



# CAMBRIDGE LICENSE COMMISSION

831 MASSACHUSETTS AVE, CAMBRIDGE, MA 02139

NICOLE MURATI FERRER  
CHAIRPERSON | BOARD MEMBER

BRANVILLE G. BARD, JR.  
POLICE COMMISSIONER | BOARD MEMBER

GERARD E. MAHONEY  
FIRE CHIEF | BOARD MEMBER

ELIZABETH Y. LINT  
EXECUTIVE DIRECTOR

## BOARD OF LICENSE COMMISSIONERS' MEETING MINUTES

Wednesday, December 2, 2020, 9:30 a.m.

*This meeting was held by remote participation through Zoom, pursuant to Governor Baker's Executive Order of March 10, 2020, suspending certain provisions of M.G.L. ch. 30A due to the COVID-19 Pandemic.*

*Meeting started at approximately 9:30 a.m.*

*Board members in attendance: Chair Nicole Murati Ferrer (present); Commissioner Branville Bard (present); and Chief Gerard Mahoney (present).*

*Staff member in attendance: Elizabeth Y. Lint.*

*Note: All decisions/votes were by roll call vote, and 3-0, unless otherwise specified.*

### Noticed Matters

1) Application #96316 Star Markets Company, Inc., 675-699 Mount Auburn Street, All Alcohol Package Store License, has applied for a Change of Ownership Interests, Change of Officers/Directors, and a Change of Manager. [Time Stamp: 01:45]

**Present:** Attorney Nick Zozula and Guiseppe Granata.

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

**Summary:** Joe Granata will be the new manager. The change of officers and directors is at the corporate level. The parent company is still the same, but they have gone public, so the ownership interests need to be updated. Mr. Granata has been with Star Market for over 30 years. He has not been a manager of record but understands the safe sale of alcohol. He is both TIPS and Serve Safe certified. There are no changes to the operation of the store.

**Decision:** Granted.

2) Application #96704 HRB MA Holdings, LLC d/b/a Hyatt Regency Cambridge, 575 Memorial Drive, All Alcohol Innholder License #66021, for a Change of Manager to Edward Brogan. [Time Stamp: 06:30]

**Present:** Edward Brogan and Susan Hibbs.

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

**Summary:** Mr. Brogan was the manager of record in the past and has been on the business for over 30 years. He has been with Hyatt for many years and is TIPS certified.

**Decision:** Granted.

- 3) Application #98118 SN KJ, Inc. d/b/a Beauty's Pizza, 187 Hampshire Street, Common Victualler Wine & Malt License #18674, to increase seating on the outdoor patio to 28. [Time Stamp: 08:40]

**Present:** Attorney James Rafferty, Jigar Purohit, Nader Michael, Nadim Panuala and Mohammed Dani.

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

**Summary:** Beauty's has been approved for 28 inside and 10 outside. They also have an occupancy of 28. They are increasing the outdoor patio to 28. However, the plan submitted shows 24 inside which is a reduction of the currently approved capacity. The applicant amended the request and confirmed they are seeking for 28 seats inside (keep as currently approved) and increase the outside to 28 seats on private property.

**Decision:** Granted, 28 seats/occupancy inside, and 28 seats outside, pending submission of updated floor plan for the inside.

- 4) Application #69279 American Repertory Theatre Company, Inc. d/b/a Oberon, 2 Arrow Street, All Alcohol General On Premise License #11367, for a Change of Officers/Directors. [Time Stamp: 14:30]

**Present:** Diane Borger.

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

**Summary:** This involves top tier changes only. There are no changes to the operation.

**Decision:** Granted.

- 5) Disciplinary The Cheesecake Factory Restaurants, Inc., d/b/a The Cheesecake Factory, 100 Cambridgeside Place, Common Victualler All Alcohol License #11347 due to allegations that on September 27, 2020, an employee sold/served an underage individual in violation of G.L. Chapter 138, §§ 34-34A, 41, 64A and Board Rules 2, 5B.6-Service/sale of alcohol to a minor; G. L. Chapter 138, §§ 34A, 34C, 64-64A and Board Rules 2, 5B.6-Minor in possession of alcohol; G.L. Chapter 138, §§ 34-34A, 64-64A and Board Rules 2, 5B.6-Furnishing alcohol to a minor. [Time Stamp: 15:40]

