



# CAMBRIDGE LICENSE COMMISSION

831 MASSACHUSETTS AVE, CAMBRIDGE, MA 02139

NICOLE MURATI FERRER  
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ELIZABETH Y. LINT  
EXECUTIVE DIRECTOR

## BOARD OF LICENSE COMMISSIONER'S MEETING MINUTES For Monday, January 13, 2020 at 3:00 p.m.

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

**Meeting Started at approximately 3:08 p.m.**

**Board of License Commissioners Members:** Chair Nicole Murati Ferrer (present); Chief Gerard Mahoney (present); and Commissioner Branville Bard (present).

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

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

### Applicant/Licensee Testimony Matters

1) Application #21002 US Parcel A, LLC, 121 First Street, has applied for a Flammables License for 200 gallons of Class II. **[Time Stamp: 1:20]**

**Present:** Jeff Hirsch, on behalf of the applicant.

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

**Summary:** This is a commercial/office building with first floor retail. The flammables are in the basement and the fuel oil for the generator is on the roof. The building is commercial, and all space is leased not owner occupied. The 8 surface spaces are accessory for the retail and are right now being used for the construction crew. There was discussion that if the nature of the parking spaces changes, the need to license them would need to be reassessed.

**Decision:** Granted, flammables not for direct consumption.

2) Application #62059 Watermark Central, LLC, 415 Massachusetts Avenue, has applied for a Garage and Flammables License for 86 parking spaces and 860 gallons of gasoline in the tanks of vehicles and 500 gallons of Class II. **[Time Stamp: 4:02]**

**Present:** Sarah Barnat on behalf of the applicant, Twining Properties.

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

**Summary:** The diesel fuel is for generators of the building which is all leased residential space but not owner occupied. There are 280 units in the building.

**Decision:** Granted, flammables not for direct consumption.

3) Application #61625 Gallina, LLC d/b/a Shy Bird, 390 Third Street, Common Victualler All Alcohol License, has applied for a Change of Ownership Interests and Transfer of Stock/New Stockholder. **[Time Stamp: 6:03]**

**Present:** Attorney James Rafferty; and Andrew Holden, principal holder.

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

**Summary:** Mr. Holden is a principal and manager of record. One of the stockholders is gifting half of his percentage to his daughter (~5.56%). There are no other changes to the interest or the business.

**Decision:** Granted.

4) Application #61418 Winding Road, LLC d/b/a Abigail's, 291 Third Street, Common Victualler All Alcohol License #11437, for a Change of Manager to Mark Ratte. **[Time Stamp: 7:20]**

**Present:** Attorney James Rafferty; and Mark Ratte, proposed manager.

**Documents Considered:** Application and documents attached thereto; and letter submitted by Mr. Ratte.

**Summary:** The prior manager/owner is deceased. Mr. Ratte has been working at Abigail's since 2015 and is familiar with the operation. He was TIPS certified and because his certification has expired, will retake the course. Mr. Ratte clarified on the record he does not have a direct or indirect beneficial interest in the business. As to the current state of the estate, Attorney Rafferty explained Mr. Ludwig's father was named administrator of the estate. Mr. Ludwig died intestate and left two minor children. They are petitioning the Court to have the children's interest held in a trust. Thereafter, it is expected that a petition to change the interest to the children will be filed.

**Decision:** Granted, proof of responsible service of alcohol training required.

5) Application #61266 Fomami Harvard Square, LLC d/b/a Fomami, 33 Brattle Street, has applied for a new Common Victualler Wine and Malt Beverages License. The proposed hours are 6:30 a.m. to 11:00 p.m. Monday through Wednesday, 6:30 a.m. to 12:00 a.m. Thursday, and 6:30 a.m. to 2:00 a.m. Friday and Saturday with proposed alcohol hours starting at 8:30 a.m. Monday through Saturday and 11:00 a.m. Sunday with seating for 30 inside, and occupancy of 49, and 15 outside patio seats on public property. Michael Wang as Proposed Manager of Record of a premise described as: In one room on first floor (638 sq. ft.) for food service, seating and restroom; basement (731 sq. ft.) with kitchen and storage; mezzanine level (283 sq. ft.) and outdoor patio (170 sq. ft.) for additional seating. Front and rear exits on the first floor. **[Time Stamp: 11:23]**

**Present:** Attorney Dennis Quilty; and Michael Wang, owner and proposed manager of record. Denise Jillson spoke in favor of the application.

