



CAMBRIDGE LICENSE COMMISSION

831 Massachusetts Avenue, First Floor, Cambridge, Massachusetts 02139

BOARD OF LICENSE COMMISSIONERS' MEETING MINUTES

For Meeting of Wednesday, May 22, 2019

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

Meeting started at 3:07 p.m.

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

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

Note: All votes, unless otherwise indicated, were 3-0.

Public Testimony Matters:

Matters may have been called in a different order than that listed on the agenda. In addition, some matters may have required a second call.

1. Application Antonio Dorvil, for a new Cambridge Hackney Driver's License. [Time Stamp: 00:39]

Present: Antonio Dorvil, applicant.

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

Summary: Mr. Dorvil stated that he has never been a cab driver before and does not have a job as yet. He has been a truck driver and no longer wants to be away for so long as this type of work requires.

Decision: Granted.

2. Disciplinary General Landscaping Corporation, for failure to comply with the Cease and Desist Order of August 13, 2018, and for allegedly operating leaf blowers at approximately 2:25 p.m. on May 1, 2019 in the vicinity of Berkeley Street in violation of Cambridge Municipal Code 8.16.081.1(1)(b) and 8.16.081.2(c). [Time Stamp: 2:09]

Present: Not applicable; Waiver of Hearing filed.

Documents Considered by the Board: Hearing notice, documents attached thereto, and waiver of hearing.

Summary: General Landscaping received a cease and desist order in 2018. They started the permitting process in 2019 but failed to complete it due to an emergency medical leave. The blowers being used on the date of the violation were compliant. They have since become permitted.

Decision: Violation, warning issued.

3. Application #45878 Cambridge Cuisine, LLC d/b/a Puritan & Company, 1166 Cambridge Street, Common Victualler All Alcohol License #11463, for a Transfer of Stock (no new stockholder).
[Time Stamp: 4:20]

Present: Attorney Andrew Upton; and Wil Gilson, stockholder and chef.

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

Summary: Mr. Yorty is selling his shares back (.8) to the other three owners. There are no other changes. Although this is a no value/non-transferable license, the ownership is not changing substantially.

Decision: Granted.

4. Application #45656 Shake Shack Harvard Square Boston, LLC d/b/a Shake Shack, Common Victualler All Alcohol License #11893, for a Change of Manager to Brian Hickey.

Present: No one. First call was at 3:09. **[Time Stamp: 5:08]** Second call was at 4:07 **[Time Stamp: 1:03:01]** Staff to follow up.

5. Application #45786 Harvest 2000, LLC d/b/a The Harvest, 44 Brattle Street, Common Victualler All Alcohol License #11411, has applied to add live music with amplification. **[Time Stamp: 5:30]**

Present: Jeff Osowski, general manager.

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

Summary: Applicant is seeking an entertainment license for a jazz brunch on Saturdays. There will only be one performer.

Decision: Granted.

6. Application #30891 Caffe Nero Americas, Inc. d/b/a Caffe Nero, 1868 Massachusetts Avenue, for a new Common Victualler License with proposed hours of 5:30 a.m. to 10:00 p.m. all days, seating for 54, a total occupancy of 60, and an Entertainment License for recorded music above conversation level. Jill Sharnier as proposed manager of record of a premise described as: 2,800 sq. ft. which includes basement storage area. Main floor will be on the 1st floor level. One room with public access. Kitchen is in the rear of the building, dry storage is in the leased space in the basement, entrance/exit: through hotel main lobby, through Caffe Nero main entrance, additional egress through kitchen door. **[Time Stamp: 7:19]**

Present: Jason Souza, operations manager.

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

Summary: This will be on the main floor of the 1868 Hotel, which is new. It will operate the same way as their other locations. There are now 29 in the area.

Decision: Granted.

7. Application #44701 Tomiko, Inc. d/b/a Café Sushi, 1105 Massachusetts Avenue, Common Victualler Wine & Malt License #11251, has applied for an Alteration of Licensed Premises to remove approximately 325 square feet of existing space. The premise would be described as: Dining Room, Main Kitchen, and Sushi Bar and Kitchen On First Floor With Portion Used For Storage. **[Time Stamp: 9:03]**

Present: Attorney David Lipschutz; and Seizi Imura, applicant.

Documents Considered by the Board: Application and documents attached thereto, corporate vote submitted at the hearing and diagram of the area.

