

CAMBRIDGE LICENSE COMMISSION HEARING

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION GENERAL HEARING

LICENSE COMMISSION BOARD MEMBERS:

CHAIR ANDREA JACKSON

POLICE COMMISSIONER ROBERT C. HAAS

FIRE CHIEF GERALD REARDON

STAFF: EXECUTIVE DIRECTOR ELIZABETH LINT

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

DATE: March 18, 2014

TIME: 6:06 p.m.

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P R O C E E D I N G S

March 18, 2014

EXECUTIVE DIRECTOR ELIZABETH LINT: We would like to get started. If anyone has a cell phone on, we would appreciate it if you would turn it off. And we'll also ask when you come forward to really speak loud because we can't hear with the fans on.

This is the License Commission General Hearing. It is Tuesday evening, March 18, 2014 at 6:06 p.m.

We are in the Michael J. Lombardi Building, 831 Massachusetts Avenue, Basement Conference Room.

Before you are the commissioners Chair Andrea Jackson, Fire Chief Gerald Reardon and Police Commissioner Robert Haas.

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APPLICATION: THE GINGER EXCHANGE

EXECUTIVE DIRECTOR ELIZABETH LINT: The first matter is Application, Inman Exchange, Inc., d/b/a The Ginger Exchange. Christine Chan, Manager, holder of an all alcoholic beverages restaurant license and entertainment license at 1287 Cambridge Street has applied to amend their current entertainment license to include Trivia and a TV/Video Screen.

CHAIR ANDREA JACKSON: Good evening.

CHRISTINE CHAN: Good evening.

CHAIR ANDREA JACKSON: Could you please state your name for the record, spelling your last name, and if you could speak up.

CHRISTINE CHAN: Christine Chan, C-H-A-N.

CHAIR ANDREA JACKSON: And you are requesting an amendment to your current entertainment license to include trivia and a TV

video screen, is that correct?

CHRISTINE CHAN: That's correct.

CHAIR ANDREA JACKSON: Why are you looking for that now instead of when you first applied?

CHRISTINE CHAN: As a new business owner, I was feeling out the business and just feeling out the neighborhood, so just adding it now, two years later.

CHAIR ANDREA JACKSON: You have been in business how long?

CHRISTINE CHAN: Almost four years now.

CHAIR ANDREA JACKSON: How is it going for you now?

CHRISTINE CHAN: There's changing demographics to the area and in the neighborhood but adjusting to things.

CHAIR ANDREA JACKSON: Okay. There's no

live entertainment, you are not looking for live entertainment? Just trivia?

CHRISTINE CHAN: Yes. Perhaps at a later point, I might be looking into live entertainment.

CHAIR ANDREA JACKSON: I'm not sure if where you are at is zoned for live entertainment.

But we won't address that since it is not before us tonight. So tonight is just for the trivia.

Any questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

FIRE CHIEF GERALD REARDON: No questions.

CHAIR ANDREA JACKSON: I make a motion to approve the amendment to the current license to include trivia and a TV video screen, is there a second?

FIRE CHIEF GERALD REARDON: Second.

CHAIR ANDREA JACKSON: All in favor
signify saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: You are all set.
Thank you.

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APPLICATION: EVELYN & ANGEL'S

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Evelyn & Angel's, LLC, Yalonda
Howze, Manager. Holder of a common victualer
license at 1702 Massachusetts Avenue has applied
to amend their common victualer license to
include 10 additional seats on a seasonal outdoor
patio on the city sidewalk.

CHAIR ANDREA JACKSON: Good evening.

YALONDA HOWZE: Good evening.

CHAIR ANDREA JACKSON: Please state your name for the record, spelling your last name, and if you can speak up.

YALONDA HOWZE: Yalonda Howze, H-O-W-Z-E.

CHAIR ANDREA JACKSON: And you are looking to amend your current license to include ten additional seats on a seasonal patio?

YALONDA HOWZE: Yes.

CHAIR ANDREA JACKSON: Why are you looking to do it now versus when you first got your license? I know you just recently got your license, is that correct?

YALONDA HOWZE: In the winter. We are looking forward to the summer. And the seating so far has gone well that we have added, and we think it will be great for the summer to have outdoor seats, particularly along that strip of

Mass Avenue where there isn't any outdoor seating where we are. And it would be nice if we could get a little more foot traffic for the summer as well.

CHAIR ANDREA JACKSON: Are there green card notifications required with this?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes. I have some of them. I see she has more.

A Sidewalk Obstruction Permit.

CHAIR ANDREA JACKSON: Is that included?

EXECUTIVE DIRECTOR ELIZABETH LINT: I don't see it. That would be required.

CHAIR ANDREA JACKSON: Do you have a permit from the Department of Public Works for a sidewalk permit?

YALONDA HOWZE: Yes. It was dropped off I believe transferred from Mr. Best (phonetic).

CHAIR ANDREA JACKSON: Who?

EXECUTIVE DIRECTOR ELIZABETH LINT: He wouldn't give it to us.

You would have to give it to us.

YALONDA HOWZE: I believe I do have it.
(Looking through file) I'm not sure if this is it.

EXECUTIVE DIRECTOR ELIZABETH LINT: No.

You need -- she would need a Sidewalk Obstruction Permit from Public Works, and if you have seen Vin Best, it is probably in the works.

YALONDA HOWZE: He came and then called and said it was all set.

EXECUTIVE DIRECTOR ELIZABETH LINT: You have to go to Public Works to pick it up and then we need a copy of it.

And you also need City Council approval.

Have you been to City Council?

YALONDA HOWZE: Me personally been to City Council? No.

EXECUTIVE DIRECTOR ELIZABETH LINT: So you would have to also apply to City Council, so you would have to speak to the City Clerk and get on their next agenda. If you want to speak, then you need to be there and sign up, otherwise they'll just act on the application.

YALONDA HOWZE: I did do that application, and then he came out after that to look at the space.

EXECUTIVE DIRECTOR ELIZABETH LINT: We can check on that.

YALONDA HOWZE: And then we went in to fill out the amendment for this.

EXECUTIVE DIRECTOR ELIZABETH LINT: I'll check on that.

CHAIR ANDREA JACKSON: We can check and

get back to you on it.

FIRE CHIEF GERALD REARDON: Do you know if he was talking ten seats, if that's the right number?

YALONDA HOWZE: He was deciding between eight and ten and he came out to measure.

FIRE CHIEF GERALD REARDON: You don't know if he found out what the answer is.

YALONDA HOWZE: He said one or the other would be approved. And he called and said it was fine, but I don't know exactly what the license is for.

EXECUTIVE DIRECTOR ELIZABETH LINT: I will speak to him tomorrow.

CHAIR ANDREA JACKSON: So we can either act on the matter this evening and make it contingent on approval from Public Works or we can put it over to our Decision hearing.

FIRE CHIEF GERALD REARDON: We can act on it, and the only question would be either approve eight or ten, whatever they determine is the right number for the square footage.

CHAIR ANDREA JACKSON: Can you put that in the form of the a motion if you are so inclined.

FIRE CHIEF GERALD REARDON: I'm so inclined.

So I make a motion to approve the addition of outdoor seating, eight or ten, seasonal patio on City sidewalk pending the proper paperwork from Public Works and City Council.

And this will be contingent on the number of seats, eight or ten, not to exceed ten, predicated on Public Works' measurements.

CHAIR ANDREA JACKSON: Is there a second?

POLICE COMMISSIONER ROBERT HAAS: Second.

CHAIR ANDREA JACKSON: Before I call the vote, are there any members the public that would like to be heard on this matter?

Seen none, all in favor signify by saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: You are all set.
Thank you.

YALONDA HOWZE: Thank you.

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REVOCATION: CAMPUS/MANRAY

EXECUTIVE DIRECTOR ELIZABETH LINT:

Revocation: F&D Restaurant Corp., d/b/a

Campus/Manray, Donald Holland, Manager holder of
an all alcoholic beverages restaurant license at

21 Brookline Street and pending a change of location address, 54·1-565 Massachusetts Avenue, pursuant to M.G.L. c. 138 §77.

The licensing authorities may, after hearing or reasonable opportunity therefore, cancel any license issued under this chapter if the licensee ceases to conduct the licensed business.

CHAIR ANDREA JACKSON: Good evening.

ATTY. JAMES RAFFERTY: Good evening, Madam Chair and Members the Commission.

James Rafferty. I'm an attorney with law office at 675 Mass Avenue in Cambridge. I'm appearing in evening on behalf the licensee.

Seated to my right is Donald Holland, H-O-L-L-A-N-D. He was the principal of F&D Restaurant Corporation and he's also the manager of record of Campus/Manray.

CHAIR ANDREA JACKSON: So, as you know, I counsel, we have this matter on our agenda this evening, looking at a revocation.

Do you have anything you would like us to know?

ATTY. JAMES RAFFERTY: Well, sure.

To begin with, I'm not certain at the moment what the status of the license is. I know I had a conversation with Ms. Lint but the Commission members might recall a couple months ago the Commission approved a transfer of this license to a location, the former Block Buster retail location, on Mass. Ave, and that application has been pending at the ABCC for some time.

When I checked on it last week, it still had not been acted upon to the best of my understanding.

That has led somewhat to a complication, but it is true that the license has been inactive status for a considerable period of time.

When we were last before the Commission, I recounted for the Commission all of the efforts that Mr. Holland had undertaken over the years to try to find a location.

It has been challenging. He has looked at a number of locations. That time was identified for the Commission on the locations he came close on, including the space controlled by MIT, that is now licensed by Moxa. Another place over near the former police station on Western Ave, he came very close. Spent a fair bit of time a year or two ago looking at trying to convert a portion of the Greek political club on Green Street to license the premise. There were access issues there.

Mr. Holland throughout all of this has been of the firm belief he would like to see his business operate in Central Square. He feels firmly what he provided in Central Square was a unique opportunity and he has been encouraged over the years by others to reopen the business and try to find the location.

I have suggested to him that given the shrinking universe of opportunities he may wish to expand his search, but Mr. Holland has been exceptionally committed to Central Square and the belief what he provided was unique and that he wanted to find a location in Central Square that would work.

We thought we achieved that, frankly, when the Block Buster space became available.

We came here in good faith with a letter of intent from the landlord. The expectation,

Mr. Holland retained an architect, began doing design work for the space.

There was one stumbling block that Mr. Holland discovered in that negotiation with the landlord. That had to do with the demolition clause. He has separate counsel that handles leasing matters for him.

But the owner of the building made it clear that he has future plans for the building. He's uncertain what they were. So he was requiring Mr. Holland to except a one-year demolition clause in his lease which meant all of the improvements Mr. Holland would have put in the space, the hundreds of thousands of dollars, he might have to walk away from within a year. And that bogged down the negotiations for many months. That space is still vacant, as I understand it.

I did speak to the landlord as recently as this morning to see whether that opportunity still remains.

I think it is fair to say in the eyes of the landlord it does not. He has made other arrangements.

We discussed the demolition aspect of it, and he said that the tenant he's negotiating with now understands that.

I explained to him that the type of infrastructure and work that Mr. Holland would have to put in or any restaurateur would put in would far exceed what a typical retail operation would be. And it wasn't financially sound for him to be able to -- for him to extend the type of resources it would take to build out this place.

