



CAMBRIDGE LICENSE COMMISSION

831 MASSACHUSETTS AVE, CAMBRIDGE, MA 02139

NICOLE MURATI FERRER
CHAIRPERSON | BOARD MEMBER

CHRISTINE A. ELOW
POLICE COMMISSIONER | BOARD MEMBER

THOMAS CAHILL, JR.
FIRE CHIEF | BOARD MEMBER

BOARD OF LICENSE COMMISSIONERS' MEETING MINUTES

Tuesday, February 7, 2023, 10:00 a.m.
By Remote Participation Via Zoom

This meeting was held remotely in accordance with Chapter 107 of the Acts of 2022 signed into law on July 16, 2022, and commenced at 10:01 a.m.

Board Members: Nicole Murati Ferrer (present), Christine A. Elow (present), and Thomas Cahill, Jr. (absent).

Staff Member Present: Christopher O'Neil.

Decisions: All decisions were 2-0, unless otherwise indicated, and by roll call.

Public Testimony Matters

1) Follow Up Hearing [Continuance from December 1, 2022] Fresh Pond Auto Sales, Inc. (Used Car Dealer License #12774) v. City of Cambridge License Commission, et al., Middlesex Superior Court Docket No. 1981CV03873. Pursuant to Court Order, evidence will be "re-opened" to allow Fresh Pond Auto Sales to introduce expert witness live testimony or written submission of evidence related to the number of vehicles that should be permitted in the showroom at 307 Fresh Pond Parkway.

Present: Attorney Jesse D. Schomer; Lt. Christopher Towski; Attorney Paul Kawai. Doug Brown, business association representative.

Documents Considered: Report received from Fresh Pond's expert and file. Updated floor plan dated 12/12/22.

Summary: The current license has a condition that only 15 vehicles can be stored inside the premises. Fresh Pond's expert opines that storing 25 vehicles at this property would comply with Fire Code. An appeal as to the Board's decision was filed and a proposed compromise of allowing 20 vehicles to be stored inside the premises was submitted and presented to the Board.

Lt. Towski reviewed the proposed floor plan of 12/12/22 and agreed that the corrected sketch with a full 36 inches of clearance all around would satisfy any fire safety issues previously raised. Lt. Towski testified as to the benefits of having additional conditions such as signage on the maximum number of vehicles and person occupancy. If any larger vehicle is introduced, the number of vehicles stored would need to be reduced and the layout configured to have the 36 inch all around clearance. If there is a major fire, the large windows will be broken and used as form of entry. There was assent to all conditions as stated by Lt. Towski and agreement that if the Board adopted the recommendation, the appeal would be dismissed.

Doug Brown raised other unrelated issues regarding BZA conditions on the premises as well as the license conditions regarding the number of vehicles in the parking lot. The Board noted that any issues regarding the conditions of the license and any violations as to those have been previously addressed and were not within the scope of the hearing. Brown was provided a vehicle by which to file any new complaint as to the premises.

Decision: Conditions on license amended to allow total of 20 vehicles inside the premises and in the manner as depicted in the approved floor plan of 12/12/22, and the additional conditions that said floor plan must be conspicuously posted on the premises; the total person occupancy of the space must be posted conspicuously; if a larger vehicle is stored inside the premises, the number of vehicles inside must be reduced and the configuration must be such that there is a 36 inch all around clearance between the vehicles and the walls.

2) Application #205902 Tria Cambridge Concessions, LLC d/b/a Freepoint Hotel, 220 Alewife Brook Parkway, Common Victualler All Alcohol License #11569, for a Change of Manager to Mitchell Cox.

Present: Attorney Andrew Upton; and Mitchell Cox.

Documents Considered: Application and documents attached thereto.

Summary: Mitchell Cox has experience in the food and beverage industry and has not been the manager of record on a liquor license before. Is currently the manager of record on the innholder license for this location. Cox is familiar with the rules and regulations of the Board, the ABCC and the laws of the Commonwealth of Massachusetts with regard to the running of an innholder license and the sale and service of alcohol. Cox provided TIPS as proof of training in the safe service, sale and delivery of alcohol.

Decision: Granted.

