



CAMBRIDGE LICENSE COMMISSION

831 Massachusetts Avenue, First Floor, Cambridge, Massachusetts 02139

MEETING MINUTES

**For Meeting of Wednesday, February 28, 2018 at 3:00 p.m.
Michael J. Lombardi Building, 831 Massachusetts Avenue
Carmelia M. Vicente Basement Level Conference Room**

Meeting Started at 3:00 p.m.

Board of License Commissioners Board Members Present: Nicole Murati Ferrer and Branville Bard.

Staff Present: Elizabeth Y. Lint, Executive Director.

Public Testimony Matters:

Matters in the minutes are listed in the order that they were called, and heard, and not in the order they appear on the original agenda.

1. Application Transfer of the Wine & Malt Package Store License at 271 Brookline Street held by Hanarum Corporation to Memorial Drive Auto Service, Inc. d/b/a Memorial Drive Mobil at 816 Memorial Drive. Elie Lakkis Jr. as Proposed Manager of Record of a premise described as: Approximately 1,400 SF on the street level with two entrances and two exits.

Present: Attorney Michael Ford, Elie Lakkis, Jr. and Eddie Lakkis.

Documents Considered: Application and documents attached thereto; emails received from residents.

Summary: Attorney Ford requested a continuance, stating that he is working with zoning as this is a non-conforming use. He stated that he would like to re-work the application due to requests that were made. The Board denied the request for a continuance due to the large number of residents who appeared to give comment on the application.

Decision: The application was withdrawn by the applicant.

2. Application Transfer of the All Alcohol Package Store License at 12 Museum Way held by Museum Market Corp., to Surya Binayak, Inc. d/b/a City Liquors at 271 Brookline Street. Binoj Pradhan as Proposed Manager of Record of a premise described as: Approx. 1,300 SF on the street level with one entrance and two exits.

Present: Attorney Andrew Upton and Binoj Pradhan.

Documents Considered: Application Submitted and documents attached thereto; emails received from residents.

Summary: Attorney Upton requested a continuance to determine the fate of the existing license. He stated that he believes it is more an issue as it pertains to the Mobil station and not to this location. The Board disagreed and stated that based on their review of the documents and feedback from residents, there is no need for this business plan at this location, based on the Ballerin test.

Decision: The application was withdrawn by the applicant.

3. **Application** Legal Sea Foods, LLC, holder of Common Victualler All Alcohol Licenses #11353 at 5 Bennett Street, #11380 at 20 University Road, and #11690 at 355 Main Street, has applied for a Change of Beneficial Interest for a change of members in the LLC.

Present: Attorney Richard Heller.

Documents Considered: Application submitted and documents attached thereto.

Summary: Attorney Heller stated that this is a reverse transaction and has already been approved by the ABCC. There is no change to the operation of the business.

Decision: Granted 2-0

4. **Application** Legal Sea Foods, LLC, holder of Common Victualler All Alcohol Licenses #11353 at 5 Bennett Street and #11380 at 20 University Road, has applied for a Change of Manager to Christopher Castellana.

Present: Attorney Richard Heller and Christopher Castellana.

Documents Considered: Application submitted and documents attached thereto.

Summary: Mr. Castellana stated that he has been the manager of record on a liquor license in the past and has not had any disciplinary issues. He has completed 21 Proof training.

Decision: Granted 2-0.

5. **Disciplinary** Greek American Political Club of MA, Inc., holder of Common Victualler All Alcohol License #11682 at 288 Green Street due allegedly permitting a disorder, disturbance, or illegality on a licensed premise, to wit, service to an intoxicated patron, in violation of, but not limited to, 204 CMR 2.05 (2), M. G. L. c. 138 §§ 23, 64, and 69 and Board's Rules 2.5, 2.6, 5.1, 12B.6 and 12B.7.

Present: Sotirios Giannakakis, Manager; Athanasid Piacopoulos, Manager of record; Kleovoulos Tsouridis, president; Sgt. William Bates; Officer David Barkhouse; Officer Lester Sullivan; John Feeney, EMS; Officer Benny Szeto; Tyler Bubenik, Licensing Investigator.