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

**Summary:** This restaurant will be going into the space previously occupied by Flat Patties. Mr. Wang has another restaurant in Boston, without alcohol, which has been in operation for nine years. He is a Harvard graduate and is looking forward to being in Harvard Square. This is a fast-casual concept with Asian sandwiches on special Chinese (savory) bread, as well as salads. The intent is to serve the alcohol at the counter and for the alcohol service to only be inside the premises, not on the outdoor patio. In addition, the proposed operating hours as applied (but not reflected on the agenda) for Sunday food and entertainment were 6:30 a.m. – 11:00 p.m.

**Decision:** Granted pending submission of an amended corporate vote with the date of the corporate meeting reflected therein, Sunday food and entertainment operating hours also 6:30 a.m. – 11:00 p.m., and condition on license that there is no service of alcohol on the patio.

6) Application #62137 Mohamed Boutira, for a new Cambridge Hackney Driver's License. [Time Stamp: 23:42]

**Present:** Mohamed Boutira, applicant.

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

**Summary:** Mr. Boutira stated that he drove in Brookline for 15 years with no issues. His Massachusetts and hackney licenses have never been suspended. He is considering purchasing a medallion.

**Decision:** Granted.

7) Application #63119 Evens Lubrena, for a new Cambridge Hackney Driver's License. [Time Stamp: 26:29]

**Present:** Evens Lubrena, applicant.

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

**Summary:** Mr. Lubrena had been licensed in Cambridge before but has not been since 2011. He currently owns medallion #2. His Massachusetts and hackney licenses have never been suspended.

**Decision:** Granted.

8) Application Zak Boston Limo Corporation, 300 Prospect Street, has applied for a new Livery/Limousine License.

**Decision:** Withdrawn by the applicant after posting of the agenda.

9) Informational Yemesrach Bahiru d/b/a Dudley Street Market, 75 Dudley Street, Wine and Malt Package Store License #11241, for non-use pursuant to, but not limited to, M. G. L. c. 138, §§ 23, 64, and 77. **[Time Stamp: 27:45]**

**Present:** Attorney Megan Kemp; and Yemesrach Bahiru, representative for licensee. Jude Bain, property manager.

**Documents Considered:** Hearing notice; and file.

**Summary:** The Licensee notified the License Commission that they closed in July and were seeking a buyer through a broker. The licensee suffered an injury, was unable to work and due to an increase in the annual rent was unable to renew the lease. Mr. Bain objected to the license being allowed to remain on the space. He stated the rent had not been raised for years. He said that he had potential renters, but the licensee is asking too much for the license. Attorney Kemp said she would be happy to review the offers Mr. Bain has received.

**Decision:** Cancellation hearing for non-use in 6 months.

10) Application #62551 Waave, Inc. d/b/a Waave, has applied for a Hackney Dispatch Service. **[Time Stamp: 37:00]**

**Present:** Daniel Iger, applicant; and Hackney Officer Benny Szeto. Mohamed Mallak spoke in favor of the application.

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

**Summary:** Waave is a service that provides technology to the taxi industry to assist with obtaining rides, providing price prediction and payment online through the application. Cambridge's base fees and flat fees can be incorporated, and the application can calculate based on these fares. The algorithm is based on time and distance. There is no surge pricing. The service would be strictly for licensed taxis. Weights and Measures is reviewing the technology pursuant to G.L. c. 98, § 45. The Hackney Unit/License Commission would have access to all of the technology to track drivers, trips, etc. The company receives a fee from each transaction. Because the trips are pre-booked, the taxis can pick up anywhere. Waave currently operates in New York.

**Decision:** Granted.

11) Application #62338 Cambridge Multicultural Arts Center, Inc., 41 Second Street, Entertainment License holder, has applied to amend the annual entertainment license to include dancing by entertainers and live/acoustical music with amplification. **[Time Stamp: 45:37]**

**Present:** Shelley Neill, applicant.

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

**Summary:** This application is to add dancing by entertainers and live/acoustical music. The licensee had sought to add the categories during renewals.

