



CAMBRIDGE LICENSE COMMISSION

831 MASSACHUSETTS AVE, CAMBRIDGE, MA 02139

NICOLE MURATI FERRER
CHAIRPERSON | BOARD MEMBER

BRANVILLE G. BARD, JR.
POLICE COMMISSIONER | BOARD MEMBER

GERARD E. MAHONEY
FIRE CHIEF | BOARD MEMBER

ELIZABETH Y. LINT
EXECUTIVE DIRECTOR

BOARD OF LICENSE COMMISSIONERS' MEETING AGENDA

Tuesday, March 9, 2021 at 10:00 a.m.

By Remote Participation

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 10:00 a.m.

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

Staff member in attendance: Christopher O'Neil, Administrative Assistant.

Note: All decisions/votes were by roll call vote, and 3-0, unless otherwise specified.

Testimony Matters

1. Application #85185 Rehearing of Dimi's Place, Inc., d/b/a Dimi's Place, 272 Brookline Street, holder of Common Victualler License #62027, to add Wine and Malt Beverages to its license. Hours of operation to remain as current ones, 7:00 a.m. to 9:00 p.m. Monday through Friday and 8:00 a.m. to 8:00 p.m. Saturday and Sunday with seating for 32, and an occupancy 36. Robert Miller as Proposed Manager of Record of a premises described as: 1,750 square feet, two rooms, two bathrooms, basement for storage. This matter was heard and approved on January 27, 2021 and is being reheard due to the applicant failing to notify abutters.

Present: Gabi Essber and Robert Miller. John Sutherland, representative for abutters at 274-280 Brookline Street apartment complex. Jonathan Gossels, owner of neighboring property.

Documents Considered: Application and attachments thereto. Email communications from abutters/residents.

Summary: This matter was heard and approved on January 27, 2021 and was reheard due to the applicant failing to notify abutters. Board incorporated by reference and made a part hereof the testimony of January 27, 2021 and the Board's decision on that day. Discussed a call received from an alleged abutter but they would not leave information and did not say anything other than they were opposed. Also discussed the email received which raised concerns about the liquor license increasing homeless population/traffic. John Sutherland spoke as a representative of the abutters of the 18 apartments adjacent thereto – they support the application as is but are adamant that in the future the hours are not increased; if they are, they would not support the increase in hours. Sutherland expressed that the business has been a good neighbor. Jonathan Gossels, owner of the property since 1984, supported the application.

Board of License Commissioners

March 9, 2021 Meeting Minutes

Page 2 of 7

Decision: The Board's January decision was sound, there is a public need and the business operation is not one that will negatively impact the zone. Vote reaffirmed, granted, the opening hours for the sale/service of alcohol will be 8:00 a.m. Monday – Saturday, and 10:00 a.m. Sunday.

2. Application #106528 Science Partners Incorporated d/b/a Miracle of Science Bar + Grill, 321 Massachusetts Avenue, Common Victualler All Alcohol License #11391, has applied for a Change of Officers/Directors, and Change of Stock.

Present: Chris Lutes

Documents Considered: Application and attachments thereto.

Summary: Chris A. Lutes, who is a currently approved owner of the license is absorbing the 50% owned by the other partner Matthew Curtis. Nothing else is the operation is changing. The P&S or agreement for the change signed by Curtis is missing from the application and will be supplemented. Lutes anticipates having a new partner in a couple of years.

Decision: Granted, pending submission of agreement with Curtis.

3. Application #108205 RFS Store 138, Inc. d/b/a Richdale Food Shops, 321 Broadway, has applied to transfer the All Alcoholic Beverages Package Store License #14018 currently held by Surya Binayak, Inc. d/b/a City Liquors, 212 Hampshire Street. Barznab Khan as Proposed Manager of Record of a premises described as: 7,515 square feet with 2 exits, 1 entrance, 2 bathrooms and an office and storage in back. Applicant is also applying for a Change of Location from 212 Hampshire Street to 321 Broadway.

Present: Jen Allen, attorney, and Barznab Khan, applicant.