Documents Considered: Police reports; copy of patrons credit card transaction.

Summary: Officer Sullivan testified that on December 8, 2017 he received a call of an intoxicated person at the Greek American Club. Upon arrival he found the individual to be semi-conscious, non-verbal and not responsive. Officer Barkhouse spoke with the individuals' roommate who stated that they had drinks before they got to the club, and that his roommate had six glasses of wine while at the club. The credit card transaction showed only two glasses of wine were charged to the card. Mr. Feeney from EMS stated that the individual was very intoxicated and he couldn't stand or walk. He had to be carried down the stairs.

Investigator Bubenik testified that he spoke to the individual on the phone sometime later. He said that he had two 4Loco before they went to the Havana Club, he had only eaten breakfast that day and he crashed.

Mr. Giannakakis testified on behalf of the Greek American Club. He said that he saw the individuals in the room but they did not appear intoxicated or drowsy. The bartender verified that he was only served two glasses of wine. It was a very busy night. Kleovoulos Tsouridis stated that they are very careful not to let intoxicated people in to the club. There are always two managers on the floor and they are careful to make sure there is no overserving.

Decision: Board found a violation (2-0) and issued a warning. All staff and bartenders are to complete 21 Proof or TIPS training within 30 days and must provide verification to this office.

6. Disciplinary Deanta Corp. d/b/a Phoenix Landing, holder of Common Victualler All Alcohol License #11656 at 512 Massachusetts Avenue due allegedly permitting a disorder, disturbance, or illegality on a licensed premise, to wit, service to an intoxicated patron, in violation of, but not limited to, 204 CMR 2.05 (2), M. G. L. c. 138 §§ 23, 64, and 69 and Board's Rules 2.5, 2.6, 5.1, 12B.6 and 12B.7.

Present: Kevin Treanor, owner; Delores Ferry Henry, manager; William Ennis, security; Joe McCabe, owner; Officer Robert Clinton; Sgt. Steven Magalhaes, Tyler Bubenik, Licensing Investigator.

Documents Considered: Police reports; Register receipts.

Summary: Sgt. Magalhaes testified that on January 13, 2018 he responded to the Phoenix Landing with Officer Clinton for an unconscious female. Upon arrival he spoke to the server who stated they had come in at midnight and the female only had one drink. This was confirmed by the bartender. The woman was observed vomiting at the bar so they took her outside with a bucket. The male with her stated that they were there for hours. He said he bought her five to six drinks from the bar. Sgt. Magalhaes was able to speak to the woman and asked her how many drinks she had and she replied, "too many".

Officer Clinton testified that he observed vomit on the woman and that she was slumped over and smelled of alcohol. The male appeared sober.

Investigator Bubenik spoke to the female a while later. She told him she had a late lunch that day and had four glasses of wine, two beers and a whiskey and ginger while at Phoenix Landing. The male stated that she had two glasses of wine after lunch, and they both had a shot before they went to Phoenix

Landing. He stated further that he ordered two to three drinks for her from the bar. The receipt showed four beers and a whiskey and ginger.

Ms. Henry testified that she had served them at the bar. She recalled serving them two coronas and one drink. She observed the woman only have one drink. She observed her to be fine and saw her going in and out to smoke. She said no one else in the establishment served her. The other drinks that she served to the male remained in his possession.

Mr. Ennis added that when he was picking up the tables she seemed fine. Another employee alerted him to her condition. A nurse in the establishment told him to call EMS and they did so.

Decision: The Board found no violation (2-0) and stated that Phoenix Landing was smart to call EMS, and that there was no evidence that Phoenix Landing served the woman when she was intoxicated.

7. Disciplinary Royal Punjab Enterprises, Inc. d/b/a Royal Punjab, holder of a Common Victualler License #12238 at 251 Cambridge Street due to allegedly operating without a valid license and altering a license in violation of but not limited to: M. G. L. c. 140 §§ 2, 9, and 20.

Present: Brian McMahon, Inspectional Services; Madnan Singh.

Documents Considered: Renewal application and emails to restaurant; copy of license posted in establishment.

