



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, November 14, 2023, 10:00 a.m.

By Remote Participation Via Zoom

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

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

Staff Member Present: Chris O'Neil.

Decisions: All decisions were 3-0, unless otherwise indicated, and by roll call.

Public Testimony Matters

1. **Application #246786** French Express, LLC d/b/a Café Batifol, 291 Third Street, Common Victualler All Alcohol License #156989, for a Change of Manager to Luke Andrew Le Garrec.

Present: Elizabeth Pisano; and Luke Andrew Le Garrec.

Documents Considered: Application and documents attached thereto.

Summary: Luke Andrew Le Garrec has experience in the food and beverage industry. Whole life working with his father who is owner of French Express. In the last few years has been working more in a manager role. Le Garrec is TIPS certified, US citizen and MA resident. Has never been the manager of record on a liquor license and is familiar with the rules and regulations of the Board, ABCC, and the laws of the Commonwealth of Massachusetts with regard to the sale and service of alcohol.

Decision: Granted.

2. **Application #237095** Midwest Grill, Inc. d/b/a JP Restaurant and Bar, 1124 Cambridge Street, Common Victualler License #171556, to add All Alcoholic Beverages to the license. The current approved hours of operation are 6:00 a.m. to 1:00 a.m. all days with seating for 100. Joao Pinto as Proposed Manager of Record of a premises described as: Small Dining area and Bar area, 2 large dining rooms, 2 kitchens, oven and grill area, 4 restrooms on 1st floor and 2 in basement.

Present: Joao Pinto; Janesh Pun.

Documents Considered: Application and documents attached thereto; and correspondence in support of application.

Summary: This location and restaurant previously held a liquor license, but under different ownership – same corporation but there were 2 other persons involved. The business was closed for a while for renovations and now that they have reopened and back on their feet want to provide the amenity of liquor again. Customers ask for it.

Joao Pinto has experience in the food and beverage industry and has been the manager of record on a liquor license. Pinto is familiar with the rules and regulations of the Board, ABCC, and the laws of the Commonwealth of Massachusetts with regard to the sale and service of alcohol. Pinto has yet to be trained on the safe service and sale of alcohol.

Decision: Granted with opening hours for alcohol as statutorily allowed (8:00 a.m. Monday-Saturday and 10:00 a.m. Sunday).

3. Application #245125 34-40 Hampshire Street, LLC, 30 Hampshire Street, for a new Garage License for 12 parking spaces and 120 gallons of gasoline in the tanks of autos only.

Present: David Last.

Documents Considered: Application and documents attached thereto.

Summary: Parking structure is underground. This is laboratory space building. There will be flammables on site and the tenants will apply for their combustible permits (but no tenants as of yet). The generator on site is natural gas fire.

Decision: Granted, with the understanding that the license will need to be amended to add the flammables from all tenants.

4. Application #246055 40 Thorndike, LLC, 40 Thorndike Street, for a new Garage and Flammables License for 85 parking spaces, 850 gallons of gasoline in the tanks of autos only, 1,600 gallons of diesel, and 3 gallons of lube oil.

Present: Robert Greetham.

Documents Considered: Application and documents attached thereto.

Summary: The parking structure is underground. The diesel is for 1,500 gallon tank on lower level one and 100 gallon tank on roof oil. This is a lease only building with mixed use residential and commercial. All parking spaces are for a fee.

Decision: Granted.

5. Application #245333 AUM Management Corp, d/b/a City Market, 1695 Massachusetts Avenue, to transfer the Wine and Malt Package Store License currently held by KA & SI Enterprises, Inc. d/b/a City Market #74916, to it at the same address. Mahin Jawwad as Proposed Manager of Record of a premises described as: Two floors, 1,250 square feet with one room on each floor. Two entrances and two exits.

Present: Attorney Matthew Porter; Krupa Patel; Nainesh Patel; and Mahin Jawwad.

Documents Considered: Application and documents attached thereto.

Summary: There will be a “face lift” to the business but not structural changes or changes to make up of the business, it will remain a market and liquor store. One cooler on right hand size and shelving. An updated floor plan was provided. The hours of the market are 8:00 a.m. – 11:00 p.m. Monday – Saturday and 8:00 a.m. – 10:00 p.m. Sunday. The proposed new owners are very experienced and have other locations with no violations. Proposed manager of record could not appear at the hearing as they were out of the country.