Documents Considered: Application and attachments thereto.

Summary: the applicant has over 15 years of experience in the industry, is TIPS certified and a Massachusetts resident. The public need is presumed and established – this location had a license (7-Eleven) from 2008-2017. The license is no longer at this location because it was purchased by Whole Foods. There is a convenience factor for the customers to add this license – patrons can handle their small shopping needs and alcohol at the same time. The convenience store hours are 6:00 a.m. – 11:00 p.m., therefore there will need to be a mechanism to ensure the alcohol is not sold beyond the statutory allowed hours.

Decision: Granted with the condition that aisles with alcohol and coolers must be secured during non-statutorily allowed hours.

4. Application #107119 Sonesta International Hotels Corporation, d/b/a Royal Sonesta Hotel, 40 Edwin H. Land Boulevard, All Alcohol Innholder License #10737, has applied for a Change of Manager to James Anello, Change of Officers/Directors, and Change of Stock.

Present: Adena Santiago and James Anello.

Documents Considered: Application and attachments thereto.

Summary: Other than the changes and restructuring in the documents submitted, there are no changes to the operation. In terms of the space that used to be occupied by Dante, they are looking for a new tenant to go into that space. James Paul Anello has been the director of food and beverage in this hotel since 2011. He is familiar with the rules, laws and regulations with regard to the service and sale of alcohol but has not yet completed any trainings.

Decision: Granted.

5. Application #109684 [109648] Oath 181 Mass Ave, LLC d/b/a Oath Craft Pizza, 181 Massachusetts Avenue, Common Victualler Wine and Malt License #11612, for a Change of Manager to Iverson Jean Philippe.

Present: Iverson Jean Philippe.

Documents Considered: Application and attachments thereto.

Summary: Iverson Jean Philippe is familiar with the rules, laws and regulations regarding the sale and service of alcohol. Has experience and is TIPS certified. The minimum number of hours per week he will be at this location is 25. Aside from himself, there will also be a shift manager. This will be his main location but will provide information as to the manager on site.

Decision: Granted, with condition that must submit shift manager information.

6. Application #108764 Museum of Science d/b/a Museum of Science, 1 Science Park, Common Victualler All Alcohol License #11392, for a Change of Manager to Brittany Bezok.

Present: Brittany Bezok and Yasmina Blaise.

Documents Considered: Application and attachments thereto.

Summary: Brittany Bezok is familiar with the rules, laws and regulations with regard to the service and sale of alcohol and has completed the TIPS Certification.

Decision: Granted.

7. Application #109032 3 Brothers Porter Square, Inc. d/b/a The Halal Guys, 15 White Street, have applied for a new Common Victualler License with proposed hours of 11:00 a.m. to 12:00 a.m. all days with seating for 51 inside, and occupancy of 60, and 4 outside patio seats on private property. Imran Asghar as proposed Manager of Record of a premises described as: Approximately 2,045 square feet on a ground floor level with basement storage area. Kitchen, storage, entrance and exit.

Entertainment devices will be limited to speaker system playing background music below conversational level.

Present: Stefano Caprara and Imran Asghar.

Documents Considered: Application and attachments thereto.

Summary: This is a Mediterranean food establishment. They already have one location in Boston. It is from New York City and there are many nationwide. They are a franchisee.

Decision: Granted.

8. Application #110161 Mass Ave. Wine, Inc. d/b/a Central Bottle Wine and Provisions, 196 Massachusetts Avenue, Wine and Malt Package Store License #22271, for a Change of d/b/a to Social Wines.

Present: Applicant did not appear.

Documents Considered: Application and attachments thereto.

Summary: Even after a second call the applicant did not appear. There could have been confusion as they were scheduled for a disciplinary (see next item) which was removed from the agenda because the submitted the required application (the one being considered). Since there are no other changes to the business, and the request is straightforward, the Board proceeded with the hearing.

Decision: Granted.

