



# 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

Monday, February 7, 2022, 10:00 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 10:05 a.m.*

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

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

**Decisions:** All votes were by roll call vote, 2-0, unless otherwise stated.

### Public Testimony Matters

1. **Application #157589** DW Propco G LLC, 350 Water Street, has applied for a new Garage and Flammables License for 251 parking spaces, 2,510 gallons of gasoline in the tanks of autos only, and 9,985 gallons of Class 2.

**Present:** Jordan Senertth.

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

**Summary:** The plan states there is a total of 251 for Cambridge and a grand total of 377, that is because the parcel lies in part in Boston. 251 is the number of vehicles on the Cambridge side. It is a lease only building and the fuel is for the generator systems.

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

2. **Disciplinary** Zen Associates, Inc. c/o Adam Monroy, 10 Micro Drive, Woburn, MA 01801, for alleged violations of 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). Matter is being reheard as business representative was unable to attend 1/11/22 meeting due to medical reasons.

**Present:** Adam Monroy; and Investigator Tyler Bubenik.

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

**Summary:** A resident sent two different emails. One had pictures attached, the other video. The pictures and video showed two employees of Zen Associates simultaneously operating leaf blowers side by side. In addition, the photographic evidence submitted showed that at least one of the leaf blowers was a Redmax EBZ7500, which has a sound emission rating of 77 dBA per the manufacturer. Zen Associates does not have a permit to operate leaf blowers and received a cease and desist letter in August 25, 2021. Monroy admitted to the violation, spoke with the neighbors, and will not be in violation again. They have bought compliant blowers and will get permitted for the 2022 season.

**Decision:** Violations for operating without a permit, improper simultaneous use, and use of a non-compliant leaf blower, \$300 fine per violation for total \$900 fine. The Statement of Reasons previously issued will be edited to incorporate today's vote and will be sent out without further review since there was no substantive change to the Board's vote.

3. **Application #160396** Nicholas Casciano on behalf of Consigli Construction has applied for a Special Noise Variance for 2/11/22 – 2/13/22 (Alt. 2/18/22 – 2/20/22) at 101 Cambridgepark Drive, from 6:00 a.m. to 11:59 p.m., to dismantle a tower crane and haul it offsite using an assist crane and trucking. The variance is sought in the interest of ensuring that the crane is not left in an intermediate disassembly state at the end of the workday, and to minimize impacts to vehicular and pedestrian traffic.

**Present:** Nicholas Casciano.

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

**Summary:** Ideally the variance will not be needed. However, they applied in the event that due to complications during the workday such as weather or safety, they need to work beyond the allowable hours. They just need to make sure they leave the equipment in a safe spot in terms of the dismantling overnight. Sunday they will just be taking down the assist crane. And the early hour is to have the trucks arrive early and set up.

**Decision:** Granted with the conditions that a police detail and Sunday work permit are 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.*

4. **Application #160595** Aaron Harrington on behalf of New Wave Communications has applied for a Special Noise Variance for 2/17/22 - 2/18/22 (Alt. 2/18/22 – 2/19/22) at 100 Binney Street, from 6:00 p.m. to 3:00 a.m. the following morning, to place and splice cable using the power derived from an idling vehicle engine. The variance is sought as access to the Eversource MH system is restricted to off-hours, and to limit impacts to and from vehicular traffic.

**Decision:** Granted with the conditions that a police detail is required and the truck idling should be kept to a minimum.

5. **Application #161235** MD Shamim Ahmed for a new Cambridge Hackney Driver’s License.

**Decision:** Granted.

6. **Meeting Minutes** Consideration of January 28, 2022 Meeting Minutes.

**Decision:** Approved.

7. **Discussion** Rules and Regulations – it has been a few years since we reviewed the existing ones. Set a future meeting to discuss possible changes/updates.

**Summary/Decision:** Nothing to do at this point, but since the Rules were changed about 5 years ago, and there have been changes of Commissioners since, it might be a good time to each review and come back with edits/clarifications if needed. The meeting would be administrative only and the public could submit written testimony prior to the meeting.

