



CAMBRIDGE LICENSE COMMISSION

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CHAIRPERSON | BOARD MEMBER

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FIRE CHIEF | BOARD MEMBER

ELIZABETH Y. LINT
EXECUTIVE DIRECTOR

BOARD OF LICENSE COMMISSIONERS' MEETING MINUTES Thursday, May 27, 2021, 9:00 a.m.

The meeting was held by remote participation through Zoom, pursuant to Governor Baker's Executive Order of March 12, 2020, suspending certain provisions of M.G.L. c. 30A, due to the COVID-19 Pandemic. Meeting started at approximately 9:08 a.m.

Board members in attendance: Chair Nicole Murati Ferrer (present); Commissioner Branville Bard (absent); and Chief Gerard Mahoney (present).

Staff member in attendance: Elizabeth Y Lint.

Note: All decisions/votes were by roll call vote, and 2-0, unless otherwise specified.

1) Application #119090 Cryo-Cone Cambridge, LLC d/b/a Sub Zero Nitrogen Ice Cream, 808 Memorial Drive, for a new Common Victualer License with proposed hours of 12:00 p.m. to 10:00 p.m. Sunday through Thursday and 12:00 p.m. to 11:00 p.m. Friday and Saturday with seating for 10 and an occupancy of 18. Rita McCabe as proposed Manager of Record of a premises described as: Restaurant with ten seats, kitchen, and storage. **(Time Stamp: 01:48)**

Present: Pat Conte and Rita and Mark McCabe.

Documents Considered: Application and documents attached thereto.

Summary: A variance was obtained from the Board of Zoning appeals as retail is not allowed use in this business zone. They are replacing a dry cleaner. There was significant support from the neighbors and abutters. Rita has previously operated a Sub Zero Ice Cream shop in New Hampshire. They also have a location in the Worcester Public Market. It was also featured on Shark Tank. The ice cream is created in front of the purchaser.

Decision: Granted.

2) Application #118404 Slawdog, LLC d/b/a State Park, One Kendall Square #300, Common Victualer All Alcohol License #11490, has applied for a Change of Hours to expand the closing hour on Tuesday and Wednesday to 2:00 a.m. **(Time Stamp: 06:10)**

Present: Rachel Miller Munzer.

Documents Considered: Application and documents attached thereto.

Summary: This is to fill a hole in the neighborhood that was created when the Automatic closed. There is nowhere for people who work in the restaurant industry or other industries that end shifts late, to go have a drink/eat after work. They have been in operation since 2013 with no disciplinary issues.

Decision: Granted.

- 3) Application #118405 Dip Dog, Inc. d/b/a Café Du Pays, 233 Cardinal Medeiros Avenue, Common Victualler All Alcohol License #11386, has applied for a Change of d/b/a to Vincent's. **(Time Stamp: 08:21)**

Present: Rachel Miller Munzer.

Documents Considered: Application and documents attached thereto.

Summary: Slightly modified the concept since the shutdown of COVID – pre-pandemic they were a fine dining restaurant, and now shifting gears to an all-day café; moving away from fine dining French Canadian and morphing works in this space, all day menu, then neighborhood bistro at night.

Decision: Granted.

- 4) Application #117419 Dreamland Corp. d/b/a Fresh Mart, 222-B Broadway, Wine and Malt Package Store License #95174, has applied for a Change of d/b/a to Cappry's. **(Time Stamp: 10:38)**

Present: Attorney Andrew Upton

Documents Considered: Application and documents attached thereto.

Summary: They are rebranding as there are too many places with the name Fresh Mart. There are no other changes.

Decision: Granted.

