

CAMBRIDGE LICENSE COMMISSION

831 Massachusetts Avenue, First Floor, Cambridge, Massachusetts 02139

MEETING MINUTES

For Meeting of Wednesday, March 21, 2018 at 3:00 p.m.
Michael J. Lombardi Building, 831 Massachusetts Avenue
Carmelia M. Vicente Basement Level Conference Room

Meeting Started at 3:02PM

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

Staff Member Present: Elizabeth Y. Lint, Executive Director.

Note: Unless otherwise indicated, all votes were 3-0.

Public Testimony Matters:

1. Disciplinary Lamplighter Brewing Co, LLC d/b/a Lamplighter Brewing, holder of a Malt Only Pub Brewery License at 284 Broadway, due to allegedly Permitting a disorder, disturbance, or illegality on a licensed premise, to wit, Overcapacity in violation of M. G. L. c. 138 §§ 23 and 64 and Rules and Regulations of the City of Cambridge Board of License Commissioners Rule 9.

Present: Andrew Jones, owner; Tyler Bubenik, Licensing Investigator; Capt. Arsenault, Fire Prevention; Deputy Chief Peter Donovan; Officer Benny Szeto; and Brian McMahon, Inspectional Services.

Documents Considered: Violation notice and documents attached thereto; current establishment floor plan; and file.

Summary: A Task Force Investigation was conducted on February 9, 2018. Mr. Bubenik testified that a head count showed there were 96 patrons in front room, which was below the capacity of 120, and the back room had 129 which was over the capacity of 80. Deputy Donovan testified that there were coats blocking the emergency egress. Mr. McMahon confirmed the backroom had been recently opened and the flow of persons had not yet been established. Since the inspection, ISD has amended the certificate of inspection to provide a capacity of 160 in the front room and 135 in the back room. Although the premises has a maximum potential capacity of 295, based on the sanitary code the maximum total is 200. Mr. Jones did not contest the facts as presented by the City's staff. The licensee will now have a person in the front room and one in the back room keeping count.

Decision: Violation for overcrowding and issued a one-day suspension to be held in abeyance for 6 months. The Board will review the capacity at next week's hearing due to issues raised during the hearing.

2. Appeal Kesner Noel, holder of Cambridge Hackney Driver's License # 21318, is appealing the decision of Hackney Officer Szeto due to a complaint received by a customer regarding service and fees.

Decision: The matter was continued prior to the hearing to April 11, 2018 at the request of the driver.

3. Gustazo-Cuban Café, LLC d/b/a Gustazo Cuban Cafe, has applied for a Common Victualler All Alcohol License at 2067 Massachusetts Avenue. Patricia Estorino as Proposed Manager of Record of a premise described as: Approximately 2,927 SF on street level with one dining room, bar and kitchen; Approximately 4,260 SF on lower level with two dining rooms, bar, auxiliary kitchen and storage; patio seating on public property. The proposed hours of operation are 11:00 a.m. to 1:00 p.m. seven days per week and closed between 3:00 p.m. and 5:00 p.m.

Present: Patricia Estorino Lojos, owner and proposed manager of record; Adolfo De La Vega, business partner; David Cagle, business owner; and Melissa Champness, business owner.

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

Summary: This is a Cuban restaurant and would be the first of its kind in the City of Cambridge. There are not that many Cuban restaurants in the state and this operation is meant to fill a void in this type of cuisine in Cambridge. There is an intent to offer live entertainment of a jazz trio and typical Cuban music to compliment the atmosphere. There is one Gustazo in Waltham, Massachusetts that has an alcohol license but is significantly smaller than this operation. Ms. Patricia Estorino Lojos is the sole beneficial interest holder, sole LLC member and proposed manager of record; Mr. De La Vega is a business partner. Ms. Estorino Lojos has been TIPS certified, is the approved manager of record at Waltham and has had no disciplinary issues with the Waltham Local Board or ABCC. There will be 253 seats inside total occupancy of 263 and 16 on the patio on public property. The CV application does not have lunch checked but they intend to be open for lunch.