**Decision:** Granted.

12) Application #62103 220 Alewife Brook Parkway, LLC d/b/a Freepoint Hotel, Innholder License #10891, for a Change of Manager to Jeff Sellers. **[Time Stamp: 46:35]**

**Present:** Jeff Sellers, proposed manager.

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

**Summary:** Mr. Sellers is currently the manager of record on the alcohol license and will now be the manager across the board. He used to be the manager of record on this license previously as well.

**Decision:** Granted.

#### **Administrative Matters**

*All the below listed matters are considered and voted upon by the Board without public testimony. Unless otherwise indicated, all the matters are decided upon by the individual review of the papers/applications before the Board members and each member votes upon the matter. The summary of what is considered by the Board, unless otherwise indicated, is the identifying information of the matter as listed on the agenda. **[Time Stamp: 47:35]***

13) Joe Nault, on behalf of Consigli Construction, has applied for a special noise variance for four concrete pours at 50 Rogers Street, as follows: 1st and 2nd pours between 1/24/2020 and 2/4/2020; 3rd and 4th pours between 2/27/2020 and 3/6/2020 from 6:00 p.m. to 10:00 p.m. weekdays only.

**Present:** Chief Licensing Investigator Andrea Boyer.

**Summary:** A noise complaint had been received about overnight work when water tie-ins were occurring. The work was done by the W. French company and not Consigli. This application is not for that same type of work but rather for the concrete pours which cannot be stopped once they start. Concrete pours are generally not noisy.

**Decision:** Granted, with the condition that during the variance hours the only work to be performed is the continuation/finishing of a concrete pour with the use of the whirlybird finisher fan.

14) Nicole Blum, on behalf of Carr's CiderHouse has applied for a Farmer Winery License to sell at a Farmer's Market on January 25, February 8, February 22 and March 28, 2020 from 10:00 a.m. to 2:00 p.m. at Cambridge Winter Market, 5 Callendar Street.

**Decision:** Granted.

*Note: Matters 15 and 16 are the same.*

15) The Board will vote on the terms of a proposed settlement agreement pertaining to discipline previously issued by the Board to the Middle Restaurant, Inc. by vote on May 22, 2019, specifically whether to reduce the suspension of the Middle Restaurant, Inc.'s all-alcoholic beverages license.

16) Discussion on the proposed settlement pertaining to discipline previously issued by the Board to the Middle East Restaurant, Inc. on May 22, 2019, specifically whether to reduce the suspension of the Middle East Restaurant, Inc.'s all-alcoholic beverages license.

**Summary:** After a review of the case, it appeared the hearing notice sent did not identify one of the incidents for which the Board issued a violation. The Board's position is that regardless of the clerical error, the licensee was afforded due process. However, the Board acknowledged that recent Alcoholic Beverages Control Commission's decisions have found clerical errors to be fatal to a case. The Board discussed reducing the number of days the license would be suspended in the interest of finalizing the matter and in consideration of how appeals are being decided.

**Decision:** Decision and findings of May 22, 2019 affirmed (3-0), with the modification that the license be suspended three days (rather than 4).

#### 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: 50:58]*

17) Application # 62603 Marlena Grutzmacher, on behalf of Patagonia Cambridge, has applied for a malt with entertainment license to be exercised at 39 Brattle Street, on 1/31/20 from 6:00 p.m. – 9:00 p.m. for a grand opening party with live music. Expected attendance – 500 people.

**Decision:** Granted.

18) Application # 63057 Jonah Guerin, on behalf of Boston Ultimate Disc Alliance, has applied for an all alcohol with entertainment license to be exercised at Cambridge Masonic Hall, 1950 Massachusetts Avenue, on 2/22/20 from 6:00 p.m. – 1:00 a.m. for a party with patrons dancing, dj and amplification system. Expected attendance – 100 people.

**Decision:** Granted.

19) Application # 63037 Brittany Smith has applied for an entertainment license to be exercised at Cambridge Masonic Hall, 1950 Massachusetts Avenue, on 2/8/20 from 1:30 p.m. – 8:30 p.m. for a private event/swing dancing with patrons dancing, recorded music and amplification system. Expected attendance – 60 people.

