



# 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

Monday, September 9, 2024, 10:30 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 (All Present):** Nicole Murati Ferrer; Christine A. Elow; and Thomas Cahill, Jr.

**Staff Member Present:** Christopher O'Neil.

**Decisions:** All decisions, unless otherwise stated, were 3-0, and by roll call.

**Notes:** There was a short 15-minute recess at 11 a.m., meeting was restarted at 11:16 a.m. Item #6 was called out of order).

### Public Testimony Matters

1. **Application #283131** 1043 Cambridge Street LLC, 1055 Cambridge Street, for a new Garage License for 13 parking spaces and 130 gallons of gasoline in the tanks of autos only.

**Present:** Pawel Honc; and Sean George.

**Documents Considered:** Application and documents attached thereto.

**Summary:** This is for a condominium, owner occupied building. There are 18 residential units and 1 commercial unit. The commercial unit does not have a parking spot. The parking spots are at grade and are deeded. The Flammable Materials Permit from Fire Department has been issued and uploaded to the record.

**Decision:** Granted (3-0).

2. **Application #285761** 1 Cedar Street LLC, 1 Cedar Street, for a new Garage License for 8 parking spaces and 80 gallons of gasoline in the tanks of autos only.

**Present:** David Winick.

**Documents Considered:** Application and documents attached thereto.

**Summary:** This is for a mixed use building. The commercial space is in the basement level for a Veteran's Club which has no access to the parking. The parking is for the 8 residential units; it is outdoors but covered. Unsure if the building will be owner occupied but the parking spots are deeded.

**Decision:** Granted (3-0).

**3. Application #283281** More Than Words, Inc., 563 Massachusetts Avenue, for a Second Hand Goods, Junk Dealers and/or Antiques License.

**Summary/Decision:** Matter not considered, applicant failed to notify abutters; matter will be readvertised and rescheduled.

**4. Application #284600** Van Leeuwen Harvard Square BOS LLC, 1 Brattle Square, for a New Common Victualler License for 15 seats and proposed hours of 11:00 a.m. to 12:00 a.m. all days. Dana Jalbuena as manager of a premises described as: In Space C#2, in one room, approximately 1,382 sq. ft. with storage in the rear.

**Present:** Dana Jalbuena.

**Documents Considered:** Application and documents attached thereto.

**Summary:** This is an ice cream concept that started in New York. They have opened in Newton and are also seeking to open in Boston. They concentrate on vegan and non-dairy options. Applicant informed that depending on when the license is issued, they may need to pay for the 2024 & 2025 license fees (due to upcoming renewals).

**Decision:** Granted (3-0).

**5. Application #280683** Lovestruck Books, LLC d/b/a Lovestruck Books 02138, 44 Brattle Street, for a new Common Victualler Wine, Malt and Cordials/Liqueurs License with seating for 35 inside, maximum inside occupancy of 132, and 12 patio seats on private property with proposed hours of 8:00 a.m. to 9:00 p.m. Sunday through Wednesday, and 8:00 a.m. to 10:00 p.m. Thursday through Saturday. Rebecca Fitzgerald as proposed Manager of Record of a premises described as: Ground floor bookstore consisting of approximately 5,217 sq. ft. with cafe, kitchen, and storage. Outdoor seating located on private property. Applicant is also applying for an Entertainment License to include trivia and readings of poetry/other works.

**Present:** Attorney James Rafferty (applicant); Attorney Richard Heller (management company); Rebecca Fitzgerald; and Rachel Kanter. Heather Hoffman, resident.

**Documents Considered:** Application and documents attached thereto.

**Summary:** This application also requests an approval of a management/operating agreement. The management agreement information on the ABCC application says the licensee will not retain control of the business finances but applicant explained it is the typical concept of the management company taking care of the day to day. The percentage of the gross sales will include all of the sales not only the alcohol sales.

This concept is around the operation of a bookstore at the bottom of Church Street in a spot that has been vacant for a period of time. The proposed owner is a Cambridge resident, a mom, who

loves books. The concept is similar to Trident in Boston, but it will be unique in its own way. The café will be managed by George Howell, and the bookstore portion of the business will be handled by Kanter. In terms of the hours, although on Sunday the store and café will open at 8:00 a.m. the alcohol service will not start until 10:00 a.m. The outdoor patio is approximately 565 sq. ft. entirely visible from the inside of the premises. There are 4 entrances and exits to the premises, of which only three are for public access, the other one is for loading in the kitchen area.

Rebecca Fitzgerald has experience in the food and beverage industry and has been manager of record on a liquor license before with no disciplinary issues with the local board or ABCC. Fitzgerald is familiar with the rules and regulations of the Board, the ABCC and the laws of the Commonwealth of Massachusetts with regard to the sale, service and delivery of alcohol. Fitzgerald provided a TIPS Certificate as proof of training in the safe service, sale and delivery of alcohol.

Heather Hoffman, spoke in support of application. Counsel made a motion to have the common victualler and entertainment licenses issue upon receipt of final approvals while ABCC approval was pending.

**Decision:** Granted (3-0) including the management agreement and with amended premises description (to include the square footage of the outdoor area and the entrances/exits), and alcohol service hours on Sunday start at 10 a.m.

Granted (2-0, Cahill did not vote because was out of the room) on motion to bifurcate approvals and issuance of licenses, pending required sign-offs and supporting documents.

**6. Application #280604** Pyramid Cambridge Management, LLC d/b/a The Kendall Hotel/Kendall House/Black Sheep, 350 Main Street, to transfer the existing All Alcohol Innholder License (#10896) held by The Firehouse Inn, LLC at the same location. Shannon Keefe as proposed Manager of Record of a premises described as: Hotel with 8 floors, including garage, and 77 rooms for a total square footage of 40,508. Includes dining room, kitchen, and bar on 2nd floor. Storage in basement. Spa and conference room on 7th floor. Outdoor patio on 1st floor and outdoor roof deck on 7th floor.

