



CAMBRIDGE LICENSE COMMISSION

831 MASSACHUSETTS AVE, CAMBRIDGE, MA 02139

NICOLE MURATI FERRER
CHAIRPERSON | BOARD MEMBER

CHRISTINE A. ELOW
POLICE COMMISSIONER | BOARD MEMBER

THOMAS CAHILL, JR.
FIRE CHIEF | BOARD MEMBER

BOARD OF LICENSE COMMISSIONERS' MEETING MINUTES

Thursday, July 14, 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.

Board Members: Nicole Murati Ferrer (absent), Gerard E. Mahoney (present), 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 #181785** Grafton, Inc. d/b/a Park Restaurant and Bar, 59 JFK Street, C.V. All Alcohol License #11699, for a Change of d/b/a to Grafton Street Pub and Grill.

Present: Patrick Lee.

Documents Considered: Application and documents attached thereto.

Summary: The need for the change is that since the lease was terminated for the Grafton Street Pub and they wanted to retain that brand, they moved the name over to this location which was closed during COVID. There are no other changes to the operation.

Decision: Granted.

2) **Application #180491** Boston Properties, 325 Main Street, has applied for a Flammables License for 2,000 gallons of Class 2 Diesel fuel.

Present: William Taber; Zach Miller.

Documents Considered: Application and documents attached thereto.

Summary: This is for a redeveloped property, with new generators installed on the roof and diesel tank in the basement for the life saving purposes and may also feed a backup generator. The Flammable and Combustible permit ("FMP") has been provided as well as affidavit of notice to abutters.

Decision: Granted, flammables are not direct consumption.

3) **Application #181057** MIT 730 and 750 Main Street Leasehold LLC, 730 Main Street, has applied for a Garage License for 60 parking spaces.

Present: Jonathan Eisenberg.

Documents Considered: Application and documents attached thereto.

Summary: Part of a 2-building life science shell core. Have applied for a license for the garage because that is the quantity known. Right now marketing the building to laboratory tenants and they do not know their quantities yet. Will be coming back for an amended license application once they have the tenants secured. The FMP has been provided.

Decision: Granted.

4) **Application #181058** MIT 730 and 750 Main Street Leasehold LLC, 750 Main Street, has applied for a Garage and Flammables License for 66 parking spaces and 5,460 gallons of Class 2 Diesel Fuel.

Present: Jonathan Eisenberg.

Documents Considered: Application and documents attached thereto.

Summary: Connected to the previous application (testimony incorporated) only difference is the generator is located at this location.

Decision: Granted, flammables not for direct consumption.

5) **Application #168860** HK Food Group 1030, LLC d/b/a Waypoint, 1030 Massachusetts Avenue, Common Victualler All Alcohol License, has applied for an Alteration of Premises to include two outdoor patios on private property. The proposed premises description is: 6,980 sq. ft. restaurant with bar, dining room and kitchen all located on the first floor. One entrance and one exit. Approximately 159 square foot patio to the left of the building and approximately 164 square foot patio to the right of the building.

Present: Attorney James Rafferty; and Sydney Loboda.

Documents Considered: Application and documents attached thereto.

Summary: Similar to the Temporary Extension issued due to COVID-19 #115000 but only on the private way and with a little more capacity. Both patios on private property, 20 seats. Hours of operation meant to be the same as the indoor hours. You clearly see the outdoor areas from the inside of the premises. The windows are clear and can be opened. Affidavit of notice to abutters been provided.

Decision: Granted for a total of 20 seats, with the patio part of the premises description updated to "Two outdoor patio areas on the private way, one of approximately 159 sq. ft. to the left of the entrance and against the building, and the other of approximately 164 sq. ft. at the main restaurant entrance." and with the condition that while the outdoor area is open and operating, there must be managerial staff monitoring it.