The applicant needs to submit a signed lease. Also informed that if there is an intent to serve alcohol on the patio, they would have to sign an agreement with the City Manager. Councilor Toomey submitted a letter in support of the application. Mr. Cagle, a current licensee, spoke in support of the application, the food and the applicants as small business owners. Ms. Champness also spoke in favor of the petition.

Decision: Granted.

4. Application Give 'Em Enough Rope, LLC d/b/a The Automatic, holder of a Common Victualler All Alcohol License and Entertainment License at 50 Hampshire Street has applied to amend the Entertainment License to include: DJ and Live Musical instruments and/or vocalists with amplification.

Present: David Cagle; and Melissa Champness.

Documents Considered: Application submitted and documents attached thereto.

Summary: Zoning only permits live music or DJ at this location one time per week. This would mostly be used for special events or to enhance a slow evening. It is intended to be used during the regular business hours.

Decision: Granted with the condition that the entertainment be 1 time per week only due to zoning restrictions, with the same hours of operation as are on the current license.

5. Application Colwen Management, Inc. d/b/a Fairfield inn & Suites, holder of an All Alcohol Hotel License at 209-215 Monsignor O'Brien Highway, has applied for a Change of Manager to David Michael Laurent.

Present: David Laurent, proposed manager; Rashi Mangaliet; and Chris Moulton.

Documents Considered: Application and documents attached thereto.

Summary: Mr. Laurent was the manager of record of an innholder with alcohol in Needham and did not have disciplinary issues with the local board or ABCC. He is currently TIPS certified.

Decision: Granted.

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.

6. Tim Stein, on behalf of Brookline Bank, has notified the License Commission that Medallion 249A [sic] has satisfied their loan agreement with the bank and the lien has been released.

Summary: This actually relates to medallion # 252A.

Decision: Acknowledged.

7. Tim Stein, on behalf of Brookline Bank, has notified the License Commission that Medallion 257G has satisfied their loan agreement with the bank and the lien has been released.

Decision: Acknowledged.

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

Summary: Rule 6.1 states that licensees are expected to operate in accordance with the terms and hours of each of the issued licenses. When the Rule was implemented, the Board was comprised of other members. In the past, the Rule has been construed narrowly. The Board recognizes that the previous Board used to have a stricter view of Rule 6.1 but allowing a business the flexibility to work within the hours granted is important for businesses to survive. The business has a duty to be transparent with the public and post operating hours on website and door.

Decision: Acknowledged and granted. The business must post operating hours on website and door.

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

Summary: At this time, considering any change regarding self-driving vehicles would be premature. There needs to be more testing done for commercial purposes.

Decision: No changes at this time.

10. The Board of License Commissioners will consider waiving renewal fees for existing medallions and hackney drivers for FY19.

Summary: The decline in the taxi industry is palpable. For the last couple of fiscal years, the renewal fees have been waived to provide some type of relief and support to the industry. Seeing how the industry is still in peril it would be beneficial to waive fees.

Decision: Fees waived only for the renewal of medallions (a/k/a the inspection fee) and renewal of hackney driver's licenses, considering the current state and consistent with the last 2 years. Livery inspection and license renewal fees are not waived.

11. 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.

Decision: Acknowledged - license cancelled and file closed.

12. Tomolly, Inc. d/b/a Charlie's Kitchen and the Red House, holder of a common victualler all alcohol license at 10 Eliot Street, has applied for a change to their entertainment license to include karaoke on Tuesdays from 10:00 pm until 12:30 AM and Trivia Sunday and Wednesdays from 8:00 PM until 10:00 PM.

Summary: Applicant already has live music/entertainment on their license.

Decision: Acknowledged and granted.

13. Museum Market has notified the License Commission that they ceased operating on February 25, 2018.

Summary: This is the holder of an all alcoholic package store beverages license. They have ceased operating and have listed the license with a broker with an intent to sell and transfer the license.

Decision: Acknowledged.

14. One Broadway Donuts, LLC d/b/a Dunkin Donuts, holder of a Common Victualler License at One Broadway/380 Third Street is requesting to relocate the existing CV from 1 Broadway side of building to 3rd Street side of building (380 Third Street).

