



CAMBRIDGE LICENSE COMMISSION

831 Massachusetts Avenue, First Floor, Cambridge, Massachusetts 02139

BOARD OF LICENSE COMMISSIONERS' MEETING MINUTES

For Meeting of Wednesday, February 13, 2019 at 3:00 p.m.

Michael J. Lombardi Building
831 Massachusetts Avenue
Carmelia M. Vicente Conference Room (Basement Level)
Cambridge, Massachusetts

Meeting started at 3:07 p.m.

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

Note: All votes, unless otherwise indicated, were 3-0.

Public Testimony Matters

1) Application Improvisation Center of Boston, Inc. d/b/a ImprovBoston, 40 Prospect Street, Common Victualler Wine & Malt License #11264, application #31133 for Change of License Type to General on Premise, Change of Officers/Directors, and Change of Manager to Joshua Garneau.

Present: Joshua Garneau, proposed manager.

Documents Considered: Application and documents attached thereto.

Summary: Mr. Garneau stated that he has been the interim manager for three months but has been with the Improv for ten years. He is TIPS certified and submitted a copy of his certificate. They only serve concessions and do not have food service. There are no changes to the business. There will be a change of officers in mid-March and an application will be submitted for this.

Decision: Granted.

2) Application Eugene F. Lynch 30 United American Veterans, Inc., 1 Cedar Street, All Alcohol Club License #11627, application #29482 for Change of License Type to Veteran's Club.

Present: Craig Murphy, Assistant Quarter Master.

Documents Considered: Application and documents attached thereto; documents submitted at hearing; file; and correspondence with applicant.

Summary: Mr. Murphy stated that not all members of the club are veterans. There is probably a 50/50 split. To be classified as a war veteran's club, all members must be veterans and the applicant has to provide proof it is a war veterans' organization incorporated by the Congress of the United States.

Decision: Denied/Rejected.

3) Application Lulu Cuisine, LLC d/b/a Shepard, 1 Shepard Street, Common Victualler All Alcohol License #11518, application #30699 for Change of d/b/a to Luce.

Present: Rene Becker, owner/applicant.

Documents Considered: Application and documents attached thereto.

Summary: Mr. Becker stated that the reason for the change of d/b/a is that he and his partner split and he wants a new concept. He is now the sole beneficial interest holder. He has not filed for a change of beneficial interest holders.

Decision: No action taken on current application; defect of changes without approval must be cured. Board provided Mr. Becker until February 20, 2019 to file an application for a Change of Beneficial Interest Holders (and any other necessary changes). The complete application is to be heard on 3/13/19.

4) Application Rangsiya Global Corporation d/b/a Spice, 24 Holyoke Street, Common Victualler Wine & Malt License # 11279, application #30820 for Change of d/b/a to Spicies Thai Cuisine.

Present: Panja Lymswan, applicant.

Documents Considered: Application and documents attached thereto.

Summary: Mr. Lymswan stated that he is making the d/b/a change as he has an issue with Google searches. There are no other changes to the business. The menu will change slightly to include more items with "spice."

Decision: Granted.

5) Application Adbi Mahammed d/b/a Mass Livery Service, 362 Rindge Avenue, has applied for a Livery/Limousine License.

Present: Abdi Mahammed, applicant.

Documents Considered: Application and documents attached thereto.

Summary: Mr. Mahammed said he has worked as a livery driver and now wants to start his own business. He has no outstanding tickets or court cases. A prior incident was determined to be a non-disqualifying factor.

Decision: Granted.

6) Disciplinary Chef Group, Inc. d/b/a Hana Sushi, 2372 Massachusetts Avenue, Common Victualler Wine & Malt License #11548, for allegedly permitting disorder, disturbance, or illegality on a licensed premise, to wit, operating without a license January 1 - 7, 2019, in violation of M. G. L. c. 138, §§ 12, 23 and 64, M. G. L. c. 140, § 1, et seq. and Rules and Regulations of the City of Cambridge Board of License Commissioners Rule 1, 2.3, 2.5, 4, 5.1, 5.4, 10, 13.1, and 13.5.

Present: No one appeared on behalf of Hana Sushi (second call given at 3:50 p.m.). Tyler Bubenik, Licensing Investigator.

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

Summary: Licensing Investigator Tyler Bubenik testified that on December 31, 2019 a cease & desist letter was emailed to Hana Sushi, with a physical copy being placed under the door. The cease and desist stated they could not operate as the license had not issued due to a lack of receipt of a Certificate of Inspection. On January 4, 2019, Investigator Bubenik went to the location and found them operating. They shut down that day and did not reopen until January 7 after receiving the Certificate of Inspection and the License.

Decision: Board found a violation (3-0) and issued (2-1) a one (1) day suspension (Chair Murati Ferrer dissented and voted to issue 2 days suspension).

