

CAMBRIDGE LICENSE COMMISSION HEARING  
CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION HEARING

LICENSE COMMISSION BOARD MEMBERS:

POLICE COMMISSIONER CHRISTOPHER BURKE

CHAIR NICOLE MURATI FERRER

STAFF: EXECUTIVE DIRECTOR ELIZABETH LINT

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AT: Michael J. Lombardi Building  
831 Massachusetts Avenue  
Cambridge, Massachusetts 02139

DATE: December 14, 2016

TIME: 3:08 p.m.

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P R O C E E D I N G S

December 14, 2016, 3:08 p.m.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Before we get started, if anyone has a cell phone on, we would appreciate it if you turned it off or silenced it.

And the meeting is being audiotaped and videotaped.

This is the License Commission hearing for Wednesday, December 14, 2016. It's 3:08 p.m.

We're in the Michael J. Lombardi Building at 831 Mass Ave, basement conference room.

Before you is Commissioner Chair Nicole Murati Ferrer and Commissioner Chris Burke.

And if anyone is here for the violation hearing of Cosco Landscape, that's been continued to January 11.

APPLICATIONS:

CORAZON, INC. D/B/A GREEN STREET

First matter. Application: Corazon, Incorporated doing business as Green Street, holder of a common victualler all alcoholic beverages license at 280 Green Street has applied to amend their operating hours to 10:00 a.m. to 2:00 a.m. seven days per week.

CHAIR NICOLE MURATI FERRER: Just to be clear, their current operating hours are 5:30 p.m. to 1:00 p.m. So they're requesting to change from 5:30 p.m. and 1:00 a.m. to 10:00 a.m. starting at 10:00 a.m. and ending at 2:00 a.m.

Can you state and spell your name for the record?

DYLAN BLACK: Dylan Black, D-Y-L-A-N, B-L-A-C-K.

CHAIR NICOLE MURATI FERRER: And, Mr. Black, your relation to the establishment,

you are the owner, is that correct?

DYLAN BLACK: Owner/operator.

CHAIR NICOLE MURATI FERRER: Can you tell us what's the public need for the change in hours?

DYLAN BLACK: I have gotten both support from guests and my staff to increase our operating hours to 1:00 a.m. to accommodate -- to provide a late night menu, a full late night menu here in Central Square.

CHAIR NICOLE MURATI FERRER: So is the intent to keep the kitchen open until...?

DYLAN BLACK: Correct. We already provide a late night menu at the moment to 11:30. We would like to continue it more.

CHAIR NICOLE MURATI FERRER: And until what time would that menu be available?

DYLAN BLACK: Hopefully till 12:00 to 12:30.

CHAIR NICOLE MURATI FERRER: And then you're seeking to open earlier as well at 10:00 a.m.?

DYLAN BLACK: Possibly, yes.

CHAIR NICOLE MURATI FERRER: And the need for that is...?

DYLAN BLACK: I've seen an increase in the necessity for lunch options in Central Square to have the availability to provide a catering event -- in-house catering event at the establishment.

CHAIR NICOLE MURATI FERRER: Questions?

POLICE COMMISSIONER CHRISTOPHER BURKE:  
No questions.

CHAIR NICOLE MURATI FERRER: Is there anyone in favor this petition?

(No response.)

Anyone in opposition to this petition?

(No response.)

I would vote to grant.

POLICE COMMISSIONER CHRISTOPHER BURKE: I support that. I would agree.

CHAIR NICOLE MURATI FERRER: Granted.

DYLAN BLACK: Wonderful.

Thank you very much. Have a wonderful afternoon.

CHAIR NICOLE MURATI FERRER: Your license will not be available today.

DYLAN BLACK: Okay. Thank you.

PHILIP RIZZUTO ENTERPRISES, LLC

D/B/A LIZZY'S ICE CREAM OF CAMBRIDGE

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Philip Rizzuto Enterprises, LLC doing business as Lizzy's Ice Cream of Cambridge, has applied for a common victualler license at 31 Church Street with a seating capacity of three and proposed hours of 12:00 a.m. to 11:00 p.m. seven days per week, Philip Rizzuto as proposed



manager of record. Premise is described as approximately 400 square foot small storefront on the first floor; storage fridge in front with prepackaged items.

CHAIR NICOLE MURATI FERRER: Good afternoon. Would you please state and spell your names for the record?

ATTY SEAN HOPE: Yes. Good afternoon, Madam Chair and Mr. Commissioner. Attorney Sean Hope, Hope Legal Law Offices in Cambridge, S-E-A-N, H-O-P-E, and we're here with Philip Rizzuto.

PHILIP RIZZUTO: Good afternoon, everyone. I'm Philip Rizzuto, P-H-I-L-I-P, R-I-Z-Z-U-T-O.

ATTY SEAN HOPE: So this is an application requesting a CV license for Lizzy's Ice Cream Shop. As the Commission may know Lizzy's Ice Cream Shop has been a Harvard Square

staple for many decades.

The owner, the previous owner is retiring and Phil is going to be taking over ownership of the ice cream shop.

Nothing is changing. The hours, what the offerings are, are all staying the same. The interior seating, which is very limited to the three seats, is also staying the same as well.

They're just changing ownership, requiring a new CV license, but everything else is staying the same.

CHAIR NICOLE MURATI FERRER: Okay.

Anyone in favor of this petition?

(No response.)

Anyone in opposition to this petition?

(No response.)

I vote to grant.

POLICE COMMISSIONER CHRISTOPHER BURKE: I would agree.

CHAIR NICOLE MURATI FERRER: Granted.

ATTY SEAN HOPE: Thank you.

POLICE COMMISSIONER CHRISTOPHER BURKE:

Good luck.

PHILIP RIZZUTO: Thank you.

VIOLATIONS:

NICOLAZZO AND SONS LANDSCAPE

EXECUTIVE DIRECTOR ELIZABETH LINT:

Violation: Nicolazzo and Sons Landscape alleged violation of Cambridge Municipal Ordinance 8.16.081(E), all leaf blowers shall satisfy the emissions standards of the United States Environmental Protection Agency and noise level standards as follows: The sound emitted from any leaf blower shall be rated by the manufacturer to be no greater than 65 decibels; specifically, it's alleged that on November 16, 2016 an EBZ7500 machine was being used, which has not been approved by the License Commission and is greater

than 65 decibels, per the manufacturer's specifications.

CHAIR NICOLE MURATI FERRER: Nicolazzo and Sons?

Nicolazzo and Sons? Okay. Second call.

R&S LANDSCAPE

EXECUTIVE DIRECTOR ELIZABETH LINT:

Violation: R&S Landscape alleged violation of Cambridge Municipal Ordinance 8.16.081(F) on parcels of 10,000 square feet or less, only one leaf blower at a time may be used, on November 18, 2016 at 32 Flagg Street.

CHAIR NICOLE MURATI FERRER: Good afternoon.

EDWARD RUDOLPH: Good afternoon.

CHAIR NICOLE MURATI FERRER: Please state your names for the record.

EDWARD RUDOLPH: My name is Edward Rudolph, owner of R&S Landscape.

