



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

Thursday, September 28, 2023, 10:30 a.m.

By Remote Participation Via Zoom

This meeting was held remotely in accordance with Chapter 2 of the Acts of 2023 adopted by Massachusetts General Court and approved by the Governor.

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

Staff Member Present: Chris O'Neil.

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

Public Testimony Matters

1. **Application #219065** Chazumba, LLC d/b/a Felipe's Taqueria, 21 Brattle Street, Common Victualler All Alcohol License #11516, to add entertainment, DJ, for outdoor and indoor, and for a Change of Hours for food service to start at 7:00 a.m. all days (current hour 11:00 a.m.).

Present: Justin Crooks, General Manager.

Documents Considered: Application and documents attached thereto; file; and correspondence received as to the application.

Summary: They are seeking a 7:00 a.m. opening hour for food since they plan to do more catering and also breakfast. They have had requests for both and want to be able to satisfy the requests. They did not notice abutters as to a change in hours in the service of alcohol, so there was no request considered to have the alcohol hours expanded too. Alcohol service will remain at 11:00 a.m. all days.

In terms of the DJ request the intent is to have them outside most of the time, but if the weather gets bad then move them to the mezzanine level. There was no plan provided for indoor as to where the DJ would be located. The request to add the DJ has come from the different groups in the area that want to do private events. The hours of operation would be as the current operating hours, 11:00 a.m. – 2:00 a.m., they do not see a need for DJ early in the morning.

The Board discussed how the DJ inside may affect the seating or capacity and that a floor plan was required. In terms of the DJ outside, there was preliminary discussion on how the only establishment that is currently approved for DJ outside is one that exists solely outside a brick and mortar. The Board noted how there have been many noise complaints associated with that type of operation.

Decision: As to the food change in hours, granted; as to the entertainment, under advisement.

2. Application #243036 Luke Hourican, Turner Construction, for a Special Noise Variance on 10/11/23 – 11/7/23 (No alternate dates specified), at 325 Main Street, for overnight work from 6:00 p.m. until 7:00 a.m. the following morning on eight (8) specific weeknights, as distinct from every day, to install a concrete foundation and waterproofing systems using trucks, hand tools, and an assist crane. The variance is sought in the interest of limiting impacts to and from pedestrian traffic.

Present: Luke Hourican; Nick Eisanelli; and Investigator Joseph Kelley.

Documents Considered: Application and documents attached thereto.

Summary: This is an MBTA state job. They are aware there is a lot of construction in the area, but they are requesting second and third shift because of pedestrian safety. They also have to work around the MBTA schedule and ridership window which is why some of the work will inevitably have to occur during variance hours. They do not intend to use it every night and most of the times when they do, they hope to be done by 11:00 p.m.

Decision: Granted.

3. Application #239928 Brent McDonald, Whole Foods Market, for a Special Noise Variance on 11/1/23 – 12/27/23 (No alternate date specified), at 200 Alewife Brook Parkway, to operate reefers unit on two refrigerated trailers in the loading docks to accommodate additional products during the holiday season. The variance is sought as the existing indoor storage is insufficient to meet customer demand during the holiday season.

Present: Brent McDonald; Noah Solomon; Investigator Tyler Bubenik; and Investigator Joseph Kelley.

Documents Considered: Application and documents attached thereto.

Summary: The trucks would be located in the same location last year. They have had some noise issues in the past but none related to the refrigeration trucks. The trucks are electrically powered not diesel. They will be positioned in a way so as not to affect the free flow of traffic outside of the building or emergency vehicles.

Decision: Granted with the condition that the trucks must be positioned in such a way that they do not impede the free flow of traffic or emergency vehicles.

4. Disciplinary D. Muzzioli Associates, Leaf Blower Permit #10707, for allegedly operating a leaf blower during a prohibited period in violation of CMC 8.16.081.2(a) on September 6, 2023 (3:40 p.m.) at 23 Healey Street.

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

Summary: On September 27, 2023, the Board received a Waiver of Hearing signed on September 25, 2023, by Connor Maguire, Vice President of D. Muzzioli, admitting to the violation as noticed.

