



CAMBRIDGE LICENSE COMMISSION

831 MASSACHUSETTS AVE, CAMBRIDGE, MA 02139

NICOLE MURATI FERRER
CHAIRPERSON | BOARD MEMBER

CHRISTINE A. ELOW
POLICE COMMISSIONER | BOARD MEMBER

THOMAS CAHILL, JR.
FIRE CHIEF | BOARD MEMBER

BOARD OF LICENSE COMMISSIONERS MEETING MINUTES

Tuesday, July 9, 2024, 9:00 a.m.
By Remote Participation Via Zoom

This meeting was held remotely in accordance with Chapter 2 of the Acts of 2023 adopted by Massachusetts General Court and approved by the Governor.

Board Members: Nicole Murati Ferrer (present), Christine A. Elow (absent), and Thomas Cahill, Jr. (present).

Staff Member Present: Christopher O'Neil.

Decisions: All decisions, unless otherwise stated, were 2-0, and by roll call.

Public Testimony Matters

1. **Application #273712** Colossal Shrimp, LLC d/b/a Darling, 464 Massachusetts Avenue, for a new Common Victualler All Alcoholic Beverages License with seating for 59 inside and proposed hours of 11:00 a.m. to 1:00 a.m. all days. Brian Callahan as proposed Manager of Record of a premises described as: Restaurant located on the first floor of a single story building, consisting of approx. 2,375 square feet including seating and bar area, restrooms, kitchen, basement storage, with one entrance and three means of egress.

Present: Attorney Adam Barnosky; and Brian Callahan.

Documents Considered: Application and documents attached thereto.

Summary: This location used to have a malt and wine license attached to it. Used to be the Mary Chung Restaurant which operated at the location for about 40 years and closed two years ago. This license and proposed business will serve to activate the site which has been vacant. The primary focus will be dinner but do intend and hope to have a lunch service incorporated as well. They will have dim sum, small plates and curated beer and wines. They intend to invest a significant amount of money to renovate the space, \$1.1 million in start up costs. They have done some light renovations and are awaiting construction permits. They estimate it will be about a 16 weeks of construction.

Brian Callahan has 8 years of experience in the food and beverage industry. Callahan has not been manager of record and is familiar with the rules and regulations of the Board, ABCC and laws of the Commonwealth of Massachusetts with regard to the sale and service of alcohol. Callahan has received proof of training in the safe service and sale of alcohol and will upload the TIPS certificate.

Decision: Granted.

2. **Application #264991** Xenon JV 2022, LLC, 780 Memorial Drive, for a new Garage License for 83 parking spaces and 830 gallons of gasoline in the tanks of autos only.

Present: Eve Bancroft.

Documents Considered: Application and documents attached thereto.

Summary: They have sent abutter notifications and will upload the affidavit and proof of mailing to the record. The parking is for employees and it is for fee. The site is managed by a company, CBRE.

Decision: Granted, pending submission of the management company information.

3. Application #264823 Xenon JV 2022, LLC, 790 Memorial Drive, for a new Garage License with additional Flammables for 134 parking spaces and 1,340 gallons of gasoline in the tanks of autos only, 500 gallons of diesel, and additional flammables stored by the tenants of the life sciences building.

Present: Eve Bancroft.

Documents Considered: Application and documents attached thereto.

Summary: They have sent abutter notifications and will upload the affidavit and proof of mailing to the record. The parking spaces are for fee. Of the 134 spots, there are 58 that are surface spots. The 500 gallons of diesel, small tank, is for the building generator and the fuel is store in the garage. The site is managed by a company, CBRE.

Decision: Granted, pending submission of the management company information.

4. Application #266606 Quad 109 Place, LLC, 101 Smith Place, for a new Garage License for 154 parking spaces and 1,540 gallons of gasoline in the tanks of autos only.

Present: Gretchen McGill; and Chris Lizewski.

Documents Considered: Application and documents attached thereto.

