

MINUTES
SPECIAL LICENSE COMMISSION MEETING
6:00 p.m.
Wednesday, March 29, 2023
Virtual ZOOM Meeting

The License Commission held a Special Meeting on Wednesday, March 29, 2023, via ZOOM. Present were, Commissioners John McGarry, Robert P. Simpson, Christina Derome, Scott D. Uhlman, and Executive Assistant Silvia Carvalho.

1. Following appeal to Alcoholic Beverages Control Commission and remand back to the License Commission: Hearing on a request from 2030 Ocean Street, LLC dba Wine & Market, Manager- Daniel Newcomb makes application for a Transfer of an All Alcoholic Beverages Package Store License, and a Pledge of License and Inventory at 750 Belmont Street, Brockton, MA, to Go Liquor, Corp., dba Brockton Wine & Market, Manager- Smit Patel.

Present was Attorney Louis Cassis of 35 Braintree Hill Office Park, Suite 103, Braintree, MA, Mr. Smit Patel of, 11 Downey Drive, Norton, MA, Attorney Matthew Porter of 480 Turnpike Street, South Easton, MA, and Mr. Bahecharbhai Patel of 435 Rte. 28, Harwichport, MA.

Commissioner McGarry asked Attorney Cassis to give a quick overview and update on the plans of the proponent. Attorney Cassis stated that he believes it is the same as the last time he was before the board. It will be a standalone package store, All Alcoholic beverages. His cousin Mr. Patel will be the manager and they all have experience. They have been in the business before, all in all he thinks it is a good application. Commissioner McGarry opened the hearing up to the public and asked if anyone there was in favor? He closed that portion of the meeting and asked if anyone was against? He then closed that portion of the hearing and asked the board members if they had any questions for the proponent or the attorney?

Commissioner Simpson asked Attorney Cassis if they will be assuming the lease? And if they would be the primary tenant and not the subtenant? Attorney Cassis replied yes, he then asked why work has not started at the location? Attorney Cassis replied he does not know he thinks it is because they were waiting for the approval. Commissioner Simpson stated that he drove by there today, and there has been no work started, nor has a building permit been pulled. He did not see a permit in the window.

Attorney Cassis stated that they were probably waiting for approval before going through with the expense. If the board approves, he is sure the work will start right away. Commissioner Simpson stated that he was asking in terms of 2030 Ocean Street. Attorney Cassis stated that he realized he really didn't want to open the store and wanted to sell it rather than open it. Commissioner Simpson stated that the first application was based on what he was going to open up and he wants clarification on what is actually going to be sold there.

He also would like a floor plan because it looks different on the new lease. Attorney Cassis stated he is not familiar with the original application; he is only familiar with the transfer application. Commissioner Simpson stated that the original application had a floor layout showing wine and spirits in the middle of the store and a walk-in cooler behind it, a cash register when you first come in, more wine and spirits on either side and an area for water and coffee.

He was very adamant because of the location of the school, that there would be no reason for anyone under 21 to be a patron of his store. He stated he would not sell lottery tickets, and it was not part of his business practice, nor would he sell chips, or ice cream. They also discussed no nips or kegs, and he is trying to understand if they will be following the same business model? Attorney Cassis replied that it is his understanding, that the new licensee will be doing the same type of business that the old application was for. He is not familiar with the original application, so he cannot absolutely be sure of that.

Commissioner Simpson stated that he personally wants clarification on that because the school board did have issues with it and there were residents that had concerns. Part of the reasons that these concerns were put to ease were because none of those items were going to be sold in the store. Attorney Cassis stated that he thought the reason was because it should not have been granted in the first place. Commissioner McGarry stated that for clarification purposes some of the issues were the wording and the DBA of market in the transferee's name of the store.

It was going to have the word market in its name, there is a difference between a package store versus a convenience store selling alcohol. From his reading of the minutes from the last meeting they were going to honor all aspects of 2030 Ocean Streets commitment to the city, that there will be no nips and it would be a 90% alcohol 10% other product mix in the store. That is in the minutes of the last meeting from which we are returning. They are going to be a true package store and not running the business as a convenience store with alcohol on the side. He hopes he is correct and that is still their plan.

Attorney Cassis stated it is an over twenty-one store, there would be no reason for kids to be in the store. Commissioner Uhlman stated that the board was told they were going to sell toilet paper, dishwashing soap and all this other stuff and that is what was going to be in the market. That is almost like a convenience store, that is why he took issue with it. Attorney Cassis stated it is not going to be a convenience store, it is going to be a package store. Commissioner Uhlman stated when they came before the board, they stated right up front that they were going to sell those types of items, it is in the minutes. Items that are not necessarily in a package store.

Commissioner McGarry stated that by the end of that meeting they agreed that it would be a 90% alcohol with a 10% mix of other items. The issue is the name, when it has market in it as opposed to John's package store the connotation was there, and the board had to clarify that. Attorney Cassis stated that it will be a package store. It is a transfer, it is not a new license, the license is already there. Commissioner McGarry stated that the license was given to 2030 Ocean Street and nothing was done to open up the business, so they are still at the drawing board with the new business that is purchasing the license.

Attorney Cassis stated that they will honor any commitments that were made to that. Commissioner Simpson stated that there was concern because the lease can still be transferred. There were no permits pulled and if it were to be sold again, it may change some more, which is why he wanted clarification on what was going to be sold, and if they were abiding by the first agreements made by 2030 Ocean Street.

Attorney Cassis stated the name was to show that it would be an upscale package store. It will not be a market where food is sold. Commissioner McGarry stated that relieves a lot of his fears. Commissioner McGarry asked if the Commissioners had any other questions?

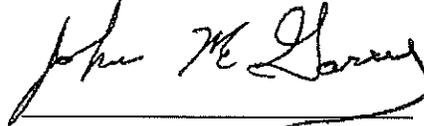
A motion was made by Commissioner Uhlman to approve the Transfer of the All Alcoholic Beverages Package Store License and the Pledge of License, and Inventory as long as the original stipulations are met. The motion was seconded by Commissioner Simpson and made unanimous by vote of the members present.

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

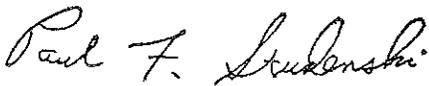
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Respectfully Submitted,

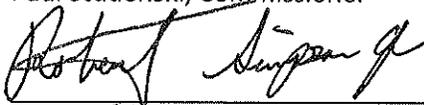


John McGarry, Commissioner

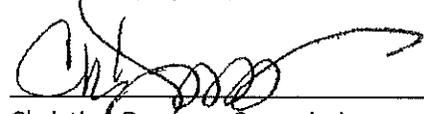
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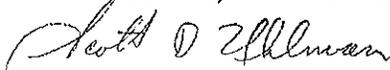
Paul Studenski, Commissioner



Robert P. Simpson, Commissioner



Christina Derome, Commissioner



Scott D. Uhlman, Commissioner