Now I suspect if I'm sitting where the

Commission members are tonight who may think, well, we have heard this story before and it has been a long time, and admittedly, it has been a long time. But I want --

CHAIR ANDREA JACKSON: On that point, if I may interrupt, let me recap how long of a time.

Campus/Manray closed in 2005.

September of 2005 the Board voted for an inactive all alcohol license until March 2006.

January 7 the Board voted for an extension for six months.

July 2007 the Board voted for a six-month extension.

July 2008 the Board voted for a six-month extension.

May 2009 the Board for a six-month extension.

March 2012 continued inactive status

looking for a new location.

January 2013 a three-month inactive status.

And February of 2013 approved to transfer license to 541 to 565 Mass Avenue.

So here we are in March of 2014 and I see no difference where we were before.

ATTY. JAMES RAFFERTY: Well, there's a difference, with all due respect. There's a change of circumstances.

We filed the transfer.

The transfer was approved. And there was an effort made to go into that location.

It is an important history, but I would suggest, Madam Chair, there's a much lengthier history. There's a history that starts in 1963 when this man began a business in Central Square and opened the High Five Pizza.

He spent his life career serving the Central Square community. In 1978 he bought the building known -- the restaurant known as Simonie's (phonetic) at 21 Brookline Street. He operated for two years and then he transformed that into Campus/Manray in the early 1980s.

This was at a time when a there was hostility towards certain elements in our community, and he took on hosting Thursday nights for -- he had one the mostly successful and well regarded inclusive operations on Thursday nights. He had a particular emphasis and served the gay community. He received all types of awards over the years. It was a welcoming and inclusive place. He lost his lease from no fault of his own and the Commission has been very understanding of that, but he spent his entire life in that business and in that location and

serving this community.

So the landlord there, frankly, made a decision to build apartments. So he was out. And he has been looking, searching. He's not a corporate operator. There have been corporate entities that have come in. Large changes have come into this city. Mr. Holland desires to operate this business. He has worked hard to do so.

And I think the policy behind the inactive license is a sound one. Licenses should be used because in most cases, and nearly all other jurisdictions, if that license isn't being used, then the public is being deprived of a license because in most municipalities those licenses are based on quota, the number of people that live in the city. In Cambridge we know that is not the case. So it cannot be said in this

case Mr. Holland's retaining of his license as inactive has prevented other licenses from coming into the Central Square area. There have been many successes. He is hoping to join that group. But it is true, he has come as close as he ever came with this location on Mass. Ave.

He spent tens of thousands of dollars in legal and engineering and architectural fees trying to make that location work.

And he's here tonight asking for just a little more time.

And it may sound like a broken record, and I know the Chair is new at this but you've accurately recounted there's a long history.

CHAIR ANDREA JACKSON: I may be new at this, sir, but I have been in the neighborhood a long time, so I'm well aware of the history.

ATTY. JAMES RAFFERTY: That's why I'm

saying I know you know the history.

I'm saying that you have accurately recounted this. And you know the story. The other two Commissioners have heard this before.

I want to emphasize, and Mr. Holland can speak to it, I know there's at least one member of the public that wants to speak to it, this has not been the case of a licensee who has simply been indifferent and passive about trying to find a location.

It has been a very demanding marketplace. Central Square is changing, the economics of Central Square, the opportunities for leasing and providing a venue like this are really challenging.

We always knew, and I have been counseling Mr. Holland, there would come a point in time where he needed to be prepared to deal

with this. A revocation at this time, this evening, this week, would mean that a life-time, a life-time business, a license he held since 1978 he would lose it and lose the opportunity to gain any economic return.

So for no other reason I would ask the Commission to consider a final warning based on the economic and financial hardship this licensee would endure if the license were merely revoked.

He has been paying the renewal fee. He spent \$35,000 in renewal fees in the last seven years, a business decision of his own but he timely paid them and kept the license active for that reason. He has an earnest, eager desire to find a location in Central Square.

As recently as this week, he was looking at yet again another location. And I know that this can't go on. He knows this can't go on

forever. He has the license in its current form, I know the first half has been paid through June 30, and I would ask the Commission to give some consideration to allowing a limited window of opportunity for Mr. Holland to make one last effort to try to capture some return on his life-time investment in Central Square with this license.

Do you have anything you want to add?

DONALD HOLLAND: I have been in Cambridge since I was 18 years old, Central Square.

I love Cambridge. I never had any violations. When I had my club, I never had any problems. I ran a good tight ship. You know, never had to have the police details because I never had any problems.

I have been ringing doorbells and knocking on -- I was dealing with a broker two

days ago with MIT, the metropolitan storage warehouse building at Mass and Vassar that's being available now for 12,000 square feet. I have been negotiating with the gentleman that owns it and does big restaurants in Boston.

All this new stuff with the technology with the -- reading in the papers about in Boston about the extending the night life, and I remember years ago they had a place in Boston on Brookline Avenue called The Empire. And that was a place everybody used to go when the bars closed and they had a big breakfast place. It was open to 6:00 in the morning. And I remember 1200 Beacon Street, the Holiday Inn in Brookline, everybody used to go there when the clubs closed, and the deli there in -- Ken's Deli in Kenmore Square. There's not a lot of any nightlife out there.

And I used to get a real late-night crowd. Nobody came in my place until 10:00 at night because of the clientele that I get. Mostly people that were in the biz. Bartenders, waitresses, waiters. People that worked at night, they get out of work and had someplace to go.

ATTY. JAMES RAFFERTY: Okay.

CHAIR ANDREA JACKSON: Questions?

POLICE COMMISSIONER ROBERT HAAS: So my concern is that if we were inclined to grant an extension that you'd be coming back here and say, We have a deal in process and the we find ourselves in same situation with the Block Buster because that has been going on for a year now. I'm confused. When you said it is before the ABCC, what is before the ABCC?

ATTY. JAMES RAFFERTY: The transfer

application.

POLICE COMMISSIONER ROBERT HAAS: There's no longer a viable site for that, right?

ATTY. JAMES RAFFERTY: Well, I think it is unlikely, but the status of the license at the moment --

FIRE CHIEF GERALD REARDON: I think you can be a little more definitive that it's unlikely if you have no place to transfer.

ATTY. JAMES RAFFERTY: The location identified in the transfer application, I asked the landlord point blank today, Is there an opportunity to return there?

And he said that he didn't think so.

POLICE COMMISSIONER ROBERT HAAS: It is not likely?

ATTY. JAMES RAFFERTY: It is not likely. Entirely unlikely it's going to happen.

FIRE CHIEF GERALD REARDON: Do you have a signed negotiated lease?

ATTY. JAMES RAFFERTY: Chief, you took the words out of my mouth.

FIRE CHIEF GERALD REARDON: I'm trying to help you out, counsel.

ATTY. JAMES RAFFERTY: I'll take any help I can. I have my co-counsel here; Mr. Valentine. He has visual aids. I took the liberty of speaking first. He asked to speak first. I apologize.

But I could see a narrow window where he would have to produce a lease. Last time we proceeded on a letter of intent, which is customary because it takes time to get the details of the lease. It seemed to be a reasonable condition if he got a few more months he would have to produce a lease and there would

be no uncertainties about the location given the history, and length of this, but I would see that as a way to -- to the Chair's point, What is different now? Well, if there's a chance. Or maybe he has -- what never happened here he never offered the license for sale because that's never been his interest.

As this has gone on, I counseled him, maybe you should just sell the license because, after all, if you can't find a location and the rents have gone crazy and Central Square has changed and he didn't want to go to Harvard Square and he doesn't think it is right for Kendall Square, I said, you may want to consider selling the license.

He has steadfastly refused that. Not because he's stubborn. Although he might be a little of that. What he is, he's determined and

he loves this business. This was his life. I said to him the other day, I said, Don, are you chasing a dream here? Is this realistic? Can you find a location and make this happen because we can't come here tonight and suggest that the Commission has been anything but tolerant and accommodating, because it has.

And one couldn't argue this is too quick lowering the guillotine on him. But as he's about to put his neck on the block here, I'm asking a few months be given to see if he can somehow recover anything either by way of a sale or a transfer and he would know leaving here tonight he had a very finite period of time.

The hearing wouldn't have to be noticed again. One could make -- I would suggest one could make a finding as of a certain date, and if nothing materialized, then the finding would take

hold.

But I think there's a lot of ways to limit significantly the options going toward.

I don't think he needs motivation. I really don't. I think it would at least allow him to make some decisions about trying to recover some economic value because he may be close to the point where he has to make that choice. If he loses the license tonight, he walks away with nothing.

POLICE COMMISSIONER ROBERT HAAS: My dilemma, quiet honestly, is similar representations have been made to us in the past, over the last seven years, for example, we are asking for one more chance.

And each time, I think, the Commission has, in the interest of trying to support Mr. Holland, has given that one more chance. Now we

are presented with the same, I guess the same proposal, give us one more chance.

ATTY. JAMES RAFFERTY: With all due respect, not quite the same. I mean recognizing he was never told there's a date certain, produce a lease or --

FIRE CHIEF GERALD REARDON: With all due respect, counsel has probably advised him what the actions are here. We can't keep going, in fairness, doing six months and six months. It is coming up -- he's pushing eight years.

I think you have been here enough that you have coached him that this can't go on indefinitely.

And this is not anything to do with the establishment he ran or whether he's a dedicated individual. That's not the issue.

The issue is at some point it is over.

So the question is, we have heard this time and time again. In the fairness on our end, in fairness to everybody, when do we pull the trigger.

ATTY. JAMES RAFFERTY: December 31st this year. Was that a rhetorical question? Or are you looking for a suggestion? But I suspect that's being pushy but I get paid to be a little pushy.

I would say the fiscal year is July 1. The license renewal period is through June 30.

He's never had that -- I mean there's never been a vote to -- I hesitate to offer this suggestion at my client's peril -- about to revoke on a date certain. It would change the posture of the license. It would not make it the same.

FIRE CHIEF GERALD REARDON: Generally

what we have done in the past, we simply wouldn't renew it and that's it.

But we don't have to give you a date.

You know what the six-month date was, you are back here, you know at that meeting it is either -- like if we don't renew it, it is all over.

ATTY. JAMES RAFFERTY: And like I said, I understand the policy.

I will say, though, that in this case, I don't know how to be able to impress upon the Commission, there has been a very concerted effort on Mr. Holland's part to find a location. He's not been asleep at the switch on this.

And I can tell you, we had high hopes for the Block Buster location, and we knew we had that issue, and frankly, we just weren't able to get over that issue.

So I have taken enough time. You know the story.

We would ask for some opportunity to recover something of value from this license after a career that began as a licensee in 1963.

Probably unrelated, but this would be a double hit for this family if you follow the news because his brother succeeded him at the High Five Pizza location and lost his lease this month as well and had to turn in the license.

FIRE CHIEF GERALD REARDON: And also the other focus was that it wasn't regarding the Fire Department.

ATTY. JAMES RAFFERTY: I was pleased to see that. I didn't understand that at all either. I think that statement was attributed to the landlord.

Perhaps not relevant. But when one is in

the position we find ourselves, you must reach for every opportunity to drive home the point that this is a family and a man that has really tried to make a difference in this city and to serve the public.

