



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

Wednesday, April 27, 2022, 12:00 p.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: 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 #166458 Deanta Corporation d/b/a Phoenix Landing, 512 Massachusetts Avenue, Common Victualler All Alcohol License #11656, has applied for an Alteration of Premises to further extend their seasonal outdoor patio on private property onto the public way, sidewalk into the parking lane. The proposed premises description is: Approximately 5,700 sq. ft. Bar, lounge, dining room and kitchen on first floor. Bar, lounge, and dining room on second floor. Approximately 1,004 sq. ft. an outdoor seasonal patio on the public sidewalk and into the parking lane.

Present: Kevin Treanor.

Documents Considered: Application and documents attached thereto.

Summary: This is meant to further expand the area from your current licensed patio together with the Temporary Extension issued due to COVID-19 #77386 – this proposal is larger in size and capacity. The SSBU has not yet issued. The proposed seating capacity is 104 with a total occupancy of 145. The patio will close at midnight.

Decision: Granted midnight closing hour and pending the issuance of the SSBU and subject to any changes or conditions therein and the condition that while the outdoor area is open and operating there must be managerial staff dedicated to monitoring it.

2. Application #167620 Gustazo Cuban Café LLC d/b/a Gustazo Cuban Cafe, 2067 Massachusetts Avenue, Common Victualler All Alcohol License #13535, has applied for an Alteration of Premises to include an outdoor patio on private property in the rear parking lot. The proposed premises description is: Approximately 2,927 sq. ft. on street level with one dining room, bar and kitchen; Approximately 4,260 sq. ft. on lower level with two dining rooms, bar, auxiliary kitchen and storage; 490 sq. ft. patio on public property on the sidewalk and 1,400 sq. ft. patio on private property in the rear parking lot.

Present: Patricia Estorino. Residents: Leo Saad; Kathryn Dahl; Susan Hunziker; Jan Corash; Stephen Feige; and Dennis Harp.

Documents Considered: Application and documents attached thereto. Correspondence received regarding application.

Summary: This is meant to mirror Temporary Extension issued due to COVID-19 #76133. The proposed seating capacity is 68, which is more than they had with the COVID extension but the footprint is the same. When they first applied, there was a 6 foot table separation requirement. Hours of operation for outside meant to mirror the ones for inside. In response to the neighbors who abut the end of the parking lot opposite to where the patio is located, Patricia Estorino emphasized they are not a late-night restaurant – focused on food and service, not a late-night crowd. Employees leave well before midnight. A little windy back there, adding acrylic panels, shield the wind and also the noise. They try to be good neighbors and would have addressed any issues brought to them. There is no record of any noise complaints during the operation of the extension. The possible noise concerns are speculative – the abutters are separated by a large parking lot, significant trees, and the noise issues are not related to the operation of the patio and some of them are not even issues pursuant to the law – there was not a single complaint during the last 2 years of the operation of the patio – the “trial period” has occurred. If an issue arises, the Board found there were mechanisms by which they can be addressed.

Decision: Granted with the condition that while outdoor area is open and operating, must have managerial staff dedicated to monitoring it.

3. Application #167327 P&E Restaurant, Inc. d/b/a Desfina Restaurant, 202 Third Street, Common Victualler All Alcohol License #11412, has applied for an Alteration of Premises to include an outdoor seasonal patio on public property on the sidewalk and into the parking lane. The proposed premises description is: First floor of building containing a cooking area, bar, and two dining rooms. Two entrances and exits, one in front of building and one on the side. Approximately 388 square foot patio on public property on the sidewalk and into the parking lane.

Present: Efstathios Mallakis.

Documents Considered: Application and documents attached thereto.

Summary: This is meant to mirror Temporary Extension issued due to COVID-19 #75848 but a little but smaller and less capacity. Proposed seating capacity is 20. The SSBU has issued. Closing hour for the patio is 11:00 p.m.

Decision: Granted with the condition that while the outdoor area is open and operating there must be managerial staff dedicated to monitoring it.

4. Application #165181 Roxtar Foods Limited d/b/a Pammy's, 928 Massachusetts Avenue, Common Victualler All Alcohol License #11562, has applied for an Alteration of Premises to include an outdoor seasonal patio on public property in the parking lane. The proposed premises description is:

Approximately 2,177 square feet on the first floor with dining area and bar area. Kitchen located in the rear. Approximately 2,185 sq. ft. basement for storage. Main entrance/exit on Massachusetts Avenue. Approximately 306 square foot patio on city property in the parking lane.