**Present:** Attorney Andrew Upton, Tyler Bubenik, Corey Dugan and Isaac Unsinn.

**Documents Considered:** Hearing notice, police reports and documents attached thereto. Exhibits from Attorney Upton.

**Summary:** Mr. Bubenik stated that an underage individual was served an alcoholic beverage by a server. There were 2 of age individuals and one underage person at the table. The two of age individuals ordered alcoholic beverages, the underage individual ordered a mocktail. The persons who ordered alcoholic beverages were carded; the minor was not. The server put in the order for 3 alcoholic beverages and served all patrons an alcoholic beverage. Alcoholic beverages must be ordered on a different POS screen. Alcoholic and non-alcoholic beverages

are served in different style glasses. The server who had been with the company for a long period of time and had not committed any previous offenses was terminated, and all staff were retrained. The server was adamant that she did not serve the alcohol to the individual but had given it to one of the of-age patrons. However, that is also a violation of the Cheesecake Factory as servers are only allowed to serve 1 alcoholic drink to each patron at one time.

Significant testimony and evidence was presented of the training provided to staff upon hiring. In addition, significant testimony was introduced regarding the Cheesecake's internal investigation, prior and post trainings, and the action taken to ensure that the matter did not re-occur. Cheesecake Factory has never had a violation for this type of incident.

**Decision:** Violation, no further disciplinary action, matter placed on file.

6) Disciplinary Freitas Brothers Paint & Carpentry due to an email from a resident on November 14, 2020 at 2:13 p.m. alleging that you or employee(s) of Freitas Brothers Paint & Carpentry had operated multiple leaf blowers within the same 10,000 square foot area that day in the vicinity of 19 Vassal Lane in violation of 8.16.081.2(f) – limit of one leaf blower per 10,000 square feet. Additionally, the alleged operation of blowers would constitute failure to comply with the cease and desist letter that was sent to Freitas Brothers on August 4, 2020. **[Time Stamp: 36:45; second call at 52:10]**

**Present:** Tyler Bubenik.

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

**Summary:** No one appeared for Freitas Brothers. The complainant also did not appear. Mr. Bubenik received confirmation of receipt of the hearing notice. An email complaint was received with an accompanying photo. Freitas had not been permitted but upon receipt of the initial complaint, a cease and desist order, and information regarding how to apply for a permit, they did apply and were approved. The photos show that one worker did not have a mask but had ear protection, and one has a mask. The photo does not clearly show that there was simultaneous usage of blowers.

**Decision:** Violation, \$300 fine for violating the COVID-19 Face Mask Order. In addition, a warning/reminder will be sent to the company to ensure there is no simultaneous operation of leaf blowers. The property owners will receive notice of the findings.

7) Disciplinary Nicolazzo & Sons Landscape due to an email on November 11, 2020 at approximately 12:50 p.m. alleging that you or employee(s) of Nicolazzo & Sons Landscape operated leaf blowers in the vicinity of 19 Berkeley Street in violation of CMC 8.16.081.1(b) and 8.16.081.2(c) – operating without a permit, and CMC 8.16.081.2(b) – operating outside of the permissible hours on Veterans Day (see: attached Complainant Email, photos). **[Time Stamp: 38:25]**

**Present:** Tyler Bubenik and Jo Solet.

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

**Summary:** No one appeared for Nicolazzo & Sons. Mr. Bubenik confirmed that the hearing notice was sent and received. Ms. Solet observed the operation of leaf blowers and forwarded photos via email. Nicolazzo was last permitted by the City in 2019. Mr. Nicolazzo told Mr. Bubenik that the blowers that were in use comply with the ordinance. Nicolazzo has a significant history of violations and had their permit suspended in 2018. They were to appear before the Board if they applied to renew their permit. This has not occurred. Ms. Solet stated that the photo was taken at 12:44. She said the decibel reading was over 80. The worker had a face mask down at his chin, not covering his nose or mouth.

**Decision:** Violation, \$300 fine for operating without a permit, \$300 fine for operating on Veteran's Day, and \$300 fine for not complying with COVID-19 Face Mask Order. The property owners will receive a notice of the findings.

