



# CAMBRIDGE LICENSE COMMISSION

831 Massachusetts Avenue, First Floor, Cambridge, Massachusetts 02139

## BOARD OF LICENSE COMMISSIONERS' MEETING MINUTES

**For Meeting of August 21, 2019**

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

**Meeting started at 3:06 p.m.**

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

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

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

### Public Testimony Matters

*Matters may have been called in a different order than that listed on the agenda. In addition, some matters may have required a second call.*

1. Application Juldex Guerrier, for a new Cambridge Hackney Driver's License. [Time Stamp: 01:00]

**Present:** Juldex Guerrier.

**Documents Considered:** Application and documents attached thereto.

**Summary:** Mr. Guerrier stated that he previously drove a taxi in Revere with no incidents. His Massachusetts driver's license was suspended in 2015 for failure to pay a violation for a stop sign, but it is now active. He is currently looking for a job as a driver.

**Decision:** Granted.

2. Application Mosseye Alemaw, for a new Cambridge Hackney Driver's License. [Time Stamp: 1:23:40]

**Present:** Mosseye Alemaw.

**Documents Considered:** Application and documents attached thereto.

**Summary:** Mr. Alemaw stated that he has not driven a taxi before. He is looking for a job as a driver. His driver's license has never been suspended.

**Decision:** Granted.

3. Application Gezahegn Tegegn, for a new Cambridge Hackney Driver's License.

**Decision:** No show at second call. No action. Make sure he will appear before rescheduling.

4. Application Ewinetu Bogal, for a new Cambridge Hackney Driver's License. [Time Stamp: 1:25:23]

**Present:** Ewinetu Bogal

**Documents Considered:** Application and documents attached thereto.

**Summary:** Mr. Bogal stated that he has never driven a taxi before and is looking for a job. His driver's license has never been suspended.

**Decision:** Granted.

**Note:** *Matters 5 & 6 were called together.* [Time Stamp: 2:26]

5. Disciplinary Verizon, Inc., 10 Ware Street, for alleged violation of Cambridge Municipal Code (CMC) 8.16.060.

6. Application #31871 Continued from June 12, 2019. Verizon, Inc.'s request to further extend/amend Special Noise Variance at 10 Ware Street, to test the generator on August 27, 2019, September 27, 2019 and October 25, 2019, per FCC regulation. Also, to test while implementing sound attenuation baffling to be in compliance with Cambridge Municipal Code (CMC) 8.16.060(E).

**Present:** Johanna Schneider, attorney for Verizon; and Chief Licensing Investigator Andrea Boyer.

**Documents Considered:** Hearing notice and documents attached thereto; current Special Noise Variance; and file.

**Summary:** Verizon is seeking a 90 day extension of the noise variance as they are still working to buffer the sound. However, the last test run showed they were still just above the limit allowed by ordinance. They have been told that if they install a muffler on the exhaust stack of the generator they should be in compliance. They are seeking three additional test dates of August 27, September 27 and October 25. They will provide notice to the neighborhood and test results to Ms. Boyer. Verizon is committed to fixing the problem. When the generator was too loud you couldn't hear the stack.

**Decision:** Continued through October 25, 2019 with the understanding that violation will be resolved by then and the noise violation case would be moot. The case will be closed if noise is ameliorated. Extension granted to October 25, 2019 with the same conditions as originally placed. New special noise variance fee to be paid.

**Note: Matters 7 & 8 were called together. [Time Stamp: 14:39]**

7. Disciplinary Loyal Nine, LLC d/b/a Loyal Nine, 660 Cambridge Street, Common Victualler All Alcohol License #11514, for alleged violations of failing to comply with the Crowd Control Manager requirements on July 26, 2019, in violation of 527 C.M.R. 1.00, §§ 20.1.5.6.1 – 20.1.5.8.4, M. G. L. c. 138, §§ 23 and 64, and Board's Rules 2.3, 2.5, 5.1, 5.7, 8.3, 9.3, 9.4, and 14 and for being over capacity on July 26, 2019, in violation of M. G. L. c. 138, §§ 23 and 64, and Board's Rules 2.2, 2.3, 2.5, 2.7, 5.1 and 9.

8. Application #53129 Loyal Nine, LLC d/b/a Loyal Nine, 660 Cambridge Street, Common Victualler All Alcohol License #11514, for a Change of Opening Hour from 8:00 a.m. to 7:00 a.m. Monday through Friday, and an increase of the patio occupancy from 35 to 65.

**Present:** Licensing Investigator Tyler Bubenik; and Daniel Myers, owner.

**Documents Considered:** Hearing notice and documents attached thereto; documents submitted at the hearing; and file.

**Summary:** During a routine task force investigation on July 26, 2019 Investigator Bubenik visited Loyal Nine and found several violations. They could not find the crowd control manager certification, the paperwork had not been filled out every day, and there were 58 patrons on the back patio, which is licensed for 32. In addition, there were 42 seats on the patio and there should only have been 32.

Mr. Myers was on site that evening. There was also a certified crowd control manager on duty but was unable to produce her certificate. Her certification was submitted at the hearing showing that she was certified on the date of the inspection. There are now 16 certified crowd control managers on staff. Mr. Myers stated further that there is now a checklist that must be filled out every day. That evening there was a group of 10 celebrating after a wedding. The group grew. The patio is quite large, and they only use half of it. This is why they are also applying to increase the occupancy of the patio. They are not increasing the total occupancy of 160 but are redistributing it. The establishment was under the total capacity that evening, which was confirmed by Investigator Bubenik. Guests were immediately brought inside. As to the change in hours the need is to provide food to the business crowd during the weekdays.

