

CAMBRIDGE LICENSE COMMISSION

831 Massachusetts Avenue, First Floor, Cambridge, Massachusetts 02139

MEETING MINUTES

For Meeting of Wednesday, June 6, 2018

Michael J. Lombardi Building
831 Massachusetts Avenue
Carmelia M. Vicente Conference Room (Basement Level)
Cambridge, Massachusetts

Meeting started approximately at 3:00 p.m.

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

Note: *All votes, unless otherwise indicated, where 3-0.*

Public Testimony Matters:

1. Disciplinary Paul Clark, holder of One Day Malt Only License #1AL13440 on April 22, 2018 at 64 Sidney Street for alleged violations of M. G. L. c. 138 §§ 14 & 23, and 204 CMR 4.00.

Present: Paul Clark, licensee; Paul Ryder, licensee; and Tyler Bubenik, Licensing Investigator.

Documents Considered by the Board: Hearing notice and attachments.

Summary: The one-day license was issued relative to an application filed by Paul Clark in connection with a road race. The application submitted stated that the event was open to the public, there was no admission fee and the alcohol was to be given away. The Board granted the one-day license but placed the following condition: "alcohol must be sold." On the date of the event, the event was inspected and it was uncovered that the alcohol was not being sold. Mr. Clark and Ryder testified that the alcohol was only given to the race runners and the alcohol (which was limited to 2 or 3 beers) was not "free" but rather associated with the race registration fee.

Decision: Violation, warning.

2. Disciplinary Belmont Landscaping, holder of leaf blower permit #10721, for alleged violation of Cambridge Municipal Ordinance 8.16.081.2(f)- more than one employee utilizing a leaf blower within a 10,000 square foot area, on April 30, 2018 at Sancta Maria Hospital, 799 Concord Avenue.

Decision: No action – Belmont Landscaping could not make it, matter was moved to a different date.

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3. **Application** The Mothership Alewife, LLC d/b/a Revival, has applied for a new Common Victualler License at 125 Cambridgepark Drive with a seating capacity of 49 inside, 16 patio seats on private property, occupancy of 69 and proposed hours of 7:00 a.m. to 7:00 p.m. seven days per week. Liza Shirazi as proposed manager of record of a premise described as: Restaurant with kitchen and service counter. Outside seating on private property.

Present: James Rafferty, attorney for the applicant; Liza Shirazi, applicant; and Steven Postal, applicant.

Documents Considered by the Board: Application and documents attached thereto.

Summary: The application had originally been filed as an employee only cafeteria. The applicants obtained the Planning Board's approval to make it open to the public. The operation will be on the ground floor and connected to a second restaurant space that is yet to be developed/applied for. The current application is for the space that is not visible from the street and is geared more towards a morning, early afternoon crowd. It will be a concept similar to Crema. The applicants, depending on the second operation and the manner in which this one develops may decide to apply for a liquor license at a later date.

Decision: Granted.

4. **Application** Greek Kitchen 3, LLC d/b/a Saloniki, has applied for a new Common Victualler All Alcohol License at 1350 Massachusetts Avenue. The proposed hours are 11:00 a.m. to 10:00 p.m. all days with seating for 103 and an occupancy of 141. Blaise Cohen as Proposed Manager of Record of a premise described as: Approximately 3,410 square feet in two rooms on the first floor with kitchen and prep in the rear. Service and seating in front. 5 entrances and 5 exits.

Present: Andrew Upton, attorney for the applicant; Blaise Cohen, proposed manager of record; Eric Papachristos, proposed beneficial interest holder; and Josephine a/k/a Jody Adams, proposed beneficial interest holder.

Documents Considered by the Board: Application and documents attached thereto.

