

COMMONWEALTH OF MASSACHUSETTS

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION DECISION HEARING

LICENSE COMMISSION BOARD MEMBERS:

MICHAEL P. GARDNER, CHAIRMAN
POLICE COMMISSIONER ROBERT HASS

STAFF: ELIZABETH LINT, EXECUTIVE DIRECTOR

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

DATE: Thursday, June 6, 2013

TIME: 10:15 a.m. to 10:31 a.m.

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**License Commission Decision Hearing
June 6, 2013**

2 <u>P R O C E E D I N G S</u> EXECUTIVE DIRECTOR ELIZABETH LINT: Okay. The License Commission decision-making hearing. It's Thursday, June 6, 2013 at 10:15 a.m. We are in the Michael J. Lombardi Building, 831 Massachusetts Avenue, Basement Conference Room. Before you're the Commissioners, Chairman Michael Gardner and Commissioner Robert Haas. The only matter left from the May 14th hearing was the matter of Beantown Trattoria. COMMISSIONER MICHAEL GARDNER: Okay. And would you just review the procedural history on this, if you would, Ms. Ling? My understanding is this matter has been before us twice? EXECUTIVE DIRECTOR ELIZABETH LINT: Yes. I believe it was originally on April 9th for	4 April 9th hearing, I believe it was Superintendent Burke -- EXECUTIVE DIRECTOR ELIZABETH LINT: Correct. CHAIRMAN MICHAEL GARDNER: -- and Commissioner Haas came to the May 14th hearing. EXECUTIVE DIRECTOR ELIZABETH LINT: Correct. That's my understanding as well. COMMISSIONER MICHAEL GARDNER: And Fire Chief Reardon is not available to us today. EXECUTIVE DIRECTOR ELIZABETH LINT: That's correct. COMMISSIONER MICHAEL GARDNER: So I see Mr. Hope, counsel for the applicant is in the audience today. We would like to hear from you, Mr. Hope, whereas I'm the only person here who was at both of the other two hearings and is presented today, and Commissioner Haas was at the second, but not
3 hearing. It was continued to May 14th for a second hearing, more information was requested and I believe that was all complied with. COMMISSIONER MICHAEL GARDNER: It was continued to an actual date earlier than May 14th, I think, and then at the request of the applicant, was moved to the 14th? EXECUTIVE DIRECTOR ELIZABETH LINT: That could be correct. I wasn't here for the April 9th hearing either, so I'm catching up myself. COMMISSIONER MICHAEL GARDNER: And -- EXECUTIVE DIRECTOR ELIZABETH LINT: So they have applied for a new all alcoholic license toward the interior of the restaurant only, not for the patio. COMMISSIONER MICHAEL GARDNER: Okay. And my memory or understanding is that at both April 9th and May 14th hearing, the fire chief, Chief Reardon was here and I was here. At the	5 the first hearing. Do you have concerns or issues with respect to procedurally the Commission being able to take a binding vote on this matter today? ATTY. SEAN HOPE: Just to help me, in order for approval for today, we would need a hundred percent of the votes because of Chief Reardon not being present or anyone in his place? CHAIRMAN MICHAEL GARDNER: Right. ATTY. SEAN HOPE: We're fine. COMMISSIONER MICHAEL GARDNER: Okay. Then you will not challenge the authority of the Commission to make a decision today. We have the majority of the commissioners here and Commissioner Haas has participated in the second of the hearings and has had the opportunity to review the record. ATTY. SEAN HOPE: I do believe at the second hearing, that's really when there was a