THE REPORTER: Sir, you have to spell your first and last name.

EDWARD RUDOLPH: Okay. I'm sorry. My name is Edward Rudolph, E-D-W-A-R-D, capital R-U-D-O-L-P-H and I own R&S Landscape.

CHAIR NICOLE MURATI FERRER: Thank you.

EDWARD RUDOLPH: You're welcome.

ATTY KERI BROWN: My name is Keri Brown, K-E-R-I, B-R-O-W-N, in-house counsel for R&S Landscaping.

ANDREA BOYER: Andrea Boyer, B-O-Y-E-R, Cambridge License Commission investigator.

CHAIR NICOLE MURATI FERRER: Anyone that's testifying, please stand up and raise your right hands.

(Parties sworn.)

CHAIR NICOLE MURATI FERRER: Ms. Boyer, do you want to start?

ANDREA BOYER: Yes. Thank you, ma'am.

R&S Landscaping, one of the violations was allegedly on November 18, 2016 at approximately 1130 a.m. two leaf blowers were being used side by side at Flagg Street -- 32 Flagg Street. They were also notified that we would be discussing a second alleged violation, which occurred on or about December 9 at 8:30 a.m. at the Tobin School.

CHAIR NICOLE MURATI FERRER: What was the alleged violation at Tobin?

ANDREA BOYER: One of the two men were using a leaf blower within the enclosed play area directly outside of a classroom at 8:30 a.m.

CHAIR NICOLE MURATI FERRER: I'm sorry. What?

ANDREA BOYER: It was a second day of allegedly excessive noise outside the classroom of the Tobin School. One of the men was using a leaf blower within the enclosed play area

directly outside of a classroom at 8:30 a.m.

There were two men operating leaf blowers side by side at close range of the classroom, and a leaf vacuum which set up equally close for the second day.

CHAIR NICOLE MURATI FERRER: So, again, a side by side. It's the noise. No one took a reading of the noise being emitted, correct?

ANDREA BOYER: No.

CHAIR NICOLE MURATI FERRER: So we have the November 18 two blowers side by side and then the December 9 two blowers side by side.

ANDREA BOYER: Let me check on the date.

That's December 9, yes.

ATTY KERI BROWN: R&S Landscaping has been working for Cambridge parks, schools for over 12 years now. We're a well-known landscaper in the city.

We have been there for quite some time.

Back in April, when we got notice, we certainly put all of our crews on notice as to not using leaf blowers together.

We had the whole summer and spring with wonderful work. No complaints. No problems. Dave Webster, we're very familiar with. He runs the department who we deal with personally, you know, speak to him all the time, texts, emails in regards to problems that we may have.

CHAIR NICOLE MURATI FERRER: I'm sorry to interrupt. Just to confirm that notice that you're talking about is the warning letter that was sent from April 6 for multiple leaf blowers also during a permitted period?

ATTY KERI BROWN: Yes. Put us on notice of the ordinance, so we're well aware. The problem that we feel is what happened this fall is that as soon as the fall cleanup started, we hired more people. We feel that some people



might have gotten put on crews that weren't familiar with our training -- our mistake -- and more leaf blowers were used. And simply put, a mistake. And our crews all know how -- the guys have been with us for decades.

But when it comes to the big seasonal fall cleanups in about a month's span, there are some new hires that come on, and they may be on a crew and they may have grabbed a leaf blower where they should have grabbed a rake and we're well aware of the ordinance, so we apologize.

CHAIR NICOLE MURATI FERRER: So right before the fall season, we sent out a blast email to all landscaping companies with the rules and regulations, and we wrote them in English, and we wrote them in Spanish and all that to make sure your employees have that, especially the new ones.

ATTY KERI BROWN: Without a doubt.

CHAIR NICOLE MURATI FERRER: I mean, we understand that's a high turnover business, but...

ATTY KERI BROWN: We understand and we try our hardest, and we do have meetings with our supervisors, and it just fell through the cracks and we apologize.

EDWARD RUDOLPH: It's difficult. We're out there with ten to 12 people every single day, three trucks, and we try to keep the minimum down, especially in the school areas. But there's so much work that has to be done, and we tell the guys, "Please be careful with the distance between you when you're working."

But when they're bringing the piles together to get them into the truck, into the systems, it requires that they do come together at times.

So I think that's one thing that we all

really should try to understand is that we are doing the best we possibly can, but there are going to be -- Dave Webster is well aware of it, and he knows this is what we have.

CHAIR NICOLE MURATI FERRER: But the ordinance is very clear.

EDWARD RUDOLPH: We understand. We understand.

CHAIR NICOLE MURATI FERRER: And unless those people are at least 10,000 square feet apart, it can't be done. It can't. Use rakes, I mean, and, quite frankly, I understand your conundrum, but that's what the ordinance says, and, you know, I mean, if you have an issue with it, then I suggest all of the landscaping companies should be going to the hearings at the that City Council hearings that quite frankly they did a whole bunch this summer and not a single landscaper showed up except for one and he

didn't even speak, so...

EDWARD RUDOLPH: Yeah.

ATTY KERI BROWN: That's not an issue.

It will be taken care of.

EDWARD RUDOLPH: It will be corrected.

CHAIR NICOLE MURATI FERRER: With that said, anything else?

ATTY KERI BROWN: No.

CHAIR NICOLE MURATI FERRER: I would vote for a violation for the November event and the December event, and I would issue a \$300 fine on each of those for a total of a \$600 fine.

POLICE COMMISSIONER CHRISTOPHER BURKE: I would agree with that.

CHAIR NICOLE MURATI FERRER: Okay.

Violation on each, \$300 each, \$600. You will receive a statement of reasons.

Thank you.

EDWARD RUDOLPH: Thank you.

APPLICATION:

SAWA K, INC D/B/A POKE CITY

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Sawa K, Incorporated doing business as Poke City, has applied for a common victualler license at 1722 Massachusetts Avenue with a seating capacity of 20 and proposed hours of 10:30 a.m. to 11:00 p.m. seven days per week, Hong Qing Chen as proposed manager of record. Premise is described as approximately 1029 square feet with dining room and food service bar on the left side. Emergency egress in the rear.

CHAIR NICOLE MURATI FERRER: Thank you.

Good afternoon. Please state and spell your names for the record.

SIWEI HUANG: My name is Siwei Huang, S-I-W-E-I, last name H-U-A-N-G.

CHAIR NICOLE MURATI FERRER: Thank you.

HONG QING CHEN: My name is Hong Qing

Chen, H-O-N-G, Q-I-N-G, C-H-E-N.

CHAIR NICOLE MURATI FERRER: C-H-E-N?

HONG QING CHEN: Yes.

CHAIR NICOLE MURATI FERRER: Thank you.

Why don't you tell us about what Poke City is all about?

SIWEI HUANG: We pick 1722 Mass Ave, Cambridge, which used to be a cafe. And Poke City is about bring sushi in a different way. It's almost like sushi combined with Subway, if you can imagine. Instead of chef make lots for customers, you come in and you can pick what you like as you see, and the chef can prepare it for you, and you can eat it over there. It's very a unique style. It originally come from Hawaii. And it's very popular in California area, as far as I know. Manhattan has a lot of restaurants like this too.

