



CAMBRIDGE LICENSE COMMISSION

831 Massachusetts Avenue, First Floor, Cambridge, Massachusetts 02139

BOARD OF LICENSE COMMISSIONERS' MEETING MINUTES

For Friday, November 8, 2019 at 9:00 a.m.

Michael J. Lombardi Building
831 Massachusetts Avenue
Carmelia M. Vicente Conference Room (Basement Level)
Cambridge, Massachusetts

Meeting started at approximately 9:01 a.m.

Board of License Commissioners Board Members: Nicole Murati Ferrer (present), Branville G. Bard (absent), and Gerard E. Mahoney (present).

Staff Member Present: Elizabeth Y. Lint, Executive Director.

Note: All votes, unless otherwise indicated, were 2-0.

Applicant Testimony Matters

1. Application #59159 Merritt Hospitality, LLC d/b/a Le Meridien Cambridge, 20 Sidney Street, All Alcohol Hotel License #10897, for Change of Manager to Joseph Dadiago Jr. [Time Stamp: 00:22]

Present: Applicant did not show up.

Documents Considered: Application and documents attached thereto.

Decision: No action.

Note: Applications #2, 3 and 4 were considered together.

2. Application #59576 Legal Sea Foods, LLC d/b/a Legal Sea Foods, 5 Bennett Street, All Alcohol Common Victualler License #11353, for a Change of LLC Manager. [Time Stamp: 00:34]

3. Application #59579 Legal Sea Foods, LLC d/b/a Legal Sea Foods, 20 University Road, All Alcohol Common Victualler License #11380, for a Change of LLC Manager.

4. Application #59573 Legal Sea Foods, LLC d/b/a Legal Sea Foods, 355 Main Street, All Alcohol Common Victualler License #11690, for a Change of LLC Manager.

Present: Attorney Richard Heller on behalf of the applicant.

Documents Considered: Applications and documents attached thereto.

Summary: These are reverse transactions, already approved by the ABCC. The LLC is adding an LLC manager at all locations. No other changes are being made.

Decision: Granted as to all.

5. Application #57466 Church Street Creole Café, Inc. d/b/a Border Café, 32 Church Street, Common Victualler All Alcohol License #11659, for a Change of Manager to Robert Murphy. **[Time Stamp: 01:30]**

Present: Robert Murphy, Vice President of operations.

Documents Considered: Application and documents attached thereto.

Summary: Mr. Murphy is the proposed manager and has been in the restaurant business for 31 years. He has been with Border Café for 28 years. He submitted his TIPS certification.

Decision: Granted.

6. Application Mohd I. Karajeh, for a Cambridge Hackney Driver's License. **[Time Stamp: 03:20]**

Present: Mohd Karajeh, applicant.

Documents Considered: Application and documents attached thereto.

Summary: Mr. Karajeh was a cab driver in Medford. His license has never been revoked.

Decision: Granted.

7. Application Tewodros Aberru, for a Cambridge Hackney Driver's License. **[Time Stamp: 05:02]**

Present: Tewodros Aberru, applicant.

Documents Considered: Application and documents attached thereto.

Summary: Mr. Aberru has never driven a cab before and is just starting to explore this line of work. His Massachusetts license has never been revoked.

Decision: Granted.

8. Application Aurel Pierre, for a Cambridge Hackney Driver's License. **[Time Stamp: 06:11]**

Present: Aurel Pierre, applicant.

Documents Considered: Application and documents attached thereto.

Summary: Mr. Pierre drove a cab in Boston. His license has never been suspended. He would like to buy a medallion.

Decision: Granted.

9. Application Abdel Karim Karajeh, for a Cambridge Hackney Driver's License. **[Time Stamp: 08:23]**

Present: Abdel Karajeh, applicant.

Documents Considered: Application and documents attached thereto.

Summary: Mr. Karajeh drove a cab in Medford. He is would like to buy a medallion.

Decision: Granted, with a 1-year probationary period due to his driving record.

10. Disciplinary Yard Works Landscaping, for alleged violations of Cambridge Municipal Code Noise Control Ordinance 8.16 on September 13, 2019 at 341 Harvard Street, to wit: 8.160.81.1(1)(b) and 8.16.081.2(c) - operating without a permit; and 8.16.081.2(a) – operating during a prohibited period. **[Time Stamp: 09:45; second call at 19:00]**

Present: Licensing Investigator Tyler Bubenik. No one appeared for Yard Works.

Documents Considered: Hearing notice and documents attached thereto, and see-click-fix report.

Summary: Investigator Bubenik testified that he received a complaint through See Click Fix that an employee of Yard Works was using leaf blowers at 344 Huron Avenue on September 13, 2019. This was during a prohibited time period. In addition, Yard Works is not permitted by the City. They have never appeared when noticed to appear at a hearing and they have overdue fines. Yard Works has been contacted numerous times to apply for a permit and not to operate during prohibited times.