Decision: Continue to December 1, 2023, to have proposed manager of record appear.

6. Disciplinary M&R Hospitality Group, Inc. d/b/a Moona Restaurant, All Alcohol Common Victualler License #11581, 243 Hampshire Street, for allegedly operating with an unapproved floor plan and beyond the approved licensed premises on October 26, 2023, in violation of G. L. c. 138, §§ 23 & 64, G. L. c. 140, and the Board’s Rules 2.3, 2.5, 9.1, 9.2, 9.3, 9.4, and 14.

Present: Mohamad Al Zein; and Investigator Tyler Bubenik.

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

Summary: The business was using an area that is public and serving alcohol beyond the licensed premises. The Department of Public Works had informed that the area was public. There was confusion as to which area was private and which was public. Their current operation only allows for the private alley which they have not been able to use after COVID due to landlord prohibition. Al Zein testified it was a misunderstanding and that no one, prior to the inspection from the License Commission and subsequent correspondence, told them that they could not do that.

Decision: Under advisement.

7. Disciplinary Eversource, property owner of 23 Healey Street, for 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 any documents attached or related thereto; file; and waiver of hearing.

Summary: On November 12, 2023, Jason W. Wright, Senior Community Relations Specialist, submitted a waiver of hearing admitting to the violation as noticed. Has previous violation notices at this location, voting the same way as in previous ones.

Decision: Violation, \$300 fine held in abeyance for six (6) months.

8. Application #246528 Elise Martignetti, Eversource, for a Special Noise Variance on 11/14/23 – 11/30/23 (Alt. 11/15/23 – 12/1/23), at 176 Alewife Brook Parkway, from 9:00 p.m. until 5:00 a.m. the following morning, beginning for the week on Monday nights and ending on Friday mornings, to install a

gas main using excavation equipment, jackhammers, saws, backhoes, and dump trucks. The variance is sought as the Massachusetts DCR is directing the work to take place during overnight hours.

Present: Michael Kerwin; and Investigator Tyler Bubenik.

Documents Considered: Application and documents attached thereto.

Summary: Installing gas main, enhancing the system and retiring the old main to make sure gas on future projects. Working on this for the last few months. Complete by mid next week. Through Friday Monday Tues 11/23-24. Tie in procedure ½ working days Thursday and Friday this week and clean up next week.

Decision: Granted with the condition that cannot be exercised on any legal holiday or eve of any legal holiday.

9. Application #247781 Caissie Niles, Turner Construction, for a Special Noise Variance on 11/15/23 – 3/15/24, at 290 Binney Street, for all hours on an as-needed basis, to operate generators and pumps for dewatering. The variance is sought to facilitate a sewer connection while maintaining existing sewer flow, as well as for worker safety.

Present: Caissie Niles; and Investigator Tyler Bubenik. Alvin Hsu, resident.

Documents Considered: Application and documents attached thereto.

Summary: Sewer connection for the project and need to fully dewater the system. Digging and jacking pit. Once to the receiver pit, have to provide a sanitary bypass, the pumps will keep the sanitary bypass while they continue the work. Alvin Hsu spoke in opposition and stated they are continuously disturbed and never sees any workers after 5:00 p.m. Applicant explained the after 5:00 p.m. work is a smaller crew and the work itself is less “noisy” hence the appearance that there may be no work being performed.

Decision: Granted.

10. Application #247535 Cassie Niles, Turner Construction, for a Special Noise Variance on 12/2/23 to 3/2/23, at 290 Binney St, 6:00 a.m. to 7:00 a.m. and 6:00 p.m. to 11:00 p.m. Monday through Friday. This is utility work and slurry wall installation using hand welding tools, cranes, trucks, and excavators. The variance is an attempt to renew the hours permitted in SNV #234938. Pours must be completed once they are started and with 500 yards of pours taking place we need the opportunity to extend hours and complete the pours.

Present: Cassie Niles; Ben Paskal; and Investigator Joseph Kelley. Alvin Hsu, resident.

Documents Considered: Application and documents attached thereto; and previous variance.