Boston areas, we'll probably be the

second one to open up this type of restaurant.

There's similar type of restaurant that is currently opening in Somerville right now called Poke Works, and a tremendous amount of customers, as far as I know, from the college kids.

It's very healthy, and it's ready to go and you save a lot of time. And I think that's most very reason that it's being very attractive for those clients.

CHAIR NICOLE MURATI FERRER: I like it. And to confirm, 10:30 a.m. to 11:00 p.m. seven days a week?

SIWEI HUANG: Yes, as far as right now. Yeah.

CHAIR NICOLE MURATI FERRER: Any questions?

POLICE COMMISSIONER CHRISTOPHER BURKE: No questions.

CHAIR NICOLE MURATI FERRER: Anyone in favor of this petition?

(No response.)

Anyone in opposition to this petition?

(No response.)

And just to confirm, both of you are owners?

SIWEI HUANG: Yes.

CHAIR NICOLE MURATI FERRER: And will both of you be on the premises? Who will be the manager?

SIWEI HUANG: Hong Qing Chen will be the manager.

CHAIR NICOLE MURATI FERRER: I vote to grant.

POLICE COMMISSIONER CHRISTOPHER BURKE: I agree.

CHAIR NICOLE MURATI FERRER: Granted.

SIWEI HUANG: Thank you.



CHAIR NICOLE MURATI FERRER: Thank you.

CAMBERVILLE COFFEE ROASTERS, LLC

D/B/A BROADSHEET COFFEE ROASTERS

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Camberville Coffee Roasters, LLC  
doing business as Broadsheet Coffee Roasters, has  
applied for a common victualler license at 100  
Kirkland Street with a seating capacity of 40 and  
proposed hours of 6:30 a.m. to 9:00 p.m. seven  
days per week, Aaron MacDougall is the proposed  
manager of record. Premise is described as  
single story masonry, flat roof, two-unit  
building.

CHAIR NICOLE MURATI FERRER: Good  
afternoon. Please state and spell your names for  
the record.

ATTY SEAN HOPE: Good afternoon, Madam  
Chair and Mr. Commissioner.

For the record, Attorney Sean Hope,

S-E-A-N, H-O-P-E, Hope Legal Law Offices.

AARON MACDOUGALL: Hello. My name is Aaron MacDougall. That's A-A-R-O-N, MacDougall, M-A-C-D-O-U-G-A-L-L.

CHAIR NICOLE MURATI FERRER: Thank you. I feel like I always pick on your premise descriptions, Mr. Hope.

Let's do something better. I understand that our applications are a little confusing. But I think we're only interested in terms of where the restaurant is going to be.

So if I understand, this is a single-story flat roof building, but what exactly does your premises look like? Is it on the first floor?

AARON MACDOUGALL: Yes. It's a ground -- yes. We're on the first floor, so the restaurant is on the first floor, and we will have a kitchen and storage in the basement.

CHAIR NICOLE MURATI FERRER: Okay. And so, and one room on the first floor?

AARON MACDOUGALL: It's one room. There will be -- you know, there's a coffee bar. There's a little sort of prep kitchen and assembly kitchen up there, and there is a back area with a coffee roaster in there.

ATTY SEAN HOPE: So, essentially it's one room divided by walls, and essentially the kitchen and then the counter as well.

CHAIR NICOLE MURATI FERRER: So in one room on the first floor with kitchen and storage in the basement?

AARON MACDOUGALL: Correct.

ATTY SEAN HOPE: I do apologize for not being more thorough. I do believe that we have -- the description should match the floor plan that we have. I should have made it more clear. I apologize for that.

CHAIR NICOLE MURATI FERRER: All right. Now, let's get to what Broadsheet Coffee Roasters are gonna be about.

ATTY SEAN HOPE: So this is a breakfast brunch and lunch restaurant specializing in gourmet coffee as well as baked goods and breakfast fare. They actually hired an executive chef that's going to be running the food program and will also have a beverage manager.

This location was a former convenience store, and they're converting it into what they feel like is -- has been requested by the neighborhood as a place to grab breakfast and lunch in a sit-down atmosphere.

Additionally, because we increased the ceiling, but what is allowed by zoning, we had to go to the Zoning Board for a special permit for parking. Part of that we had to do public outreach and we reached out to the neighbors and

sent fliers to the neighborhood and got overwhelming support for the idea that there will be a family place to have breakfast and also sit down.

There are other breakfast places across in Somerville on Beacon Street, but they do not have the capacity for a sit-down-type breakfast and brunch offerings.

CHAIR NICOLE MURATI FERRER: And then no dinner, but basically you're going to keep having stuff?

AARON MACDOUGALL: Yeah, that's correct. We'll shut the kitchen at a certain point, and if there are baked goods that are left over, people can snack on that.

CHAIR NICOLE MURATI FERRER: Okay.

ATTY SEAN HOPE: As the Chair may recognize, the hours are to 9:00 in the evening, and the idea is that the baked goods that would

be left over from 3:00 to 4:00 will be able to serve. People can come and have coffee and be able to sit there as well.

CHAIR NICOLE MURATI FERRER: That's why I was asking because you kept mentioning brunch and lunch and I was, like, what happened to dinner.

ATTY SEAN HOPE: I mean, also there's the entertainment application, it's just background at conversation level. Pretty standard for this type of operation.

CHAIR NICOLE MURATI FERRER: All right.  
Any questions?

POLICE COMMISSIONER CHRISTOPHER BURKE:  
No questions.

CHAIR NICOLE MURATI FERRER: Anyone in favor of this -- of these petitions?

(No response.)

Anyone in opposition to these petitions?

(No response.)

I vote to grant.

POLICE COMMISSIONER CHRISTOPHER BURKE:

Granted.

CHAIR NICOLE MURATI FERRER: Granted.

Thank you.

POLICE COMMISSIONER CHRISTOPHER BURKE:

Good luck.

CHAIR NICOLE MURATI FERRER: Just to confirm, that was a CV with entertainment for background music below conversational level and at conversational level because it's not on the agenda.

HANK INC D/B/A BUKOWSKI'S TAVERN

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Hank Inc doing business as Bukowski's Tavern, holder of a common victualler all alcohol license at 1279 Cambridge Street has applied for a change of hours for Sunday opening from 11:00 a.m. to 10:00 p.m.

CHAIR NICOLE MURATI FERRER: So you're seeking to open at 10:00 a.m. instead of 11:00 a.m. on Saturdays, is that correct?

SUZANNE SAMOWSKI: Yes.

CHAIR NICOLE MURATI FERRER: Good afternoon. Please state and spell your name for the record.

ATTY JAMES RAFFERTY: Good afternoon, Madam Chair.

For the record, James Rafferty, attorney with offices at 675 Mass Ave in Cambridge.

Seated to my right is Suzanne Samowski. Ms. Samowski is the manager of record.

And as the Chair noted, it's a rather straightforward application to offer an earlier lunch opening time at 10:00 a.m.