Summary: Mr. McMahon testified that he went to Royal Punjab to check the number of seats they had to determine if they need an annual Certificate of Inspection. While there, he observed that the posted license had been altered to reflect 2018 as the expiration date. The seating was 21, which ISD did not have a floor plan for.

Mr. Singh stated that he did not know who had altered the license. The store has five employees and the license was posted in an area that is only accessible by employees. He had applied for the Certificate of Inspection.

Decision: The Board voted (2-0) to find a violation and ordered a 20-day license suspension to commence once the statement of reasons is drafted.

8. Application Ima Pizza Store 22, LLC d/b/a &Pizza, has applied for a new Common Victualler License at 3-8 Brattle Street with a seating capacity of 42 inside, 16 patio seats on the public sidewalk, and an occupancy of 60 with proposed hours of 7:00 a.m. to 2:00 a.m. seven days per week. Michael Fry as proposed manager of record of a premise described as: 1,212 SF restaurant with tables, banquets, kitchen, and bathrooms on ground level. Outside patio on public sidewalk.

Present: Attorney James Rafferty; Michael Fry, Manager

Documents Considered: Application and documents attached thereto.

Summary: Mr. Rafferty explained the concept for the space. The space will also house a bakery, Milk Bar. They are requesting a 7:00 AM opening so that customers of the bakery can utilize the seats inside & Pizza. The pizza is unique in that it is oblong. The outside seats will be the same as what the prior establishment had. Ms. Jillson spoke in favor of the petition.

Decision: Granted (2-0). Also approved entertainment license.

9) **Application** Kirie, Inc. d/b/a Shays Pub and Wine Bar, holder of a Common Victualler Wine & Malt License at 58 JFK Street has applied for a Change of License Category to All Alcoholic Beverages; Change of Beneficial Interests; and Transfer of Stock.

Present: Attorney James Rafferty; Rosalie and Joe Kovacs

Documents Considered: Application and documents attached thereto.

Summary: Applicants stated that they have been in operation since 1992. There was a third partner who has surrendered their shares and will no longer serve as an officer or director. The Kovacs will each have a 50% beneficial interest. They stated that they have received requests from their patrons to serve scotch and bourbon. There will not be any other changes to the business. They may need to obtain a certificate of good standing from the DOR. Ms. Jillson spoke in favor of the petition.

Decision: Granted (2-0). Notation is to be made to the ABCC that the space is leased and not owned. The condition on the existing license will remain- that the kitchen must be open and food must be available to the public at all hours when alcohol is served.

10. **Application** Chin Management, LLC d/b/a McDonald's, holder of a Common Victualler License at 463 Massachusetts Avenue, has applied for a Change of Hours to operate 24 hours per day.

Present: Vern Chin

Documents Considered: Application and documents attached thereto.

Summary: Mr. Chin acknowledged that he had notified his abutters. He stated that the business was successful when he moved to the 2:00 AM close. He also stated that he is generating revenue for the city, employing people and serving the public. He indicated that he has not had any problems, but if he did, he would call 911.

Decision: Granted (2-0). Approval also applies to Uber Eats (and the Uber Eats "window").

11. **Application** Wholesome Fresh MA Corp. d/b/a Wholesome Fresh, holder of a Common Victualler License at 60 Church Street has applied for a new Wine & Malt Package Store License at said address. Mi Sun Jin as Proposed Manager of Record of a premise described as: Approximately 5,195 SF on the first floor with kitchen, storage, and retail space; two entrances and two exits.

Present: Attorney Sean Hope; Mi Sun Jin, Manager of Record; Chris Cha; Paul Shin.

Documents Considered: Application and documents attached thereto.

Summary: Mr. Hope explained that there have been some upgrades made to the space and they expect to open on March 15, 2018. The wine will be kept in a room in the back that has a door that locks. Beer will be in coolers that can be locked. Mr. Hope also explained that all of the shares held by Christine Yoo were transferred to her mother, as she is a minor. Her mother will have 100% beneficial interest. Ms. Jillson testified in favor of the petition.

Decision: Granted (2-0). Alcohol service will be all legal days and hours. All employees must be TIPS or 21 Proof certified. When the approval is sent to the ABCC the document showing the change in the corporate structure, the document must be uploaded and the beneficial interest must be clarified as the application has no one listed as the beneficial interest holder.

