

CAMBRIDGE LICENSE COMMISSION

831 Massachusetts Avenue, First Floor, Cambridge, Massachusetts 02139

BOARD OF LICENSE COMMISSIONERS' MEETING MINUTESFor Meeting of Wednesday, June 26, 2019

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

Meeting started at 3:32 p.m.

Board of License Commissioners Board Members: Nicole Murati Ferrer (present), Branville G. Bard (present), and Gerard Mahoney (absent).

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

Note: All votes, unless otherwise indicated, were 2-0.

Public Testimony Matters

Matters were called in a different order than that listed on the agenda (specifically, matter # 20 was called first). In addition, some matters may have required a second call.

1. Application #47084 R & B Café Corporation d/b/a Sarah's Market, 200 Concord Avenue, Wine & Malt Package Store License #11714, has applied for a Change of License Category to All Alcoholic Beverages. [Time Stamp 03:00]

Present: Attorney Sean Hope; and Raj Patel, owner.

Documents Considered: Application and documents attached thereto; and petition submitted by applicant.

Summary: Sarah's Market has been in business for 16 years. They have had a wine and malt license for 5 years and have a café in the back. There is no grocery store within walking distance to the market. Customers have been requesting spirits. A petition in support of the application was submitted by the applicant. A section of the currently existing wine shelving would be for spirits. Mr. Patel has had no issues with the Board and is TIPS certified.

Decision: Granted.

Note: Applications 2 through 6 were called together. [Time Stamp: 7:00]

Present: Augustin Leddy; David Vittori and Paul Koslowski.

Documents Considered: Application and documents attached thereto.

2. Application #44508 BMR-500 Kendall Street, LLC, 500 Kendall Street, has applied for a new Flammables License for 4,900 gallons of Class II (diesel).

Summary: This license is for an underground storage tank and a generator for an office building. The building is occupied by tenants.

Decision: Granted, with the change that the flammables are not for direct consumption.

3. Application #44546 BMR-21 Erie Street, LLC, 21 Erie Street, has applied for a new Flammables License for 240 gallons of Class I, 240 gallons of Class II, 400 gallons of Class III, 500 gallons of Flammable Gasses, and 100 gallons of Flammable Solids.

Summary: The flammables are for products maintained by the tenant.

Decisions: Granted, with the change that the flammables are not for direct consumption.

4. Application #44547 BMR-270 Albany Street, LLC, 270 Albany Street, has applied for a new Flammables License for 600 gallons of Class I, 765 gallons of Class II, 150 gallons of Class III, 600 gallons of Flammable Gasses, and 45 gallons of Flammable Solids.

Summary: The flammables are maintained by current tenant.

Decisions: Granted, with the change that the flammables are not for direct consumption.

5. Application #44626 BMR-Broadway, LLC, 210 Broadway, has applied for a new Flammables License for 6 gallons of Class I, 1 gallons of Class III, and 1 gallon of Flammable Solids.

Summary: This application also includes 70 parking spaces for fee and the flammables are maintained by the tenants.

Decisions: Granted, with the change that the flammables are not for direct consumption.

6. Application #44958 BMR-325 Vassar Street, LLC, 325 Vassar Street, has applied for a new Flammables License for 346 gallons of Class I, 1,156 gallons of Class II, 93 gallons of Class III, and 2 gallons of Flammable Solids.

Summary: The flammables are maintained by the tenants.

Decisions: Granted, with the change that the flammables are not for direct consumption.

7. Application #19063 Fort Point Investments, LLC d/b/a Atmark, 80 Fawcett Street, has applied for a new Garage and Flammables License for 250 parking spaces, 2,500 gallons of gasoline in the tanks of automobiles, and 20 gallons of Class I.

Decision: Not applicable - matter continued prior to the hearing.

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8. Application #25681 West Cambridge Science Park, LLC, 39 Spinelli Place, 42-44 Spinelli Place, 45 Spinelli Place, 767 Concord Ave, 763 Concord Ave, has applied for a new Open Air Parking Lot License for 141 parking spaces. [Time Stamp: 9:53]

Present: Joseph Sultan, owner; and David Last, property manager.