I'm sure the Commission is familiar with Bukowski's. It has been there since 2003. About two years ago they closed for six months for a



complete renovation. They have been reopened now for about two years and serving the neighborhood very effectively.

Many of their surrounding establishments are serving brunch at earlier hours, and she decided to change the hours. But because of the way the license hours are currently established, we need to get approval for the earlier Sunday morning opening.

CHAIR NICOLE MURATI FERRER: I assume your clients are asking you for the earlier fare?

SUZANNE SAMOWSKI: Yes.

THE REPORTER: Chair, I just need a spelling from her.

CHAIR NICOLE MURATI FERRER: I also need it. I didn't get it.

SUZANNE SAMOWSKI: Suzanne Samowski.

THE REPORTER: S-U --

SUZANNE SAMOWSKI: S-U-Z-A-N-N-E.

THE REPORTER: I just need it for the record, last name?

SUZANNE SAMOWSKI: S-A-M-O-W-S-K-I.

CHAIR NICOLE MURATI FERRER: The application is actually not signed. Do you mind signing that? Mr. Wilcox did it, so you may want to write your name on it, and then your signature.

Any questions?

POLICE COMMISSIONER CHRISTOPHER BURKE:

No questions.

CHAIR NICOLE MURATI FERRER: Anyone in favor of this petition?

(No response.)

Anyone in opposition to this petition?

(No response.)

ATTY JAMES RAFFERTY: I have been doing my best to help Mr. Hope. I have educated him on

the importance of having the right date of birth on the passport, all the other stuff, but I forget to tell him about the premises description.

CHAIR NICOLE MURATI FERRER: Or having your client sign the application?

ATTY JAMES RAFFERTY: You know, I was hoping that might get overlooked, and I blame Suzy for that. But I'll tell you, if I had three people for every time I go there, I say "If I come back and I'm told something's wrong, heads will roll."

CHAIR NICOLE MURATI FERRER: I would vote to grant.

POLICE COMMISSIONER CHRISTOPHER BURKE: I would approve.

CHAIR NICOLE MURATI FERRER: Granted.

SUZANNE SAMOWSKI: Thank you.

ATTY JAMES RAFFERTY: Thank you all very

much.

If we don't see you again, have a pleasant holiday.

CHAIR NICOLE MURATI FERRER: Same to you all.

DISCIPLINARY:

SUNSET CAFE, INC D/B/A SUNSET GRILL

EXECUTIVE DIRECTOR ELIZABETH LINT:

Disciplinary Matter: Sunset Café, Incorporated doing business as Sunset Grill, holder of a common victualler all alcohol license at 851-857 Cambridge Street due to alleged violations of General Laws Chapter 138, Sections 15A, 16A, 23, 26 and 64, transfer of the privilege of an alcohol license without obtaining approval from the Cambridge License Commission and Alcoholic Beverages Control Commission and not having an approved manager.

ATTY CAROLYN CONWAY: Good afternoon.

Carolyn Conway, 3550 West Avenue --

THE REPORTER: Carolyn, you have to spell your first and last name.

ATTY CAROLYN CONWAY: Sorry.

C-A-R-O-L-Y-N, Conway, C-O-N-W-A-Y. And I'm here on behalf of the Sunset Cafe today.

I have with me Mr. Carlos Pereira,  
P-E-R-E-I-R-A.

Irene Pereira, same spelling for the last name. And Leonilde Castanheira, L-E-O-N-I-L-D-E, last name, C-A-S-T-A-N-H-E-I-R-A.

This license has for the last several years had a very unfortunate turn of events.

As the Commission may be aware the -- the Sunset Cafe has been in the Castanheira family since the mid-1960s and has been passed down from the father, Fernando, and he was married to Leonilde, two sons to Fernando, Jr. Castanheira.

Fernando passed away. And there was some

internal family strife, for lack of a better word. And Irene Pereira, who is the personal representative of the Estate of Fernando who died in testate, has been acting on behalf of the corporation.

So under Chapter 138, Section 23, her position is as a result of operation of law.

And I can give you -- I have not done it yet, but I can give you a certified copy of her appointment by the Middlesex Probate Court as the representative of the estate.

CHAIR NICOLE MURATI FERRER: We actually -- Ms. Conway, did you review the statement of reasons that we issued in February of this year?

ATTY CAROLYN CONWAY: Awhile ago.

CHAIR NICOLE MURATI FERRER: Because we actually have it. I mean -- and I think -- you know, I, quite frankly, don't think this license should be renewed. Quite frankly, I don't know

how it got renewed the two previous years, you know, just based -- just based on law, it shouldn't have been renewed the last two years.

With that said --

ATTY CAROLYN CONWAY: It's a matter of discretion.

CHAIR NICOLE MURATI FERRER: -- well, I think we issued that statement of reasons in February of this year and we have yet to see a resolution.

ATTY CAROLYN CONWAY: Well, I am prepared to file the resolution tomorrow. I have the CORI forms completed. I have the corporate vote. I have everything ready to go on-line to straighten this out.

The premises is actively being marketed for rent and for sale of the license. The building -- this is, as I said, it's a commercial building with apartments upstairs. We hate to

see it go out of the family. They did not have real licensing counsel before.

And I'm, as I said, I'm prepared to come in. I have already completed all the paperwork. All I have to do is get on-line and upload it, and get it out, and then we could have a hearing. And as I said, I do have the listing. It's being actively marketed as a restaurant with the license for sale.

CHAIR NICOLE MURATI FERRER: Why hasn't it been done?

ATTY CAROLYN CONWAY: Again, there was some intrafamily -- as to where the restaurant was going to go.

One of the people who was involved was David Castanheira, who unfortunately just passed away himself within the last couple months, so it is now falling into place.

CHAIR NICOLE MURATI FERRER: And



Mr. Castanheira was the one that was operating since 2012, and the one we were told in February that the mom had no interest in giving the license to, and that the family was saying that he had no right to operate.

ATTY CAROLYN CONWAY: And it was closed in February.

CHAIR NICOLE MURATI FERRER: Yes, because we shut it down.

ATTY CAROLYN CONWAY: Yes. And then it was ongoing between attorneys and now David has died, and we're here to straighten out the corporation.

Irene, who is the personal representative of the stockholder Fernando, is -- as I said, I'm putting everybody on as -- correctly onto the corporation.

As I said, it's one of the most unusual situations that I've ever come across.

CHAIR NICOLE MURATI FERRER: What exactly will it look like?

I mean, because the problem is we don't even see it right now.

ATTY CAROLYN CONWAY: What it's going to be right now is that Irene will be all of the officers and the directors of the Sunset Cafe, Carlos is going to be the manager, and Leonilde will be the stockholder. As I said, right now we are actively marketing it. As of today we've gotten --

CHAIR NICOLE MURATI FERRER: So there's no intent to operate this license?

ATTY CAROLYN CONWAY: No. And I've already -- we've already right now done -- we've worked on it this afternoon about what a potential lease would look like.

I'm going to broaden the marketing scope so that we can get to a wider license. We do

have some people who have been there. We've already had one person in with an architect and with a builder. So we have real interest.