Summary: Applicant will be removing the 325 square feet from the existing space to make a take-out/grab and go area. They will be adding a takeout counter. The area will be separate from the restaurant and have its own entrance/exit. Takeout will not be more than 20% of the sales. The purpose is to alleviate the stress in the restaurant when people come in to pick up takeout orders. Licensee will not be able to serve alcohol to guests picking up their orders, or to store alcohol in the space. He is also applying for a section 15 license which is scheduled to be heard on June 12, 2019.

Decision: Granted.

8. Application #46035 Dip Dog, Inc. d/b/a Café du Pays, 233 Cardinal Medeiros Avenue, Common Victualler All Alcohol License #11386, for an Alteration of Premise to add a seasonal outdoor patio on the city sidewalk. The premise would be described as: 1,600 SF on the first floor with 1 entrance and 2 exits, 2 dining rooms, bar, kitchen, and bathrooms. 800 SF in basement. Approximately 50 square foot seasonal patio with 8 seats. **[Time Stamp: 15:10]**

Present: John Kessen and Heather Mojer, owners.

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

Summary: The proposal is a small patio at the curb in front of the building; it would consist of two tables for two people each, and one table for four people. Only the table right in front of the door is visible from the inside. They have been working with Mr. Best at public works to work out the configuration. The plan submitted is not one that would be accepted for the use of the public sidewalk. Also, there must be representations of where the business would keep an employee outside to monitor the patio at all times.

Decision: Deferred until applicant submits architectural plans, completes process with DPW and a more descriptive plan on how they are going to manage the patio, i.e. where is the staff member going to be at all times monitoring the outside area.

9. Application #43884 Wisdon4289, LLC d/b/a The Nu Do Society, 123 River Street, for a new Common Victualler License with proposed hours of 11:00 a.m. to 10:00 p.m. all days, seating for 28, a total occupancy of 28, and an Entertainment License for two TV's. Wudthipong Guygaew as proposed manager of record of a premise described as: Full-service Asian noodle and food restaurant. Approx. 860 sq. ft., ground floor, open plan w/seating, kitchen and food storage. Front entrance on River Street, Rear exit to common area to Kinnaird Street. Background music (no entertainers). **[Time Stamp: 22:10]**

Present: Attorney Douglas Reynolds; Wudthipong Guygaew, applicant; and Kim Courtney, member of the public.

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

Summary: This will be an Asian/Thai noodle soup restaurant. Applicant has prior experience in the restaurant business in Cambridge. The business is going to take over the space used to be occupied by River Gods. The applicant has a draft lease from the landlord, but nothing signed. The landlord can be difficult to reach. Kim Courtney spoke in opposition to the proposed entertainment citing zoning in the area did not allow for the entertainment.

Decision: Deferred until lease is submitted.

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: 28:18]

10. Disciplinary Matter deferred from March 27, 2019: Middle East Restaurant, Inc. d/b/a Middle East Restaurant/Zuzu/Sonia's, 472 Massachusetts Avenue, Common Victualler All Alcohol License #11691, due to alleged violations of M. G. L. ch. 138 M. G. L. c. 138, §§ 23, 64 and Board's Rules 2, 2.5, 5.1, and 8.1; to wit: (1) 2 Counts - Improper bodily contact (employee on patron) on January 30, 2019 and February 5, 2019; and (2) Service/sale/delivery of alcohol to an intoxicated patron on January 6, 2019, in violation of M. G. L. c. 138, §§ 64-64A, 69 and Board's Rules 2, 2.5, 12B.6, 12B.7; and (3) Failure to call police or an ambulance on February 14, 2019, in violation of M. G. L. c. 138, §§ 23, 64 and Board's Rules 2, 2.5, 12B.6, 12B.7.

Summary: The Board discussed these matters based on how they were heard at the hearing on March 27, 2019 and not as they were noticed.

Incident # 1 (January 30, 2019): female patron reported she was punched by staff and her friend removed in a choke hold. There was no video and patrons did not appear. Staff denied this. Staff reported he was surrounded by a group and he just wanted to get the man out. Things escalated as the patron would not remove his wristband. The Board expressed concern about the fact that the security guard who was accused of putting this patron in a choke hold is the same one seen on video using a choke hold during another incident.

Incident #2 (January 31, 2019): video shows security grabbing patron by the neck and throwing him to the ground. This patron had been previously banned for good reason, but he was allowed inside on that day.

Incident #3 (February 14, 2019): patron and vendor had an altercation where one spit on the other and there was no call to the police.

Incident #4 (January 1, 2019): employee involved in car crash for allegedly being under the influence. He had been drinking but there was no evidence he drank at the club. A weapon was found in his vehicle. There was no evidence that the employee brought the weapon in to the Middle East.

