



CAMBRIDGE LICENSE COMMISSION

831 Massachusetts Avenue, First Floor, Cambridge, Massachusetts 02139

Meeting Minutes

For Meeting of Wednesday, October 25, 2017 at 3:00 p.m.
Michael J. Lombardi Building, 831 Massachusetts Avenue
Carmelia M. Vicente Basement Level Conference Room

Meeting Started at 3:00 p.m.

Board of License Commissioners Board Members Present: Commissioners Nicole Murati Ferrer, Branville Bard and Gerard Mahoney.

Staff Present: Elizabeth Y. Lint, Executive Director.

Public Testimony Matters:

Although matters were called in the order listed in the posted agenda, some matters required a second call due to the absence of the relevant parties when the matters were called. The matters are in the same order as listed in the posted Meeting Agenda, and if they required a second call, designation of the audio time stamp for both calls are listed.

1) Application Auror, LLC d/b/a Flat Patties, holder of a Common Victualler Malt License at 33 Brattle Street has applied for a Change of Beneficial interests.

Present: Kevin Crane, attorney for applicant; Tom Brush, current beneficial interest holder; Felipe Herrera, proposed new beneficial interest holder in license.

Documents Considered: Application and documents submitted therewith.

Summary: Mr. Herrera has been working for over 17 years with Mr. Brush as the chef and business partner. Mr. Brush seeks to transfer 25% of his beneficial interest to Mr. Herrera as consideration for the 17 years of work. Although this is a no-value, no transferable license, the majority of the beneficial interest remains with the original holder, and therefore, it is no considered a transfer/violation of the condition of the license.

It was noted that the new license with amended capacity has not issued because the licensee has yet to obtain final approval from ISD.

Decision: Granted (3-0).

2) Application Chazumba, LLC d/b/a Felipe's Taqueria, holder of a Common Victualler All Alcohol License at 21 Brattle Street has applied for a Change of Beneficial Interests.

Present: Kevin Crane, attorney for applicant; Tom Brush, current beneficial interest holder; Felipe Herrera, proposed new beneficial interest holder in license.

Documents Considered: Application and documents submitted therewith.

Summary: Mr. Herrera has been working for over 17 years with Mr. Brush as the chef and business partner. Mr. Brush seeks to transfer 25% of his beneficial interest to Mr. Herrera as consideration for the 17 years of work, in addition as consideration of the use of his name for this restaurant. Although this is a no-value, no transferable license, the majority of the beneficial interest remains with the original holder, and therefore, it is no considered a transfer/violation of the condition of the license.

Decision: Granted (3-0).

3) Application Greek Kitchen 2, LLC d/b/a Soloniki, holder of a Common Victualler All Alcohol License at 181 Massachusetts Avenue has applied for an Alteration of Premise to include a 500 +/- SF seasonal outdoor patio on private property.

Present: Andrew Upton, attorney; and John Mendez, COO.

Documents Considered: Application and documents submitted therewith.

Summary: The request is to add a total of 20 seats on the proposed patio. The patio is completely visible from the inside. There will be an employee monitoring and doing constant sweeps of the patio to ensure no alcohol is provided to any minors and no alcohol leaves the premises. The hours of operation of the patio will be the same as the inside: 11 a.m. – 10 p.m.

Decision: Granted (3-0).

4) Application W and L Restaurant Group, Inc., has applied to transfer the Common Victualler All Alcohol License at 546 Massachusetts Avenue held by Amandeep, Inc., d/b/a Shalimar Restaurant. Shu Jiao Chen as Proposed Manager of Record of a premise described as: 1,963 SF of ground level space with 1 entrance and 2 exits. 1,000 +/- SF in basement for storage and coolers/freezers. The proposed hours of operation are: 8:00 a.m. to 1:00 a.m. Monday through Saturday and 10:00 a.m. to 1:00 a.m. Sunday. Applicant has also applied to pledge its business assets (excluding liquor license, stock, and inventory) to Amandeep, Inc.

Present: Margaret Soohoo, attorney for proposed transferee; Shu Jiao Chen, proposed manager of record; Cheng Lin, proposed beneficial interest holder; Ethan Schaff, attorney for transferor; and Ranesh Kaur-Singh, current beneficial interest holder.

Documents Considered: Application and documents submitted therewith.

Summary: This license has not been in used for some time. The proposed transferees have obtained building permits and intend to renovate the entire space and put the license to use. The lease filed with the application has changed as to some terms the biggest being that there will be no pledge of the liquor license (only the assets). The hours of operation are the same as what was licensed at that location and proposed transferee intends to serve breakfast. The concept is the same as what they currently operate on Beech Street in Boston. Shu Jiao Chen has never been the manager of record on a liquor license but has experience in the industry and is TIPS certified. The proposed d/b/a is Five Spice House.

