



CAMBRIDGE LICENSE COMMISSION

831 Massachusetts Avenue, First Floor, Cambridge, Massachusetts 02139

BOARD OF LICENSE COMMISSIONERS' VOTING SESSION MEETING MINUTES

For Meeting of Wednesday, February 6, 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 9:07 a.m.

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

Note: All votes, unless otherwise indicated, were 3-0. The Board based its votes on the meeting held on January 30, 2019. Therefore, the Board hereby incorporates by reference the content of the Minutes of the Meeting held on January 30, 2019.

1) Disciplinary Yard Works Landscaping, for alleged violations of Cambridge Municipal Code 8.16 on December 13, 2018 at 341 Harvard Street, to wit: 8.160.81.1(1)(b) and 8.16.081.2(c) – operating without a permit; 8.16.081.2(e) – operating a leaf blower above the allowable dB(A) level; and 8.16.081.2(f) – more than one leaf blower being used within 10,000 sq. ft. of one another.

Documents Considered by the Board: Hearing notice and attachments; and file.

Summary: No representative for the company appeared at the hearing. The company was noticed at three different physical addresses. Two of which have been confirmed with the Secretary of State Corporation's Division. In addition, the notice was emailed to an address which has been used to communicate with Yard Works in the past. The Board agreed to proceed and decided the matter on the papers.

The evidence submitted in the form of an email complaint with pictures of the incident. The pictures established the employees of the company were operating leaf blowers in Cambridge without a permit. The leaf blower in the picture is one that cannot be used per the Ordinance. The pictures are unclear as to whether the employees are simultaneously operating leaf blowers.

Decision: Violation operating without a permit, issued \$300 fine; and violation for operating a leaf blower with sound emissions above the allowable level, issued \$300 fine. Total fine \$600. No violation for operating more than one leaf blower within 10,000 sq. ft.

2) Disciplinary Lesley University, holder of Leaf Blower Permit #10676, for alleged violations of Cambridge Municipal Code 8.16 on December 3, 2018 starting at 8:00 a.m., to wit: 8.16.081.2(e) – operating a leaf blower above the allowable dB(A) level; 8.16.081.2(f) – more than one leaf blower being used within 10,000 sq. ft. of one another; and 8.16.081.2(e) – use of a Little Wonder push behind leaf blower [sic].

Documents Considered by the Board: Hearing notice and attachments; and file.

Summary: The notice has the same violation 8.16.081.2(e) listed twice. There is just one count of that violation which relates to the use of the Little Wonder Push leaf blower. The testimony presented established that the employees were simultaneously operating leaf blowers within feet of each other, and that the Little Wonder Push was operated.

Decision: Violation for operating leaf blower above allowable level, issued \$300 fine; and violation for operating more than one leaf blower within 10,000 sq. ft., issued \$300 fine.

3) Application Hersha Cambridge Concessions, LLC d/b/a Holiday Inn Express, 250 Monsignor O'Brien Highway, application #29342 for a new Wine and Malt Package Store License. Brian Martens as proposed Manager of Record of a premise described as: Hotel Marketplace with kitchen and office for storage. One Entrance and One exit, total SF of 1500 SF.

Documents Considered by the Board: Application and documents attached thereto; petition submitted at hearing in support of application; and letter in support from East Cambridge Business Association.

Summary: There was a showing of public need for the license at this location. Liked the fact that the alcohol will be locked and can only be removed by the front staff after checking of identifications and payment. Want to add a condition to make clear this license does not allow the consumption of the alcohol in the breakfast area or the lobby of the hotel.

Decision: Granted with conditions: Alcohol cannot be consumed in any common area of the hotel. Alcohol must be consumed off premises and/or in guests' rooms. All employees must be TIPS/21 Proof certified.

Note: Matters 4 and 5 were considered together as interrelated applications.

4) Application CoffeeShop, LLC d/b/a Upper West, 1 Cedar Street, B, holder of All Alcohol General on Premise License #11587 and Common Victualler/Entertainment License #13296, has applied for an Alteration of Premise for the removal of a closet of approximately 96 square feet. The new premise description would be: Basement level of 1 Cedar Street, approximately 1,044 square feet, 2 rooms.

5) Application CoffeeShop, LLC d/b/a Upper West, has filed an application for a new Wine, Malt and Cordials [sic] Package Store License to be exercised at 1 Cedar Street, B. Kimberly Courtney as proposed Manager of Record of a premise described as: Approximately 96 square feet located in the basement level, with storage closet.