Present: James Rafferty, attorney; and Pamela Willis. Jeannie Seidler.

Documents Considered: Application and documents attached thereto. Petition in support of application. Correspondence received regarding the application.

Summary: This is meant to mirror Temporary Extension issued due to COVID-19 #81906 but a little more capacity, 27 total. The SSBU has issued. Closing hour of patio would be 11:00 p.m. Proposed plan has been modified based on the abutter concerns, the revised plan no longer has the outdoor area in front of the abutter, now only in front of the restaurant. In terms of the noise concerns raised by the abutter, they are a fine dining restaurant – on the patio they do not sit parties larger than 4 and inside they do not allow parties larger than 6. During the pandemic they tried to be good about the trash but committed to taking more steps to ensure the patio remains clear of debris and trash.

Decision: Granted.

5. **Application #168664** Barismo, Inc. d/b/a Barismo, 364 Broadway, Common Victualler License #12223, has applied for a seasonal outdoor patio on city property on the city sidewalk and into the parking lane of approximately 140 square feet with 9 seats.

Summary: No representative for Barismo appeared, unclear whether notification to abutters were sent.

Decision: Matter moved to May 2, 2022.

6. **Application #168507** Elmendorf Specialty LLC, d/b/a Elmendorf Baking Supplies, 594 Cambridge Street, Common Victualler License #20264, has applied for a seasonal outdoor patio on city property on the sidewalk in front of the premises (area to be determined) and the parking lane (approximately 189 square feet) on the side of the premises with seating for 18.

Present: Teddy Applebaum.

Documents Considered: Application and documents attached thereto.

Summary: This is meant to be similar to Temporary Extension issued due to COVID-19 #76331 in addition to your currently approved patio but with some changes. The updated plan seems to indicate there are three patio areas – one of approximately 182 sq. ft. on the parking lane on Eighth Street with a capacity of 8, then one of approximately 65 sq. ft. on the sidewalk against the building on the Cambridge Street side for 6 seats, and finally approximately 33 sq. ft. on the public sidewalk curbside on the Cambridge Street side for 4 seats. All areas are public. Hours of operation for outside meant to mirror the ones for inside. The SSBU has issued.

Decision: Granted.

7. Application #164793 Whisnant A & MacLean R d/b/a Zuzu's Petals, 204 Hampshire Street, Common Victualler with Malt, Wines and Cordials License #109172, has applied for an Alteration of Premises to include an outdoor seasonal patio on the public way. The proposed premises description is: Approximately 900 sq. ft. located on the first floor of a four-unit building. There is one room with public access for dining. The kitchen is in the same large room divided by a half wall and bar. There is a basement and one bathroom. There is one entrance on the street and one emergency exit to the rear. Includes an outdoor seasonal patio on the public way, sidewalk curbside, of approximately 147 sq. ft.

Documents Considered: Application and documents attached thereto; and file.

Summary: This matter was heard and granted on 4/21/22 with a closing hour of 11:00 p.m. because when the applicant was asked if the hours were meant to mirror indoors, she responded she was told it needed to close earlier at 11:00 p.m. We have inquired from the applicant and they were confused – they thought the hours needed to be the same as those which were automatically granted through the COVID extensions. The abutters are in support of the patio without any limitations on the patio and so is the City in terms of the use of the area. Therefore, the Board considered ratifying the grant but amending the hours of operation of the patio to mirror the indoor hours of operation.

Decision: Grant ratified, outdoor hours to mirror indoors.

8. Application #162202 Curlocom, LLC d/b/a Plough & Stars, 912 Massachusetts Avenue, Common Victualler All Alcohol License #11685, has applied for an Alteration of Premises to include an outdoor seasonal patio on public property in the parking lane. The proposed premises description is: Dining room and lounge on first floor; kitchen and storage in the basement. Approximately 252 square foot patio on public property in the parking lane.

Present: Michael O'Leary; Gabriel O'Malley; Padraig O'Malley; David Barlam; Dan Totten on behalf of Councilor Zondervan; Gregory Aceto; and Ronald Clarizia.