Decision: Granted (3-0).

5) **Disciplinary** Winding Road, LLC d/b/a Abigail's, holder of a Common Victualler All Alcohol License and Entertainment License at 291 Third Street for alleged violations of M. G. L. c. 138 §15A and 23- failure to disclose persons who have a direct or indirect beneficial interest in said license and failure to notify the Commission of a Change of Members of the LLC and/or Stockholders.

Present: James Ludwig, current beneficial interest holder.

Documents Considered: Hearing notice and attachments thereto and file.

Summary: The Board received notice from Sarah Murmane that she had been "forced out" of the business. The approved beneficial interest holders of Abigail's were James Ludwig, Carl Ludwig and Ms. Sarah Murmane with 1/3 interest each in the license. Mr. Ludwig appeared before the Board and admitted that Ms. Murmane had been bought out of the business about 1-2 years ago. They did not file for approval of the change.

Decision: Board found (3-0) a violation. Unlike Napoli, the remaining beneficial interest holders were part of the originally approved. Therefore, the Board ordered the licensee to file an application to get approval for the change in beneficial interest within thirty (30) days.

6) **Appeal** Frenel Rene, holder of Cambridge Hackney Driver's License #25775 for the non-renewal of said license by the Hackney Officer.

Present: Officer Benny Szeto, Hackney Officer; Frenel Rene, appellant.

Documents Considered: Renewal application and documents attached, appeal, and Officer Szeto report.

Summary: Mr. Rene has five (5) moving violations in the last 4 years. He is the only driver of his vehicle/medallion. He has been unable to find anyone who will lease the vehicle. He needs to drive the

vehicle to be able to make payments on the medallion. Due to the circumstances, Officer Szeto recommended the renewal with a probationary period.

Decision: Renewal granted (3-0) with the condition that Mr. Rene does not receive any moving violations within one (1) calendar year of the decision. If Mr. Rene receives any moving violation within that year, his license may be revoked/suspended indefinitely.

7) Violation Brightview Landscape Services, for alleged violation of Cambridge Municipal Ordinance 8.16.081.1(b), 8.16.081.2(c) and (f) on October 11, 2017 at 65 Langdon Street.

Present: Andrea Boyer, Chief Licensing Investigator; and Bill Lahey, owner of Brightview.

Documents Considered: Hearing notice and attachments, and file.

Summary: Brightview has received multiple violations and fines due to violations of the Ordinance. To date, this is the first time anyone from the company appeared before the Board. Mr. Lahey apologized for the violations and stated that him and his partner both thought each other were covering the hearings. They run a decentralized operation and their failure to appear was an internal miscommunication. Mr. Lahey did not contest that his employees were operating multiple leaf blowers less than 10,000 square feet apart on October 11, 2017.

On September 20, 2017, the Board had revoked Brightview's permit. The Statement of Reasons explaining the revocation was sent to Brightview on October 12, 2017.

Decision: Board found (3-0) a violation for operating multiple leaf blowers less than 10,000 square feet apart (CMC 8.16.081.2(f)), and issued a \$300.00 fine. The Board found (3-0) no violation for operating without a permit since the Statement of Reasons regarding the revocation of the permit was sent the day after the current violation. The Board reaffirmed (3-0) the revocation of the 2017 Leaf Blower Permit for Brightview and instructed it not to operate leaf blowers in the City of Cambridge.

8) Violation Brightview Landscape Services, for alleged violations of Cambridge Municipal Ordinance 8.16.081.1(b), 8.16.081.2(c) and (f) on September 21, 2017 at 16 Chauncy Street and on September 27, 2017 at 3 Chauncy Street.

Present: Andrea Boyer, Chief Licensing Investigator; and Bill Lahey, owner of Brightview.

Documents Considered: Hearing notice and attachments, and file.

Summary: Brightview has received multiple violations and fines due to violations of the Ordinance. To date, this is the first time anyone from the company appeared before the Board. Mr. Lahey apologized for the violations and stated that him and his partner both thought each other were covering the hearings. They run a decentralized operation and their failure to appear was an internal miscommunication. Mr. Lahey did not contest his employees were operating multiple leaf blowers less

than 10,000 square feet apart on September 21, 2017, or that one of his employees was operating a leaf blower in Cambridge on September 27.