**Decision:** Board found (3-0) a violation and issued (2-1) a 1 day license suspension to be held in abeyance for 6 months (Commissioner Bard dissented and voted to issue a warning). Board granted increase of occupancy on the patio for 50 seats on the patio and a maximum occupancy of 65 on the patio. Total seats can never exceed 160, inside and outside. Break in fence in outdoor area must be repaired. Change in hours also approved for food hours only Monday through Friday.

9. Disciplinary A.A. Flori Realty Trust, 64 Dudley Street, Open Air Parking Lot License #14215, for failure to respond to License Commission correspondence of April 25, 2019, and parking more than 9 vehicles on the lot. **[Time Stamp: 25:45]**

**Present:** No one appeared for the licensee; Investigator Tyler Bubenik.

**Documents Considered:** Hearing notice and documents attached thereto; file; and pictures taken by Investigator Bubenik.

**Summary:** The licensee is currently licensed for 9 parking spaces. Traffic, Parking and Transportation Department informed the License Commission that they have the lot registered for 24 spaces. The licensee failed to respond to inquiries on the discrepancy and Investigator Bubenik's investigation showed more than 9 parking spaces on the lot. There was no confirmation that the licensee received the notification of the hearing.

**Decision:** Board voted to have the Executive Director send a letter via certified mail return receipt requested to license holder scheduling a meeting to discuss the issue. If the license holder does not show up, the license may be revoked.

10. Disciplinary Jet-A-Way Recycling & Waste Disposal, for failure to comply with the Cease and Desist Order of May 20, 2017, by allegedly loading and/or unloading a dumpster on June 12, 2019 at 5:00 a.m. and July 3, 2019 at 3:40 a.m. at 1680-1682 Massachusetts Avenue in violation of Cambridge Municipal Code 8.16.080 E. and operating without a license in violation of Cambridge Municipal Code 5.24.010. **[Time Stamp: 26:25]**

**Present:** Attorney Ronald Dunbar; Pat Sperduto, CEO; Helen Solorzano, complainant; and Chief Licensing Investigator Andrea Boyer.

**Documents Considered:** Hearing notice and documents attached thereto; and documents submitted at the hearing.

**Summary:** Chief Boyer testified that on June 12 and July 3, 2019 a pick up occurred behind 1680 – 1682 Massachusetts Avenue, one at 5:00 a.m. and one at 3:40 a.m. Their license had been cancelled in 2013. A cease and desist was sent in 2017, along with information as to how to get permitted. A resident, Helen Solorzano said that there was another pickup this day at 4:00 AM. The Massachusetts Avenue location is a commercial zone but the pickup is happening in a residential zone. The trucks drive down Bowdoin Street and exit onto Hudson. Attorney Dunbar said the cease and desist was issued to Atkinson Whitworth. Mr. Sperduto purchased their assets in August 2018 and was not aware of the cease and desist. In April 2019 Mr. Sperduto purchased the assets of Barry Brothers and took over their routes. They were not aware they needed a license to pick up in Cambridge. They have reviewed the ordinance and all drivers will be prohibited from picking up before 7:00 a.m. They will be installing GPS in each truck to be able to control the pickups. They will be submitting an application for the license.

**Decision:** No violation for the cease and desist. Violation for June 12 and July 3 pickups and for failure to obtain a license. Warning for failure to obtain a license, and \$300.00 fine for each of the 2 pickups for a total fine of \$600.00.

11. Disciplinary Nicolazzo & Sons Landscape, LLC, for failure to comply with the Cease and Desist Order of December 12, 2018, allegedly operating without a permit in violation of Cambridge Municipal Code 8.16.081.1(1)(b) and 8.16.081.2(c), and allegedly operating on June 19, 2019 at 11:00 a.m. at 14 Craigie Street during a prohibited period in violation of Cambridge Municipal Code 8.16.081.2(a). **[Time Stamp: 38.17; ]**

**Present:** Investigator Tyler Bubenik; no one for Nicolazzo & Sons.

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

**Summary:** Company used to be permitted to operate leaf blowers in Cambridge. Due to the various violations in 2018, the Board voted not to automatically renew the permit and have the company present its application to the Board. The company failed to submit a renewal and were found operating in Cambridge without a permit and during a prohibited period.

**Decision:** Violation for operating without a permit and during a prohibited period, issued a \$300.00 fine for each violation for a total \$600.00 fine. Letter to be sent to customers letting them know they are using a company which is not permitted.

12. Application #50551 Interstate Management Co., LLC d/b/a The Charles Hotel, 1 Bennett Street, All Alcohol Innholder License #10894, for an Increase of Capacity/Occupancy of Noir to 43 seats inside, an inside occupancy of 68, and 24 patio seats on private property. **[Time Stamp:38:50]**

**Present:** Attorney James Rafferty; and Alex Attia, hotel manager.

**Documents Considered:** Application and documents attached thereto.

**Summary:** They are only adding 1 seat to the inside capacity and 15 standing in Noir. Patio capacity is remaining the same. There are no other changes.

**Decision:** Granted – 43 seats inside, 25 standing inside (the 24 patio seats they already had are remaining the same).