6) **Application #180579** Flying Toad, Inc. d/b/a Cambridge Common, 1667 Massachusetts Avenue, Common Victualler All Alcohol License, has applied for an Alteration of Premises to move the existing patio on the City sidewalk to the curbside and include two parking spaces in the parking lane. The proposed premises is: First floor dining room with bar and Kitchen; Basement Function room with Bar and storage. Approximately 610 square foot seasonal outdoor patio on the city sidewalk and into the parking lane.

Present: Holly Heslop.

Documents Considered: Application and documents attached thereto.

Summary: This is an application based off our recommendation at your previous alteration of premises hearing wherein we denied the extension to a private way. You would be extending off your currently approved patio on the sidewalk onto the parking lane. Right now approved for 28 seats, this would increase capacity to 44. Hours of operation are meant to stay the same as on your currently approved patio (1 am). Affidavit of notice to abutters been provided. The SSBU has issued.

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

7) **Application #57149** lamb, Inc. d/b/a Central Kitchen, 567 Massachusetts Avenue, Common Victualler All Alcohol License, has applied for an alteration of premises to remove the first floor for the licensed area. The proposed premises is described as: Second floor with a 420 sf kitchen, two bathrooms, and a 1200 sf dining area with a bar. The dining area has one entrance on Massachusetts Avenue and a side emergency exit into Modica Way. Seating for 40 and a total occupancy of 85.

Decision: Taken off agenda; applicant failed to notify abutters.

8) **Application #173197** Bom Dough, LLC d/b/a Bom Dough, 1271 Cambridge Street, for a New Common Victualler License to be exercised at 1271 Cambridge Street. Lorein Alves Libanio, as proposed Manager of Record of premises described as: One floor at street level, approximately 2,571 sq. ft. in three rooms with a bar, kitchen, and seating. The basement level is for storage consists of roughly 2,090 sq. ft. There is one entrance, and four exits. Hours of operation would be 7:00 a.m. – 11:00 p.m. Monday through Saturday and 8:00 a.m. to 11:00 p.m. on Sunday. Total seating capacity of 81 with a maximum occupancy of 111.

Present: Marcia Chemin.

Documents Considered: Application and documents attached thereto.

Summary: Fast casual concept serving food from Brazil, Italy and Japan – healthy and sustainable options that are affordable but fast paced. Going forward will have alcohol, right now working with the previous owner and P&S to have alcohol.

Decision: Granted.

9) **Informational** Craigie Bistrot, LLC d/b/a Craigie on Main, 853 Main Street, Common Victualler All Alcohol License #11387, for a license informational hearing for non-use pursuant to, but not limited to, M. G. L. c. 138, §§ 23, 64, and 77.

Summary/Decision: No action, no representative appeared.

10) **Disciplinary** Kirie, Inc. d/b/a Shay's Pub and Wine Bar, 58 JFK Street, Common Victualler All Alcohol License #11273, for allegedly being overcapacity on May 27, 2022, in violation of various provisions, including but not limited to, M.G. L. c. 138, §§ 23 and 64 and Board's Rules 2.3, 2.5, 5.1, and 9.

Present: Rosaline Kovacs; and Investigator Tyler Bubenik.

Documents Considered: Hearing notice and any documents attached thereto; and file.

Summary: On May 27 the investigator checked the premises after the Boston Calling event. Conducted a head count and had 54, 5 more than licensed capacity. A short time later the premises became compliant. The door person was new and failed to keep proper count/lost track. No disciplinary history in the last 5 years.

Decision: Violation, warning issued.

11) **Application #181890** Michael Carucci on behalf of John Moriarty has applied for a Special Noise Variance on 7/18/22 – 10/31/22 (Alt. 7/25/22 – 10/31/22) at 441 Morgan Avenue, from 6:00 p.m. to 11:00 p.m. on all days, with additional hours of 7:00 a.m. to 9:00 a.m. on Saturdays and Sundays, to perform steel erection, utility work, and loading/unloading using a tower crane, generators, excavators, exterior hoist, and trucking. The variance is sought to alleviate safety concerns by adding a second shift.