Decision: Violation, \$300 fine.

5. Disciplinary Eversource, 23 Healey Street, for allegedly allowing D. Muzzioli Associates to operate leaf blowers during a prohibited period in violation of CMC 8.16.081.2(a) on September 6, 2023 (3:40 p.m.) at 23 Healey Street.

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

Summary: Unclear whether notice of the hearing was received by Eversource, so the matter will be continued and the staff will work on getting a contact for the appropriate person to attend.

Decision: Continued.

6. Disciplinary Thomas Saidnawey, 2235 Massachusetts Avenue, for allegedly violating CMC 8.16.080(e) – Loading and Unloading, on September 2, 2023 (6:30 a.m.), in the vicinity of 2235 Massachusetts Avenue.

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

Summary: On September 28, 2023, Thomas Saidnawey filed waiver of hearing admitting to the violations as noticed and apologizing for the incidents. Saidnawey also mentioned they apologized to the neighbors.

Decision: Violation, warning.

7. Disciplinary S&K Waste Management for alleged violations of CMC 8.16.080(e) – Loading and Unloading, on September 4, 2023 (6:34 a.m.) at 101 Western Avenue, and CMC 5.24.010, operating without a waste hauler license.

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

Summary: On September 26, 2023, Roni Lopes, President of S&K Waste Management filed a waiver of hearing admitting to the violations as noticed. They have also submitted an application to become licensed (which is also on the agenda for the Board's consideration).

Decision: Violation, warning as to operating without a license, \$300 fine for loading and unloading outside allowable hours.

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 September 14, 2023] Application #228379 95-99 Elmwood Street, LLC, 95 Elmwood Street, for a new Garage License for 34 parking spaces and 340 gallons of fuel in the tanks of autos only. Notification to abutters had not been completed.

Summary: Notification to abutters received; no public comment written or oral received for the application.

Decision: Granted.

9. Board Vote [Matter Heard September 14, 2023] Application #234807 Feast & Fettle, Inc. d/b/a Feast & Fettle, 1699 Massachusetts Avenue, for a new Wine and Malt Package Store License. Kyla Hanaway-Quinlan as proposed Manager of Record of a premises described as: 1,324 square feet on the ground level. Retail sales area in the front with coolers and displays for food and beverages seating for patrons for food consumption only, a storage area and two (2) restrooms in the rear for Staff and Patrons. Question as to public need.

Summary: The Board discussed how the concept was great, but the applicant did not establish a public need for the alcohol license. The applicant testified that in their current retail location the alcohol portion is only about 3% of the business. Although a follow up letter by their counsel was submitted stating that they expect that percentage to grow, the applicant is still only proposing to sell a very limited selection of alcohol. Their offering was only 6 wines (3 red, 3 whites) and they did not mention how many types of beers but based on the floor plan it is minimal as well. In addition, the plan is only providing a service to those who buy their products. It is a great concept and a niche, but it does not satisfy public need. In addition, there 16 package stores within a one-mile radius of the proposed location. Of those 16 there are 3 stores significantly close, and two of those stores are on the same side of the street both less than one block away. The Board understands and appreciates the concept of a one stop shop, but to issue a package store, when there is a very limited amount, that will only serve a very small portion of the public and of that a very minimal service, then no public need is established. The business's model of educating the client on what pairs well can still be done and satisfied with the other stores in the area, and this business could even work to partner with those in the area.

Decision: Denied for lack of public need.

10. Application #242927 S&K Full Service Cleaning Inc. d/b/a S&K Waste Services, 30 Border Street, West Newton, for a new Disposal/Solid Waste Hauler License.

Decision: Granted.

11. Consideration of Waiver of Hearing [Disciplinary Matter] Casella Waste Services, Solid Waste Hauler License #14070, for alleged violations of CMC 8.16.080(e), loading and unloading outside allowable hours, on September 2, 2023 (6:30 a.m.), in the vicinity of 2235 Massachusetts Avenue.

Summary: On September 19, 2023, John Tognazzi, Operations Manager of Casella Waste Services, submitted a waiver of hearing admitting to the violations as noticed.