13. Application #51506 Grafton, Inc. d/b/a Park Restaurant and Bar, 59 JFK Street, Common Victualler All Alcohol License #11699, to amend the Entertainment License to include a DJ. **[Time Stamp: 39:48]**

**Present:** Patrick Lee, owner; and Attorney James Rafferty.

**Documents Considered:** Application and documents attached thereto; and file.

**Summary:** This application is to add a DJ to the existing license. The licensee had been previously approved and operating DJ entertainment. By request of the licensee, in November 2017 the DJ was removed as an entertainment category from their license. The licensee has found that it needs the DJ entertainment to service their customers.

**Decision:** Granted.

14. Application #53343 Harvard Square BBQ Co., LLC d/b/a Smoke Shop, 8 Holyoke Street, has applied for a Common Victualler All Alcohol License. The proposed hours of operation are 10:00 a.m. to 2:00 a.m. all days with seating for 137 inside, and a total occupancy of 162. Andrew Husbands as Proposed Manager of Record of a premise described as: Approx. 5,100 sq. ft. First floor consists of dining, kitchen, storage and bar. Lower level consists of dining, kitchen, storage, and restrooms. **[Time Stamp: 42:48]**

**Present:** Attorney James Rafferty; Andrew Husbands and Brian Lesser, applicants; Denise Jillson, Harvard Square Business Association.

**Documents Considered:** Application and documents attached thereto.

**Summary:** The restaurant will be going in to the En Boca space and it will be the same operation as the other Smoke Shop restaurants by this group. It is a unique concept for the Harvard Square area. The occupancy and existing floor plan will remain the same. There is a long history of licenses in this location. Opening at 10:00 a.m. on weekends gives them the option to serve brunch and will open at 11:00 a.m. on weekdays. They also applied for 10 televisions in the bar area. The 137 seats inside are the maximum allowed per zoning. Denise Jillson spoke in favor of the application.

**Decision:** Granted with amended hours of 10 a.m. to 2 a.m. weekends and 11 a.m. to 2 a.m. weekdays. 10 t.v.'s also approved. Seats are limited to 137 per zoning.

15. Application #52757 Transfer of the Wine & Malt Package Store License held by Fresh Pond Market Co., d/b/a Fresh Pond Market, 358 Huron Avenue, to FP Market, LLC d/b/a Formaggio Kitchen, at the same address. Valerie Gurdal as Proposed Manager of Record of a premise described as: Ground floor retail food store selling beer and wine, containing approximately 4,000 sf with one exit and one entrance. **[Time Stamp: 49:38]**

**Present:** Valerie and Ihsan Gurdal, applicants; and Attorney James Rafferty.

**Documents Considered:** Application and documents attached thereto.

**Summary:** The Gurdals have alcohol licenses at their other locations. The owner of Fresh Pond Market looked for a buyer that would keep the operation of the market as currently exists. There is no pledge of license. The hours of operation are staying the same.

**Decision:** Granted, with hours of Sundays 10:00 a.m. – 4:00 p.m., Mondays-Fridays 9:00 a.m. – 7:00 p.m., Saturdays 9:00 a.m. – 6:00 p.m.

16. Application #49414 Sweet Touch, Inc. d/b/a Sweet Touch Café, 241 Cambridge Street, Common Victualler License #12164, for a change to the closing hour from 5:00 p.m. to 11:00 p.m. all days.

**Decision:** No action – matter continued prior to hearing for applicant’s failure to notify abutters.

17. Application # 51900 Sweetcream Foods, Inc. d/b/a Café Luna, 612 Main Street, Common Victualler Wine, Malt and Cordials License #11602, for Pledge of License to Stoneham Bank. [Time Stamp: 54:16]

**Present:** Matthew Haymer, owner.

**Documents Considered:** Application and documents attached thereto.

**Summary:** The pledge was required by the bank when he went from a line of credit to a fixed loan. There are no other changes.

**Decision:** Granted.

18. Application # 53160 Highgate Hotels, LP d/b/a Courtyard Boston Cambridge, 777 Memorial Drive, All Alcohol innholder License #10744, for a Change of Manager to Mohamed Hashesh. [Time Stamp: 56:45]

**Present:** Mohamed Hashesh.

**Documents Considered:** Application and documents attached thereto.

**Summary:** Mr. Hasesh was manager of record in North Carolina. He has significant experience in the industry.

**Decision:** Granted.

19. Application #46117 Yoki Express-Porter, LLC d/b/a Yoki Express, 1876 Massachusetts Avenue, for a new Common Victualler License with proposed hours of 11:00 a.m. to 9:00 p.m. Monday through Friday and 12:00 p.m. to 9:00 p.m. on Saturday and Sunday, seating for 45, total occupancy of 50, and an Entertainment License for background music and four (4) TV’s, to be used mostly as digital menus. Nick Tran as proposed manager of record of a premise described as: 2,000 sq. ft. on the first floor (ground level) and about 1,300 sq. ft. in the basement. Storage on first floor and basement. [Time Stamp: 58:29]

**Present:** Nick Tran.

**Documents Considered:** Application and documents attached thereto.

**Summary:** The restaurant concept is similar to Poke Works – poke bowls and sushi. He already has a location in the Seaport, and he wants to expand to Cambridge. He received BZA approval to operate as fast food.

