



CAMBRIDGE LICENSE COMMISSION

831 MASSACHUSETTS AVE, CAMBRIDGE, MA 02139

NICOLE MURATI FERRER
CHAIRPERSON | BOARD MEMBER

CHRISTINE A. ELOW
POLICE COMMISSIONER | BOARD MEMBER

GERARD E. MAHONEY
FIRE CHIEF | BOARD MEMBER

BOARD OF LICENSE COMMISSIONERS' MEETING AGENDA

Friday, January 28, 2022, 9:00 a.m.
By Remote Participation

This meeting was held remotely in accordance with Section 20 of Chapter 20 of the Acts of 2021, signed into law on June 16, 2021. Meeting started at approximately 9:00 a.m.

Board Members (All Present): Nicole Murati Ferrer, Gerard E. Mahoney, and Christine A. Elow.

Staff Member Present: Chris O'Neil, Administrative Assistant.

Decisions: All votes were by roll call vote, 3-0, unless otherwise stated.

Public Testimony Matters

1. **Application #157495** 95 Fawcett Street, LLC, 95 Fawcett Street, has applied for a new Garage License for 44 parking spaces, and 440 gallons of gasoline in the tanks of autos only.

Present: Joe Hennessey.

Documents Considered: Application and documents attached thereto.

Summary: The parking spaces are for the apartment units above, there is one level of underground parking and one at grade level. There is a generator on site but it is powered by gas; there are no additional flammables on site.

Decision: Granted.

2. **Application #154992** NEM Kitchen, LLC d/b/a Cicada Coffee Bar, 106 Prospect Street, Common Victualler Wine and Malt License, has applied to extend its liquor license to an outdoor patio on private property in the rear of the premises (patio is already licensed for food) for 8 seats. The proposed premises description is: Approximately 640 square feet of ground level space in a 1-story standalone building. Premises comprised of 3 main areas: service/prep area, dining area, and 1 bathroom. There is a basement for storage. There are 2 entrances/exits: front at street level, and back connecting to the yard. 1,500 square foot outdoor patio space. The applicant also seeks to amend the closing hour of the indoor area to 1:00 a.m. all days, and the outdoor area to 11:00 p.m.

Present: Duong Huynh; Vinh Le. Persons who spoke in support - Michael Monestime; Maria Antifonario; Alex Bloemendal; Sebastian Puerta; Debbie Jamas; Emily Holtzman; Daniel Reed; Nancy Zhang; Julia Moore; Fouad El Baidouri; John Liu; Minh Le; Ciana Winston; Pablo Savid-Buteler; Robert Faller, employee and resident; Samara Vise; Andrew Thetford (inaudible – no testimony was able to be taken from them).

Documents Considered: Application and documents attached thereto; file; and significant number of correspondence in support of application.

Summary: The place has been open since 2021 first without alcohol, then alcohol just inside and now looking to expand the alcohol to the outside. They are also increasing the seats/occupancy outside and changing the closing hour for both indoor and outdoor. The applicant explained that since they opened (at the height of COVID) they have received tremendous requests to do outdoor dining. Having the alcohol outside will allow them to provide the same level of service they can provide inside and extend the dinner program with wine for all. It also allows an option to their patrons (or prospective ones) who are still (or are now) not comfortable eating inside because of COVID to come and enjoy the food outside. Their patrons love the location and appreciate what they are doing. It has become like a community center and they just want to continue making it better for the City of Cambridge. They want to be able to continue supporting their staff, half of which live in Cambridge. The backyard is already community garden, they want to spruce it up. Duong Huynh will remain the manager of record.

The Board received a significant amount of correspondence in support of the application, some which have been supporting the business since their first application. The majority of the individuals who spoke at the hearing in support of the application, had also sent a letter in support of the application. The support highlighted the owners' commitment to the community and their integrity, the ambience and community sense provided by the business, a woman owned business, the atmosphere of friendliness and kindness, owner's friendliness, care and quiet and respectful demeanor, and the great service. The support highlighted how the business and the owners foster bonds and friendships and how the entire team has sense of ownership, and large sense of respect.

Decision: Granted.

3. **Application #156475** IBD Limited d/b/a Darwin's Limited, 313 Massachusetts Avenue, C.V. Wine and Malt License with Cordials/Liqueurs Permit #11588, for a Change of Manager to Justin Hahn.

