

CAMBRIDGE LICENSE COMMISSION

831 Massachusetts Avenue, First Floor, Cambridge, Massachusetts 02139

MEETING MINUTES

For Meeting of Wednesday, April 11, 2018 at 3:00 p.m.
Michael J. Lombardi Building, 831 Massachusetts Avenue
Carmelia M. Vicente Basement Level Conference Room

Meeting Started at 3:04 p.m.

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

Staff Member Present: Elizabeth Y. Lint, Executive Director.

Public Testimony Matters:

1. Cancellation Uno Restaurants, LLC, holder of an All Alcohol License #11698 linked to 22 JFK Street for Non-Use pursuant to G. L. c. 138, § 77.

Present: No one appeared at first or second call.

Board Action: Vote deferred to make sure licensee received proper notice.

2. Cancellation JFS Group, LLC d/b/a Fire & Ice, holder of an All Alcohol License #11362 linked to 50 Church Street for Non-Use pursuant to G. L. c. 138, § 77.

Present: John Schall, managing member of JFS Group, LLC.

Documents Considered: Hearing notice and JFS Group, LLC file.

Summary: Mr. Schall stated that he is working with Pat Palladino, a commercial restaurant broker, as well as with the landlord, to secure a buyer for the license. The space has been gutted. It will be easier to market with the license due to the size of the space. There has been some interest in the property, have had same party visit 3-4 times. Mr. Schall requested more time to close the deal.

Decision: Board voted (3-0) to hold a cancellation hearing in November 2018.

3. Application Porter Square Hotel, LLC d/b/a Porter Square Hotel, 1924 Massachusetts Avenue, holder of an Innholder All Alcohol License #10893, has applied for a Change of Beneficial Interest to enter a Management Agreement with SIDONIE, LLC.

Present: Attorney Andrew Upton; Kevin Sheehan, interest holder of Porter Square Hotel, LLC; and interest holders of Sidonie, LLC - Loic Le Garrec and Sandrine Rossi.

Documents Considered: Application submitted and documents attached thereto.

Summary: The proposed management agreement with Sidonie, LLC is to have it open and operate the hotel's restaurant and manage the food and beverage. Ms. Rossi and Mr. Le Garric will be partners in the restaurant which will be called Colette. Both have experience operating French restaurants and both are TIPS certified. Curtis Butcher will remain the manager of record of the hotel and liquor license and will remain an employee of the license holder. There were discussions as to certain provisions of the management agreement to ensure that the ultimate control of the liquor license remains with the licensee and that all profits, with the exception of the management fee, go to the licensee.

Ms. Susan Hunziker spoke in support of the restaurant and also stated that the Porter Square Neighborhood Association neither supports nor opposes application. Ms. Denise Jillson spoke on behalf of the Harvard Square Business Association and as a resident, in favor of the petition. Mr. Michael Brandon had concerns about the operation in terms of noise, parking and hours.

Decision: Granted (3-0), subject to submission of a signed management agreement and corporate structure of SIDONIE, LLC.

4. Application Nookie, LLC d/b/a Commonwealth Restaurant, 11 Broad Canal Way, holder of a Common Victualler All Alcohol License #11473, has applied for an Alteration of Premise to: 6500 sq. ft. located on the first floor. Approximately 2833 sq. ft. seasonal patio on private property against the building with a la carte dinner area and beer garden area with outdoor bar and seating. No changes to current capacity – 194 inside, 124 outside.

Present: Steven Postal, owner, Nookie, LLC d/b/a Commonwealth.

Documents Considered: Application submitted and documents attached thereto.

Summary: Mr. Postal stated that the patio is being moved to be against the building to move patrons away from the manhole cover.

Decision: Granted (3-0).