Incident #5 (March 26, 2019): 18 year old girl transferred to the hospital for intoxication. She had been admitted as an underage person but was able to obtain an over 21 wristband. Evidence was presented that she did not drink at the premises.

Decision: Violation as to Incidents #1-3 with four (4) days suspension issued. No violation on Incidents #4-5. The Board also voted to require Middle East Middle East to submit a security plan for all age shows and process to be followed to make sure wristbands are not readily accessible to patrons.

11. Disciplinary Matter deferred From April 24, 2019: La Fabrica Central, LLC d/b/a La Fabrica, 450 Massachusetts Avenue, Common Victualler All Alcohol License #11595, to determine whether on November 10, 2018, an employee of La Fabrica made improper bodily contact with a patron in violation of M. G. L. c. 138, §§ 23, 64, and Board's Rules 2, 2.5, 5.1, and 8.1.

Summary: This involved a patron being ejected from La Fabrica. The video shows the patron being escorted from the back room without being touched. In the middle room there is no video. The front room video shows the patron being held in a choke hold. Staff stated they are trained to use a minimum amount of force and claimed this was not a chokehold; the Board did not credit that testimony. Board discussed how staff was told by regular patrons that this patron offered to sell them drugs and the staff allowed the patron to stay on the premises and did not contact the police or tell the detail officer on site.

Decision: Violation, 2 days suspension with one to be served and one to be held in abeyance for one year.

12. Attorney Upton, on behalf of P.F. Chang's, holder of Common Victualler All Alcohol License # 11395 at 100 Cambridgeside Place, is requesting a refund of the unused portion of their annual license fee as they closed March 31, 2019.

Summary: G. L. 138, § 23, informally paragraph 6, states that there is refund when a license is cancelled. G. L. c. 138, § 23, informally paragraph 7, there may be a refund when a license is surrendered prior to it being used/exercised. The license at issue was used/exercised.

Decision: Denied.

13. The License Commission has received notice that Noory Taxi, LLC has purchased Medallion #33.

Decision: Board acknowledged.

14. The License Commission has received notice that Yasmine Cab, LLC has purchased Medallion #42.

Decision: Board acknowledged.

15. Application #46424 Kari Richards, on behalf of GLXC, has applied for a special noise variance for one night within the period of June 24 to July 13, 2019 with a start time of 3:00 a.m. and end time of 7:00 a.m. to move a crane across the street, placing street pallets to protect the road, and one night within the week of July 22 to July 26, 2019 to move the crane back.

Summary: After the submission of the application and the posting of the agenda, the applicant amended the requested dates to 6/24/19-7/13/19 (weekdays only) for only one night during that period to move the crane. And for 7/22/19-7/26/19 for one night only during that period to move the crane back.

Decision: Granted with amended dates as requested by applicant. Work is to be done weekdays only.

16. Application #45402 Dylan Archambault, on behalf of Dylan & Pete's Ice Cream, has applied for a Hawker/Peddler License to sell ice cream at various Cambridge companies Sunday through Saturday.

Decision: Granted.

17. Statements of Reasons for:

- (1) Phoenix Communications, Inc. for allegations of operating or allowing another to operate construction devices outside the allowable hours of the Cambridge Municipal Code Noise Control Ordinance, 8.16.080(F).
- (2) Crown Castle for allegations of operating or allowing another to operate construction devices outside the allowable hours of the Cambridge Municipal Code Noise Control Ordinance, 8.16.080(F).
- (3) Turner Construction Company, for allegedly operating construction devices at approximately 6:30 a.m. on April 23, 2019 at 145 Broadway in violation of Special Variance # 32541 and Cambridge Municipal Code 8.16.080(F).

Decision: Approved as to all.

18. Minutes for hearing of April 24, 2019.

Decision: 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: 52:30]

19. Application # 44525 Deferred from 5/8/19- Bertrand Laurence has applied for an entertainment license to be exercised at Raymond Park, 106 Raymond Street, on 6/22/19 from 2:30 p.m. – 6:30 p.m. for an open mic event with live music and amplification system. Expected attendance – 50 people.

Decision: Granted with amended end time of 6 p.m. per Park Permit.

20. Application # 46136 Stewart Isaacs has applied for a malt and wine with entertainment license to be exercised at MIT Museum, Massachusetts Avenue, on 5/24/19 from 6:00 p.m. – 10:00 p.m. for a social and cultural event with a dj and live music. Expected attendance – 80 people.

Decision: Granted.