Documents Considered: Application and documents attached thereto.

Summary: This application is for 141 tenant spaces for interconnected building lots.

Decisions: Granted.

9. Application #46033 Observatory Hill Development, 253 Walden Street, has applied for a new Garage and/or Flammables License for 27 parking spaces, and 270 gallons of gasoline in the tanks of automobiles. [Time Stamp:11:15]

Present: Attorney Sean Hope; and Eric Hoagland, developer.

Documents Considered: Application and documents attached thereto.

Summary: The garage has a temporary certificate of occupancy. The storage license is needed to obtain the certificate of occupancy. Since they did not have an approved license, they have only been using three spaces. There are no other flammables being stored, other than in tanks of cars.

Decisions: Granted.

Transfer and Change of License Type of the Common Victualler All 10. Application #46698 Alcohol License held by A.W. Chen, Inc., 907 Main Street, to Sean Casey, LLC d/b/a 907 Main Street, as an Innholder All Alcohol License at the same location. Patrick Barrett as Proposed Manager of Record of a premise described as: Total square footage of the Hotel is 28,000 sq. ft. The first floor consists of the lobby (553 sq. ft.), enclosed outdoor courtyard (1,284 sq. ft.), restaurant and bar (1,495 sq. ft.). Kitchen for the first floor restaurant and bar and storage are in the basement. The second floor consists of 22 guest rooms (7,092 sq. ft.), third floor consists of 22 guest rooms (7,083 sq. ft.), fourth floor consists of 22 guest rooms (7,083 sq. ft.), fifth floor consist of a penthouse guest room unit (996 sq. ft.) and restaurant (1,794 sq. ft.) with roof deck (962 sq. ft.). The sound system for the first floor restaurant bar and lobby will have speaker locations within the restaurant bar and private dining room and two speaker locations at the entryway of the lobby. There are no integrated sound systems on floors 2-4. There is a sound system in the rooftop restaurant and bar with two locations just off the elevators and two tucked in underneath the canopy of the entry to the terrace. Applicant has proposed an entertainment license for: Recorded music above conversation level; live music with amplification; dancing by patrons; dancing by entertainers; theatrical exhibition, play, or moving picture show; floor show; light show; DJ; karaoke; comedy show; wrestling; acrobatic show; beauty contest; and 3 TV's.

Decision: Not applicable - matter continued to July 31, 2019 prior to the hearing.

11. Application #47896 La Fabrica Central, LLC d/b/a La Fabrica, 450 Massachusetts Avenue, Common Victualler All Alcohol License, has applied for a Transfer of Stock, Change of LLC Managers, Change of Ownership Interests, and Change of Manager. [Time Stamp: 13:05]

Present: Attorney William Kelley; Dennis Benzan, owner; and Mikhail Druskin, proposed manager.

Documents Considered: Application and documents attached thereto.

Summary: Mr. Benzan is buying out the other owners and will be the sole owner and manager of the LLC; there is no transfer of stock. Aside from the LLC interest and manager of record, there are no changes to the business's operation. Mr. Druskin has been the security director for a number of years. He has never been the manager of record on a license before, has extensive experience and has completed TIPS certification. The Board raised the issue of ensuring that the ownership and management take steps to ensure there is no physical contact between employees and patrons and when that is not possible to ensure no employee removes a patron with a chokehold.

Decision: Granted (there is no transfer of stock and the applicant did not request a decision on a transfer of stock, therefore, no vote taken on that issue even though it was listed on the agenda).

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. [Time Stamp:20:05]

12. Didi Ames Kendall, LLC d/b/a Dumpling Daughter, holder of wine and malt common victualler license #14027, at 75 Ames Street, has notified the License Commission that they will no longer be selling wine and malt as of June 11, 2019.

Decision: Acknowledged; alcohol license cancelled; and license to be reissued as common victualler with entertainment only.

13. Application #48141 Ahmad Alkhatathih, d/b/a Zack's Ice Cream, has applied for of hawker/peddler license to sell ice cream throughout the city.