Documents Considered by the Board: Application and documents attached thereto; correspondence with applicants; file; and petition with list of names and letters/emails of support submitted by the applicants at the hearing.

Summary: The application for a § 15 for malt, wines and liqueurs must be denied as there is no such license in existence. Considering the application as a § 15 for malt and wines, based on the presentation and evidence before the Board there is no public need, public convenience or public good that will be served by the granting of the license. Concerns were expressed about the applicants' ability to run the business considering did not acknowledge the non-existence of a § 15 malt, wines and liqueurs license. Also, based on the type of business and limited operation proposed there is no public need that could be served that is not already served by other establishments in the area all within a short walking and/or driving distance. The only potential need shown was for the applicants' food to be available to go and that would not require a § 15 license. Concerns whether the proposed operation would comply with the requirements of having a § 15 within the same location as a § 12. There was no specificity as to the amount of food/grocery items that would be sold in the space. Concerns about safety of the location of the § 15 were raised. Letters of support are all dated the same day and have the same introductory paragraph. The letters lack specificity as to the public need for the § 15 license and the ones that do talk about particulars regarding the good of a § 15 license talk about a liqueur which could not be sold with a malt and wine license. Public need, convenience and good is already served by other operations in the area. Concerns about the content of the landlord's opposition was also expressed. Alteration of premise application is moot, but the Board also consider the lack of public need for it.

Decision: Request for a package store license denied. Request for alteration of premise description, denied.

6) Application Merritt Hospitality, LLC d/b/a Le Meridien, 20 Sidney Street, holder of All Alcohol Innholder License #10897, Application #29165 for a Change of Manager to Muhammad Shahram Khan.

Documents Considered by the Board: Application and documents attached thereto.

Decision: Granted; manager needs to provide TIPS/21 Proof certification.

7) Application Curio Coffee, LLC, 441 Cambridge Street, application #29675 for a new Common Victualler Wine & Malt Beverages License. The proposed hours are 7:00 a.m. to 12:00 a.m. all days with seating for 20 and an occupancy of 30. Justin Pronovost as Proposed Manager of Record of a premise described as: 500 square feet on one floor and one room with a restroom. One entrance and two exits.

Documents Considered by the Board: Application and documents attached thereto; letter of support from East Cambridge Business Association; letter of support from Councilor Toomey; and letter of support from Councilor Siddiqui.

Summary: The current common victualler hours are 6:00 a.m. – 12:00 a.m. They asked for the alcohol hours to be 11:00 a.m. – 12:00 a.m. The presentation showed there was a public need for this license.

Decision: Granted with conditions: CV hours to remain as is 6:00 a.m. – 12:00 a.m., Beer and Wine hours 11:00 a.m. – 12:00 a.m., and maximum 20 seats per zoning. The manager needs to provide TIPS/21 Proof certification.

8) Renewal Dark Ride Media, LLC d/b/a Thalia Theatre, 288A Green Street, holder of Common Victualler All Alcohol License #11601, to consider the rejection of the renewal application, cancellation of the license for non-use, and/or revocation of the grant of the license for failure to complete the process and put the license to use in accordance with G. L. c. 138, §§ 15A, 16A, 16B, 23, and 77.

Documents Considered by the Board: Hearing notice and attachments; and file.

Summary: Did not find Alex Newman credible. The space has a lot of work to perform prior to being able to operate. The Board of Zoning Appeal variance granted for the space has expired.

Decision: Revoked grant of license for failure to complete the process and put the license to use, in the alternative, rejected the renewal application or cancelled the license for non-use.

9) Application MAVENUE, LLC d/b/a Sakana, 983 Massachusetts Avenue, application #29942 for a new Common Victualler Wine & Malt Beverages with Cordials/Liqueurs License. The proposed hours are 7:00 a.m. to 12:00 a.m. all days with seating for 19 and an occupancy of 23. Yuehua Huang as Proposed Manager of Record of a premise described as: Approximately 900 square feet on the first floor with kitchen and dining area separated by counter. Storage in basement.

Documents Considered by the Board: Application and documents attached thereto; petition submitted at the hearing in support of application; and email from attorney regarding beneficial interest.

Summary: Received communication from the attorney for the applicant confirming Yuehua Huang is sole beneficial holder of the license. The applicant wanted to show the Board there would be two TIPS certified persons on duty at all times. The applicant showed there was a public need for the license.

Decision: Granted with condition that alcohol cannot be served/sold prior to 8:00 a.m. Monday-Saturday and 10:00 a.m. on Sunday. Manager need to provide TIPS/21 Proof certification.