CHAIR NICOLE MURATI FERRER: You have real interest in selling the license. You have no interest in operating this license.

ATTY CAROLYN CONWAY: I mean it's --

CHAIR NICOLE MURATI FERRER: Answer this question for me, Ms. Conway.

Had we not called this hearing, would this be in the works? Because I am quite concerned that we issued this statement of reason in February of this year, in early February of this year, and it wasn't until we called this matter for a hearing that we've even heard an iota of information from your clients.

ATTY CAROLYN CONWAY: Well, I will tell you from my perspective, it was when the renewal came up in November that they first contacted me.

And I've been looking at the situation and we have been addressing the situation. And it was after that that I got the hearing notice.

And as soon as I received the hearing notice, that's when I started to do the due diligence to do the application on-line.

It's a valuable asset for the family. We're looking for someone who is going to be an asset to the neighborhood.

And I don't want to sound -- but I'm here now and I'm going to make sure that everything gets filed and it gets straightened out.

As I said, I'm prepared to file tomorrow.

CHAIR NICOLE MURATI FERRER: I want to decide this today because I think it's important that we decide it today, but I'm waiting for one piece of document that should have been in the folder.

Can we call the next hearing and I'll

call you guys right after?

ATTY CAROLYN CONWAY: Sure.

CHAIR NICOLE MURATI FERRER: Thank you.

CANCELLATION:

GUGGY, LLC D/B/A STUDIO MANTRA

CHAIR NICOLE MURATI FERRER:

Cancellation: Guggy, LLC doing business as  
Studio Mantra, holder of a common victualler all  
alcohol license at 577 Massachusetts Avenue  
pursuant to General Laws Chapter 138 Section 77,  
non-use of the alcohol license.

Guggy LLC d/b/a Studio Mantra?

Second call.

Is Nicolazzo and Sons here now?

(No response.)

CHAIR NICOLE MURATI FERRER: Let's take a  
two-minute break.

(Short Recess Taken.)

CHAIR NICOLE MURATI FERRER: Back on.

I'll tell you what I was looking for.

And understand that you just started to get involved in this case, but, once again, here we have the renewal signed by someone that is not authorized to sign a renewal third year in a row.

The last application that they tried to file again, and these are all under the pains and penalties of perjury, and, quite honestly, with regard to the history of this, and the lack of no interest in actually operating this license, and everything that we said in our February statement of reasons and this renewal, I would vote to not renew this license, and I would vote to cancel it right now.

POLICE COMMISSIONER CHRISTOPHER BURKE: I would agree with your assessment. We gave ample opportunity to correct the situation and I would not vote for approval.

CHAIR NICOLE MURATI FERRER: Okay.

ATTY CAROLYN CONWAY: Okay, so --

CHAIR NICOLE MURATI FERRER: So renewal is denied. It's rejected.

ATTY CAROLYN CONWAY: Thank you.

CHAIR NICOLE MURATI FERRER: The renewal is rejected and the license is cancelled.

Thank you.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Cancellation: Guggy, LLC doing business as Studio Mantra, holder of a common victualler all alcohol license at 577 Massachusetts Avenue pursuant to General Laws Chapter 138, Section 77, non-use of the alcohol license.

CHAIR NICOLE MURATI FERRER: This is the second call. They are not here right now, but just let's continue and we'll call that one and the Nicolazzo one again.

ADMINISTRATIVE MATTERS:

EXECUTIVE DIRECTOR ELIZABETH LINT: The

Board considering accepting the renewal of the attached licenses.

CHAIR NICOLE MURATI FERRER: Oh. We're already there? Okay. So this actually is also not properly listed on the agenda, and I apologize, it should say "The Board is considering the acceptance of the renewal of the attached licenses."

With that said, I turn to Appendix A and after review of everything the License Commission will accept the renewals pursuant to General Laws Chapter 138 of every single one of these, except No. 28, ACH10112. No. 28 on our Appendix A, ACH10112, Bloomfield Hospitality 2, Inc at 1128 Cambridge Street. This licensee failed to renew.

The other one not being accepted is No. 198 on Appendix A, Licence No. ACH03201, New Salts, Inc, and the reason for that is because this license actually transferred to Shalimar,



Inc and Shalimar, Inc actually renewed the license.

The other one not being accepted is No. 253, License No. ACH04113, Sunset Cafe Inc. We just heard the matter.

The other one not being accepted is No. 269, License No. ACH03255, that's Tigers and Bears, LLC. This licensee also did not renew. They have ceased operating.

All other ones on the list were accepted and have renewed.

No. 124, License No. ACH01 -- I'm sorry -- License No. ACH10123, Guggy LLC, that one will be removed from the list of accepted ones until we finish our hearing. That will get a second call today. So that one is neither accepted nor rejected.

For the record, we will also put on that we have approved all of the New Year's Eve

Extension of Hours that we received.

And for the record, those were from Beat Hotel, Beat Brasserie, Bondir -- I'm sorry -- Beat Brasserie at 13 Brattle Street; Bondir at 279A Broadway; Lamplighter Brewing at 284 Broadway; Filarmonica Santo Antonio at 575 Cambridge Street; Clube Desportivo Faialense at 1121 Cambridge Street; Mid-West Grille at 1124 Cambridge Street; Hops'n Scotch at 1248 Cambridge Street; Lilly Pad at 1353 Cambridge Street; The Druid at 1357 Cambridge Street; Puritan & Company at 1166 Cambridge Street; Club Passim at 26 Church Street; John Harvard Brew at 33 Dunster Street; Greek American Political Club at 288 Green Street; Ryles at 212 Hampshire Street; Cafe Art Science at 650 East Kendall Street; Flat Top Johnny's at One Kendall Square; Mamaleh's at One Kendall Square; Smoke Shop at One Kendall Square; Glass House at 450 Kendall Street; Middlesex

Lounge at 315 Massachusetts Avenue; Miracle of Science Bar & Grill at 321 Massachusetts Avenue; Happy Lamb Hot Pot at 485 Massachusetts Avenue; The Paradise at 1810 Massachusetts Avenue; ImprovBoston at 40 Prospect Street; Shepard at One Shepard Street; Grendel's Den Restaurant & Bar at 89 Winthrop Street; Waypoint at 1030 Massachusetts Avenue.

A list of that is available on the table if anyone is interested and we will certainly post it as well.

VIOLATION:

SLW & P HONG KONG RESTAURANT, INC

EXECUTIVE DIRECTOR ELIZABETH LINT:

Violation: S.L.W. and P. Hong Kong Restaurant, Incorporated holder of a common victualler all alcoholic beverages license at 1238 Massachusetts Avenue pursuant to, but not limited to, General Laws Chapter 138, Sections 23 and 64, permitting

an illegality on the licensed premise to wit:

Distribution of narcotics.

CHAIR NICOLE MURATI FERRER: So I've been thinking a lot about this. And I think based on the evidence and the licensee's testimony, but also considering the amount of years that the licensee has been in operation and the recent history disciplinary history, I think definitely a suspension is in order.