**Decision:** Granted.

20. Application #46097 Chazumba, LLC d/b/a Felipe's Taqueria, 21 Brattle Street, Common Victualler All Alcohol License, has applied for an Alteration of Premise to expand the existing roof deck patio by approximately 1,800 square feet with a total seating of 144 and total occupancy of 259. The proposed premise would be: Food preparation and storage in basement; approx. 2,350 square foot first floor cooking and seating. Approximately 700 square foot mezzanine seating, approximately 3,067 square foot roof deck and 100 square foot seasonal outside patio on the city sidewalk. Applicant is also applying for additional Entertainment to include: recorded music above conversation level; live music with amplification; dancing by patrons; and DJ. **[Time Stamp: 1:00:15]**

**Present:** Tom Brush, manager of record and principal owner; Attorney Kevin Crane; and Denise Jillson, Harvard Square Business Association.

**Documents Considered:** Application and documents attached thereto; documents submitted by applicant at the hearing.

**Summary:** When the space next door vacated, Mr. Brush had the opportunity to expand the roof deck area. The plans were approved by zoning and a new plan signed by the Commissioner of Inspectional Services was provided at the hearing. The applicant also submitted a matrix of the capacity for the entire licensed premises. The maximum occupancy (seating and standing) on the roof deck will be 259. The applicant is seeking to add dancing to the entertainment categories because even though there is no dance floor, he can foresee patrons wanting to dance in place. Although they were not required to do so, they added an additional outdoor stairwell to make egress from the roof deck easier in case of an emergency. They also applied to have the alcohol closing hour (1:00 a.m.) match the food closing hour (2:00 a.m.) to provide more options to the patrons. Denise Jillson spoke in favor of the application in its entirety.

**Decision:** Granted with the capacity as listed on the matrix submitted; also granted entertainment categories; and the 2 a.m. closing hour for alcohol on all days.

**Note: Matters 21 & 22 were called together. [Time stamp: 1:09:50]**

21. Application #49620 Hult International Business School, Inc., 10 North Point Boulevard, has applied for a Lodging House License for 292 rooms with 500 occupants. Applicant also has dining space with inside seating for 231, a total occupancy of 257, outside seating for 75, and an outside occupancy of 80.



22. Application #52145 Hult International Business School, Inc., 10 Education Circle, has applied for a Common Victualler License and Entertainment License to include: recorded music above conversation level without amplification; dancing by patrons; live music without amplification; DJ; karaoke; trivia; and 3 TV's. The proposed premise is: Lobby- coffee bar with 35 inside seats, 41 occupancy, and 30 patio seats on private property. Clubhouse- 4th floor student dining café with 196 inside seats, 216 occupancy, 75 outdoor patio terrace seats, with a total occupancy of 80.

**Present:** Attorney Richard Rudman; Attorney Oriana Montani; Jessica Zubart, SVP; and Ben Kolnos, assistant director of dining services.

**Documents Considered:** Application and documents attached thereto.

**Summary:** The address is now 10 Education Circle and the D/B/A for the lodging hosue is Hult House. The hours of both dining areas are 8a.m.-11p.m. There are two dining spaces in the building – the d/b/a for the one on the fourth floor is the Clubhouse, the one on the first floor is 1969. The fourth floor dining space is a cafeteria with a patio that is not open to the public and is only for Hult students and personnel. On the ground floor there is a gulf stream trailer parked in the lobby serving coffee and light food and is open to the public and also has outdoor space.

**Decision:** Granted as to both applications with the following amendments: d/b/a for lodging house is Hult House; d/b/a for 4<sup>th</sup> floor dining space Clubhouse Café; d/b/a for first-floor cafe is 1969; and hours for both dining spaces are 8:00 a.m. to 11:00 p.m.

23. Application #53474 The Veggie Grill, Inc. d/b/a The Veggie Grill, 57 JFK Street, Common Victualler Wine & Malt License (pending approval), has applied for a Change of Manager to Jivar Vatandoust. [1:16:25]

**Present:** Jivar Vatandoust; and Attorney Joe Devlin.

**Documents Considered:** Application and documents attached thereto.

**Summary:** The application is currently pending at the ABCC. Jivar Vatandoust just moved to Massachusetts and will reside in Massachusetts. He has worked for the entity in another location and has experience with the proper service of alcohol.

**Decision:** Granted.

24. Application #19063 Fort Point Investments, LLC d/b/a Atmark, 80 Fawcett Street, has applied for a new Garage and/or Flammables License for 250 parking spaces, 2500 gallons of gasoline in the tanks of automobiles, and 20 gallons of Class I. [Time Stamp: 1:21:15]

**Present:** Denis Foster.

**Documents Considered:** Application and documents attached thereto.

**Summary:** This is an existing building and garage. The garage is for tenants, for a fee. The 20 gallons is for snow blowing equipment. The flammables are not for direct consumption.

**Decision:** Granted pending payment of outstanding fee of \$75.00.

### 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: 1:39:40]*

25. La Fabrica Central, LLC d/b/a La Fabrica, 450 Massachusetts Avenue, Common Victualler All Alcohol License #11595, has filed an appeal to the Alcoholic Beverages Control Commission of the two days suspension issued to it on May 22, 2019, for the matter heard on April 24, 2019. La Fabrica has also requested a stay of the 2-days suspension until the appeal is resolved.

**Documents Considered:** Attorney Kelley's correspondence.

**Summary:** The Board disagreed with the Attorney Kelley's interpretation of G. L. c. 138, § 64 and the case law regarding stays of suspension. Stays are not automatic once an appeal with the ABCC is filed and the Board is entitled to deny a request for a stay on a suspension. Notwithstanding, the Board considered that the stay would be appropriate since the appeal is based on the finding of the violation as well as the discipline issued.

