



# CAMBRIDGE LICENSE COMMISSION

831 Massachusetts Avenue, First Floor, Cambridge, Massachusetts 02139

## MEETING MINUTES

For Meeting of Wednesday, January 24, 2018 at 3:00 p.m.  
Michael J. Lombardi Building, 831 Massachusetts Avenue  
Carmelia M. Vicente Basement Level Conference Room

Meeting Started at 3:05 p.m.

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

### Public Testimony Matters:

1) Disciplinary MSEX, LLC d/b/a Middlesex Lounge, holder of a Common Victualler All Alcohol License at 315 Massachusetts Avenue for alleged violations of: G.L. Chapter 138, §§ 34-34A, 41, 64A and Board Rules 2, 5B.6- Service/sale of alcohol to a minor; G. L. Chapter 138, §§ 34A, 64A and Board Rules 2, 5B.6- Minor in possession of alcohol; G.L. Chapter 138, §§ 34-34A, 64A and Board Rules 2, 5B.6- Furnishing alcohol to a minor; and G.L. 138, §§ 64A, 69 and Board Rules 2, 12B.6, 12B.7- Service/delivery of alcohol to an intoxicated patron.

**Present:** Nate Brown, Chris Lutes, Kieran Pearson, and Officer Michael Leveque.

**Documents considered by Board:** Hearing notice, police reports, and file.

**Summary:** On November 26, 2017, minor entered premises using her two-year older sister's valid North Carolina driver's license. License was not recovered. Minor drank inside the premises. Officers did not observe her possessing alcohol and neither did staff management although no reason to doubt her statement that she drank inside the premises. Officers did not observe her to be intoxicated. Officers responded to the premises because licensee called them when the minor engaged in a fight. Door person had no doubt license was hers.

**Decision:** Violation (2-0), warning as to service/sale of alcohol to a minor. No violation (2-0) on minor in possession of alcohol, or furnishing alcohol to a minor. Charge of service/delivery of alcohol to an intoxicated patron, dismissed (2-0).

2) Disciplinary Parkingway Wines, Inc. d/b/a Supreme Liquors, holder of an All Alcohol Package Store License at 600 Massachusetts Avenue due to an alleged assault (employee on patron) in violation of but not limited to: 204 CMR 2.05(2); M. G. L. c. 138 §§ 23 and 64; and Rules and Regulations of the City of Cambridge Board of License Commissioners 2.5, 2.6, 5.1, and 8.1.

**Present:** Sharon Walsh, Tom Cifrino, Officer Julio Laracuente, Officer Raymond Pina, Officer Benny Szeto.

**Documents considered by the Board:** Hearing notice, police reports, and file.

**Summary:** On November 16, 2017, the store clerk punched a patron not in self-defense. On November 18, 2017, the store clerk threatened the same patron. The owner of the business gave the store clerk a chance the first time because he had not ever acted in this way but fired him when the second incident happened.

**Board Action:** No violation (2-0).

3) **Application** Richard Foote, on behalf of Turner Construction, has applied to extend the Special Noise Variance at 25 Hayward Street until April 31, 2018 to work between 6:00 p.m. and 8:00 p.m.

**Present:** Michael Ensminger, Michael Hunter, Sarah Gallop, Ben Lavery, Andrea Boyer.

**Documents considered by the Board:** Application submitted and documents attached thereto.

**Summary:** The request is not meant to be for everyday but rather for the days when the pouring of the concrete must continue. Do not anticipate using too much. The 6 a.m. start request is to get started earlier with the set up so that the project does not delay. MIT is doing extensive community outreach to the abutters and persons who have complained based on the variance.

**Decision:** Variance for 6 p.m. to 8 p.m., granted (2-0). Variance for 6 a.m. start, deferred to 2/7/18.

4) **Application** Toscanini's Ice Cream Company, Inc., has applied for a Common Victualler License at 159 First Street with a seating capacity of 40 and proposed hours of 8:00 a.m. to 11:00 p.m. Monday through Saturday and 9:00 a.m. to 11:00 p.m. on Sunday. Miriam Rancatore as proposed manager of record of a premise described as: Ground floor retail space; entrances on First Street and Rogers Street; kitchen; production space; retail space; demo space in back.

**Present:** Miriam Rancatore and Agustino Rancatore.

**Documents considered by the Board:** Application and documents attached thereto,

**Summary:** This would be a new location (not meant to replace the Massachusetts Avenue location). There will be a space to show how the ice cream gets done. Has two entrances one on Roger Street and the other on First Street. Would be the only retail establishment in the building.