Summary: The variance is sought as the placement is a long process that must be done continuously; it is about a 17 hour work day. Typical day 6:00 a.m. – 10:00 a.m. they desand, clean trench, from 10:00 a.m. – 12:00 p.m. they prep the area and remove the desanding equipment, ribar cage, from 12:00 p.m. – 2:00 p.m. reinforce the cage, from 2:00 p.m. – 10:00 p.m. they do the concrete placement, about 500 yards (takes about 5 trucks) and from 10:00 p.m. – 11:00 p.m. they clean up and break down.

The current production will bring the project to the Spring. The slurry variance will continue to the Spring, as work through substation slurry wall is 130 feet deep, and 5 feet wide. There have been delays due to the significant bedrock encountered and it is taking a lot longer than anticipated. Project does not end once slurry wall completes, must past into 2027 for the various buildings. Are doing the work everyday.

Alvin Hsu spoke in opposition and stated they are continuously disturbed and never sees any workers after 5:00 p.m. Applicant explained the after 5:00 p.m. work is a smaller crew and the work itself is less “noisy” hence the appearance that there may be no work being performed.

Decision: Granted with the condition that cannot be exercised on any legal holiday or eve of any legal holiday.

11. Application #247692 Luke Hourican, Turner Construction, for a Special Noise Variance on 11/13/23 – 12/29/23, (Alt. 11/14/23-12/30/23), at 325 Main Street, 6:00 a.m. to 7:00 a.m. and 6:00 p.m. to 11:00 p.m. Monday through Friday, and 6:00 a.m. to 9:00 a.m. and 6:00 p.m. to 11:00 p.m. Saturdays and Sundays. This is to install a concrete foundation and waterproofing systems using trucks, hand tools, concrete finishing equipment, and waterproofing equipment. The variance is needed for public safety and to limit the impact on MBTA ridership.

Present: Luke Hourican; and Investigator Joseph Kelley.

Documents Considered: Application and documents attached thereto.

Summary: This is tied to a previously granted variance (#243036) which has not been used due to delays in the work through the fault of the MBTA not the applicant. The work is to be done overnight to avoid conflict with MBTA operation and most of the work is to be performed from 1:00 a.m. – 4:30 a.m. (the MBTA’s non-revenue hours).

Decision: Granted for weekdays only from 6:00 p.m. – 7:00 a.m. with the condition that cannot be exercised on any legal holiday or eve of any legal holiday.

12. Application #248134 Michael Shanahan, AECOM Tishman, for a Special Noise Variance on 11/20/23 – 3/29/24 (Alt. 11/21/23 – 3/30/24), at 2 Alewife Park, from 6:00 p.m. to 10:00 p.m. on weekdays only, as well as 7:00 a.m. to 9:00 a.m. on four specific Holiday dates (11/24/23, 12/22/23, 1/15/24, and 2/19/24), to perform concrete finishing using generators, trowel machines, and support vehicles. The variance is sought in the interest of accommodating the full scope of work.

Present: Michael “Mike” Shanahan; and Investigator Tyler Bubenik.

Documents Considered: Application and documents attached thereto; and correspondence with regard to this application.

Summary: To finish concrete slabs. For each floor, 3 placements, additional time at end of the day. Layout and cold temperatures, finishing and completing the slab only. One placement per week. City holidays, intent for those holidays to start at 7:00 a.m. so the approximate 250 workers get their 40 hours pay.

Decision: Granted for the time period requested with the condition that cannot be exercised on any legal holiday or eve of any legal holiday; as to the four specific holidays, only grant as to 12/22.

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.

13. Application #246645 Blank Street 1380 Massachusetts Ave Boston, LLC d/b/a Blank Street Coffee, 1380 Massachusetts Avenue, for a new Common Victualler License. Laetitia Godfrin Ruiz as proposed manager of record, with a premises description of: On the ground floor, 876 sq. ft., customer access in the front of house and bathroom as needed, dry storage back of house. One entry and exit door on Massachusetts Avenue. Additional dry storage space available in basement. With 10 seats, 14 standing and maximum indoor occupancy of 24. Proposed hours of operation of 7:00 a.m. – 7:00 p.m. This location was previously licensed.

Decision: Granted.