Present: Michael Carucci; and Investigator Tyler Bubenik. Harvey Ben, resident; and J. Donis, resident.

Documents Considered: Application and documents attached thereto; and correspondence received regarding the application.

Summary: Not requesting Sundays. Parcel U is in the corner of Jacob and Morgan, very busy with two bus stops in the morning and afternoon. Looking to take advantage of school being out and have less children in the area and get steel up on a second shift. Make it clear that they are doing it as a safety issue for the neighborhood. The hardship is to get this up during the summer to get the exterior skin quicker. The applicant did acknowledge that traffic – vehicular and pedestrian is the nature of

construction in the City. Received 8 emails in opposition to this variance for various reasons. DPW also was asking for more information as there was no information as to what exactly is the safety concern that would "trigger" the need to exercise it.

Amended the variance to not seek a second shift on Saturdays and just seek it for the weekdays. Will work the regular Saturday workday (which starts at 9 a.m.). Also, they will not be working on Sundays or Holidays.

The residents who spoke in strong opposition to the application contested the alleged undue hardship regarding negative effects to the traffic in the area. In addition, they contested how the sought hours would benefit the safety of the community.

Decision: Denied because there was no showing of need or undue hardship. Suggested a meeting between the contactor, developer, DPW and residents to address the concerns raised by the residents in their communications to the Board and to determine whether a solution to each of the sides' stance can be reached.

12) **Disciplinary & Informational** BL 27 Brattle MA, LLC d/b/a Bluestone Lane, 27 Brattle Street, Common Victualler All Alcohol License #51281, for allegations of violations of G. L. c. 138, §§ 12, 15A, 23, 26, 60, 62, 63A, 64, and G. L. c. 140, § 20, and Board's Rules Board's Rules 2, 5.2, 5.4, 5.5, 9.1, 9.2, 13, 13.5 and 14. Hearing will address whether Bluestone Lane: set up and operated an unlicensed outdoor area from April 2, 2022 through June 6, 2022; served, sold or delivered food, beverages and/or alcohol in an unlicensed area; allowed patrons to consume food, beverages and/or alcohol outside of the licensed premises; failed to comply with the provisions of the license; failed to comply with the approved floor plan; did not have manager of record in control of the premises; failed to be in control of licensed premises or have control of the business; changed manager of record without approval; and failed to timely respond to orders, request for information or inquiries made by the License Commission or other City staff.

Present: Hari Kalyan, general counsel of Bluestone Lane; Brooke McKenna, Traffic, Parking and Transportation Department ("TPT"); and Investigator Joseph Kelley.

Documents Considered: Hearing notice and any documents attached thereto; and file.

Summary: June 6, 2022 Investigator Kelley saw the patio operating and spoke to an employee who said that the manager on duty was not available and that the manager on duty was out. Kalyan admitted that the patio was being used and alleged confusion as to the process. Have an approved SSBU from 2020. Kalyan testified that they have submitted all documents. With respect to management, they have gone through 4 at this point, but the manager now also must oversee stores in New York. They submitted changes to the manager information on the Food Permit. They have limited resources.

On June 5, McKenna observed the patio being used without proper approval from the City. Bluestone Lane was informed that they were not able to use the area – and there was questioning as to why it continued to be used. They had a sidewalk used permit and the rules changed after the pandemic. Board made notation that on April 1, 2022 the permit was no longer valid. Kalyan also

testified that he was unaware of any letters and information sent since there are a lot of employees. Confirmed no longer any tables and chairs. The business was also sent a cease and desist on May 31.

There is a current manager on site – Megan Hackett. Information provided for Food Establishment Permit. No application for the changes to the alcohol record have been submitted (other than the change to Existing License application for the patio which is incomplete and still pending). They are a very big company and it has been difficult to get organized. Board noted that even the new contact, Megan Hackett, was also not responsive – a inquiry sent to her in May 25 had yet to be replied to. There seemed to be zero control over the premises. There was attestation that there have been no changes to the beneficial interest license.