These licenses are all about public need and serving the public. He had a clientele he served.

You know, the levels of tolerance and acceptance that exists today in the entertainment world didn't exist in 1980s when he had Campus/Manray and he had a night on Thursday nights with people that would come and not feel threatened and to be able to enjoy a night. And that was groundbreaking. He had supporters from all over Greater Boston because what he achieved on those nights.

He would like an opportunity to, one last

chance, to see if he can make that happen again.

CHAIR ANDREA JACKSON: I can only speak for myself.

I'm a longtime Cambridge resident. I remember Campus/Manray. I would suggest to you, counsel, I read through each and every minute from every year, and it is the same argument.

So I don't feel like this time is any different from any other. And I understand he put his blood, sweat and tears into this. I understand that. But I honestly don't see what makes this any different than any other times he has been before the Board. I just don't.

Do you have anything else you want to add?

FIRE CHIEF GERALD REARDON: I kind've feel the same way. At the same time, though, knowing his history and so forth, I don't want --

I guess I don't want to see him take a financial loss that would come with a for value license to lose it in this particular respect.

So I guess I would be willing to do something so they don't actually lose the value of the license or the opportunity to turn around and suffer that lose, I don't believe that's the intent, for myself anyway.

CHAIR ANDREA JACKSON: If given -- if the, the big if, real big if, if given the opportunity, is Mr. Holland interested in selling the license then?

ATTY. JAMES RAFFERTY: If there's a willingness to allow you to make some economic recovery?

DONALD HOLLAND: Yes.

CHAIR ANDREA JACKSON: Are there any members of the public that wish to be heard on

this matter?

Please come forward.

PETER VALENTINE: Thank you. My name is Peter Valentine. And I live --

CHAIR ANDREA JACKSON: Please speak up.

PETER VALENTINE: My name is Peter Valentine. I live 37 Brookline Street in Cambridge. I have been there 40 years.

If you could look at the first three pages briefly, that would be good. Everything I'm going to say will lead precisely to the complete and true nature of the Manray situation. Five pages, four-and-a-half minutes.

I believe there's much more to this matter than anyone realizes. Just to assure you that I'm not a mental case and I'm in touch with life's vital, normal issues, I will quickly state actions I'm engaged in to sustain our City's

quality of life.

I was the only person for a period of four years to stand up to the police and The Council and The Chronicle for the fair pay and other concerns of theirs. I contributed valuable design concepts in Central Square and the Council thanked me with a metal plate of appreciation in the center of Central Square. I conceived a City-wide yardsale, organized it and held it centered in Central Square by myself.

It was a success.

Finally, I created a Council order to prevent pedestrians from being killed or seriously injured by tenants fidgeting with their air conditioner causing them to come smashing down.

These are normal matters. But the highly unusual, serious matter I focus on, is as

follows, and it is backed up my 40 years of developing an ultimate total system of security. And by the way, I'm a genius, so just be a little patient.

CHAIR ANDREA JACKSON: Okay, I'm going to need you to move a just little faster.

PETER VALENTINE: It is four-and-a-half-minutes. What can I say?

Every civilization faces a destiny it cannot avoid. It's the evolution into the cosmos with billions of other civilizations, many completely different in appearance, as you can see on the page there, and you can see, and many from -- with actual encounters. These are drawings. Many possessing devastating technologies and others extremely hostile to humanity.

My point, if we have no experience in

interacting with the unusual, we are finished.

If all we do is surround ourselves with normality, we will fall asleep in a delusional reality and will be incapable of dealing with the highly unusual.

If anyone disagrees, please come forward.

That's why I say Manray is a sacred institution. It keeps us awake to the unusual. Just like this city is sacred because it gave birth to the security forces that are capable of defending the complexities of freedom.

Manray is not normal. It is an unusual institution attracting all different kinds of lifestyles, appearances, and forms of original expression.

Last page.

Being in such an environment strengthens one's ability to face the unusual and unknown.

Therefore, I say, do not do anything to derail or weaken Manray, a nightclub with a 20-year success.

Manray will find its special location in other genius city where it belongs. And Cambridge from it will increase its invincible abilities.

Thank you very much.

CHAIR ANDREA JACKSON: Thank you.

Anyone else here from the public that would like to be heard on this matter?

Please come forward.

MARK LEVY: My name is Mark Levy,
L-E-V-Y.

I think Manray has been an important part of Cambridge's history. And I think it would be -- I would like to see it returned.

If the loss of a license -- if keeping

the license out of circulation is not hurting city, and I don't think anyone could argue it is, I personally prefer to see it extended again and give Mr. Holland another chance to open.

CHAIR ANDREA JACKSON: Thank you.

Counsel, do you have anything you would like to add?

ATTY. JAMES RAFFERTY: No.

Other than to just state for the record the licensee is committed to finding a location. And I do think when balancing the equities here, I recognize there's an administrative period associated with the repeated request, but as noted by Mr. Levy, I think the licensing environment in Central Square has not been harmed by the unusual length of this inactive license, and I would request that the Commission permit Mr. Holland one final opportunity to find a

location.

FIRE CHIEF GERALD REARDON: Let me ask a hypothetical question, counsel.

So you are asking for a certain date. And that date would be either that Mr. Holland finds a suitable location prior to that date or he finds a suitable seller prior to that date?

ATTY. JAMES RAFFERTY: Yes.

FIRE CHIEF GERALD REARDON: So either way we have a drop dead date.

ATTY. JAMES RAFFERTY: This license would not extend beyond this calendar year.

The renewal affidavits have to be signed in November, one might suggest November 1 as a date.

If the renewal affidavit is not accepted, or if a vote of a date certain was made and he was notified, it would give him an opportunity to

develop an exit strategy.

He earnestly believed that the opportunity existed and put a lot of effort into the location.

So I know it is -- it has been said this is more of the same, but in all of the years of the inactive license, we have never succeeded in filing a transfer application, identifying a location, and coming up with a willing landlord with a letter of intent.

That only happened within the past six months and I would say that that might distinguish this somewhat from the prior years where there were merely representations, but yet, no applications had been filed.

The record on that transfer application will show that we developed a full floor plan, architectural drawings, kitchen, exhaust systems,

and he went down the road to try to make that location work. He hadn't done that prior to that application.

CHAIR ANDREA JACKSON: Ms. Lint, if the, big if, because I'm on the fence, if we were to continue this for six more months again and we didn't have a lease agreement, or the license is not sold, do we need to have yet another hearing?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes, we do.

ATTY. RAFFERTY: We could waive that.

EXECUTIVE DIRECTOR ELIZABETH LINT: You could certainly waive it.

ATTY. RAFFERTY: Couldn't this hearing simply be continued? Why would we have to notice?

EXECUTIVE DIRECTOR ELIZABETH LINT: I

don't think that was the question.

CHAIR ANDREA JACKSON: The question was whether or not if we were to grant another six-month extension, and at the time, at the end the six-month period, if the license was not sold, or we did not have a lease agreement in hand, would we need to have another hearing for a vote? And that was the question.

FIRE CHIEF GERALD REARDON: The answer would be yes, unless you choose to waive. We could waive the right to be heard on it that question in six months.

EXECUTIVE DIRECTOR ELIZABETH LINT: Having recently been through that with another establishment, we would were advised by the ABCC that the best course of action is to have a second revocation hearing.

ATTY. JAMES RAFFERTY: We would waive a

defense, if you will, on the record that we didn't receive notice.

I don't think we would be in a strong position to take exception at the end the six-month period with any action the Commission might take.

POLICE COMMISSIONER ROBERT HAAS: Just listening to my colleagues, I just want to make sure we are not in a situation if this were to go forward, you will come back in six months and say that we are this close to striking a deal.

ATTY. JAMES RAFFERTY: What would lead you to have such a view like that?

CHAIR ANDREA JACKSON: All of this *(indicating)*.

ATTY. JAMES RAFFERTY: Because every once in awhile, even the most recalcitrant or resistant people, come to understand we've

reached a point. I have anticipated, frankly, this coming for quiet some time.

CHAIR ANDREA JACKSON: You said that several times, too, on the record.

ATTY. JAMES RAFFERTY: At the other hearings?

FIRE CHIEF GERALD REARDON: Yeah. Three years ago, I believe.

ATTY. JAMES RAFFERTY: We never had this problem. There weren't always transcripts.

CHAIR ANDREA JACKSON: She takes great transcripts. We have them all here.

ATTY. JAMES RAFFERTY: I mean he has got to make a move immediately, and as I said, for the first time, he has to consider the sale of the license.

I can be candid and say that has not been an option because he has generally believed he

can find an opportunity. And he's been frustrated and bothered by the fact he seen others arrive in The Square and get locations that he was vying for. He's continued to believe he would find a location.

I shouldn't let the good-natured flavor of the Commission's hearing lead anyone to think this is anything but a huge burden and source of anxiety for Mr. Holland.

He has lived with this. It is the sole source of his professional and, frankly, personal life. He's committed to make this happen, and if the Commission sought giving him that six-month window, he would leave here tonight fully cognizant of the fact that it is a six-month window. I can assure you that.

CHAIR ANDREA JACKSON: Any other questions?

FIRE CHIEF GERALD REARDON: No other questions.

POLICE COMMISSIONER ROBERT HAAS: No questions.

CHAIR ANDREA JACKSON: Take it under advisement?

POLICE COMMISSIONER ROBERT HAAS: I would suggest that the Commission contemplating granting an extension I think you would want the language strict enough so that it is clear what our expectations are and what will happen at the end of that period of time if it hasn't been resolved, whether it is a sale or a transfer.

EXECUTIVE DIRECTOR ELIZABETH LINT: Which is why I'm suggesting taking it under advisement. So if that was your thought process, you could come up with parameters that everybody felt comfortable with.

CHAIR ANDREA JACKSON: I make a motion that we take it under advisement.

FIRE CHIEF GERALD REARDON: Seconded.

CHAIR ANDREA JACKSON: All in favor signify by saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

EXECUTIVE DIRECTOR ELIZABETH LINT: That would be the March 27 Decision hearing.

ATTY. JAMES RAFFERTY: I apologize but I'm not going to be in on March 27.

CHAIR ANDREA JACKSON: We don't need you hear. Does counsel have to be here?

EXECUTIVE DIRECTOR ELIZABETH LINT: No. You could confer prior thereto.

ATTY. JAMES RAFFERTY: You won't expect any further testimony?

CHAIR ANDREA JACKSON: No.

FIRE CHIEF GERALD REARDON: The Commission wants to make sure the language is clear to everybody, the expectations, and the deadline and repercussions.

ATTY. JAMES RAFFERTY: Might we get an opportunity to review and suggest some of the language? My sense is to have something very precise.

FIRE CHIEF GERALD REARDON: Uh-huh.

EXECUTIVE DIRECTOR ELIZABETH LINT: Anything you care to submit, I would be happy to share with the Commissioners.

ATTY. JAMES RAFFERTY: Thank you. I appreciate that. Thank you for your time on this.

CHAIR ANDREA JACKSON: Thank you.

DONALD HOLLAND: Thank you, folks.

FIRE CHIEF GERALD REARDON: Good night.

