



CAMBRIDGE LICENSE COMMISSION

831 Massachusetts Avenue, First Floor, Cambridge, Massachusetts 02139

MEETING MINUTES

**For Meeting of Wednesday, November 15, 2017 at 3:00 p.m.
Michael J. Lombardi Building, 831 Massachusetts Avenue
Carmelia M. Vicente Basement Level Conference Room**

Board of License Commissioners Board Members Present: Nicole Murati Ferrer, Branville G. Bard, and Gerard E. Mahoney.

Meeting Started at 3:00 p.m.

General announcement was made reminding liquor license holders to submit the renewal for the liquor licenses in the month of November.

Public Testimony Matters:

The matters are in the same order as listed in the posted Meeting Agenda, however, they were called in different order.

1) Violation P & C Landscaping, holder of Leaf Blower Permit #10023, for alleged violations of Cambridge Municipal Ordinance 8.16.081.2(b) on October 13 and October 20, 2017 at 145 Brattle Street.

Present: Paul Caruso for P&C Landscaping; Andrea Boyer, Chief License Investigator; and Carla Procaskey, complainant.

Documents considered by Board: Violation hearing notice and documents attached thereto.

Summary: Complainant, Ms. Procaskey, observed an employee of P&C Landscaping operating a leaf blower at 7:30 a.m. on October 13. The week after, the use of the leaf blower commenced before 7:30 a.m. Ms. Procaskey also stated that on the 20th multiple blowers were used. She expressed multiple violations of the ordinance have been going on for many years. She did explain that in recent weeks, it had been better.

Mr. Caruso apologized and admitted that he had a new employee in October who operated the leaf blower prior to 8 a.m. on October 13 & 20. He denied that on any occasion multiple blowers were used. Mr. Caruso fired the employee who violated the ordinance. He also informed the Board that for the past three weeks he had been operating the leaf blower himself and taking care of that location in the afternoon. He explained that many other landscaping companies operate in the same vicinity and that is why there could be confusion on the number of blowers used.

Ms. Boyer informed the Board that there are no prior violations against the company.

Decision: Board found (3-0) P&C Landscaping violated the ordinance on October 13 and 20, 2017. The Board issued a \$300.00 fine for each violation; one \$300.00 fine is to be paid now and the other held in abeyance until December 31, 2017. If the Board finds no further violations are committed by P&C Landscaping between now and December 31, 2017, the \$300.00 fine will be forgiven.

2) Violation Thriving Gardens, LLC, for alleged violation of Cambridge Municipal Ordinance 8.16.081.2(b) on October 4, 2017 at 55 Wendell Street.

Present: Ronald Hudson for Thriving Gardens, LLC; and Andrea Boyer, Chief License Investigator.

Documents considered by Board: Violation hearing notice and documents attached thereto.

Summary: Ms. Boyer presented that on October 4, 2017, Thriving Gardens, LLC had an employee operating a leaf blower in Cambridge without a leaf blower permit. In September 2016, a cease and desist letter was sent to Thriving Gardens for operating without a permit. Ms. Boyer said that as soon as the hearing notice was sent, Mr. Hudson applied for a permit.

Mr. Hudson apologized for the infraction and stated he was unaware of the ordinance and had never received the cease and desist letter. His company has been operating in Cambridge for approximately 20 years. As soon as he received the hearing notice, he filled out an application and became permitted. He also bought equipment that is compliant with the ordinance and has trained his employees on the ordinance and rules and regulation. He services about 15-20 properties in Cambridge including Lesley University.

Decision: Board found (3-0) a violation for operating without a permit and issued a \$300.00 fine. However, in consideration of all steps taken by Mr. Hudson, the Board voted to hold the \$300.00 fine in abeyance until December 31, 2017. If the Board finds no further violations are committed by Thriving Gardens, LLC between now and December 31, 2017, the \$300.00 fine will be forgiven.