Decision: Violation, \$300 fine.

12. Consideration of Statement of Reasons [Matters Heard September 14, 2023]

a. Republic Services, Solid Waste Hauler License #14078, two violations of Cambridge Municipal Code 8.16.080(e), loading and unloading outside allowable hours, on August 7, 2023 (6:50 a.m.) and August 16, 2023 (6:50 a.m.), at 1573 Cambridge Street. \$300 fine per count for total \$600 fine and an additional \$100 hearing fee for failure to appear.

Summary: After the hearing Republic contacted Investigator Bubenik and apologized for missing the hearing, it was inadvertent. They were informed that if a Waiver of Hearing ("Waiver") was filed, the \$100 failure to appear hearing fee would be removed. They sent in a Waiver.

Decision: Approved amended Statement of Reason. Removed \$100 hearing fee for failure to appear; finding of two violations, \$300 fine per violation for a total \$600 fine stands.

b. Property Ownership of Youville House Assisted Living, two violations of Cambridge Municipal Code 8.16.080(e), loading and unloading outside allowable hours, on August 7, 2023 (6:50 a.m.) and August 16, 2023 (6:50 a.m.), at 1573 Cambridge Street. \$300 fine held in abeyance through December 30, 2023.

Decision: Approved.

c. John's Landscape Service, Leaf Blower Permit #10678, violation of Cambridge Municipal Code 8.16.081.2(a), operating leaf blower outside allowable date, on August 17, 2023, at 56 Concord Avenue. \$300 fine.

Decision: Approved.

d. Loyal Cleaning Solutions, Leaf Blower Permit #34103, violation of Cambridge Municipal Code 8.16.081.2(a), operating leaf blower outside allowable date, on August 14, 2023, at 84 Wendell Street. \$300 fine.

Decision: Approved.

13. Consideration of Meeting Minutes September 14, 2023.

Decision: Approved.

One Day License Applications

The following are matters which the Chair reasonably anticipates will be discussed without accepting, soliciting, or taking public testimony at the hearing. Anyone wishing to be heard on the below should contact the Board at least 24 hours prior to the hearing and/or submit your statement in writing to License@cambridgema.gov.

14. Application #242095 Raesia Straker, Diaspora, for a malt and wine and entertainment license at 33 Dunster Street, on 9/29/23 from 6:00 p.m. – 1:00 a.m. for a social gathering with patrons dancing, DJ, live music and amplification system. Expected attendance – 150.

Decision: Denied as moot – application withdrawn (event cancelled).

15. Application #242101 Raesia Straker, Diaspora, for a malt and wine and entertainment license at 33 Dunster Street, on 10/14/23 from 6:00 p.m. – 1:00 a.m. for an art show & community mixer with patrons dancing, DJ, amplification system and floor show. Expected attendance – 200.

Present: Jonathan Silverstein, attorney; and Sean Hope, applicant’s representative.

Documents Considered: Correspondence received as to the proposed application.

Summary: The intent is to have cannabis consumption at the event. They have been hosting the events with and without cannabis consumption to see if there was a need or demand for private club. Given the current regulations you can buy cannabis but may not have a place to consume it if you do not own or lease your home. They secure the members and guests through Instagram, and other social media. When you become a member of Diaspora there is a policy discussion and you must abide by certain rules and your guests too. To become a member, you must pay a fee and commit to a minimum of 90 days. They advertised the events but now rely more on their own members to advertise to others. Their members then turn in a guest a list. The guests also pay to enter the event. They cannot say how their members get the list.

The Board acknowledged receipt of the attorney’s letter explaining their position as to why the events can have cannabis consumption and still be legal. However, the Board stated it did not agree with the attorney’s position or explanation. First, people are buying tickets for the events, these events are not private. You can go online and get a ticket, you can see them advertised online, you can “Follow” the diaspora and be able to “buy” a ticket or get an “invitation” to buy a ticket. Putting on the online ad the words “private event” does not make it so. Also, even though the building/space is owned by a private entity, that does not mean that the event is private. This is a place that Diaspora is leasing/renting to open to persons not on the lease/agreement, and whom they charge to attend, thus, it is not private (it is like arguing that a restaurant is private).