5. Application Ethos Business Partners, Inc. d/b/a Le's Sushi Bar & Restaurant, 425 Cambridge Street, holder of Common Victualler License #12289, has applied to add Wine & Malt Beverages to said license. The proposed hours for alcohol service are Monday through Saturday 8:00 a.m. to 1:00 a.m. and Sunday 10:00 a.m. to 1:00 a.m. (current food service hours are 7:00 a.m. – 1:00 a.m.). Proposed inside seating for 48 with a total occupancy of 68. Hung T. Le as Proposed Manager of Record of a premise described as: Approximately 1,900 sq. ft. on the first floor with two dining rooms, two restrooms, kitchen, and 250 sq. ft. patio on private property; and approximately 1,800 sq. ft. in the basement for storage.

Present: Attorney Kevin Crane; Huong Le, owner of Ethos Business Partners, Inc.; and Henry Le, proposed manager of record.

Documents Considered: Application and documents attached thereto, petition submitted at hearing and letters in support or application.

Summary: Ms. Le lives upstairs from the restaurant and cooks every day. The restaurant had received zoning relief to expand into the adjacent space. It is a small space (48 persons) and nonetheless it has been successful to the point of expansion. Their customers have been asking for a more complete experience (petition with over 250 signatures submitted). The license will provide the customers what they are seeking and will dovetail a successful restaurant to service the public need. The intent is to keep the food hours as is (7 a.m. – 1 a.m.) and have the liquor hours be Monday-Saturday 8 a.m. – 1 a.m. and Sunday 10 a.m. – 1 a.m.

Mr. Le is the proposed manager and has been manager of record before without incident. Mr. Le is not currently TIPS or 21 Proof certified but, if approved, will complete the training and submit proof to the License Commission.

Decision: Granted (3-0).

6. Application 56 Bagels, LLC d/b/a Black Sheep Bagel, has applied for a Common Victualler license at 56 JFK Street. Shoshanah Garber as Proposed Manager of Record of a premise described as: Approximately 1,270 sq. ft. basement level with one entrance, two exits, prep area, two restrooms and dining area. The proposed hours of operation are 7:00 a.m. to 3:00 p.m. seven days per week, with seating capacity of 49 and total occupancy of 61.

Present: Attorney Kathleen Moore; Shoshana Garber and Manny Ramirez, applicants.

Documents Considered: Application and documents attached thereto.

Summary: This is a family run restaurant serving creative bagel sandwiches and is not fast food. They will only have background music as entertainment. Ms. Denise Jillson from the Harvard Square Business Association spoke in favor of the petition.

Decision: Granted (3-0).

7. Application Abe's Complete Auto Service, Inc. has applied for a new Garage License for 10 vehicles and 100 gallons of gasoline in the tanks of autos only at 317 Fresh Pond Parkway. Applicant is also applying for additional flammables storage for 500 gallons of Class 1 and 150 gallons of Class 2 at said address.

Present: Attorney Jesse Schomer.

Documents Considered: Application and documents attached thereto; and memorandum from Community Development Department ("CDD").

Summary: Discussion ensued regarding the license requirement, which is governed by Cambridge Municipal Code 8.08. Concerns had been raised about flooding in the area. According to the

CDD memo, there is some flooding potential in the area but not all of it. In addition, in the areas where there is flooding potential, it is not expected to be more than 1 ½ feet, and therefore, no risk of cars floating away. The Fire Permit that is on file has the correct amounts stored at the location. Mr. Schomer represented that the notice to abutters was deficient and he would have to re-notice.

Decision: Board voted (3-0) to leave the matter open for 14 days in case abutters want to be heard after the defective notice is corrected.

[Commissioner Bard had to leave the meeting for a short period.]

8. Application Boston Properties Limited Partnership has applied for a new Garage with Additional Flammables License at 145 Broadway for 350 parking spaces, 7,000 gallons of Class 1 in tanks of autos only, and 2,810 gallons of Class 2 in above ground storage tanks.

Present: Attorney William Taber; and Michael Tilford and Daniel Padien on behalf of Boston Properties.

Documents Considered: Application and documents attached thereto.

Summary: This garage has 350 parking spaces for tenant use only, no fee charged. The amount of gasoline is only 3,500 and is only that of in the tanks of vehicles. The diesel fuel, 2,810 gallons, is for generators.