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6 full breathe of the neighbors. We had a chance to do our outreach, so at that point I think there's nothing additional we would add. COMMISSIONER MICHAEL GARDNER: Okay. Well, my memory -- why don't you review for us, Ms. Lint, the criteria for the granting of the -- a not-for-value alcohol license. EXECUTIVE DIRECTOR ELIZABETH LINT: It would be proof of need, lack of harm and overwhelming neighborhood support. COMMISSIONER MICHAEL GARDNER: Okay. EXECUTIVE DIRECTOR ELIZABETH LINT: I think I forwarded it to you. Probably 90 percent of the emails that I received were in support of the application. COMMISSIONER MICHAEL GARDNER: So my memory of this matter is that at the first hearing there were a substantial number of neighbors or residents in the area who spoke in	8 EXECUTIVE DIRECTOR ELIZABETH LINT: It could be in there. ATTY. SEAN HOPE: Okay. COMMISSIONER MICHAEL GARDNER: Do you want to make any representations about that, Mr. Hope? Why don't you identify yourself for the record? ATTY. SEAN HOPE: Sure, Attorney Sean Hope, Hope Legal Law Offices. You spoke to Councilor Simmons? FAWWAZ ABURUBAH: Yesterday, I did meet with Ms. Simmons in the office and she do some support. She said she did email. I don't know if you received it. EXECUTIVE DIRECTOR ELIZABETH LINT: Oh, I did not. If it was from yesterday to today, no, I did not. COMMISSIONER MICHAEL GARDNER: My
7 opposition to the granting of the license. And since then, we have had a large number of -- EXECUTIVE DIRECTOR ELIZABETH LINT: This is also -- (forwarding document.) COMMISSIONER MICHAEL GARDNER: -- neighbors speak in favor of the granting of the license. EXECUTIVE DIRECTOR ELIZABETH LINT: There's more. (Forwarding more documents.) (Members reviewing documents.) ATTY. SEAN HOPE: Was there a letter received from your office by Councilor Simmons? EXECUTIVE DIRECTOR ELIZABETH LINT: No. ATTY. SEAN HOPE: An email? EXECUTIVE DIRECTOR ELIZABETH LINT: That's the pile of emails in support. It could -- ATTY. SEAN HOPE: It may have come in.	9 understanding, Mr. Hope, is that the restaurant is currently serving food, but not alcohol, is that right? ATTY. SEAN HOPE: Yes. As we represented last time, this is a soft opening really to be able to get the staff in the order of the way the restaurant will function in place. And hopefully, when we receive approval, we'll actually have a grand opening and really be operating at full capacity. COMMISSIONER MICHAEL GARDNER: How long has it been open? ATTY. SEAN HOPE: Since actually the approval of the name change and the hours. So at the first hearing, April 9, this is when the hours were approved and this was actually a previous restaurant. We actually changed the name. But I actually think post that there was a couple of days that it was for

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10 construction, we had to go and get the requisite, so probably late April is when they started opening. COMMISSIONER MICHAEL GARDNER: Well, I'm not sure that I have faced a situation like this before in my tenure on the Commission where there was clearly opposition to the restaurant at the beginning and at the April meeting, and then really quite fairly substantial amount of support coming in for the restaurant subsequent to that. I think among the things that influence me on the matter are the relative small number of seats. This is a 18 seats inside, and how many outside? FAWWAZ ABURUBAH: 18. COMMISSIONER MICHAEL GARDNER: 18 outside. An application to serve alcohol only inside, correct? FAWWAZ ABURUBAH: Yes.	12 POLICE COMMISSIONER ROBERT HAAS: What is closing time again? HUGO MENDEZ: 11:00. POLICE COMMISSIONER ROBERT HAAS: 11:00, seven days a week, right? HUGO MENDEZ: Yes. COMMISSIONER MICHAEL GARDNER: We also have an owner with substantial experience in operating within the city, although my memory is not a lot of experience with alcohol. If anybody can remind me of that in the record. You can speak if you want, Mr. Hope. ATTY. SEAN HOPE: He hasn't been a manager of an alcohol license. But Jose Burrito, North Cambridge, his brother's restaurant, they have a liquor license there. COMMISSIONER MICHAEL GARDNER: A lot of experience in the business.
11 COMMISSIONER MICHAEL GARDNER: Mr. Hope is nodding his head. Not understanding thatg he can't be seen. Remind me of the hours, Ms. Lint. EXECUTIVE DIRECTOR ELIZABETH LINT: I believe it's 10:00 a.m. to 11:00 p.m.? HUGO MENDEZ: Yeah, it's 10:00 a.m. on the license although we're actually open at 11:00. We start prepping at 10:00. POLICE COMMISSIONER ROBERT HAAS: But you don't actually open until 11:00? HUGO MENDEZ: Right. POLICE COMMISSIONER ROBERT HAAS: You need to modify your hours of operation. EXECUTIVE DIRECTOR ELIZABETH LINT: We can do that. COMMISSIONER MICHAEL GARDNER: That's seven days a week? HUGO MENDEZ: Yes.	13 ATTY. SEAN HOPE: In the business. COMMISSIONER MICHAEL GARDNER: I'm prepared to support the all alcohol for no value license operating under the terms as described in the application with the clear understanding that alcohol is not to be served on the patio, that you're to maintain only the number of seats that you're licensed for, and that this matter would be scheduled for a six-month public hearing review. And so we get an opportunity to hear both from the -- anyone who is interested, but most particularly any neighbors who were concerned about the operation. And I would say that my interest in it would be that we would be granting the license with the clear understanding that if at six-month review there turned out to be problems or concerns, we would expect that it was very possible that we would move to revoke the