Summary: The business is relocating within the same building based on the remodeling of the building.

Decision: Acknowledged and granted.

15. Cupcake City, LLC d/b/a Cupcake City has applied for a hawker peddler license to be exercised on Tuesday's [sic] at 3rd and Binney Streets from April 2 through November 23, 2018.

Summary: The request is actually to exercise on Thursdays at the proposed location.

Decision: Granted for Thursdays, as requested.

16. Gurbani Jasmine d/b/a Tandoor and Curry on Wheels has applied for a hawker/peddler license to be exercised on Wednesday's at 3rd and Binney Streets from April 4 through November 24, 2018.

Summary & Decision: This request was granted through the renewal process.

17. Frozen Hoagies, LLC d/b/a Frozen Hoagies, has applied for a hawker/peddler license on Sunday's [sic] for the Cambridge Flea.

Summary: The request was actually for Saturdays and Sundays from 10AM - 6PM.

Decision: Granted as requested.

18. Al Vatour on behalf of John Moriarty and Assoc. has applied for a Special Noise Variance to be exercised on March 23 through March 25, 2018 [sic] from 7:00 AM to 9:00 AM for dismantle of a crane tower at 35 Cambridgepark Drive.

Summary: After the original submission, the applicant requested the variance dates change to April 6-8.

Decision: Granted for April 6 through April 8.

19. Kyle Clayson on behalf of Hallamore has applied for a Special Noise Variance on March 31, 2018 from 7:00 AM to 9:00 AM at 150 Binney Street for hoisting materials to the roof.

Decision: Granted.

20. Chad Bennett on behalf of John Moriarty and Associates has applied for a Special Noise Variance on April 9 through April 15, 2018 6:00 AM until 9:00 AM at 88 Ames Street for crane assembly.

Decision: Granted, with the condition that they obtain a Sunday work permit from Cambridge Police Department.

21. Firebox BBQ, LLC d/b/a Amigos Locos has applied for a hawker/peddler license to vend as part of the food truck pilot program.

Summary: The request was to vend on Tuesdays and Wednesdays at Cambridgeport, Sidney and Erie Streets from 10AM to 3PM.

Decision: Granted, subject to making monthly payments to Traffic, Parking and Transportation for the special permit.

22. Taco Party, LLC has applied for a hawker-peddler license to vend at Sydney and Erie Streets as part of the food truck pilot program.

Summary: The request was to vend on Mondays at Cambridgeport, Sidney and Erie Streets from 10AM to 3PM.

Decision: Granted, subject to making monthly payments to Traffic, Parking and Transportation for the special permit.

23. Kim Graffeo has advised the License Commission that they have closed K2 Café at 500 Kendall Street.

Decision: Acknowledged – close file and cancel license.

24. Meeting Minutes for the Hearing on January 24, 2018.

Decision: Approved.

ONE DAY LICENSE APPLICATIONS

These applications are also considered administratively and there is no public testimony taken or requested. Unless otherwise indicated, all the matters are decided upon by the individual review of the papers/applications before the Board members and each member votes upon the matter. The summary of what is considered by the Board, unless otherwise indicated, is the identifying information of the matter as listed on the agenda. In addition, the documents considered by the Board are the 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.

25. Jim Wooster, has applied for entertainment licenses to be exercised on Palmer Street-between the two Harvard coops beside club passim, on June 21, 28; July 5, 12, 19, 26; Aug 2, 9, 16, 23, 30; Sept 6 from 5:30 p.m-6:30 p.m.; July 8 10:30 a.m.-8:00 p.m. for a concert with recorded/live music and amplification system. Expected attendance – 40 people.

Summary: Applicant requested a waiver of the entertainment fee as these events are mostly free to the public and meant to bring music to the community.

Decision: Granted, with the condition that police detail is required. The license fee is not waived, but a reduced fee of \$50 total for all events was granted.

26. Peter DeVito, has applied for an entertainment license to be exercised at Cambridgeside Pl, First Street and Canal Park, on 8/5/18 from 7:00 a.m. – 1:00 p.m. for a run & ride with patrons, performers/entertainers dancing, recorded/live music and amplification system. Expected attendance – 1200 people.