7) Disciplinary Howth, Inc. d/b/a People's Republik, 878 Massachusetts Avenue, Common Victualler All Alcohol License #11686, for allegedly permitting disorder, disturbance, or illegality on a licensed premise, to wit, Overcapacity on January 18, 2019, 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 2.3, 2.5, 5.1, and 9.

Present: No one appeared on behalf of People's Republik (second call given at 3:54 p.m.). Tyler Bubenik, Licensing Investigator.

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

Summary: Licensing Investigator Tyler Bubenik testified that during a routine inspection on January 18, 2019, he entered People's Republik and counted 123 patrons on premise. They are licensed for 99. People's Republik has no disciplinary matters from 2015 forward.

Decision: Board found a violation and issued 2 days suspension.

8) Disciplinary Four Seasons Food Service, Inc. d/b/a Koreana, 158 Prospect Street, Common Victualler All Alcohol License #11494, for two (2) counts of allegedly permitting disorder, disturbance, or illegality on a licensed premise, to wit, Overcapacity on December 1, 2018, and January 12, 2019, 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 2.3, 2.5, 5.1, and 9.

Decision: No action - this matter was removed to issue an amended notice.

9) Disciplinary Inman Exchange, Inc. d/b/a Ginger Exchange, 1287 Cambridge Street, Common Victualler All Alcohol License #11350, for allegedly permitting disorder, disturbance, or illegality on a licensed premise, to wit, unlicensed entertainment on January 5, 2019, in violation of M. G. L. c. 138, §§ 23 and 64, M. G. L. c. 140, including, but not limited to, §§ 180, 182, 183A, 183C, and 184, and Rules and Regulations of the City of Cambridge Board of License Commissioners Rule 2.3, 2.5, 5.1, and 10.

Present: Christine Chan, owner; and Licensing Investigator Tyler Bubenik.

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

Summary: Investigator Bubenik testified that he conducted an inspection of Ginger Exchange on December 15, 2018 due to an on-line ad offering karaoke after 9:00 p.m. He found that they are not licensed to have karaoke. An inspection notice with the violation was issued on site and provided to a Ginger Exchange employee. A follow up warning letter was sent to Ginger Exchange ordering the entertainment be stopped until properly licensed. On January 5, 2019, a follow-up inspection showed karaoke was being offered. Ms. Chan stated she had no knowledge of the warning. She acknowledged that Drew Deveau, who was the manager on duty at the time of the infraction, did not tell her about the warning. She also said she did not receive the warning letter. She has started the process through BZA to apply for karaoke. She also denied receiving the hearing notice via email, but rather in regular mail. The notice had been sent via email only. Ms. Chan acknowledged that she received the renewal notice through email and looks for the renewal that time of the year.

Decision: Board found a violation and issued a one day suspension.

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) Concept Capital Corp., as secured lender, has refinanced Medallion #44.

Decision: Board acknowledged.

11) Alex Tannenbaum, on behalf of HAS Food Park, LLC d/b/a Naco Taco, has applied for a hawker/peddler license to be exercised on Tuesdays from 11:00 a.m. to 2:00 p.m. at Vecna, 36 Cambridgepark Drive. [Application # 30946]

Decision: Granted.

12) Denier Rosa, on behalf of DMG Food Services, LLC, d/b/a 730 Tavern Kitchen Patio, has applied for a one-day extension to their existing license on March 12, 2019 to open at 9:00 a.m. instead of 11:00 a.m. for a breakfast or the Central square Business Association. Applicant #31594

Decision: Granted.

13) Letter from Attorney Brown regarding Consideration of Renewal for Classic Restaurant Concepts, LLC d/b/a/ En Boca.

Summary: Based on the contents of the letter and the ongoing litigation (which precedes the non-use hearings), the matter of the non-use of the license should be stayed until the pending litigation is resolved.

Decision: Board voted to stay taking any action on non-use pending resolution of the Superior Court case and/or the non-renewal of the license.

14) Attorney Peter Kline has advised the License Commission that Walnut Cab, Inc. has purchased Medallion # 124.

Decision: Board acknowledged.

15) Attorney Peter Kline has notified the License Commission that Jesus is Good Cab, Inc. has purchased Medallion # 109.

Decision: Board acknowledged.

16) Consideration of Statement of Reasons for matters voted upon on February 6, 2019:

(a) Coffeeshop, LLC d/b/a UpperWest, 1 Cedar Street B, General on Premise All Alcoholic Beverages License #11587 and Common Victualler License #13296, for alteration of premise.

(b) Coffeeshop, LLC d/b/a UpperWest, 1 Cedar Street B, General on Premise All Alcoholic Beverages License #11587 and Common Victualler License #13296, application for package store license.