14. Application #246878 JC & BROS, INC. d/b/a What a Soup, 123 River Street, for a new Common Victualler License. Apichart Puttipunyakul as manager of record of a premises described as: at 123-125 River Street on the ground level, approximately 860 sq. ft. in one room with public access. Kitchen and storage on the right. One entrance at the front door and one exit at the back door. Includes basement level for storage. Total seating for 28 and hours of operation of Sunday 12:00 p.m. – 9:00 p.m. and Monday – Saturday 11:30 a.m. – 9:00 p.m. This location was previously licensed.

Decision: Granted.

15. Application #248415 Chicken and Co, 2261 Massachusetts Avenue, for a new Common Victualler License. Akradech Thipchak as manager of record of a premises described as: Approximately 950 sq. ft., includes dining room, kitchen and restroom on the main floor and the same size basement for storage. There are two entrances and exits, one entrance/exit at the front and another entrance/exit in the back for staff only. Total seating of 20, and includes 1 TV, with hours of operation of 11:00 a.m. – 10:00 p.m. all days. This location was previously licensed.

Decision: Granted.

- 16. Application #248159** Elmostafa Rhanem for a new Hackney Driver's License.

Decision: Granted.

- 17. Application #246160** Samantha Lennon, MTP Communications, for a Special Noise Variance on 11/18/23 - 11/19/23, no alternate dates, at 3 Main Street, for overnight work from 7:00 p.m. until 4:00 a.m. the following morning. Completing fiber optic splice work to roll old, damaged fiber cable to new fiber cable using idling trucks and a generator. The variance is needed due to the network having to be shut down to minimize impacts to service.

Decision: Granted with the condition that a Sunday work permit is required.

- 18. Application #246159** Samantha Lennon, MTP Communications, for a Special Noise Variance on 11/18/23 - 11/19/23, no alternate dates, at 229 Third Street, for overnight work from 7:00 p.m. until 4:00 a.m. the following morning. Completing fiber optic splice work to roll old, damaged fiber cable to new fiber cable using idling trucks and a generator. The variance is needed due to the network having to be shut down to minimize impacts to service.

Decision: Granted with the condition that a Sunday work permit is required.

- 19. Application #247099** Kevin Aruda, KB Aruda Construction, for a Special Noise Variance on 11/20/23 – 11/21/23 (Alt. 11/21/23 – 11/22/23), at 5-7 Linden Street, from 7:00 p.m. until 7:00 a.m. the following morning to install a fire suppression line install using saws, jackhammers, an excavator, and dump trucks. The variance is sought in the interest of minimizing service interruptions while the water main is shut down.

Decision: Granted.

- 20. Application #248441** John Shaughnessy, JW Shaughnessy, for a Special Noise Variance on 11/18/23 (Alt. 12/2/23), at 229 Vassar Street, from 6:00 a.m. to 9:00 a.m. on a Saturday to assemble a crane and hoist equipment using trucking and a crane. The variance is sought to extend the workday to accommodate the full scope of work.

Decision: Granted.

- 21. Changes Made Through 2024 License Renewal Applications**

Application #208384 1621, Inc. d/b/a King's Famous Pizzeria Roast Beef & Seafood, 1621 Cambridge Street, Common Victualler, Change of Manager to Mohammed Amine Lakhame.

Application #12210 Mashed, LLC d/b/a Otto, 1432 Massachusetts Avenue, Common Victualler, changed corporate name to Otto Portland, LLC. No changes to the beneficial interest holders.

Application #152986 Lamplighter Brewing Co., LLC d/b/a Lamplighter Brewing Co., 110 North First Street, Malt Only Farmer Series Pouring Permit, to add to its live entertainment, floor show, and to its currently approved entertainment accessories, one shuffleboard.

Application #12398 Arigato, LLC d/b/a I Love Sushi, 1815 Massachusetts Avenue, Common Victualler, change of hours from 12:00 p.m. – 9:00 p.m. all days to 11:30 a.m. – 8:30 p.m. Monday-Saturday.

Application #195669 Foundry Consortium, Inc. d/b/a Foundry Consortium, 101 Rogers Street, Common Victualler Entertainment License, to change Sunday hours from closed to 9:00 a.m. – 11:00 p.m. for entertainment only (regular operations closed).

Decision: Approved/grant ratified as to all.