21. Application # 45776 Julie Barry, on behalf of Cambridge Arts Council, has applied for an entertainment license to be exercised at Massachusetts Avenue from Prospect Street to Sidney Street, on 6/1/19 from 11:00 a.m. – 6:00 p.m. for Cambridge Arts River Festival with patrons, performers/entertainers dancing, recorded music, live music, amplification system and theatrical exhibition/play/moving picture show. Expected attendance – 150,000 people.

Decision: Granted, no license fee as this is a City Department.

22. Application # 46370 Leo Crowley has applied for a malt and wine license to be exercised at American Repertory Theater, 2 Arrow Street outside patio, on 6/14/19 from 7:00 p.m. – 8:30 p.m. for a VIP pre-performance reception. Expected attendance – 50 people.

Decision: Granted.

23. Application # 45829 Ursula August, on behalf of Cambridge Community Art Center, has applied for a malt and wine with entertainment license to be exercised at One Kendall Square, on 5/30/19 from 10:00 a.m. – 7:30 p.m. for a fundraiser with recorded music, dj, live music, amplification system, theatrical exhibition/play/moving picture show and floor show. Expected attendance – 200 people.

Decision: Granted.

24. Application # 45825 Brandis Premo, on behalf of Restaurant Associates, has applied for a malt and wine with entertainment license to be exercised at Harvard Gund Hall, 48 Quincy Street, on 5/29/19 3:00 p.m. – 7:00 p.m. & 5/30/19 11:00 a.m. – 2:00 p.m. for a reception with recorded music and amplification system. Expected attendance – 1,500 people.

Decision: Granted with: amended hours of 3:30 p.m. – 6:30 p.m. on 5/29, 8:00 a.m. – 3:30 p.m. on 5/30 per University's plan; and the condition that a police detail is required.

25. Application # 46114 & #46971 H K Food Group, LLC d/b/a Alden & Harlow, 40 Brattle Street, holder of Common Victualer All Alcohol License #11478, has applied for an entertainment license on 5/26/19 and 6/1/19 from 9:00 p.m. – 12:00 a.m. for a wedding with dj and amplification system. Expected attendance – 90 people.

Decision: Granted as to both.

26. Application # 46079 Yamaris Vazquez has applied for a wine with entertainment license to be exercised at Cambridge Masonic Hall, 1950 Massachusetts Avenue, on 8/17/19 from 2:00 p.m. – 8:00 p.m. for a wedding with patrons, performers/entertainers dancing, recorded music, dj, live music, amplification system, floor show and light show. Expected attendance – 135 people.

Summary: Application unclear as to what kind of alcohol being applied for – it was confirmed the applicant seeks a beer and wine license.

Decision: Granted for beer and wine only and with amended end time of 7:00 p.m. per permission letter.

27. Application # 46139 Rith Chak has applied for an entertainment license to be exercised at Cambridge Masonic Hall, 1950 Massachusetts Avenue, on 6/29/19 from 3:00 p.m. – 9:00 p.m. for a dance competition with patrons, performers/entertainers dancing, dj, live music and floor show. Expected attendance – 200 people.

Decision: Granted.

28. Application # 46204 Paul Clark has applied for a malt and wine with entertainment license to be exercised at 100 Cambridgeside Place, on 6/9/19 from 10:00 a.m. – 1:00 p.m. for a road race with recorded music, dj, live music and amplification system. Expected attendance – 1700 people.

Decision: Granted with the condition that a police detail is required.

29. Application # 46372 Poofydude, LLC d/b/a Wits End, 1248 Cambridge Street, holder of Common Victualer All Alcohol License #11615, has applied for an entertainment license on 5/31/19 from 4:00 p.m. – 7:00 p.m. for a live music event with live music and amplification system. Expected attendance – 40 people.

Decision: Granted.

30. Application # 46367 Bill Manley, on behalf of Harvard Square Business Association, has applied for an entertainment license to be exercised at Brattle Plaza, on 6/8/19 from 11:00 a.m. – 4:00 p.m. for a concert with patrons dancing, live music and amplification system. Expected attendance – 100 people.

Decision: Granted.

31. Application # 46359 Jeff Marcoux, on behalf of ARE-MA Region No. 59, LLC, has applied for a malt and wine with entertainment license to be exercised at the courtyard outside of building 200 Kendall Square, on 6/13/19, 7/11/19, 8/15/19, 9/12/19 & 10/24/19 from 5:30 p.m. – 8:30 p.m. for a live music event with live music and amplification system. Expected attendance – 100 people.

Decision: Granted as to all.