Present: Justin Hahn.

Documents Considered: Application and documents attached thereto.

Summary: Justin Hahn has some experience in the industry, including as manager of this restaurant. Has never been the manager of record on a liquor license but is familiar and up to date with the rules and regulations of this Board, the ABCC and the laws of the Commonwealth of MA with regard to the sale and service of alcohol. Has successfully completed training in the safe service and sale of alcohol.

Decision: Granted.

4. **Disciplinary** D. Muzzioli Associates, holder of Leaf Blower Permit # 10707, for allegedly operating multiple leaf blowers within the same 10,000 square foot area at approximately 9:15 a.m., December 28, 2021, 23 Healy Street, in violation of CMC 8.16.081.2(f).

Present: Investigator Joseph Kelley; no representative for D. Muzzioli appeared.

Documents Considered: Notice of hearing and documents attached thereto; complaint and video; and file.

Summary: Video shows two employees, simultaneously using leaf blowers on the same lawn within feet of each other. The company has a disciplinary history, including fines for the same violation.

Decision: Violation, \$300 fine.

5. **Disciplinary** Casella Waste Services, holder of Solid Waste Hauler License #14070, for allegedly loading/unloading outside allowable hours on December 4, 2021, at approximately 5:17 a.m., 2235 Massachusetts Avenue, in violation of Cambridge Municipal Code 8.16.080(e).

Present: Investigator Tyler Bubenik; and John Tognazzi.

Documents Considered: Notice of hearing and documents attached thereto; complaint and video; and file.

Summary: The License Commission received a complaint in November 2021 that the business was collecting trash prior to the allowable hours (7 a.m. on weekdays, 9 a.m. on weekends). Investigator Bubenik informed the business that the parking lot changes zoning - the front half is zoned business, the back is zoned residential. The dumpsters lie on the residential zone side of the parking lot. On December 4, 2021, the dumpsters were collected at 5:17 a.m. Tognazzi spoke to the existing and new drivers and informed them they cannot go into Cambridge until 7 a.m. Tognazzi stated they were not aware of the zoning issues. The business was put on notice as to the zoning issues in November.

Decision: Violation, \$300 fine.

6. **Disciplinary** Save That Stuff, holder of Solid Waste Hauler License #14075, for allegedly loading/unloading outside allowable hours on December 24, 2021, at approximately 6:14 a.m., 2235 Massachusetts Avenue, in violation of Cambridge Municipal Code 8.16.080(e).

Present: Investigator Tyler Bubenik; Marc Galardi – Sales & Business Development Manager; and Joe Holden – Operations Manager.

Documents Considered: Notice of hearing and documents attached thereto; complaint and video; and file.

Summary: The License Commission received a complaint that trash was picked up before 7:00 a.m. by Save that Stuff on December 14, 2021 (written incorrectly on the agenda as 12/24). The parking lot changes zoning - the front half is zoned business, the back is zoned residential. The address on the account is that of Pemberton Farms which is on the business zone. However, the dumpsters lie on the residential zone side of the parking lot. The business has updated the information on their system. There was no disciplinary history and the business had not been provided a warning/notice (unlike Casella) as to the issue zoning issue of the location of the dumpster.

Decision: Violation, \$300 fine to be held in abeyance for six (6) months, if no other violations received during that time, the fine will not have to be paid.

7. **Application #159632** Greg Emerson on behalf of Gilbane Building Co. for 1/29/22 – 1/30/22 (Alt. 2/6/22 – 2/7/22), at 60 First Street, from 7:00 a.m. to 6:00 p.m., to set up a crawler crane using an assist crane. The variance is sought in the interest of extending days to accommodate the extent of work.

Present: Investigator Tyler Bubenik; Zack Grenier; and Greg Emerson.

Documents Considered: Application and documents attached thereto.

Summary: Applicant will use only for alternate dates of 2/5/22 – 2/6/22, due to expected inclement weather. This work cannot be done during the weekday because it is a roughly two-day duration 16 + hour task. Some of the concern is daylight and want to get out as soon as possible on Sunday. Do not anticipate heavy work and getting stuff unloaded. This will require them taking down a good distance of road, First Street will be closed between Thorndike and Hurley, and hence shutting it down during the week is more complicated and increases risk to the public's safety.