**Decision:** Suspension stayed pending resolution of the appeal.

26. Middle East Restaurant, Inc. d/b/a Middle East Restaurant/Zuzu/Sonia's ("Middle East"), 472 Massachusetts Avenue, Common Victualler All Alcohol License #11691, has filed an appeal to the Alcoholic Beverages Control Commission of the four days suspension issued to it on May 22, 2019, for the matter heard on March 27, 2019. Middle East has also requested a stay of the 4-days suspension until the appeal is resolved.

**Documents Considered:** Attorney Barrett's correspondence.

**Summary:** Licensee is appealing the findings of the violations as well as the discipline issued.

**Decision:** Suspension stayed pending resolution of the appeal.

27. Benedetto, Inc. d/b/a Benedetto, 1 Bennett Street, Common Victualler All Alcohol License #11576, has submitted additional information for the Board's consideration regarding their disciplinary hearing held on July 31, 2019.

Decision: Acknowledged.

28. Application #46303 Eddie Lakkis, on behalf of G&G Corp., Inc. d/b/a Alewife Mobil, has applied for a Garage and/or Flammables license at 2615 Massachusetts Avenue. This is an existing business that is doing a change in ownership only.

**Summary:** We were waiting for the approval from the Fire Department on the storage of flammables. The approval has been received and this relates to a change in ownership.

**Decision:** Granted.

29. Application #46304 Eddie Lakkis, on behalf of Lakkis Corp. d/b/a Fresh Pond Mobil, has applied for a garage and/or flammables license at 343 fresh Pond Parkway. This is an existing business that is doing a change in ownership only.

**Summary:** We were waiting for the approval from the Fire Department on the storage of flammables. The approval has been received and this relates to a change in ownership.

**Decision:** Granted.

30. Application #53019 Mark Johnson, on behalf of the President and Fellows of Harvard College, d/b/a The Harvard Film Archives, 24 Quincy Street, Annual Entertainment License #10989, has applied for a one-day extension of their current closing hour of 11:00 p.m. to 8:00 a.m. on August 31, 2019 into September 1, 2019 for a special all-night film series.

**Decision:** Granted.

31. Reconsideration Application #31133 Consideration of resubmission and affirmation of Board's approval of Improvisation Center of Boston, Inc., 40 Prospect Street, Common Victualler All Alcohol License #11264, change of license type, change of manager and change of officers and directors. The Board will have to consider whether to administratively approve the updated officers and directors which changed after the Board's approval of February 13, 2019 and during Alcoholic Beverages Control Commission's review of the application. [Correction to the agenda, this is a malt and wine only license]

**Summary:** This is a malt and wine license only, and no changes to the type of alcohol served were made or requested. The application was for change of license type (to go from restaurant to general on premise) and for changes to the manager of record and officers and directors. The application was returned because the officers and directors listed with the secretary of state were different than those listed on the application. The applicant has corrected the application and corporate paperwork and resubmitted.

**Decision:** Granted, application will be resubmitted to ABCC for final approval.

32. **Consideration of Statement of Reasons:**

*Matters heard and decided on July 17, 2019:*

**Denials of:** Application # 43910, CoffeeShop, LLC d/b/a UpperWest, for a new All Alcohol Package Store License to be exercised at 1 Cedar Street, B; and Application # 43911, CoffeeShop, LLC d/b/a UpperWest, 1 Cedar Street, B, holder of All Alcohol General On Premise License #11587, for an Alteration of Premise..

DMG Food Enterprises, LLC d/b/a 730 Tavern Kitchen + Patio, 730 Massachusetts Avenue, Common Victualler All Alcohol License #11613, for 1-day license suspension to be held in abeyance of six months for operating over the licensed capacity on June 12, 2019.

**Decision:** Both approved.

*Matters heard and decided on July 31, 2019:*

Nookie, LLC d/b/a Commonwealth Restaurant, 11 Broad Canal Way, Common Victualler All Alcohol License #11473, for 1-day license suspension to be held in abeyance of six months for failure to comply with the Crowd Control Manager requirements on April 5, 2019, and May 10, 2019.

Benedetto, Inc. d/b/a Benedetto, 1 Bennett Street, Common Victualler All Alcohol License #11576, for 1-day license suspension to be held in abeyance of six months for failure to comply with the Crowd Control Manager requirements on April 5, 2019, and May 10, 2019.

Sandeep, Inc. d/b/a Martin Brothers Liquor Store, 1144 Cambridge Street, All Alcohol Package Store License #11322, for two-days licenses suspension for sale of alcohol to minor on June 27, 2019.

**Decision:** All approved.

33. Application #52934 Joshua Nitso, on behalf of Whiting Turner, has applied for a special noise variance from August 26 to 27, 2019, with an alternate date of September 4 to 5, 2019 from 10:00 p.m. to 6:00 a.m. for a crane lift.

**Decision:** Granted.

34. Application #53477 Christiana Imbriano, on behalf of Bond brothers, has applied for a special noise variance from August 23, 2019 from 1 to 7 a.m., with an alternate date of August 24, 2019 from 1 to 9 a.m. for a concrete truck for the MBTA Mt. Auburn Street area.