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APPLICATION: THE ABBEY

EXECUTIVE DIRECTOR ELIZABETH LINT:

CHAIR ANDREA JACKSON: Good e

Application Abbey Cambridge, LLC, d/b/a The Abbey, Jean-Claude Barrault, Manager, has applied to transfer the all alcoholic beverages as a restaurant license held by Queen of Sheeba, Inc., d/b/a Addis Hed Sea at 1755 Massachusetts Avenue. Said license, if transferred, has 68 seats inside and operating hours from 11:00 am to 1:00 am seven days per week.

JEAN-CLAUDE BARRAULT: I'm John Claude Barrault, B-A-R-R-A-U-L-T.

DAMIAN DOWLANG: I'm Damian Dowlang, D-O-W-L-A-N-G.

CHAIR ANDREA JACKSON: Good evening.

DAMIAN DOWLANG: Good evening.

CHAIR ANDREA JACKSON: So you are looking for a transfer of an all alcoholic beverages license at 1755 Mass Avenue?

DAMIAN DOWLANG: That's correct.

CHAIR ANDREA JACKSON: Can you tell me what your plan is?

DAMIAN DOWLANG: We are going to open a restaurant in the existing space.

CHAIR ANDREA JACKSON: I got that much. Can you give a little more. What type of restaurant?

DAMIAN DOWLANG: I suppose an American bistro. I suppose. We have a restaurant in Brookline called The Abbey, which is very much a neighborhood restaurant. It is in the Washington Square neighborhood. And we just are hoping to replicate the success of that restaurant in Cambridge. And we're serving food open for lunch

and dinner and serving food late into the evening. We are hoping to keep the kitchen open until 12:30.

CHAIR ANDREA JACKSON: You are looking for hours 11 to 1 seven days a week?

DAMIAN DOWLANG: Yes.

CHAIR ANDREA JACKSON: Will you be doing any modifications to the space.

DAMIAN DOWLANG: We are currently doing a lot of just, I suppose, cosmetic renovations. New equipment, new hardwood floors. It was a run-down space. New lights, new plumbing, new electricity, new fire alarm system.

FIRE CHIEF GERALD REARDON: You have gone way past cosmetic.

DAMIAN DOWLANG: Yeah, you should see my bank balance.

POLICE COMMISSIONER ROBERT HAAS: Is the

Queen of Sheeba there in that location?

DAMIAN DOWLANG: Her lease -- she ran in and sold the business to us. November 1. We have been in there since November 1. It took me quite awhile to assemble all the documents for the transfers because she had not paid her Meals Tax.

So, finally, I was able to contact Department of Revenue directly and get an affidavit from her and get power of attorney and I was able to pay her back taxes, which was \$9,000.

That was just done a few weeks ago.

And then the day that was paid, I went to see Chris O'Neil with it. I had everything ready, the paperwork ready.

FIRE CHIEF GERALD REARDON: You are pretty far down the road here.

DAMIAN DOWLANG: Yeah, we are, yeah.

Yeah. Yeah.

FIRE CHIEF GERALD REARDON: I guess you are really banking on this?

DAMIAN DOWLANG: We are hoping. We really are. We got a lot of staff lined up already. We put a lot of money in and got great support from the landlord, and the neighborhood seems to -- people keep knocking on the door asking us When you are opening? So there seems to be a lot of desire for us to open.

FIRE CHIEF GERALD REARDON: So if it's that block, it is the one on the end?

DAMIAN DOWLANG: Like two doors down from the Judy Jetson hair salon. The one next to the dentist's office.

CHAIR ANDREA JACKSON: Do we have cards, green cards?

EXECUTIVE DIRECTOR ELIZABETH LINT:

Uh-huh. And background is fine.

CHAIR ANDREA JACKSON: You said you operate a similar restaurant in Brookline?

DAMIAN DOWLANG: Yes.

CHAIR ANDREA JACKSON: Tell me about the operation of that restaurant.

DAMIAN DOWLANG: Yes. Of course. It is called The Abbey. It has been opened since September of 2010.

It employs about 20 full-time staff, four part-time staff.

We serve full menu all day from 11 a.m. to 1:30 a.m., so we get a nice late night crowd. A lot of doctors, students, other restaurant workers and stuff like that. And it's been voted Best Neighborhood Restaurant in Brookline 2012, I think. 2011 it was Best Neighborhood Eats in

Brookline. And it's a well-run neighborhood restaurant.

CHAIR ANDREA JACKSON: Is that also all alcohol?

DAMIAN DOWLANG: Yes, it is.

FIRE CHIEF GERALD REARDON: Is that license in your name over there?

DAMIAN DOWLANG: It is not, no.

FIRE CHIEF GERALD REARDON: Have you ever held a license?

DAMIAN DOWLANG: No, I have not. John-Claude is the one that has the license.

CHAIR ANDREA JACKSON: So the license would be in whose name?

JEAN-CLAUDE BARRAULT: Mine.

FIRE CHIEF GERALD REARDON: Have you ever held a license before?

JEAN-CLAUDE BARRAULT: My first time.

FIRE CHIEF GERALD REARDON: Give us your experience with alcohol and so forth.

JEAN-CLAUDE BARRAULT: So, yeah, yeah, so I basically worked in a restaurant as a kid. My dad was a chef. I lived in Portland, Maine for last almost ten years before I moved here where I ran some of the bigger, more successful restaurants there. And then, basically, I moved here four years ago now. And I met Damian a year after that. I have been with him almost three years now total working full-time, and I guess I have just been around it.

I'm certified in all TIPS courses and liquor training courses around. And I take it seriously. It is a great spot. We do a good job. We run a tight ship.

It is based on food and people enjoying themselves. It is not like a rowdy environment

kind've thing. It is great. It is a great place.

POLICE COMMISSIONER ROBERT HAAS: So you are working in the Brookline location now?

JEAN-CLAUDE BARRAULT: Yes, I will be going over to the Cambridge one.

CHAIR ANDREA JACKSON: What is your plan in terms of deliveries and trash?

DAMIAN DOWLANG: We have the trash already set up. Actually, with A-1 Waste, I believe. We are negotiating with them because they are a little expensive. But there's the back door. There's a back common passage door for the four retail units that share a common alleyway where you can get deliveries.

CHAIR ANDREA JACKSON: And where is that?

DAMIAN DOWLANG: On Forest Street. Is it Forest?

CHAIR ANDREA JACKSON: Yes.

DAMIAN DOWLANG: Yes, Forest Street.

CHAIR ANDREA JACKSON: So that little driveway that's right there and you will be using that for deliveries?

DAMIAN DOWLANG: Yes. I believe the landlord has an application in to change -- to move the bus stop and have one of the parking spaces as a loading zone.

I believe so because I saw there was markings on the street from Public Works, but I'm not sure when that will happen. I know the landlord owns the laundromat and he wants it for drop offs and pick ups for his business.

CHAIR ANDREA JACKSON: You know in Cambridge, if this is approved, you have to be 21 Proof certified. It is not just TIPS certified. You have to go to 21 Proof as well.

DAMIAN DOWLANG: Sure.

FIRE CHIEF GERALD REARDON: Are these hours the same as the previous?

DAMIAN DOWLANG: Yes.

FIRE CHIEF GERALD REARDON: Seating capacity and hours?

DAMIAN DOWLANG: Exactly the same.

FIRE CHIEF GERALD REARDON: Did you say that you have a new hood and all?

DAMIAN DOWLANG: The hood system was the only thing that was okay. We have to change the ansul, but the hood and exhaust system works but the ansul we have to change and put in a carbon monoxide detector, hard wired carbon monoxide detector. We have Davco. I believe they do work for the City of Cambridge. I believe they do. Davco I believe they are called. They have already hard wired everything.

CHAIR ANDREA JACKSON: Any questions?

POLICE COMMISSIONER ROBERT HAAS: What is behind that property?

DAMIAN DOWLANG: There's a parking lot. There's a garage.

POLICE COMMISSIONER ROBERT HAAS: No residences?

DAMIAN DOWLANG: No. Right across that there's condos but there's nothing touching the building.

POLICE COMMISSIONER ROBERT HAAS: There wouldn't be any concern of surrounding residences relative to noise or operational noise?

DAMIAN DOWLANG: I don't think so. The front door of our business would be going out to Mass Avenue.

POLICE COMMISSIONER ROBERT HAAS: I'm more concerned about the back of the business.

DAMIAN DOWLANG: There's an eight car parking lot.

POLICE COMMISSIONER ROBERT HAAS: Would that be parking lot for your restaurant?

DAMIAN DOWLANG: No. I think it is owned by the condo building.

CHAIR ANDREA JACKSON: As I was going to say, the driveway that you were referencing in terms of deliveries, is that owned by the condo association or -- because it seems like it is right behind.

DAMIAN DOWLANG: It is a loading zone right behind Judy Jetson. On that street the first three spots are the loading zone.

CHAIR ANDREA JACKSON: But the driveway doesn't belong to the restaurant?

DAMIAN DOWLANG: No.

CHAIR ANDREA JACKSON: Because the condos

are right to the -- on the other side of the driveway?

DAMIAN DOWLANG: Yep. Exactly.

CHAIR ANDREA JACKSON: Have you done any type of neighborhood outreach?

DAMIAN DOWLANG: Not really. I mean, to be honest, we have both of us, I have been doing a lot of the construction myself. And I mean over in Brookline we do an awful a lot of volunteer work and an awful a lot of neighborhood stuff. Like we are hosting a party on The Marathon, you know, for mental health, but that's something that I haven't really got involved with yet, but we hope to be involved in.

POLICE COMMISSIONER ROBERT HAAS: I think we're asking more in the sense of just preparing your neighborhood for you coming in.

DAMIAN DOWLANG: Oh, right. I'm sorry.

I mean, we have gone around to most of the businesses around us and told them and a lot of the neighbors have stopped in, as I said. We have the paper on the windows, but a lot of people were knocking on the windows, you know, the neighbors and stuff like that. But, I mean, I haven't gone to any neighborhood associations or anything like that. But I would be glad talk to any of them and allay their fears. In three and a half years in Brookline, I mean 80 percent of our customers walk there. I would say 80 percent, and it is really a neighborhood -- the Boston Globe called it a neighborhood sanctuary, and we hope to somewhat model it on the Brookline location.

CHAIR ANDREA JACKSON: Any questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

FIRE CHIEF GERALD REARDON: No questions.

CHAIR ANDREA JACKSON: Are there any members the public that wish to be heard on this matter?

Come forward, please.

DENISE JILLSON: Lending neighborhood support. Denise Jillson. And I know about you guys and very fond of The Abbey in Brookline. They will be a wonderful addition. I have poked my head in a couple times as I walk by almost twice a day. Looking forward to have another place to eat. I usually go to Frank's but I could go up the avenue a little bit the other way. I think they are great. And nice addition to Porter Square.

Is there anyone else that wishes to be heard?

CHAIR ANDREA JACKSON: Seeing none, I

make a motion to approve the transfer for the all alcoholic beverage as a restaurant license held by Queen of Sheeba to The Abbey Cambridge operating with 68 seats inside and hours as stated, 11 to 1 days a week.

Is there a second?

FIRE CHIEF GERALD REARDON: And 21 Proof training.