**Present:** Attorney Brian Fink; Attorney Alexander Furey; and Shannon Keefe.

**Documents Considered:** Application and documents attached thereto.

**Summary:** It was acknowledged that a review of the application had raised significant questions as to whether the proper applications had been filed and whether proper disclosures of the different entities involved and their interest had been made. The Board went item by item, which had been previously sent to the applicant's attorney (italicized text was notation sent to applicant prior to the hearing to address). It was acknowledged that updated documents had been submitted shortly before the hearing but not with enough time for the Board to review prior to the meeting, and set the expectation the application would not be voted upon on this date.

(1) *ABCC application, page 2, question #5 is incorrect and not answered fully. The only owner of the current licensee is Charlotte Baxter Forsythe. Nicolas Fandetti is the manager of record. Acknowledged it was updated by listing Fandetti as the LLC manager. That is not the information the Board or the ABCC have, which means there was probably an unapproved change before the one currently sought, and therefore, will also need to be "corrected" at this time.*

(2) *ABCC application, page 2 is cut off, the bottom of the page with the additional questions does not appear on the document upload. Updated application does not present the same issue.*

(3) *Rider to Section 5 lists incorrect information. At this time Firehouse Inn, LLC is not a management company but rather the license holder. The application submitted has contradictory information - it says in one area that it is a transfer of the license, and in another area that it is a management change. As previously informed, we believe that what you may be trying to accomplish is both a transfer of the license and an approval of a management agreement. Regardless, the information on the Rider for question 5 is incorrect. Acknowledged received updated rider but due to when it was submitted unable to review in depth prior to meeting.*

(4) *ABCC application, page 3, question 6, if Pyramid Advisors LP is the 100% beneficial interest holder, you have to provide the corporate documents and LLC operating agreement. You also have to change the proposed holder of the license to Pyramid Advisors LP not Pyramid Cambridge Management, LLC unless you are saying that the holder is Pyramid Cambridge Management, LLC which is owned 100% by Pyramid Advisors LP, etc...but again you will need to provide a chart to explain the relation and also disclose who are the holders of Pyramid Advisors LP.*

*Also, you have two separate responses to question #6 and have two different entities labeled as the 100% holder (i.e. page 29 lists Pyramid Management Advisors LP as the 100% owner not Pyramid Advisors LP...and you also disclose yet another entity Pyramid Advisors GP, LLC as another partner). Again, this application will probably benefit from a beneficial interest chart explaining all of the entities and their relation to each other and the license. In addition, for each entity you have to provide the corporate documents.*

*Acknowledged received updated information, but due to when it was submitted unable to review in depth prior to meeting.*

(5) *ABCC application, page 4, question 8, based on the rider you provide, the landlord is MIT 350 Main Street Leasehold not Pyramid Cambridge Management, LLC. Also, the information here is confusing. You mention the "right of the applicant, Pyramid Cambridge Management LLC, to occupy the premises is made pursuant to a Hotel Management Agreement between itself and the tenant of the hotel building." But "itself and the tenant" are the same thing since in the next sentence you state that the tenant is Pyramid Cambridge Management LLC (which is the applicant). MIT is the landlord, there were still questions as to whether in the manner presented the proper licensee was named. Either way, the licensee must have a lease or sublease providing it the right to occupy the space. Will review additional documents submitted to see if further clarified.*

(6) *ABCC application, page 4, question 9, based on the correspondence submitted, you have to update the information on this response and re-upload. Acknowledged received updated information, but due to when it was submitted unable to review in depth prior to meeting.*

(7) *ABCC application, page 6, manager application is cut off. New application does not have this issue.*

(8) *If there is a management agreement as seems to be indicated per the information on your response to question #1 of the ABCC application and information on the rider to question 8, then questions #13-13F, pages 7 & 8 need to be addressed and a management agreement needs to be supplemented. There was no management agreement provided; Board raised concerns as to this issue and alerted this may be incorrect. Will review additional documents submitted.*

(9) *If this is a transfer of the license, you need to submit the P&S. Has not yet been provided.*

(10) *There is a garage license at this location that also needs to be changed/transferred. Acknowledged they intend the licensee to also run it, will need to take care of this too. There is no pending application to address this issue.*

Shannon Keefe has about seven (7) years of experience in the food and beverage industry. Keefe has never been manager of record on a liquor or hotel license before. Keefe is familiar with the rules and regulations of the Board, the ABCC and the laws of the Commonwealth of Massachusetts with regard to the sale, service and delivery of alcohol. Keefe testified they have received TIPS training in the safe service, sale and delivery of alcohol and will provide it via the online portal.

There was discussion on how there are still significant questions as to whether the application is properly filed and the licensee properly identified and disclosed. The Board will review the matter and continue. Keefe does not have to appear at a future hearing.

**Decision:** Continued (3-0) to September 11, 2024.

**7. Application #278731** Comedy Studio, Inc., 20 Brattle Street, All Alcohol General On Premises License #167949, for a Change of Ownership Interests, Issuance/Transfer of Stock/New Stockholder, and Change of Manager of Record.

**Present:** Daniel Hatch; John Bonham-Carter, largest shareholder; and David Reyes.

**Documents Considered:** Application and documents attached thereto; and file.

**Summary:** They changed manager of liquor license and also changed the stock. Basically they needed to recapitalize as they needed about \$1.5 million to retrofit the basement of the building. The money is spent and the site is ready to open. The money came by raising from a lot of investors mostly in Massachusetts and a couple of comedians from California. They want to bring back arts to Harvard Square which is where this club originally started.