- 5) Re-Hearing Application #117275 Aaron Butler on behalf of Consigli Construction has applied for a special noise variance for 5/15/21 – 7/31/21 (Alt. 5/22/21 – 8/7/21) at 450 Water Street, from 7:00 a.m. to 9:00 a.m. on Saturdays to perform interior fit-out and exterior curtainwall installation using delivery trucks, dumpsters, scissor lifts, and forklifts. The variance is being requested to extend the workday and expedite the work schedule with quiet activities while maintaining COVID 19 Protocol. **(Time Stamp: 12:20)**

Present: Andrew Rouille, Senior Project Manager; Ed LeFlore, for the applicant; Matt Stuber, abutter; Heather Hoffman, Cambridge resident; and Tyler Bubenik, License investigator.

Documents Considered: Application and documents attached thereto.

Summary: This is being heard again as the applicant had provided the wrong link for the meeting to the abutters. They are working an expedited schedule and continuing with COVID protocols. They have a smaller work crew. They will continue to have many of the COVID

protocols in place. Unvaccinated people will have to wear a mask at all times. They had a meeting to address the early morning noise. They will start no earlier than 7:00 a.m. They have hired additional staff to be there on Saturday to take photos and videos to ensure no early arrivals. Members of the public expressed concerns about the early Saturday hours as the area has been a construction zone for many years. This is a new building for Sanofi. Divco West is the developer. They are close to completion of the project.

Decision: Granted as of 8:00 a.m. for interior work only. Nothing until 8:00 a.m. in the interior of the building, and no delivery or dumpster until 9:00 a.m.

Administrative Matters

All the below listed matters are considered and voted upon by the Board without public testimony. Unless otherwise indicated, all the matters are decided upon by the individual review of the papers/applications before the Board members and each member votes 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. (Time Stamp: 30:10)

6) Application #119317 Alexandra Offiong, on behalf of the President and Fellows of Harvard College, has applied to change the manager for multiple lodging houses to Nancy Hodge. (See attached list).

Decision: Granted.

7) Application #120254 Kevin Botti on behalf of Dellbrook JKS for 5/29/21 -11/27/21 (Alt. 6/5/21 – 12/4/21) at 55 Wheeler Street, from 7:00 a.m. to 9:00 a.m. Saturdays only, to perform concrete formwork, rebar installation, formwork removal, wood framing, and concrete placement using a forklift and concrete pump. The variance is being sought to extend the day in the event concrete pours encounter complications and run long.

Present: Tyler Bubenik.

Summary: Board received a letter of opposition as to this application. The Department of Public Works had recommended the issuance of the variance based on nature of construction it is not uncommon to require more time for concrete placement. However, the Board was concerned about the open-ended request, whether concrete pours would really be required during the entire times period and inquired whether there is a need for a variance of this length.

Decision: Deferred to get more information from applicant.

8) Application #120033 Jarrod LaRocco on behalf of Bond Civil & Utility for 5/28/21 – 11/14/21 (Alt. 6/3/21 – 11/21/21) at 346 Binney Street, from 6:00 a.m. to 7:00 a.m. Monday through Friday, and 7:00 a.m. to 9:00 a.m. on Saturdays, Sundays, and holidays, to perform miscellaneous roadway and utility work to support the Kendall Culvert and ALTA Phase 1 projects for the City via Turner and Boston Properties using back up alarms, excavators, loaders, pavers, compactors, drilling or piling equipment and other miscellaneous civil construction tools and equipment. The variance is being sought as a

contingency plan for extra/long days in case schedule is at risk or for activities that should be done during off hours to mitigate impacts to business and users of the ROW.

Present: Tyler Bubenik.

Summary: The Board found the application to be vague, and was concerned about the time period of the request and the “just in case” excuse rather than one tied to a need.

Decision: Deferred to get more information from applicant.

9) Application #120129 Brittany Corbett on behalf of Columbia Construction for 5/28/21 – 6/9/21 (Alt. 6/1/21 – 6/11/21) at three locations within the MIT campus at 77 Massachusetts Avenue (Buildings NW12, 18, and 57), and one location at 500 Technology Square (Building 47), during the regular construction hours. MIT is switching gas providers, and as a consequence will need to remove existing and install new equipment using a forklift, crane, and trucks. The variance is being sought as venting the remaining nitrogen from tanks prior to removal will be necessary, and there is no way to attenuate the resulting noise.