Summary: Of the 154 there are 30 that are surface spots. Per requirement from the City of Cambridge, the tenants are charged for use of the parking space, it will done through the lease. The Davies Companies will manage the site. No other flammables on site.

Decision: Granted with amendment that the spaces are for fee, and pending submission of the management company information.

5. Application #273094 Fawaz Abu-Rubayah d/b/a Beantown Taqueria, 245 Massachusetts Avenue, Common Victualler License #12404, to Increase Seating Capacity of the outdoor patio from four (4) to sixteen (16).

Summary/Decision: Second call given; no one has heard from the applicants, no proof of abutter notification, and SSBU application still pending. Matter will be rescheduled.

6. Application #263822 Chicken and Co., 2261 Massachusetts Avenue, Common Victualler License #248415, to Add Seasonal Outdoor Seating on Public Property on the sidewalk for 2 tables and 4 seats.

Present: Teradate Suntornnut.

Documents Considered: Application and documents attached thereto.

Summary: The proof of mailing to the abutters uploaded but the affidavit is missing, will upload. They had wanted the patio on the street but the restaurant next door applied before they did and obtained the parking space in front of the premises. They have been granted a small portion of the sidewalk to be used for the outdoor area – 2 tables, against the building. This is an amenity they want to add for their customers. The hours of the patio will be the same as indoor. The SSBU has issued.

Decision: Granted.

7. Disciplinary Burns Landscape & Snow Management, Leaf Blower Permit #218160, for allegedly operating a leaf blower during a prohibited period and hour, June 18, 2024 at 7:34 a.m., at 145 Brattle Street in violation of CMC 8.16.081.3.1 and 8.16.081.3.4.

Present: Damon Krukowski, resident; Kevin Burns; Investigator Tyler Bubenik.

Documents Considered: Hearing notice and documents attached thereto; and file.

Summary: Krukowski testified they live across the street from Holy Trinity Church and knows the Church employs Burns Landscape. For years, Burns Landscape has been violating the leaf blower ordinance and the Church has allowed it to happen. On June 18, at 7:34 a.m. an employee of Burns operated a leaf blower. The landscaper's employees and the church are non-responsive to the issue. On this occasion, Krukowski called the police. As background Krukowski was one of the persons that testified when the ordinance was implemented to have seasonal prohibitions. Krukowski stated that Burns often has multiple blowers on site operating at the same time, although not this time.

Investigator Bubenik confirmed Burns Landscaping registered this location as one maintained by it. The Board has found 2 previous violations and the last one in April where the Church was also informed. No one from Burns appeared at the hearing.

Decision: Violation, 2 counts – prohibited period and hour, \$300 fine per violation, for a total \$600 fine, and an additional \$100 hearing fee for failure to appear. In addition, any future violations at the location will result in a hearing notice to the company and property owner which may result in fines issued to both the company and the property owner.

8. Disciplinary Nicolazzo and Sons, Leaf Blower Permit #120918, for allegedly operating a leaf blower during a prohibited period and day, June 19, 2024, at 19 Berkeley Street on June 19, 2024, in violation of CMC 8.16.081.3.1 and 8.16.081.3.2.

Documents Considered: Hearing notice and documents attached thereto; file; and waiver of hearing.

Summary: On July 8, co-owner and manager, Mike Nicolazzo filed a waiver of hearing admitting to the violations as noticed.

Decision: Violations, 2 counts – prohibited period and working on holiday, \$300 fine per violation for a total \$600 fine.

Administrative Matters

Unless otherwise indicated, all the below listed matters were considered and voted upon by the Board without public testimony. They were decided upon by the Board members' individual review of the papers/applications/matter before them. The summary of what is considered is the identifying information of the matter as listed herein.