On September 20, 2017, the Board had revoked Brighview's permit. The Statement of Reasons explaining the revocation was sent to Brightview on October 12, 2017.

Decision: Board found (3-0) a violation for operating multiple leaf blowers less than 10,000 square feet apart (CMC 8.16.081.2(f)) on September 21, and issued a \$300.00 fine. The Board found (3-0) no violation for operating without a permit on September 21 and 27 since the Statement of Reasons regarding the revocation of the permit was sent October 12. The Board reaffirmed (3-0) the revocation of the 2017 Leaf Blower Permit for Brightview and instructed it not to operate leaf blowers in the City of Cambridge.

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.

9) La Fabrica Central, LLC, holder of a common victualer all alcohol license at 450 Massachusetts Avenue, has applied for a one-day extension of hours on October 31, 2017, to stay open until 2:00 AM.

Decision: Granted (3-0).

10) Michelle Barczkowski, d/b/a Camberville Properties, holder of license number LIN10036, has applied for a change to a licensed corporation from Barczykowski Family trust, Michelle Barczykowski, Trustee, to Camberville Properties, LLC.

Summary & Decision: This is a lodging house with no common victualer or alcohol service. Granted (3-0).

11) Matter deferred from October 18, 2017, Wholesome Fresh application for a Common Victualer license, has submitted a letter requesting the Board reconsider its application.

Present: Sean Hope, attorney for applicants.

Documents considered by the Board: Original application and documents attached thereto, follow up correspondence and documents submitted by Mr. Hope and landlord.

Summary: The applicant's attorney argues that the failure of the Board not to grant the application is prejudicing his client. That the Board can grant the application even when there is another business licensed to operate at the same location. Mr. Hope argued that failure to grant the application will unnecessarily result in an "empty space" and break in business operation.

The Board deferred its vote at the last hearing because the proposed location currently has a Package Store with Common Victualler License operating therein. The current operator has not violated any laws or rules and regulations of the Board and currently possesses the right to occupy the premises. The landlord has obtained an order from the Court which will allow it to evict the current tenant but has yet to do so. The current tenant is still operating at the premises and food and alcohol are being sold at that location.

Decision: Board reaffirmed (3-0) its deferral on taking a vote on the instant application. After the Execution is served, the tenant has at least 48 hours to vacate the space. In addition, there could be further negotiations with the Court or the Sheriff and the time to vacate may be extended. Also, the landlord and current tenant may still negotiate a deal. The lease for the current applicant, paragraph 46, accounts for the situation at hand – the non-grant of the common victualler license and allows for additional time and the deadlines regarding the parties' duties to be extended so there is no prejudice to the applicant. Finally, the applicant expressed in the previous hearing that there would be some days where the business would close as there would have to be some clean up to be done.

12) CoffeeShop, LLC has requested that the Board amend their one-day license for October 31, 2017 to reflect 45 people in attendance and not 25.

Documents considered by the Board: One day application from Mr. Dietrich; and email correspondence to/from Ms. Courtney related thereto.

Summary: Ms. Courtney argued that the Board's one day license improperly gave it a condition on capacity. The Board gave Ms. Courtney the opportunity for it to amend the one day license to reflect that the capacity would be a maximum of 45 (rather than 25 which was what Mr. Dietrich, her partner, wrote on the application).

Decision: Board voted (3-0) that it would not change the October 31, 2017 one day license issued to Mr. Dietrich based on Ms. Courtney's email that she did not seek for the Board to amend the capacity number but rather the form of the one day application and the way the Board issues its one day licenses.

13) Progressive Credit Union, as secured party, has notified the Board that Rodnext, Inc., has purchased medallion #108.

Decision: Board acknowledged (3-0).

14) Al Vatour, on behalf of John Moriarty & Sons, has applied for a special noise variance from November 1, 2017 through December 29, 2017 from 6:00 PM until 10:00 PM at 35 Cambridgepark Drive for a power trowel.

Decision: Granted (3-0).

15) Bill Wilbur, on behalf of John Moriarty & Sons has applied for a special noise variance on November 4, 2017 from 5:00 AM to 9:00 AM and 6:00 PM until 8:00 PM at 250 North Street, for placement of a structural mat slab.

Decision: Granted (3-0).

16) Bill Wilbur, on behalf of John Moriarty & Sons has applied for a special noise variance from November 1, 2017 through February 1, 2018 on Saturdays from 7:00 AM until 9:00 AM at 250 North Street, for installation of rebar.

Decision: Granted (3-0).

One Day 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 one day 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.