Summary: The proposed location is in the newly built Smith Center for Harvard University. Harvard University sought out the applicants and pitched the idea of opening at this location to them. The applicant was chosen by Harvard's faculty, staff and students who participated in meetings to determine which business would occupy the space. The full liquor is necessary as Greeks are not big beer drinkers but rather drink cocktails and ouzo. The concept would be the same as their other locations in terms of the craft cocktails and food, except that in this location, the food and drinks will be brought to the table and there will also be breakfast service. The intent is to have food service start at 7 a.m. and alcohol at 11 a.m. The space is still being built and the capacity and floor plan have not been finalized although zoning's initial approval limited the occupancy to 103.

In terms of the disclosure of the landlord as a beneficial interest holder on the license, it was done as an abundance of caution; although it is a percentage rent, it is not inclusive of the sales of

alcoholic beverages. Currently, the street address being used by Harvard is 1350 Massachusetts Avenue, although the location can also be properly known as 75 Mt. Auburn Street and may also have a valid address on Dunster Street. The applicants/attorney will submit corrected beneficial interest in other licenses forms for Mr. Papachristos and Ms. Adams. Blaise Cohen is TIPS certified and will provide the certification to the Board. Also, the d/b/a is Saloniki.

Decision: Granted, with the following changes/affirmations: d/b/a is Saloniki; food service hours are 7AM-10PM and alcohol service hours are 11AM-10PM; capacity and floor plan not final as the buildout is not complete, capacity and occupancy will be set once the final floor plan is submitted and approved.

5. Application Massachusetts Institute of Technology has applied for a Flammables License at 50 Albany Street for 83,385 gallons of Class 2 fuel oil in three AST's.

Present: Sarah Gallop, applicant; and Frances Boyle, applicant.

Documents Considered by the Board: Application and documents attached thereto.

Summary: This is part of the advance expansion of the central utility plant for MIT and the main feature to replace the old turbine. The intent of MIT is to only use these tanks when the natural gas is interrupted and there is no other option – this fuel will be as a back-up not the main source. Although the Flammable Materials Permit states the location of the tanks is at 77 Massachusetts Avenue that is because the Fire Department issues all of MIT's permits to its central address at Massachusetts Avenue. These tanks will be at 50 Albany Street.

Decision: Granted.

6. Application 1071 Cambridge Street, LLC d/b/a Angel's Share, holder of a Common Victualler Wine & Malt License at 1071 Cambridge Street, has applied for a Change of License Category to All Alcohol, Change of d/b/a to Bisq, and a Change of Beneficial Interests.

Present: Andrew Upton, attorney; Keith Pooler, beneficial interest holder; and Sergio Garcia, beneficial interest holder.

Documents Considered by the Board: Application and documents attached thereto; and current file.

Summary: Based on an arbitration award, the license holder had to provide a 20% beneficial interest to Tabasuri Moses, LLC. The application as filed, improperly listed the currently approved beneficial interest holders in the license. However, the proposed new structure was appropriately listed. The attorney will correct the forms. It is clear the interest has not transferred and was as a result of a binding arbitration award. The structure of Tabasuri Moses, LLC also had to be changed prior to the filing of the application because of some disqualifying issues with one of the members of that LLC. The arbitration award will be submitted to the Board and also forwarded to the ABCC.

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In terms of the changes to the business, the proposed name of Bisq is to reference a fancy soup and also in honor of the history of Inman Square. As to the move to all alcohol, it was always the intent to serve full liquor but when originally applied they were asked to seek malt and wine only. The concept of the restaurant, which is not intended to change, is an upscale restaurant. To properly serve the need of the customers, and provide the full experience, the customer needs to have the option of something other than beer and wine. In addition, this will align with their concept at Bergamot. The applicants have had no disciplinary issues, other than a warning for failure to apply to have Tabasuri Moses, LLC's beneficial interest approved.

Mr. Pooler would remain the manager of record although there is a restaurant manager as well. Mr. Pooler has yet to be 21 Proof or TIPS certified.

Decision: Granted pending submission of arbitration award, proper current structure, and 3 months of financials for Tabasuri Moses, LLC and Cohen. In addition, Keith Pooler must provide proof of TIPS Certification or 21 Proof Certification within 60 days of the hearing.