Decision: Violation of the rules and regulations of the Board and ABCC, the license is indefinitely suspended until such time as the corrective application for the change of manager is filed; and the Board further ordered the application be filed within five (5) days and the business re-appear before it at the next meeting.

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.

13) **Application #181743** Coco Creations, LLC d/b/a 2nd Street Cafe has applied for a new Common Victualler License to be exercised at 89 Second Street, with hours of operation of Monday-Friday 6:00 a.m. – 2:30 p.m., and background music. The premises is described as: Total of approximately 1,300 square feet on the first floor and basement. On the ground/first floor is the main entrance and the cafe with two rooms, the main dining room and bathroom, also has kitchen in the rear. The basement is for employees only and used for storage. Proposed Manager of Record, Theodoros Rozis, 14 total seats and occupancy. This is a previously licensed location.

Decision: Granted.

14) **Application #183169** New England Transport Service, Inc. has applied for a new Livery License at 235 Western Avenue, #2, to be owned, managed and solely operated by Ameer Alshukri.

Decision: Granted.

15) **Application #180597** Bill Wilbur on behalf of John Moriarty has applied for a Special Noise Variance on 7/23/22 (Alt. 7/30/22) at 350 Water Street, from 5:00 a.m. to 9:00 a.m. on a Saturday, to erect dunnage steel at tenant generator from street level using a mobile crane. The variance is sought to work off hours in the interest of tenant and pedestrian safety.

Decision: Granted.

- 16) **Consideration of Meeting Minutes** June 28, 2022; and July 1, 2022.

Decision: Approved.

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.

- 17) **Application #180894** Tracey Neret has applied for a malt and wine license to be exercised at Cambridge Boat Club 2 Gerry's Landing, on 7/16/22 from 11:30 a.m. – 1:00 p.m. for a luncheon. Expected attendance – 200 people.

Decision: Granted.

- 18) **Application #181061** Craig Hill, Sr., on behalf of Blueprint Medicines has applied for a malt and wine and entertainment license to be exercised at lawn in front of 45 Sidney Street, on 9/29/22 with rain date of 9/30/22 from 9:00 a.m. – 5:00 p.m. for a company cornhole tournament with recorded music and amplification system. Expected attendance – 100 people.

Decision: Granted.

- 19) **Application #181150** Yosafe Ayele has applied for an all alcohol and entertainment license to be exercised at St. John the Evangelist Church 2254 Massachusetts Avenue, on 7/16/22 from 4:00 p.m. – 11:00 p.m. for a baptism party with patrons dancing, recorded music, dj and amplification system. Expected attendance – 100 people.

Decision: Granted with amended start time of 5:00 p.m. per permission letter.

- 20) **Application #181265** Sandra Rizkallah has applied for an entertainment license to be exercised at Winthrop Park – 100 Mt. Auburn Street, on 7/19/22 and 8/2/22 with rain date of 7/20/22 from 11:00 a.m. – 2:00 p.m. for a music performance with live music and amplification system. Expected attendance – 20 people.

Decision: Granted.

- 21) **Application #181554** Sasha Fried-Snoad has applied for an entertainment license to be exercised at Kendall/MIT open space 292 Main Street, on 7/16/22 with rain date of 7/17/22 from 11:00 a.m. – 12:00 p.m. for a workshop with patrons dancing, recorded music and amplification system. Expected attendance – 50 people.

Decision: Granted.

22) **Application #181558** Sasha Fried-Snod has applied for an entertainment license to be exercised at Kendall/MIT open space 292 Main Street, on 7/27/22 with rain date of 7/28/22 from 5:30 p.m. – 7:30 p.m. for a dance class and ice cream party with patrons dancing, performers/entertainers dancing, recorded music and amplification system. Expected attendance – 100 people.

Decision: Granted.