Decision: Granted (2-0), with the amendment that it is only 3,500 gallons of Class I (gasoline in tanks of vehicles).

[Commissioner Bard returned to the meeting.]

9. Application Baraka, Inc. d/b/a Baraka Cafe, 1728 Massachusetts Avenue, holder of Common Victualler License #12308, has applied to add Wine & Malt Beverages to said license with the same current hours of operation, 10:00 a.m. to 10:00 p.m., and seating for 40 (currently approved for 45). Alia Radjeb as Proposed Manager of Record of a premise described as: 1305 sq. ft. ground floor retail space with bathrooms, kitchen and dining area. Basement with office and storage. One entrance and two exits.

Present: Alia Radjeb and Omar Bouibegh, co-owners.

Documents Considered: Application and documents attached thereto.

Summary: Ms. Radjeb described her extensive experience in the restaurant industry. She stated they applied for wine and malt license because her customers have requested it for years. People have left the establishment because they cannot have a drink with their meals. In addition, many of the positive reviews the restaurant has received all mention the downfall is the lack of alcohol to accompany the food. They want to satisfy her longtime customers and in their opinion the type of food served, Mediterranean and French, requires malt and wine. Mr. Bouibegh, the proposed manager of record, is 21 Proof Certified.

Ms. Anne Aigniger spoke in favor of the petition and expressed she represented a family of customers who enjoy the delicious cuisine and family environment the restaurant provides.

Decision: Granted (3-0).

10. Appeal Kesner Noel, has appealed Officer Szeto's decision to refund the fare to the complainant.

Present: Kesner Noel, appellant; and Officer Benny Szeto.

Summary: Officer Szeto testified that on February 12, 2018, he received a complaint that the previous day Mr. Noel had quoted a passenger \$43.50 as the flat rate from the hotel to the airport. On the date and time of the trip, the proper flat rate was \$40. The passenger eventually paid the \$40 flat rate plus a \$4.00 tip (as she was afraid the driver would leave with her bags in the trunk). Officer Szeto told Mr. Noel to return the full fare (\$44.00) to the passenger.

Mr. Noel expressed he had no issues returning the \$4.00 tip. However, he drove the required distance, and therefore, had earned the \$40 fare.

Decision: Board voted (3-0) to have Mr. Noel refund the \$4.00 tip only.

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.

11. Prime Property Fund, LLC d/b/a PPF Off 150 Cambridge Park, LLC, 140 CambridgePark Drive, holder of Garage with Flammables License #14360, is requesting to change the building ownership from SPUS7 150 Cambridgepark, LP to PPF Off 150 Cambridgepark Drive, LLC.

Decision: Granted (3-0).

12. Building Form, LLC, 189 Norfolk Street, holder of Garage License #GAR10067, has notified the License Commission that the property was renovated and two of the bays of the garage were removed. The property now contains two separate garages with a total capacity of 2 vehicles each.

Decision: Acknowledged (3-0), license to be cancelled and file closed.

13. The Hondar House, Inc., 227 Prospect Street, holder of Garage and Flammables License #GFS10046, has notified the License Commission that the business is closed.

Decision: Acknowledged (3-0), license to be cancelled and file closed.

14. Kyle Clayson, on behalf of Hallamore Corp., has applied for a Special Noise Variance from 7:00 a.m. - 9:00 a.m. on April 14, 2018 to set up a crane at 300 Bent Street. They will also be setting up on April 15, 2018, but during regular working hours.

Decision: Granted (3-0), Sunday work permit must be obtained from the Cambridge Police Department.

15. Curlocom, LLC d/b/a Plough and Stars, 912 Massachusetts Avenue, holder of Common Victualler All Alcoholic Beverages License #11685, has applied to update their capacity to reflect the standing occupancy of 35 persons.

Documents considered: Application and documents attached thereto; Task Force Inspection reports; and file.

