

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 28, 2022, 10:30 a.m. By Remote Participation

This meeting was held remotely in accordance with Chapter 107 of the Acts of 2022 signed into law on July 16, 2022.

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 #183769** Sugar & Spice, Inc. d/b/a Sugar & Spice, 1933 Massachusetts Avenue, Common Victualler Malt and Wine License #11257, has applied to change its license category to All Alcohol.

Present: Penjan Janburiwong.

Documents Considered: Application and documents attached thereto.

Summary: Customers have been requesting alcohol for some time and trying to accommodate them.

Decision: Granted.

2. **Application #178679** Muqueca Restaurant, Inc. d/b/a Muqueca, 1008 Cambridge Street, Common Victualler Malt and Wine License #11620, has applied for an Alteration of Premises to extend its licensed premises to an outdoor area in the private way. The proposed premises description is: Dining room with bar, waiting area and kitchen, all on the first floor. Approximately 729 sq. ft. outdoor area on the private way, parking lot/alley, on the side of the building.

Present: Attorney James Rafferty; and Maria de Fatima Langa.

Documents Considered: Application and documents attached thereto.

Summary: This is a new area, not related to any temporary permits. They are seeking the alteration as outdoor dining is critical and the application is consistent with the City's policy in expanding its outdoor dining program and areas. They are seeking same closing hour as inside with 24 seats/36

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total occupancy. They would have a hostess stand outside for the outdoor area although they can see the area from inside through an access to the kitchen.

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

3. **Application #181989** Grafton, Inc. d/b/a Park Restaurant & Bar, 59 JFK Street, Common Victualler All Alcohol License #11669, for an Alteration of Premises to extend its licensed premises to an outdoor area in the public way, parking lane. The proposed premises description is: Lounge with bar, rear dining room, seasonal outside seating on private property, 3 egresses (two from lounge/dining area and one from kitchen). Includes outdoor area on the public way, parking lane, of approximately 285 sq. ft.

Present: Attorney James Rafferty; and Patrick Lee.

Documents Considered: Application and documents attached thereto.

Summary: This is for a new extension not related to any temporary permits. The proposal is for 24 seats on the public way on JFK Street and in addition to the already approved private patio. The Sidewalk Street Business Use permit ("SSBU") has issued. Closing hour is meant to be the same as inside. There will be a host stand outside to monitor, although they can see and monitor the area from inside.

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

4. **Application #182059** Tiger Sugar Cambridge, Inc. d/b/a Tiger Sugar, 5 JFK Street has applied for a new Common Victualler License with 10 seats and proposed hours of 10:30 a.m. to 11:00 p.m. all days. Janfung Lu as manager of a premises described as: 702 sq ft., one floor, one room, kitchen and storage in back, single ingress/egress in front, no basement.

Present: Attorney Chase Liu; and Janfung Lu.

Documents Considered: Application and documents attached thereto.

Summary: New bubble tea shop with some indoor seating with the intention to serve some food (limited items). Their proposed timeline is to open late August.

Decision: Granted.

5. **Application #185789** JDA Group LLC d/b/a El Jefe's Taqueria of Harvard Square, 14 Brattle Street, for a New Common Victualler License with proposed hours of 8:00 a.m. to 4:00 a.m. All days with seating for 49 and an occupancy of 91. Ronaldo Barbieri as proposed manager of a premises described as: 2,621 square feet on two levels with two entrances. At the 7 JFK St entrance is are bathrooms and seating areas in 791 sq ft. Then there is an adjoining space of 1,830 sq ft with an entrance at 14 Brattle

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St. The Brattle St space contains the kitchen which is just a prep area with a dish room, and the exposed food cook line and the service line along with additional restaurant seating. The two spaces are connected by both a stairway and a lift.

Present: John Schall.

Documents Considered: Application and documents attached thereto.

Summary: El Jefe's has been in Harvard Square since October 2015 and in the Garage which is a building that is being vacated and in preparation for that are seeking to move to this space. The entrance is where the Urban Outfitters used to be (with less inside footprint). This would be the same business concept and operation and will probably apply for a beer and wine license (based on their current operation). For right now, a continued operation of what they are doing without the alcohol. Construction is essentially finished, and has opening event scheduled for August 6 & 7 and plan to open to the public on the 8th. The corporation for this location is new so not sure what they will do with the license at the Garage – he will probably apply for a new license (or a transfer) rather than a change of location for that license.

Decision: Granted.