Decision: Granted.

27. Preston Hollis, has applied for a malt license to be exercised at Cambridge Masonic Hall, 1950 Massachusetts Avenue, on 4/28/18 from 1:30 p.m. – 11:30 p.m. for a fundraiser. Expected attendance – 250 people.

Decision: Granted, with the condition that there must be a limited number of drinks associated with the admission charge. Otherwise, alcohol must be sold.

28. Aleeza Shakeel, has applied for a malt and wine license to be exercised at Student Organization Center at Hilles (SOCH), 59 Shepard Street, on 4/14/18 from 6:00 p.m. – 10:00 p.m. for a benefit gala. Expected attendance – 90 people.

Decision: Granted.

29. Ata Amponsah, has applied for an entertainment license to be exercised at Northwest Labs, 52 Oxford Street, on 3/24/18 from 7:00 p.m. – 2:00 a.m. for a banquet/cultural show, party with patrons, performers/entertainers dancing, recorded/live music, amplification system and floor show. Expected attendance – 500 people.

Decision: Granted.

30. Damien Farrant, has applied for an entertainment license to be exercised at Student Organization Center at Hilles (SOCH), 59 Shepard Street, on 3/24/18 from 6:00 p.m. – 9:00 p.m. for a banquet/luau with performers/entertainers dancing, recorded/live music, amplification system and light show. Expected attendance – 120 people.

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

31. Paul Shannon, has applied for an entertainment license to be exercised at Cambridge Common, 1500 Massachusetts Avenue, on 4/14/18 from 9:30 a.m. – 3:00 p.m. for a rally with recorded/live music and amplification system. Expected attendance – 500 people. [Approved by the Special Events Committee]

Decision: Matter deferred until park permit is obtained.

32. John Prince, has applied for a wine license to be exercised at Annenberg Hall, Memorial Hall, 45 Quincy Street, on 4/8/18 from 10:30 a.m. – 2:00 p.m. for a senior class brunch. Expected attendance – 1550 people.

Decision: Granted.

33. Bianca Rodriguez, has applied for an entertainment license to be exercised at Student Organization Center at Hilles (SOCH), 59 Shepard Street, on 3/23/18 from 10:00 p.m. – 2:00 a.m. for a party with patrons dancing, amplification system and dynamic audio/visual show live/recorded. Expected attendance – 150 people.

Decision: No action – application withdrawn as the event was cancelled.

34. Melisa Santizo, has applied for an entertainment license to be exercised at Student Organization Center at Hilles (SOCH), 59 Shepard Street, on 4/6/18 from 10:00 p.m. – 2:00 a.m. for a party with patrons dancing, recorded/live music and amplification system. Expected attendance – 499 people.

Decision: Granted.

35. Joel Kwartler, has applied for an entertainment license to be exercised at Science Center Lecture Hall B, 1 Oxford Street, on 4/14/18 from 8:00 p.m. – 9:30 p.m. for a comedy show with recorded/live music, amplification system, theatrical exhibition/play/moving picture show and dynamic audio/visual show live/recorded. Expected attendance – 350 people.

Decision: Granted.

36. Daniel Fu, has applied for a malt and wine, entertainment and peddlers (to sell shirts, dance supplies, etc.) licenses to be exercised at Northwest labs, 52 Oxford Street, on 3/31/18 from 7:00 p.m. – 11:59 p.m. for a competition/gala with patrons, performers/entertainers dancing, recorded/live music, amplification system, theatrical exhibition/play/moving picture show, floor and light show, and dynamic audio/visual show live/recorded. Expected attendance – 300 people.

Decision: Granted.

37. Matthew Curtis has applied for a malt and wine with entertainment license to be exercised at 41 Church Street, on 4/29/18 from 10:00 a.m. – 2:00 p.m. for a road race with recorded/live music and amplification system. Expected attendance – 1000 people. [Approved by Special Events Committee]

Decision: Granted, with the conditions that: there must be a limited number of drinks associated with the race registration fee, otherwise, alcohol must be sold; and police detail is required.

