

Re: Gatherings, Inc.  
DBA: The Centre Café  
Premises: 118 Park Street  
City/Town: North Reading, MA 01864

## **DECISION**

This is an appeal of the action of the North Reading Board of Selectmen (“the Board”) for denying the Common Victualler/Wine and Malt Beverage License application of Gatherings, Inc., doing business as The Centre Café (“the Applicant” or “Gatherings”).

### Facts

1. The Board voted to deny the application at a public hearing that originally convened on Wednesday, November 18, 2009.
2. Gatherings appealed the Board’s decision to the Alcoholic Beverages Control Commission (the “Commission”) and a hearing was held on January 13, 2010.
3. A Commission decision was issued February 10, 2010 requiring that the Board issue subsidiary findings regarding the denial of the license.
4. Subsequent to this, the Board through their attorney submitted said findings and both parties appeared before the Commission on April 28, 2010.

### Issue

The licensee now comes before the Commission and requests a Wine and Malt Beverage license whereas at a prior hearing they had requested a Common Victualler/All Alcohol license. The primary issue before the Board is whether any factors have changed which would merit the granting of a Wine and Malt Beverage license at this time. In other words, is there a public need for a Wine and Malt license as opposed to an All Alcohol license?

The same facts were presented to the Commission as presented at the previous hearing.

### Argument

The license argued that the denial was improper due to the fact that the Town did not make specific findings. The Commission agreed and requested said findings from the Town. The findings were similar to the findings presented at the prior hearing. The Town again argued that the licensee did not have adequate parking nor did the licensee demonstrate a sufficient

argument that the location was appropriate for a license in a residential area. The licensee has failed to produce any additional evidence to support an argument for a Wine and Malt Beverage license and has failed to meet the requirement for a public need.

Conclusion

The appeal of the action of the North Reading Board of Selectmen denying the Wine and Malt Beverage license application of Gatherings, Inc. is AFFIRMED.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Susan Corcoran, Commissioner \_\_\_\_\_

Robert H. Cronin, Commissioner \_\_\_\_\_

Dated in Boston, Massachusetts this 7<sup>th</sup> day of July 2010.

You have the right to appeal this decision to the Superior Courts under the provisions of Chapter 30A of the Massachusetts General Laws within thirty days of receipt of this decision.

cc: North Reading Licensing Board  
Carolyn M. Conway, Esq.  
Brian W. Riley, Esq.  
File