CHAIR ANDREA JACKSON: 21 Proof training. Thank you.

All in favor signify by saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: All set, thank you.

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APPLICATION: MIKE'S PASTRY

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application Mike's Pastry, Inc., d/b/a Mike's Pastry, Joseph Papa, Manager, has applied for a new common victualler license to be exercised at 11 Dunster Street. Said license if granted would allow food and non-alcoholic beverages to be sold, served, and consumed on said premises with a seating capacity of 6.

The proposed hours of operation are 8:00 am to 10:30 pm Sunday through Thursday and 8:00am to 11:30 pm Friday and Saturday.

CHAIR ANDREA JACKSON: Good evening.

Please state your name for the record spelling your last name, please, and if you can, please speak up.

ROBERT MCGOVERN: My name is Robert

McGovern M-C-G-O-V-E-R-N, representing the licensee. I'm here with Joseph Papa, P-A-P-A. And he is the proposed manager of record of the new location.

CHAIR ANDREA JACKSON: Can you tell us what your plan is for the location?

ROBERT MCGOVERN: We are seeking a common victualer license for new Mike's Pastry. It would be located at 11 Dunster Street in Harvard Square. Mike's Pastry is a long-established family-run Italian bakery currently operating in the North End. That's their only location. They are looking to expand to a second location in the Harvard Square area.

The hours of operations will be Sunday through Thursday 8 a.m. to 10:30 p.m. and Friday and Saturday 8 a.m. to 11:30 p.m.

There will be no on site baking. All the

on site baking will be occurring at the North End location.

They will be doing deliveries in the morning prior to opening, earlier in the morning, trying to avoid traffic. And they have a contract with a waste management company, which currently does their trash over at the North End location to pick up every single day. They will gauge how that goes forward.

Their plan is store trash inside on side overnight. They will be picking it up in the morning.

There will be approximately five employees there at any given time. These are seasoned employees that have worked at the North End location. There will be approximately six seats that overlook onto Dunster Street and there will be no outdoor seating.

We have done community outreach and met with the Harvard Square Advisory Committee, and we've notified abutters and neighbors and everybody supports the location.

CHAIR ANDREA JACKSON: This previous space, if I'm correct, was a jewelry store before?

ROBERT MCGOVERN: Topaz, that's correct.

CHAIR ANDREA JACKSON: I'm assuming lots of build-out?

ROBERT MCGOVERN: There will be some build-out. Because they won't be doing on site baking it wouldn't be extensive as it necessarily would be. They are in the final phases of selecting a contractor and doing construction.

CHAIR ANDREA JACKSON: You have a seating capacity of six?

ROBERT MCGOVERN: That's correct. I can

submit to the Board, I have a few packets, I have proposed renderings.

CHAIR ANDREA JACKSON: No samples?

ROBERT MCGOVERN: Unfortunately, not. We wouldn't want to bribe the Commission.

JOSEPH PAPA: I'm not above bribery.

CHAIR ANDREA JACKSON: Was this next to where First Printer was?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

ROBERT MCGOVERN: Correct.

I submitted a lease.

POLICE COMMISSIONER ROBERT HAAS: Where are you going to put all these long lines of people waiting to get into your shop?

ROBERT MCGOVERN: They have extensive experience with that in the North End location. If a line does come out, they can corral them along the side. I believe, you said, First

Printer is off to the other side, and there's some area to the right side that a line can form at that area.

POLICE COMMISSIONER ROBERT HAAS: It won't interfere with any of the businesses.

ROBERT MCGOVERN: It won't interfere with any of the businesses. They have experience in making sure to keep them out of the sidewalk areas so pedestrians can get through and they are attentive to that.

CHAIR ANDREA JACKSON: What about motor vehicle traffic, the occasional person who will double park and run in?

ROBERT MCGOVERN: I think as it is now, double parking wouldn't be able to fit.

POLICE COMMISSIONER ROBERT HAAS: So this rendition, that's the way the front of the business looks like now? Or are you changing it?

ROBERT MCGOVERN: If you are looking at the one with Mike's Pastry decals on there, that will be -- it doesn't look like that yet.

The initial pictures on the third page is what it currently looks like.

CHAIR ANDREA JACKSON: Okay, that's what it currently looks like?

ROBERT MCGOVERN: Yes. First Printer is to the left of it.

CHAIR ANDREA JACKSON: Right there
(*indicating*).

This is what you are proposing?

ROBERT MCGOVERN: Yes.

CHAIR ANDREA JACKSON: Any questions?

FIRE CHIEF GERALD REARDON: All set.

CHAIR ANDREA JACKSON: Any further
questions?

POLICE COMMISSIONER ROBERT HAAS: All

set.

CHAIR ANDREA JACKSON: Anyone from the public that wishes to be heard in that matter?

Why am I not surprised.

DENISE JILLSON: Denise Jillson from the Harvard Square Business Association. I'm delighted to report that Mike's Pastry has become a member. And, in fact, we allow ourselves to be bribed. They sent 150 mini cannolis to our 104th annual meeting.

And they were quiet delicious, and people were excited to have them come. And I think if we might have a problem corralling them but we could coral people in the pit. I think that would be a suitable location people while they are waiting to get cannolis. Anyway, we lend our overwhelming support for this application and thank you for your consideration.

CHAIR ANDREA JACKSON: Thank you.

FIRE CHIEF GERALD REARDON: I make a motion to approve Mike's Pastry d/b/a Joseph Papa, manager, at 11 Dunster Street at the hours as stated in the agenda.

CHAIR ANDREA JACKSON: Seconded.

All in favor signify by saying aye.

FIRE CHIEF GERALD REARDON: Aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHAIR ANDREA JACKSON: You are all set.

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APPLICATION: EUREST DINING SERVICES

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Compass Group, Inc., d/b/a Eurest Dining Services, Kevin Dagesse, Manager, has applied for a common victualer license to be exercised at 610 Main Street. Said license if

granted would allow food and non-alcoholic beverages to be sold, served, and consumed on said premises with a seating capacity of 210.

The proposed hours of operation are 7:30 am to 2:00 pm Monday through Friday.

CHAIR ANDREA JACKSON: Good evening.

JERRY NEVERMAN: Jerry Neverman.

THE REPORTER: State your full name, sir and spell it please.

JERRY NEVERMAN: Jerry, J-E-R-R-Y N-E-V-E-R-M-A-N. District manager with the Compass Group.

KEVIN DAGESSE: Kevin Dagesse, D-A-G-E-S-S-E. Chef, manager of the Compass Group.

JERRY NEVERMAN: We're here, 610 Main building put up by Pfizer and MIT (mumbling - inaudible).

CHAIR ANDREA JACKSON: If you could speak up. It is hard to hear.

JERRY NEVERMAN: We are looking to open up a corporate dining facility for the new building on 610 Main Street. New build-out, 7-story building. Population about 900. And we have a first-floor cafeteria with the hours stated in -- 7:30 to 2.

We are looking to extend those to 4:00 with coffee service. That's yet to be determined. And we are looking to open up 331 as first day of operation.

We manage all Pfizer's corporate dining business globally. Well, at least in the United States.

And menu is going to be breakfast, lunch. Limited to items that we -- we don't have fryolators. The build-out was limited with some

of the equipment. It has been developed around equipment layout and such.

FIRE CHIEF GERALD REARDON: Do you have other locations for Pfizer in Cambridge already.

JERRY NEVERMAN: We do. We decommissioned building 35 on Cambridge Parkway in August because they are restacking 610. Building 200. Building 620 Memorial Drive and 700 right next door to 610.

CHAIR ANDREA JACKSON: So currently you are in 700 Main Street?

JERRY NEVERMAN: We just decommissioned that January 20.

FIRE CHIEF GERALD REARDON: You are on Cambridge Park Drive as well?

JERRY NEVERMAN: Building 200. We still occupy until the end of May we will be decommissioned. 620, upon our move in, our first

day of operation, 331, half the population from 620 Memorial Drive will be moving into the new building.

And then two weeks after that the rest of the population will be moving over by April 10, and then after that move, 200 will start moving in and restacking the 7-story building.

FIRE CHIEF GERALD REARDON: All right.

POLICE COMMISSIONER ROBERT HAAS: You used the word "stacking," what does that mean?

JERRY NEVERMAN: Backfilling, moving population from the other buildings, the two buildings that are left, into the new building.

KEVIN DAGESSE: Going floor by floor, so they are stacked.

POLICE COMMISSIONER ROBERT HAAS: Okay.

CHAIR ANDREA JACKSON: This wouldn't be open to the public?

JERRY NEVERMAN: That's correct.

FIRE CHIEF GERALD REARDON: This space is already built-out on this location?

JERRY NEVERMAN: It is. We just received our certificate of occupancy last Wednesday.

CHAIR ANDREA JACKSON: Kevin, have you managed a location before?

KEVIN DAGESSE: Yes. I managed the 625 Memorial Drive location. I am moving over as my population moves out in the next two weeks and opening this one and taking over as manager of that location.

POLICE COMMISSIONER ROBERT HAAS: How long have you been with the company?

KEVIN DAGESSE: Two years.

CHAIR ANDREA JACKSON: And where were you prior to that?

KEVIN DAGESSE: I worked for Foxboro

Country Club and I did all their cafe catering for their location.

CHAIR ANDREA JACKSON: I'm assuming there's already an established plan in terms of trash removal?

KEVIN DAGESSE: Yes. It is in the loading dock. There's a loading dock that's between Albany and Main Street. And they have a through-way. Halfway through that through-way on 610, there's a loading dock, and our trash deliveries come through so there's no street interference or anything of that nature.

CHAIR ANDREA JACKSON: Are your deliveries typically early morning?

KEVIN DAGESSE: Yes. We have a 7 to 11 a.m. window.

CHAIR ANDREA JACKSON: Any questions?

POLICE COMMISSIONER ROBERT HAAS: No

other questions.

FIRE CHIEF GERALD REARDON: No questions.

CHAIR ANDREA JACKSON: Any members of the public that wish to be heard on this matter?

Seeing none, I make a motion to approve the common vic license application for Compass Group doing business Eurest Dining Service located at 610 Main Street with the hours as stated with the same seating capacity as stated on the agenda.

FIRE CHIEF GERALD REARDON: Seconded.

CHAIR ANDREA JACKSON: All in favor signify by saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: You are all set.

Thank you.

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APPLICATION: DD RESTAURANT

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application Pho D, Inc., d/b/a, DD Restaurant,
Witoon Shotitana, Manager, has applied to
transfer the wine & malt beverages restaurant
license held by Tamarin, Inc., d/b/a Tamariru
House at 1790 Massachusetts Avenue. Said
license, if transferred, has 58 seats inside and
operating hours from 10:00 am to 11:00 pm seven
days per week.

CHAIR ANDREA JACKSON: Good evening.

Please state your name for the record and spell
your last name.

WITOON SHOTITANA: Witoon, W-I-T-O-O-N
S-H-O-T-I-T-A-N-A.

RICHARD ROGERS: Richard Rogers,
R-O-G-E-R-S. I'm the partner and spouse of

Witoon and here mainly for moral support.

POLICE COMMISSIONER ROBERT HAAS: You won't be involved in the restaurant operation?