I thought maybe, I don't know, 14 days, but five to be served and the other ones to be held in abeyance, nine to be held in abeyance for a year. I don't know. I'm torn in this regard, but I think there needs to be a suspension. I think this is a serious matter, I think.

I was taken aback by the licensee's inaction in terms of dealing with the situation.

Although, I do appreciate the licensee was very cooperative with the police. So, I

don't know. I'm looking for guidance.

POLICE COMMISSIONER CHRISTOPHER BURKE:

Well, I agree and I recognize and also appreciate the cooperation with the Police Department.

Mr. Lee was responsive when he was contacted and forthcoming with the information.

I was a little disappointed to hear that there was no conversation with the doorman who was allegedly the person who provided the drugs to the other employee. I was a little disappointed on that front.

I would certainly agree with your assessment that there should be some kind of sanction. I'm not too sure -- could you repeat that number again?

CHAIR NICOLE MURATI FERRER: Well, I was thinking 14 days, five to be served and nine to be held in abeyance for a year.

ATTY KEVIN CRANE: Madam Chair, could I

be heard?

CHAIR NICOLE MURATI FERRER: Oh, we're voting, and we usually don't hear. If it's more evidence, no, because we closed the matter. I'm not quite sure what you want to say, but since you're here if you want to --

ATTY KEVIN CRANE: Attorney Kevin Crane, K-E-V-I-N, C-R-A-N-E, for the licensee.

I just wanted to make sure that you received -- my client, based on the comments at the last hearing, took actions, as far as talking to the employees in a group, and in an individual nature and he has had them all sign a drug-free workplace policy statement, which I submitted last week by the employees.

And also, today I submitted the ones that were translated into Chinese so the employees that just speak Chinese were aware of it and they have all signed as well. They are mostly kitchen

employees.

But could I say something on the sanction?

CHAIR NICOLE MURATI FERRER: We'll put that in the -- just for the record, we'll put all of that in your record.

I will not take it into consideration in terms of what sanctions to impose because, again, we closed the record in terms of the evidence, and this was after the fact, after our hearing, not previous to our hearing, but just to make it clear, but we definitely appreciate those actions taken by the licensee.

ATTY KEVIN CRANE: I would say that the sanctions seem a little harsh to me, Madam Chair.

Anytime you're suspending a license, it's going to hurt the business. If maybe the days could be cut down to three days, and -- I don't know what your policy is as far as which days are

to be served as well.

POLICE COMMISSIONER CHRISTOPHER BURKE: I was also going to suggest a three-day -- a 14-day suspension, 11 days held in abeyance with three days served.

If we could meet halfway, I think that four days would be appropriate.

CHAIR NICOLE MURATI FERRER: Okay.

I think -- I mean, I really feel strongly the cooperation with the police officer was very helpful.

POLICE COMMISSIONER CHRISTOPHER BURKE: I feel strongly that the cooperation with the police officer was very helpful, it really cut to the chase and sped things up in terms of the investigation of the Police Department and that was appreciated.

I'm still kind of at a loss that more information was not provided about the doorman,



that there was never any conversation initiated with him to clarify that information.

CHAIR NICOLE MURATI FERRER: The doorman had only been there only two months.

POLICE COMMISSIONER CHRISTOPHER BURKE: Right. I'm a little disappointed at that. And I think that given that, I think it's important to send a message of what is acceptable. And I think that four days -- if you want to meet in the middle, that would be appropriate given the circumstances.

CHAIR NICOLE MURATI FERRER: Okay. So 14 days, four days to be served and ten days to be held in abeyance.

And the four days to be served consecutively, yes?

POLICE COMMISSIONER CHRISTOPHER BURKE: I would agree with your assessment on that.

CHAIR NICOLE MURATI FERRER: So that's

how we vote.

ATTY KEVIN CRANE: Who says what four days?

CHAIR NICOLE MURATI FERRER: We set the days. So violation, 14 days, four days to be served.

ATTY KEVIN CRANE: If there could be some consideration on the four days?

CHAIR NICOLE MURATI FERRER: Give me one second.

To be held in abeyance for one year?

POLICE COMMISSIONER CHRISTOPHER BURKE:  
Yes.

CHAIR NICOLE MURATI FERRER: The suspension will go into effect once we send the statement of reasons, days will be given along with the statement of reasons.

ATTY KEVIN CRANE: I would just ask there be a consideration of the days. If the days are

going to be consecutive that they be weekdays rather than weekend days.

CHAIR NICOLE MURATI FERRER: I don't take that into account, counselor, for any licensee.

Thank you.

ATTY KEVIN CRANE: Thank you.

ADMINISTRATIVE MATTERS:

HULT INTERNATIONAL BUSINESS SCHOOL

D/B/A HULT STUDENT LOUNGE

EXECUTIVE DIRECTOR ELIZABETH LINT: Hult International Business School, doing business as Hult Student Lounge, is requesting a change of officers from Tom Hall and Gunnar Link, to Niclas Miorner.

CHAIR NICOLE MURATI FERRER: Granted.

SHAUN BROWN

EXECUTIVE DIRECTOR ELIZABETH LINT: Shaun Brown has requested that the address for his used car dealer's license UCD10021 from 10 Forsyth

Place to 132 ½ Fifth Street. He has also advised the Commission that he has legally changed his name from Shaun Milton to Shaun Brown.

CHAIR NICOLE MURATI FERRER: Granted.

AMIR SASSINE

EXECUTIVE DIRECTOR ELIZABETH LINT: Amir Sassine, holder of Cambridge Hackney License No. 26026 has requested permission for his brother, Hatem Sassine, to purchase Medallion No. 245. Hatem Sassine would be purchasing it for Amir Sassine to manage and drive. Hatem Sassine is not a Massachusetts resident.

CHAIR NICOLE MURATI FERRER: So really the only thing that's before us is whether the owner can be a non-Massachusetts person.

EXECUTIVE DIRECTOR ELIZABETH LINT:  
Basically.

CHAIR NICOLE MURATI FERRER: Because we can't really get into who buys what.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Right. But our rules say that he has to be a Massachusetts resident and have a Mass license.

CHAIR NICOLE MURATI FERRER: I think the Hackney rules are before the Commission in January. I would -- I would hold on this request until we discuss this as a commission in terms of what we're gonna do with rules, but that would be my -- I mean, I don't know what's the timeline in terms of this licensee, and what's the -- is there -- I mean, I don't know. I'm confused by all the exclamation points on this.

EXECUTIVE DIRECTOR ELIZABETH LINT: It's a significant financial situation.

Amir Sassine holds three Cambridge Medallions that are currently in bankruptcy and this would give him the opportunity to keep working.

CHAIR NICOLE MURATI FERRER: But he's

currently working. These are Medallions that are currently in use, correct?

EXECUTIVE DIRECTOR ELIZABETH LINT: 245 is not. The three that he has are, but they're the subject of a bankruptcy proceeding.

CHAIR NICOLE MURATI FERRER: Where is 245?

EXECUTIVE DIRECTOR ELIZABETH LINT: It's here.