9. Application #277794 Chris Shaughnessy, CJ Shaughnessy Crane Service, for a Special Noise Variance from 7/13/24 - 9/7/24 (Alt. 7/20/24 - 9/14/24), at 100 Memorial Drive, from 7:00 a.m. to 5:00 p.m. on Saturdays only, to assemble and disassemble a crane for an equipment hoist using trucking and a crane. The variance is sought in the interest of public safety.

Decision: Granted.

10. Board Vote [Matter Heard June 25, 2024] Shojo Cambridge, LLC d/b/a Shojo, holder of All Alcohol Common Victualler License #193948, 425 Massachusetts Avenue, for allegedly allowing illegalities in or around the licensed premises by operating over the licensed capacity on May 5, 2024 (7:45 p.m.), in violation of G. L. c. 138, §§ 12, 23 and 64, G. L. c. 140, and Board's Rules 2.3, 2.5, 5.1, and 9.

Summary: The Board discussed how this is a repeat violation in a span of months. It is the same number of people over capacity (31 – they had 90 and are only licensed for 59). The business knew they had a special event, had been warned that the promotional materials were advertising prohibited practices, and the owner and manager of record was on site and had a clear view of the inside of the premises and should have been able to tell that it was over capacity. The business is showing a flagrant disregard for the safety of employees, patrons and residents of this mixed use building. In addition, even though they have a pending application which includes a request to increase capacity, even those plans do not support the capacity at which they were operating. Investigator Bubenik testified that from the outside it was clear the space was over capacity. The only thing that was different from this situation than the one we heard a couple of months ago was that the business only took 5 minutes to come back to capacity versus the over an hour that it took in the previous instance. Last time we gave the business 2 days suspension. Even though Moy testified as to changes they plan to make to ensure that the overcapacity does not occur, the Board expressed lack of confidence in their methods or that they are taking the matter seriously.

Decision: Violation, 4 days suspension.

11. Board Vote [Matter Heard June 25, 2024] Capitol Roofing Inc., for allegedly operating a leaf blower without a permit [failure to adhere to August 30, 2023, cease and desist], on June 11, 2024 (1:35 p.m.) in the vicinity of 66 Sacramento Street, in violation of CMC 8.16.081.3.6.

Present: Investigator Tyler Bubenik.

Summary: This company submitted a waiver of hearing but with the submission explained that they are not a commercial leaf blower operator. The waiver was submitted due to a medical emergency on their end. Investigator Bubenik confirmed nothing on their website indicates they are a commercial leaf bower operator. Investigator Bubenik also confirmed they reached out after the hearing to further inquire and even though there was acknowledgement of receipt of the inquiry they have not gotten back and due to the underlying medical issue, has not nudge them as follow up. The Board discussed how the information before it is sufficient to proceed.

Decision: No violation for failure to obtain a leaf blower permit. Will nonetheless, issue a warning/educational notice that the company must comply with all other provisions of the Ordinance (none of which were implicated in this instance).

12. Consideration of Statement of Reasons

[Matter Heard May 21, 2024]

Tria Cambridge Concessions, LLC d/b/a Freepoint Hotel, 220 Alewife BrookParkway, Common Victualler and Entertainment All Alcohol License #11569, [decided on June 25, 2024] violation of serving, selling and/or delivering of alcohol to an intoxicated person and/or overservice of alcohol, in violation of G. L. c. 138, §§ 23, 64-64A, 69, G. L. c. 140, and Board’s Rules 2, 12B.6, and 12B.7. Two days suspension one held in abeyance for nine (9) months, the suspension is only for the alcohol service, common victualler portion of the license is not suspended.

[Matters Heard June 6, 2024]

Republic Services, Solid Waste Hauler License #14078, two violations of CMC 8.16.080(e), loading and unloading outside allowable hours at 1573 Cambridge Street, on May 3, 2024 at 6:50 a.m., and May 10, 2024 at 6:48 a.m. Issued \$300 fine per violation for a total \$600 fine and \$100 hearing fee for failure to appear.