9. Disciplinary Mass Ave. Wine Inc., d/b/a Central Bottle Wine and Provisions, 196 Massachusetts Avenue, Wine and Malt Package Store License #22271, for alleged violation of M.G. L. c. 138 § 23 and Rules and Regulations of the City of Cambridge Board of License Commissioners Rules 2.2 - 2.5, and 13.5 for failing to respond to requests made by the License Commission regarding your change of d/b/a and failure to apply to the License Commission and Alcoholic Beverages Control Commission for a Change of d/b/a.

Summary/Decision: Matter was withdrawn/removed as the licensee complied with the order of submitting the required application prior to the hearing date.

10. Disciplinary Rutu, Inc. d/b/a Tanjore, 18 Eliot Street, Common Victualler All Alcohol License #11652, for alleged violations of M.G. L. c. 138 §§ 12, 15A, and 23 and Rules and Regulations of the City of Cambridge Board of License Commissioners Rules 2.2 - 2.5, 5.5, 5.6, 13.1 and 13.5 for a change in the ownership interest(s) without approval of the Local Licensing Authority and Alcoholic Beverages Control Commission and for failing to respond to requests made by the License Commission regarding the alleged change of ownership interests.

Present: Ranjinder Kumar.

Documents Considered: Hearing notice, related email communications, file and record.

Summary: The license is under the Rutu Inc. and the last approved owners are: Harnek Singh 25%, Rajinder Kumar 25%, Balwant Singh 25%, Kalpana Kapoor 25%. Since August 2020, the approved owners have not had anything to do with the license, are not part of the corporation and have lost the lease to the location. They sold the license in early 2020 but the sale/transfer was never approved, and the "new owners" have also vacated the premises and are not operating. No one is operating or controlling the license.

Decision: Violation of G. L. c. 138, §§ 12, 15A, and 23, license revoked.

11. Application #108002 Bill Wilbur on behalf of John Moriarty & Associates for 3/13/21 – 6/5/21 (Alt. 3/20/21 – 6/12/21) at 350 Water Street from 7:00 a.m. to 9:00 a.m. on Saturdays only for mechanical loading and exterior detailing using an electric tower crane and swing staging. The variance is being sought to lengthen the workday to complete necessary tasks and to expedite the project in response to COVID 19 restrictions.

Present: Bill Wilbur, applicant. Tyler Bubenik, Licensing Investigators.

Documents Considered: Application and attachments thereto. Noise complaints filed with the police, non-emergency line or the License Commission.

Summary: The work being conducted has generated noise complaints. Although the applicant has been able to resolve some of the issues, this is a long ongoing project that will require more coordination with the abutters and more descriptive notice letters. Although the main point of the variance is to expedite the completion of the work, this will be a life science building which may be engaged in the research or production. Hence, there is a need to expedite the construction.

Decision: Granted.

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.

12. Statement of Reasons Landscape Collaborative, Inc., *Leaf Blower Permit # 10704*, for three violations of Cambridge Municipal Code 8.16.081.2(f) and one violation of 8.16.081.2(e), total fine of \$1,200.00. Matter was heard and decided on February 10, 2021.

Decision: Approved.

13. Ratification of Temporary Extensions to Outdoor Premises Due to COVID-19:

(a) Permit # 107674, 261 SRC, LLC d/b/a Source, 27 Church Street. Located on the two parking spaces directly in front of the licensed premises, total capacity 34, with conditions: closing hour of outdoor area is 11:00 p.m.; and may need to remove part of the area during winter months due to snow operations and lack of accessibility parking.

(b) Permit # 106937, Tomolly, Inc. d/b/a Charlie's Kitchen/The Red House, 10 Eliot Street. Expanding the Charlie's Kitchen existing currently approved outdoor area on the sidewalk of Eliot Street, beyond 12 Eliot Street, and onto the loading zone adjacent thereto, total capacity 84, with conditions: outdoor areas of Charlie's Kitchen can operate at a combined maximum capacity of 84 until 11:00 p.m., thereafter, the outdoor areas can operate at a combined capacity of 30 until 1:00 a.m.

Decision: Ratified as to both.