Licenses are a privilege not a right, and the Board has the right to deny or condition them. The Board stated it believes the Diaspora is trying to get around the letter of the law and the legislative intent of the law. Even if they could find a way to get around the law, the City of Cambridge has not

gone through the process of getting a vote to “allow marijuana bars or cafes,” and this location (Dunster Street) has not been licensed to act like one by the Cannabis Control Commission. The Board, thus, found that pursuant to the law, G. L. c. 140, 138, 270, § 2, 94G, § 13 and Cambridge Municipal Code 8.28.060, it could and would condition the licenses sought.

Decision: Granted with the conditions that there cannot be any sale, smoking or consumption of cannabis at the event, police detail required, and amended start time of 7:00 p.m. per permission letter.

16. Application #231009 Deanna van Lear, National Kidney Foundation, for an entertainment license at 8 Museum Way, on 10/1/23 from 8:30 a.m. – 1:00 p.m. for a fundraising walk with patrons dancing, performers/entertainers dancing, recorded music, DJ and amplification system. Expected attendance – 750.

Decision: Granted.

17. Application #239273 William Manley, Harvard Square Business Association, for an entertainment license at Harvard Square on 10/8/23 with rain date of 10/15/23 from 6:00 a.m. – 10:00 p.m. (event 11:00 a.m. – 6:00 p.m.) for Oktoberfest with patrons dancing, performers/entertainers dancing, recorded music, live music and amplification system. Expected attendance – 25000.

Decision: Granted, event hours 11:00 a.m. – 6:00 p.m., set up may commence at 6:00 a.m.

18. Application #239795 & 243110 Jason Alves, East Cambridge Business Association, for an all alcohol, entertainment & one day hawker/peddler license (19 vendors) to sell food, merchandise & drinks at 544 Cambridge Street, on 10/1/23 from 12:00 p.m. – 4:00 p.m. for a Rib fest with patrons dancing, live music and amplification system. Expected attendance – 6000.

Decision: Granted, event hours 12:00 p.m. – 4:00 p.m., set up may commence at 8:00 a.m.

19. Application #240779 Jessie Smith, MIT Open Space Programming, for an entertainment license at 292 Main Street, on 9/29/23 from 5:00 p.m. – 9:00 p.m. for an outdoor movie with amplification system. Expected attendance – 250.

Decision: Granted.

20. Application #241163 Nanako Tamaru, Boston Network for International Development, for a malt and wine license at 101 Rogers Street, on 11/8/23 from 5:30 p.m. – 8:00 p.m. for a networking event. Expected attendance – 100.

Decision: Granted with the condition that there must be a limited number of alcoholic drinks (3 maximum) associated with the admissions price; otherwise/thereafter the alcohol must be sold.

21. Application #241526 Stephanie Clifford, Fanny’s Food Fun, LLC, for a hawker/peddler license at 110 North First Street, on 9/30/23 from 3:00 p.m. – 8:00 p.m. to sell vegan hotdogs.

Decision: Granted.

22. Application #241587 Bolu Ilelaboye, Harvard College Nigerian Students Association, for an entertainment license at 52 Oxford Street, on 9/30/23 from 5:00 p.m. – 10:00 p.m. for a party with patrons dancing, performers/entertainers dancing, recorded music, DJ, live music and amplification system. Expected attendance – 400.

Decision: Granted with amended start time of 6:00 p.m. per Harvard University event approval form and police detail required.

23. Application #241588 Bolu Ilelaboye, Harvard College Nigerian Students Association, for an entertainment license at 59 Shepard Street, on 9/30/23 from 10:00 p.m. – 2:00 a.m. for a After party with patrons dancing, recorded music, DJ and amplification system. Expected attendance – 500.

Decision: Granted with amended start time of 10:30 p.m. per event registration form.

24. Application #241681 Christina Quinn, Swissnex, for a malt and wine license at 101 Rogers Street, on 10/12/23 from 5:30 p.m. – 8:30 p.m. for a networking event. Expected attendance – 100.