**Decision:** Granted (2-0) but license will not issue until lease/agreement with landlord is provided and corporate papers submitted.

5) Application PHY Investment, Inc. d/b/a Takemura, has applied for a Common Victualler License at 18 Eliot Street with a seating capacity of 59, a total occupancy of 75, and proposed hours of 8:00 a.m. to 1:00 a.m. Monday through Saturday and 12:00 p.m. to 1:00 a.m. on Sunday. James Huang as proposed manager of record of a premise described as: 2,350 sq. ft. basement level in large, partially divided room with sushi bar, kitchen, rest rooms. One entrance and three exits.

**Present:** Attorney Ka Yung Wong and James Huang.

**Documents considered by the Board:** Application and documents attached thereto.

**Summary:** Taking over the space, same hours and menu as what was previously licensed at the location.

**Decision:** Granted (2-0), but license will not issue until a signed lease is provided (just the signature page, copy of lease provided at the hearing).

6) Application Transfer of Common Victualler All Alcoholic Beverage License from T.W. Food, Inc. d/b/a Self Portrait Bistro, 377 Walden Street, to Belly to Bones, LLC d/b/a Talulla, at the same location. Conor Dennehy as Proposed Manager of Record of a premise described as: 900 sq. ft. first floor with dining room, kitchen, and service station; 700 sq. ft. basement space for storage and restrooms. The proposed hours of operation are: 5:30 p.m. to 10:00 p.m. Tuesday through Saturday and 10:00 a.m. to 3:00 p.m. Sunday.

**Present:** Danielle Ayer and Connor Dennehy.

**Documents considered by the Board:** Application and documents attached thereto.

**Summary:** Mr. Dennehy was chef of previous restaurant. Intent is to have a similar fine dining/white table cloth concept but with a menu that represents their travels around the world. The restaurant is named after their daughter.

**Decision:** Granted (2-0) with entertainment for background music only (other categories of entertainment sought were denied per zoning); capacity is 22 per zoning. Mr. Dennehy will have to submit proof of TIPS/21 Proof Certification.

7) Late Renewal Application Eastern End, Inc. d/b/a Eastside Bar & Grill has applied for a new Common Victualler All Alcohol License at 561 Cambridge Street. Christopher Kosinski as Proposed Manager of Record of a premise described as: Approximately 2,000 sq. ft. on the first floor with bar, two rooms for dining, restrooms and kitchen; storage in basement. The proposed hours of operation are: 5:00 p.m. to 1:00 a.m. Monday through Saturday and 10:00 a.m. to 1:00 a.m. Sunday.

**Present:** Christopher Kosinski.

**Documents considered by the Board:** Application and documents attached thereto, file, previous Board vote and emails.

**Summary:** Mr. Kosinski failed to submit a renewal application or pay within the month of November. Mr. Kosinski has been licensed for twelve years; it is the first late renewal application. There should be no CORI or DOR issues. Has been inspected by ISD and Fire and received Certificate of Inspection.

**Decision:** Granted (2-0), provided no issues arise with CORI check, license to be issued with the same conditions as originally implemented by the Board which granted the license (no value, non-transferable license).

8) Cancellation/Consideration of Renewal Guggy, LLC d/b/a Studio Mantra, holder of a Common Victualler All Alcohol License at 577 Massachusetts Avenue for non-use of said license, and consideration of license renewal application pursuant to M.G.L. c. 138, §§ 16A and 77.

**Present:** Pavan Pabla, Attorney Ethan Schaff, and Donald Holland.

**Documents considered by the Board:** Renewal application, file, correspondence regarding late payments, and all other decisions previously issued concerning the license.

**Summary:** License was granted as a transfer in August 2015 but the license has never issued or been operated by the current holders. In the last non-use hearing in July 2017, the licensee stated that agreements with the landlord were made, an architect hired to build out the space, and that building permits would be sought. No further delay was expected. The license has taken no steps, received no permits or even filed an application to obtain permits from ISD.

Renewal application was submitted November 29, 2017 and submitted half of the renewal fee for the license. The fee was returned because of insufficient funds. Replacement payment was due by December 26, 2017. The holders of the license submitted the replacement check on December 29, 2017.