22. Requests for 2024 New Year's Eve Extension of Hours: Per Board policy, alcohol closing hour can only be extended a maximum of one hour, and food and entertainment can only be extended a maximum of two hours. Under no circumstances can any licensee serve, sell or deliver alcohol after 2:00 a.m.

Application #15446 Amorino Gelato JFK, LLC d/b/a Amorino Gelato, 50 JFK Street, Common Victualler License, for an extension from 12:00 a.m. to 1:00 a.m.

Decision: Granted.

Application #74633 Pilgrimage Holdings, LLC d/b/a The Lexington, 100 North First Street, Common Victualler All Alcohol License, for an extension from 12:00 a.m. to 12:30 a.m. for food, and 1:00 a.m. for entertainment and alcohol.

Decision: Granted.

Application #11613 DMG Food Enterprises, LLC d/b/a 730 Tavern Kitchen and Patio, 730 Massachusetts Avenue, Common Victualler All Alcohol License, for an extension from 1:00 a.m. to 2:00 a.m. for entertainment and alcohol.

Decision: Granted.

Application #11583 Urban Hearth, LLC d/b/a Urban Hearth, 2263 Massachusetts Avenue, Common Victualler All Alcohol License, for an extension from 11:00 p.m. to 1:00 a.m. for alcohol and entertainment, and 12:00 a.m. for food.

Decision: Granted with modifications – closing hour of 12:00 a.m. for alcohol, and 1:00 a.m. for food and entertainment (may cease food service at 12:00 a.m. as requested).

Application #174713 Lupo Partners, Inc. d/b/a Gufo, 660 Cambridge Street, Common Victualler All Alcohol License, for an extension from 12:00 a.m. to 2:00 a.m. for alcohol, food and entertainment.

Decision: Granted with modifications – closing hour of 1:00 a.m. for alcohol, and 2:00 a.m. for food and entertainment.

Application #118197 Dow Enterprises, LLC d/b/a Judy's Bay, 279A Broadway, Common Victualler All Alcohol License, for an extension from 12:30 a.m. to 1:30 a.m. for alcohol and 2:00 a.m. for food and entertainment.

Decision: Moot, request withdrawn by applicant on 11/9/23.

Application #11452 Nutoshimo, Ltd. d/b/a Mad Monkfish, 524 Massachusetts Avenue, Common Victualler All Alcohol License, for an extension from 1:00 a.m. to 2:00 a.m. for alcohol.

Decision: Granted.

Application #152986 Lamplighter Brewing Co., LLC d/b/a Lamplighter Brewing Co., 110 North First Street, Malt Only Farmer Series Pouring Permit, for an extension from 12:00 a.m. to 1:00 a.m. for food, alcohol and entertainment.

Decision: Granted.

Application #192598 Boston Convenience Enterprises, Inc. d/b/a Boston Convenience, 1 Leighton Street, Malt and Wine Package Store License, for an extension from 11:00 p.m. to 11:59 p.m.

Decision: Granted with modifications – closing hour of 11:30 p.m. per state law.

Application #54291 Guhanian Restaurant Group, LLC d/b/a Passage to India, 3 Glassworks Avenue, Common Victualler All Alcohol License, for an extension from 12:00 a.m. to 1:00 a.m. for food, alcohol and entertainment.

Decision: Granted.

Application #11572 Sulmona Restaurant Group, LLC d/b/a Sulmona Restaurant, 608 Main Street, Common Victualler All Alcohol License, for an extension from 1:00 a.m. to 2:00 a.m. for food, alcohol and entertainment.

Decision: Granted.

Application #21826 3G, LLC d/b/a Mex Taqueria & Bar, 500 Technology Square, Common Victualler All Alcohol License, for an extension from 1:00 a.m. to 2:00 a.m. for food, alcohol and entertainment.

Decision: Granted.

23. Board Votes on Matters Taken Under Advisement

[Heard October 3, 2023]

Disciplinary LPGMG, Inc. d/b/a New Republik, holder of All Alcohol Common Victualler License #148643, 1172 Cambridge Street, for alleged violation of G.L. c. 138, §§ 23, 64-64A, 69, G. L. c. 140, and Board's Rules 2, 12B.6, and 12B.7 – Service/Sale/Delivery of Alcohol to an intoxicated patron on August 8, 2023.