Summary: The work is being done during regular hours. Variance is to ensure covered if the venting of the nitrogen is over noise level; there is nothing that can be done to make the venting “less noisy.”

Decision: Granted.

10) Application #113787 Cortnie Green on behalf of New England Development for 5/28/21 – 7/23/21 (no alternate dates specified) at 100 Cambridgeside Place, from 4:30 a.m. to 7:00 a.m. on weekdays only, to remove the curtainwall glazing and substructure, install a new curtainwall, removal and reinstallation of masonry at curtainwall tie-ins, clean precast, concrete and masonry restoration, remove and reinstall sealants, and to coat precast using diesel-powered light towers, aerial lift engines and alarms, chipping guns, and material movement. The variance is sought to safely perform work above the patios of Cheesecake Factory and World of Beer and to minimize impacts to business operations. A resident spoke in operation to the application.

Present: Tyler Bubenik; and Heather Hoffman, resident of Cambridge.

Summary: The type of work being done cannot possibly happen during regular business hours while pedestrians and vehicles are in the way. It is a safety issue. Hoffman complained of the duration, noise and need, and opposed the application.

Decision: Granted.

Ratifications:

11) Application #115660 Cambridge Cuisine, LLC d/b/a Puritan & Company, 1166 Cambridge Street, license #11243, for 20 seats in the parking spaces in front of the premises. Closing hour is 11:00 p.m.

12) Application #113682 Guilia, Inc. d/b/a Giulia, 1162 Massachusetts Ave., License #11465, for 16 seats in the parking space in front of the premises. Closing hour is 11:00 p.m.

13) Application #117625 Love Art Udon Comm, LLC d/b/a Cloud and Spirits, 795 Main Street, License #89841, for 16 seats in the parking spaces in front of the premises. Closing hour is 11:00 p.m.

14) Application #110386 18 Fresh, Inc. d/b/a Shanghai Fresh, 735 Massachusetts Ave., License #50491, Extending from the currently approved outdoor area on the sidewalk in front of the licensed premises towards 731 Massachusetts Ave. Closing hour of outdoor area is Sundays 10:00 p.m.; Monday-Thursday 11:00 p.m.; and on Fridays and Saturdays it can operate until 11:00 p.m. with a capacity of 30, and until 11:30 p.m. with a capacity of 15.

15) Application #119216 La Fabrica central, LLC d/b/a La Fabrica, 450 Massachusetts Ave., License #11493, Extending from the currently approved outdoor area on the sidewalk curbside onto the parking lane. The outdoor areas can operate at the maximum combined capacity of 118 until 11:00 p.m., thereafter, the outdoor areas can operate at a combined maximum capacity of 68 until 2:00 a.m.

16) Application #111232 HK Food Group, LLC d/b/a Alden & Harlow, 40 Brattle St., License #11478, for 40 seats extending from the currently approved outdoor areas on the sidewalk to the portion of Brattle Street directly in front of the licensed premises. (1) May only be used on Saturdays as of May 15 from 11:00 a.m. - 11:00 p.m. (2) Must have managerial staff monitoring outdoor area at all times.

17) Application #117215 AY Restaurants, Inc. d/b/a Mae Asian Eatery, 781 Main Street, License #25132, for 20 seats on the parking lane directly in front of the licensed premises. Closing hour of outdoor area is 10:00 p.m. Sunday-Thursday, and 11:00 p.m. Friday and Saturday.

18) Application #117892 Curio Coffee, LLC d/b/a Curio Coffee & Wine, 441 Broadway, License #12282, for 24 seats in the parking spaces in front of the restaurant. Patio closing hour is 11:00 p.m.

19) Application #119517 LCW Associates, Inc. d/b/a Royal East, 782 Main Street, License #11272, for 28 seats curbside into the parking spaces in front of 782-796 Main Street. Closing hour is 11:00 p.m.