3) Application #206005 Hersha Cambridge Concessions, LLC d/b/a Holiday Inn Express, 250 Monsignor O'Brien Highway, Wine & Malt Package Store License #29342, for a Change of Manager to Desiree Ann Luliano.

Present: Attorney Andrew Upton; and Desiree Ann Luliano.

Documents Considered: Application and documents attached thereto.

Summary: Desiree Ann Luliano has experience in the food and beverage industry and has not been the manager of record on a liquor license before. Luliano is currently the manager of record on the innholder license for this premises. Luliano is familiar with the rules and regulations of the Board, the ABCC and the laws of the Commonwealth of Massachusetts with regard to the running of an innholder license and the sale and service of alcohol. Luliano provided TIPS as proof of training in the safe service, sale and delivery of alcohol.

Decision: Granted.

4) Disciplinary Republic Services, Solid Waste Hauler License #14078, for alleged violations of CMC 8.16.080(e) – Loading and unloading, on January 25, 2023, 9-11 Chester Street, and on January 27, 2023, 170 Gore Street, both at approximately 5:30 a.m.

Present: Investigator Tyler Bubenik. Maya Gonzalez, complainant.

Documents Considered: Hearing notice and documents attached thereto; and file.

Summary: No one from Republic Services appeared. Gonzalez testified as to the violation on Gore Street, a highly dense residential area. Gonzalez stated the early pick up also happened earlier that day. Gonzalez acknowledged the previous company also picked up early but the matter was resolved. Bubenik testified as to the evidence for the 9-11 Chester violation. Republic has a significant disciplinary record for similar violations, including incidents at 9-11 Chester Street.

Decision: Violation, 2 counts, \$300 fine per count for total fine of \$600. \$100 hearing fee for failure to appear. Notice of violation to owners of premises being serviced.

5) Application #207552 Mike Carucci, John Moriarty & Associates, for a Special Noise Variance on 2/24/23 – 3/26/23 (no alternate specified) at 441 Morgan Avenue, continuously from 6:00 p.m. on a Friday afternoon until 11:59 p.m. on the following Sunday night (starting at 4:00 p.m. Friday), to remove a tower crane using an assist crane. The variance is sought to extend the work day to accommodate the disassembly of the crane, as the process cannot be safely left in an intermediate state.

Present: Investigator Tyler Bubenik and Investigator Joseph Kelley. Michael Carucci, Superintendent, JMA and Holly Sutherland, Mitigation Manager, CSL Consulting. Diane Stokes, DPW Engineer.

Documents Considered: Hearing notice and documents attached thereto; and file.

Summary: The variance would only be needed for one weekend, but due to the need for good weather, they are asking for multiple weekends. It is work that will not be done piecemeal. The applicant is shooting for end of March. It is a long and dangerous process. The applicant will notice abutters when it will happen. The tentative timeline would be starting on Friday at 4:00 p.m. to assemble the assist crane which takes about 5-6 hours which would mean they would end around 10:00 p.m. Then on Saturday they would start at 6:00 a.m. dismantling which takes 26-30 hours depending on how well it goes. So on Saturday they would work from 6:00 a.m. – 11:00 p.m., and then would come back on Sunday at 6:00 a.m. until hopefully 4-5:00 pm. Then they would need an additional six hours or so hours to remove the assist crane. In a perfect world, they would be out of the site on Sunday at 10:00 p.m. the latest. In a not so perfect world, they would need to exercise the 24 hour request. This is the identical process (but in reverse) done in April when the crane was set up. DPW is in support of the grant of the variance as the work is required to remove the existing tower crane, requires road closures and it is very dangerous work that requires good weather.

Decision: Granted with the condition that once exercised and crane disassembled, variance grant becomes moot.

6) Application #208960 Ryan George, Turner Construction, for a Special Noise Variance on 2/25/23 – 6/3/23 (no alternate specified) at 290 Binney Street, from 7:00 a.m. to 9:00 a.m. on Saturdays, for an extension of an expired variance associated with the installation of utilities using hand tools, welding tools, cranes, excavators, triaxles, and skid steers. The variance is sought to minimize impacts to utility services in adjacent buildings.