6. **Disciplinary** DMG Food Enterprises, LLC., d/b/a 730 Tavern Kitchen + Patio, Holder of Common Victualler All Alcohol License #11613, 730 Massachusetts Avenue, allegedly operating over the licensed capacity on June 2, 2022, and failure to keep, maintain or complete crowd safety manager records, checklists, or reports in violation of M.G.L. c. 138 & 140 and Rules of the Board.

Present: Investigator Tyler Bubenik; Attorney Andrew Upton; and Davidson Bettero.

Documents Considered: Hearing notice and documents attached thereto.

Summary: This inspection was on a date of one of the NBA finals. Investigator Bubenik counted 231 people when the maximum capacity is 220. A host was placed at the entrance to hold the door, but people continued to be allowed inside for a total of 240 persons. After about 15-20 minutes of Investigator Bubenik trying to control the door with limited assistance of the business, the matter was finally under control. There was no contention as to the violation of overcrowding or also the failure to have certified crowd control managers on site on the night of the incident or thereafter. Going forward, during games they will not allow the large windows to be open so people cannot come in and out of the premises that way and will also close the door at 1:00 a.m. on busy nights. Previous history was a violation for operating overcapacity in 2019.

Decision: Violation, 1 day suspension to be held in abeyance for 9 months.

7. **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.

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Summary/action: No representative appeared, no action.

8. **Application #186138** BL 27 Brattle MA, LLC d/b/a Bluestone Lane, 27 Brattle Street, Common Victualler All Alcohol License #51281, for a Change of Manager to Meagan Christiana Hackett.

Present: Attorney Andrew Upton; and Meagan Hackett.

Documents Considered: Application and documents attached thereto.

Summary: Establishment was before the Board two weeks ago and an indefinite suspension issued at that time, with a 5-day timeline to submit the change of manager application. This is the application for the change of manager. Hackett has extensive experience in the industry (12 years – went to college for it), this is her only job, solely focused on this operation. Familiar with the rules and regulations of the Board, the ABCC and the laws of the Commonwealth of Massachusetts with regard to sale and service of alcohol. Need the certificate of training in the safe service and sale of alcohol.

Decision: Granted.

9. **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. This was heard and decided on July 14, 2022. The Board voted for an indefinite suspension of the license and given five (5) days to file all corrective applications.

Present: Attorney Andrew Upton; Matt Christy, VP; and Nicholas Stone, CEO.

Documents Considered: File.

Summary: Establishment was before the Board two weeks ago and an indefinite suspension was given, with a 5-day timeline to submit the change of manager application. Licensee apologized for the business's disorganization and the problems caused by them. The infinite suspension was lifted administratively (after the Commissioners were conferred with) the previous Friday (hence the business was closed for approximately one week). The patio has been completely removed – they will be seeking an approval for the patio but right now in terms of mitigation and compliance they have done everything to ensure the patio is not operated without a license. The furniture is being stored in the basement not impeding any ingresses/egresses. Stone and Christy apologized for the violations.

Decision: Matter closed. No further action taken as to the disciplinary matter/license.

10. **Disciplinary** New England Development for alleged violations of Cambridge Municipal Code 8.16.080(f) - Construction activity outside of the allowable hours at approximately 2:57 a.m. on June 14, 2022 in the vicinity of 100 Cambridgeside Place, and again at approximately 6:25 a.m. on June 29, 2022 in the vicinity of 41 Land Boulevard.

Present: Investigator Tyler Bubenik; Peter DeVito; and Rafi Mohammed.

Documents Considered: Hearing notice and documents attached thereto.

Summary: Received an email with a video showing unloading materials on a dumpster at the dock on June 14. Peter DeVito confirmed that the activity was connected within construction/demolition at Cambridgeside Galleria. Another email was received about construction at Cambridgeside (old Macy's building, Sears and One Canal Park) on June 29. DeVito denied that the allegations listed on the June 29 email were related to any construction at Cambridgeside. DeVito stated that although construction workers start to arrive at 6:00 a.m., they are not allowed access to the site until 7:00 a.m., the site is secured, and their video surveillance shows this and that there is no construction on June 29. Police is doing continuous and increased patrols in the area to try to mitigate any violations and ensure there is no construction at this site. *Matters #10-12 are somewhat interrelated*.

Decision: June 14 incident – violation, \$300 fine. June 29 incident – violation, warning.

11. **Disciplinary** Anchorline Partners for alleged violations of Cambridge Municipal Code 8.16.080(f) - Construction activity outside of the allowable hours at approximately 6:30 a.m. on June 28, 2022 and again at approximately 6:25 a.m. on June 29, 2022, both in the vicinity of 60 First Street.