Summary: The licensee petitioned to have the capacity reflect that of the approved floor plan. When viewed more carefully, the floor plan numbers were different from what was petitioned. According to the floor plan, the seating capacity is 44 and standing capacity 52 for a total occupancy of 96.

This request came about after a Task Force Inspection on March 17, 2018, which revealed the occupancy that night was 66 (and at the time the license had a maximum occupancy of 60). Considering the space could hold the number of persons and there were no safety issues, the matter will not be called for a disciplinary hearing. However, there was concern that the doorman that night informed the inspectors there were only 45 people inside the premises.

Decision: As to the request for change in capacity on the license, granted (3-0) in accordance with the approved floor plan (44 seating, 52 standing). Board will send written warning to the licensee with regard to the manner in which the premises keeps count (specifically related to the Task Force Inspection).

16. Sach Ko, LLC d/b/a Sach Ko, holder of Hawker/Peddler License #PED10072, has applied to change their current vending location to: Cambridge Redevelopment Authority parking lot (southwest corner of Third and Binney Street) from 8:00 a.m.- 9:00 p.m. Monday through Friday through November 16, 2018; and Cambridgeport (Sidney and Erie Street) from 10:00 a.m. – 3:00 p.m. on Fridays through October 2018.

[CONSIDERED/APPROVED WITH RENEWAL APPLICATION]

17. Roadies Diner, LLC d/b/a Roadies Diner, holder of Hawker/Peddler License #PED10063, has applied to add to their current vending location: Cambridge Redevelopment Authority parking lot (southwest corner of Third and Binney Street) from 11:00 a.m. - 2:00 p.m. through November 23, 2018.

Decision: Matter deferred until license renewal is completed; request will be considered with the renewal application.

18. The Chicken & Rice Guys, holder of Hawker/Peddler License #PED10022, has applied to add to their current vending location: Cambridgeport (Sidney and Erie Street) from 11:00 a.m. - 2:00 p.m. on Wednesdays through October 2018.

Decision: Matter deferred until license renewal is completed; request will be considered with the renewal application.

19. Chick Chak Food Truck, holder of Hawker/Peddler License #PED10062, has applied to add to their current vending location: Cambridge Redevelopment Authority parking lot (southwest corner of Third and Binney Street) from 11:00 a.m. - 3:00 p.m. on Tuesdays through November 16, 2018.

Decision: Matter deferred until license renewal is completed; request will be considered with the renewal application.

20. Shuck Truck, LLC d/b/a Shuck Food Truck, has applied for a new Hawker/Peddler's License to sell lobster rolls, fish & chips, confit tuna, fried oysters, fries, and lobster grilled cheese at: Cambridgeport (Sidney and Erie Street) from 10:00 a.m. - 3:00 p.m. on Tuesdays through October 2018.

Decision: Granted (3-0).

21. New Inman Associates, Inc. d/b/a Ryle's Jazz Club, 212 Hampshire Street, holder of Common Victualler with All Alcoholic Beverages License #11697, has informed the Board of License Commissioners it will cease operating the business on June 30, 2018, and the liquor license will be turned in to the License Commission on July 1, 2018.

Decision: Acknowledged (3-0).

22. Avis Budget Car Rental, LLC, holder of Letting of Motor Vehicle License # MVL10001/VP 14136 at 20 Sydney Street, has provided notice that the business has closed.

Decision: Acknowledged (3-0), cancel license and close file.

23. Bartleby's Seitan Stand, LLC d/b/a Bartleby's Seitan Stand, has applied for a new Hawker/Peddler's License to sell fried seitan, sandwiches, salads and french fries at: Cambridge Redevelopment Authority parking lot (southwest corner of Third and Binney Street) from 10:30 a.m. - 2:30 p.m. through November 23, 2018; and Vecna, 32-34-36 CambridgePark Drive, from 11:00 a.m. - 3:00 p.m. on Thursdays through December 31, 2018.

Decision: Granted (3-0).