Summary: The licensee, the server, was the one that called the police. The bartender did make sure the individual did not drive. There is no question the patron was intoxicated; the question is whether the bartender knew or should have known at the time of service that the individual was intoxicated and yet they served the patron. Here we have 3 alcoholic drinks served and consumed within 30 minutes. The bartender testified they were monitoring the patron, and they did not believe the patron to be intoxicated but when they served the last beer they informed the patron this was the last one and then the bartender said that is when the patron started to get more intoxicated. The bartender described the individual as obnoxious. I think the bartender here should have not served the third beer and considering they knew they were trying to get the individual out I am not sure why they did. Hindsight is 20/20 but there is a common sense factor that also needs to be implemented. Do not want to discourage businesses from calling the police, but the business should be discouraged from putting themselves in a position where they are forced to call the police to prevent injury/accidents/crimes. Three alcoholic drinks in 30 minutes is a lot. The business does not have a disciplinary record.

Decision: Violation, one (1) day suspension held in abeyance for six (6) months.

[Heard October 23, 2023]

Disciplinary La Fabrica Central, LLC d/b/a La Fabrica, All Alcohol Common Victualler License #11593, 450 Massachusetts venue, for alleged violation of G.L. c. 138, §§ 23, 64-64A, 69, G. L. c. 140, and Board's Rules 2, 12B.6, and 12B.7 – Service/Sale/Delivery of Alcohol to an intoxicated person on June 11, 2023.

Summary: In this case, the licensee called the police to remove a patron. Here, the licensee contests even the notion that the patron was intoxicated at any point, and certainly at the time of service. In this case we have a ridiculous number of drinks, 30, and a tip of \$500 which is almost double the tab. We have an individual that is literally laying on the floor because they do not want to leave because supposedly the staff is retaining their identification and credit card, yet the patron had them on his person. We heard testimony that this patron consumed 3 Long Island Iced Tea drinks, out of the 30 drinks on their tab. The biggest issue here is that it is clear that the women who drank Sex on the Beach and more than a dozen shots of drinks were probably more intoxicated than the patron taken into protective custody. Again the issue here is whether the bartender knew or should have known at the time of service that the individual was intoxicated and yet they served the patron. The petulant versus drunk argument is not convincing. The patron was intoxicated, but there is no testimony as to how the

patron was acting at the time of service. Had we noticed about the group of girls with the patron, the ones where the bartender on her own volition gave them water at the end of the night, then our discussion may be a little different. With that said, I would like to stress to the licensee that they have to be more vigilant on these issues and when a tab is being attended by more than one bartender, there needs to be communication between the bartenders.

The Board discussed how it did not find any of La Fabrica's testimony credible. There was grave concern how no medical assistance was requested for the patron and how the business did not even seem to follow its own policy. How is a man down for over 10 minutes not a medical issue. Did not find them credible. The attorney did not help the situation. There was a question as to whether deference was given to the patron, in terms of continuing to serve alcohol and not calling for assistance, because of the large tip they left.

Decision: Under advisement.

Informational Super Target Liquor of Massachusetts, Inc. d/b/a Target, 564 Massachusetts Avenue, Wine and Malt Package Store License #12982, to discuss business practices, manner in which business is being conducted, and alcohol related shoplifting at Target, and determination whether a revocation of the liquor license is appropriate, pursuant to G. L. c. 138, §§ 15, 23, 64, and Board's Rules 5.1-5.3.

Documents Considered: Previous documents provided and related thereto; file; and subsequent correspondence from counsel.

Summary: From the subsequent correspondence, it is clear that the implementation of round the clock locked coolers and gated alcohol area, is working in terms of diminishing incidents of theft of alcoholic beverages. The correspondence also states that they have seen a decrease in sale of alcohol. I am not sure this is attributed to the new security measures, but it could be. The area where the at room temperature alcohol is located looks closed, so maybe if made more visually accessible, it could help fix the issue. Regardless I think the public safety and common good outweighs Target's bottom line. As such I would propose adding the following conditions on their license: Must keep coolers with alcohol locked at all times. Must keep all alcohol shelves locked and secured at all times. When alcohol is being sought, the beverages are to be taken by store representative to the cashier. The patron is to be provided the alcohol once the sale is complete. Have been responsive but continue to work with them to do it slowly but make sure to work with them.