Green Valley Landscaping & Masonry, Inc., Leaf Blower Permit #153943, two violations of CMC 8.16.081 at 603 Concord Avenue on May 11, 2024, at 8:19 a.m.: Section 3.10, operating more than one leaf blower within same 10,000 square foot area; and Section 3.4, operating prior to allowable start time of 9:00 a.m. Issued \$300 fine per violation for a total \$600 fine.

Casella Waste Services, Solid Waste Hauler License #14070, one violation of CMC 8.16.080(e), loading and unloading outside allowable hours, on May 10, 2024, at approximately 6:05 a.m., at 94 Hampshire Street. Issued \$300 fine.

Youville House Assisted Living, 1573 Cambridge Street, two violations of CMC 8.16.080(e), loading/unloading waste outside of the allowable hours, on May 3, 2024 at 6:50 a.m., and May 10, 2024 at 6:48 a.m. Issued \$300 fine per violation for a total \$600 fine.

DMG Food Enterprises, LLC d/b/a 730 Tavern Kitchen & Patio, 730 Massachusetts Avenue, Common Victualler All Alcohol License #11613, [decided on June 25, 2024], violation for (1) underage individual in possession of alcohol; (2) service, sale or delivery of alcohol to an underage individual; and (3) service, sale or delivery of alcoholic beverages to an intoxicated, underage individual and/or overservice of alcohol in violation of G.L. c. 138, §§ 23, 34, 34A, 41, 64, 64A, and 69 and Board's Rules 2, 5B.6, 12B.6, and 12B.7. Two (2) days suspension one (1) held in abeyance for twelve (12) months.

[Matters Heard June 25, 2024]

MGM Development Co. violation of CMC 8.16.080(f)(1), construction activity outside allowable hours, on Saturday, May 25, 2024, 8:16 a.m., 74 Hammond Street, in violation. Issued \$300 fine.

Republic Services, Solid Waste Hauler License #14078, violation of CMC 8.16.080(e), loading and unloading outside allowable hours, on June 12, 2024, 6:54 a.m., 1573 Cambridge Street. Issued \$300 fine, \$100 hearing fee for failure to appear.

Property Ownership of Youville House Assisted Living, violation of CMC 8.16.080(e), loading and unloading outside allowable hours, on June 12, 2024, 6:54 a.m., 1573 Cambridge Street. Issued \$300 fine, held in abeyance until October 31, 2024.

Decision: Approved as to all except DMG Food Enterprises, LLC, which is not yet ready.

13. Consideration of Meeting Minutes June 6, 2024; and June 25, 2024.

Decision: Approved as to both.

One Day License Applications

Unless otherwise indicated, all the below listed matters were considered and voted upon by the Board without public testimony. They were decided upon by the Board members' individual review of the papers/applications/matter before them. The summary of what is considered is the identifying information of the matter as listed herein.

14. Application #271632 Taylor Hansen, Multicultural Arts Center, for an entertainment license at 41 Second Street, on 7/25/24 from 4:00 p.m. – 9:00 p.m. for a dance concert with patrons dancing, performers/entertainers dancing, recorded music, live music and amplification system. Expected attendance – 100.

Decision: Granted.

15. Application #275412 Erica Joos, for an entertainment license at 30 Whitney Avenue, on 7/27/24 with rain date of 8/11/24 from 6:00 p.m. – 10:00 p.m. for a block party with patrons dancing, live music and amplification system. Expected attendance – 75.

Decision: Granted.

16. Application #276306 Sasha Martin, MIT Open Space Programming, for an entertainment license at 292 Main Street, on 7/10/24 with rain date of 7/17/24 from 12:00 p.m. – 1:00 p.m. for a concert with patrons dancing, performers/entertainers dancing, recorded music, DJ, live music, amplification system, theatrical exhibition/play/moving picture show, light show and dynamic audio/visual show live/recorded. Expected attendance – 200.

Decision: Granted.