24. The Pull-Up, LLC d/b/a The Pull-Up, has applied for a new Hawker/Peddler's License to sell food Latin/Soul food (rice, rice with gandules, beans, chicken and beef stew, chicken and beef empandas) and non-alcoholic beverages at: Central Square (Massachusetts Avenue) from 8:00 p.m. - 12:00 a.m. on Thursdays through October; North Point (Education Circle) from 10:00 a.m. - 6:00 p.m. on Saturdays

through October; and Vecna, 32-34-36 Cambridgepark Drive, from 11:00 a.m. – 2:00 p.m. on Wednesdays through December 31, 2018.

Decision: Granted (3-0).

25. Meeting Minutes of February 7, 2018.

Decision: Approved (3-0).

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 Shannon, on behalf of Mass Peace Action, has applied for a one-day entertainment license for recorded/live music with amplification to be exercised at Cambridge Common on April 14, 2018 from 9:30 a.m. – 3:00 p.m. at Cambridge Common with 500 people expected.

Decision: Granted (3-0), with amended hours of 12:00 p.m. - 3 p.m. per Park Permit.

27. Philip Chaves, on behalf of St. Anthony's Parish, has applied for a malt and wine with entertainment license to be exercised at St. Anthony's Parish, 400 Cardinal Medeiros Avenue, on 5/4/18 7pm-12am; 5/5/18 4pm-12am; 5/6/18 12pm-11pm; 5/19/18 5pm-12am; 5/20/18 1pm-11pm; 5/26/18 5pm-12am; 5/27/18 1pm-11pm; 6/16/18 5pm-12am; 6/17/18 1pm-11pm and 6/23/18 12pm-12 midnight for religious feast with patrons, performers/entertainers dancing, recorded/live music and amplification system. Expected attendance up to 800 people.

Decision: Granted (3-0), with the condition that a police detail is required during the hours requested by Sgt. Kale. Specifically: May 4 through 6 event Auxiliary police required from 5-5:30 pm and 2-4pm all days; Police detail required Saturday from 8:00 pm to 12:00 am; Sunday 7:00 pm to 11:00 pm and Sunday at Cambridge and Windsor Streets from 2:30 to 5:30 pm; and police detail or auxiliary police required the other dates and times.

28. Elizabeth Wu, on behalf of Scismic, has applied for a malt license to be exercised at WeWork, 625 Massachusetts Avenue, on 5/23/18 from 6:00 p.m. – 8:00 p.m. for a networking and seminar event. Expected attendance – 100 people.

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

29. Rev. Charles Collins, has applied for an all alcohol license to be exercised at St. John's Church – Parish Hall, 2254 Massachusetts Avenue, on 4/14/18 from 5:00 p.m. – 10:00 p.m. for a 10,000 drawing. Expected attendance – 200 people.

Decision: Granted (3-0).

30. Bill Manley, on behalf of the Harvard Square Business Association, has applied for an entertainment license to be exercised at Out of Town news/pit, on 4/13/18 from 4:00 p.m. – 6:00 p.m. for a concert with recorded/live music. Expected attendance – 100 people.

Decision: Granted (3-0), with amended hours of 11:00 a.m. - 6:00 p.m. per Park Permit.

31. Jamie Giordano, on behalf of Alexandria Real Estate Equities, Inc., has applied for an entertainment license to be exercised at courtyard, 1 Kendall Square, on 7/12, 7/26, 8/9, 8/23 & 9/6 from 4:00 p.m. – 8:00 p.m. for a concert with recorded/live music and amplification system. Expected attendance – 100 people.

Decision: Granted (3-0).

32. Marie Keil, has applied for an entertainment license to be exercise at Science Center plaza tent, 1 Oxford Street, on 4/30/18-5/1/18 from 9:00 p.m. – 1:00 a.m. for a dance with patrons dancing, recorded/live music and amplification system. Expected attendance – 1200 people.

Decision: Granted (3-0), police detail required.