7. Application Coffee Co., LLC d/b/a Intrepid Café, holder of a Common Victualler License at 150 First Street with approved hours of 7:00 a.m. to 10:00 p.m. Monday through Friday, seating for 12 and an occupancy of 60, has applied to add a General On Premise Wine & Malt License at said address with hours of 8:00 a.m. to 10:00 p.m. Monday through Friday. Mae Deluca as Proposed Manager of Record of a premise described as: Approximately 900 sq. ft. on one room on the first floor with one entrance/exit on First Street.

Present: Mae Deluca, applicant and proposed manager of record; Mark Kasdorf, applicant.

Documents Considered by the Board: Application and documents attached thereto.

Summary: It was established that the applicants intended to continue serving food, therefore, the application would be considered as a Common Victualler with Wine & Malt License not as a General on Premises license. The landlord approached them with the concept as well as their customers, to have the liquor to assist in activating the area and bringing in students and employee past the morning and lunch times. This is meant to be an upscale café where to meet for a drink after work and to activate the area. There is another space that is not yet built and that will probably be more of a full restaurant for the late afternoon/evening hours. Ms. Deluca is not TIPS or 21 Proof Certified.

As to the difference in the space from the paperwork in the current common victualler file and this application, it is because Inspectional Services Department issued a Certificate of Occupancy as to the public area only (not taking into account the square footage of the employee area only and storage spaces). The space layout and size is the same as currently approved for the common victualler license. If granted, the premise description will have to be amended to the currently approved square footage of 1,200.

Decision: The Board deferred taking action waiting on the submission of a new sublease or an amendment to the current sublease which shows that the applicant has the right to serve alcohol and

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operate during the requested hours. If the sublease/amendment submitted raise no further questions and support the application as filed, the Board will vote to grant the application during an administrative hearing where the applicant does not need to appear. If the submitted sublease/amendment raises questions, the Board will notice the applicant to reappear for a continuance of the instant hearing.

8. Application Continued from April 11, 2018. Abe's Complete Auto Service, Inc. has applied for a 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: Jesse Schomer, attorney.

Documents Considered by the Board: Application and documents attached thereto; and Community Development Department's letter regarding area's flood potential.

Summary: The application was continued from April 11, 2018, to allow the applicant to correct the deficient abutter notification. The comments and presentation of April 11, 2018, were incorporated by reference and made a part of the instant hearing.

Decision: Granted.

9. Cancellation 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: Kimberly Courtney, attorney; and C. Anthony Martignetti, beneficial interest holder in the license.

Documents Considered by the Board: Application and documents attached thereto.

Summary: At the November 15, 2017, informational hearing, Mr. Martignetti represented that he had sold the real estate and planned to transfer the license to his nephew. The transfer to his nephew will no longer happen as he has decided to open a business in a different City. Mr. Martignetti has attempted to hire two different brokers to assist with selling the license but has been unable to do so. Additional time was requested to allow him to sell/market the license on his own.

Decision: The Board will grant the licensee additional time to transfer the license, specifically until renewal period in November 2018. If the licensee decides to file a renewal in November 2018, the Board at that time will hold a hearing for the consideration of the renewal and/or a cancellation hearing for non-use.

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10. Application Continued from May 23, 2018. Coffeeshop, LLC d/b/a Upperwest, holder of a General on Premise All Alcohol License and Common Victualer License at 1 Cedar Street, Unit B, has applied for an Alteration of Premise to add an outdoor patio on private property. Proposed premise description is: Approximately 1,140 square feet basement level in two rooms, including kitchen. 900 square foot outdoor patio on private property.

Present: Kimberly Courtney, applicant; Xavier Dietrich, applicant; Andrea Boyer, Chief Licensing Investigator; Joseph A. Boulanger, UAV representative; and Paul Corriveau, UAV representative.

Documents Considered by the Board: Application and documents attached thereto; pictures and plan submitted by Chief Licensing Investigator.