CHAIR NICOLE MURATI FERRER: And then he doesn't want to use it because he doesn't want to show money coming in because of his bankruptcy?

EXECUTIVE DIRECTOR ELIZABETH LINT: No, no. He wants to be able to continue to work and he can't -- he's going to lose the three that he has. So his brother is willing to help him by buying it and let him operate it.

CHAIR NICOLE MURATI FERRER: Why can't he just withdraw the one that he has here? If it's

his Medallion, why can't he --

EXECUTIVE DIRECTOR ELIZABETH LINT: 245

is not his.

CHAIR NICOLE MURATI FERRER: Well, then

we can't say who can buy 245.

EAST-WEST TRANS, INC

EXECUTIVE DIRECTOR ELIZABETH LINT: Well,

then the next, No. 7, is East-West Trans which would be a -- giving approval of the transfer of Medallion 245 from PGB Cab.

CHAIR NICOLE MURATI FERRER: I want --

you know what? I need legal guidance on this because this seems all very crazy to me. I don't feel comfortable voting on either of those at this point. Seeing how it's only two of us here today --

POLICE COMMISSIONER CHRISTOPHER BURKE: I

would concur with your assessment. Rather get it right then...

CHAIR NICOLE MURATI FERRER: Yeah. No. This is a very dicey situation on both fronts. So with regard to Item 5 and Item No. 7, I would say we defer until at least -- I know our next meeting is January 11, 2017. At least until then, and hopefully, we'll have some legal guidance in terms of how exactly this will work.

It might actually be after the License Commission has a map to discuss rules, but no action right now on either of these.

QUINN WONG

EXECUTIVE DIRECTOR ELIZABETH LINT: Quinn Wong on behalf of Guangzhou Restaurant, 1220 Cambridge Street has applied for an entertainment license for one TV. This was as a result of a task force inspection.

CHAIR NICOLE MURATI FERRER: This is missing the floor plan, but --

EXECUTIVE DIRECTOR ELIZABETH LINT: It's



only --

CHAIR NICOLE MURATI FERRER: -- I

would -- I know, but we still -- I would say on the record that I have no problem granting this. I wouldn't issue the license until we get a floor plan.

Granted and license cannot issue until floor plan is submitted.

MALT AND WINE LICENSES WITH OR

WITHOUT ENTERTAINMENT:

DAVID HARTMEN

EXECUTIVE DIRECTOR ELIZABETH LINT: David Hartmen, on behalf of Massachusetts Production Coalition, has applied for a malt and wine license with entertainment for music, amplification system and audio/visual show to be exercised on 12/15/2016 from 6:00 p.m. to 9:00 p.m. at 400 Harvard Street, Jose Mateo Ballet Theater. Expected attendance: 180.

CHAIR NICOLE MURATI FERRER: Granted.

SHELLEY NEILL

EXECUTIVE DIRECTOR ELIZABETH LINT:

Shelley Neill, on behalf of Cambridge

Multi-Cultural Arts Center, has applied for a one-day wine and malt license to be exercised on December 16, 2016 from 7:00 p.m. until 11:00 p.m. at 41 Second Street for a concert with less than 100 people expected.

CHAIR NICOLE MURATI FERRER: Granted.

BEN PERTLER

EXECUTIVE DIRECTOR ELIZABETH LINT: Ben

Pertler, on behalf of Aramark, has applied for a one-day wine and malt license to be exercised on January 25, 2016 at 32 Vassar Street, from 6:30 until 10:00 p.m. for a reception with 145 people expected.

CHAIR NICOLE MURATI FERRER: Granted;

police detail required.

MEGAN NOWACK

EXECUTIVE DIRECTOR ELIZABETH LINT: Megan Nowack, on behalf of Barletta Heavy Division has applied for a special noise variance to be exercised from December 18, 2016 through January 27, 2017 from 9:00 p.m. until 7:00 a.m. on Concord Lane, for sewer/drain work which will use an excavator, tri-axle and compactor.

CHAIR NICOLE MURATI FERRER: Granted.

PEET'S COFFEE

EXECUTIVE DIRECTOR ELIZABETH LINT: Peet's Coffee holder of a common victualer license, No. 10333, at 24 JKF Street is requesting a change of manager from Brennagh Tourigny to Bryan King.

CHAIR NICOLE MURATI FERRER: Granted.

JOSEPH MCCABE

EXECUTIVE DIRECTOR ELIZABETH LINT: Joseph McCabe, on behalf of Deanta Corporation

doing business as Phoenix Landing, holder of License No. ACH01609 has applied to increase their hours to be open until 2:00 a.m. seven days a week.

CHAIR NICOLE MURATI FERRER: Isn't this an alcohol license?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yep.

CHAIR NICOLE MURATI FERRER: I'm sorry. That's not a "no" on the question, that's a no, that needs a hearing, correct?

KATHRYN CHIRICHIELLO

EXECUTIVE DIRECTOR ELIZABETH LINT:  
Kathryn Chirichiello, on behalf the Collective Next has applied --

CHAIR NICOLE MURATI FERRER: Is that for a one day or is that like --

EXECUTIVE DIRECTOR ELIZABETH LINT: No.

CHAIR NICOLE MURATI FERRER: Then that needs a hearing. Go ahead.

EXECUTIVE DIRECTOR ELIZABETH LINT: On behalf the Collective Next has applied for one-day entertainment license to be exercised on December 16, 2016 from 7:00 p.m. to 1:00 a.m. at 505 Mass Ave for CD player and patrons dancing for 50 people.

JOHN FORRESTAL

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT: John Forrestal, on behalf of Gallery 263, Inc has applied for a one day wine license to be exercised on December 16, 2016 from 7:00 to 10:30 p.m. at 263 Pearl Street for a concert fundraiser with 50 people expected.

CHAIR NICOLE MURATI FERRER: Granted.

KELLY MASON

EXECUTIVE DIRECTOR ELIZABETH LINT: Kelly Mason has applied for a one day wine and malt license to be exercised on December 23, 2016 from

5:00 to 11:00 p.m. at 119 Hampshire Street for a party for 25 people.

CHAIR NICOLE MURATI FERRER: This cafe doesn't currently have an alcohol license.

EXECUTIVE DIRECTOR ELIZABETH LINT: It does not.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT:  
Clarification of Pemberton Fruit Orchard, Inc,  
hours.

So last week this was on to be heard and Attorney Rafferty was here and thought that they perhaps made an error in what they were requesting. But, in fact, what they had written down was what they wanted. They understand their alcohol hours they wanted to be open earlier to -- as are some of the other businesses in the area.

CHAIR NICOLE MURATI FERRER: Also, so

this is just for acknowledgment.

EXECUTIVE DIRECTOR ELIZABETH LINT: Yeah.

CHAIR NICOLE MURATI FERRER: And I will have Commissioner Burke acknowledge that he received this because I wasn't here last week.

POLICE COMMISSIONER CHRISTOPHER BURKE: I have received this. I have seen it last week.