**Summary:** After submission of the application and noticing on the agenda, the applicant made a date change to 8/30 with hours of 1:00 a.m. – 7:00 a.m., and an alternate date of 8/31 with hours of 1:00 a.m. – 9:00 a.m.

**Decision:** Granted, as amended.

35. Klye McKenna, on behalf of Shawmut Construction, holder of Special Noise Variance # 44442, had requested and was granted an extension to the variance until September 25, 2019 with crane hours amended to 12:00 a.m. to 6:00 a.m. Per the Board's vote of July 17, 2019, Shawmut must provide an

update with any issues as to the variance and hours by August 2, 2019. The update included a specific business access issue.

**Summary:** Based on the representations made by the applicant at the last hearing, the Board approved an extra hour in the early morning for the crane use. However, since that time, the Board received a complaint that the Barber Shop is being affected as they are not being allowed onto the premises (or their customers) during the 6:00 a.m. – 7:00 a.m. period. Thursdays the Barber Shop is not affected by the extra hour.

**Decision:** Variance amended as to crane hours: crane use allowed on Tuesdays-Wednesdays 1:00 a.m. –6:00 a.m., and Thursdays 1:00 a.m. – 7:00 a.m. All other conditions on the variance remain the same.

36. Application #54012 Bill Wilbur, on behalf of John Moriarty and Associates, has applied for a special noise variance at 350 Water Street on Saturday, September 7, 2019, with an alternate date of Saturday, September 14, 2019 from 12:00 a.m. to 9:00 a.m. and 6:00 p.m. to 11:00 p.m. for concrete trucks and pumps.

**Decision:** Granted with condition that trucks cannot be staged near residential building or residential area.

37. Application #30823 and #53124 Clarification from hearing of July 31, 2019 regarding Cambridge Ivy Inn, 50-52 Irving Street. This is one property with two addresses. The premises require two licenses as they are not connected internally.

**Summary:** This is a clarification – the license was already approved by the Board on 7/31/19. However, the license was granted as to the whole of the building which is 2 premises. Hence, the license was separated into two.

**Decision:** Acknowledged; granted per Board's vote of 7/31/19.

38. Application #52714 Arianne Rucky, on behalf of Chubby Chick Pea, LLC has applied for a hawker/peddler license to operate Wednesdays at 3rd and Binney Streets from 9a.m. to 9 p.m. and Saturdays at North Point Park from 4p.m. to 9 p.m.

**Decision:** Granted pending submission of non-expired state hawker/peddler's license.

39. Application #53929 Patrick Conte, on behalf of Grafton, Inc. d/b/a Park restaurant & Bar, holder of all alcohol common victualler license #11699, has applied to increase their standing capacity on their patio located on private property to 23.

**Summary:** This is a follow up to the increase heard on 7/17/19 where the seating increase was approved but at the time the applicant did not have the standing capacity. The Board had asked the applicant to submit a plan showing the standing capacity per building code and that it would approve administratively.

**Decision:** Granted per Board's vote of 7/17/19.

40. License #21826 Attorney Kevin Crane has advised the License Commission that construction for Mex Taqueria and Bar at 500 Technology Square is taking longer than expected.

**Decision:** Acknowledged; approved. Applicant is to provide an update during 2019 renewals.

41. O2 Yoga Studios Cambridge, LLC, holder of Common Victualler License #12233 at 1001 Massachusetts Avenue, has notified the License Commission that they closed permanently as of April 28, 2019.

**Decision:** Acknowledged; license cancelled, file closed.

42. Ed Goyette, on behalf of BeanTowne Coffee, holder of Common Victualler License # 12183, has notified the License Commission that they permanently closed on August 1, 2019.

**Decision:** Acknowledged; license cancelled, file closed.

43. Discussion of 21 Proof/TIPS Certification audit during alcohol license renewals.

**Summary:** Pursuant to Board's Rule 5B.10, owners, managers of records and employees who are in the direct handling, selling or serving of alcohol are to be trained and certified for the safe service of alcohol. There will be a notification sent to licensees that there will be an audit of compliance in 2020. In addition, a question will be added to the renewals this year to have the licensee certify that they are in compliance.

**Decision:** No decision – this was a general discussion that a question will be added to the 2020 renewals and that random audits of compliance would be held starting 2020.

44. Discussion of taxi hailing application Waave in light of Cambridge Municipal Code section 5.20.280 – Taximeter Required.

**Summary:** Chair met with a representative of Waave and other persons regarding a hailing application for taxis only. The application would be used to hail and pay for the trip. When the application is used for hailing and price prediction, the meter would not be used. There is a question as to whether the City's Ordinance allows for the use of the application rather than the meter. There does not appear to be a state requirement to use a meter. If the Ordinance requires the use of a meter, the City Council would have to amend the Ordinance to allow for the use of the application. Also discussed the manner in which the Board would find out from the drivers and owners of taxi vehicles whether they are interested in the use of the application.

**Decision:** Get legal opinion from City Solicitor regarding whether the Ordinance prohibits the use of the app; and if so, the process by which the Board would submit a recommendation to the City Manager to ask the City Council to amend the Ordinance to allow the use of the app. The Chair or her designee can meet with drivers and owners and report to the Board in terms of interest in having the application.