Decision: Granted, subject to confirmation that if business has employees, workers' compensation insurance is in place.

14. The License Commission has received notice that Hampshire Market at 17 Hampshire Street and University Market at 1105 Massachusetts Avenue, is requesting to have Keno To Go at their locations.

Summary: Of the businesses listed, the Board only licenses and has purview as to University Market. Therefore, the Board only considered the notice as to University Market only.

Decision: Acknowledged.

15. Tracy Perron, on behalf of Kimco Realty, has submitted a Waiver of Hearing for violations of Cambridge Municipal Code 8.16.081 on April 7, 2019.

Summary: This waiver was submitted as an admission of the unpermitted use of leaf blowers at the parking lot in front of Micro Center. The company had received a cease and desist and failed to come into compliance.

Decision: Violation for operating without a permit, \$300.00 fine issued.

16. Jason Crowdle, on behalf of J.A. Crowdle Corp., has submitted a Waiver of Hearing for violations of Cambridge Municipal Code 8.16.081 on April 10, 2019.

Summary: The company submitted a waiver of hearing admitting its employees simultaneously used multiple blowers within 10,000 sq. ft. of each other. The company explained its extensive training and remedial actions after the incident, including firing the foreman.

Decision: Violation for simultaneously operating leaf blowers, \$300.00 fine issued to be held in abeyance through December 31, 2019.

17. George Sarkis, owner of C'est Bon Market, holder of all alcoholic beverages as a package store license #11423 at 1436 Massachusetts Avenue, has advised the License Commission that due to a fire at an abutting property, they are closed until smoke and water damage are fixed.

Decision: Acknowledged.

18. Application #49586 Pranvera Jakuj, d/b/a Mediterranean Home Cooking, has applied for a hawker/peddler license to be exercised from 11:00 a.m. to 6:00 p.m. in Central Square on Sundays and Cambridgeport on Mondays.

Documents Considered: Letter from Community Development Department ("CDD").

Summary: This is an application for a new annual license. The applicant was operating without a license, in violation of CDD's food truck pilot program, and have outstanding fees with Traffic, Parking and Transportation Department.

Decision: Denied; Board may reconsider application once all conditions listed on CDD's letter have been met.

- 19. Statement of Reasons for Matters heard on May 22, 2019:
 - 1) General Landscape Corp., for violations of Cambridge Municipal Code 8.16.081 on May 1, 2019 at Berkeley Street for operating without a permit and in violation of a cease and desist order.

Decision: Approved.

20. Application #46599 Third Street Associates, Inc. d/b/a Russell House Tavern, holder of all alcohol common victualler license #11420, has applied to increase the number of seats on the patio to 26. They are currently licensed for 18 seats on private property. [Time Stamp: 01.46]

Present: Patrick Conte, representative for the applicant.

Documents Considered: Application and documents attached thereto.

Summary: No expansion of the footprint, just rearranging to be able to increase capacity in private patio.

Decision: Granted.

21. Application #43580 Tomiko, Inc., d/b/a Café Sushi, 1105 Massachusetts Avenue, has applied for a new Wine & Malt Package Store License. Sheize Imura as proposed Manager of Record of a premise described as: Approximately 325 square feet of space on the first floor with one entrance/exit.

Summary: The Board had questions that related to responses given to zoning on the related alteration of premises application that related to the package store application. Clarification from counsel was sought regarding the responses and the applicability of the Alcoholic Beverages Control Commission's Advisory of § 12 and § 15 licenses in same premises. Even if the regulations on the advisory apply, there would be no issues with the application and no changes to the vote. Applicant also supplied additional information which had been requested prior to the issuance of the license.

Decision: Acknowledged receipt of information.

22. Application #49666 Special Noise Variance; Mike Shaughnessy, on behalf of Shaughnessy for set up boom lift to hold signage, at Old Square Harvard Theater, from 7:00 PM- 10:00 PM on June 27-28, 2019 with an alternate date of July 11-12, 2019.

Decision: Granted.