17. Application #276307 Sasha Martin, MIT Open Space Programming, for an entertainment license at 292 Main Street, on 7/20/24 from 11:00 a.m. – 12:00 p.m. for a book reading & craft event with patrons dancing, performers/entertainers dancing, recorded music and amplification system. Expected attendance – 100.

Decision: Granted.

18. Application #276308 Sasha Martin, MIT Open Space Programming, for an entertainment license at 292 Main Street, on 8/7/24 from 11:00 a.m. – 1:00 p.m. for a music performance with patrons dancing, performers/entertainers dancing, recorded music, DJ, live music and amplification system. Expected attendance – 200.

Decision: Granted.

19. Application #276853 Letay Kidanemariam, for an all alcohol and entertainment license at 2254 Massachusetts Avenue, on 7/13/24 from 5:30 p.m. – 11:30 p.m. for a graduation party with patrons dancing and DJ. Expected attendance – 200.

Decision: Granted.

20. Application #277129 Rashmi Mohan, Green Cambridge, for an entertainment license at 449 Broadway, on 8/1/24 from 10:00 a.m. – 5:00 p.m. for a children’s nature festival with patrons dancing, performers/entertainers dancing, live music and theatrical exhibition/play/moving picture show. Expected attendance – 150.

Decision: Granted pending submission of City permit and subject to any conditions and modifications therein.

21. Application #277277 Tim Mailloux, Forrester, for a malt and wine license at 60 Acorn Park Drive, on 7/17/24 with rain date of 7/18/24 from 4:30 p.m. – 6:30 p.m. for a social. Expected attendance – 200.

Decision: Granted.

22. Application #277509 Sandra Rizkallah, Plugged in band program, for an entertainment license at 100 Mt. Auburn Street, on 7/16 & 7/30/24 with rain date of 7/17/24 from 11:00 a.m. – 2:00 p.m. for a music performance with live music and amplification system. Expected attendance – 5.

Decision: Granted.

23. Application #277690 Dante Cabral, F45, for an entertainment license at 1500 Massachusetts Avenue, on 7/20/24 with rain date of 8/4/24 from 10:00 a.m. – 12:00 p.m. for a workout class with recorded music and amplification system. Expected attendance – 50.

Decision: Granted.

24. Application #278145 Scott Kendall, Pemberton Farms Marketplace, for a malt and entertainment license at 2225 Massachusetts Avenue, on 9/7/24 with rain date of 9/8/24 from 2:00 p.m. – 6:00 p.m. for a craft beer festival with patrons dancing, recorded music, live music and amplification system. Expected attendance – 700.

Decision: Granted with the conditions that there must be a limited number of malt tastings (maximum of 12 tastings per person, each limited to 2 ounces) associated with the admissions price, otherwise/thereafter the alcohol must be sold, and that there must be food served in conjunction with the tastings.

25. Application #278696 Joseph McGuirk, East Cambridge Business Association, for an all alcohol license at 55 Broadway, on 7/17- 8/25/24 from 11:00 a.m. – 8:00 p.m. (specific event times may vary but may not exceed these hours) for a beer garden. Expected attendance – 500.

Decision: Granted.

26. Application #278688 Flying Toad, Inc. d/b/a Cambridge Common, 1667 Massachusetts Avenue, Common Victualer All Alcohol License #11696, for a malt and entertainment on 7/27/24 with rain date of 8/28/24 from 2:00 p.m. – 7:00 p.m. for a backyard BBQ. Expected attendance – 100.

Decision: Granted.

27. Application #278166 Ana Berrio, HRI, for an entertainment license at 1 Blackstone Street, on 8/1/24 with rain date of 8/2/24 from 4:00 p.m. – 8:00 p.m. for a neighbor event with performers/entertainers dancing, DJ and amplification system. Expected attendance – 200.

Decision: Granted.