#### **Administrative Matters**

**[Time Stamp: 45:35]**

#### **Statement of Reasons For Matters heard on September 23, 2020:**

- 8) Hoppy, Inc. d/b/a Daedalus; 45 ½ Mount Auburn Street, Common Victualler All Alcohol License #11672, due allegations of violations of certain provisions of the law as they relate to the above-referenced license.
- 9) MacDougall & Sons; MacDougall and Sons Landscaping for allegedly operating leaf blowers on July 6, 2020 at approximately 10:30 a.m. in the vicinity of 77 Grozier Road in violation of Cambridge Municipal Code 8.16.081.2(a), operating during a prohibited period.
- 10) D. Muzzioli Associates, for allegedly operating leaf blowers at approximately 11:10 a.m. on July 29, 2020 at 36 Carver Street and August 26, 2020 at 11:25 a.m. in the vicinity of 159 Brattle Street during a prohibited period in violation of Cambridge Municipal Code 8.16.081.2(a).
- 11) Logee Urban Landscape Service for allegedly operating leaf blowers on July 30, 2020 at approximately 3:00 p.m. in the vicinity of 174 Brattle Street in violation of Cambridge Municipal Code 8.16.081.2(a), operating during a prohibited period. Landscape Collaborative, for operating leaf blowers on August 17, 2020 at approximately 2:30 p.m. in the vicinity of 50 Concord Avenue in violation of Cambridge Municipal Code 8.16.081.2(a), operating during a prohibited period.
- 12) Jessie C. Caruso Landscaping & Construction, for failure to comply with the Cease and Desist Order of May 2019 allegedly operating leaf blowers 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 July 23, 2020 at 8:45 a.m. in the vicinity of Willard Street during a prohibited period in violation of Cambridge Municipal Code 8.16.081.2(a).

**Summary:** As listed, the decisions, findings and votes of the Board are not disclosed.

**Decision:** Approved as to all with the findings, decisions and votes as noted at the hearing of September 23, 2020.

**Statement of Reasons for Matters heard on October 28, 2020:**

13) John's Landscape Service for allegedly operating multiple leaf blowers within the same 10,000 square foot area on May 5, 2020 at approximately 4:10 p.m. in the vicinity of 54 Concord Avenue in violation of Cambridge Municipal Code 8.16.081.2(f)- limit of one leaf blower per 10,000 square feet.

14) Capizzi & Company employees operated leaf blowers on September 11, 2020 at approximately 3:00 p.m. in the vicinity of 31 Healey Street in violation of 8.16.081.2(a) – operating during a prohibited period.

**Summary:** As listed, the decisions, findings and votes of the Board are not disclosed.

**Decision:** Approved as to all with the findings, decisions and votes as noted at the hearing of October 28, 2020.

15) Application #98537 Orale Mexican Grill, Inc. d/b/a Orale Paco's Mexican Grill, has applied for a new Common Victualler License at 847 Cambridge Street, with seating for 18 and hours of 10:00 a.m. to 10:00 p.m. all days.

**Decision:** This matter was continued as applicant didn't notify abutters.

16) Application #98471 Walid Nakhoul has changed the corporation name from First St. Cab Inc. to Cambridge Transportation Services Inc. for Medallion # 209.

**Summary:** This matter was inadvertently omitted form the last hearing. Mr. Nakhoul remains the sole beneficial interest owner and the change is being made to reduce operational fees.

**Decision:** Granted.

17) Application #9872 Walid Nakhoul has changed the corporation name from First St. Cab Inc. to Cambridge Transportation Services Inc. for medallion # 82.

**Summary:** This matter was inadvertently omitted form the last hearing. Mr. Nakhoul remains the sole beneficial interest owner and the change is being made to reduce operational fees.

**Decision:** Granted.

18) Application #73950 Beantown Loyalty Corporation d/b/a Beantown Taqueria Café, 150 Western Avenue, heard and approved by the Board on July 9, 2020. Applicant has not notified abutters.

**Summary:** This matter was heard and approved on July 9, 2020. The applicant failed to notify abutters at the time, but there is now confirmation that he has notified abutters and the Board has received no opposition to the application.

**Decision:** Granted/decision of July 9, 2020 ratified.

19) Application #100436 Syed Shahidullah, on behalf of President and Fellows of Harvard College, d/b/a Harvard Faculty Club, holder of license #11633, All Alcohol Educational License, has applied for a change of corporate officer.

**Summary:** This is a change at the top tier.

**Decision:** Granted.

20) Application #100439 Syed Shahidullah, on behalf of President and Fellows of Harvard College, d/b/a Riverview Commons, holder of license #17002, All Alcohol Educational License, has applied for a change of corporate officer.

**Summary:** This is a change at the top tier.

**Decision:** Granted.

21) Consideration/certification/ratification of renewals.

**Decision:** Approved and ratified as to all.

22) **[Submission After Posting of Agenda]:** Application #100191 Ed La Flore, on behalf of CSL Consulting for 12/8/2020 through 3/31/2020 (Alt. date 12/8/2020 through 4/30/2020) from 6:00 p.m. to 11:00 p.m. on weeknights for interior demolition work and abatements using generators, heaters and negative air machines and a hoist.

**Decision:** Granted.

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Minutes Approved: JAN 27 2020

GEM GEM/E

Minutes Posted: JAN 28 2020

BGB BGB/E