32. Application # 46335 Jason Alves, on behalf of East Cambridge Business Association, has applied for an all alcohol with entertainment license to be exercised at North Point Common, 30 Northpoint Blvd/330 Morgan Ave, on 6/20/19, 7/18/19, 8/15/19 & 9/19/19 from 4:00 p.m. – 9:00 p.m. for a concert with patrons, performers/entertainers dancing, recorded music, live music and amplification system. Expected attendance – 800 people.

Decision: Granted with the condition that the event time, excluding set-up and break-down, is 5:30 p.m. to 8:30 p.m., per permission letter.

33. Application # 46406 Chelsea Owens, on behalf of ALS Therapy Development Institute, has applied for a malt with entertainment license to be exercised at 300 Technology Square, on 8/10/19 from 10:00 a.m. – 6:00 p.m. for a fundraiser with recorded music and amplification system. Expected attendance – 700 people.

Decision: Granted with: amended hours 1:00 p.m. to 4:30 p.m. per the permission letter; and the conditions that samples are limited to 2oz. each and food must be served in conjunction with the samples.

34. Application # 46498 & 46492 Michael Monestime, on behalf of the Central Square Business Association, has applied for a malt license (beer garden) to be exercised at Brookline Street between Green Street and Massachusetts Avenue and University Park Commons on Sidney Street between Franklin & Pilgrim Streets, on 6/1/19 from 11:30 a.m. – 5:45 p.m. for the Cambridge River Festival. Expected attendance – 999 people.

Decision: Granted with the condition that a police detail is required. The request for a fee waiver is denied.

35. Application # 46622 Celestine Hong has applied for an entertainment license to be exercised at MIT Kresge Auditorium, 48 Massachusetts Avenue, on 5/25/19 from 7:00 p.m. – 9:30 p.m. for a concert with live music. Expected attendance – 250 people.

Decision: Granted.

36. Application # 46685 Sarah Gyorog, on behalf of Transition House, has applied for a wine with entertainment license to be exercised at Tatte Bakery and Café, 318 Third Street, on 6/19/19 from 4:00 p.m. – 8:00 p.m. for a fundraiser with recorded music, live music and amplification system. Expected attendance – 40 people.

Decision: Granted with: amended start time of 5:00 p.m. to 8:00 p.m. per permission letter; and with a maximum of 40 people per COI and license.

37. Application # 46267 Mari Watson, on behalf of Tobin Community School, DHSP, has applied for a one day temporary amusement license (Inflatable obstacle course, Bounce House and Pony Rides)

to be exercised at Rindge Field, 143 Pemberton Street, on 6/12/19 from 12:00 p.m. – 5:00 p.m. for a field day. Expected attendance – 400 people.

Decision: Granted, no license fee as this is a City Department.

38. Application # 46934 Peter Devito, on behalf of Cambridgeside, has applied for an entertainment license to be exercised at Lechmere Canal Park, on 6/5, 6/12, 6/19, 6/26, 7/3, 7/10, 7/17, 7/24, 7/31, 8/7, 8/14, 8/21, 8/28 from 5:30 p.m. – 7:30 p.m. for a fitness series event with recorded music and amplification system. Expected attendance – 50 people.

Decision: Granted.

Matters Added to Agenda After Posting on May 16, 2019

39. Application #47083 John Harmon, on behalf of Bond brothers, Inc., has applied for a special noise variance on May 26, 2019 at 5:00 a.m. at 500 memorial Drive to remove jersey barriers work zone limits prior to DCR Run to Remember and to replace them when the run is over.

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

40. Application #47082 Nicola Williams, on behalf of the Sustainable Business Network of Massachusetts, has applied for a wine and malt and entertainment license on June 8, 2019 from 12:00 p.m. to 2:00 p.m. for product drop off; Session 1 from 2:30 p.m. to 5:30 p.m. and Session 2 from 6:30 p.m. to 9:30 p.m. at University Park.

Decision: Granted with the conditions that: samples of beer limited to 2 ounces per serving, samples of wine (including mead) limited to 1 ounce per serving; number of tickets associated with the admission price is 20; and food must be available, not just for purchase.

41. Application 47240 Megan Dupres, on behalf of the Harvard Alumni Association, has applied for a one day wine license on May 30, 2019 from 11:30 a.m. to 2:00 p.m. at 1 Harvard Yard.

Decision: Granted.

42. **[Late submission/addition to the agenda]** Application #47286 Lin Zhao has applied for a one day entertainment license for May 25, 2019 from 6:00 p.m. to 11:00 p.m. at 48 Massachusetts Avenue for Chinese Crosstalk Show.

Decision: Granted.

Board's Approval of Minutes:

NMF 

Date Minutes Approved: JUN 26 2019

BGB 

Date Approved Minutes Posted: JUN 27 2019

GEM _____