Matters Considered at Meeting – Not Previously Posted on Ageda

Unless otherwise indicated, all the below listed matters were considered and voted upon by the Board without public testimony. They were decided upon by the Board members' individual review of the papers/applications/matter before them. The summary of what is considered is the identifying information of the matter as listed herein.

28. Application #277183 Monique Louis for a new Hackney Driver's License.

Decision: Granted.

29. Applications #278019, 278025 & 278029 Harvard Square Business Association, Black owned business pop-up market, for hawker/peddler licenses at Palmer Street, on 7/14, 7/21 & 7/28/24 from 11:00 a.m. – 6:00 p.m. to sell merchandise: goods, arts & crafts.

Decision: Granted pending submission of the City permits and subject to any conditions and modifications therein.

30. Application #277179 Tara Flanagan, Philips Healthcare, for a malt, wine and entertainment license at 222 Jacobs Street, on 8/8/24 with rain date of 8/14/24 from 10:30 a.m. – 3:30 p.m. for a corporate party with DJ and amplification system. Expected attendance – 599.

Decision: Granted with amended hours of 11:30 a.m. – 2:30 p.m. per permission letter.

31. Application #278863 Bill Manley, Harvard Square Business Association, for an entertainment license at 27 Brattle Street, on 7/26/24 from 5:00 p.m. – 11:00 p.m. for a salsa squared dance party with patrons dancing, performers/entertainers dancing, recorded music, DJ and amplification system. Expected attendance – 200.

Decision: Granted with amended start time of 7:00 p.m. per City permit.

32. Application #278903 Ana Berrio, HRI (Homeowner Rehab), for a temporary amusement license (one inflatable & game), at 2 Blackstone Street, on 8/1/24 with rain date of 8/2/24 from 4:00 p.m. – 8:00 p.m. Expected attendance – 200.

Decision: Granted pending submission of City permit and subject to any conditions and modifications therein, and proof of insurance coverage for the City of Cambridge.

33. Application #279324 Richard Cambriello, Daddy's Bonetown Burgers, for a hawker/peddler license at 320 Morgan Avenue, on 7/18/24 with rain date of 7/24/24 from 5:30 p.m. – 8:30 p.m. to sell food.

Decision: Granted.

34. Application #279123 French Express, PRB Boulangerie, for a hawker/peddler license at 1 Bennett Street, on 7/14/24 from 12:00 p.m. – 4:00 p.m. to sell coffee, dessert and bread.

Summary: This is for an event inside the hotel; for a French market.

Decision: Granted pending submission of permission letter and subject to any conditions and modifications therein.

35. Application #279303 Amanda Henley, Harvard Square Business Association, for a hawker/peddler license at Bow Street, on 7/13/24 from 12:00 p.m. – 5:00 p.m. to sell merchandise: goods, arts & crafts.

Decision: Granted.

36. Application #279346 Mary Rickard, Head of the Charles, for a wine license at 2 Gerry's Landing, on 7/26/24 from 5:00 p.m. – 7:00 p.m. for a retirement party. Expected attendance – 120.

Decision: Granted pending submission of permission letter and subject to any conditions and modifications therein.

37. Application #275791 Bom Dough, LLC d/b/a Bom Dough, 1 Canal Park, for a new Common Victualler License with Marcia Chemim as sole owner and manager of record of a premises described as: Approximately 1,982 sq. ft. on the first floor. Includes one main seating room with entrance and exit, commercial kitchen area, and 2 restrooms. Also has an outdoor area on the private way of approximately 560 sq. ft. Indoor capacity of 19 seats with maximum interior occupancy of 39, and outdoor seating capacity and maximum occupancy of 16. Hours of operation of 8:00 a.m. to 4:00 p.m. all days. This is a previously licensed condition.

Decision: Granted.


By the Board of License Commissioners

Minutes Approved: August 16, 2024

Minutes Posted: August 19, 2024



Nicole Murati Ferrer, Chair



Thomas Cahill, Jr., Fire Chief



Christine Elow, Police Commissioner