23) **Application #181657** Marilyn Portillo on behalf of Zymergen, has applied for a malt and wine license to be exercised at 30 Acorn Park Drive, on 7/16/22 with rain date of 7/29/22 from 3:00 p.m. – 7:00 p.m. for a team building outing. Expected attendance – 40 people.

Decision: Granted.

24) **Application #181905** Emmy Michelfelder, on behalf of Green Cambridge has applied for an entertainment license to be exercised at Joan Lorentz Park 449 Broadway, on 8/4/22 with rain date of 8/11/22 from 12:00 p.m. – 4:00 p.m. for a festival with patrons dancing and live music. Expected attendance – 100 people.

Decision: Granted.

25) **Application #181900** Area Four Operating, LLC d/b/a Area Four, 500 Technology Square, Common Victualler All Alcohol License #11434, Joseph Barone has applied for a malt license on 7/23/22(rain date 7/24), 8/13/22, 8/27/22, 9/10/22, 9/24/22, 10/8/22 from 12:00 p.m. – 6:00 p.m. for an outdoor beer garden. Expected attendance – 150 people.

Decision: Granted for the dates of 7/23, 8/13, 8/27, 9/10, 10/1, 10/8 and with start time of 1:00 p.m. per permission letter.

26) **Application #182277** Kellie Ruccolo, on behalf of the Cambridge Public Library has applied for an entertainment license to be exercised at Joan Lorentz Park 449 Broadway, on 6:00 p.m. – 7:30 p.m. for a concert with live music and amplification system. Expected attendance – 100 people.

Decision: Granted for August 10, 2022.

27) **Application #182368** Tesfaye Sileshi, on behalf of the Massachusetts Ethiopian Support Association, Inc. has applied for an entertainment license to be exercised at Danehy Park 99 Sherman Street, on 8/6/22 with rain date of 8/7/22 from 12:00 p.m. – 8:00 p.m. for a family day event with patrons dancing, recorded music, dj and amplification system. Expected attendance – 250 people.

Decision: Granted.

28) **Application #182631** Michael Monestime, on behalf of Central Square BID has applied for an all alcohol and entertainment license to be exercised at Starlight Square 84 Bishop Allen Drive, on 7/20

9:00 a.m.-10:30 a.m. & 7:00 p.m. – 9:00 p.m.; 7/21 7:00 p.m. – 9:00 p.m.; 7/22 7:00 p.m. – 9:00 p.m.; 7/23 7:00 p.m. – 9:00 p.m.; 7/24 1:00 p.m. – 3:00 p.m.; 7/26 7:00 p.m. – 9:00 p.m.; 7/27 2:00 p.m. – 4:00 p.m.; 7/28 7:00 p.m. – 9:00 p.m.; 7/29 7:00 p.m. – 9:00 p.m.; 7/30 1:00 p.m. – 3:00 p.m. & 7:00 p.m. – 9:00 p.m. and 7/31 1:00 p.m. – 6:00 p.m. for performances with patrons dancing, performers/entertainers dancing, recorded music, dj, live music, amplification system and theatrical exhibition/play/moving picture show. Expected attendance 1000 people.

Decision: Granted subject to the conditions set by the Board of Zoning Appeal Decision and based on the previous Board's vote the fee is to be for one day only.

29) **Application #182730** Hilary Zelson, on behalf of Cambridge Arts Council and City of Cambridge has applied for an entertainment license to be exercised at City Hall Annex Plaza 344 Broadway, on 7/18/22 with rain date of 7/25/22 from 5:00 p.m. – 8:00 p.m. for a gallery reception with amplification system and poetry reading. Expected attendance – 50 people.

Decision: Granted, no license fee as it is a City event.

30) **Application #182780** Bertil Jean-Chronberg has applied for wine and entertainment license to be exercised at 54 & 56 Church Street (in front), on 7/28/22 from 6:30 p.m. – 8:30 p.m. for a celebration event with live music. Expected attendance – 35 people.