David Reyes has experience in the food and beverage industry and has not been the manager of record on a liquor license before. Reyes is familiar with the rules and regulations of the Board, the ABCC and the laws of the Commonwealth of Massachusetts with regard to the sale, service and delivery of alcohol. Reyes provided TIPS as proof of training in the safe service, sale and delivery of alcohol.

**Decision:** Granted (3-0).

**8. Application #280897** Good Team, Inc. d/b/a Cardullo's Gourmet Shoppe, 6 Brattle Street, to transfer the existing Wine and Malt Beverages Package Store License (#11539) currently held by Cardullo's Gourmet Food Shoppe, Inc. at the same location. Joel Hidenfelter as proposed Manager of Record of a premises described as: Approximately 1,771 square feet of sales room on first floor. Outdoor patio for food consumption only for 8 seats. Applicant is also applying for a new Common Victualler License for 8 outdoor seats on the city sidewalk and a Pledge of License/Inventory to Rockland Trust. Hours of operation 10:00 a.m. – 11:00 p.m. Sunday and 8:00 a.m. – 11:00 p.m. Monday – Saturday.

**Present:** Attorney John Mooradian; and Joel Hidenfelter.

**Documents Considered:** Application and documents attached thereto; and file of existing license.

**Summary:** This is for a change in business ownership, concept is remaining the same. They intend to use the outdoor area on the sidewalk pending approval from the Department of Public Works. There is also a pledge of the license.

Premises description was amended to include basement and exits/entrances. Premises description now reads as: Approximately 1,771 square feet of sales room on first floor with one entrance/exit, and 1,005 sq. ft. of storage in basement level. Includes outdoor area on the public way, sidewalk against the building, for service and consumption of food only.

Joel Hidenfelter has experience in the food and beverage industry and has been manager of record on a liquor license before with no disciplinary issues with the local board or ABCC. Hidenfelter is familiar with the rules and regulations of the Board, the ABCC and the laws of the Commonwealth of Massachusetts with regard to the sale, service and delivery of alcohol. Hidenfelter provided TIPS as proof of training in the safe service, sale and delivery of alcohol.

**Decision:** Granted (2-0, Commissioner Cahill did not vote as was out of the room) with premises description as amended.

**9. Application #281527** Black Ruby, Inc. d/b/a Black Ruby, 1790 Massachusetts Avenue, to transfer the existing Common Victualler Wine and Malt Beverages License (#11517) currently held by Pho D, Inc. at the same location. The proposed hours of operation are 11:00 a.m. to 10:00 p.m. Sunday through Thursday and 11:00 a.m. to 11:00 p.m. Saturday and Sunday with seating for 58. Monson

Theerapanont as proposed Manager of Record of a premises described as: 1680 square feet on ground level with one entrance and one exit and two bathrooms. Kitchen is in the rear of the space and a basement of 240 square feet for storage with one exit.

**Present:** Kenneth Augen, attorney; Monson Theerapanont; and Pichai Suppanisanuwong.

**Documents Considered:** Application and documents attached thereto; file of existing license; and correspondence as to application 283639.

**Summary:** It was noted that since the filing of the application, the manager of record has been changed to Pichai Suppanisanuwong.

Black Ruby will also be a Thai style restaurant; they intend to continue with the current theme but also adding some special offerings. Both Theerapanont and Suppanisanuwong are experienced restaurateurs. It was acknowledged that to the premises description of the local record, the range address of 1788-1790 was added.

Suppanisanuwong has extensive experience in the food and beverage industry, since 1988. Suppanisanuwong has not been manager of record on a liquor license before and is familiar with the rules and regulations of the Board, the ABCC and the laws of the Commonwealth of Massachusetts with regard to the sale, service and delivery of alcohol. Suppanisanuwong provided TIPS certificate as proof of training in the safe service, sale and delivery of alcohol.

Board noted it will need a direct email address for Suppanisanuwong.

**Decision:** Granted (2-0, Commissioner Cahill did not vote as was out of the room) with amendment of range address to premises description and Pichai Suppanisanuwong as manager of record.

[Commissioner Cahill back in the room.]

**10. 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:** Matter not considered, applicant failed to notify abutters; matter will be readvertised and rescheduled.

**11. Disciplinary** Middle East Restaurant, Inc. d/b/a Middle East, 472 Massachusetts Avenue, All Alcohol Common Victualler and Entertainment License #11691, for allegedly failing to provide aid to an intoxicated or injured person on April 27, 2024, in violation of G.L. c. 138, §§ 23 and 64 and Board's Rules 2, 8.1(b) and 8.2.

**Present:** Attorney Bridget Zerner, Ziad Sater, Ketih Bennett (head of security); and Investigator Tyler Bubenik.

**Documents Considered:** Hearing notice and documents/evidence attached thereto/referred therein; and file of existing license.

**Summary:** An investigation based on a police report ensued as to events that transpired at Middle East on April 27, 2024. On May 1, 2024, an individual phoned the Cambridge police to report their daughter had been assaulted inside of the establishment by multiple other people while attending a show. Per the reporting party, they had been in communication with representatives of the establishment since the incident but did not believe it was being properly investigated. They went on to state that their daughter was discovered to have sustained multiple injuries after being taken to an urgent care facility, and that they were pursuing any available security video footage, as the alleged attackers immediately fled the scene following the altercation.

Investigator Bubenik spoke with Keith Bennett, the Head of Security at Middle East, and was told the staff did not directly observe the altercation. It has ended by the time security members were able to reach the victim. Immediately, the victim was moved upstairs to assess their condition and get their account of what happened. At this time Bennett asked the victim if they needed an ambulance or the Cambridge Police but they declined. Bennett confirmed they did not call the police or EMS because the victim denied it. Bennett informed Bubenik they had been in communication with the victim's mother since the day following the incident and that the establishment had been cooperating with a Cambridge Police investigator, including efforts to collect the available security footage.