Present: Investigator Tyler Bubenik and Investigator Joseph Kelley. Ryan George, Contractor/Asst. Superintendent, Turner Construction. Benjamin Paskal, Superintendent Turner Construction. Adam Reynolds, client.

Documents Considered: Hearing notice and documents attached thereto; and file.

Summary: This would be an extension on existing permit, for 7:00 a.m. start for Saturday. This is at the Blue Garage, and they are working deep 20-25 feet in the ground. They are dealing with 100+ year old sewer lines which they are trying to protect along with being sensitive to the abutters. Because many of the abutters are life sciences, not all of the work cannot be done during their regular hours because of the vibrations and effects it has on the work. There is also a need to take advantage of weekends when traffic and pedestrian is less/minimized. Acknowledged some complaints for overnight work but that has stopped, and they do not intend to reimplement the third shift work. The applicant was warned about arriving early to the site with trucks idling before 7:00 a.m. as that is disruptive to the community. There will be increased patrols in the area.

Decision: Granted.

7) Application #209502 Kaitlin Becker, PIDC Construction, for a Special Noise Variance on 2/7/23 to 2/24/23, (alternate dates 2/13/23 to 3/3/23) at 301 Binney, Monday-Friday 6:00 p.m. - 8:00 p.m. (also working regular hours), and Saturday 6:00 p.m. – 8:00 p.m. (also working regular hours). Installation of critical natural gas utility infrastructure, using welding machines. To allow for radiograph of welds, personnel cannot be present during this effort.

Present: Investigator Tyler Bubenik and Investigator Joseph Kelley. Sal Messina.

Documents Considered: Hearing notice and documents attached thereto; and file.

Summary: This will be from corner of Binney Street and Sixth Street. The majority of the installation has already been done and this is for the last 20 feet. They will need to re-excavate and then install the last 20 foot of piping and tie end with Eversource gas. They are seeking for a 12 hour day to be able to complete what they need to install since they have to coordinate the tie end with Eversource and a third party for 2/22/23. The radiograph welds need to be done while personnel are off site.

Decision: Granted.

Administrative Matters

Unless otherwise indicated, all the below listed matters were considered and voted upon by the Board without public testimony. They were decided upon by the Board members' individual review of the papers/applications/matter before them. The summary of what is considered is the identifying information of the matter as listed herein.

8) Board Vote [Matter heard December 1, 2022] Disciplinary - Rush Hour Group, LLC. d/b/a Middlesex, 315 Massachusetts Avenue, Common Victualler All Alcohol License #85782, for alleged improper bodily contact between employees and individuals waiting to gain entry to the premises, resulting in an assault and battery or use of excessive force, in violation of the conditions of its license and the law, including but not limited to, M.G.L. c. 138, § 64, c. 140 and Board's Rules 2, 5.1, 5.2, and 8.1.

Summary: The evidence was that the group attempting to come into the Middlesex was suspected to be intoxicated. One of the persons in the group, pushed the bouncer who in turn pushed them back and then an altercation ensued, people scattered and the police later came. It is unclear from the evidence presented whether there was excessive force used, however I think it is undisputed force was used. I think it is also clear from the evidence that the bouncers tagged these individuals as "problematic" and knew that they were not going to be let in. The Board wondered why the bouncers did not call the police to try to scatter the individuals or if they did not have time, why they did not tell the potential customers they would call the police. After the incident, where it was clear that things got heated and out of hand, why the staff did not call the police (particularly to cover themselves and to also alert the police of this group which they allege had to go home because they were creating problems).

There was discussion that the business was not cited for failure to call police but the evidence substantiated a charge for it. Due to the manner in which the evidence came in there was a violation but because of the manner in which it came in, not sufficient to issue a suspension.

Decision: Violation, warning with order to have the establishment go over deescalating procedures with its staff and retrain them on the need to call police when they are trying to remove unruly patrons or during/after an altercation.

9) Application #208384 1621, Inc. d/b/a King's Famous Pizzeria Roast Beef & Seafood, 1621 Cambridge Street, for a new Common Victualler License of a premises described as: 2,200 sq. ft. restaurant with a commercial kitchen & dining area. Includes basement for storage, about the same size as the first floor. Total seating and maximum occupancy of 24, and hours of operation of 11:00 a.m. – 11:00 p.m. Sunday through Thursday and 11:00 a.m. – 12:00 a.m. Friday and Saturday. Waqas Shah as proposed manager of record. This is a previously licensed location.