Decision: Conditions will be added to the Must keep coolers with alcohol locked at all times. Must keep all alcohol shelves locked and secured at all times. When alcohol is being sought, the beverages are to be taken by store representative to the cashier. The patron is to be provided the alcohol once the sale is complete.

24. Consideration of Statement of Reasons

[Matters Heard October 23, 2023]

Boston Carting, Solid Waste Hauler License #65459, violation of Cambridge Municipal Code 8.16.080(e), loading and unloading outside allowable hours, on September 27, 2023, 10:02 p.m., at 15 Notre Dame Avenue. \$300 fine.

Summary: The matter was heard 10/25 not 10/23.

Decision: Approved.

25. Consideration of Meeting Minutes October 23, 2023.

Summary: The minutes were for 10/25 not 10/23.

Decision: Approved.

26. Amendment of Board Vote [Matter Heard September 14, 2023] Application #236934,
TPBHS Harvard, Inc. d/b/a The Painted Burro, 32 Church Street, for a new Common Victualler All Alcoholic Beverages License. The approved proposed premises included outdoor seating area on public property, sidewalk and parking lane, of approximately 378 sq. ft. At the time the Board heard the application the applicant did not have a Sidewalk Street Business Use Permit (“SSBU”). The Board granted the application pending submission of and subject to any conditions and modifications therein. It appears the SSBU process will take more time than expected and the applicant is ready to open. The ABCC will not approve with a condition on the use of the patio. Hence, the applicant has removed the outdoor area from the application and we have submitted an amended approval to the ABCC. This is to ratify that change and to grant the application as submitted with the exclusion of the outdoor area. The applicant knows they will need to file an application for an alteration of premises in the future if they want to open and operate an outdoor area.

Decision: Ratification of grant with amendment that the premises is only as to the indoor area, outdoor area approval revoked (with the understanding that there will be an alteration of premises application in the future to have the outdoor area included).

27. Consideration of Request for Extension Application #13535, Gustazo-Cuban Cafe, LLC
d/b/a Gustazo-Cuban Cafe, 2067 Massachusetts Avenue, Common Victualler All Alcohol License. For the second year, they requested to change the entity that holds the license to a different one through the renewal process. Last year they were informed they needed to file a separate application and receive approval from the Board and ABCC. They reported they would abandon the idea. This year, they once again requested and they were asked to file an application no later than 11/17/23, or their renewal application would be placed for consideration of renewal on 12/1/23. They have asked if they can submit the application after the first of year.

Summary: Corrective application filed by 12/1 and if not, then a consideration of the renewal hearing on 12/14/23, otherwise renewal denied or indefinite suspension.

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.

28. Application #245478 Paul Clark for a malt and entertainment license at 292 Cambridge Street, on 11/19/23 with rain date of 11/26/23 from 11:00 a.m. – 3:00 p.m. for a road race with amplification system. Expected attendance – 800.

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

29. Application #248117 Paul Clark for a malt and entertainment license at 64 Sidney Street, on 12/3/23 with rain date of 12/10/23 from 8:30 a.m. – 12:00 noon for a road race after party with recorded music, live music and amplification system. Expected attendance – 2300.

Decision: Granted with the conditions that there cannot be any sale, service or delivery of alcohol prior to 10:00 a.m., and the area where the alcohol is served, sold and consumed is enclosed from the public way.

30. Application #247202 Yael Saiger, MIT Museum, for a malt and wine license at 314 Main Street, on 11/20, 12/18 & 1/29/24 from 6:00 p.m. – 7:30 p.m. for a science paint night. Expected attendance – 20.

Decision: Granted with the condition that there must be a limited number of alcoholic drinks (2) associated with the admissions price, otherwise/thereafter, the alcohol must be sold.

31. Application #248198 John Okie, Graham and Parks Elementary School, for an entertainment license at 112 Raymond Street, on 11/22/23 from 9:00 a.m. – 12:00 p.m. for a fun run event with patrons dancing, recorded music, DJ and amplification system. Expected attendance – 50.

Decision: Granted.

32. Application #248521 William Manley, Harvard Square Business Association, for an entertainment license at 95 Mt. Auburn Street, on 11/18/23 from 11:00 a.m. – 6:00 p.m. for a Harvard Yale tailgate party with amplification system. Expected attendance – 300.