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10) Application Gallina, LLC, Shy Bird, 390 Third Street, application #29736 for a new Common Victualler All Alcohol License. The proposed hours are 7:00 a.m. to 12:00 a.m. Sunday through Thursday and 7:00 a.m. to 1:00 a.m. Friday and Saturday with seating for 89 inside, an indoor occupancy of 140, patio on private property with seating for 22 and an occupancy of 30. Andrew Holden as Proposed Manager of Record of a premise described as: Restaurant consisting of approximately 2,100 sf with dining room, kitchen and bar. One entrance and one exit. Additional seating located in adjacent lobby and on patio.

Documents Considered by the Board: Application and documents attached thereto; petition submitted at the hearing in support of application; and letter in support of application from Councilor Toomey.

Summary: There was a showing of public need for the license. Need to know where the proposed televisions will be located.

Decision: Granted with condition that alcohol cannot be served/sold prior to 8:00 a.m. Monday-Saturday and 10:00 a.m. on Sunday. Also, need the applicant to provide location of televisions. Manager needs to provide TIPS/21 Proof certification.

11) Application Dante Alighieri Society of Massachusetts, Inc., 41 Hampshire Street, holder of All Alcohol Club License #11626, application #30005 for a Change of Officers/Directors and a Change of Manager.

Documents Considered by the Board: Application and documents attached thereto.

Decision: Granted. Manager needs to provide TIPS/21 Proof certification.

12) Application STD Sandwich, Ltd. d/b/a Darwin's Ltd., 31 Putnam Avenue, application #29637 for a New Common Victualler License with seating capacity of 24 and proposed hours of operation from 7:00 a.m. to 6:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. on Saturday and Sunday. Shiphrah Rosenberg as proposed manager of record of a premise described as: 1433 sq/ft Cafe space on the ground floor. Customer access to seating area and bathrooms. The kitchen is located in the back room behind the service counter. Dry goods storage is in the basement. All food storage is in the kitchen area and walk-in refrigerator. The main entrance is on the ground level in the middle of the front of the building. There is also an egress at the rear of the building right next to the public restrooms. Background music at conversation level is provided by two loudspeakers located behind the service counter.

Documents Considered by the Board: Application and documents attached thereto.

Decision: Granted.

13) Application The Little Crepe Café, LLC, 102 Oxford Street, application #27146 for a New Common Victualler License with seating capacity of 18 inside, an occupancy of 25 and proposed hours of operation from 7:00 a.m. to 7:00 p.m. Monday through Friday, 7:00 a.m. to 8:00 p.m. on Saturday, and 9:00 a.m. to 7:00 p.m. on Sunday. Kamil Sylvain as proposed manager of record of a premise described as: 1200 sq. ft. on the ground level floor which will be where customers are served, and a basement used for storage only. There will be one handicap accessible bathroom, as well as one handicap accessible entrance/exit facing Oxford Street. The kitchen will be an open kitchen behind the counter, cafe/bistro style. It is a very simple kitchen suitable for simple food prep with no ventilation required, no heavy cooking, no frying, and no stoves. The cafe will operate from early morning to evening. The Cafe will play soft music through speakers at below conversation level as its only form of entertainment.

Documents Considered by the Board: Application and documents attached thereto.

Summary: Discussion on changing the premise description to streamline.

Decision: Granted with amended premise description: 1200 sq. ft. on the ground level floor with open kitchen behind the counter, cafe/bistro style with an accessible entrance/exit facing Oxford Street. Basement for storage only.

14) Application Gefferson Joseph, for a new Cambridge Hackney Driver's License.

Documents Considered by the Board: Application and documents attached thereto.

Decision: Granted (2-0).

15) Application Ismail Shafi, for a new Cambridge Hackney Driver's License.

Documents Considered by the Board: Application and documents attached thereto.

Decision: Granted (2-0).

16) **[Late addition/submission, not on posted agenda – Application #31295]** Olivia D'Ambrosio has applied for one day malt and wine with entertainment license for a theatrical play to be exercised at the Multicultural Arts Center, 41 Second Street, on 2/8/19, 2/9/19, 2/15/19, 2/16/19 and 2/22/19 from 7:00 p.m. – 11:00 p.m. all days except Sundays from 1:30 p.m. – 6:00 p.m.

Documents Considered by the Board: Application and documents attached thereto.

Summary: Granted with amended hours of 6:30 p.m. - 10:30 p.m. per permission letter.

Board's Approval of Minutes:

NMF 

Date Minutes Approved: MAR 13 2019

BGB 

GEM 

Date Approved Minutes Were Posted: MAR 14 2019