Decision: Granted.

10) Consideration of Meeting Minutes January 26, 2023.

Decision: Approved.

One Day License Applications

Unless otherwise indicated, all the below listed matters were considered and voted upon by the Board without public testimony. They were decided upon by the Board members' individual review of the papers/applications/matter before them. The summary of what is considered is the identifying information of the matter as listed herein.

11) Application #207593 Leeah Gauvin for an all alcohol and entertainment license at Cambridge Masonic Hall, 1950 Massachusetts Avenue, on 5/15/23 from 12:00 p.m. – 9:00 p.m. for a wedding with patrons dancing and recorded music. Expected attendance – 65.

Decision: Granted.

12) Application #208199 Lauren Murphy for an all alcohol and entertainment license at Cambridge Masonic Hall, 1950 Massachusetts Avenue, on 10/28/23 from 6:00 p.m. – 11:59 p.m. for a Halloween party with patrons dancing, recorded music, dj and amplification system. Expected attendance – 121.

Decision: Granted with the condition that there must be a system implemented to differentiate the persons who are attending who are of legal age.

13) Application #208360 Joseph Mahoney, on behalf of Boston Westie, for an entertainment license at Cambridge Masonic Hall 1950 Massachusetts Avenue, on 2/11/23 from 6:00 p.m. – 12:00 a.m. for a dance lesson and practice with patrons dancing, performer/entertainers dancing, recorded music, dj, live music, amplification system, theatrical exhibition/play/moving picture show, floor and light show and dynamic audio/visual show live/recorded. Expected attendance – 100.

Decision: Granted with an amended start time of 7:00 p.m. per the permission letter.

14) Application #208370 Sasha Fried-Snod, on behalf of MIT Open Space Programming, for an entertainment license at MIT Welcome Center, 292 Main Street, on 2/9/23 from 12:00 p.m. – 1:00 p.m. for a community gathering with patrons dancing, performers/entertainers dancing, recorded music, live music and amplification system. Expected attendance – 80.

Decision: Granted.

15) Application #208372 Sasha Fried-Snod, on behalf of MIT Open Space Programming, for an entertainment license at MIT Welcome Center, 292 Main Street, on 3/9/23 from 12:00 p.m. – 1:00 p.m. for a community gathering with patrons dancing, performers/entertainers dancing, recorded music, dj, live music and amplification system. Expected attendance – 200.

Decision: Granted.

16) Application #208375 Sasha Fried-Snoad, on behalf of MIT Open Space Programming, for an entertainment license at MIT Welcome Center, 292 Main Street, on 3/18/23 from 5:00 p.m. – 7:00 p.m. for a movie night with patrons dancing, recorded music, amplification system and theatrical exhibition/play/moving picture show. Expected attendance – 200.

Decision: Granted.

17) Application #208376 Sasha Fried-Snoad, on behalf of MIT Open Space Programming, for an entertainment license at MIT Welcome Center, 292 Main Street, on 3/23/23 from 12:00 p.m. – 1:00 p.m. for a community gathering with patrons dancing, performers/entertainers dancing, recorded music, dj, live music and amplification system. Expected attendance – 200.

Decision: Granted.

18) Application #208579 Sasha Fried-Snoad, on behalf of MIT Open Space Programming, for an entertainment license at Kendall/MIT Open Space and the MIT Welcome Center, 292 Main Street, on 2/25/23 with rain date of 2/26/23 from 10:00 a.m. – 3:00 p.m. for a family day with patrons dancing, performers/entertainers dancing, recorded music, dj, live music, amplification system and theatrical exhibition/play/moving picture show. Expected attendance – 1000.

Decision: Granted.

19) Application #208580 Jesse Souweine for a malt and wine and entertainment license at Cambridge Boat Club, 2 Gerry's Landing, on 6/10/23 from 5:30 p.m. – 11:30 p.m. for a Bar Mitzvah party with patrons dancing, recorded music, dj and amplification system. Expected attendance – 140.

Decision: Granted.