Middle East has been noticed to appear before the Board for a disciplinary hearing related to failure to alert Police and/or emergency medical services on one previous occasion in March of 2019. At that time the Board took the matter - along with multiple others - under advisement. On May 22nd, the Board found a violation, and in conjunction with other alleged violations considered at the hearing, issued a collective four-day suspension of the license, later reduced to three.

Bennett testified that they were working upstairs when they heard security on headset. There was a packed crowd and it took about 90 seconds to get downstairs where incident had taken place. There was a crowd of people directing them to an individual. The individual, who Bennett identified as the victim, had no obvious injuries, but they were definitely shaken up. Bennett brought them out of the crowd and upstairs to Brookline Street area. Bennett asked them how do they were feeling, whether they were in pain, and the victim kept saying she was very scared. The interaction between Bennett and the victim lasted 90 minutes; if Bennett left their side, another staff member was with them. Bennett stated they did not report or observed any physical pain or injuries, but she reported being very scared. It appeared that what transpired was not an attack specifically on her but rather she was attacked as she was the person there. A large woman fell off the stage onto the dance floor and apparently was very embarrassed and when got up started yelling at people, lashing out and punching this patron. They were not able to identify the person that committed the attack.



The incident on the floor was hard to manage it and the staff lost track of perpetrator. They did not have control of the space. Bennett stated they felt they did the best that they could with the situation. Bennett went on to further say that in a perfect world the one thing they would do differently is have more security staff on board; they did not have staff available that night and that was a huge issue; they did the best in that situation.

The Board mentioned how it was struck by the affirmation that the business would not have done anything differently. It also mentioned that it has stated multiple times that regardless of whether the patron refuses, they need to call the police and EMS services. Businesses are not equipped or trained to conduct investigations of crimes, which this was, or to determine whether an individual does not need medical assistance.

**Decision:** Under advisement (3-0).

**12. Application #286618** Elise Martignetti, Eversource, for a Special Noise Variance on 9/16/24 – 9/27/24 (Alt. 9/17/24 – 10/2/24), at Massachusetts and Rindge Avenues, beginning for the week on Sunday evenings and ending on Friday mornings from 6:00 p.m. until 5:00 a.m. the following mornings, to install a gas main using a backhoe, vacuum truck, dump truck, jackhammers, and saws. The variance is sought in the interest of public and worker safety.

**Present:** AJ Ortiz, Construction Supervisor, Eversource; and Investigator Tyler Bubenik.

**Documents Considered:** Application and documents attached thereto; and correspondence received with regard to the application.

**Summary:** This project an IP extension to connect independent services within Cambridge (natural gas). The first go around they asked for a noise variance for 5 weeks. They have reassessed with DPW and have determined how much work can be done during regular allowable construction hours. They have been working and will continue to work as much as they can during regular allowable hours and do the rest at night for the safety of the pedestrians and the workers. The Board received four emails in opposition and do acknowledge the change in the scope but nonetheless oppose the variance and state that worker safety should be addressed with additional training not grants of variances.

**Decision:** Granted (3-0) with the condition that a Sunday work permit is required.

#### **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.*

**Decisions:** All decisions were 3-0, unless otherwise specified, and by roll call vote.

**13. Application #281481** Brilliant Foods, LLC d/b/a Summer Shack, 149 Alewife Brook Parkway, Common Victualler All Alcohol and Entertainment License #11651, to add entertainment devices, 3 televisions for a total of 11 televisions on premises.

**Decision:** Granted.

**14. Application #284701** Chris Wolfe d/b/a Big Ts Jerky House for a new Hawker/Peddler License to sell BBQ throughout the City of Cambridge as scheduled and not prior to 8:00 a.m. or after 9:00 p.m. any day. Chris Wolfe as owner and manager of record.

**Decision:** Granted, pending submission of the business certificate.

**15. Application #287741** Alser, LLC d/b/a Che Empanadas, 808 Memorial Drive, for a new Common Victualler License at a previously licensed location. Alba Alvarez Cote as one of the owners and manager of record of a premises described as: Known as Retail Unit 1, on the first floor, approximately 441 sq. ft. of rented area, and 168 sq. ft. of common area. The common area contains accessible bathrooms. Will include heating units/oven as the food will be pre-prepared at a separate location. Will also maintain inventory of refrigerated empanadas to be sold to go. Seating capacity of 12 with maximum occupancy of 18. Sunday hours 11:00 a.m. – 4:00 p.m., Monday – Friday 11:00 a.m. – 9:00 p.m., and Saturday 11:00 a.m. – 10:00 p.m.

**Decision:** Granted.

**16. Application #284989** Carl Howard, Newport Construction, for a Special Noise Variance on 9/9/24 – 9/14/24 (Alt. 9/16/24 – 9/21/24), at Cambridge & Elm Streets, for overnight shifts from 6:00 p.m. until 7:00 a.m. the following mornings, and 7:00 a.m. to 9:00 a.m. on Saturday, to perform a water tie in using saws, an excavator, loader, bobcat, jackhammer, compactor, and support vehicles. The variance is sought at the direction of the Cambridge Water Department to minimize utility impacts while the water main is shut down.

**Decision:** Granted.

**17. Application #286565** Regina Olivieri, Shawmut Design and Construction, for a Special Noise Variance on 9/9/24-9/10/24 (Alt. dates 9/11/24-9/12/24), at 26 Plympton St., from 11:00 p.m. - 7:00 a.m., for a water shut down to cut and cap existing water service using excavators, compressors, and saws. The variance is sought to extend the workday to complete the full scope of work and to ensure public safety.