RICHARD ROGERS: I will not be involved in the restaurant operations. I'm here if he has trouble understanding people's questions.

FIRE CHIEF GERALD REARDON: (Smiling) So do I.

CHAIR ANDREA JACKSON: Yes, you do.

Can you tell us what your plan is.

WITOON SHOTITANA: So I own three restaurants, Tai and Vietnamese restaurant. And this one used to be Tai and I want to make the other one and add like Vietnamese. It used to be Tai and gonna take over and be Tai and Vietnamese.

POLICE COMMISSIONER ROBERT HAAS: Can you tell us where the restaurants are that you own

now? Where are the three locations that you have now?

WITOON SHOTITANA: On Huntington, 267 Huntington. It is near Symphony Hall. Another one on Mass. Ave called -- 177 Mass. Ave, Boston and another in Somerville.

POLICE COMMISSIONER ROBERT HAAS: Okay.

FIRE CHIEF GERALD REARDON: Where about is the Somerville location?

WITOON SHOTITANA: 289 Beacon Street.

POLICE COMMISSIONER ROBERT HAAS: The cuisine you said is Tai and what else?

WITOON SHOTITANA: Tai and Vietnamese.

FIRE CHIEF GERALD REARDON: Are you taking over the present space there now?

WITOON SHOTITANA: Yes.

FIRE CHIEF GERALD REARDON: Are you going to do a lot of renovation work?

WITOON SHOTITANA: Painting and lighting.
Just in front. Nothing in the kitchen because it
is already tiled. It will be the same.

FIRE CHIEF GERALD REARDON: You have to
make sure that all your kitchen equipment and
your hood and everything meet the current code
because -- hopefully, they are. That can be
extensive, so make sure you are aware of all
that.

WITOON SHOTITANA: Yes.

POLICE COMMISSIONER ROBERT HAAS: What
was in that site prior to you moving in?

WITOON SHOTITANA: I'm sorry?

POLICE COMMISSIONER ROBERT HAAS: What
kind of operation was there before?

WITOON SHOTITANA: Used to be Tai.

POLICE COMMISSIONER ROBERT HAAS: A Tai
restaurant as well?

WITTOON SHOTITANA: Yes.

CHAIR ANDREA JACKSON: In your own locations, do they serve wine and malt as well?

WITTOON SHOTITANA: Two locations. One on Huntington and one on Mass. Ave, they both serve beer and wine.

CHAIR ANDREA JACKSON: What about the Somerville location?

WITTOON SHOTITANA: No beer and wine.

FIRE CHIEF GERALD REARDON: So presently Tamarin has a beer and wine license?

EXECUTIVE DIRECTOR ELIZABETH LINT: It is a request to transfer that.

POLICE COMMISSIONER ROBERT HAAS: Are you changing the seating capacity or is it the same?

WITTOON SHOTITANA: The same. But the capacity is 70 something. But when I go there, I counted it is only 50 something.

POLICE COMMISSIONER ROBERT HAAS: 58.

WITOON SHOTITANA: What they have it now
but I can do it -- 70 something.

POLICE COMMISSIONER ROBERT HAAS: You
want to go to 70, is that what you are asking?

WITOON SHOTITANA: Yes.

EXECUTIVE DIRECTOR ELIZABETH LINT: It is
58.

POLICE COMMISSIONER ROBERT HAAS: You are
limited to 58 at this point.

WITOON SHOTITANA: Okay.

FIRE CHIEF GERALD REARDON: Is there a
bar in there now?

WITOON SHOTITANA: No bar.

CHAIR ANDREA JACKSON: Have you held a
beer and wine license in your name before?

WITOON SHOTITANA: Yes.

POLICE COMMISSIONER ROBERT HAAS: In your

other restaurants?

WITOON SHOTITANA: Two other restaurants.

FIRE CHIEF GERALD REARDON: Both of those
are the Boston locations?

WITOON SHOTITANA: Yes.

POLICE COMMISSIONER ROBERT HAAS: Where
will you principally be with this restaurant?
Who will manage the restaurant?

WITOON SHOTITANA: Me.

POLICE COMMISSIONER ROBERT HAAS: Who is
in your Boston locations?

WITOON SHOTITANA: I work 20 hours each
restaurant.

POLICE COMMISSIONER ROBERT HAAS: You
will split your time among all four restaurants?

WITOON SHOTITANA: Yes. Not the -- the
one that's in Somerville I'm just like the
bookkeeper.

Once in awhile I go in there, like a couple times a day (sic) or something like that.

POLICE COMMISSIONER ROBERT HAAS: Who manages the Somerville location?

WITOON SHOTITANA: Somerville?

POLICE COMMISSIONER ROBERT HAAS: Who is the manager there?

WITOON SHOTITANA: My partner.

POLICE COMMISSIONER ROBERT HAAS: Your partner is there?

WITOON SHOTITANA: Not here.

POLICE COMMISSIONER ROBERT HAAS: There?

WITOON SHOTITANA: Yes.

POLICE COMMISSIONER ROBERT HAAS: You will manage the two Boston locations plus this location?

WITOON SHOTITANA: Each location I have a partner. Like each location I have two or three

partner, so every time we take turn to manage the restaurant.

FIRE CHIEF GERALD REARDON: Do you have partner/investor in this particular one?

WITOON SHOTITANA: Yes.

POLICE COMMISSIONER ROBERT HAAS: Will they be managing as well?

WITOON SHOTITANA: Yes.

POLICE COMMISSIONER ROBERT HAAS: Will you remain the manager of record in the Boston locations or are you going to transfer to your partners?

WITOON SHOTITANA: The one?

POLICE COMMISSIONER ROBERT HAAS: For the Boston locations. Right now you said that both Boston locations you are the manager of record, right?

WITOON SHOTITANA: Yes.

POLICE COMMISSIONER ROBERT HAAS: Are you going to keep those as manager of record or are you going to pass those to your partners?

WITOON SHOTITANA: Keep it. I work on at the first one for about 15, 20 hours. And then the second one about 20 hours too.

POLICE COMMISSIONER ROBERT HAAS: How much do you plan to spend in this new location?

WITOON SHOTITANA: 20 hours. I work like one day about 12 hours. About two days each location.

POLICE COMMISSIONER ROBERT HAAS: You think that's enough to adequately manage the restaurant?

WITOON SHOTITANA: Yes.

POLICE COMMISSIONER ROBERT HAAS: Have you had any problems with the Boston location?

WITOON SHOTITANA: Not really.

POLICE COMMISSIONER ROBERT HAAS: No violations?

WITOON SHOTITANA: Not at all.

POLICE COMMISSIONER ROBERT HAAS: No complaints?

WITOON SHOTITANA: About customers complain about the food?

POLICE COMMISSIONER ROBERT HAAS: Liquor license?

WITOON SHOTITANA: No.

EXECUTIVE DIRECTOR ELIZABETH LINT: We have satisfactory background checks on all of the prior restaurants.

CHAIR ANDREA JACKSON: You recognize in Cambridge you have to do 21 Proof training in order to have the beer and wine license in your name.

WITOON SHOTITANA: Okay.

CHAIR ANDREA JACKSON: Any questions?

FIRE CHIEF GERALD REARDON: All set.

POLICE COMMISSIONER ROBERT HAAS: No.

CHAIR ANDREA JACKSON: Any members of the public that wish to be heard in this matter?

Seeing none.

FIRE CHIEF GERALD REARDON: I make a motion to prove the application for Pho D Incorporated doing business at DD Restaurant at 1790 Mass. Ave for the hours as stated, 58 seats inside, pending 21 Proof training.

CHAIR ANDREA JACKSON: May I add to your motion an amendment that we review in 6 months. I am little concerned about 20 hours at each location, so put it back on for a 6-month review.

FIRE CHIEF GERALD REARDON: That's fine.

CHAIR ANDREA JACKSON: Thank you.

Is there a second?

POLICE COMMISSIONER ROBERT HAAS:

Seconded.

CHAIR ANDREA JACKSON: All in favor
signify by saying aye.

FIRE CHIEF GERALD REARDON: Aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHAIR ANDREA JACKSON: You are all set.

POLICE COMMISSIONER ROBERT HAAS: You
understand we'll call you back in six months to
see how things are going. We want to make sure
20 hours will be enough for you to manage this
hour effectively. So we are going to expect a
report in six months.

When do you plan on opening this
restaurant?

WITON SHOTITANA: Two months.

POLICE COMMISSIONER ROBERT HAAS: About

eight months from now we will look to you to come back and give us a report.

WITOON SHOTITANA: Okay.

CHAIR ANDREA JACKSON: Thank you.

Good luck.

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APPLICATION: UPPERWEST

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Coffeeshop, LLC d/b/a Upperwest, Kimberly Courtney, Manager, has applied for a new all alcoholic beverages as a restaurant license at 1001 Mass Ave, basement level.

The proposed hours of operation are 8 a.m. to 1 a.m. Sunday through Wednesday and 8 a.m. to 2 a.m. Thursday through Saturday. The proposed seating capacity is 20.

CHAIR ANDREA JACKSON: Good evening.

KIMBERLY COURTNEY: Hi.

CHAIR ANDREA JACKSON: State your name
for the record and spelling your last name.

KIMBERLY COURTNEY: Kimberly Courtney
C-O-U-R-T-N-E-Y.

XAVIER DIETRICH: Xavier Dietrich
D-I-E-T-R-I-C-H.

FIRE CHIEF GERALD REARDON: Your
relationship to the applicant.

XAVIER DIETRICH: Co-owner.

CHAIR ANDREA JACKSON: Tell us what your
plan is.

KIMBERLY COURTNEY: So the location is
1001 Mass. Ave, which is the old Orson Wells
Theater Building, I'm sure you are familiar
with.

This space is located on the basement
level where Looney Tune Records was not too long

ago. It is a pretty small space. Just over 1,000 square feet.

And we are planning on 20 seats and we're currently under construction on the space.

We have done some due diligence looking for a license to purchase. Haven't found one available, to our knowledge, and from what I see of the history of sales, most likely it would be cost prohibitive for us to purchase.

Our concept is charcuterie cheese and small plates at reasonable prices. And we plan to make everything we can in-house and focus on local products. We have the space designed out with mostly bar seating, which we believe will foster a community, more community interaction.

It is sort've modeled after a European-stype bar when they are open from morning to evening. And you go there in for

breakfast and you interact with your neighbors.

We are trying to foster a community environment.

And we also are planning to have a large number of events. Cooking classes, food, and wine, spirits, beer tastings and a lot of networking and social events. So we are hoping to make this a nice space.

What else?

POLICE COMMISSIONER ROBERT HAAS: The events will be within the time period that you are specifying hours of operation?

KIMBERLY COURTNEY: And the space will be open to the public during those times. So anyone is welcome to attend most of these.

For example, if there's a wine tasting and there's ten people attending the wine tasting, most likely it would be in one section of the bar and that would be sectioned off and

anyone can participate if they want to sign up for that.

I also run a group called Foodbiz Network, which Xavier and I started last year, which has been quite interesting and successful.

We have just over 200 members. And this is focused on local food entrepreneurs, and we provide educational and networking events for them for free.

And it's been a wonderful experience. We have met some fantastic people in the local food community and hoping Upperwest will be a hub -- the restaurant will be a hub for those activities.