23. Claudio Herrera, on behalf of USA Guided Tours Boston, has applied for a Jitney License to conduct sightseeing tours. Route is available in the License Commission office.

Decision: Granted.

24. Application #43884 Matter Deferred from May 22, 2019, Wisdom4289, LLC d/b/a Nu Do Society, 123 River Street, for a new Common Victualler License.

Documents Considered: Application and attachments thereto; and lease.

Summary: Vote had been deferred pending submission of an executed lease, which has been received. Board acknowledged receipt of the opposition at the original hearing centered on the use of

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the televisions. The Board inquired from zoning whether the zoning approval provided also included approval of the 2 televisions. Zoning was unable to provide an answer prior to the Board's hearing.

Decision: Granted with 28 seats per zoning restriction and with background music only. Board will revisit the request for the 2 televisions once zoning confirms its approval.

25. Application #46035 Matter Deferred from May 22, 2019, Dip Dog, Inc. d/b/a Café du Pays, 233 Cardinal Medeiros Avenue, Common Victualler All Alcohol License #11386, for an Alteration of Premise to add a seasonal outdoor patio on the city sidewalk. The premise would be described as: 1,600 SF on the first floor with 1 entrance and 2 exits, 2 dining rooms, bar, kitchen, and bathrooms. 800 SF in basement. Approximately 50 square foot seasonal patio with 8 seats.

Documents Considered: Application and documents attached thereto; and subsequent communications and documents from the applicant.

Summary: The matter had been requested as the plan for the outdoor area was not proper, the applicant did not have a set plan for how it would monitor the outside area and applicant had not completed its process for the use of the space with the Department of Public Works ("DPW"). The documents requested were received as well a plan for the monitoring of the area. In addition, it was confirmed the applicant completed the process for the use of the sidewalk with DPW.

Decision: Granted subject to applicant submitting a corrected ABCC Monetary Transmittal Form (contained typographical error as to premise address) and a corrected first page of ABCC application (with the complete premise description not just the amended expansion).

26. Minutes from the May 22, 2019 hearing.

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 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. [Time Stamp: 34:07]

27. Application # 49103 George McCabe, on behalf of Davis Companies, has applied for a wine and malt license to be exercised at 35 Cambridgepark Drive, on 6/27/19 from 3:30 p.m. – 5:30 p.m., for a tenant social. Expected attendance – 120 people.

Decision: Granted.

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28. Application # 49318 Ryan Thackaberry, on behalf of Beat Brew Hall, has applied for a wine and malt and entertainment license to be exercised at Brattle Plaza, on 6/28/19 from 5:30 p.m. – 10:00 p.m., for a beer garden for The Car Talk Event with live music. Expected attendance – 300 people.

Decision: Granted, with the conditions that: a police detail is required; and must implement a system to identify minors from adults in attendance.

29. Application # 49059 Yuko Ciarametaro has applied for an all alcohol license and entertainment license to be exercised at 26 Landsdowne Street, on 6/28/19 from 9:00 a.m. – 6:00 p.m. for and anniversary party with recorded live music. Expected attendance – 100 people.

Decision: Granted with amended hours of 12:00 p.m. to 5:00 p.m. per permission letter.

30. Application # 49088 Jackie Jones, on behalf of Seana Hall, for an entertainment license to be exercised at the Cambridge Rehabilitation and Nursing Care Center, on 8/23/19 from 12:00 p.m. – 4:00 p.m. for a block party with patrons dancing, performers dancing, recorded music, live music, deejay, amplification system, theatrical exhibition, floor show. Expected attendance – 150 people.

Summary: Applicant wrote that they may also seek to have a bouncy house, but the information or application requirements had not yet been submitted.

Decision: Granted; no license fee, City department. As to bouncy house, if seek it and provide all documents necessary, granted.

31. Application # 48908 Paul Loschak, on behalf of Sweet Molasses Blues, has applied for an entertainment license to be exercised at the Russell Youth and Community Center (680 Huron Avenue), on 7/26/19 and 7/28/19 from 6:00 p.m. – 12:00 a.m. for a social dance with patrons dancing, live music, and amplification system. Expected attendance – 250 people.