33. Tomika Smith, has applied for an entertainment license to be exercised at Tercentenary Theatre, Harvard Yard, on 4/13/18 from 5:00 p.m. – 9:00 p.m. for a concert with patrons, performers/entertainers dancing, recorded/live music, amplification system, light show and dynamic audio/visual show live/recorded. Expected attendance – 3000 people.

Decision: Granted (3-0); police detail required.

34. Amy Gu, has applied for an entertainment license to be exercised at Harvard-Fong Auditorium, Boylston Hall, on 4/14/18 from 8:00 p.m. – 10:00 p.m. for a concert with recorded/live music and amplification system. Expected attendance – 140 people.

Decision: Granted (3-0).

35. Abby Barnicle, has applied for a malt and wine license to be exercised at Workbar, 45 Prospect Street, on 4/19/18 from 6:00 p.m. – 8:00 p.m. for a professional workshop/networking. Expected attendance – 40 people.

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

MATTERS ADDED TO AGENDA AFTER POSTING OF APRIL 4, 2018

36. Royal Punjab Enterprises, Inc. d/b/a Royal Punjab's, 251 Cambridge Street, holder of Common Victualler License # 10131, request for new hearing on matter decided on February 28, 2018 and for 14-day stay of suspension.

Documents considered: Letter from Attorney Denis Benzan on behalf of Royal Punjab Enterprises, Inc.

Summary: On February 28, 2018 the Board of License Commissioners held a violation hearing and imposed a 20-day license suspension. The licensee was not represented by counsel at the time. The licensee hired an attorney since the hearing. The attorney is requesting a new hearing claiming his client did not fully understand the proceedings because of a language barrier.

Decision: Board voted (3-0) to hold a new hearing on May 23, 2018.

37. Erika Gauthier, on behalf of Novartis, has applied for a One Day Malt & Wine License to be exercised on April 12, 2018, at Novartis for a private reception from 5:00 p.m. – 7:00 p.m., 100 people expected.

Decision: Granted (3-0); police detail required.

38. Boutros Youssef on behalf of CousCous Kitchen, has applied for a one day peddler license to vend at Cambridge Public Library on April 14, 2018 from 10:00 am until 4:00 pm.

Decision: Matter deferred until license renewal is completed; request will be considered with the renewal application.

39. Amanda Sharick has applied for a one day wine and malt and entertainment license on April 25, 2018 from 5:30 pm until 8:30 pm at Peabody terrace for an end of the year party for music, dancing, and light show.

Decision: Granted (3-0), with the condition that alcohol must be sold, and a police detail is required.

40. Erika Gauthier has applied for a one day wine and malt license on April 25, 2018 from 4:00 to 6:00 pm at 181 Mass. Ave. for a reception.

Decision: Granted (3-0).

41. Jeffrey Ravel has applied for a one day malt and wine license on April 21, 2018 from 4:00 to 6:00 pm at 77 Mass. Ave. for a conference.

Decision: Granted (3-0); police detail required.

42. Erika Reinfeld has applied for a one day malt and wine license on April 20, 2018 from 5:30 to 7:30 pm at 508 Main Street for a reception.


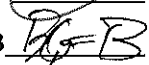
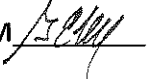
Decision: Granted (3-0); police detail required.

43. Toirm Miller, on behalf of Stoked Pizza, holder of Hawker/Peddler License #15138, has applied for an amendment to his license to vend at the Science festival on April 14, 2018 from 10:00 am until 2:00 pm.

[CONSIDERED/APPROVED WITH RENEWAL APPLICATION]

44. Jessica Shen, on behalf of Riceburg, Inc. holder of Hawker/Peddler License number PED10059, has applied for an amendment to their existing license to vend Wednesday's from 11:00 am to 3:00 pm at Sidney and Erie Streets.

[CONSIDERED/APPROVED WITH RENEWAL APPLICATION]

NMF 
BGB 
GEM 

Board's Approval of Minutes:

Date Minutes Approved: **MAY 09 2018**

Date Approved Minutes Were Posted: **MAY 10 2018**