I will tell you about a little about our background. Xavier and I both live in Cambridge. We live a few blocks from the space. And so we spend most of our time in the Harvard Square

area.

We both are TIPS and ServeSafe alcohol certified. I also have the food manager ServeSafe certification allergin awareness. And I took it upon myself to do the crowd manager training. Even though we are very small, we are in the basement level and I wanted to go ahead and do that training.

I have been in the restaurant industry for seven years with two of those years as a bar manager at a very large in Washington, D.C., called LuLu's. This bar is now closed. But it was the largest bar in Washington, D.C. with over 800 capacity. So it was very large. It had a dance floor, three bars. It was open for 30 years, so it was a historic place.

POLICE COMMISSIONER ROBERT HAAS: The liquor license was in your name?

KIMBERLY COURTNEY: No. I was an assistant bar manager and I handled -- I was responsible for one of the three bars in that space.

FIRE CHIEF GERALD REARDON: Is that in the Dupont area?

KIMBERLY COURTNEY: Yes, close by. I went to undergrad at George Washington, so I was in D.C. at the time.

So let's see, what else?

So at that time I was obviously handling training new staff with checking ID policies, handling inventories, stocking and deliveries and I oversaw one the three bars at that.

I also happen to be an attorney. I have been a licensed attorneys for 11 years and I left the practice of law in 2009 to pursue my interest in food.

And I attended culinary school previously and I was offered a training position at a restaurant called West with Tom Valente (phonetic), a highly-regarded chef and decided to leave culinary school to train with him. I trained with him for six months, which was an incredible experience. I spent lot of time in Europe.

And this space is really modeled after the time I spent in Spain and Italy and France.

We are going to have Joshua Smith, who is a local maker of charcuterie products. He's, to my knowledge, the first HAPP certified person in Massachusetts making cured meats, so I'm excited to work with him to provide us with lot of our charcuterie. We'll be importing some of it, but for the most part we want to have everything as local as possible.

So I'm aware of the criteria for the license, and we certainly feel there's a need in this location for a new license. This building has been empty, for the most part, for a very long time. Our space has been empty for three years. And much of the building has been vacant.

It is now just being rejuvenated. And all the new businesses in the building are excited to see all the spaces filled up.

We live in the neighborhood and we are excited to see that happening. We also think, from what we hear from the businesses near us, they sound very positive about the idea of having this block be more of a designation space.

We would now have three restaurants on that block and also Simon's Coffee. This allows residents to come to a location where they have more than one option, which is a very positive

thing for a business.

The Indian restaurant above us, Harvest of India, they are excited about us and they continuously ask about our progress and our construction. They have been very kind and they are looking forward to us opening because they feel we'll help their business, which I think is very true.

In terms of the harm, potential harm, to the neighborhood, I don't see any potential for that. We are very small. The music, if we play any music, or a television, it would be below conversation level. You should not be able to hear that from the sidewalk or any abutters.

In terms of overwhelming support, we have been really amazed with the support we have with the community. Everybody has been incredibly positive.

We have 22 letters from Cambridge residents in support of us and 532 signatures on a petition, as well as numerous local businesses that we have spoken to that have been very positive us.

We have the support of the Harvard Square Business Association. And also I have spoken with Robin Lapitus (phonetic) at the Central Square Business Association since we are on the cusp in between and she was very excited about our concept.

So we definitely have a lot of great support and have a lot of incredible comments asking for certain events and certain types of products. So it is has been incredible.

We have discussed our alcohol policies, and we, in terms of underaged drinking, know the two primary concerns are underage drinking and

overserving.

In terms of underage drinking we'll make sure of our staff is 21 Proof and TIPS trained. We'll have our own internal policies. We will go over with them and train them internally. We'll instruct them to card them who looks 40 years old or younger.

We have decided not to accept the general Massachusetts ID cards and require the liquor ID instead of that because those are a little bit easier to obtain. And, oh, yes, of course we'll have the ID checking manual always present and in terms of overserving. We are very strict on our measuring policies. Every alcohol will be measured including wine, beer and spirits. And also it is a good business decision in terms of consistency. We'll have the check in front of each patron so the bartender can easily count how

many drinks the people have had.

If they do shots, we limit that to one per hour.

I don't know if you have my updated resume. I have an extra copy if you don't have that.

CHAIR ANDREA JACKSON: I do.

So let me ask, in reviewing the file, I notice that your lease states it is a wine bar.

Why do you feel like you need an all alcohol license?

KIMBERLY COURTNEY: Well, spirits are a very important combination with food. And we do have a lot of people who request spirits in addition to beer and wine.

We have a lot of events planned and we do not want to exclude the possibility, the business options, of having events that might, for

example, have a whiskey tasting or just a general event that might be a party for someone and they might want to have liquor there.

Wine is quiet limiting and considering, also, our surrounding competitors, they all have a full liquor license. So it would be very important for us to have all alcohol.

CHAIR ANDREA JACKSON: India Harvest Restaurant, do they have full alcohol?

EXECUTIVE DIRECTOR ELIZABETH LINT: I don't believe so.

FIRE CHIEF GERALD REARDON: So you are going to build the kitchen area and you are going to cook in there and --

KIMBERLY COURTNEY: Yes.

So the kitchen that we're building is actually very simple. It is about the most simple you can build.

We are not doing any gas cooking. We are actually doing very little prepared foods since the focus is really on charcuterie and cheese. For the most part, most will be prepared and just needs to be plated. So we will have an electric convection oven. I have run everything by Fire and Health and I think that our kitchen will function well, but it will be simple. We don't have a ventilation system. We are doing very minimal.

We do actually have fire suppression. We have sprinklers already in the property. We are adding smoke detectors in.

FIRE CHIEF GERALD REARDON: So pretty much this is going to be a retrofitted area?

KIMBERLY COURTNEY: Yes.

CHAIR ANDREA JACKSON: And you are looking for a 2 a.m. license for Thursday through

Saturday?

KIMBERLY COURTNEY: That's correct.

CHAIR ANDREA JACKSON: We don't have 2
a.m. licenses, do we?

EXECUTIVE DIRECTOR ELIZABETH LINT: Not
in that area.

KIMBERLY COURTNEY: Three businesses
closest to us, The Cellar, the Plow and Stars and
The People's Republic, I believe, all of those
have 2 a.m. licenses on weekends.

EXECUTIVE DIRECTOR ELIZABETH LINT: The
Cellar is 11 a.m. on weekends.

CHAIR ANDREA JACKSON: 11 p.m.?

EXECUTIVE DIRECTOR ELIZABETH LINT: 11
p.m.

CHAIR ANDREA JACKSON: I had to stop and
think. The Cellar is also -- they have a for
value license?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes, they do.

And there are several licenses for sale as well.

POLICE COMMISSIONER ROBERT HAAS: So when you said you made an earnest attempt to purchase a license, is it more because you can't afford it, because of your business plan, you can't find buy one or --

KIMBERLY COURTNEY: At the time I didn't find any available. I believe it goes by zones, right, we are in the area 2.

EXECUTIVE DIRECTOR ELIZABETH LINT: You can move them.

KIMBERLY COURTNEY: Oh. But the ones I have seen -- I believe there's one in Central Square for \$800,000. There's another one I saw over \$300,000. Those numbers are just

unattainable for us. So it would be prohibitively expensive for us.

My understanding is this type of no value license was created for our type of business, a small business run by the individuals. We don't have big investors behind us. This is our endeavor we're doing on our own and passionate about and we think having a full alcohol license is critical to our concept.

CHAIR ANDREA JACKSON: I think for me, my concern, and I can only speak for myself, my concern would be putting a no value license next to someone who has probably paid a lot of money for their license and essentially devaluing their license.

KIMBERLY COURTNEY: The Harvest of India was issued a no value license in 2011. I'm not sure what happened to that license. I don't know

if they still have it. I know they were --

FIRE CHIEF GERALD REARDON: Are they beer and wine?

KIMBERLY COURTNEY: I believe they were beer and wine.

FIRE CHIEF GERALD REARDON: There's a difference between all alcohol and beer and wine.

CHAIR ANDREA JACKSON: Right.

POLICE COMMISSIONER ROBERT HAAS: Have you operated your own business before?

KIMBERLY COURTNEY: Yes. Not in the restaurant business, but yes, I have.

POLICE COMMISSIONER ROBERT HAAS: But not in the restaurant business?

KIMBERLY COURTNEY: Yes. I have worked in many restaurants both the front and back of the house.

CHAIR ANDREA JACKSON: So you haven't an

owned one before?

KIMBERLY COURTNEY: Not a restaurant.

POLICE COMMISSIONER ROBERT HAAS: Have you had held an alcohol license in your name before?

KIMBERLY COURTNEY: No.

FIRE CHIEF GERALD REARDON: So you believe the business model would not survive without a full alcohol license?

KIMBERLY COURTNEY: I believe so. We are focused on business networking, and social events and I think it would limit them to the point -- it would just be incredibly limiting for that.

Right now we are holding most of our events at Grafton Street. It's been very welcoming and positive and wonderful but they do have a full license.

CHAIR ANDREA JACKSON: How does that work

in terms of your lease that even notes that it is a cafe wine bar?

KIMBERLY COURTNEY: I believe our lease is very broad. It says more than that, does it not?

CHAIR ANDREA JACKSON: The section that I'm looking at says "The premises will be used for a cafe wine bar and/or co-working a business development service."

KIMBERLY COURTNEY: Right.

So we are focused on the co-working of the business development as well. It's a really big focus. So, correct.

I mean, our owner is aware we are seeking a full alcohol license. I would be happy to get a letter from him if you are concerned about that aspect.

CHAIR ANDREA JACKSON: Anything else?

POLICE COMMISSIONER ROBERT HAAS: I'm just -- your LLC is Coffeeshop.

KIMBERLY COURTNEY: Coffeeshop, LLC. We were originally calling it Coffeeshop.

POLICE COMMISSIONER ROBERT HAAS: And serve alcohol?

KIMBERLY COURTNEY: Yes.

It is a Coffeeshop that is a European-style coffee bar by day and wine bar, food establishment by night. That was the -- that's the concept. We decided to go with Upperwest.

CHAIR ANDREA JACKSON: Do we have any members the public that wish to be heard on this matter?

KIMBERLY COURTNEY: We have a number of people here.

CHAIR ANDREA JACKSON: So we can go ahead

and -- we are going to take other testimony and then we'll have follow-up questions for you.

Do you want to come forward first.

State your name for the record and spell it, please.

SIDNEY DEPAULO: Hi my name is Sidney Depaulo, D-E-P-A-U-L-O. Currently I'm a realtor here in Cambridge on Mass. Ave. Also former assessor in the City of Somerville. And I'm also a taxpayer here.

As a former assessor, I have seen what bars will do to property values. It is a death mill. It is never a good thing to the surrounding neighborhood and property owners.

As a realtor, I have also seen the negative impact on values of properties in the area.

But most importantly, as a parent, I live

in Davis Square for many years and I have seen what is happening there.

I still see what is happening there. There are bars opening up everywhere and you hear stories of people rolling out of bars being loud causing trouble. I don't want to raise my daughter in this neighborhood with that happening here. As a concerned taxpayer, resident, I oppose this.