(c) Dark Ride Media, LLC d/b/a Thalia Theatre, 288A Green Street, holder of Common Victualler All Alcohol License #11601, for denial of renewal application.

Summary: The statement of reasons for Dark Ride Media is actually for the revocation of the grant of the license, and in the alternative, the denial of the renewal application or cancellation for non-use.

The Board also considered statement of reasons for the disciplinary matters heard on January 30, 2019 and decided on February 6, 2019, for Yard Works and Lesley University. Both of which had to do with violation of the Noise Control Ordinance – Leaf Blowers.

Decision: All approved.

17) Edward Breed, on behalf of Skanska, has applied for a special noise variance on February 13, 2019 from 7:00 p.m. to 7:00 a.m. at 38 Bishop Allen Drive for a hand demo saw, air compressor with torque wrench and jack hammer. [Application # 31741].

Decision: Granted with the condition that the variance can only be exercised two days within the time frame identified. The fee for the variance is waived because it is a City project.

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.

18) Amanda Sharick has applied for an entertainment license to be exercised at Harvard campus, 10 Akron Street, on 2/14/19 from 8:00 p.m. – 10:30 p.m. for a Valentine's day ball with patrons dancing, performers/entertainers dancing, live music and amplification system. Expected attendance – 150 people. Applicant # 31064

Decision: Granted.

19) Ben Engle, on behalf of ALS Therapy Development Institute, has applied for a malt with entertainment license to be exercised at Atrium between 100 & 200 Technology Square, on 3/9/19 from 1:00 p.m. – 6:00 p.m. for a fundraiser with recorded music and amplification system. Expected attendance – 300 people. Applicant # 31287

Decision: Granted, with the conditions that: there must be a limited number of alcoholic drinks (2) associated with the admission fee, otherwise/thereafter, the alcohol must be sold; and event and registration can start at 10:00 a.m. but the alcohol service cannot start until 12:00 p.m.

**Board of License Commissioners
February 13, 2019 Meeting Minutes
Page 7 of 10**

20) Philip Chaves has applied for a malt and wine license to be exercised at St. Anthony Parish, 400 Cardinal Medeiros Avenue, on 2/24/19 from 1:00 p.m. – 5:00 p.m. for a day of the family dinner. Expected attendance – 200 people. Applicant # 31132

Decision: Granted.

21) Jessie Smith has applied for an entertainment license to be exercised at MIT campus-North Court and Koch Institute building, 500 Main Street, on 3/2/19 (snow/rain date 3/3/19) from 11:00 a.m. – 3:00 p.m. for a winter family day with patrons dancing, performers/entertainers dancing, recorded music, live music and amplification system. Expected attendance – 400 people. Applicant # 31455

Decision: Granted, with the condition that sound checks may start at 9:30 a.m.

22) Poofydude, LLC dba Witz End, holder of Common Victualer All Alcohol license (#11615) at 1248 Cambridge Street, has applied for an entertainment license on 3/14/19 from 7:00 p.m. – 11:00 p.m. for a party with live music and amplification system. Expected attendance – 80 people. Applicant # 31490

Decision: Granted.

23) Bill Manley, on behalf of Harvard Square Business Association, has applied for an entertainment license to be exercised at Winthrop Park, on 3/10/19 from 12:00 p.m. – 4:00 p.m. for a Chinese New Year celebration with patrons dancing, performers/entertainers dancing and live music. Expected attendance – 75 people. Applicant # 31555

Summary: The applicant has applied for the City permit to host at this location, but DPW has yet to issue the permit. The event is set to occur prior to the next Board's meeting.

Decision: Granted as applied and subject to receipt of the City permit. If there are any changes that need to be made based on the City permit, the changes will be made administratively.

24) Jonathan Tagoe has applied for an entertainment license to be exercised at MIT La Sala de Puerto Rico, 84 Massachusetts Avenue, on 2/16/19 from 7:00 p.m. – 1:00 a.m. for a party with patrons dancing, recorded music, dj and amplification system. Expected attendance – 500 people. Applicant # 1586

Decision: Granted, with amended start time of 9:00 p.m. per MIT registration, and the condition that a police detail is required.

25) Rebecca Xi has applied for a hawker/peddler license to be exercised at Sanders Theater, 45 Quincy Street, on 3/2/19 from 8:00 p.m. – 10:00 p.m. to sell apparel, water bottles and stickers. [Application # 31612].

Decision: Granted.

26) Yara Komaiha, has applied for an entertainment license to be exercised at MIT Lobdell Dining hall, 84 Massachusetts Avenue, on 2/16/19 from 6:00 p.m. – 10:00 p.m. for a cultural night/dinner with patrons dancing, recorded music, live music and amplification system. Expected attendance – 200 people. Applicant # 31561

Decision: Granted.

