

CAMBRIDGE LICENSE COMMISSION

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NICOLE MURATI FERRER
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GERARD E. MAHONEY
FIRE CHIEF | BOARD MEMBER

ELIZABETH Y. LINT
EXECUTIVE DIRECTOR

Meeting Minutes for the BOARD OF LICENSE COMMISSIONERS Meeting of December 14, 2020

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.

Meeting started at approximately 11:00 a.m.

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

Staff member in attendance: Elizabeth Y. Lint.

1) Application #99534 Fat Heady, LLC, d/b/a Whitney's Cafe, 37 JFK Street, has applied to transfer the Common Victualler All Alcoholic Beverages License currently held by Whitney's Café, Inc. d/b/a Whitney's Cafe, 37 JFK Street. The proposed hours of operation are 12:00 p.m. to 9:00 p.m. Wednesday; 12:00 p.m. to 11:00 p.m. Thursday through Saturday; and 1:00 p.m. to 9:00 p.m. Sunday with proposed seating for 18 and an occupancy of 40. Daniel McGuire as Proposed Manager of Record of a premise described as: 750 sq. ft. area with 1 entrance, 2 exits, and 2 floors. [Time Stamp: 01:50]

Present: Daniel McGuire and Attorney Andrew Upton.

Documents Considered: Application and documents attached thereto.

Summary: Once this transaction goes through, the seller will no longer be part of the business and Mr. McGuire will be the sole beneficial interest holder and manager. They plan to upgrade the kitchen and are serving food. The hours presented are for Covid. They want the hours they would have during regular time which is 8:00 a.m. to 1:00 a.m. all days. Sunday would have to be 10:00 a.m. for alcohol. Mr. McGuire has been manager of record on a liquor license before. He has worked at Whitney's in the past. He is TIPS certified.

Decision: Granted with amended hours as stated. Mr. McGuire will have to reapply for the temporary patio extension in the name of the new corporation.

2) Application #68036 President and Fellows of Harvard College, d/b/a Loeb Drama Center, 64 Brattle Street, All Alcohol General On Premise License, has applied for a Change of Officers/Directors and an Alteration of Licensed Premise to: 9,343 SF area including approximately 1,581 SF West Lobby, 49 SF storage area, and 7,713 SF main theater area. [Time Stamp: 09:13]

Present: Diane Borger and Tracey Keene.

Documents Considered: Application and documents attached thereto.

Summary: There are no changes to the operation. They realized they could sell alcohol in the lobby, but patrons couldn't take their beverages in to the theatre. This application would allow for this. In addition, there is a new president.

Decision: Granted.

- 3) Application #98532 Turnip, LLC d/b/a Parsnip, 91 Winthrop Street, C.V All Alcohol License #11507, for a Change of Manager to Kyquan V Ly. [Time Stamp: 12:10]

Present: Kyquan Ly.

Documents Considered: Application and documents attached thereto.

Summary: Mr. Ly has experience in the industry. He was part of the team that opened the restaurant in 2015. He is TIPS certified but has not been manager of record before.

Decision: Granted.

- 4) Application #99773 Donut Villa Diner, Inc. d/b/a Donut Villa Diner, 20 Prospect Street, for a New Common Victualler License and Entertainment License for Live Music with proposed hours of 6:00 a.m. to 3:00 p.m. Sunday through Wednesday and 6:00 a.m. to 10:00 p.m. Thursday through Saturday with seating for 60 inside, and inside occupancy of 70, 24 outdoor seats on private property with an occupancy of 29. Erin Bashllari as proposed Manager of Record of a premise described as: 1750 sq. Ft, 1st floor for kitchen, bar and dine-in, patio area with seats in summer. Basement used for storage. Public access only on 1st floor and Patio. 1 main entrance, 3 safety exits, 1 door to access to the patio, 1 door in Patio to exit property. [Time Stamp: 13:48]

Present: Erin Bashllari.

Documents Considered: Application and documents attached thereto.

Summary: This is a 50's/60's American diner. They specialize in donuts and make them every morning. They have a diner in Malden also. They plan to apply for alcohol in the future when the license becomes available. Loud music is not currently allowed under Covid. This would be to have the option to have live acoustic music as background. He would like to have the weekend hours to 1:00 a.m. as the current licensee has. Hours would be 6:00 a.m. to 3:00 p.m. On day through Wednesday and Thursday through Sunday 6:00 a.m. to 1:00 a.m.

Decision: Granted.

- 5) Disciplinary Barry Brothers/Jet A Way, Disposal/Waste Hauler License #65459 due to alleged Violations of Cambridge Municipal Code 5.24 and Massachusetts General Laws. Specifically, whether you have failed to complete the licensing/renewal process of your Waste Hauler's License and have been operating without a license. [Time Stamp: 20:30]

Off agenda; renewal process was completed as soon as owner received notice of the hearing.

6) Disciplinary Equity Residential, 10 Magazine Street, Garage License #14290 for alleged violations of certain provisions of the law as they relate to the referenced license. Specifically, whether you have failed to complete the licensing/renewal process of your Garage License and have been operating without a license. [Time Stamp: 21:23]

Present: Johnnta Tigner.

Documents Considered: Hearing notice and documents attached thereto.

Summary: Mr. Tigner has recently taken over this record and has tried to rectify this. He learned that the prior managers used a credit card. He had to ask owners to increase the limit so he could make payment.

Decision: Vehicles will not be ordered off the premise so long as payment is made by December 15, 2020 by 11:00 a.m.