Decision: Granted with the hours as requested but approval for set up at 5:00 p.m., and with the condition that the area must be enclosed sufficient for the licensee to maintain control of access to the area and provide a safe environment for patrons.

31) **Application #182629** Michele Sprengnether has applied for an entertainment license to be exercised at Chilton Street between Huron Avenue and Vassal Lane, on 9/10/22 with rain date of 9/11/22 from 3:00 p.m. – 8:00 p.m. for a block party with patrons dancing, live music and amplification system. Expected attendance – 30 people.

Decision: Granted.

32) **Application #182666 & 183291** Tamine Son, on behalf of Rootsseed has applied for an entertainment and one day hawker/peddler license (6 vendors to sell books, apparel & jewelry) to be exercised at Hoyt Field 12 Gilmore Street, on 8/6/22 from 2:00 p.m. – 8:00 p.m. for a roller skating event with patrons dancing and dj. Expected attendance – 70 people.

Decision: Granted.

33) **Application #183553** Richard Cambriello has applied for a one day hawker/peddler license to be exercised at Cambridge Crossing CX summer nights 181 Morgan Avenue, on 7/21/22 with rain date of 7/27/22 from 5:00 p.m. – 9:00 p.m. to sell food.

Decision: Granted with end time of 8:45 p.m. per contract with landowner.

[Matters Added to the Agenda After Posting]

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.

34) **Application #183922** Sasha Fried-Snoad has applied for a wine and entertainment license to be exercised at Kendall/MIT Open Space 292 Main Street, on 7/20/22 with rain date of 7/21/22 from 5:00 p.m. – 9:00 p.m. for an outdoor gathering with patrons dancing, performers/entertainers dancing, recorded music, live music and amplification system. Expected attendance – 300 people.

Decision: Granted with the condition that police details are required.

35) **Application #183845** William Manley, on behalf of Harvard Square Business Association has applied for an entertainment license to be exercised at Deguglielmo Plaza and Brattle Street on 7/22/22 from 5:00 p.m. – 10:00 p.m. for a salsa dance party with patrons dancing, performers/entertainers dancing, recorded music, dj and amplification system. Expected attendance – 200 people.

Decision: Granted.

36) **Application #184033** Erika Gauthier has applied for a malt and wine license to be exercised at 10 Education Circle patio next to building, on 7/14/22 from 3:00 p.m. – 6:00 p.m. for a BBQ. Expected attendance – 50 people.

Decision: Granted.

37) **Application #184434** Maria Moran has applied for a malt and wine license to be exercised at MIT 134 Memorial Drive, on 7/18/22 from 5:00 p.m. – 9:00 p.m. for a BBQ dinner. Expected attendance – 50 people.

Decision: Granted pending submission of event registration and subject to any conditions listed therein.

38) **SNV Application #183602** Kervinson Exilus on behalf of Turner Construction for 7/22/22 (Alt. 7/23/22) at 60 Oxford Street, from 7:00 a.m. to 7:00 p.m., to assemble and disassemble a crane to hoist equipment to the rooftop using a crane and power tools. The variance is sought to extend the workday to accommodate the scope of work and for public safety.

Decision: Granted.

39) **SNV Application #183867** Kahlid Abdullah on behalf of Phoenix Communications for 7/18/22 – 7/28/22 (Alt. 8/1/22 – 8/12/22) at 300 Bent Street, from 7:00 p.m. to 5:00 a.m. the following morning (Monday through Thursday), to place fiber optic cables in existing manholes. The variance is

sought in the interest of worker safety and to minimize impacts to and from vehicular traffic. Additionally, the applicant has been unable to obtain a daytime detail.

Decision: Granted.


Minutes Approved: August 24, 2022

Minutes Posted: August 24, 2022

By the Board of License Commissioners



Nicole Murati Ferrer, Chair



Thomas Cahill, Jr., Fire Chief



Christine Elow, Police Commissioner