Documents Considered: Application and documents attached thereto. Correspondence received regarding application.

Summary: This is meant to be similar to Temporary Extension issued due to COVID-19 #84062 but smaller in size and capacity. Difference is that during COVID Mass Ave Diner and Plough and Stars shared the space in front of the premises from the crosswalk all the way down to the former Atomic Bean space. Now, the area is being divided in half between the businesses. As filed, the proposed seating capacity is 30. The closing hour would be 11:00 p.m. The SSBU has not yet issued and the communication received from the City's Traffic, Parking and Transportation Department is "that from a use of the street perspective is that we will allow the two businesses to use the street space in front of the Mass Ave Diner, the barber shop and Dana Hill Liquors. We will not approve the extension in front of the former Atomic Bean space." The floor plan submitted (along with that of Mass Ave Diner)

includes the space that has been denied by the City for use. Therefore, a new plan will need to be submitted.

Gregory Aceto, attorney for the owner of 902-904 Mass Ave. presented he owner's objection to have the patio space in front of the Atomic Bean occupied. Ronald Clarizia presented an objection to have the patio in front of the barber shop occupied.

Decision: Granted with 11:00 p.m. closing hour, pending the issuance of the SSBU and subject to any changes or conditions therein and the condition that while the outdoor area is open and operating there must be managerial staff dedicated to monitoring it. Will require a new floor plan since the area that can be occupied is limited to street space in front of the Mass Ave Diner, the barber shop and Dana Hill Liquors. No occupancy allowed in front of the former Atomic Bean space.

9. Application #162895 Mass Ave Restaurant LLC, LLC d/b/a Mass Ave Restaurant, 906 Massachusetts Avenue, Common Victualler Wine and Malt License #11493, has applied for an Alteration of Premises to include an outdoor seasonal patio on public property in the parking lane. The proposed premises description is: Ground floor level with counter, chairs, and table. Kitchen in the back. Storage in the basement. Approximately 252 square foot patio on public property in the parking lane.

Present: David Barlam; Michael O'Leary; Gabriel O'Malley; Padraig O'Malley; Dan Totten on behalf of Councilor Zondervan; Gregory Aceto; and Ronald Clarizia.

Documents Considered: Application and documents attached thereto. Correspondence received regarding application.

Summary: Since this application is interrelated with the Plough and Stars, the Board incorporated by referenced and made a part hereof the testimony presented in the previous matter. This is meant to be similar to Temporary Extension issued due to COVID-19 #84411 but smaller in size and capacity. Difference is that during COVID Mass Ave Diner and Plough and Stars shared the space in front of the premises from the crosswalk all the way down to the former Atomic Bean space. Now, the area is being divided in half between the businesses. As filed, the proposed seating capacity is 30. The closing hour would be 11:00 p.m. The SSBU has not yet issued and the communication received from the City's Traffic, Parking and Transportation Department is "that from a use of the street perspective is that we will allow the two businesses to use the street space in front of the Mass Ave Diner, the barber shop and Dana Hill Liquors. We will not approve the extension in front of the former Atomic Bean space." The floor plan submitted (along with that of Mass Ave Diner) includes the space that has been denied by the City for use. Therefore, a new plan will need to be submitted.

Gregory Aceto, attorney for the owner of 902-904 Mass Ave. presented he owner's objection to have the patio space in front of the Atomic Bean occupied. Ronald Clarizia presented an objection to have the patio in front of the barber shop occupied.

Decision: Granted with 11:00 p.m. closing hour, pending the issuance of the SSBU and subject to any changes or conditions therein and the condition that while the outdoor area is open and

operating there must be managerial staff dedicated to monitoring it. Will require a new floor plan since the area that can be occupied is limited to street space in front of the Mass Ave Diner, the barber shop and Dana Hill Liquors. No occupancy allowed in front of the former Atomic Bean space.

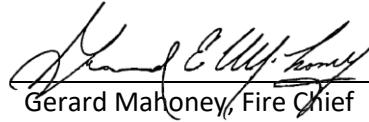
By the Board of License Commissioners

Minutes Approved: May 16, 2022



Nicole Murati Ferrer, Chair

Minutes Posted: May 16, 2022



Gerard Mahoney, Fire Chief



Christine Elow, Police Commissioner