Ethan Schaff, attorney for the pledge holder Holland Knight, stated the licensee stopped making payments while back. Mr. Knight has not exercised the pledge because he does not want to use the license or go back into the business. Mr. Schaff and Mr. Holland alleged the licensee has informed them that they 'didn't care if the license was taken away because they would just get a new one from the Board.'

**Decision:** Renewal denied (2-0), in the alternative, license cancelled (2-0).

9) Consideration of Renewal Shalimar, Inc. d/b/a Dosa Factory, holder of a Common Victualler Wine & Malt License at 571 Massachusetts Avenue for consideration of the renewal application of said license pursuant to M.G.L. c. 138, § 16A.

**Present:** Pavan Pabla.

**Documents considered by the Board:** Renewal application, file, and correspondence regarding late payments.

**Summary:** On November 29, 2018, the renewal application was filed and half of the renewal fee payment was made. The fee, which was provided in the form of a check, was returned because of insufficient funds. Replacement payment was due by December 26, 2017. A replacement check was received on December 29, 2017. The 2018 license was not issued and the matter was noticed for the consideration of the renewal application.

Pavan Pabla admitted that the business had been operating since the beginning of the year and alcohol was being kept, sold and served at the premises. He also admitted that the common victualler portion of the business was operating. Mr. Pabla testified that he thought the fact that payment was made meant the license automatically renewed. Mr. Pabla did not contest that a cease and desist order had been delivered to the premises on December 31, 2017 stating the business had to be closed as of midnight. He did not contest the receipt of the hearing notice for the consideration of the renewal application. Further, he did not contest that the 2018 licenses had not issued and that they were operating without a valid Certificate of Inspection from Inspectional Services Department.

**Decision:** Renewal denied (2-0).

**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.*

10) Commonwealth Restaurant has advised the License Commission that although they generally close at 10:00 PM, they would like to keep their permitted closing hour at 1:00 AM for occasions when they have private events.

**Decision:** Matter deferred until the full Board is present (2/28) so that it can discuss the manner in which it will interpret Rule 6.1 of its Rules and Regulations.

11) The Board of License Commissioners will discuss whether to create new rules and regulations for self-driving taxi cabs.

**Decision:** Matter deferred until the full Board is present (2/28) so that it can discuss.

12) Spartan Management Company, holder of license number OAP10151, has notified the License Commission that they are no longer operating a parking lot at the location.

**Decision:** Board acknowledges (2-0), close file.

13) Himalayan Arts & Crafts, 8 Bow Street, was approved for a second-hand goods/antiques license on July 25, 2017. Investigation reveals that this license is not needed as they only sell new items.

**Summary:** When licensed person came to pick up the license, she questioned the need for the license. One of the investigators visited the premises and assessed that all items being sold were new. The licensee was represented at the hearing for the license by counsel.

**Decision:** Deferred (2-0). Ms. Lint must follow up with the attorney that represented the applicants – also Board will look at minutes/hear tape from the hearing to determine what was presented.

14) Chad Bennett, on behalf of John Moriarty and Assoc. has applied for a special noise variance from January 24, 2018 and June 30, 2018 week days from 6PM until 10PM and Saturday from 7AM until 9AM.

**Decision:** Granted (2-0).

15) Rubel Goni d/b/a AK Airport Service, has applied for a livery license for 1 vehicle.

**Summary:** This is not a request for a livery license rather a request to issue a letter of no-objection so that the requester can pick up at Logan Airport.

**Decision:** Granted (2-0) – this is in line with the Board's previous vote of 2016 to issue these letters as a matter of course.

16) Eugene Agoste Kakou, holder of Cambridge Hackney License #29913, for consideration of the renewal application of said license.

**Documents considered by the Board:** Renewal application, driving record and Officer Szeto's recommendation.

**Summary:** Driving record shows six moving violations in the last four years.

**Decision:** Renewal denied (2-0).

17) President and Fellows of Harvard College d/b/a Arts Café Barker Center, holder of an Entertainment License at 12 Quincy Street for the approval/correction of the Common Victualler License at said location.

**Documents considered by the Board:** Renewal application, email correspondence and file.

**Summary:** When presented before the Board it was only an entertainment license. A review of the file and the renewal application shows that there is a common victualler linked to the location and entertainment license.

