just the LOI. Attorney Centeio stated that he told him to forget the LOI and there should be a lease in the packet.

Commissioner Studenski stated any questions he had were asked and answered. Commissioner McGarry asked Lt. Bonanca for his input? Lt. Bonanca stated that he conducted an inspection on the 18<sup>th</sup> and of course as the board can see the building is in disarray. Obviously, the plans are impressive, and the police does not have any issues with the applicant. His only issue is that in that corridor the posted speed limit is 40mph and it is a four-lane section, so he thinks there must be a consultation with the Traffic Commissioner before it is approved.

His concern is that when traveling north bound and this is on the same side of the north bound traffic, but when your, traveling south bound at 40mph and you must cross four lanes to get into the parking lot. Not to say that there aren't other businesses on the same side like Dominos, this business is going to have more people stopping in. The nearest traffic light is at Stop & Shop which is further south. He does not have a problem with the applicant, but his preference is that the Traffic Commissioner should be consulted.

He believes the 40mph four lane corridor could be hazardous for a business of this magnitude and that is where the Police department stands. Commissioner McGarry asked if there were any more questions, and he closed that portion of the meeting. He then asked the Commissioners if they wanted to discuss the pros and cons of the applications or if they were comfortable with the way it has gone?

Commissioner McGarry informed everyone in attendance that a simple majority of two to one is all it takes to win the license. He wanted to be clear on what the vote entails.

Commissioner Simpson stated that for him there are two pending and open items that would impact his votes, the traffic, and the parking layout for the Pleasant Street location. Based on the footprint he does not see how that would increase with the green space. If they had the plan for that and a response from the Traffic Commission on what their recommendation would be of the proposed location, you would have a full picture. Commissioner McGarry asked Attorney Pereira for her input and if there are outstanding questions that can't be answered, is it within their realm to postpone the final vote or are they required to vote on them individually tonight?

Attorney Pereira stated that the entire vote would have to be stayed and asked the board what the issue was? Commissioner Simpson stated that the Lt. recommended that they talk to the Traffic Commissioner, so he could not in good conscience vote if suddenly, they are against that location because of traffic concerns. Attorney Pereira stated that if it was the decision of the Commission to get further it would have to be all licenses, so they can make an informed decision together since there is one license left.

Commissioner McGarry stated that it is his understanding that they would not take any vote on anything if they were looking for more information, they would vote to postpone only. Attorney Pereira asked the board for a second, so she could investigate it. Commissioner McGarry took a five-minute break. Commissioner Simpson stated that looking at the three options they have inventory wise C.M. Petti has the least amount of space to store the spirits. They also have the hardest time with patrons who would have to park there.

Commissioner McGarry stated that with the second one Debi's Convenience on Pleasant Street it currently looks like a small market, and they are talking about putting an addition and increasing the size to do a full liquor license. It would have been good, and it was brought up in the meeting, if they could have seen an outside rendering of the space, the usage of the space and the egresses. Commissioner Simpson stated that they are similar in size to Petti's Market currently, with a similar set-up. They have household goods in the center of the store. They probably have a smaller footprint right now and with the proposed addition that would change, but again we don't know when that will take place or how that will impact them. He understands that is the plan, but as it is right now it is like Petti's Market.

Commissioner McGarry stated the third is Montello Package which is a total rebuild from a closed facility right now. Commissioner Simpson stated that he agrees with him there, based on the plans he saw it did have the more esthetically pleasing plans and there was more proposed outside. Also, there are no other liquor stores except for maybe Salto's. It is a commercial area, so he proposes that spot. Commissioner McGarry asked Commissioner Studenski if he had anything to add or if he was comfortable? and he replied, yes.

Commissioner McGarry asked Lt. Bonanca if he had anything else to add? Lt. Bonanca stated that with the first two applicants it depends on the Commission. The final applicant although it would be optimal to rehab a building that would be an eyesore, unfortunately with the four lanes and the 40mph speed limit he thinks that would be a problem for traffic from the opposing side to be crossing over the lanes. It would be up to the Commissioners, but that is a matter of concern. Commissioner McGarry asked if anyone else had anything to add? He then began the voting process.



1. Hearing on a request from C.M. Petti Market, Inc., Manager Kathleen Petti, makes application for a Change of Category on a Wine and Malt Package Store license to an All-Alcoholic Beverages Package Store license at 216 Belmont Street, Brockton, MA.

A motion was made by Commissioner Simpson to approve the Change of Category. The motion was seconded by Commissioner Studenski.

**1- In-favor**

**2- Opposed**

2. Hearing on a request from Mayuri Sahil Corporation, dba Debi's Convenience and Deli, Manager- Bahecharbhai Patel, Makes application for a Change of Category from a Wine and Malt Package Store license to an All-Alcoholic Beverages Package Store license at 516 Pleasant Street, Brockton, MA.

A motion was made by Commissioner Simpson to approve the Change of Category. The motion was seconded by Commissioner Studenski.

**0- In-favor**

**3- Opposed**

3. Hearing on a request from Montello Package, LLC, Manager, Ricky DaSilva makes application for an All-Alcoholic Beverages Package Store license at 1115 North Montello Street, Brockton, MA.

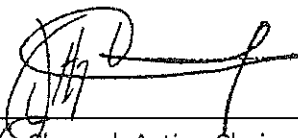
A motion was made by Commissioner Simpson to approve the All-Alcoholic Beverages Package Store license contingent upon the input of the Traffic Commission. The motion was seconded by Commissioner Studenski.

**3- In-favor**

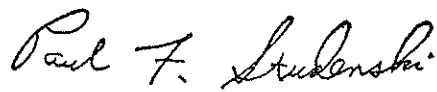
**0- Opposed**

A motion was made by Commissioner Studenski to adjourn the meeting. The motion was seconded by Commissioner Simpson and made unanimous by vote of the members present.

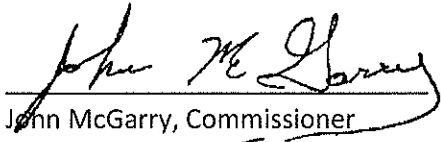
Respectfully Submitted,

  
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Jeffrey Charnel, Acting Chairman

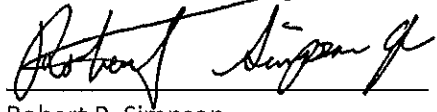
APPROVED



Paul Studenski, Commissioner

Handwritten signature of John McGarry in cursive script, written over a horizontal line.

John McGarry, Commissioner

Handwritten signature of Robert P. Simpson in cursive script, written over a horizontal line.

Robert P. Simpson