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14 license at that point. I'm not sure we've got the authority to grant something provisionally or on a temporary basis. I doubt we do. And, unfortunately, I think that makes it a little harder sometimes to be sure in close cases, but I'll make the motion to approve the all alcohol, no value license according to the terms subject to a public hearing to be scheduled six months out from today to give all interested parties the opportunity to advise us both on the operation of the restaurant and also its impact on the neighborhood. POLICE COMMISSIONER ROBERT HAAS: I'll second the motion. COMMISSIONER MICHAEL GARDNER: Motion having been made and seconded, all those in favor, signify by saying "aye." POLICE COMMISSIONER ROBERT HAAS: Aye. CHAIRMAN MICHAEL GARDNER: Aye.	16 COMMISSIONER MICHAEL GARDNER: Tell me what the August schedule is again because I got -- I asked that -- I was going to be available for the original date and I think it got moved. EXECUTIVE DIRECTOR ELIZABETH LINT: It did and I believe we decided just to have -- we always have just one in August. COMMISSIONER MICHAEL GARDNER: It is late in the month? EXECUTIVE DIRECTOR ELIZABETH LINT: I believe it is early in the month. COMMISSIONER MICHAEL GARDNER: Okay. EXECUTIVE DIRECTOR ELIZABETH LINT: I believe it's the 8th or 9th. The 6th. COMMISSIONER MICHAEL GARDNER: It's the Tuesday? EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.
15 None opposed. So we'll grant the license under those terms. ATTY. SEAN HOPE: Thank you. FAWWAZ ABURUBAH: Thank you very much. POLICE COMMISSIONER ROBERT HAAS: Good luck. COMMISSIONER MICHAEL GARDNER: Good luck. FAWWAZ ABURUBAH: Thank you. Have a nice day. POLICE COMMISSIONER ROBERT HAAS: You too. ATTY. SEAN HOPE: Ms. Lint, did you want me to -- when is a good time to talk about the other matter? (Discussion off the record.) COMMISSIONER MICHAEL GARDNER: Do we have any other business before us? EXECUTIVE DIRECTOR ELIZABETH LINT: Not that I can think of.	17 COMMISSIONER MICHAEL GARDNER: Do we have a decision hearing in August? EXECUTIVE DIRECTOR ELIZABETH LINT: I believe we do and I did not put it on my calendar. I'm guessing it would be the 15th. COMMISSIONER MICHAEL GARDNER: Motion to adjourn is always in order. FIRE CHIEF GERALD REARDON: I make a motion to adjourn. COMMISSIONER MICHAEL GARDNER: Seconded. All those in favor, signify by saying "aye." POLICE COMMISSIONER ROBERT HAAS: Aye. CHAIRMAN MICHAEL GARDNER: Aye. (Whereupon, the hearing adjourned at approximately 10:30 a.m.)

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HEARING OF 6/6/2013
ERRATA SHEET

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accurate record.

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CERTIFICATE

Commonwealth of Massachusetts
Suffolk, ss.

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

This transcript of the License Commission
Decision Hearing of 6/6/2013 is a true and
accurate record of the proceedings.

IN WITNESS WHEREOF, I have hereunto set
my hand this 8th day of June 2013.

Jill Kourafas
Notary Public
Certified Shorthand Reporter
License No. 149308

My Commission expires:
February 2, 2017

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