**Decision:** Granted.

**18. Application #286560** Regina Olivieri, Shawmut Design and Construction, for a Special Noise Variance on 9/13/24-9/15/24 (Alt. dates 9/20/24-9/22/24), at 134 Massachusetts Ave., starting on Friday at 11:00 p.m. and ending Saturday at 10:00 p.m., then starting back up on Sunday at 6:00 a.m.

and ending at 9:00 p.m. Sunday (variance hours: 9/13-9/14 11:00 p.m. – 7:00 a.m.; 9/14 6:00 p.m. – 10:00 p.m.; and 9/15 7:00 a.m. – 9:00 a.m. and 6:00 p.m. to 9:00 p.m.), for dismantling a tower crane with a mobile crane and loading/unloading material onto trucks. The variance is sought to extend the workday to complete the full scope of work and to ensure public safety.

**Decision:** Granted, (if end up working on the Sunday, with the condition that a Sunday Work Permit is required).

**19. Application #287323** Dwayne Karnes, Whiting-Turner, for a Special Noise Variance on 10/5/24-10/6/24 (Alt. dates 10/12/24-10/13/24), at 100 Cambridgeside Place, working continuously from 12:00 a.m. Saturday through 9:00 a.m. Sunday, for crane assembly/disassembly for rooftop equipment hoists using an assist crane and trucking. The variance is sought to extend the workday to complete the full scope of work and to ensure public safety.

**Decision:** Granted, with the condition that a Sunday Work Permit is required.

**20. Board Acknowledgement/Ratification – Application #280979** Massachusetts Institute of Technology d/b/a MIT – Graduate Junction, 299 Vassar Street, for a New Lodging House License for 351 rooms and 677 occupants, for a premises described as in whole of said building, multi-level residence hall for MIT graduate students. Rich Hilton as proposed manager of record. The Board voted to grant with the condition that should concerns arise from abutters prior to 9/9/24 that would require conditions be placed, that the license/grant would be subject to them. No issues have been raised; no administrative conditions have been added to the license.

**Decision:** Acknowledged, grant vote ratified.

**21. Board Acknowledgement - Application #286822** The Messie of Corporation c/o Monique Louis, purchase/transfer of Medallion #127 (p/k/a Record #34033, SOEG Cab Inc. c/o Joseph L. Gachette held by Pentagon Federal Credit Union). Purchase price of \$6,500.

**Decision:** Acknowledged, granted.

**22. Discussion of Board Vote [Disciplinary Matter Heard 6/6/24 and decided 6/25/24]** 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.

**Summary:** Board mentioned how when votes are taken they do not always go line by line as to the evidence considered or the facts of the case that brought the Board to its conclusions. In this case, however, the Board thought it was important to highlight before a statement of reasons was issued some of the things observed in the video footage produced by the licensee to Investigator Bubenik

during the investigation and which was handed over to the Board for the hearing and referenced by Bubenik at the hearing. Specifically, this should be raised because at the hearing the Board raised issues with the credibility of the licensee's witness and how their testimony changed upon leading prompts by their attorney and interruption of the testimony by the attorney. The Chair highlighted that although Chief Cahill was the one that raised the issue of credibility, the Chair stood by that observation and sense of lack of credibility and also found as Chief Cahill. The licensee's presentation of testimony, evidence and case was blazee – the evidence discussed at the hearing and the Board's previous deliberation supports the findings and issued discipline. However, something that was not raised during the previous deliberation which should be and should be part of the statement of reasons, is the lack of care the licensee exhibited that night. Not only did they fail to take proper measures to not serve minors, they also took no care in ensuring that persons were not overserved. In addition to all of the evidence already previously discussed and evidence of this is the bartender's lack of contact with the alleged person for who the alcohol was bought when the individual was served while already having 2 beers in hand, was evidence of the patron being consciously allowed to step away with three beers, one in the back pocket. There was also evidence of the patron being able to arguably unconsciously allowed to walk away with four beers (the two they already had in hand, the third that they bought and the fourth that he picked up from the bar). This evidence also bolsters the finding of the patron's impairment, together with the patron taking a significant amount of time to review and sign the receipt of sale of just one beer. The Board was struck with, after all of the evidence, the licensee's gull to question the assessment of Investigator Bubenik or to claim that there was no evidence of the patron being overserved.

**Decision:** Ratified previous findings and issued suspension (2-0, Commissioner Elow did not participate in original hearing, and therefore, did not vote on the matter).

### 23. Consideration of Statement of Reasons

[Matter Heard June 25, 2024]

Shojo Cambridge, LLC d/b/a Shojo, holder of All Alcohol Common Victualler License #193948, 425 Massachusetts Avenue, violation for 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. Four (4) days suspension issued.

[Matters Heard August 16, 2024]

LCSS, Inc. d/b/a LCSS Landscaping, Leaf Blower Permit #261219, 2 violations for operating multiple leaf blowers within the same 10,000 square foot area (CMC 8.16.081.3(10)), and 2 violations for operating during a prohibited period (8.16.081.3(1)) at 200 Columbia Street on July 8, 2024 and July 30, 2024. Issued warning for simultaneous operation, and \$300 fine per violation of operating during a prohibited period for a total fine of \$600, in addition to \$100 hearing fee for failure to appear.

Sperber Landscape Companies of NE, LLC d/b/a Waverly Development, Leaf Blower Permit #235949, violation for operating multiple leaf blowers within the same 10,000 square foot area (CMC

8.16.081.3(10)), and for blowing debris onto City street/drain (Leaf Blower Regulation #15) at 320 Morgan Avenue on June 10, 2024. Issued \$300 fine for violation of Ordinance, warning for violation of Regulation.