Decision: Granted with the condition that the alcohol must be sold.

25. Application #241671 Anneliese Amburn, St. Paul's Parish, for a malt and wine and entertainment license at 29 Mt. Auburn Street courtyard, on 9/30/23 with rain date of 10/1/23 from 6:00 p.m. – 9:00 p.m. for a dinner with recorded music. Expected attendance – 180.

Decision: Granted.

26. Application #241744 Hayami Arakawa, MIT Hobby Shop, for a malt and wine and entertainment license at 265 Massachusetts Avenue, on 9/30/23 from 3:00 p.m. -7:00 p.m. for a grand opening event with recorded music and DJ. Expected attendance – 175.

Decision: Granted with the condition that police detail required.

27. Application #241637 Matthew Taylor for a malt license at 101 Rogers Street, on 10/7/23 from 7:00 p.m. – 1:00 a.m. for a party. Expected attendance – 400.

Decision: Granted.

28. Application #242113 Rayschell McCants for a temporary amusement license at 109 Pemberton Street, on 9/29/23 from 3:00 p.m. – 10:00 p.m. for a bounce house.

Decision: Denied as moot - application withdrawn.

29. Application #242186 Alexander Maciel, Brotherhood of Saint John, for an all alcohol and entertainment license at 400 Cardinal Medeiros Avenue, on 10/14/23 from 6:00 p.m. – 12:00 a.m. for a

dinner dance with patrons dancing, recorded music, DJ, live music, amplification system and light show. Expected attendance – 250.

Decision: Granted.

30. Application #242426 Welitom Ramos, Alden & Harlow, for a malt and wine license at 40 Brattle Street, on 10/8/23 with rain date of 10/15/23 from 11:00 a.m. – 6:00 p.m. for a beer garden/Oktoberfest. Expected attendance – 500.

Decision: Granted with the condition that the area where the alcohol is served, sold and consumed is enclosed from the public way.

31. Application #242592 Olivia Toso, Lamplighter Brewing Co., for a malt and entertainment license at 320 Morgan Avenue, on 10/6/23 4:00 p.m. – 10:00 p.m. & 10/7/23, 1:00 p.m. – 10:00 p.m. for an Oktoberfest beer garden with recorded music. Expected attendance – 200.

Decision: Granted with the condition that the area where the alcohol is served, sold and consumed is enclosed from the public way.

32. Application #242790 Wilhem Hector, MIT Chocolate City, for an entertainment license at 84 Massachusetts Avenue, on 9/29/23 from 9:00 p.m. – 1:00 a.m. for a party with DJ and amplification system. Expected attendance – 500.

Decision: Granted.

33. Application #243118 Brandon Gauthier, MIT Museum/Cambridge Science Festival, for an entertainment license at Alexandria Atrium, 100 Technology Square, on 9/30/23 from 10:00 a.m. Load-in, show 7:00 p.m. – 9:30 p.m. for a fashion show with performers/entertainers dancing, recorded music, amplification system, theatrical exhibition/play/moving picture show, light show and dynamic audio/visual show live/recorded. Expected attendance – 300.

Decision: Granted; no license fee as it is a City-sponsored event.

34. Application #242957 Brandon Gauthier, Cambridge Science Festival/MIT Museum, for an entertainment license at 292 Main Street, on 10/1/23 from 6:00 a.m. Load in, show 12:00 p.m. – 4:00 p.m. for a science festival with amplification system. Expected attendance – 7500.

Decision: Granted; no license fee as it is a City-sponsored event.

35. Application #243403 & 243407 Erin Muirhead McCarty, Community Art Center, for an entertainment and one day temporary amusement (pop-up basketball) license at 135 Fawcett Street, on 9/30/23 with rain date of 10/1/23 from 11:00 a.m. – 3:00 p.m. for teen public art event with patrons dancing, recorded music, DJ and amplification system. Expected attendance – 200.

Decision: Granted.