Summary: The proposed outdoor area is owned by the UAV, the applicants' landlord. Based on the testimony received at the hearing of May 23, 2018 and the Board's directive, Ms. Boyer inspected the outdoor area and found the parties (applicants and landlord) were not in agreement as to the extent of the area. Specifically, the area identified by the applicants constitutes, approximately 312.9 square feet – 88.9 square feet from the UpperWest entrance to the left all the way to the fence, and 224 square feet from the UpperWest entrance to the right and all the way to the edge of the building. The UAV's representatives agree that the applicants have a right to use approximately 224 square feet from the UpperWest entrance to the right and all the way to the edge of the building. The UAV denies that the lease, or it, has provided the applicants the right to use the approximate 88.9 square feet to the left of the UpperWest entrance all the way to the fence. The lease does not have dimensions or a plan showing the outdoor area. The UAV representatives that testified before the Board were parties to and signed the lease. The Board, in making its decision, took into account the testimony at the May 23 and June 6 hearings.

Decision: The Board approved (3-0) the extension of premises only to the approximate 22.4 feet from the entrance of UpperWest, to the right, and up to the edge of the building, and out 10 feet, for an approximate total of 224 square feet. The Board found (2-1, Commissioner Bard dissented) the applicants failed to prove they had a legal right to occupy the premises to the left of the entrance up to the fence (approximately 88.9 square feet). The approved premise description is: *Approximately 1,140 square feet basement level in two rooms, including kitchen. Approximately 224 square foot outdoor patio on private property (see approved floor plan).* The maximum occupancy for the approved outdoor area is 45 if standing only, 15 if there are tables and chairs, and 32 if there are chairs only. Management has to be present in the outdoor area at all times as the area is not contiguous to the premises.

11. Disciplinary Rehearing from February 28, 2018. 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.

Decision: No action – based on lack of availability of the City's witness, the matter was moved to July 25, 2018.

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. Application Joseph Capobianco, on behalf of The Richmond Group, has applied for a Special Noise Variance at One Kendall Square, Building 700, on June 9, 10, 16 and 17 of 2018 from 7:00 a.m. to 9:00 a.m. for hoisting equipment to the roof.

Decision: Granted (3-0) for the 6/9-10, with the condition that the applicant must obtain a Sunday work Permit from CPD; Granted (2-0; Chair Murati Ferrer did not vote) as to 6/16-17, with the condition that the applicant must obtain a Sunday work Permit from CPD.

13. Consideration Hackney Driver's License renewal application of Carmelo Benjamin, holder of Cambridge Hackney Driver's License #24588

Documents Considered by the Board: Application and documents attached thereto; and file.

Summary: Last year, based on the applicant's driving history, the Board granted the renewal with a one-year probationary period. During the probationary period, no moving violations were obtained.

Decision: Granted without restrictions.

14. Consideration Hackney Driver's License renewal application of Balbir Singh Saini, holder of Cambridge Hackney Driver's License #30194

Summary: The driving history is less than four moving violations in the last four years, therefore, the application should have not been placed on the agenda for consideration.

Decision: Granted.

15. Application Ten Ten Memorial Drive Tenants Corporation, holder of Garage with Flammables License #14303, at 1010 Memorial Drive, to acknowledge the 72 parking spaces at this location.

Decision: Acknowledged.

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16. Application 1010 Memorial Drive Tenants Corp., holder of Garage License #14445, at 8 Maynard Place, to acknowledge the increase of parking spots at this location from 5 to 10.

Decision: Acknowledged.

17. Application 1010 Memorial Drive Tenants Corp., holder of Garage License #14305, at 6 Maynard Place, to acknowledge the decrease of parking spots at this location from 5 to 4.

Decision: Acknowledged.

18. Application Stephen Meuse, on behalf of The City of Cambridge Traffic, Parking, & Transportation Department, has applied for a Special Noise Variance from June 11, 2018 to December 31, 2018 from 8:00 p.m. to 5:00 a.m., Citywide, for marking and grinding of pavement.

Decision: Granted, City project, therefore fee is waived.

19. Consideration of past License Commission minutes.

Decision: Approved minutes of April 25, 2018 meeting.