Decision: Granted with the condition that a Sunday work permit is required.

Administrative Matters

All the below listed matters were considered and voted upon by the Board without public testimony. Unless otherwise indicated, all the matters were decided upon by the individual review of the papers/applications/matter before the Board members and each member voted 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.

8. **Medallion #31 Sale** Pentagon Federal Credit Union c/o Peter Kline (VP #64903) to Ann and Anyah, Inc. c/o Sammy Berger (VP #158617).

Decision: Acknowledged/approved.

9. **Medallion #244 Sale** Yahveh Raah, Inc. c/o Lesly Saint Louis (VP #43526) to Anywhere Taxi, Inc. c/o Alonzo Essendi-Goode (VP #158226).

Decision: Acknowledged/approved.

10. **Application #158127** Md Jobaid Hasan d/b/a Hasan Livery Express has applied for a new livery license with a business address of 161 Washington Street. Md Jobaid Hasan as sole owner and operator.

Decision: Granted.

11. **Application #85185** Dimi's Place, Inc. holder of Common Victualler License # 62027, applied to add Malt and Wines to its license. The Board granted it on January 27, 2021, and then on March 9, 2021 reaffirmed the vote (there was an issue with the abutter notification). On October 13, 2021, the ABCC returned the application with no action for some deficiencies in the application. The RNA notice was sent to the attorney and we have not heard since. A second notification was sent on January 18, 2022 to the attorney and the applicant was also copied on that notification. The matter is before the Board for a reconsideration of its vote, which may include a revocation of the grant.

Summary: Even though the applicant and attorney have been contacted multiple times, they have yet to provide us the information or made any of the corrections to the application as required by the ABCC.

Decision: Grant revoked.

12. **Application #153722** Obhoo, Inc. d/b/a Bapuji's Indian Tiffin & Thali, has applied for a new Common Victualler License with background music at a previously licensed location, 1001 Massachusetts Avenue. The applicant seeks 38 seats with a maximum occupancy of 50, hours of operation of 11:00 a.m. – 11:00 p.m. all days, Harpreet Singh as manager of record of a premises described as: Approximately 1,644 sq. ft., which includes front portion which is the seating area for guests. The back area is closed off from the front and used as kitchen/storage. There is exit at the front and back of the unit. Speakers in the ceilings used for the background music.

Summary: Their COI is for 39 (based off what used to be there). They have been informed that they need to work with Inspectional Services Department to ensure the standing capacity is included in their future Certificate of Inspection.

Decision: Granted.

Consideration of Statement of Reasons

13. La Fabrica Central LLC, d/b/a La Fabrica, 450 Massachusetts Avenue, Common Victualler All Alcohol License #11593, heard 10/19/21, decision 11/16/21, violation (2-0), 2 days suspension for failure to call police or ambulance on August 7, 2021 in violation of G. L. c. 138, G. L. c. 138, §§ 23, 64, and Board's Rules 2, 8.1(b), 8.2.
14. Chazumba, LLC d/b/a Felipe's Taqueria, 21 Brattle Street, Common Victualler All Alcohol License #11516, heard 9/30/21, decision 11/16/21, violation (3-0), 2 days suspension, 1 day to be served, 1 day to be held in abeyance for 8 months for service, sale or consumption of alcohol outside the licensed premises, and violation of COVID-19 Act allowing sale of alcohol to go with food purchase, in violation of G.L c. 138, §§ 12, 23, Board's Rule 12B.8, and Chapter 53 of the Acts of 2020, as amended by Chapter 20 of the Acts of 2021.
15. Devonshire Restaurant Group, LLC d/b/a Drifter's Tale, 1281 Cambridge Street, Common Victualler All Alcoholic Beverages And Entertainment License #111632, heard and decided 11/16/21, violation (3-0), 1 day suspension and denial for temporary extension of premises application, for operating, serving or selling alcohol without a license, failure to comply with the provisions of the license, extending beyond the licensed premises, and failure to comply with the approved floor plan by setting up and operating an unlicensed outdoor area in violation of G. L. c. 138, §§ 12, 23, 64, G. L. c. 140, § 20, Board's Rules Board's Rules 2, 5.4, 9.1, 9.2, 13 and 14, and Chapter 53 of the Acts of 2020, as amended by Chapter 20 of the Acts of 2021.
16. Fresh Pond Auto Sales, Inc. d/b/a Fresh Pond Auto Sales, 307 Fresh Pond Parkway, Used Car Dealer's License #12774, heard and decided 9/30/21, discipline imposed 11/16/21, violation (3-0), 2 days suspension for violation of conditions of the license, G. L. c. 140, §§ 57-69.
17. Whole Foods Market Group, Inc. d/b/a Whole Foods Market, 200 Alewife Brook Parkway, Common Victualler with Entertainment License #12173, heard and decided 9/30/21, violation (3-0), \$2,400 fine (half to be held in abeyance for six months) for multiple violations of Cambridge Municipal Code ("CMC") 8.16.080(e), 8.16.080(l), G. L. c. 140, and the Board's Rules.
18. Edd Landscaping Service Corp. c/o Santos Martinez, Leaf Blower Permit #16131, heard and decided 9/30/21, violation (3-0), \$300 fine, for operating during a prohibited period, Cambridge Municipal Code 8.16.081.2(a).
19. New England Development c/o Peter DeVito, 100 Cambridgeside Place, heard and decided 11/16/21, violation (3-0), \$300 fine, for engaging in construction activities outside the allowable hours, Cambridge Municipal Code 8.16.080(f).
20. Republic Services, Inc. c/o John Arria, Disposal/Waste Hauler License #14078, heard and decided 11/16/21, violation (3-0), warning for collection (loading/unloading) of trash during non-allowable hours, Cambridge Municipal Code 8.16.080(e).