Buckingham Browne & Nichols d/b/a BB&N Facilities, Leaf Blower Permit #10718, violation for operating leaf blowers during a prohibited period (CMC 8.16.081.3(1)) at 15-19 Cragie Street on June 24, 2024. Issued \$300 fine.

Barry McShea, MGM Development, violation of CMC 8.16.080(f)(1), engaging in construction activity outside of the allowable hours, at 74 Hammond Street on June 19, 2024 at 8:15 a.m. Issued \$300 fine.

**Decision:** Approved as to all.

**24. Consideration of Meeting Minutes** August 16, 2024.

**Decision:** Approved.

**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.*

**Decisions:** All decisions were 3-0, unless otherwise specified, and by roll call vote.

**25. Application #279430** Michele Sprengnether for an entertainment license at 29 Chilton Street, on 9/14/24 with rain date of 9/15/24 from 3:00 p.m. – 8:00 p.m. for a block party with patrons dancing, live music and amplification system. Expected attendance – 50.

**Decision:** Granted.

**26. Application #279591** Bruce Gonsalves for a malt and wine and entertainment license at 619 Memorial Drive, on 10/19/24 from 12:00 p.m. – 9:00 p.m. for a reunion with recorded music and amplification system. Expected attendance – 175.

**Decision:** Granted pending submission of non-profit status.

**27. Application #280425** Zvoko Llic, St. Sava Serbian Orthodox Cathedral, for a malt and wine and entertainment license at 41 Alewife Brook Parkway, on 9/14 12:00 p.m. – 11:00 p.m. & 9/15/24 11:00 a.m. – 3:00 p.m. for a festival with patrons dancing, performers/entertainers dancing, recorded music, live music and amplification system. Expected attendance – 1000.

**Decision:** Granted.

**28. Application #280702** Rebecca Conn, MIT, for a hawker/peddler license at 292 Main Street, on 10/8/24 with rain date of 10/10/24 from 8:00 a.m. – 2:00 p.m. to sell books.

**Decision:** Granted.

**29. Application #281480** Jason Alves, East Cambridge Business Association, for an all alcohol and entertainment license at 544 Cambridge Street, on 9/29/24 from 12:00 p.m. – 4:00 p.m. for a rib fest with recorded music, live music and amplification system. Expected attendance – 4999.

**Decision:** Granted, with the conditions that: the area where the alcohol is served, sold and consumed is enclosed from the public way; and must implement a system identifying of legal drinking age attendants.

**30. Application #281698** Jean Martin, Leonard Avenue block party committee, for an entertainment license at 11 Leonard Avenue, on 9/14/24 with rain date of 9/15/24 from 5:00 p.m. – 10:00 p.m. for a block party with recorded music, DJ, amplification system and theatrical exhibition/play/moving picture show. Expected attendance – 60.

**Decision:** Granted.

**31. Application #281734** Petar Dimitrov for a malt and wine and entertainment license at 41 Alewife Brook Parkway, on 11/2/24 from 12:00 p.m. – 12:00 a.m. for a Bulgarian folklore festival with performers/entertainers dancing and live music. Expected attendance – 200.

**Decision:** Granted.

**32. Applications #282547 & 282557** Traci Swartz, MIT, for a hawker/peddler (to sell books) and entertainment license at 292 Main Street, on 9/11/24 with rain date of 9/13/24 from 10:00 a.m. – 3:00 p.m. for a community event with recorded music and amplification system. Expected attendance – 300.

**Summary:** This is at MIT Open Space, which holds an annual license which was recently amended to include the outdoor area. Therefore, the entertainment license portion (#282557) is now moot as it is already something licensed through their annual license (#208433).

**Decision:** Granted as to #282547 (the hawker/peddler license application); and as to #282557, no vote since that application has been withdrawn/administratively stopped as moot.

**33. Application #282812** Jeremy Serbee, Junkyard, for a malt and entertainment license at 5 Dickinson Street, on 9/14/24 with rain date of 9/21/24 from 3:00 p.m. – 9:30 p.m. for a community art showcase/concert with patrons dancing, performers/entertainers dancing, live music and amplification system. Expected attendance – 300.

**Summary:** We have confirmed with Traffic, Parking and Transportation that this event is on private area. We also had License Investigator Kelley confirm the owner of the premises is allowing the use of the way for the event. Finally, the applicant is no longer seeking alcohol just entertainment.

**Decision:** Granted with the amendment that it is only an entertainment license event, no alcohol allowed during the event, and the condition that the applicant must request a police detail.

**34. Application #282956** Erik Sarno, Central Square Business Improvement District, for an all alcohol and entertainment license at 65 Sidney Street, on 9/21/24 with rain date of 9/28/24 from setup at 10:00 a.m., sound check 3:00 p.m. Event 5:00 p.m. – 11:00 p.m. for a night market with patrons dancing, performers/entertainers dancing, recorded music, DJ, live music, amplification system and theatrical exhibition/play/moving picture show. Expected attendance – 10,000.

**Decision:** Granted, with the conditions that: the area where the alcohol is served, sold and consumed is enclosed from the public way; and must implement a system identifying of legal drinking age attendants.

**35. Application #283063** Greg Wymer for an entertainment license at 292 Main Street, on 9/16/24 from 6:00 p.m. – 8:00 p.m. for a block party with recorded music, DJ and amplification system. Expected attendance – 400.

**Summary/Decision:** This is at MIT Open Space, which holds an annual license which was recently amended to include the outdoor area. This application is now moot as it is already included in the annual license (#208433), and therefore there is no vote since it has been withdrawn/administratively stopped as moot.