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 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. Idris Rahim, on behalf of the Benjamin Banneker Charter School, has applied for an entertainment license and one day amusement (dunk tank, bounce house and obstacle course) to be exercised at Reservoir Church in parking lot and lawns, 15 Notre Dame Avenue, on 6/9/18 from 8:00 a.m. – 3:00 p.m. for a school carnival with amplification system. Expected attendance – 125 people.

Decision: Granted.

21. Bill Manley, on behalf of the Harvard Square Business Association, has applied for an entertainment license to be exercised in (10) locations in Harvard Square, on 6/16/18 from 2:00 p.m. – 10:00 p.m. for a concert with patrons, performers/entertainers dancing, recorded/live music and amplification system. Expected attendance – 50,000 people.

Decision: Granted pending submission of City permits.

22. Valery Freland, has applied for a wine license to be exercised at Republic of France, 194 Brattle Street, on 7/14/18 from 5:00 p.m. – 9:00 p.m. for a party. Expected attendance – 200 people.

Decision: Granted.

23. Molly Canyes, on behalf of MIT, has applied for a malt and wine license to be exercised at MIT Sala de Puerto Rico & Lobdell, 84 Massachusetts Avenue, on 6/8/18 from 5:00 p.m. – 7:00 p.m. for a MIT Tech Reunion welcome dinner. Expected attendance – 556 people.

Decision: Granted, with the condition that police detail is required.

Note: Matters 24-29 were considered together.

24. 450 Kendall Hospitality d/b/a Glass House, has applied for (15) one day malt and wine license to be exercised at 450 Kendall Street, on 6/6, 6/13, 6/20, 6/27, 7/11, 7/18, 7/25, 8/1, 8/8, 8/15, 8/22, 8/29, 9/5, 9/12 and 9/19 from 4:00 p.m. – 10:00 p.m. for a craft beer gathering. Expected attendance – 75 people.

25. 450 Kendall Hospitality d/b/a Glass House, has applied for (4) one day malt and wine license to be exercised at 450 Kendall Street, on 6/4, 6/18, 7/16 and 7/30 from 5:00 p.m. – 10:00 p.m. for a plant night. Expected attendance – 30 people.

26. 450 Kendall Hospitality d/b/a Glass House, has applied for (15) one day malt and wine license to be exercised at 450 Kendall Street, on 6/7, 6/14, 6/21, 6/28, 7/12, 7/19, 7/26, 8/2, 8/9, 8/16, 8/23, 8/30, 9/6, 9/13 and 9/20 from 4:00 p.m. – 10:00 p.m. for a party with live music. Expected attendance – 100 people.

27. 450 Kendall Hospitality d/b/a Glass House, has applied for (9) one day malt and wine license to be exercised at 450 Kendall Street, on 6/5, 6/8, 6/12, 6/15, 6/19, 6/22, 6/26, 7/3 and 7/6 from 4:00 p.m. – 8:00 p.m. for a firepit gathering. Expected attendance – 20 people.

28. 450 Kendall Hospitality d/b/a Glass House, has applied for (8) one day malt and wine license to be exercised at 450 Kendall Street, on 7/10, 7/17, 7/24, 7/31, 8/7, 8/14, 8/21 and 8/28 from 5:00 p.m. – 9:00 p.m. for a private cornhole league. Expected attendance – 40 people.

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29. 450 Kendall Hospitality d/b/a Glass House, has applied for a one day malt and wine license to be exercised at 450 Kendall Street, on 7/4/18 from 4:00 p.m. – 11:00 p.m. for a 4th of July party. Expected attendance – 150 people.

Summary: Applicant has requested to extend to an outdoor area currently not covered by their liquor license. The applications are considered as one-day licenses pursuant to G. L. c. 138, § 14, and were considered as one application. The total number of requested days exceed thirty. The applicant has already been approved for two one-day licenses at this location.