21. Landscape Collaborative, Inc. d/b/a Landscape Collaborative, Leaf Blower Permit # 10704, heard and decided 12/9/21, violation (3-0), \$300 for operating multiple leaf blowers within the same 10,000 square foot area, Cambridge Municipal Code 8.16.081.2(f).
22. Gilliam & Sons Landscaping c/o Lee Gilliam, heard and decided 12/9/21, violation (3-0), \$900 fine, for operating without a permit, simultaneously operating leaf blowers within the same 10,000 square foot area and operating a leaf blower with sound emissions beyond what is allowed by the Ordinance, Cambridge Municipal Code 8.16.081.1(1)(b), 8.16.081.2(c), (e), (f).
23. Fabricio Almeida d/b/a S & J Landscape and General Services, Leaf Blower Permit #155154, heard and decided 12/9/21, violation (3-0), \$900 fine, for two counts of operating without a permit, and one count of simultaneously operating leaf blowers within the same 10,000 square foot area, Cambridge Municipal Code 8.16.081.1(1)(b), 8.16.081.2(c), (f).
24. E.C. Hathaway & Associates, 43 Court Street, Newton, MA 02458, heard and decided 1/11/22, violation (3-0), \$900 fine for operating without a permit, simultaneously operating leaf blowers within the same 10,000 square foot area and operating a leaf blower with sound emissions beyond what is allowed by the Ordinance, Cambridge Municipal Code 8.16.081.1(1)(b), 8.16.081.2(c), (e), (f).
25. Zen Associates, Inc., 10 Micro Drive, Woburn, MA 01801, heard and decided 1/11/22, violation (3-0), \$900 fine, for operating without a permit, simultaneously operating leaf blowers within the same 10,000 square foot area and operating a leaf blower with sound emissions beyond what is allowed by the Ordinance, Cambridge Municipal Code 8.16.081.1(1)(b), 8.16.081.2(c), (e), (f).
26. Loyal Cleaning Solutions, Inc. d/b/a Loyal Cleaning Solutions, Leaf Blower Permit #34103, heard and decided 1/11/22, violation (3-0), \$300 fine, for simultaneously operating leaf blowers within the same 10,000 square foot area, Cambridge Municipal Code 8.16.081.2(f).
27. Republic Services, Inc. c/o John Arria, Disposal/Waste Hauler License #14078, heard and decided 1/11/22, violation (3-0), \$300 fine, for collection (loading/unloading) of trash during non-allowable hours, Cambridge Municipal Code 8.16.080(e).

Summary: As to matter listed under # 22, Gilliam & Sons Landscaping, it was actually 2 Redmax leaf blowers used. The vote was revised to include one additional count of using a non-allowable leaf blower, and issuance of a fine for the additional violation.