Present: Investigator Tyler Bubenik; and John Bangs, Project Manager for Anchorline Partners.

Documents Considered: Hearing notice and documents attached thereto.

Summary: Received an email that construction started at 6:30 a.m. on June 28 on First Street (and other locations). Bangs brought this to the general contractor, and they immediately met with all subcontractors and foremen to put them on notice that work could not start until 7 a.m. during weekdays and resent the Ordinance to the foreman and had another meeting reviewing the matter. They informed the contractors and subcontractors that if there is a violation they will be removed from the site/project. The complaint does not particularly attribute the construction or noise to a specific site but rather various sites which is why the matter was cited as to multiple contractors and sites in the area. Bangs confirmed crews start to arrive early and do a "flex and stretch" but there is no construction or access to the site to start construction (or at least there should not be) and they are paying more attention to that to ensure that is the case. Police is doing continuous and increased patrols in the area to try to determine from which location the noise is coming from and who is violation the Ordinance. *Matters #10-12 are somewhat interrelated*.

Decision: Under advisement.

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12. **Disciplinary** The Richmond Group for alleged violations of Cambridge Municipal Code 8.16.080(f) – Construction activity outside of the allowable hours at approximately 6:30 a.m. on June 28, 2022, 6:25 a.m. on June 29, 2022, and 6:20 a.m. on June 30, 2022, all in the vicinity of One Canal Park.

Present: Investigator Tyler Bubenik; and Heather Hoffman.

Documents Considered: Hearing notice and documents attached thereto.

Summary: Received an email that construction started prior to the allowable hours on various dates. Kevin Cahill, who did not appear at the hearing but responded to the inquiry sent by Investigator Bubenik on the matter, denied the allegation and claimed that the complainant was hearing noise from other source not their construction site. Police is doing continuous and increased patrols in the area to try to determine from which location the noise is coming from and who is violation the Ordinance. The Board was troubled that no one appeared. *Matters #10-12 are somewhat interrelated*.

Decision: Under advisement.

13. **SNV Application #184429** Jarrod LaRocco on behalf of Bond Civil & utility for 8/1/22 – 11/1/22 (Alt. 8/4/22 – 11/4/22) at 290 Binney Street, for overnight work from 6:00 p.m. until 7:00 a.m. the following morning, Monday through Friday, and 6:00 p.m. until 9:00 a.m. the following morning on Saturdays, Sundays, and holidays, to perform as-needed utility-related or logistically challenging work using backup alarms, pumps, generators, light towers, compressors, excavators, compactors, pile drilling/driving, and dump trucks. The variance is sought in the interest of minimizing impacts to vehicular traffic and maintaining integrity of essential utilities.

Present: Investigator Tyler Bubenik; and Jarrod LaRocco.

Documents Considered: Application and documents attached thereto.

Summary: Similar variance that has been approved in 145 Broadway for similar type of work. This is part of the redevelopment of the Blue Garage. Have to have utilities rerouted for existing and working buildings. Often times the service disruption do not allow the tenants to operate. Hence, the reasons why they are asking for the variance outside of allowable hours so as not to interrupt the tenants and their operations.

Decision: Granted with the following conditions: No work on legal holidays; Department of Public Works will be notified prior to the variance being exercised; cannot use the variance more than 8 times; and if any work on Sundays, a Sunday work permit must be obtained from Cambridge Police.

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

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summary of what is considered by the Board, unless otherwise indicated, is the identifying information of the matter as listed on the agenda.

14. **Application #184258** Massachusetts Institute of Technology d/b/a MIT – Burton Conner, has applied for a new Innholder/Lodging House license at 410 Memorial Drive for 206 rooms and 388 occupants. Proposed premises description: Multi-story (6) furnished residence for coed undergraduate students. Freshmen in double rooms, and upperclassmen have double and single rooms. Dennis J. Collins as proposed manager of record. This lodging house was previously license as #10796 but the license was relinquished when the building closed for renovations.

Decision: Granted.

15. **Application #181003** Midwest Grill, Inc. d/b/a Midwest Grill, 1124 Cambridge Street, Common Victualler License #171556 (not yet issued) is seeking to change the opening hour to 6:00 a.m. to be able to serve breakfast. In their original application they sought and received an 8:00 a.m. opening.

Decision: Granted.

16. **Application #185577** MIT 730 and 750 Main Street Leasehold LLC, 750 Main Street, Garage and Flammable License #181058 (not yet issued), has applied to amend their Flammables License to include an additional 3,000 gallons of Class 1; 500 gallons of Class 2; 120 gallons of Class 3; 50 pouns of flammable solids; and 2,000 cubic feet of flammable gasses.