Decision: Granted, for a maximum of 28 days, as a one-day license pursuant to G. L. c. 138, § 14. The license is only for malt and wine, hours of 4:00 p.m. – 11:00 p.m., and the days to be used do not have to be consecutive. However, the license will not issue until the applicant informs the Board of the days it intends to use the license. There is no fee for the license as it is contiguous to the licensed premises.

30. Brian Hurwitz, has applied for an entertainment license to be exercised at North Point Park, 1 North Point Blvd, on 6/9/18 from 6:00 a.m. – 2:00 p.m. for a walk with recorded/live music and amplification system. Expected attendance – 2,000 people

Decision: Granted, with the condition that police detail is required.

31. Nick Emmons, on behalf of the Cambridge Common Restaurant, has applied for a malt and wine and entertainment license to be exercised at 1667 Massachusetts Avenue (in parking lot), on 6/10/18 from 12:00 p.m. – 5:00 p.m. for a party with recorded/live music and amplification system. Expected attendance – 150 people.

Decision: Granted, with the condition that a staff member needs to be monitoring the area at all times. There is no fee for the license as it is contiguous to the licensed premises.

32. Eileen Murphy, on behalf of ARE – Tech Square, LLC., has applied for a malt and wine and entertainment license to be exercised at the Courtyard @ Technology Square, on 7/19, 8/2 & 8/16 from 5:00 p.m. – 7:30 p.m. for a concert with recorded/live music and amplification system. Expected attendance – 150 people.

Decision: Granted.

33. Jason Alves, on behalf of the East Cambridge Business Association, has applied for an all alcohol and entertainment license to be exercised at Northpoint Common, on 6/21, 7/19, 8/16 & 9/20 from 5:30 p.m. – 8:30 p.m. for a concert with patrons dancing, recorded/live music and amplification system. Expected attendance – 500 people.

Decision: Granted.

34. Scott Fraser, on behalf of the Jose Mateo Ballet Theatre, has applied for a malt, entertainment and vendor's (to sell food and beverages) license to be exercised at 400 Harvard Street and Massachusetts Avenue, on 6/9/18 from 12:00 p.m. – 8:00 p.m. for a Dance for world community festival with patrons, performers/entertainers dancing, recorded/live music and amplification system. Expected attendance – 10,000 people.

Decision: Granted, with the condition that police detail is required.

35. Eliot Management Services, Inc. d/b/a Paradise Cafe, holder of All Alcohol Beverage license at 180 Massachusetts Avenue, has applied for a malt and wine, entertainment and vendor's (to sell pizza) license to be exercised at Albany Street (in front of establishment), on 6/30, 7/21 & 8/4 with rain dates of (7/7, 7/28 & 8/11) from 9:00 p.m. – 1:00 a.m. for a gay pride block party with patrons dancing, recorded/live music, amplification system and light show. Expected attendance – 400 people.

Decision: Granted, pending submission of City permit(s), and with the conditions that police detail is required and the area must be attended to by staff members at all times.

36. Carli Cabana, on behalf of Siena Construction, has applied for an all alcohol and entertainment license to be exercised at 25 Birch Street, on 6/21/18 with rain date (6/28/18) from 3:00 p.m. – 9:00 p.m. for a fundraiser with patrons, performers/entertainers dancing, recorded/live music and amplification system. Expected attendance – 200 people.

Decision: Granted.

37. Neal Klein, has applied for an entertainment license to be exercised at Cambridge Masonic Hall, 1950 Massachusetts Avenue, on 6/13, 6/20, 6/27, 7/11, 7/18, 7/25, 8/1, 8/8, 8/15, 8/22 & 8/29 from 7:30 p.m. – 12midnight for a dance with patrons dancing, recorded/live music and amplification system. Expected attendance – 100 people.


Decision: Granted.

38. Raad A-Mumayiz, holder of an annual peddler's license, has applied for a one-day amendment to exercise the license at Harvard Museum of Science on June 21, 2018 from 5:00 p.m. to 9:00 p.m.

Decision: Granted.

Board's Approval of Minutes:

NMF
BGB
GEM



Date Minutes Approved: _____

Date Approved Minutes Were Posted: _____