Decision: Approved as is for 13-21, 23-27. As for 22, amended to include another violation of the count of the type of blower used, and an additional fine of \$300, the Chair is designated to make the changes and issue the corrected Statement of Reasons.

One Day License Applications

All the below listed matters were considered and voted upon by the Board without public testimony. Unless otherwise indicated, all the matters were decided upon by the individual review of the papers/applications/matter before the Board members and each member voted 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.

28. **Application #157519** Jacqueline Zoeller, on behalf of Hasty Pudding Theatricals, has applied for an entertainment license to be exercised at Harvard Square Massachusetts Avenue, on 2/5/22 from 2:00 p.m. – 3:00 p.m. for a short parade with performers/entertainers dancing and live music. Expected attendance – 1000 people.

Decision: Granted.

29. **Application #159790** Lamplighter Brewing Co., LLC dba Lamplighter Brewing Co., has applied for a malt and entertainment license to be exercised at 110 N. First Street, on 2/8/22-2/20/22 from 11:00 a.m. – 12:00 a.m. for a public taproom/brewery event with recorded music. Expected attendance – 300 people.

Summary: This applicant was before the Board for a on-premises license under section 19 in the previous meeting. They are seeking this extended one day license while their application is at the ABCC for approval. Pursuant to G. L. c. 138, § 14, one day licenses cannot be issued to those who are currently seeking an annual license. The statute specifically states: “A license under this section shall not be granted to any person while his application for a license under section twelve is pending before the licensing authorities.” Although the section specifically calls out section 12 as the license type that is pending, § 12 is for a multitude of on premises pouring licenses, and § 14 of the law was written prior to § 19 but it is clear the intent is to not grant a license under this provision for a pending on premises consumption license. The legislative intent can be read into this. Granting the license would get the Board into an unnecessary slippery slope. The applicant can wait to open just like everyone else. In addition, the location has not obtained final approvals or inspections from building, and although that may be an oversight since the Certificate of Inspection issued, it could also be something else since the numbers on the COI do not match the ones on our application.

Decision: Denied for various reasons including but not limited to: the Board found there is no need to grant this license and its grant would create an unnecessary slippery slope; the application is not within the legislative intent of G. L. c. 138 section 14; the application is pending at the ABCC and the business can wait just like all others; the business/location is not open and has not received final sign-offs or approvals from building; and the Certificate of Inspection has discrepancies and is different from what was approved or sought at the licensing hearing.

30. **Application #160201** Zach Goldhammer, on behalf of Cambridge Community Center, has applied for a malt and wine and entertainment license to be exercised at 5 Callender Street, on 2/2/22 with rain date of 3/12/22 from 8:00 p.m. – 10:00 p.m. for a comedy show with recorded music. Expected attendance – 50 people.

Decision: Granted.

[Consideration of Various Administrative Issues Added after posting of agenda]:

31. **Consideration of Meeting Minutes** January 11, 2022.

Decision: Approved.

32. **Application #160439** Bel Alewife, LLC d/b/a Tempo Cambridge, 201 Concord Turnpike Highway, has applied for a garage license for a resident apartment building with an attached parking garage for 80 vehicles. No additional flammables stored on site. This is a change of ownership/management of the license previously linked to this location for the same structure and purpose (#55764).

Decision: Granted.

33. **Application #160443** Bel Alewife, LLC d/b/a Tempo Cambridge, 203 Concord Turnpike Highway, has applied for a garage license for a resident apartment building with an attached parking garage for 159 vehicles, 40 of which will be above-ground. No additional flammables stored on site. This is a change of ownership/management of the license previously linked to this location for the same structure and purpose (#55765).

Decision: Granted.


34. **Consideration of Statement of Reasons** Alby Enterprises, LLC d/b/a Porter Provisions, New Package Store License Application #154238, to be exercised at 1925 Massachusetts Avenue. After due notice and a hearing, the Board denied/rejected the application for failure to show a public need, public convenience and public good.

Decision: Approved.

Minutes Approved: February 7, 2022

Minutes Posted: February 7, 2022

By the Board of License Commissioners



Nicole Murati Ferrer, Chair



Christine Elow, Police Commissioner