36. Application #243572 Julia Blake for a malt license at 39 Brattle Street, on 9/29/23 with rain date of 9/30/23 from 7:00 p.m. – 9:30 p.m. for a panel discussion. Expected attendance – 70.

Decision: Granted.

37. Application #243637 Shannon Canavin, Cambridge Street Upper School Parent Caregiver Organization, for a hawker/peddler license at Main Street & Broadway (Galaxy Park), on 10/11/23 with rain date of 10/12/23 from 8:00 a.m. – 3:00 p.m. to sell baked goods.

Decision: Granted.

38. Application #243586 Anya Dubiel, MIT, for an entertainment license at 142 Memorial Drive, on 9/30/23 with rain date of 10/1/23 from 6:00 p.m. – 8:00 p.m. for an exhibit with live music and amplification system. Expected attendance – 120.

Decision: Granted.

39. Application #243601 Joe Juknievich, The Dance Complex, for a malt and wine license at 536 Massachusetts Avenue, on 10/6/23 from 7:00 p.m. – 10:00 p.m. for a party/fundraiser. Expected attendance – 50.

Decision: Granted.

40. Application #243695 Anya Bear for an all alcohol and entertainment license at 142 Memorial Drive, on 9/29/23 from 6:00 p.m. – 9:30 p.m. for a fundraiser with live music and amplification system. Expected attendance – 250.

Decision: Granted with the condition that there must be a limited number of alcoholic drinks (maximum 3) associated with the admissions price, otherwise/thereafter the alcohol must be sold, and police detail required.

41. Application #244083 Adria Katz, Cambridge Multicultural Arts Center, Inc., 41 Second Street, for a malt and wine license for a concert on 9/29/23 from 5:00 p.m. - 11:00 p.m. Expected attendance – 125.

Decision: Granted.

42. Application #244076 Ziwei Gu, Student Center at Harvard Griffin GSAS, for an entertainment license at St. Anthony's Parish, 400 Cardinal Medeiros Highway, on 9/30/23, 6:30 p.m. – 10:00 p.m. for a Ballroom Dancing event with patrons and performers dancing, live and recorded music. Expected attendance – 200.

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

43. Application #244078 Jessica Sculley, Vintnicity, Inc. d/b/a Commonwealth Wine School, 36 JFK Street, for a wine and malt garden area in Oktoberfest in Harvard Square on 10/8/23, 8:00 a.m. – 7:00 p.m. Expected attendance – 10,000.

Decision: Granted with amended hours of 11:00 a.m. – 6:00 p.m. per City permit and the condition that the area where the alcohol is served, sold and consumed is enclosed from the public way.

44. Application #244085 John Schall, JDA Group, LLC d/b/a El Jefe's Taqueria of Harvard Square, 14 Brattle Street, for a wine and malt garden area in Oktoberfest in Harvard Square on 10/8/23, 11:00 a.m. – 6:00 p.m. Expected attendance – 20,000.

Decision: Granted with the condition that the area where the alcohol is served, sold and consumed is enclosed from the public way.

45. Application #240872 Noa Rosen, Project Bread, for a malt and wine license at The Foundry, 101 Rogers Street, for a Staff Retreat on 11/2/23, 4:30 p.m. – 6:00 p.m. Expected attendance – 85.

Decision: Granted.

[Matters Considered, Not Previously Posted]

The following are matters which the Chair reasonably anticipates will be discussed without accepting, soliciting, or taking public testimony at the hearing. Anyone wishing to be heard on the below should contact the Board at least 24 hours prior to the hearing and/or submit your statement in writing to License@cambridgema.gov.

46. Application #244486 Chris Masci, Harvard Square Business Association, for a hawker/peddler license (for 44 vendors) at Church Street, on 10/1/23 from 11:00 a.m. – 5:00 p.m. to sell Merchandise/Goods, Arts and Crafts.

Decision: Granted.

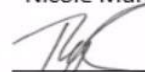
Minutes Approved: October 12, 2023

Minutes Posted: October 12, 2023

By the Board of License Commissioners



Nicole Murati Ferrer, Chair



Thomas Cahill, Jr., Fire Chief



Christine Elow, Police Commissioner