Decision: Violation on each count, issued a \$300.00 fine for each for a total fine of \$600.00. Board also voted to refer the matter to the City Solicitor for affirmative recovery and other appropriate legal action.

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: 10:45]

11. Caffe Nero Americas, Inc, d/b/a Caffe Nero, holder of Common Victualler License #30891 at 1868 Massachusetts Avenue, has applied to change the license manager to Cody Rose.

Decision: Granted.

12. Application #57008 Anthony Pizza Grill and More, Inc., d/b/a Anthony Pizza Grill and More, has applied for a Common Victualler License at 43 Gore Street with the same hours and capacity as the previous operation.

Decision: Granted.

13. Matter deferred from September 24, 2019 and subsequent vote of October 23, 2019. Fresh Pond Liquors, Inc. d/b/a Sav-Mor Spirits, 233 Alewife Brook Parkway, All Alcohol Package Store License #11315, for allegations of:

- (a) Sale, service and/or furnishing alcohol to a minor on August 6, 2016, in violation of G. L. c. 138, §§ 23, 34, 41, 64-64A, and Board's Rules 2 and 5B.6; and
- (b) Attempt to and/or hindering/delaying an investigation by warning another of compliance checks on August 6, 2019, in violation of G. L. c. 138, §§ 23 and 64, and Board's Rules 13.4 and 13.5.

Summary: The matter was heard on 9/24/19, the Board voted on it on 10/23/19 when it found a violation on (a) but there was no quorum on (b). There was discussion as to the intent of Mr. Weiner when he called the store regarding the compliance checks.

Decision: Violation (3-0), 2 days suspension for (a). No violation (2-1) for (b), Chair Murati Ferrer dissented and found a violation on (b).

14. Gypsy Café and Juice Bar, d/b/a Gypsy Cafe, holder of Common Vicutaller License #13677, has applied to change their manager to Nikolina Stefanova and Karen Pulido.

Decision: Granted.

15. Corporate Chefs, Inc. @ Rivertech Café, d/b/a Corporate Chefs, holder of Common Vicutaller License #12390 at 840 Memorial Drive, has applied to change their manager to Cathy Domenicucci.

Decision: Granted.

16. Aleppo Palace, Inc., d/b/a Aleppo Place, holder of Common Victualler License #12412 at 25 Central Sq., has added Dany Abouelkhier Vice President, Secretary and Director.

Decision: No action. Paperwork is needed for the new corporation.

Waiver of Hearing:

17. Matthew Viens, Eversource, for violation of Cambridge Municipal Code 8.16.080(F), construction taking place outside of allowable hours and for violation of special noise variance #55449.

Summary: Typically the special noise variance would be revoked. However, in this case, DPW wants the work to be performed during off hours for public safety issues and concerns.

Decision: Board found a violation and issued a \$300.00 fine.

18. James Kelley, on behalf of Cambridge Landscape Co., holder of leaf blower permit #10674, for violation of Cambridge Municipal Code 8.16.081.2(b), operating during a prohibited time.

Decision: Board found a violation and issued a \$300.00 fine.

19. William Mackinnon, on behalf of Greener Horizon, LLC, holder of leaf blower permit #45116, for violation of Cambridge Municipal Code 8.16.081.2(b), operating during a prohibited time.

Summary: This company has never received a cease and desist or any other type of disciplinary action.

Decision: Board found a violation and issued a warning.

20. Capizzi & Co., Inc., holder of leaf blower permit #10671, for violations of Cambridge Municipal Code 8.16.081: operating a non-compliant leaf blower and operating more than one leaf blower within 10,000 feet of each other.

Decision: Board found violations and issued a \$300.00 fine for each for a total fine of \$600.00.

21. Application #33965 Kevin Treanor, on behalf of The Rising, has applied for open at 8:00 a.m. for breakfast and service of alcohol at 10:00 a.m. for brunch.

Decision: Granted to open Saturday and Sunday at 8:00 a.m. for food and 10:00 a.m. for alcohol.

22. Application #54738 Spyce Food Co., d/b/a Spyce Food Co., Common Vicutaller, All Alcohol and Entertainment license, (not yet approved by ABCC), 1 Brattle Square, has filed an updated floor plan.

Summary: This matter was put on the agenda as Spyce submitted an updated floor plan. The application had been granted for a new CV and Entertainment license. An updated plan was requested as the original floor plan had been changed somewhat. The updated plan needed to be reviewed.

Decision: Granted and approved.