8. **Consideration of Statement of Reasons**

(a) Review/ratify current procedures.

**Summary:** It has been the practice that when the Board issues suspensions on a license, the Chair or its designee sets the date unless otherwise specifically voted by the Board during its vote or the ratification/approval of the Statement of Reasons (“SOR”). SOR used to have the language on the policy but not always and not after the Board had discussed over a year ago that this was its process. Last set of SOR went out without the language and the Board did not vote on dates so the dates were set in accordance with the policy. Some of the factors considered when setting the date of suspension is that the date chosen is one when the business is typically open and also the date of suspension, unless for an administrative like issue, is usually set on the same day of the week as the violation (and if multiple days then at least one of the days is on the day of the week the violation occurred). If the business comes back with new proposed suspension dates, then the matter is placed before the Board for discussion.

**Decision:** Process reviewed, no changes to the process, ratified.

(b) Review/ratify issued dates of suspension for matters decided and approved last meeting: Fresh Pond Auto Sales – 2/14 & 15; Drifter’s Tale – scheduled for 2/18 but they requested either 2/16 or 2/23; Felipe’s 2/18; La Fabrica – 2/19 & 20.

**Summary:** Although unnecessary as the dates were set in accordance with the Board’s policies and procedures and since the process has not been changed and was voted to remain as is, at out of an abundance of caution, the dates were affirmed. La Fabrica has not requested specific dates but their counsel sent a communication to the City Solicitor’s Office about having to close on a Saturday. Regardless even if new dates given, one of the dates would be a Saturday. The matter of La Fabrica is moot since their counsel filed an appeal of the suspension at the Alcoholic Beverages Control Commission (“ABCC”).

**Decision:** Reviewed/ratified as to all, except Drifter’s Tale was changed to 2/16 and La Fabrica was stayed pending the resolution of the appeal filed at the ABCC.

(c) **Consideration of Statement of Reasons**

(i) Pemberton Fruit Orchard, Inc. d/b/a Pemberton Farms, 2225 Massachusetts Avenue, Common Victualler All Alcoholic Beverages and Entertainment License #11442, heard and decided 6/9/21, (2-0) no violation of Cambridge Municipal Code (“CMC”) 8.16.080(e) – loading/unloading outside of allowable hours. *This matter was heard and decided by Commissioners Mahoney and Bard. Per the Open Meeting Law, the current Board members who did not participate at the meeting or vote will consider this Statement of Reasons for completion, based on the minutes of the meeting.*

(ii) D. Muzzioli Associates c/o Connor Maguire, Leaf Blower Permit # 10707, heard and decided 1/28/22, (3-0) violation, \$300 fine, for operating multiple leaf blowers within the same 10,000 square foot area on December 28, 2021, Cambridge Municipal Code 8.16.081.2(f).

(iii) Casella Waste Services c/o Donald Boisvert, Solid Waste Hauler License #14070, heard and decided 1/28/22, (3-0) violation, \$300 fine, for loading/unloading outside allowable hours on December 4, 2021, Cambridge Municipal Code 8.16.080(e).

(iv) Save That Stuff c/o Wayne Dion, Solid Waste Hauler License #14075, heard and decided 1/28/22, (3-0) violation, \$300 fine to be held in abeyance for 6 months and not to be paid if no violations are found during that time, for loading/unloading outside allowable hours on December 14, 2021, Cambridge Municipal Code 8.16.080(e).

(v) Dimi’s Place, Inc., Common Victualler License # 62027, heard and decided 1/28/22, revocation of grant of Application # 85185, for failure to: correct deficiencies to application; respond to the Alcoholic Beverages Control Commission’s Returned No Action notice; and respond to the Board of License Commissioners’ inquiry and request for documents.

**Decision:** Approved as to all.

**One Day License Applications**

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9. **Application #159886** Carrie Neff, on behalf of HomeStart, Inc., has applied for an entertainment license to be exercised at 247 Main Street (outside), on 2/18/22 from 12:00 p.m. – 7:00 p.m. for a fundraiser with DJ and amplification system. Expected attendance – 50 people.