Decision: Granted.

32. Application # 49084 Joseph Mahoney, on behalf Neil Klein, has applied for an entertainment license to be exercised at 1950 Massachusetts Avenue, on 7/10/19; 7/17/19; 7/24/19; 7/31/19; 8/7/19; 8/14/19; 8/21/19; 8/28/19 from 7:30 p.m. – 12:15 a.m. for swing dance lessons with patrons dancing, pérformers dancing, recorded music, live music, amplification system, deejay, theatrical exhibition, floor show, light show, dynamic audio/visual show. Expected attendance – 125 people.

Summary: The applicant had also submitted a request to have the event on July 3, 2019. The date was inadvertently not listed on the application after it was requested or the agenda.

Decision: Granted as to all listed and also as to July 3, 2019.

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33. Application # 48021 Pierre Fils-Aime, on behalf of Just-A-Start, has applied for an entertainment license to be exercised at Squirrel Brand Park, on 8/3/19 from 8:00 a.m. – 5:00 p.m. for a cook-out with performers dancing, recorded music, deejay, and amplification system. Expected attendance – 250 people.

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

34. Application # 49577 Jessie Smith, on behalf of M.I.T. Open Space Programming, has applied for an entertainment license to be exercised at the Koch Institute (M.I.T. Campus), on 7/10/19 from 6:00 p.m. – 7:30 p.m. for a networking reception with recorded music, deejay, and amplification system. Expected attendance – 150 people.

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

35. Application # 49551 Sharon Zimmerman, on behalf of Cambridge Camping Association, has applied for a wine and malt and entertainment license to be exercised at 100 Cambridgeside Place, on 9/7/19 from 5:00 p.m. – 8:30 p.m. for a fundraiser with patrons dancing and live music. Expected attendance – 150 people.

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

36. Application # 48976 Anna Meyer, on behalf of Dancers/beheard.world and Cambridge Arts Council, has applied for an entertainment license to be exercised at Clement Morgan Park Basketball Court, on 7/18/19 from 6:00 p.m. - 8:00 p.m. for a dance concert with performers dancing, recorded music, and amplification system. Expected attendance - 100 people.

Decision: Granted.

37. Application # 48979 Anna Meyer, on behalf of Dancers/beheard.world and Cambridge Arts Council, has applied for an entertainment license to be exercised at Sennot Park Grassy Area, on 7/25/19 from 3:00 p.m. – 8:00 p.m. for a dance performance with performers dancing. Expected attendance – 100 people.

Decision: Granted.

38. Application # 49145 Victoria Brown has applied for wine license to be exercised at 45 Binney Street (M.I.T. Campus), on 7/26/19 from 4:00 p.m. – 6:00 p.m. for a social hour. Expected attendance – 40 people.

Summary: The application is on 7/23/19 and not on MIT campus.

Decision: Granted for July 23, 2019 at 45 Binney Street.

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39. Application # 49594 Michael Monestime, on behalf of the Central Square Business Association, has applied for an entertainment license to be exercised at 10 Essex Street, on 6/27/19 from 11:30 a.m. – 4:00 p.m. for a ribbon cutting ceremony with a deejay and amplification system. Expected attendance – 100 people. (date changed to July 11, 2019).

Decision: Granted subject to receipt of Department of Public Works and Traffic, Parking & Transportation Department permits and subject to any conditions therein.

40. Application # 49628 Mai Miller, on behalf of Draper Labs, has applied for an entertainment license to be exercised at Draper Labs (555 Technology Square), on 7/20/19 from 10:00 a.m. – 4:00 p.m. for an exhibit. Expected attendance – 500 people.

Decision: No action; application stopped prior to hearing since the event did not require a license.

41. Application # 49633 Stephanie Sousa has applied for a wine and malt and entertainment license to be exercised at 75 Sidney Street, on 7/25/19 from 2:00 p.m. – 6:00 p.m. for a company appreciation celebration with recorded music. Expected attendance – 225 people.

Decision: Granted.