3) Informational Lanes and Games, Inc., holder of a Common Victualler All Alcohol License at 195 Concord Turnpike, pursuant to M. G. L. c. 138, § 77 for non-use of license.

Present: C. Anthony Martignetti, holder of license.

Documents considered by Board: Hearing notice and current file regarding license.

Summary: The business has been closed since August 13, 2017 because Mr. Martignetti received a good offer for the purchase of the real estate. He had been operating the business for about 34 years, although the bowling alley had been there for many more years. He intends to sell the license and is hoping to transfer it to a nephew who has experience in the food and beverage industry. He would like to keep the license in the family.

Decision: Board found (3-0) that reasonable efforts are being made to put the license to use. The Board will hold a cancellation hearing for non-use in six (6) months.

4) Cancellation River Gods, Inc., holder of a Common Victualler All Alcohol License at 125 River Street, pursuant to M. G. L. c. 138, § 77 for non-use of license.

Present: Jackie Linnane, holder of license; and Caroline Enright.

Documents considered by Board: Violation hearing notice, original liquor license application, and documents attached thereto.

Summary: This is the first cancellation hearing held with regard to the non-use of this license. The previous hearing was an informational hearing for non-use. This business closed when the lease expired. Ms. Linnane testified she has been unable to find a broker to assist her with selling the license and claimed no one wanted to buy the license. She stated that she had listed the license on Craig's list and would be willing to re-list it. She has not contacted the landlord to see if anyone is trying to go into the same space and who would be willing to buy the license from her.

Decision: Board found (3-0) that a cancellation hearing for non-use will be held in six months. The additional time to put the license to use was given because there had only been an informational hearing, this was the first cancellation hearing, and Ms. Linnane expressed she would re-list the license on Craig's list. Based on comments made by Ms. Enright, Ms. Linnane was reminded that the license must be renewed in the month of November 2017 for it to remain valid otherwise it will expire December 31, 2017. Board informed Ms. Linnane it is her prerogative whether she wants to renew the license but if she does not, the license will expire December 31, 2017.

5) Application Brattle Film Foundation, Inc. d/b/a Brattle Theatre, holder of a Common Victualler Wine & Malt License at 40 Brattle Street, has applied for a Change of License Type to General On-Premise.

Present: Ivy Moylan and Edward Hinkle for the licensee.

Documents considered by Board: Application submitted and documents attached thereto, and papers in current file regarding the business.

Summary: This application came about after a Licensing Investigator inspected the premises and found there was no kitchen and the licensee only serves pre-packaged snacks and popcorn. The business is a movie theater and has always operated as such. There is no intent to provide food.

Decision: Board granted (3-0) the request to change the category type of the license to general on premise.

6) Application M&R Hospitality, Inc. d/b/a Moona Restaurant, holder of a Common Victualler Wine & Malt License at 243 Hampshire Street, has applied for a Change of License Category to All Alcoholic Beverages.

Present: Mohamed Elzein and Radouan Ouassaidi, beneficial interest holders of the license.

Documents considered by the Board: Application submitted and documents attached thereto, and papers in current file regarding the business. Petition with multiple signatures of persons who support application.

Summary: This is a neighborhood restaurant which serves Middle Eastern food. They opened about one year ago with a malt and wine license. It was always their intent to see how it went before asking for a full liquor license. The applicants expressed that their customers have requested the amenity of full liquor and specifically mentioned that it would allow their customers to make the restaurant a destination location rather than a quick bite and leave.

The request to have the opening hour of Saturdays and Sundays change from 5:00 p.m. to 10:00 a.m. was also addressed. The applicants explained the request was to allow for the service of brunch.

Decision: Board granted (3-0) request to change the license category to all alcohol and to change the opening hours of Saturdays and Sundays to 10:00 a.m.

7) Application Patrick Whitney has applied for a new Cambridge Hackney Driver's License.

Present: Patrick Whitney, applicant; Benny Szeto, Police Officer.