45. Minutes for the Board of License Commissioners Hearing of July 17, 2019 and July 31, 2019.

Both 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: 1:55:25]*

46. Application # 49094 Jackie Jones has applied for an entertainment license to be exercised at Cooper Square Park, Hancock Street, on 8/23/19 from 4:00 p.m. – 7:00 p.m. for a block party with patrons dancing, performers/entertainers dancing, recorded music, dj, live music, amplification system, theatrical exhibition/play/moving picture show, floor show and dynamic audio/visual show live/recorded. Expected attendance – 150 people. [Deferred from 7/31 hearing]

**Summary:** Applicant is asking for a license fee waiver because the grant they obtained from the Cambridge Health Department to do the event is too small.

**Decision:** Granted. Fee waiver denied.

47. Application # 51754 Branko Gilisovic, on behalf of St. Sava Church, has applied for a malt and wine with entertainment license to be exercised at 41 Alewife Brook Parkway, on 9/21/19 from 11:00 a.m. – 10:00 p.m. & 9/22/19 11:00 a.m. – 5:00 p.m. for a festival with patrons dancing, performers/entertainers dancing, recorded music, live music and amplification system. Expected attendance – 500 people. [Defer from 7/31 hearing]

**Decision:** Granted.

48. Application # 50941 Jennifer Lawrence, on behalf of the City of Cambridge, has applied for an entertainment license to be exercised in front of 73 Ames Street, on 9/20/19 from 7:00 a.m. – 7:00 p.m. for a parking day event with patrons dancing, performers/entertainers dancing, recorded music, dj, live music, amplification system, theatrical exhibition/play/moving picture show and floor show. Expected attendance – 500 people.

**Decision:** Granted- no license fee, city event.

49. Application # 50942 Jennifer Lawrence, on behalf of the City of Cambridge, has applied for an entertainment license to be exercised at Church Street, on 9/20/19 from 7:00 a.m. – 10:00 p.m. for a parking day event with patrons dancing, performers/entertainers dancing, recorded music, live music and amplification system. Expected attendance – 500 people.

**Decision:** Granted- no license fee, city event.

50. Application # 52013 Eric Spicuzza has applied for a malt and wine with entertainment license to be exercised at Cambridge Masonic Hall, 1950 Massachusetts Avenue, on 12/31/19 from 9:00 p.m. – 1:00 a.m. (soundcheck-7:00 p.m.) for a social dance with patrons dancing, recorded music, dj, amplification system and light show. Expected attendance – 350 people.

**Decision:** Granted from 9:00 p.m. - 1:00 a.m. per permission letter; may conduct soundchecks between 7:00 p.m. and 9:00 p.m. for not more than 15 minutes total if establishment allows it.

51. Application # 52542 Emily Doll, on behalf of Blueprint Medicines, has applied for a malt and wine license to be exercised at 45 Sidney Street (courtyard), on 8/23/19 from 2:00 p.m. – 7:00 p.m. for a party/company cornhole tournament. Expected attendance – 200 people.

**Decision:** Granted.

52. Application # 52770 Richard Diranian, on behalf of Holy Trinity Armenian Church, has applied for a malt and wine with entertainment license to be exercised at 145 Brattle Street, on 9/15/19 from 12:00 p.m. – 5:00 p.m. for a festival with patrons dancing, live music and amplification system. Expected attendance – 200 people.

**Decision:** Granted. A police detail is required.

53. Application # 52905 Cindy Moore has applied for a malt and wine license to be exercised at Cambridge Masonic Hall, 1950 Massachusetts Avenue, on 10/19/19 from 4:00 p.m. – 8:00 p.m. for a wedding reception. Expected attendance – 100 people.

**Decision:** Granted.

54. Application # 52885 Bruce Kaplan has applied for an entertainment license to be exercised at Cambridge Masonic Hall, 1950 Massachusetts Avenue, on 9/7/19 from 5:00 p.m. – 10:00 p.m. for a wedding rehearsal dinner with patrons dancing, recorded music, amplification system and theatrical exhibition/play/moving picture show. Expected attendance – 100 people.

**Decision:** Granted as to entertainment only. Check with Masonic Hall requires them to obtain a liquor license (it is a private event), and if they do, the liquor license is also approved.

55. Application # 53199 Rich Kraby, on behalf of Total Entertainment, has applied for a one day temporary amusement license (games), to be exercised at Sennott Park, 310 Broadway, on 9/7/19 from 11:00 a.m. – 3:00 p.m. with rain date 9/8/19 for a community event. Expected attendance – 100 people.



**Decision:** Granted.

56. Application # 53394 Kathryn Fenneman, on behalf of Tutoring Plus of Cambridge, has applied for an entertainment license to be exercised at Clement Morgan Park, Columbia Street, on 9/6/19 from 4:00 p.m. – 8:00 p.m. with rain date 9/7/19 for a community celebration with patrons dancing, recorded music, dj and amplification system. Expected attendance – 50 people.

**Decision:** Granted.

57. Application # 53397 Jason Alves, on behalf of East Cambridge Business Association, has applied for a malt and wine with entertainment license to be exercised at Cambridge Street between Fulkerson and Fifth Street, on 10/6/19 from 8:00 a.m. – 5:00 p.m. for a smoke this rib fest with patrons dancing, recorded music, live music and amplification system. Expected attendance – 5000 people.

**Decision:** Granted.

58. Application # 53497 Ellie Durbin, on behalf of Kimpton Marlowe Hotel, has applied for an entertainment license to be exercised at Lechmere Canal park, 25 Land Blvd., on 8/24/19 from 4:00 p.m. – 7:00 p.m. for a wedding ceremony with dj and amplification system. Expected attendance – 130 people.