38. Jorge Gonzalez, has applied for a malt and wine with entertainment license to be exercised at MIT Morss Hall, 142 Memorial Drive, on 3/24/18 from 7:30 p.m. – 11:59 p.m. for a fundraiser with amplification system. Expected attendance – 300 people.

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

39. Quantum Wei, has applied for a malt and wine license to be exercised at MIT Morss Hall, Walker Memorial, 142 Memorial Drive, on 3/22/18 from 6:00 p.m. – 8:30 p.m. for a science/art festival. Expected attendance – 300 people.

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

40. **[Late submission/addition to agenda]** Charlie Moore, on behalf of Turner Construction, has applied for a special noise variance to be exercised from April 1 through June 1, 2018 from 6:00 am to 7:00 am, weekdays only, at 145 Broadway for soil removal and steel deliveries.

Decision: No action – this application will be heard March 28, 2018.

41. **[Late submission/addition to agenda]** Farhad Dokhani, on behalf of the Harvard Iranian Student organization has applied for a one day entertainment license on March 25, 2018 from 6:30 to 10:00 pm for a party at the Barker center.

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

42. **[Late submission/addition to agenda]** Kevin Bowen, on behalf of Special Olympics of Mass., has applied for one day alcohol and entertainment licenses at the Masonic Hall on March 22, 2018 from 4 to 9 pm for a fundraiser.

Decision: Granted.

43. **[Late submission/addition to agenda]** Robert Blair, on behalf of Howth Inc., d/b/a People's Republik, has applied for a one day entertainment license on March 25, April 29, and June 24 from 9 pm to 1 am for a live 5 piece band.

Decision: Granted

44. **[Late submission/addition to agenda]** Kyle Clayson, on behalf of Hallamore Corp., has applied for a special noise variance from April 4 through April 15, 2018 from 7 am to 9 am Saturday at 300 Bent Street for crane set up.

Decision: No action – this application will be heard March 28, 2018.

45. **[Late submission/addition to agenda]** Chris Shaughnessy has applied for a special noise variance to be exercised on March 24, 2018 from 7 am to 9 am at Bay St., 1000 Mass. Ave. for replacing an air handling unit.

Summary: The application was submitted less than 48 hours prior to the posting of the agenda. In addition, the abutters have not had sufficient time to respond to the request for the variance.

Decision: Denied due to deficient abutter notification. Work can be done at 9 AM.

46. **[Late submission/addition to agenda]** Chris Shaughnessy has applied for a special noise variance on March 24, 2018 from 7am to 9am at 931 Mass. Ave. for replacement of a cooling tower.

Summary: The application was submitted less than 48 hours prior to the posting of the agenda. In addition, the abutters have not had sufficient time to respond to the request for the variance.

Decision: Denied due to deficient abutter notification. Work can be done at 9 AM.

47. **[Late submission/addition to agenda]** Allison Kaslow has applied for a one day alcohol license on March 22, 2018 from 6 to 9 pm, at the MIT Media Lab.

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

48. **[Late submission/addition to agenda]** Pedro Morales has applied for a one day Malt and Wine license for an event on March 23, 2018 at the Sanders Theater from 7PM-10PM.

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

49. **[Late submission/addition to agenda]** Letter received from attorney representing Abe's Auto located at 317 Fresh Pond Parkway.

Summary: The attorney for Abe's Auto claims that pursuant to state law the business is not required to obtain a Garage with Flammables License as mandated by the License Commission.

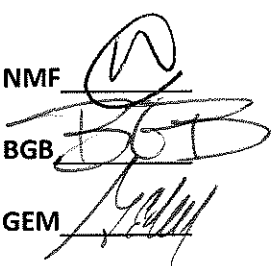
Decision: Letter sent to City Solicitor for response and advice.

Board's Approval of Minutes:

NMF

BGB

GEM

Handwritten signatures for NMF, BGB, and GEM. The signature for NMF is a large, stylized 'N' with a loop. The signature for BGB is a series of overlapping loops. The signature for GEM is a series of overlapping loops.

Date Minutes Approved: _____

Date Approved Minutes Were Posted: _____