Documents considered by Board: Application submitted and documents attached thereto.

Summary: Mr. Whitney had a hackney driver's license 18 years ago. He wants to become licensed again because his family owns a medallion. His MA driver's license and Cambridge hackney driver's license have never been suspended. Officer Szeto confirmed driving history and CORI checks are clean.

Decision: Board granted (3-0) the issuance of a hackney driver's license.

8) Application Orange Blossom, Inc. d/b/a East Coast Grill, holder of a Common Victualler All Alcohol License at 1271 Cambridge Street, has applied for a Change of d/b/a to Highland Fried.

Present: Mark Romano, beneficial interest holder.

Documents considered by Board: Application submitted and documents attached thereto.

Summary: Mr. Romano explained business was not doing well and the change of d/b/a is to tweak the concept and relate it to his Highland Kitchen restaurant in Somerville. He is hoping the change will boost business. Aside from the tweak in concept and menu, there are no other changes to the operation.

Decision: Board granted (3-0) change of d/b/a.

9) **Appeal** Michael Gervais, holder of Cambridge Hackney Driver's License #29035, due to the nonrenewal of his hackney license.

Present: Michael Gervais, applicant/appellant; and Benny Szeto, Police Officer.

Documents considered by the Board: Application and appeal submitted, documents attached thereto, transcript of previous hearings, and Board's previous decision on the matter.

Summary: Mr. Gervais stated that he had not addressed allegations in previous hearings because of his pending criminal case. He denies the statements as presented in the previous hearings and in the statement of reasons. He also denied that when at the police station, multiple police officers were needed to calm him down.

Board: Based on the transcript of the previous hearings, public safety concerns, and for the reasons stated in the Statement of Reasons previously issued by the Board on the issue, the Board denied (3-0) the issuance of a hackney driver's license to Mr. Gervais.

Administrative Matters:

All the below listed matters are considered and voted upon by the Board without public testimony. Unless otherwise indicated, all the matters are decided upon by the individual review of the papers/applications before the Board members and each member votes upon the matter. The summary of what is considered by the Board, unless otherwise indicated, is the identifying information of the matter as listed on the agenda.

10) Progressive Credit Union has notified the License Commission of the purchase of medallion #86 by Akylaa, Inc.

Summary & Decision: Board acknowledges (3-0) sale of medallion.

11) Ace brands, LLC, d/b/a Firebrand Saints, has notified the License Commission that they are closed and the license can be cancelled.

Summary & Decision: Board acknowledges (3-0) closure of business, license will be cancelled, and both electronic and paper file will be closed.

12) John Kessen has notified the Board that Café du Pays and State Park, will be closed on Christmas Day, and that Café du Pays will be closed on New Year's Day.

Summary & Decision: Board acknowledges (3-0).

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13) M&R Hospitality d/b/a Moona Restaurant, is requesting a change to their license to open at 10:00 am on Sunday from Brunch. They currently open at 5.

Summary & Decision: Board considered request during public hearing regarding licensee's request for a change in category of license. Board acknowledged the request was for change of hours Saturdays and Sundays.

14) Charlie Moore, on behalf of Turner Construction, has applied for a special noise variance from January 1, 2018 through July 31, 2018 at 145 Broadway, Monday through Friday from 6:00 AM to 7:00 AM and Saturday and Sunday from 7:00 AM to 9:00 AM for trucking and excavation equipment.

Summary: DPW recommended the variance not be approved but other internal departments signed off and presented no issues. Chief Licensing Investigator spoke to the hotel which is the abutter of the project and will be directly impacted by the work. The hotel expressed that the sooner the work is completed the better for their operation. The hotel wants there to be consciousness that if issues arise and their guests are negatively impacted, the Board revisit the variance. The Licensing investigator recommended the variance only be granted for 3 months.

Decision: Granted (3-0) for January 1, 2018 through March 31, 2018. If the variance is to be extended, the applicant must file a new application.