20) Application #208609 Fatima Alamire, on behalf of Harvard Law School Drama Society, for a malt and wine and entertainment license at Austin Hall, 1515 Massachusetts Avenue, on 2/24/23-2/27/23 from 6:00 p.m. – 10:00 p.m. for evening show and 1:00 p.m. – 5:00 p.m. for matinee show for a theatrical production with performers/entertainers dancing, live music, amplification system and theatrical exhibition/play/moving picture show. Expected attendance – 245.

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

21) Application #209163 Valeria Gutierrez, on behalf of MIT Mocha Moves, for an entertainment license at Kresge Little Theatre, 48 Massachusetts Avenue, on 2/17 & 2/18/23 from 6:00 p.m. – 12:00 a.m. for a dance performance with performers/entertainers dancing, recorded music, amplification system, light show and dynamic audio/visual show live/recorded. Expected attendance – 150.

Decision: Granted.

22) Application #209114 Sabrina Moore for a one day hawker/peddler license at 450 Massachusetts Avenue, on 2/12/23 with rain date of 3/12/23 from 10:00 a.m. – 2:00 p.m. to sell vegan items, prepackaged snacks, artwork, skin care products, journals etc.

Decision: Granted.

23) Application #207996 Ben Weissmann for an entertainment license at Tim Toomey Park, 71 Rogers Street, on 9/3/23 from 2:00 p.m. – 6:00 p.m. for a wedding with amplification system. Expected attendance – 125.

Decision: Granted.

24) Application #209370 Zhiqiany Fang, on behalf of Chinese American Association of Cambridge, for an entertainment license at City Hall (front lawn,) 795 Massachusetts Avenue, on 2/12/23 with rain date of 2/26/23 from 1:00 p.m. – 3:00 p.m. for a lion dance and officials' remarks with performers/entertainers dancing, live music and amplification system. Expected attendance – 100.

Decision: Granted.

25) Application #208760 Heidi Bailey for an entertainment license at Cambridge Masonic Hall, 1950 Massachusetts Avenue, on 2/25/23 from 7:00 p.m. – 12:00 a.m. for a party with patrons dancing, recorded music, dj and amplification system. Expected attendance – 130.

Decision: Granted.

26) Application #209422 Rebecca Joas, on behalf of Turner Construction Company, for a malt and wine license at Cambridge Foundry, 101 Rogers Street, on 2/14/23 with rain date of 2/21/23 from 4:00 p.m. – 10:00 p.m. for an annual gathering. Expected attendance – 50.

Decision: Granted.

27) Application #209582 Aissata Bah, on behalf of Association of Black Harvard Women, for an entertainment license at 59 Shepard Street, on 2/11/23 from 9:00 p.m. – 1:30 a.m. for a Valentine's Day party with dj. Expected attendance – 300.

Decision: Granted with amended start time of 10:00 p.m. per event approval form and the condition that a police detail is required.

28) Application #209580 Jason Soares & Sonia Santos-Soares, on behalf of Brotherhood of the Children, for an all alcohol and entertainment license at St. Anthony's, 400 Cardinal Medeiros Avenue, on 2/11/23 from 6:00 p.m. – 12:00 a.m. for a dinner dance with patrons dancing, dj and live music. Expected attendance – 315.

Decision: Granted with amended start time of 7:00 p.m. per permission letter.

[Matters Considered at Meeting-Not Previously Listed on Agenda]

Unless otherwise indicated, all the below listed matters were considered and voted upon by the Board without public testimony. They were decided upon by the Board members' individual review of the papers/applications/matter before them. The summary of what is considered is the identifying information of the matter as listed herein.

29) Application #209037 Elise Martignetti on behalf of Eversource for 1/25/23 – 3/31/23 (Alt. 1/31/23 – 3/31/23), at 176 Alewife Brook Pkwy., for overnight work from 9:00 p.m. to 5:00 a.m. (Sunday night through Friday Morning), to perform a gas main install using a backhoe, dump truck, and jackhammer. The variance is sought as the DCR has stipulated that work take place at night.

Present: Marco Bernasconi, abutter.

Summary: Abutter raised issue of being blocked by the construction. Information exchanged to provide correct contact at Eversource. DCR is requiring this work be performed at night. This would be an extension of an existing variance.