Decision: Granted.

17. Statement of Reasons

• G Street Associates, Inc., d/b/a Grafton Street Pub and Grill, 1 Bow Street, Common Victualler All Alcohol License #11668, heard and decided 5/24/22, cancellation hearing for non-use in six (6) months.

• Consigli Construction Company, heard and decided 5/24/22, violation of Cambridge Municipal Code 8.16.080(f), construction outside allowable hours, on March 26 and 30, 2022 at 101 CambridgePark Drive, total \$600 fine.

• Clover Fast Food, Inc. d/b/a Clover Fast Food, 1075 Cambridge Street, Common Victualler Malt Only License #11460, heard and decided 6/9/22, violation of Cambridge Municipal Code 8.16.080(e), \$300 fine held in abeyance for six (6) months.

• Marco Landscaping, holder of Leaf Blower Permit #10686, heard and decided 6/9/22, violation of Cambridge Municipal Code 8.16.081.2(e), use of non-compliant leaf blower, on May 3, 2022, at 26 Healey Street, \$300 fine.

• Paiva Landscaping & Masonry, heard and decided 6/9/22, violation of for alleged violation of Cambridge Municipal Code 8.16.081.1(b) & 8.16.081.2(c), operating without a permit, on May 3, 2022, at 52 Concord Avenue, \$300 fine.

• PIDC Construction, heard and decided 6/9/22, violation of Cambridge Municipal Code 8.16.080(e) and (f), loading/unloading and construction outside allowable hours, at 100/150 Cambridgepark Drive on March 26, 2022 and May 16, 2022, warning and \$300 fine.

• Republic Services, Solid Waste Hauler Permit #14078, heard and decided 6/9/22, violation of Cambridge Municipal Code 8.16.080(e), loading/unloading outside allowable hours on May 26, 2022, at 80 Trowbridge Street, \$300 fine.

• Harvard University Facilities and Maintenance Operations, holder of Leaf Blower Permit #10675, heard and decided 6/21/22, violation of Cambridge Municipal Code 8.16.081.2(e), use of non-compliant leaf blower, on May 25, 2022, at 1651 Massachusetts Avenue, \$300 fine.

• PIDC Construction, heard and decided 6/21/22, violation of Cambridge Municipal Code 8.16.080(f), construction outside allowable hours, at 150 Cambridgepark Drive on June 2 and 6, \$300 fine per instance for total \$600 fine.

Decision: Approved as to all.

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.

18. **Application #180063** Adria Katz, on behalf of the Cambridge Multicultural Arts Center, Inc. has applied for a one day hawker/peddler license for (10) vendors at 41 Second Street, on 8/27/22 from 1:00 p.m. – 9:00 p.m. to sell artworks and merchandise.

Decision: Granted.

19. **Application #183390** Larry Ward, on behalf of Cambridge Jazz Foundation has applied for a malt and wine and entertainment license to be exercised at Danehy Park – 99 Sherman Street, on 7/30/22 & 7/31/22 from 12:00 p.m. – 6:00 p.m. for a jazz festival with live music. Expected attendance – 10,000 people.

Decision: Granted, subject to the issuance of the Park Permit and any conditions therein.

20. **Application #186311** Larry Ward, on behalf of Cambridge Jazz Foundation, has applied for an all alcohol and entertainment license to be exercised at M.I.T. Stratton Student Center – 84

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Massachusetts Avenue , on 7/29/22 from 6:30 p.m. – 10:00 p.m. for a dinner saluting former Cambridge City Manager Louis DePasquale with patrons dancing and live music. Expected attendance – 234 people.

Decision: Granted.

21. **Application #184082** Liliana Jimenez has applied for an entertainment license to be exercised at Cambridge Masonic Hall 1950 Massachusetts Avenue, on 7/30/22 & 8/13/22 with rain date of 8/14/22 from 6:00 p.m. – 11:30 p.m. for a dance party with patrons dancing and dj. Expected attendance – 100 people.

Decision: Granted.

22. **Application #185424** Joe Deignan has applied for a one day temporary amusement license (Bouncy castle, 2 inflatables) to be exercised at Riverside Press Park 1 Blackstone Street, on 8/2/22 with rain date of 8/3/22 from 5:00 p.m. – 8:00 p.m.

Decision: Granted.