17) Zenalia Espinola, has applied for an all alcohol license to be exercised at St. Anthony's Parish, 400 Cardinal Medeiros Avenue, on 10/28/17 from 7:00 p.m. – 12midnight for a dinner dance with performers/entertainers dancing. Expected attendance – 250 people.

Decision: Granted (3-0).

18) Arash Ghassemi, has applied for a malt and wine with entertainment license to be exercised at Lehman Hall, 8 Harvard Yard, on 11/11/17 from 8:00 p.m. – 1:00 a.m. for a party with patrons dancing, recorded/live music and amplification system. Expected attendance – 200 people.

Decision: Granted (3-0).

19) Grendel's Den, holder of a Common Victualler All Alcohol license at 89 Winthrop Street has applied for an entertainment license on 10/29/17 from 5:00 p.m. – 12:00 a.m. for a Halloween party with performers/entertainers dancing, recorded/live music and amplification system. Expected attendance – 75 people.

Decision: Granted (3-0).

20) Hector De Jesus-Cortes, has applied for a malt and wine license to be exercised at MIT, 43 Vassar Street, on 10/27/17 from 6:00 p.m. – 10:00 p.m. for a fundraiser. Expected attendance – 200 people.

Decision: Granted (3-0), with the condition that a police detail is required.

21) Jason Alves, on behalf of the East Cambridge Business Association, has applied for an entertainment license to be exercised at Vellucci Plaza, 1407 Cambridge Street, on 10/27/17 from 3:00 p.m. – 7:00 p.m. for a Inmanween-neighborhood event with amplification system and theatrical exhibition/play/moving picture show. Expected attendance – 100 people.

Decision: Granted (3-0).

22) Jeff Kaufman, on behalf of Boston Intergenerational Dance Advocates, has applied for an entertainment license to be exercised at Cambridge Masonic Hall, 1950 Massachusetts Avenue, on 11/5/17 & 11/19/17 from 6:00 p.m. – 11:00 p.m. for a social dance (contra dance) with patrons dancing, recorded/live music and amplification system. Expected attendance – 110 people.

Decision: Granted (3-0).

23) Kenneth Chen, has applied for an entertainment license to be exercised at Holden Chapel, Harvard Yard on 11/10/17 from 7:30 p.m. – 9:00 p.m. for a concert with recorded/live music. Expected attendance – 80 people.

Decision: Granted (3-0).

24) Howth Inc., holder of a Common Victualler All Alcohol license at 876-878 Massachusetts Avenue has applied for an entertainment license on 10/30, 11/22 and 12/31/17 from 9:00 p.m. – 1:00 a.m. for a Live band with amplification system. Expected attendance – 99 people.

Decision: Granted (3-0).

25) Bon Me Foods, LLC, holder of a peddler's license is requesting a one-day amendment to existing license to vend at Cabot House held at Radcliffe Quadrangle Lawn, 52 Linnaean Street on 10/28/17 from 4:00 p.m. – 7:00 p.m.

Decision: Granted (3-0).

26) **[Late submission/addition to agenda]** Give em' Enough Rope, LLC, d/b/a the Automatic, has applied for a change to their entertainment license from 2 TV's to 1 TV and a turntable.

Decision: Granted (3-0).

27) **[Late submission/addition to agenda]** Are Four Operating, LLC, d/b/a Area Four has applied for a change to their entertainment license to add 1 TV for a total of 1.

Decision: Granted (3-0).

28) **[Late submission/addition to agenda]** Tara Hess has applied for a one-day wine and malt license for October 21, 2017 at the BU Boat House, 619 memorial Drive, from 11:30 AM until 9:00 PM for 100 people.

Decision: Granted (3-0).

29) **[Late submission/addition to agenda]** Racine's has applied for a one-day hawker/peddler permit on October 21 and 22, 2017 at 536 Mass. Ave. from 10AM to 6PM to sell food and jewelry.

Decision: Granted (3-0).

30) **[Late submission/addition to agenda]** Malika Crichlow has applied for a one-day hawker/peddler permit for October 19, 2017 at MIT, from 9AM to 5PM.

Decision: Granted (3-0).

31) **[Late submission/addition to agenda]** Michael Monestime, on behalf of the Central Square Business Association, has applied for one day hawker/peddler licenses for Central Flea on October 29, 2017 from 11:00 Am until 5:00 PM at 75 Prospect Street parking lot.

Decision: Granted (3-0).

Board's Approval of Minutes:

NMF



BGB



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Date Minutes Approved: _____

DEC 06 2017

Date Approved Minutes Were Posted: _____

DEC 07 2017