**36. Application #283639** Christian Dawkins, Harvard University, for an entertainment license at 1500 Massachusetts Avenue, on 9/20/24 from 6:00 p.m. – 9:00 p.m. for a BBQ dinner with recorded music and amplification system. Expected attendance – 100.

**Decision:** Granted.

**37. Application #284895** Anneliese Amburn, St. Paul's Parish, for a malt and wine and entertainment license at 29 Mt. Auburn Street, on 9/28/24 from 6:00 p.m. – 9:00 p.m. for a dinner with recorded music. Expected attendance – 180.

**Decision:** Granted.

**38. Applications #285029 & 285052** Matt Nelson, City of Cambridge, for an entertainment and one day temporary amusement license at 99 Sherman Street, on 9/21/24 with rain date of 9/28/24 from 9:30 a.m. – 3:00 p.m. for a fair/festival with DJ, amplification system and rides/games. Expected attendance – 7000.

**Decision:** Granted, no license fees.

**39. Application #285131** Kyeong Yoon Baek, Harvard Griffin GSAS Korea Society Club, for a malt and wine and entertainment license at 8 Harvard Yard, on 9/14/24 from 5:00 p.m. – 10:00 p.m. for a banquet with recorded music. Expected attendance – 200.

**Decision:** Granted.

**40. Application #285175** Samantha Gottlich, No Rhyme or Reason Art, for a hawker/peddler license at 77 Massachusetts Avenue, on 9/14/24 from 12:30 p.m. – 7:00 p.m. to sell earrings, apparel and keychains.

**Decision:** Granted.

**41. Application #285260** Dino Funari, Vitamin Sea Brewing Plymouth LLC, for a malt and wine license at 300 Athenaeum Street, on 9/17-9/19; 9/24-9/26; 10/1-10/3/24 from 2:00 p.m. – 8:30 p.m. for a beer garden. Expected attendance – 180.

**Summary:** This is for the seasonal beer garden being operated at this location. The application cannot be approved as submitted as Dino Funari has already received a license for this location for 30 days in this calendar year. They will need to provide the name, number, email and photo identification of another person who will be responsible, otherwise pursuant to G. L. c. 138, § 14 the application will need to be denied.

**Decision:** Continue to September 11 hearing. (need new responsible person)

**42. Application #285337** Kirubel Gizaw for an all alcohol and entertainment license at 400 Cardinal Medeiros Avenue, on 9/14/24 from 5:00 p.m. – 11:45 p.m. for a wedding with patrons dancing, DJ and amplification system. Expected attendance – 300.

**Decision:** Granted with amended end time of 11:30 p.m. per permission letter.

**43. Application #285378** Natalie Dean for an entertainment license at 17 St Mary Road, on 9/22/24 with rain date of 9/29/24 from 2:30 p.m.- 6:00 p.m. for a block party with live music. Expected attendance – 100.

**Decision:** Granted.

**44. Application #285371** Brandon Gauthier, MIT Museum – Cambridge Science Festival, for a malt and wine and entertainment license at 101 Rogers Street, on 9/28/24 from 4:00 p.m. sound check; 7:00 p.m. – 10:00 p.m. for pop up gallery & party. Expected attendance – 600.

**Decision:** Granted, no license fee as it is a City sponsored event.



**45. Application #285450** Kate Silverman Wilson, MIT Museum, for an entertainment license at 314 Main Street, on 9/26/24 with rain date of 9/27/24 from 6:00 p.m. – 8:00 p.m. for a gaming event with live music. Expected attendance – 100.

**Decision:** Granted.

**46. Application #285453** Kate Silverman Wilson, MIT Museum, for an entertainment license at 314 Main Street, on 9/27/24 with rain date of 9/28/24 from 7:00 p.m. – 9:00 p.m. for a theatrical performance. Expected attendance – 130.

**Decision:** Granted.

**47. Application #286053** Craig Hill Sr., Blueprint Medicines, for a malt and wine and entertainment license at 45 Sidney Street, on 9/12/24 with rain date of 9/19/24 from 12:00 p.m. – 4:00 p.m. for a company cookout with recorded and amplification system. Expected attendance – 250.

**Decision:** Granted.

**48. Application #286435** Aimee Ott, Paths Underground, for a hawker/peddler license at 70 Massachusetts Avenue, on 9/12/24 from 2:30 p.m. – 5:00 p.m. to sell herbal salves, infused bath & body oils, bath soaks, incense, candles and zines.

**Decision:** Granted.

**49. Application #286971** Juliet Iredale for a wine license at 194 Brattle Street, on 9/12/24 from 7:00 p.m. – 10:00 p.m. for a dinner party. Expected attendance – 18.

**Decision:** Granted.

**50. Application #286976** Rachel Pelly, Art Alchemy by Pelly, for a hawker/peddler license at 77 Massachusetts Avenue, on 9/12/24 from 2:30 p.m. – 5:00 p.m. to sell painting, sketches, prints, stickers and jewelry.

**Summary/Decision:** Application withdrawn, no vote.

**51. Application #287054** Zhenting Cai, Blooming Versailles, for a hawker/peddler license at 70 Massachusetts Avenue, on 9/12/24 from 2:30 p.m. – 5:00 p.m. to sell jewelry.

**Decision:** Granted.

**52. Application #287231** Adria Katz, Multicultural Arts Center, for a wine license at 41 Second Street, on 9/13/24 from 5:00 p.m. – 10:00 p.m. for a concert. Expected attendance – 50.

**Decision:** Granted.

**53. Application #287408** Lydia Brosnahan, MIT, for an entertainment license at 75 Amherst Street, on 9/21/24 from (soundcheck/rehearsals 12-7); 12:00 p.m. – 10:00 p.m. for a concert with live music, amplification system, light show and dynamic audio/visual show live/recorded. Expected attendance – 250.