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.

12. Commonwealth Restaurant has advised the License Commission that although they generally close at 10:00 p.m., they would like to keep their permitted closing hour at 1:00 a.m. for occasions when they have private events.

Continued to March 14, 2018 for full Board discussion.

13. The Board of License Commissioners will discuss whether to create new rules and regulations for self-driving taxi cabs.

Continued to March 14, 2018 for full Board discussion.

14. The Board of License Commissioners will consider waiving renewal fees for existing medallions and hackney drivers for FY19.

Continued to March 14, 2018 for full Board discussion.

15. Himalayan Arts & Crafts, 8 Bow Street, was approved for a second-hand goods/antiques license on July 25, 2017. Investigation reveals that this license is not needed as they only sell new items.

Continued to March 14, 2018 for full Board discussion.

16. Continued from 1/24/18: Richard Foote, on behalf of Turner Construction, has applied to extend the Special Noise Variance at 25 Hayward Street until April 31, 2018 to work between 6:00 a.m. and 8:00 p.m.

Continued at the request of the applicant.

17. Michelle Suh, on behalf of Kaju Tofu House, holder of an all alcohol license, not currently in use, has advised the License Commission to cancel the license.

Decision: Board acknowledged; license to be cancelled and file closed.

18. Consideration of renewal of hackney driver's license: Ajebe Tassew, holder of hackney driver's license 30031.

Decision: Granted (2-0).

19. Consideration of renewal of hackney driver's license: Kenneth Lewis Levin

Decision: Granted (2-0).

20. Cancellation of the Common Victualler license issued to Vinfen as they have an employee cafeteria that is not open to the public, and to issue a refund.

Decision: Board acknowledged (2-0). License to be cancelled, file closed and refund issued.

21. Broadway Marketplace, LLC, holder of a Package Store License at 466 Cambridge Street, for the approval/correction of the Common Victualler License at said location, based on the record and the history of the file.

Decision: Granted (2-0) Seating limited to 20 seats, per zoning sign off (total occupancy can reflect the 26 reflected by applicant).

22. **Application** continued from December 6, 2017 Sheger Café and Ethiopian Restaurant, LLC has applied for a new Common Victualler Wine & Malt Beverages License at 2376 Massachusetts Avenue. Misrak Gandhi as Proposed Manager of Record of a premise described as: approximately 1500 SF on the street level of Massachusetts Avenue with a bathroom, kitchen, and storage and 32 SF patio on public property. Proposed hours of operation are: 9:00 a.m. to 10:00 p.m. Monday through Saturday and 11:00 a.m. to 9:00 p.m. Sunday with a seating capacity of 44 inside and 8 outside on a seasonal public patio.

Decision: Granted (2-0). Letter evidencing beneficial interest of 50/50% must be uploaded to the ABCC.

23. Zaaki, LLC d/b/a Zaaki Food Truck, Mohammad Abo-Sharkh, owner, has applied for a peddler's license to vend at Vecna, 32 Cambridgepark Drive on Monday's from 11:00 am until 2:00 pm. Through December 2018.

Decision: Granted (2-0). License not to be issued until sign off from ISD and fire is received.

24. Status of Medallion 162 after notice of auction.

Decision: Board acknowledged that auction did not take place and that the medallion owner is making payments; the medallion is active.

25. Minutes for January 10, 2018 and January 24, 2018.

Minutes for January 10, 2018 approved; Minutes for January 24, 2018 not considered as Commissioner Bard was not present for that hearing. They will be discussed on March 14, 2018.

One Day License 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.

26. Paul Clark, has applied for a malt with entertainment license to be exercised at Forest City, 64 Sidney Street, on 4/22/18 from 8:00 a.m. – 12:00 p.m. for a road race with amplification system. Expected attendance – 2800 people. [Approved by Special Events Committee]

Decision: Granted (2-0). Alcohol must be sold. Police detail required.