One Day License Applications

These applications are also considered administratively and there is no public testimony taken or requested. 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. In addition, the documents considered by the Board are the application submitted by the applicant and any other supporting document attached thereto. Police detail is required on some based on the recommendation of the signing-off police department. [Time Stamp: 23:04]

23. Application # 59412 Jacob Crawford, on behalf of The Dance Complex, has applied for a malt and wine license to be exercised at 536 Massachusetts Avenue, on 11/10/19, 11/15/19, 11/16/19, 11/23/19 & 11/30/19 from 6:00 p.m. – 11:00 p.m. for a dance performance. Expected attendance – 85 people.

Decision: Granted.

24. Application # 59499 Marianne Marrone, on behalf of Pemberton Farms, has applied for a malt and wine license to be exercised at 2225 Massachusetts Avenue, on 11/10/19 from 12:00 p.m. – 3:00 p.m. for a baby christening luncheon. Expected attendance – 30 people.

Decision: Granted.

25. Application # 59254 Russell Marshall, on behalf of Longy School of Music, has applied for a wine license to be exercised at 27 Garden Street, on 11/15/19 with rain date of 11/16/19 from 6:00 p.m. – 11:00 p.m. for a reception. Expected attendance – 40 people.

Decision: Granted with the condition that alcohol must be sold.

26. Application # 59334 Russell Marshall, on behalf of Longy School of Music, has applied for a wine license to be exercised at 27 Garden Street, on 11/17/19 with rain date of 11/18/19 from 5:00 p.m. – 7:00 p.m. for a reception. Expected attendance – 30 people.

Decision: Granted with the condition that alcohol must be sold.

27. Application # 59478 Jordan Alford has applied for an entertainment license to be exercised at MIT Student Center, 48 Massachusetts Avenue, on 11/15/19 from 6:30 p.m. – 11:00 p.m. for a dance competition with performers/entertainers dancing, recorded music, dj, amplification system, floor show and light show. Expected attendance – 180 people.

Decision: Granted.

28. Application # 59428 Lauren Schexnayder has applied for an entertainment license to be exercised at MIT Sala de Puerto Rico, 48 Massachusetts Avenue, on 11/15/19, 11/16/19, 11/17/19, 11/21/19, 11/22/19 & 11/23/19 from 8:00 p.m. – 11:00 p.m. and 12:00 p.m. – 3:00 p.m. on (11/17) for a musical with performers/entertainers dancing and theatrical exhibition/play/moving picture show. Expected attendance – 120 people.

Decision: Granted with an amended end time of 10:30 p.m. on all days, and on November 17, 2019, an amended start time of 2:00 p.m. per MIT registration.

29. Application # 58832 Michael Monestime has applied for a malt and wine with entertainment license to be exercised at 99 Bishop Allen Drive, on 11/14/19 from 3:00 p.m. – 8:00 p.m. for a block party with patrons dancing, performers/entertainers dancing, recorded music, dj, live music and amplification system. Expected attendance – 500 people. (Date changed to 11/15).

Decision: Granted with an amended date of November 15 and with the condition that this is contingent upon approval from Traffic, Parking and Transportation to serve alcohol at this location, and any conditions placed by them.

30. Application # 59785 Esther Plotnick, has applied for a one day hawker/peddler license to be exercised at Paine Hall, 3 Oxford Street, on 11/15/19 from 8:00 p.m. – 9:00 p.m. to sell t-shirts and phone wallets.

Decision: Granted.

31. Application #59804 Kolelech Mera has applied for a one day alcohol and entertainment license on November 16, 2019 from 5:00 p.m. to 11:00 p.m. at 2254 Massachusetts Avenue, St. John's Church, for a wedding reception.

Decision: Granted pending the submission of a letter of permission and any conditions contained therein.

32. Application #59927 Joe Toomey, on behalf of Walsh Bros., has applied for a special noise variance from November 16, 2019 through January 27, 2020, (alt. date November 23, 2019 through February 2, 2020) from 7:00 a.m. to 9:00 a.m. at 189 Vassar Street for tower crane hoisting.

Decision: Granted with the condition that a Sunday work permit from Cambridge Police is required.

33. Application #59337 Thomas Berkely, on behalf of GLXC, has applied for a special noise variance on November 15, 2019, with an alternate date of November 19, 2019 from 3:00 a.m. to 7:00 a.m. to move a crane across Water Street.

Decision: Granted.

34. Kim Courtney, on behalf of CoffeeShop, LLC, holder of General on Premise and Common Victualler license at 1 Cedar Street, has notified the License Commission that they are closed and seeking a new location.

Decision: Board acknowledged. If license is renewed, an informational hearing is to be held during second half payment period.

Board's Approval of Minutes:

NMF

BGB

GEM

Date Minutes Approved: _____

Date Approved Minutes Posted: _____

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