BEN PERTLER

EXECUTIVE DIRECTOR ELIZABETH LINT: Ben Pertler on behalf of Aramark has applied for a one day wine and malt license to be exercised on December 15 --

CHAIR NICOLE MURATI FERRER: I'm sorry. For the record. That was approved last week. Go ahead.

EXECUTIVE DIRECTOR ELIZABETH LINT: --  
December 15, 2016 from 5:00 p.m. to 9:00 p.m. at 32 Vassar Street for a reception with 120 people expected.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT:

CHAIR NICOLE MURATI FERRER: Granted.

CHAD BENNET

EXECUTIVE DIRECTOR ELIZABETH LINT: On behalf of John Moriarty & Associates has applied for a special noise variance from January 2, 2017 through March 31, 2017 from 6:00 to 10:00 p.m. at 88 Ames Street for a construction project using a concrete pump truck, gas powered concrete tools, tow behind generator and compressor, track excavator and boom lift and boom truck.

CHAIR NICOLE MURATI FERRER: Granted.

SRILAYA BHAVARAJU

EXECUTIVE DIRECTOR ELIZABETH LINT:

Srilaya Bhavaraju on behalf of the MIT South Asian Association of Students, has applied for a one-day entertainment license to be exercised on 12/16/16 from 8:00 to 11:00 p.m. for dancing and



amplified music at 320 Memorial Drive for a banquet with 100 expected.

CHAIR NICOLE MURATI FERRER: Granted.

BILL MANLEY

CHAIR NICOLE MURATI FERRER: And there was one more here, an entertainment license from Bill Manley.

EXECUTIVE DIRECTOR ELIZABETH LINT:  
Harvard Square Business Association.

CHAIR NICOLE MURATI FERRER: At Brattle Plaza. They are asking for live music for a tasting event and amplification at Brattle Plaza on December 17 from 1:00 p.m. to 2 p.m. 300 people expected.

Granted.

Second call Nicolazzo.

EXECUTIVE DIRECTOR ELIZABETH LINT:  
Nicolazzo & Sons.

CHAIR NICOLE MURATI FERRER: Ms. Boyer,

do you want to come up?

For the record, I want to state this notice was sent -- dated December 2. We have not received any information from Nicolazzo & Sons. They didn't show up.

So go ahead, Ms. Boyer.

ANDREA BOYER: Thank you. Andrea Boyer, B-O-Y-E-R, investigator for the City of Cambridge License Commission.

Nicolazzo & Sons, Mr. Michael Nicolazzo at 26 Cottage Place, West Newton, Massachusetts, violation of the Cambridge Municipal Code 8.16.081E sound emitted from a leaf blower shall be rated by the manufacturer to be no greater than 65 decibels. The violation is using a Red Mac EBZ7500 manufacturer rated at 75 dba on November 16, 2016 at approximately 1:34 p.m. on Berkeley Street and they are only permitted to use a Echo PB250LN.

Here is the picture of the leaf blower and the model. Here is a copy of what they were actually permitted for.

Previous history of Nicolazzo & Sons is that at the July 11, 2016 hearing, they are fined \$300 for operating their leaf blower during prohibited time.

CHAIR NICOLE MURATI FERRER: So noting for the record that it is 4:10 p.m., approximately, and that the permit holder has not shown up, that there's no evidence to the contrary, I would find them in violation. I would issue the fine of \$300 and I would suspend this permit until such time as we hear back from the licensee or for the rest the year if we don't hear back from them.

POLICE COMMISSIONER CHRISTOPHER BURKE: I agree.

CHAIR NICOLE MURATI FERRER: Okay.

Violation \$300 and permit is suspended indefinitely.

ANDREA BOYER: Thank you.

CHAIR NICOLE MURATI FERRER: Thank you.

EXECUTIVE DIRECTOR ELIZABETH LINT:

GUGGY

CHAIR NICOLE MURATI FERRER: Now, Guggy, they have renewed. Is this the -- or they submitted their renewal. Is this their first hearing for nonuse?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

CHAIR NICOLE MURATI FERRER: Okay. So this is actually an informational hearing.

EXECUTIVE DIRECTOR ELIZABETH LINT: They haven't opened yet.

CHAIR NICOLE MURATI FERRER: But have they had -- you know, can we take a two-minute break? Let's go over their file.

(Short recess taken.)

CHAIR NICOLE MURATI FERRER: Back on the record.

Just for the record, it's almost like, what, 4:14, and no one has shown up. This was one that preceded both of us. In April, there were two commissioners because they had heard it and granted the licensee request to extend the approval of inspections, and that there would be no other changes to the plans.

So that was in April of this year. I remember not voting on that because there was something that had been pending before them.

It was returned a couple of times by the ABCC for issues. It was finally approved on September 15, 2015. It has never opened.

It has never -- they never picked up the license because they never opened. March 31 they submitted a request for a further extension. So there was a tenant at 577 who finally moved out.

There was a six-month further extension for approval of inspections for fire and building. Haas and Reardon approved that. They received notice of that approval April 21. That's all that we've heard.

And did their check bounce?

EXECUTIVE DIRECTOR ELIZABETH LINT: It didn't bounce.

CHAIR NICOLE MURATI FERRER: They noticed that it wouldn't clear.

EXECUTIVE DIRECTOR ELIZABETH LINT: And they came in with bank checks.

CHAIR NICOLE MURATI FERRER: Quite frankly, the fact they didn't show up in all these years -- this is September of 2015, quite frankly, I think -- I wouldn't accept the renewal and I would -- what's the language of 138 when the license is not picked up, or it's not issued after a certain amount of time or something?

What section of 138 is that?

Did they contact us at all saying they couldn't make the hearing?

EXECUTIVE DIRECTOR ELIZABETH LINT: Nope.

CHAIR NICOLE MURATI FERRER: I would revoke approval of the application at this point and I would accept the renewal of the license. I mean, September 2015, that would be kind of nice, but I don't know if you're on the fence, we can always defer this, but I don't see the point.

POLICE COMMISSIONER CHRISTOPHER BURKE:

I'm not on the fence. I agree with your assessment.

CHAIR NICOLE MURATI FERRER: Okay. We'll revoke approval and we'll not accept the renewal and that goes back to what we talked about earlier today. So we're also, for the record, not accepting the renewal of the one on Appendix A, No. 124, License No. ACH10123, Guggy LLC at

577 Mass Ave.

EXECUTIVE DIRECTOR ELIZABETH LINT: And  
that is all I have.

(Meeting adjourned.)



## ERRATA SHEET

INSTRUCTIONS: After reading the transcript, note any change or correction and the reason therefor on this sheet. Sign and date this errata sheet.

PAGE	LINE	
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I have read the foregoing transcript, and except for any corrections or changes noted above, I hereby subscribe to the transcript as an accurate record of the statement(s) made by me.

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## CERTIFICATION

Commonwealth of Massachusetts

Norfolk, ss.

I, Jill Kourafas, a Notary Public in and for the Commonwealth of Massachusetts, do hereby certify:

That the hearing herein before set forth is a true and accurate record of the proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand this 18th day of December, 2016.

-----  
Jill Kourafas  
Certified Shorthand Reporter  
License No. 14903  
Notary Public

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