**Decision:** Granted.

20) Application # 63105 Kim Gericke, on behalf of Jules Catering, has applied for a malt and wine license to be exercised at 1035 Cambridge Street, on 1/16/20 from 5:00 p.m. – 7:00 p.m. for a networking event. Expected attendance – 50 people.

**Decision:** Granted.

21) Application # 62470 Naomi Hashimoto has applied for an entertainment license to be exercised at MIT Koch Institute, 500 Main Street, on 1/25/20 with rain date 1/26/20 from 11:00 a.m. – 3:00 p.m. for a winter family day with patrons dancing, performers/entertainers dancing, recorded music, dj, live music and amplification system. Expected attendance – 1000 people.

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

22) Application # 63257 & 63259 Russell Marshall, on behalf of Longy School of Music, has applied for a wine license to be exercised at 27 Garden Street, on 1/23/20 & 1/24/20 with rain date 1/30/20 and 1/31/20 from 7:00 p.m. – 9:00 p.m. for a reception. Expected attendance – 30 people.

**Decision:** Granted.

23) Application # 63384 Qingyun Xie, has applied for an entertainment license to be exercised at MIT, 345 Vassar Street, on 01/24/20-1/26/20 from 7:00 p.m. – 10:00 p.m. for a theater production with performers/entertainers dancing, recorded music, live music, amplification system, theatrical exhibition/play/moving picture show and light show. Expected attendance – 150 people.

**Decision:** Granted.

24) Application # 63501 Katy Chirichiello, on behalf of Little Donkey, has applied for an entertainment license to be exercised at 505 Massachusetts Avenue, on 2/1/20 from 5:00 p.m. – 12:00 midnight for a private party with patrons dancing and live music. Expected attendance – 100 people.

**Decision:** Granted.

25) Application # 63537 William Manley, on behalf of Harvard Square Business Association, has applied for an entertainment license to be exercised at 1/25/20 from 10:00 a.m. – 3:00 p.m. for a chocolate tasting event with patrons dancing, performers/entertainers dancing and live music. Expected attendance – 1000 people.

**Decision:** Granted.

26) Application # 63577 Zenalia Espinola, has applied for a malt and wine with entertainment license to be exercised at St. Anthony's Parish, 400 Cardinal Medeiros Avenue, on 2/1/20 from 6:30 p.m. – 12 midnight for a dinner dance with patrons dancing, performers/entertainers dancing, recorded music, dj, live music, amplification system, floor and light show and dynamic audio/visual show live/recorded. Expected attendance – 250 people.

**Decision:** Granted, with the condition that a police detail is required during the hours of 8:00 p.m. to 12:00 a.m.

27) Application # 61691 J. Alain Ferry, on behalf of Race Cancer Foundation, has applied for a malt and wine with entertainment license to be exercised at 500 Kendall Street, on 2/2/20 with rain date 2/9/20 from 8:00 a.m. – 4:00 p.m. for a road race and after party with patrons dancing, dj, live music and amplification system. Expected attendance – 2500 people.

**Decision:** Granted, with the conditions that: (1) there must be a limited of alcoholic drinks (3) associated with the registration price, otherwise/thereafter the alcohol must be sold; (2) no alcoholic service/sale prior to 10:00 a.m.; and (3) police detail required.

28) Application # 63771 Jacob Crawford, on behalf of The Dance Complex, has applied for a malt and wine license to be exercised at 536 Massachusetts Avenue, on 1/17/20, 1/18/20, 1/24/20, 1/25/20, 1/31/20 & 2/1/20 from 6:00 p.m. – 11:00 p.m. for a performance. Expected attendance – 80 people.

**Decision:** Granted.


**[Matter Submitted After the Posting of the Agenda and Prior to the Hearing]**


29) Application #63679 Kay Kleman, on behalf of Patagonia Cambridge, has applied for a one day on January 15, 2020 from 7:00 p.m. to 8:30 p.m. at 39 Brattle Street for a discussion/fundraiser.

**Decision:** Granted.

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**Board's Approval of Minutes:** JAN 29 2020

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

BGB  Date Approved Minutes Posted: JAN 30 2020

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