7) Disciplinary Nicolazzo & Sons Landscape for alleged violations of Cambridge Municipal Code ("CMC") 8.16.081. Specifically, that you or employees of Nicolazzo & Sons Landscape operated a leaf blower on November 19, 2020 at approximately 12:00 p.m. 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. Additionally, the Echo PB 2520 blower that was in use is rated by the manufacturer at 70 dBA in violation of CMC 8.16.081.2(e) – noise emissions limited to 65 dBA. [Time stamp: 25:00]

Present: Investigator Tyler Bubenik.

Documents Considered: Hearing notice and documents attached thereto.

Summary: No one from Nicolazzo appeared for the hearing. This is the same company for which a violation was heard the previous week. Mr. Bubenik observed employees of Nicolazzo & Sons operating a leaf blower on November 19, 2020 at approximately 12:00 p.m. in the vicinity of 19 Berkeley Street. Nicolazzo does not have a permit to operate in Cambridge. In addition, the leaf blower they were using is over the allowable decibel level. Nicolazzo has had multiple violations on the city. To date they have not renewed their permit.

Decision: Board found a violation and issued a \$300.00 fine for operating without a permit and \$300.00 for operating a non-compliant leaf blower. A letter as to the findings will be sent to the property owner. If payment is not received once 60 days has elapsed, the matter will immediately be forwarded to the Law Department for affirmative recovery.

8) Disciplinary General Landscape Corporation for alleged violations of Cambridge Municipal Code ("CMC") 8.16. Specifically, that you or employees of General Landscape Corporation were operating leaf blowers on November 19, 2020 at approximately 11:30 a.m. in the vicinity of 8 St.

John's Road in violation of CMC 8.16.081.1(1)(b), 8.16.081.2(c) – operating without a permit, and CMC 8.16.081.2(f) – operating multiple leaf blowers within the same 10,000 ft². Additionally, the two Redmax EBZ8550 blowers that were in use are rated by the manufacturer at 69 dBA, in violation of CMC 8.16.081.2(e) – noise emissions limited to 65 dBA (see: Inspection Form #1191, photo). [Time Stamp: 30:30; 48:04]

Present: Investigator Tyler Bubenik and Steven Gosdanian.

Documents Considered: Hearing notice and documents attached thereto.

Summary: Mr. Bubenik observed employees of General Landscape operating leaf blowers on November 19, 2020 at 1:30 a.m. in the vicinity of St. John's Road. Upon investigation, he determined that the two Redmax EBZ8550 blowers that were in use are rated by the manufacturer at 69 dBA which is above the allowable limit in Cambridge. General Landscape is not permitted in the City. Mr. Gosdanian applied to renew his license the next day and was approved. General Landscape has prior violations in the City. Mr. Gosdanian explained that his office manager obtained the permit in 2019. She left in December and he was never copied. All the information was going to her email and he didn't check it. He admitted that they were there and used the non-compliant blowers.

Decision: Board found a violation and issued a warning for operating without a permit and a \$300 fine for the non-compliant blowers and a \$300.00 fine for operating multiple leaf blowers.

ADMINISTRATIVE MATTERS
[Time Stamp: 33:30]

9) 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: Granted.

10) Rescindment of vote taken on December 2, 2020 on Application #100436, President and Fellows of Harvard College, d/b/a Harvard Faculty Club, holder of a Club All Alcohol License #11633, for changes of officers/directors (was listed and considered as an Educational License but it is an annual license, which requires an ABCC application).

Decision: The applicant was informed. Vote rescinded.

11) Application #101827 Arthi Kasetti, on behalf of President and fellows of Harvard College, d/b/a Harvard Kennedy School has applied for a change of officers.

Decision: Granted.

12) Reconsideration of Board Vote of November 9, 2020 as to Application #96468, Shirley Marks d/b/a Shirley Marks Psychic Readings, 149 Cambridge Street, new Fortune Teller's License. Applicant failed to notice abutters.

Summary: Applicant has not submitted their service list and prices. Attorney was confused as to what was needed.

Decision: Applicant has until 12/21/2020 to notify abutters. If we don't receive any objection, the license will issue by January 1, 2021. If opposition is received, the matter will be taken up at the next hearing.

13) Minutes for 11/9 – not ready to be voted on.


14) Application #101884 Special Noise Variance Mike Pirrello on behalf of Turner Construction for 12/29/2020 – 3/27/2021 (Alt. 12/30/2020 – 3/31/2021), at 325 Main Street, from 6:00 a.m. to 11:00 p.m. on weekdays and 7:00 a.m. to 9:00 p.m. on Saturdays, Sundays, and holidays, to conduct construction activities and to prepare and maintain the site for winter months with a second shift using small hand tools, electric and battery operated power tools, and miscellaneous trucking and crane operations. The variance is sought for worksite and public safety. The application would extend the approved dates of existing variance #93487, with the addition of extended hours on Sundays.

Decision: Granted. No work can be performed on January 1, 2021 or any other holidays that occur during this time period. A Sunday work permit is required.

15) Application #102483 Special Noise Variance Harrison Bond on behalf of Turner Construction for 1/1/21 – 3/31/21 (Alt. 1/4/21 – 4/3/21), at 238 Main Street, Every day from 6:00 p.m. to 10:00 p.m., to perform dumpster swaps, after hours deliveries, and hoist car movement using hoist cars and trucks. The variance is sought for public safety.

This would serve as an extension of SNV #95191, which was approved by the Board on October 15, 2020. The only difference is the change of the requested end time from 11:00 p.m. to 10:00 p.m.

Decision: Granted. No deliveries or back up alarms can occur after 7:00 p.m. any day of the week. No work can take place on January 1, 2021 or any other holiday holidays that occur during this time period. A Sunday work permit is required.

 NMF

Date Minutes Approved: JAN 27 2020

 GEM

Date Minutes Posted: JAN 28 2020