**Decision:** Granted.

59. Application # 53715 Deidra Ruvido, on behalf of Rev Clinics, has applied for an entertainment license to be exercised at 541 Massachusetts Avenue, on 10/3/19 from 10:00 a.m. – 8:00 p.m. for an open house with performers/entertainers dancing, dj and live music. Expected attendance – 200 people.

**Decision:** Granted. A police detail is required.

60. Application # 53828 Magdalena Siwek has applied for a malt and wine with entertainment license to be exercised at Lehman Hall, 8 Harvard Yard, on 8/30/19 from 6:00 p.m. – 1:00 a.m. for a welcome event with patrons dancing, recorded music, dj and amplification system. Expected attendance – 200 people.

**Decision:** Granted.

61. Application # 54027 Marcus Graly has applied for an entertainment license to be exercised at Cambridge Masonic Hall, 1950 Massachusetts Avenue, on 9/1/19, 9/15/19, 10/6/19, 10/20/19, 11/3/19, 11/18/19, 12/3/19 & 12/17/19 from 7:00 p.m. – 11:00 p.m. for a social dance with patrons dancing, live music and amplification system. Expected attendance – 125 people.

**Decision:** Granted, one combined license fee of \$50.00.

**[Late Submissions/Additions to Agenda After Posting on August 16, 2019]**

62. Application #54061 Colin Delaney, on behalf of Siena Construction, has applied for a special noise variance from September 3 through October 31, 2019, with alternate dates of September 4 through October 31, 2019 for interior work weekdays and Saturday's from 6:00 p.m. to 6:00 a.m. at 8 Brattle Street.

**Decision:** Granted.

63. Application # 54149 Chris Richard, on behalf of Turner Construction, has applied for a special noise variance On August 24, 2019, with an alternate date of August 31, 2019 Saturday, from 7:00 a.m. to 9:00 a.m. at 314 Main Street for hammer and backup crane alarm.

**Decision:** Granted.

64. Application #54101 Fuad Mukarker has applied for a one day alcohol license on August 28, 2019 from 4:00 p.m. to 10:00 p.m. at 33 Oxford Street for a banquet.

**Decision:** Granted from 5:00 p.m. – 9:00 p.m. per Harvard sign off.

65. Application #53828 Magdalena Siwek has applied for a one day license on August 30, 2019 from 6:00 p.m. to 1:00 a.m. at GSAS Student Center, Harvard Yard, for a welcome event.

**Decision:** Granted, with an amended start time of 7:00 p.m., per Harvard sign off.

**[Late Submissions/Additions to the Agenda]**

66. Application #54267 Daniel D'Ambrosio, on behalf of Cassidy Corp., Has applied for a special noise variance for August 22 through 31, 2019, weekdays and Friday in to Saturday from 9:00 or 10:00 p.m. to 4:00 a.m. at 1400 Massachusetts Avenue for a manhole rebuild. This would only be for 1 or 2 days.

**Decision:** Granted.

67. Application #54317 Jonathan Tagoe has applied for a one day entertainment license on September 7, 2019 from 7:00 p.m. to 1:00 a.m. at 84 Mass. Ave., Stratton Student Center.

**Decision:** Granted with an amended start time of 8:00 p.m. per MIT registration. A police detail is required.

68. Application #54192 Miranda Choza has applied for a one day entertainment license for August 30, 31, September 1, 6,7,13 1ne 14, 2019 from 6:00 p.m. to 11:00 p.m. and 12:00 p.m. and 5:00 p.m. on matinee days, for theater performances at Kresge Auditorium.

**Decision:** Granted.

69. Application #49855 Vote deferred from July 31, 2019: Lotus Harvard enterprise, LLC, 1699 Massachusetts Avenue, has applied for a Garage License for 21 parking spaces and 210 gallons of gasoline in the tanks of autos only.

**Decision:** Granted for 20 parking spaces only per Interdepartmental Form and new plan submitted by the applicant.

70. Application #50311 Edward Breed is requesting that the special noise variance at 38 Bishop Allen Drive which was approved through September 14, 2019 be extended through November 2, 1029 Saturdays from 7:00 a.m. to 4:00 p.m.

**Decision:** Granted.

71. Application #54067 Ellie Durbin has applied for a one day entertainment license for a wedding ceremony on September 1, 2019 from 3:00 p.m. to 7:00 p.m. at Canal Park.

**Decision:** Granted with an amended start time of 4:00 p.m. per park permit.

72. Application #54351 Carl Howard, on behalf of Newport Construction Co., has applied for a special noise variance for 2 or 3 nights between August 26 and September 20, 2019, with an alternate date of August 26 through October 31, 2019 at 18 Eliot Street to repair a water main break and 1 Sunday in October to pave.

**Decision:** Granted with no fee- city project. Must obtain a Sunday work permit.

73. Application #54424 Dan Blumberg, on behalf of W.T. Rich Co., has applied for a special noise variance for August 27 to 28, 2019, with an alternate date of August 28 to 29, 2019 from 7:00 p.m. to 7:00 a.m. for paving at the King Open School.

**Decision:** Granted, subject to submission of all necessary documents and approval by other City department and subject to any conditions imposed by those departments.

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**Board's Approval of Minutes:**

NMF

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GEM

Date Minutes Approved: \_\_\_\_\_

Date Approved Minutes Posted: \_\_\_\_\_

SEP 11 2019

SEP 12 2019