Decision: Ratified as to all.

20) Board discussion of end of state of emergency due to COVID-19 and impacts on current processes.

Summary: The Board discussed business recovery measures, including a one-time, non-precedent setting 40% reduction in renewal fees for all license types except Waste Haulers, Pole and Conduit, Leaf Blowers, and Hackneys. For Hackney medallions and licenses, a total waiver as in years prior would be implemented. Patio fees would also be reduced. The collection of renewal fees would be done in the usual way and done in the manner as previous to COVID (no

pro-rating, no interval payment except the 50/50 alcohol). To continue safe practices, patio renewal fees would also be reduced to \$25.00 for private patios and \$75.00 for public patios. In that same vein, it was discussed that due to the end of the state of emergency temporary patios would expire in August 15, 2021. Board discussed taking all measures necessary to allow patios to remain active through November 27, 2021 (as filed in the Governor's recent legislature) or through the end of the calendar year. The Chair would be designated as the person to implement any required process to allow the use of outdoor areas through the end of the year with ratification after the fact.

Decision: As to 2022 Renewal Fees, the Board implemented a one-time, non-precedent setting reduction in renewal fees for licenses for the year 2022 (inclusive of those that renew in the Spring of 2022).

(1) 40% reduction on the total license renewal fees for all license types except: Pole & Conduit, Waste Haulers, Leaf Blowers, and Flammables Only. This means there would be a 40% reduction of the renewal fee for all of the following license types: alcohol (restaurant, club, hotel, general on premises/bar, any series pouring permit), common victualler (restaurant), entertainment, innholder, lodging houses/dormitories, letting of motor vehicles, used car dealers, garages, open air parking lots, second hand good stores (antiques and junk), hawker/peddler (food trucks), jitneys, and liveries. Waiver of all fees for the renewal of taxi driver licenses and medallions as done in years prior to the COVID-19 Pandemic.

(2) To continue promoting safe practices and based on expert advice that being outside is better than inside, annual patio renewal fees for 2022 will be \$25.00 for private patios and \$75.00 for public patios.

(3) The renewal fees will be due by the date set in the usual manner. None of the renewal fees will be pro-rated or collected in installments except for the alcohol renewal fee which can be collected bi-annually as a 50/50 split (the first half due in November 2021, the second half due in May 2022).

As to Temporary Extensions of the Licensed Premises to an Outdoor Area Due to COVID-19 ("Temporary Extensions"), the Board voted to adopt whichever new expiration date is set by the legislature based on the pending bill requesting an extension of the August 15, 2021 current date. In the alternative, the Board will adopt any legal mechanism possible to extend the temporary extensions through the end of the year. The Chair was designated as the person to create and implement the process with the Board's ratification to follow.

One Day License Applications

All the below listed matters are considered and voted upon by the Board without public testimony. Unless otherwise indicated, all the matters are decided upon by the individual review of the papers/applications before the Board members and each member votes 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. (Time Stamp: 47:55)

21) Application # 122091 Diane Marangoly has applied for an entertainment license to be exercised at Cambridge Friends School, 5 Cadbury Road, on 6/11/21 with rain date of 6/12/21 from 7:00 p.m. – 11:00 p.m. for a fundraiser with recorded music, amplification system and theatrical exhibition/play/moving picture show. Expected attendance – 50 people.

Summary: The applicant has requested to add a DJ and change the operating hours to 7:30 p.m. – 10:00 p.m.

Decision: Granted with the amendments as requested by the applicant (DJ included and hours of operation are 7:30 p.m. – 10:00 p.m.).

22) Application # 121984 Amelia O'Connor has applied for a wine and malt license to be exercised at 20 Acorn Park Drive on lawn, on 6/10/21 with rain date of 6/11/21 from 5:00 p.m. – 6:30 p.m. for a party. Expected attendance – 45 people.

Decision: Granted.