27) Thomas Lee has applied for an entertainment license to be exercised at Harvard (SOCH), 59 Shepard Street, on 3/8/19 from 4:00 p.m. – 10:00 p.m. for a cultural event with performers/entertainers dancing, recorded music and live music. Expected attendance – 120 people. Applicant # 31686

Decision: Granted with amended hours of 6:00 p.m. to 9:00 p.m. per Harvard registration.

28) Kim Holman, on behalf of Green Street Studios, has applied for an entertainment license to be exercised at 185 Green Street, on 2/24/19 from 6:30 p.m. – 9:00 p.m. for a concert, performing arts event with performers/entertainers dancing and recorded music. Expected attendance 50 people. Also, Kristin Wagner has applied for a malt and wine license same location, time and date. Applicant # 31621 & 31489

Summary: These are two separate applications submitted by two different persons for the same event. Holman is applicant # 31621 and applied only for the entertainment portion of the event. Wagner is applicant # 31489 and applied for the alcohol portion of the event.

Decision: Granted as to both, with an amended start time of 7:00 p.m. per the permission letter, and the condition that a police detail is required.

29) Lindsay MacKinnon has applied for a wine and malt and entertainment license to be exercised on March 3, 2019 from 3:00 p.m. to 10:00 p.m. New City Microcreamery, 403 Massachusetts Avenue with 40 expected. Applicant # 31742

Decision: Granted with a start time of 6:00 p.m. per permission letter, and a condition that the maximum number of persons allowed in the space is 50.

30) Stephanie Dufresne, on behalf of The Harvard Caribbean Club, has applied for an entertainment license on March 2, 2019 from 3:00 p.m. to 2:00 a.m. at Harvard (SOCH), 59 Shepard Street, with 500 expected. Applicant # 31736

Decision: Granted with amended start time of 10:00 p.m. per Harvard registration, and the condition that a police detail is required.

31) Preston Hollis on behalf of Soccer Without Borders, has applied for a malt license on March 30, 2019 from 1:00 p.m. to 12:00 a.m. at the Cambridge Masonic Hall with 175 expected. Applicant # 31724

Decision: Granted, with the condition that: there must be a limited number of alcoholic drinks (4) associated with the admission price, otherwise/thereafter, the alcohol must be sold.

32) Ryan Jiang, on behalf of the Harvard Radcliffe Chinese Students Association, has applied for an entertainment license on February 13, 2019 from 7:30 p.m. to 10:00 p.m. at Quincy House with 200 expected. Applicant # 31732

Summary: The event date is February 23, 2019.

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

32) **[Late addition/submission, not on posted agenda]** Gerry Finnerty, on behalf of Shaughnessy & Ahern Co., has applied for a special noise variance on Saturday February 16, and Sunday February 17, 2019 from 7:00 a.m. to 9:00 a.m. at 1 Bennett Street to set up a crane to hoist equipment. Applicant # 31855

Decision: Granted with the conditions that: a Sunday work permit must be obtained from Cambridge Police Department; and a crane permit must be obtained from Department of Public Works.

33) **[Late addition/submission, not on posted agenda]** Jordan Alford, on behalf of MIT Mocha Moves, has applied for an entertainment license on February 15 and 16, 2019 from 9:00 p.m. to 12:00 a.m. at Kresge Auditorium for a dance show with 180 expected. Applicant # 31780

Decision: Granted, with an amended start time of 10:00 p.m. per MIT registration.

34) **[Late addition/submission, not on posted agenda]** Debbie Merriam has applied for an alcohol and entertainment license on March 10, 2019 from 5:00 p.m. to 10:00 p.m. at 424 Massachusetts Avenue for a fundraiser with 30 expected. Applicant # 31059

Decision: Granted, with the condition that the maximum number of persons that can be in the space is 30.

35) **[Late addition/submission, not on posted agenda]** Michael Pirrello, on behalf of Turner Construction, has applied for a special noise variance from February 15, 2019 through April 27, 2019, with an alternate start date of February 22, 2019, from 7:00 p.m. until 7:00 a.m. at 325 Main Street for unloading of tools and cubicle walls to install inside. Applicant # 31898

Decision: Granted, with the conditions that: the variance can only be used Monday through Saturday, no Sunday work; and there can be no demolition work performed.

36) **[Late addition/submission, not on posted agenda]** Clemens Teufelhas applied for an entertainment license on March 10, 2019 from 4:00 p.m. to 7:00 p.m. at Longy School of Music, for a concert. Applicant # 31868

Decision: Granted.

Board's Approval of Minutes:

MAR 13 2019

NMF



Date Minutes Approved: _____

BGB



Date Approved Minutes Posted: _____

MAR 14 2019

GEM