**Decision:** Granted with the condition that the entertainment/open to the public portion of the event is only during the hours of 8:00 p.m. – 9:30 p.m. per event registration form, the additional hours requested are approved for set-up/break-down and rehearsal time.

**54. Application #287541** Alison Ekizian, Holy Trinity Armenian Church, for a malt and wine and entertainment license at 145 Brattle Street, on 9/15/24 from 12:00 noon – 5:00 p.m. for a fundraising picnic with live music and amplification system. Expected attendance – 200.

**Decision:** Granted.

**55. Application #287789** Lucas Maccarini Librelotto, Shalom Catholic Community, for an entertainment license at 66 Gore Street, on 9/21/24 from 5:00 p.m. – 9:00 p.m. for a block party with recorded music. Expected attendance – 80.

**Decision:** Granted.

**56. Applications #287770 & 287772** Latitude 44 Ltd, Amilia Cappiello, for a hawker/peddler license (11 vendors) to sell clothing, handmade accessories/homeware and entertainment license at 1073 Massachusetts Avenue, on 9/15/24 with rain date of 9/21/24 from 12:00 p.m. – 5:00 p.m. for a vintage market with recorded music. Expected attendance – 150.

**Decision:** Granted.

**57. Application #287779** Chloe McKain, Harvard Caribbean Club, for an entertainment license at 59 Shepard Street, on 9/21/24 from 9:00 p.m. – 2:00 a.m. for a party with DJ. Expected attendance – 350.

**Decision:** Granted.

**58. Application #287851** David Firth Bard, Room to Grow, for an all alcohol license at 101 Rogers Street, on 9/20-9/21/24 from 10:00 a.m. – 8:00 p.m. for a fundraiser. Expected attendance – 85.

**Decision:** Granted.

**59. Application #288090** Sarah Jane Huber, City of Cambridge Community Development Department, for an entertainment license at 59 White Street, on 9/12/24 from 5:00 p.m. – 8:00 p.m. for a Cambridge plays event with patrons dancing, performers/entertainers dancing, recorded music, live music and amplification system. Expected attendance – 50.

**Decision:** Granted, no license fee.

**60. Application #288140** Jared Sadoian, The Lexington, for an entertainment license at 100 North First Street, on 9/20/24 from 2:00 p.m. – 6:00 p.m. for a reception with recorded music, DJ and amplification system. Expected attendance – 50.

**Decision:** Granted with amended start time of 3:00 p.m. per permission letter.

**61. Application #287680** Sarah Marquesen, The Shiny Bunny, for a hawker/peddler license at 70 Massachusetts Avenue, on 9/12/24 from 2:30 p.m. – 5:00 p.m. to sell paintings, greeting cards, etc.

**Decision:** Granted.

**62. Application #287625** Natalie Boucher, Nootcreations, for a hawker/peddler license at 70 Massachusetts Avenue, on 9/12/24 from 12:00 p.m. – 5:00 p.m. to sell prints, t-shirts, stickers, posters, patches etc.

**Decision:** Granted.

**63. Application #287562** Melanie Raelin, Book Wonder, for a hawker/peddler license at 70 Massachusetts Avenue, on 9/12/24 from 12:00 p.m. – 7:00 p.m. to sell used books.

**Decision:** Granted.

**64. Application #288103** Kara Storti, The Girl and The Glue, for a hawker/peddler license at 70 Massachusetts Avenue, on 9/12/24 from 12:30 p.m. – 7:30 p.m. to sell art pieces.

**Decision:** Granted.

**Additional Matters Considered at Meeting – Not Previously Posted on the Agenda**

*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.*

**Decisions:** All decisions were 3-0, unless otherwise specified, and by roll call vote.

**66. Application #281114** Alex Corbett, James W. Flett Co., for a Special Noise Variance on 9/14/24, at 12 Oxford Street, from 6:00 p.m. - 12:00 a.m., for excavation, installation of wood shoring, sewer connection shoring removal, and roadway restoration. The variance is sought to extend the workday to complete the full scope of work and to ensure public safety.

**Decision:** Granted with the condition that it is good through Saturday only, and cannot go into Sunday.

**67. Application #288450** Deverney McLean, for a hawker/peddler at MIT campus, on 9/12/24 (rain date 9/19/24) from 2:30 p.m. – 5:00 p.m. for a rainbow fair. The applicant will be selling soy candles, natural room/linen sprays, body oils and car fresheners.

**Decision:** Granted.

**68. Application #288424** Candace Bass, for an entertainment license at Raymond Park, on 9/13/24 (rain date 9/27/24) from 4:00 p.m. – 7:00 p.m. for a welcome back picnic with a DJ and patrons dancing. Expected attendance – 200

**Decision:** Granted, pending submission of the Park Permit and subject to any conditions and/or modifications therein.

**69. Consideration of Request to Bifurcate Approvals Application #277686**, Jarocho, LLC d/b/a Tenoch Mexican, 83 Mount Auburn Street, was approved on August 16, 2024 for a new Common Victualler All Alcoholic Beverages License. It has received all City internal approvals, including the Certificate of Inspection from Inspectional Services Department (#287013), but is still waiting for ABCC approval. On September 6, 2024, they requested via email approval to open the business with the food service only while they await ABCC approval.

**Decision:** Granted pending submission of proof of workers' compensation insurance.


**Minutes Approved:** September 24, 2024

**Minutes Posted:** September 24, 2024

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**By the Board of License Commissioners**

  
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Nicole Murati Ferrer, Chair

  
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Thomas Cahill, Jr., Fire Chief

  
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Christine Elow, Police Commissioner