14. Special Noise Variance Application #109911 Travis Crowley on behalf of Phoenix Communications for 3/11/21 – 3/13/21 (Alt. 3/25/21 – 3/27/21) at 250 Bent Street for two successive overnight shifts from 7:00 p.m. to 5:00 a.m. the following morning to upgrade the splice enclosure using an idling vehicle as a power source. The variance is being sought to limit service impacts and for worker and traffic safety. *Note: The proposed activity is anticipated to be completed with one overnight shift, but two are being requested for coverage. The initial removal and eventual replacement of the manhole cover can be reasonably anticipated to make limited noise.*

Summary: Service needs to be suspended to complete the work, so DPW is recommending the approval.

Decision: Granted.

15. Change to Existing License Application # 107305 Pete's Operating Co., Inc. d/b/a Peet's Coffee & Tea, 24 JFK Street, holder of Common Victualler License # 12314, has applied to change its corporate and d/b/a name to Pete's Coffee, Inc.

Decision: Granted.

16. Board Communication Review of communication regarding Board's discussion of March 1, 2021 regarding City Council's Order No. O-9 of 11/16/20 and City Council's February 22, 2021 responses, questions, and comments regarding the Board's communication dated February 12, 2021.

Summary: Per the previous Board vote, the Chair provided the City Manager an update and summary of the Board's discussion. Filed the request to obtain a legal opinion from the City Solicitor with regard to changing current entertainment annual fees. Communicated with ISD and they too, as the Fire Chief, believe that a review for businesses non-licensed under c. 138 and 140 should occur, so that was included in the communication to the City Manager.

The Board discussed that while waiting for the legal opinion on the annual fee for live music in 2021, it could be changed as of 2022.

Decision: An application for live acoustical music with no amplification, except one microphone, will be created for businesses not generally licensed under c. 138 or 140. That application will be reviewed simultaneously by License, Fire and Inspectional and upon approval by Inspectional and Fire, the license will be administratively issued by License (after payment of a nominal fee, \$25.00/3 months, \$100.00/annually). As of 2022, the annual license/renewal fee for acoustical music with no amplification, except one microphone, for all license types will be \$100.00.

17. Approval of Meeting Minutes February 10, 2021; February 23, 2021; and March 1, 2021.

Decision: Approved as to all.

18. Application #101983 Continued from February 23, 2021. Shojo Central, Inc. d/b/a Shojo, 425 Massachusetts Avenue, Unit 4B, has applied for a new Common Victualler All Alcoholic Beverages License with proposed hours of operation of 10:00 a.m. to 2:00 a.m. all days with proposed seating for 50 inside, an occupancy of 66, and 10 outdoor seats on private property. Robert Tran as Proposed Manager of Record of a premises described as: Approximately 1,500sf on ground floor, main entrance on Massachusetts Avenue; bar area and dining area seating with kitchen and storage in rear of premises. Seasonal outdoor seating on private property. Applicant is also applying for an Entertainment license to include: dancing by patrons; live music without amplification; DJ; juke box; and 6 TV's. The Board deferred taking a vote on the matter until March 9, 2021, to provide an opportunity to the public to comment on the new proposed hours of operation (none received), and also so that the applicant could update the application to change the d/b/a ("Shojo"), hours of operation (10:00 a.m. – 2:00 a.m. all days), and floor plans.

Summary: This was continued to allowed abutters/public to comment on the proposed changes to the hours of operation which were amended at the hearing on February 23, 2021. The Board received no objections to the changes on the proposed hours of operation. Also, the applicant submitted updated plans showing different configurations for when live entertainment is being held.

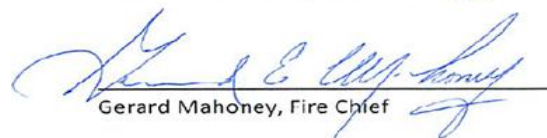
Decision: Granted with amendments of d/b/a ("Shojo"), and operating hours (10:00 a.m. – 2:00 a.m. all days).

Minutes Approved: May 13, 2021

Minutes Posted: May 13, 2021

By the Board of License Commissioners:


Nicole Murati Ferrer, Chair


Gerard Mahoney, Fire Chief