Decision: Granted with an amended start date of 2/7/23 and the conditions that Sunday Work Permits are required, and the variance cannot be exercised on any legal holiday.

30) Application #208904 Yan Kisen for a malt and wine and entertainment license to be exercised at Asa Hair Design 36 JFK Street, on 2/9/23 from 7:00 p.m. – 10:00 p.m. for a comedy show with amplification system. Expected attendance – 40.

Decision: Granted pending submission of permission letter and guest list, and subject to any conditions deemed by the Chair needed to be placed on the license.

31) Application #208710 Rebecca Conn for a one day hawker/peddler license to be exercised at MIT 292 Main Street, on 2/16/23 from 5:00 p.m. – 8:00 p.m. to sell books.

Decision: Granted with amended start time of 6:00 p.m. per MIT Open Space Programming approval.

32) Application #209645 Bill Manley, on behalf of Harvard Square Business Association for an entertainment license to be exercised at Deguglielmo Plaza 21 Brattle Street, on 2/11/23 from 1:00 p.m. – 5:00 p.m. for a 13th annual some like it hot chili cookoff with patrons dancing, performers/entertainers dancing and live music. Expected attendance – 200.

Decision: Granted.

33) Application #209693 J. Alain Ferry for a malt and wine and entertainment license to be exercised at 500 Kendall Street, on 2/12/23 with rain date of 3/26/23 from 5:00 a.m. – 4:00 p.m. for a road race with patrons dancing, dj, live music and amplification system. Expected attendance – 2,500.

Decision: Granted with the conditions that: there must be a limited number of drinks (2) associated with the admission/race entry fee, otherwise/thereafter the alcohol must be sold; there cannot be any sales, service, delivery or consumption of alcohol prior to 10:00 a.m.; the area where the alcohol is served/consumed must be enclosed from any public way and sufficient to provide safety to patrons; and police detail required.

34) Application #209949 Ryan Howe, on behalf of Duck Duck Goofs LLC for a malt and wine and entertainment license to be exercised at Cambridge Community Center 5 Callender Street, on 2/10, 2/11, 2/17, 2/18, 2/24, 2/25, 3/3, 3/4/23 from 7:00 p.m. – 12:00 a.m. for a comedy show. Expected attendance – 86.

Decision: Granted.

35) Application #209989 Sustainable Business Network of MA – Nicola Williams has applied for a one day hawker/peddler license for (8) vendors to be exercised at Smith Center of Harvard University 1350 Massachusetts Avenue, on 2/9 & 2/10/23 from 11:30 a.m. – 6:00 p.m. to sell jewelry, soaps, vintage clothing, vegan gift box treats and fermented vegetables. Requesting a waiver of the fees. (I will send you her email).

Summary: The application was submitted without any supporting documentation late last night but considering the event is in a couple of days, it was placed before the Board. The applicant also filed, not through the Board's application, a request for a waiver of fess. The Board only grants waivers for employees or events that the City is sponsoring. If such evidence is provided, the fee can be waived. Otherwise, a fee reduction is contemplated if the participants are not being charged by the applicant for participating in the event.

Decision: Granted pending submission of permission letter and subject to any conditions therein. With regard to fee of license, if receive notification from City Manager that the event is being sponsored by the City, fee is waived. Otherwise, if event organizer provides proof that the participants are not being charged a fee for participating, a one time hawker peddler fee of \$10 will be charged.

36) Disciplinary John's Landscape Service, Leaf Blower Permit #10678, for alleged violations of CMC 8.16.081.2(f) – limit of one leaf blower per 10,000 square feet, on December 1, 2022, at approximately 11:30 a.m. in the vicinity of 56 Concord Avenue.

Documents Considered: Hearing notice and documents attached thereto; file; and waiver of hearing filed.

Summary: Received a waiver of hearing from John Tighe, owner of John's Landscape Service, on January 11, 2023, admitting to the violation as noticed.

Decision: Violation, \$300 fine.


Minutes Approved: March 1, 2023

Minutes Posted: March 1, 2023

By the Board of License Commissioners



Nicole Murati Ferrer, Chair



Thomas Cahill, Jr., Fire Chief



Christine Elow, Police Commissioner