Decision: Granted with amended hours – may commence set up at 11:00 a.m., event start time is 12:00 p.m., and event end time is 4:30 p.m. per City Permit.

33. Application #248627 Marie-Auguste Vancol for an all alcohol and entertainment license at 2254 Massachusetts Avenue, on 11/25/23 from 5:00 p.m. – 12:00 a.m. for a birthday party with performers/entertainers dancing, DJ and amplification system. Expected attendance – 170.

Decision: Granted with amended start time of 6:00 p.m. per permission letter.

34. Application #248810 Kellen Dugan, Kirkland House Committee, for a malt and wine and entertainment license at 95 Dunster Street, on 12/2/23 from 10:00 p.m. – 1:00 a.m. for a Winter Formal/Dance with patrons dancing, DJ and amplification system. Expected attendance – 150.

Decision: Granted pending submission of the event registration form, subject to any conditions and modifications therein, and with the condition that there must be a limited number of alcoholic drinks (3) associated with the admissions price, otherwise/thereafter, the alcohol must be sold.

35. Application #248649 Alison Ekizian, Holy Trinity Armenian Church, for a malt and wine and entertainment license at 145 Brattle Street, on 12/1 12:00 p.m. – 9:00 p.m. & 12/2 10:00 a.m. – 7:00 p.m. with rain date of 12/3/23 for a fundraiser with recorded music. Expected attendance – 299.

Decision: Granted.

36. Application #248864 Elliot Chen, Asian American Association, for an entertainment license at MIT Lobby 13-105 Massachusetts Avenue, on 11/17/23 from 5:00 p.m. – 10:00 p.m. for a cultural event with patrons dancing, DJ and live music. Expected attendance – 250.

Decision: Granted with amended start time of 8:00 p.m. per event registration form.

37. Application #248877 Michael Jonas for an entertainment license at 680 Huron Avenue, on 12/2/23 with rain date of 1/13/24 for a swing dance with patrons dancing, live music and amplification system. Expected attendance – 125.

Summary: The requested hours are 6:30 p.m. – 12:00 a.m.

Decision: Granted.

38. Application #248743 Eleanor Jaffe, Musical Theater Guild, for an entertainment license at 84 Massachusetts Avenue, on 11/16-11/18/23 from 6:00 p.m. – 10:00 p.m. for a concert with performers/entertainers dancing, recorded music, live music, amplification system and theatrical exhibition/play/moving picture show. Expected attendance – 170.

Decision: Granted.

[Matters Considered At Meeting, Not Previously Posted on the Agenda]

39. New Year's Eve Requests Designate member of Board to approve and have Board ratify at next meeting.

Decision: Approved, the Chair is designated to vote on all requests for New Year’s Eve Permits based on the Board’s policy of one hour for alcohol, and two for food and entertainment, and then the vote is ratified at the next possible meeting.

40. Application #248995 Diana Munn, Harvard Museums of Science & Culture, for an all alcohol license at 26 Oxford Street, on 11/30/23 from 5:00 p.m. – 9:00 p.m. for a museum event. Expected attendance – 500.

Decision: Granted.

41. Application #249144 Jose da Silva, Patagonia Cambridge, for a malt and entertainment license at 39 Brattle Street, on 11/16/23 from 7:00 p.m. – 10:00 p.m. for a film screening with theatrical exhibition/play/moving picture show. Expected attendance – 150.

Decision: Granted.

42. Application #249177 Jessica Lu, Wuming Theater Club, for an entertainment license at 48 Massachusetts Avenue, on 11/18 2:00 p.m. - 8:30 p.m. & 11/19 2:00 p.m. – 6:00 p.m. for a theatrical exhibition/play/moving picture show. Expected attendance – 100.

Decision: Granted.

43. Application #249329 Edward Fogarty for a malt and wine license at 32 Vassar Street, on 11/15/23 from 6:00 p.m. – 8:00 p.m. for a reception. Expected attendance – 60.

Decision: Granted.


By the Board of License Commissioners

Minutes Approved: December 14, 2023

Minutes Posted: December 14, 2023



Nicole Murati Ferrer, Chair



Thomas Cahill, Jr., Fire Chief



Christine Elow, Police Commissioner