**Decision:** Granted, may commence at 11:00 a.m. per permission letter.

10. **Application #160266** Isabel Waltz has applied for an entertainment license to be exercised at MIT Kresge Little Theatre- 48 Massachusetts Avenue, on 2/11/22 & 2/12/22 from 6:00 p.m. – 11:59 p.m. for a dance showcase with patrons dancing, performers/entertainers dancing, recorded music, DJ, amplification system, floor and light show. Expected attendance – 180 people.

**Decision:** Granted with amended hours of 8:00 p.m. – 11:00 p.m. per MIT registration.

11. **Application #160775** 450 Kendall Hospitality LLC d/b/a Glass House (11553) has applied for an entertainment license to be exercised at 450 Kendall Street, on 2/12/22 from 2:00 p.m. – 11:00 p.m. for a wedding with patrons dancing, recorded music, DJ, and amplification system. Expected attendance – 60 people.

**Decision:** Granted.

12. **Application #160895** J. Alain Ferry, on behalf of RACE Cancer Foundation, has applied for a malt and wine and entertainment license to be exercised at Kendall Square South Plaza, 500 Kendall Street, on 2/13/22 with rain date of 2/20/22 from 10:00 a.m. – 5:00 p.m. for a road race and party with live music and amplification system. Expected attendance – 1500 people.

**Decision:** Granted.

13. **Application #161024** Marcus Graly, on behalf of Boston Intergenerational Dance Advocates (BIDA), has applied for an entertainment license to be exercised at Cambridge Masonic Hall, 1950 Massachusetts Avenue, on 2/20/22, 3/6/22, 3/20/22, 4/3/22, 4/17/22 and 5/1/22 from 6:30 p.m. – 10:30 p.m. for a social dance with patrons dancing, live music and amplification system. Expected attendance – 100 people. (The applicant is requesting a fee waiver/reduction based on the fact that they are a non-profit volunteer run organization).

**Decision:** Granted, with a reduced license fee of a one-time charge for all dates (\$50).

**[Matters added after posting of agenda]**

14. **Application #161585** Mojolaoluwa Oke has applied for an entertainment license to be exercised at MIT Statton Student Center – 84 Massachusetts Avenue, on 2/26/22 from 5:00 p.m. – 11:00 p.m. for a cultural show with performers/entertainers dancing, recorded music, dj, amplification system, theatrical exhibition/play/moving picture show and floor show. Expected attendance – 250 people.

**Decision:** Granted with amended start hour of 7:00 p.m. per MIT registration form.

15. **Application #161714** Bill Manley on behalf of the Harvard Square Business Association has applied for a one day entertainment license at the Deguglielmo Plaza on 2/11/22 from 6 pm-9 pm for Musicians playing bringing awareness of climate change with patrons dancing and live music. Expected number of people 15.

**Decision:** Granted pending submission of City permit and subject to the provisions therein.

16. **Discussion of Upcoming Matters**

**Summary/Decision:** Just putting on the Board’s radar that it has been rumored that the state may further extend Temporary Extension of Licensed Premises to Outdoor Areas Due to COVID-19. There is no input as to when yet or for how long but if the change comes, the Board will need to discuss once the City of Cambridge states whether it will continue the use of the public way through this program.

Also, it looks like seasonal one day licenses for beer gardens will be something that comes to the City. It would be similar to what is being done in Somerville and Boston – if and when this comes up the Board will need to discuss if these will be licensed through one day licenses under different people for the same company.

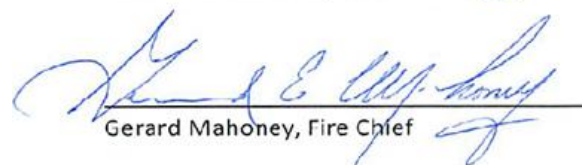
**Date Approved:** March 9, 2022

**Date Posted:** March 10, 2022

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By the Board of License Commissioners:

  
Nicole Murati Ferrer, Chair

  
Gerard Mahoney, Fire Chief