23. **Application #185534** Sasha Fried-Snoad has applied for an entertainment license to be exercised at Kendall/MIT Open Space 292 Main Street, on 8/9/22 with rain date of 8/10/22 from 12:15 p.m. – 1:00 p.m. for a concert with patrons dancing, performers/entertainers dancing, recorded music, live music and amplification system. Expected attendance – 150 people.

Decision: Granted.

24. **Application #185532** Sasha Fried-Snoad has applied for an entertainment license to be exercised at Kendall/MIT Open Space 292 Main Street, on 8/6/22 with rain date of 8/7/22 from 11:00 a.m. – 12:00 p.m. for a family friendly gathering with patrons dancing, recorded music and amplification system. Expected attendance – 80 people.

Decision: Granted.

25. **Application #185528** Sasha Fried-Snoad has applied for an entertainment license to be exercised at Kendall/MIT Open Space 292 Main Street, on 8/3/22, 8/10/22 & 8/17/22 with rain date of 8/4/22 from 7:30 p.m. – 10:00 p.m. for a movie night with patrons dancing, recorded music, amplification system and theatrical exhibition/play/moving picture show. Expected attendance – 200 people.

Decision: Granted for the dates/times approved on the event registration form.

26. **Application #185609** Ken Barrett-Sweet, on behalf of the Catered Affair has applied for a wine and entertainment license to be exercised at Harvard Art Museums 32 Quincy Street, on 7/28/22 from 5:00 p.m. – 9:00 p.m. for an open house with dj. Expected attendance – 1500 people.

Decision: Granted.

27. **Application #185768** Katherine Stoll has applied for an entertainment license to be exercised at Donnelly Field 75 Berkshire Street, on 7/30/22 from 3:00 p.m. – 9:00 p.m. for a birthday party with recorded music and amplification system. Expected attendance – 30 people.

Decision: Granted.

28. **Application #185982 & 185989** Cambridge Jazz Foundation has applied for a one day hawker/peddler license to be exercised at Danehy park 99 Sherman St, on 7/30 with (19) vendors and 7/31 (16) vendors from 12:00 p.m. – 6:00 p.m. to sell clothes, jewelry and crafts.

Decision: Granted.

29. **Application #185845** Michele Scott, on behalf of Kingdom Empowerment Center has applied for an entertainment license to be exercised at Rose Green Park 155 Harvard Street, on 8/7/22 with rain date of 8/21/22 from 9:00 a.m. – 2:00 p.m. for a community event with dj and amplification system. Expected attendance – 75 people.

Decision: Granted, pending submission of the Park Permit and any conditions therein.

[Matters Considered and Added to the Agenda After Posting]

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30. **Application #186231** Julia Blake, on behalf of Patagonia, has applied for a malt license to be exercised at Patagonia Cambridge – 39 Brattle Street, on 7/28/22 from 6:00 p.m. – 8:00 p.m. for a Grow Native Massachusetts event. Expected attendance – 15 people.

Decision: Granted.

31. **Application #186780** Pardis Saffari, on behalf of Cambridge Community Development, has applied for a one day entertainment license to be exercised at Jill Brown-Rhone Park (385 Massachusetts Avenue) on 7/30/22, 8/13/22, 8/27/22 (rain dates 7/31/22, 8/24/22. 8/28/22) from 2:00 p.m. – 4:00 p.m. for a live jazz concert with patrons dancing, live music, recorded music, and amplification system – expected number of people 25. This is a City sponsored event and the applicant is seeking a fee waiver.

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

32. **Application #187019** Amanda Henley, on behalf of Harvard Square Business Association, has applied for one day hawker/peddler license to exercised at 2 Brattle Square Mezzanine on 7/31/22 from 11:00 a.m. to 5:00 p.m. selling handmade goods, arts and crafts

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Decision: Granted.

33. **Application #187042** Kini Udowicki, on behalf of Deondre Starling, has applied for a one day entertainment license to be exercised at Hoyt Field (1 Montague Street) on 7/30/22 & 7/31/22 from 10:00 a.m. – 6:00 p.m. for a basketball/kickball tournament with a deejay and amplification system. Expected attendance – 600 people.

Decision: Granted.

34. **Application #187094** Soheil Fathi, on behalf of La Saison Bakery, has applied for a one day entertainment license to be exercised at 407 Concord Avenue on 7/31/22 from 11:00 a.m. – 4:00 p.m. for a concert with live music. Expected attendance – 80 people.

Decision: Granted.

Minutes Approved: August 24, 2022

Minutes Posted: August 24, 2022

By the Board of License Commissioners

Murati Ferrer. Chair

Thomas Cahill, Jr., Fire Chief

Christine Elow, Police Commissioner