**Decision:** Common victualler license granted (2-0) and issued.

#### **One Day Applications:**

*These applications are also considered administratively and there is no public testimony taken or requested. Unless otherwise indicated, all the matters are decided upon by the individual review of the papers/applications before the Board members and each member votes upon the matter. The summary of what is considered by the Board, unless otherwise indicated, is the identifying information of the matter as listed on the agenda. In addition, the documents considered by the Board are the one day application submitted by the applicant and any other supporting document attached thereto. Police detail is required on some based on the recommendation of the signing-off police department.*

18) Bill Manley, on behalf of the Harvard Square Business Association, has applied for an entertainment license to be exercised at Brattle Plaza on 2/3/18 from 12:00 p.m. – 3:00 p.m. for a tasting event with patrons, performers/entertainers dancing and recorded/live music. Expected attendance – 800 people.

**Decision:** Granted (2-0), with hours of 12 p.m. – 4 p.m. (in accordance with City's permit for use of property).

19) Brian Lavallo, has applied for a malt with entertainment license to be exercised at Forest City, 64 Sidney Street, on 3/25/18 from 10:00 a.m. – 12:00 p.m. for a road race with amplification system. Expected attendance – 300 people.

**Decision:** Granted (2-0), with the condition that alcoholic beverages must be sold, or in the alternative, a limited number of alcoholic drinks must be associated with the admission charge.

20) Charlene Flaherty, has applied for an all alcohol license to be exercised at MIT Media Center, 75 Amherst Street, on 1/27/18 from 5:00 p.m. – 10:00 p.m. for a party. Expected attendance – 80 people.

**Decision:** Granted (2-0).

21) Natalie Kim, has applied for a malt and wine and vendor's (to sell shirts, posters, and other merchandise) license to be exercised at Farkas Hall, 12 Holyoke Street, on 2/2/18 from 6:30 p.m. – 11:00 p.m. for a performance. Expected attendance – 200 people.

**Decision:** Granted (2-0), with the conditions that alcoholic beverages must be sold, or in the alternative, a limited number of alcoholic drinks must be associated with the admission charge, and a police detail to be requested for the event.

22) Rachel Assaf, has applied for a malt and wine with entertainment license to be exercised at Harvard University, Northwest Building, 52 Oxford Street on 1/26/18 from 5:30 p.m. – 9:30 p.m. for a fundraiser with performers/entertainers dancing, recorded/live music and dynamic audio/visual show live/recorded. Expected attendance – 250 people.

**Decision:** Granted (2-0).

23) Eliza Rafferty, on behalf of The Catered Affair, has applied for a malt and wine license to be exercised at The Harvard Art Museums, 32 Quincy Street on 2/8/18 from 7:00 p.m. – 9:00 p.m. for a reception. Expected attendance – 400 people.

**Decision:** Granted (2-0), with the condition that alcoholic beverages must be sold.

24) Elisabeth Mabus, has applied for a wine with entertainment license to be exercised at Harvard Law School, 1585 Massachusetts Avenue on Feb 23, 24, 25, 26 & 27 from 6:30 p.m. – 10:30 p.m. for a play with performers/entertainers dancing, recorded/live music, amplification system and theatrical exhibition/play/moving picture show. Expected attendance – 350 people.

**Decision:** Granted (2-0), with the condition that a police detail must be requested for the event.

25) **[Late submission]** Bill Manley, on behalf of the Harvard Square Business Association, for dancing and live music at Brattle Plaza on 1/27/18 from 1:00 – 3:00 p.m.

**Decision:** Granted (2-0), with hours of 12:00 p.m. – 4:00 p.m. (in accordance with City's permit for use of property).



26) [Late submission] Kathryn Jian, entertainment license on 2/2, 2/3, 2/8, 2/9 & 2/10 from 8:00 p.m. – 10:30 p.m. and 2/4 from 2:00 p.m. – 4:30 p.m. for theatrical performance.

Decision: Granted (2-0).

27) [Late submission] Erika Gauthier, malt and wine at Novartis on 1/25/18 and 1/30/18 from 4:00 p.m. – 7:00 p.m.

Decision: Granted (2-0).

28) [Late submission] Yuvielin Cecile, malt and wine license with recorded/live music at Studio 550 on 2/4/18 from 6:30 p.m. – 10:00 p.m.

Decision: Granted (2-0), with the condition that alcoholic beverages must be sold, or in the alternative, a limited number of alcoholic drinks must be associated with the admission charge.

---

Board's Approval of Minutes:

NMF



BGB



GEM

Date Minutes Approved: 3/21/18

Date Approved Minutes Were Posted: 3/22/18