42. Application # 49041 Russell Harding, on behalf of the Men of the Port, has applied for an amusement license to be exercised at Green Rose Park, on 7/6/19 (rain date 7/7/19) from 11:00 a.m. – 5:00 p.m. for a special event with a bouncy house. Expected attendance – 300 people.

Decision: No action - event was cancelled.

43. Application # 49671 Eddy Augusta has applied for an amusement license to be exercised at Dana Park, on 7/20/19 from 2:00 p.m. – 6:00 p.m. for a birthday party with a bouncy house. Expected attendance – 25 people.

Decision: Granted with an amended end time of 5:00 p.m. per Park Permit.

44. Application # 49771 Sarah Gaines, on behalf of Danielle Gertner, has applied for an entertainment license to be exercised at Cambridge Crossing (320 Morgan Avenue), on 6/29/19 from 4:00 p.m. – 10:00 p.m. for a wellness event with patrons dancing, performers dancing, deejay, live music, and amplification system. Expected attendance – 200 people.

Decision: Granted, with amended hours of 6:00 p.m. to 9:00 p.m. per permission letter, and the condition that a police detail is required.

45. **[Late submission/addition to the agenda]** Application #49831 Mark Walker, on behalf of New England Kids Triathlon, has applied for a one day entertainment license on July 13 through 14, 2019 at 120 Vassar Street.

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

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46. **[Late submission/addition to the agenda]** Application #50039 Kevin Randall, on behalf of Nauset Construction, has applied for a special noise variance from June 26 in to the 27th, 2019, with an alternate date of June 27 into the 28th, 2019 from 10:00 p.m.to 4:00 a.m. for a water main tie in at 1699 Massachusetts Avenue.

Decision: Granted.

Correction to agenda item:

47. Application #43580 Tomiko, Inc., d/b/a Café Sushi, 1105 Massachusetts Avenue, has applied for a new Wine & Malt Package Store License. Sheize Imura as proposed Manager of Record of a premise described as: Approximately 325 square feet of space on the first floor with one entrance/exit.

Summary: This is what was heard and discussed as item #21 of the agenda. When originally posted, the agenda referenced the applicant's other application (alteration of premises) which is related but was not the direct subject of the Board's discussion. Matter was not further discussed at this point of the meeting.

Decision: Not applicable.

48. **[Late submission/addition to the agenda]** Oath Pizza, holder of common victualler all alcohol license #11612, has requested to be able training employees and/or working in the restaurant during the suspension.

Documents Considered: Email from Oath's counsel.

Summary: The attorney for Oath was asking whether Oath could be closed to the public but use the time to train employees at the premises. They were also requesting whether the employees could be outside of the premises "apologizing" to customers who sought to come in for the day. The Board discussed its position that when a license is suspended, the licensee cannot use the time to conduct business.

Decision: Denied.

49. **[Late submission/addition to the agenda]** Application #50021 Chris Post has applied for a wine and malt and entertainment license on June 29, 2019 from 8:00 p.m. to 9:30 p.m. at Gallery 263 for a fundraiser.

Decision: Granted.

50. **[Late submission/addition to the agenda]** Application #50124 Jose Fuentes, on behalf of Father Michael Harrington, has applied for a wine and malt and entertainment license for June 29, 2019 from 5:00 p.m. to 9:00 p.m. at St. Mary's Parish for a volunteer appreciation dinner.

Decision: Granted.

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51. **[Late submission/addition to the agenda]** Application #50012 Sandra Rizkallah, on behalf of Plugged In Band, has applied for an entertainment license on July 16 and July 30, 2019 from 11:00 a.m. to 2:00 p.m. at Winthrop Park for a music performance.

Decision: Granted.

52. **[Late submission/addition to the agenda]** Application #47823 Michael French, on behalf of F.E. French Construction, has requested to extend the noise variance approved on June 3, 2019, week days only to July 3, 2019 to July 26, 2019.

Decision: Granted, holder must notify abutters of the change in schedule.

| | Board's Approval of Minutes: |
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| NMF | Date Minutes Approved: 17 2019 |
| GEM | Date Approved Minutes Posted: JUL 18 2019 |