Applications Nos. 23-26 were considered together.

23) Application # 120590 Carlin Carr, on behalf of Boston Book Festival, has applied for an entertainment license to be exercised at Artifact Cider Project, 438 Massachusetts Avenue, on 6/10/21 with rain date of 6/16/21 from 4:00 p.m. – 10:00 p.m. for a literacy program with amplification system. Expected attendance – 20 people.

24) Application # 120591 Carlin Carr, on behalf of Boston Book Festival, has applied for an entertainment license to be exercised at Area Four Restaurant, 500 Technology Square, on 6/10/21 with rain date of 6/16/21 from 4:00 p.m. – 10:00 p.m. for a literacy program with amplification system. Expected attendance – 20 people.

25) Application # 120597 Carlin Carr, on behalf of Boston Book Festival, has applied for an entertainment license to be exercised at Naco Taco patio, 297 Massachusetts Avenue, on 6/10/21 with rain date of 6/16/21 from 4:00 p.m. – 10:00 p.m. for a literacy program with amplification system. Expected attendance – 20 people.

26) Application # 120573 Carlin Carr, on behalf of Boston Book Festival, has applied for an entertainment license to be exercised at The Dial Restaurant, 907 Main Street, on 6/10/21 with rain date of 6/16/21 from 4:00 p.m. – 10:00 p.m. for a literacy program with amplification system. Expected attendance – 20 people.

Decision: Granted as to all.

27) Application # 117074 Jillian Smith has applied for an all alcohol and entertainment license to be exercised at 400 Technology Square in courtyard, on 6/22/21 from 6:00 p.m.- 9:00 p.m. for a party with d.j. Expected attendance – 80 people.

Decision: Granted.

28) Application # 113381 Xiomara Nunez has applied for an entertainment license to be exercised at Dana Park, 70 Magazine Street, on 6/13/21 with rain date of 6/20/21 from 5:00 p.m. – 10:00 p.m. for a fundraiser with amplification system and theatrical exhibition/play/moving picture show. Expected attendance – 80 people.

Summary/Decision: This matter was deferred as they have not obtained a park permit and it is also unclear whether the City will be granting such permits at this time.

29) Statement of Reasons The Rising: Goden Street, Inc. d/b/a The Rising, 1172 Cambridge Street, Common Victualler All Alcohol License #11554, for non-use pursuant to, but not limited to, M. G. L. c. 138, §§ 23, 64, and 77. Cancellation hearing in 6 months if license not put to use.

Decision: Approved.

30) Application #118620 Derric Small, on behalf of Cosver, LLC, d/b/a Tenoch Mexican, has applied for a Common Victualler license at 8 Museum Way. The premises is described as approximately 5,000 sq. ft. on the ground floor of 8-14 Museum Way, with seating for 30 and occupancy of 50, hours 10:00 a.m. to 9:00 p.m. all days.

Summary: This is the second time the matter is before the Board. At this time, they have submitted all documents but the floor plan shows a significant discrepancy between the number of seats requested and the total occupancy.

Decision: Deferred for submission of a new floor plan.

31) Superior Court Decision upholding the Alcoholic Beverages Control Commission's approval of the Board of License Commissioners' three (3) days suspension of the Coffeeshop, LLC d/b/a UpperWest's All Alcoholic Beverages License for failure to cooperate and hindering an investigation.

Summary: This suspension had been appealed by UpperWest to the ABCC. The ABCC upheld the Board's decision and then UpperWest appealed to the Superior Court. The Superior Court upheld the ABCC's decision affirming the Board's decision. Although the UpperWest license no longer exists, the disciplinary record of the holders can be considered by the Board as to any future applications.

Decision: Acknowledged.


Minutes Approved: June 9, 2021

Minutes Posted: June 21, 2021

By Board of License Commissioners


Nicole Murati Ferrer, Esq., Chair


Police Comm., Branville Bard, Commissioner


Fire Chief, Gerard Mahoney, Commissioner