15) John Pugh, on behalf of Consigli Construction, has applied for a special noise variance from November 15, 2017 through June 30, 2018 from 6PM to 12AM at 1350 Mass. Ave. for chipping guns, grinders, concrete saws, hammer drills, sledgehammers, and access equipment.

Present: Patrick Lee, beneficial interest holder of the Hourly Oyster, an abutting business to the construction site.

Documents considered: Application submitted by Consigli Construction and email from Denise Jillson from the Harvard Square Business Association on behalf of the abutting businesses.

Summary: There is a real concern about the project and how it will affect the businesses. The project is already one year in and the timeline for completion is approximately one more year. Although the faster the work is completed, the better, the proposed hours could be detrimental to the businesses. Additional time to work something out between the businesses and the construction company is necessary.

Decision: Board deferred (3-0) its decision and scheduled the matter for a hearing on November 29, 2017. Mr. Lee was informed that him and any other abutter is welcomed to attend the hearing at that time to further speak on the matter.

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16) Sam Pogosov d/b/a Phinix Grill, holder of a hawker/peddler license is requesting to vend at 150 Cambridgepark Drive.

Summary & Decision: This is the holder of an annual license and all paperwork is in order.
Granted (3-0).

17) Thomas McLaughlin, on behalf of Eversource Energy, has applied for a special noise variance for November 16/ 2017 from 12:00 AM to 7:00 AM at 102 Mt. Auburn Street for a crane.

Summary: Other internal departments signed off and presented no issues. This is for the set up of the crane only.

Decision: Granted (3-0).

18) Bill Wilbur, on behalf of John Moriarity & Assoc. has applied for a special noise variance for November 25, 2017 from 12:00 AM to 9:00 AM and 6:00 PM to 9:00 PM at 250 North Street for placement of structural mat slabs.

Summary: Other internal departments signed off and presented no issues.

Decision: Granted (3-0).

19) The renewals for the following licenses have been approved: ACH10085; ACH02812.

Summary: The renewals were submitted in accordance with the law.

Decision: Board (3-0) acknowledged and approved the renewals.

One Day Applications:

These applications are also considered administratively and there is no public testimony taken or requested. Unless otherwise indicated, all the matters are decided upon by the individual review of the papers/applications before the Board members and each member votes upon the matter. The summary of what is considered by the Board, unless otherwise indicated, is the identifying information of the matter as listed on the agenda. In addition, the documents considered by the Board are the one day application submitted by the applicant and any other supporting document attached thereto. Police detail is required on some based on the recommendation of the signing-off police department.

20) Matthew Gelman, has applied for a malt and wine license to be exercised at Trinity Properties, 50 Church Street, on 11/17/17 from 6:00 p.m. – 8:00 p.m. for a fundraiser. Expected attendance - 150 people.

Decision: Granted (3-0), with the condition that the alcoholic drinks must be sold, or there must be a limited number of alcoholic drinks associated with the admission charge.

21) Paul Clark, has applied for a malt license with entertainment to be exercised at Forest City, 64 Sidney Street, on 12/3/17 from 10:00 a.m. – 12:00 p.m. for a road race with recorded/live music and amplification system. Expected attendance – 1500 people. [Approved by Special Events Committee]

Decision: Granted (3-0), with the condition that the alcoholic drinks must be sold, or there must be a limited number of alcoholic drinks associated with the race entry charge.

22) Emily Eagan, on behalf of Celebrity Series of Boston, has applied for a wine license to be exercised at Sanders Theater, 45 Quincy Street, on 11/21/17 from 9:00 p.m. – 11:00 p.m. for a reception. Expected attendance – 18 people.

Decision: Granted (3-0).

23) Daniel Ludden, on behalf of Boston Baroque, has applied for a wine license to be exercised at Sanders Memorial Hall, Harvard University, 45 Quincy Street, on 12/31/17 from 8:00 p.m. – 12:00 a.m. and 1/1/18 from 3:00 p.m. – 7:00 p.m. for a gala/concert. Expected attendance – 1000 people.