27. Rachel Roccoberton, has applied for (11) malt and wine license to be exercised at The New Dance Complex, 536 Massachusetts Avenue, on 3/3/18, 3/9/18, 3/10/18 from 7:00 p.m.-11:00 p.m.; 3/23/18 7:00-9:00; 3/24/18 5:30-10:00; 3/25/18 6:30 -11:00; 4/6/18, 4/7/18, 4/20/18, 4/21/18 & 4/22/18 from 7:00 p.m. – 11:00 p.m. for dance recitals. Expected attendance 70 people.

Decision: Granted (2-0).

28. Kyle Lapatin, has applied for an entertainment license to be exercised at Cambridge Masonic Hall, 1950 Massachusetts Avenue, on 4/27/18 from 8:00 p.m. – 12:00 a.m. for a social dance/party with patrons dancing, recorded/live music and amplification system. Expected attendance – 200 people.

Decision: Granted (2-0).

29. Jennifer Fine, has applied for a malt and wine license to be exercised at Harvard Law School, Milstein West and Austin Hall, 1585 Massachusetts Avenue, on 3/2/18 from 6:00 p.m. – 8:00 p.m. & 3/3/18 from 6:30 p.m. – 9:00 p.m. for a conference/reception. Expected up to 200 people.

Decision: Granted (2-0). Police detail required.

30. Edward O'Connor, has applied for a malt with entertainment license to be exercised at Cambridge, Garage Level B, 100 Cambridge Pl, on 3/11/18 from 10:00 a.m. – 1:00 p.m. for a road race with patrons dancing, recorded/live music and amplification system. Expected attendance – 3000 people. [Approved by Special Events Committee]

Decision: Granted (2-0). There must be a limited number of drinks associated with the race/admission fee. In the alternative, alcohol must be sold. Police detail required.

31. Roxtar Foods Ltd d/b/a Pammy's, Christopher Willis holder of a Common Victualler All Alcohol License, has applied for an entertainment license to be exercised at Pammy's, 928 Massachusetts Avenue, on 3/3/18 from 7:00 p.m. – 1:00 a.m. for a party with patrons dancing and recorded/live music. Expected attendance – 50 people.

Decision: Granted (2-0) only if zoning approval received, otherwise it is denied.

32. Erika Gauthier, has applied for a malt and wine license to be exercised at Novartis, 181 Massachusetts Avenue, on 3/6/18 from 4:00 p.m. – 6:30 p.m. for a reception. Expected attendance – 600 people.

Decision: Granted (2-0).

33. Stephon Henry-Remie, has applied for an entertainment license to be exercised at MIT, 84 Massachusetts Avenue, on 3/2/18 from 9:00 p.m. – 1:00 a.m. for a party with patrons dancing, recorded/live music and amplification system. Expected attendance – 450 people.

Decision: Granted (2-0). Police detail required.

34. Eric Propp, has applied for a malt license to be exercised at The Garment District, 200 Broadway, on 3/15/18 from 6:00 p.m. – 9:00 p.m. for a customer appreciation event-32nd birthday celebration. Expected attendance over 120 people.

Decision: Granted (2-0). Police detail required.

35. Jennifer Smith, has applied for an entertainment license to be exercised at MIT Kresge Auditorium, 84 Massachusetts Avenue, on 3/11/18 from 3:00 p.m. – 6:00 p.m. for a dance performance with performers/entertainers dancing, recorded/live music and amplification system. Expected attendance – 850 people.

Decision: Granted (2-0).

36. Patrick Martin, on behalf of Phoenix Communications, has applied for a special noise variance at 25 Boditch Drive from March 7 through March 9, 2018 from 8:00 PM until 6:00 AM for fiber splicing.

Decision: Granted (2-0).

37. Bill Manley, on behalf of the Harvard Square Business Association has applied for a one-day entertainment license for dancing in Winthrop Park on March 11, 2018 from 12:00 to 3:00 PM.

Decision: Granted (2-0).

38. Mateus Bezrutchka has applied for a one-day malt and wine license at MIT Walker Memorial on March 3, 2018 from 9:00 PM until 11:45 PM for a party.

Decision: Granted (2-0). Police detail required

Board's Approval of Minutes:

NMF

BGB

Date Minutes Approved: _____

Date Approved Minutes Were Posted: _____