Decision: Granted (3-0), with the condition that the alcoholic drinks must be sold, or there must be a limited number of alcoholic drinks associated with the admission charge.

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24) Danait Mengist, has applied for a malt and wine license with entertainment to be exercised at Harvard Law School Wasserstein Hall, 1585 Massachusetts Avenue, on 11/30/17 from 7:00 p.m. – 10:00 p.m. for a fundraiser banquet with patrons, performers/entertainers dancing and recorded/live music. Expected attendance – 150 people.

Decision: Granted (3-0).

25) Weilu Shen, has applied for a malt and wine license with entertainment to be exercised at Lehman Hall, Harvard Yard, on 12/2/17 from 7:00 p.m. – 1:00 a.m. for a winter ball with patrons dancing, recorded/live music and amplification system. Expected attendance – 200 people.

Decision: Granted (3-0), with the condition that the alcoholic drinks must be sold, or there must be a limited number of alcoholic drinks associated with the admission charge. Police detail required.

26) Shelby Luce, has applied for a wine license to be exercised at Harvard Law School Wasserstein Hall, 1585 Massachusetts Avenue, on 11/28/17 from 7:15 p.m. – 8:30 p.m. for a panel event. Expected attendance – 50 people.

Decision: Granted (3-0).

27) Jessie Cherofsky, on behalf of Cultural Survival Inc. has applied for an entertainment and vendors license for various vendors (selling jewelry, paintings, clothes and other miscellaneous items) to be exercised at Cambridge Rindge and Latin School, 459 Broadway, on 12/9-10 from 10:00 a.m. – 5:00 p.m. for a craft fair with recorded/live music and amplification system. Expected attendance – 200 people.

Decision: Granted (3-0).

28) Roxtar Foods Limited d/b/a Pammy's has applied for an entertainment license to be exercised at Pammy's Restaurant, 928 Massachusetts Avenue, on 12/31/17 from 8:00 p.m. – 1:00 a.m. for a party with patrons dancing and recorded/live music. Expected attendance 90 people.

Summary & Decision: The request also includes a DJ. Granted (3-0).

29) Edward Jacobs, has applied for an entertainment license to be exercised at Jill Rhone park, 425 Massachusetts Avenue, on 11/16/17 from 3:00 p.m. – 5:00 p.m. for a ground-breaking ceremony with amplification system. Expected attendance – 100 people. [Approved by Special Events Committee]

Decision: Granted (3-0).

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30) Stanley Chan, on behalf of Bon Me Foods has applied for a one day amendment to existing license on 11/24/17 from 12:00 p.m. – 4:30 p.m. at MIT Rockwell Cage Gymnasium, 120 Vassar Street to sell food.

Decision: Granted (3-0).

31) Michael Goldman, on behalf of the Cambridge Center for Adult Education, has applied for a vendor's license for various vendors to be exercised at 42 Brattle Street, on 12/16 & 12/17 from 10:00 a.m. – 5:00 p.m. to sell jewelry, art, photography and other miscellaneous items.

Decision: Granted (3-0).

32) [Late addition] Cedric King has applied for a one day wine license on November 16, 2017 from 7:00 PM until 9:00 PM at 10 Ware Street, for a corporate reception with 100 people expected.

Decision: Granted (3-0).

33) [Late addition] Wheelings Brattle, LLC d/b/a Beat Brasserie, has applied for a one day entertainment license for a floor show on November 21, 2017 from 8:00 PM until 11:00 PM for a comedy show with 60 expected.

Decision: Granted (3-0).

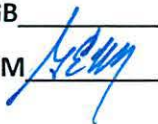
Board's Approval of Minutes:

NMF



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Date Minutes Approved: _____

11/29/17

Date Approved Minutes Were Posted: _____

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