CHAIR ANDREA JACKSON: Thank you.

Denise, did you wanted to speak?

DENISE JILLSON: Eventually. Thank you.

CHAIR ANDREA JACKSON: I'm going to ask if you guys could move back here there for right now so I can everybody come over.

Please have a seat. State your name for the record spelling your last name and if you could please speak up.

ATTY. LISA BELANGER: My names is
Attorney Lisa Siegel Belanger. S-I-E-G-E-L
B-E-L-A-N-G-E-R.

I've been retained as counsel for a few
abutters, residential and businesses, I have been
asked to represent their objections to having
this license be granted.

I would like to be able to -- I made
copies to submit, some memorandum, as to the
concerns.

The top copy I got last minute,
unfortunately, it is one copy of that.

KIMBERLY COURTNEY: Can you state who you
represent?

ATTY. LISA BELANGER: My clients do not
wish to have their identities disclosed at this
time.

There are substantial concerns my clients

have.

I guess the first one that I would like to raise, I understand -- I tried to obtain the lease prior but it wasn't available.

And from what I heard now it says that the lease says that it is wine bar. I guess the first thing I would like to bring out is, on the application for this particular license there's nothing stating that they are looking to become a wipe bar. It is based on being a restaurant serving, lunch, breakfast and dinner. And nowhere in that application does it reference that.

The other representations that I'm concerned about is that Ms. Courtney had represented about having functions there and she stated today that the restaurant would be staying open, however, I've provided you with a copy of

her website pertaining to her -- it says private functions, where she says that it will be closing. That the -- that it can be -- that it can be reserved and the entire restaurant will be closed.

The other issue is, this is in capped zone area. Specifically in cap 2. So basically the standard of whether this license is granted is not per se would do no harm, but the standard is whether, according to regulations from the Commission, is that whether this particular business would fulfill an extraordinary need, public need.

Based on it being in a capped zone, it is my understanding from the regulations is that the business has to be operating for six months before the business can apply for the alcohol license. And from seeing the premises, there's a

lot of concerns in terms of the safety and condition of the premises.

And I guess the biggest concern from the photographs is that there's a chair lift that's right at the bottom at the basement stairs. And definitely this is an issue as far as with the Architectural Access Board and accessibility.

From my understanding in consulting with experts in the Building Inspection Services is that the chair itself cannot be used -- be repaired.

As you can see, there's a posting that says it is an unsafe hazard. So handicap accessibility would have to be updated to the code now.

I'm not sure whose responsibility that falls under but it definitely presents a hindrance in having a restaurant be established.

I think there's a big concern what was represented to the Building Inspection Services. The permit, the building permits shows that the contractor said there was no change of use.

However, as already discussed tonight, it is a change of use because it was incorrectly selected as a retail. However, in the architectural plans submitted with the application shows that person who did the designs correctly noted that it is actually in assembly A2, which is a completely different set of standards, more rigorous, and a lot of issues pertaining to the safety for the public.

So that greatly effects whether -- the viability of being able to obtain proper, you know, certificate of inspection.

As noted on the application, the occupancy is stated to be 20. On the sheet from

the Board of State Examiners of Plumbers and Gas Fitters, that was the single sheet, I'm sorry, it shows when there's an occupancy that is less than 19 that the unisex bathroom is inapplicable and separate bathrooms would be required in addition to the employee bathroom.

There's definitely a lot of concerns. As to, from my understanding, from the rules and regulations, in order for the applicant to be given the license, the premises have to be in certifiable working, safe conditions which these premises are not.

The building permit that is posted and I obtained and provided a copy, that is just a -- for demolition.

They haven't been given the ability to move on and build what they planned.

Also, because of the discrepancy in the

change in use, there's a huge concern in terms, especially with the change of use, as to the ventilation that's required for the kitchen, fire sprinklers, fire suppression that needs to be on there. All that is lacking.

And I provided -- in the memorandum I provided, the specific codes from the IEBC for reference to the specific requirements.

Also the issue becomes as to -- I guess there was a question as to really what is the Board being asked to have a license for.

As I said, on the application presented to this Commission, it was a restaurant. However, in other avenues, it is being represented as a wine bar.

(Holding up large diagram) What I have done, here is the floor plan that was provided with this application.

And based on what is the Commission is being asked, it was being asked to run a restaurant. And you will notice there are only two tables, though, that would be serving meals. Overwhelmingly there's an oversized bar, and essentially, I guess, that is exactly what it -- it appears, from what I have researched, and what I've seen, that in realty, instead of being a restaurant, what you are asking to be approving is really a bar.

My understanding it is European. But it is also classic with the Ninety-Nine and a lot of the American bars.

As she stated on her website, she is talking about having wine classes, cheese classes and, in fact, she has advertised she's, in fact, opening up April 5.

POLICE COMMISSIONER ROBERT HAAS: I

didn't get that last part.

ATTY. LISA BELANGER: She is opening April 5 on that same website.

This is the description that she uses on the website. "Upperwest is a small casual wine bar specializing in charcuterie, cheese, and small plates. In support of the local food businesses, we'll feature rotating products from small local food businesses."

So I suggest that the application that has been asked to be reviewed is not what it is. The fact is that my clients are in the special capped zone. And the very reason for the capped zone, as stated in the rules and regulations, is to protect the public and to protect the established business owners there.

It is my understanding in that capped area there's at least eight food and drink

establishments.

The Plow and Stars, which I believe was established in 1969.

The Dolphin, which I believe was established in the '70s.

The Cellar is in the early 1980s.

And then you have India Castle and The People's Republic, who -- approximately ten years, but their predecessors had the liquor licenses, from my understanding, dating back at least 50 years.

I believe you have Veritas, Zoe's and Sushi Cafe, which have been in existence for several years.

These businesses would definitely be effected should another food and drink establishment be allowed.

I think it is also important to point out

that the Commission has set forth there's already a presumption in these zones that no new licenses will be given. However, you have the rare exceptions. But, again, the Commission had stated that the reason they -- the Commission stated in 1986 that they had already determined that there was a detriment to the residents in terms of parking and noise and so forth, as well as the existing businesses in hard economic times, and I suggest that that still applies today.

It is my understanding as well that the Parking and Traffic would need to sign off for the parking before the application could be approved.

My understanding is that hasn't happened.

That Zoning would have to authorize and approve the off-parking situation.

So there are really a number of issues that were asked to be here and a lot of the issues haven't been addressed before a pretty substantial thing like giving a full alcohol license can be grand or considered.

CHAIR ANDREA JACKSON: Thank you.

Anyone else here that would be liked to be heard on this matter?

Please come forward.

MARTIN GREENUP: Hello. My name is Martin Greenup, G-R, double E, N-U-P. Green with U-P on the end. I'm a member of the Harvard English Department and I've lived in Harvard Square for eight years.

And I would like to basically say a few words in support of the application. I feel that the business that's being proposed is -- will be catering to a kind of niche in the market.

I eat out a lot, and of the businesses just mentioned, I know the owners of some of those businesses, because I eat there, I drink there. And I go The Cellar, The Dolphin, the Plow and Stars and I go to Zoe's. I live in the neighborhood.

I don't feel those neighbors would suffer by this business opening. Just the size of it and the fact that it is catering to what I feel is a niche market.

At Harvard we have a lot of meetings of academics and other people and typically we'll go to a bar after a meeting maybe at 8 p.m. for a drink a bite to eat.

Some of us are genuinely excited about this business that's being proposed.

I would like to say a few words in response to the first objector. I feel that

the -- to say the property prices would be devalued by opening this business in this area, that seems to be me rather baseless.

I think property prices are high and a good business would not depress those prices. There aren't really that many children living in this immediate area.

I live in a building of over 70 apartments that has one baby and no children. And all the people I have known in this area when they have children, they move out because they can't afford to get a bigger place in the Harvard Square area.

I feel there should be no concerns here that it would it somehow effect the youth of Cambridge by opening another bar.

I feel for me personally it would be a really welcomed addition.

CHAIR ANDREA JACKSON: Thank you.

The gentleman in the blue sweater.

MARK FINLAYSON: My name is Mark
Finlayson, F-I-N-L-A-Y-S-O-N. I'm a resident at
1010 Mass. Ave, which is directly across the
street from the proposed site.

I have been a resident in Cambridge for
13 years now. I'm an avid goer of eater of food
and drinker of wine and spirits in the Harvard
Square area.

As the previous speaker, I know I go to
many of the other establishments around including
Grafton, The Cellar, Plow and Stars, so forth. I
know many of the owners. And I have to agree
with the previous speaker as well that I think
the other businesses in the area will only be
lifted by the starting of this business not
depressed.

I think the Upperwest as a business is treating, as he said, a niche, as a need. I've lived across the street from this building 13 years and I always kind've wondered why the block has been abandoned and depressed, and now I learn about this 1986 capped zone, which seems to me such an almost, I don't want to say, ridiculous thing, because maybe you guys were the ones that put it in place.

But it's something that almost flies in the face of reason. I have been desperate for something like this to come in the neighborhood for so long, and it is finally coming in, and to find out there's this longstanding, almost ancient, rule against it. So I speak in support of the application.

I've known Kim and Xavier since they moved to Cambridge. I think they are fine,

upstanding people. I think they will be an asset to the community and neighborhood.

What else do I want to say?

Yeah, I think the building needs a lift. A wine bar fills a need in that area. There's no place to go in the area where you can get good wine and like a good cocktail. Grafton Street sort of.

Can't get a cocktail at Zoe's.

Cafe Sushi is a sushi bar, and that's not their main thing. You can get saki there but not good wine.

The Cellar is a little bit of a dive bar. They have real good food but the drinks aren't that good.

The same with Plow and Stars, and The People's Republic. I feel there's a real need for very good wine list that's reasonably priced

and a small low-impact thing. I think it will be quiet. I can't image there's any sort of noise impact on the neighborhood.

So I would voice my support for the application.

CHAIR ANDREA JACKSON: Thank you.

Is there anyone else here that wishes to be heard?

STEPHEN KAPSALIS: I want to speak.

Good evening, ladies and gentlemen.

CHAIR ANDREA JACKSON: Could you speak up.

STEPHEN KAPSALIS: My name is Stephen Kapsalis.

CHAIR ANDREA JACKSON: Can you spell your last name for the record.

STEPHEN KAPSALIS: Stephen
K-A-P-S-A-L-I-S.

I own 991 Mass. Ave. I've lived there since 1980. I own The Cellar. I own The Cellar Wine and Spirits and we are definitely not a dive bar, sir.

CHAIR ANDREA JACKSON: If you can please address me.

STEPHEN KAPSALIS: Well, I want to make sure they hear me in the back.

We were listed as one of the most under-rated restaurants of Cambridge and Boston.

We have a renowned chef that works there. Previous to that, we had another renowned chef that worked there. We are not upper class. But we serve the public, and like the old Ivory soap commercial said, We -- 99 and nine-tenths percent of our customers come from the neighborhood and the surrounding little areas, and they walk there. We are not having events other than if

there's somebody that comes in that wants to have a little birthday party that lives in the neighborhood. And that is what we specialize in. To be good to our neighbors.

We are not a bar per se. We have a full kitchen. And I just saw the lady back there, I don't know who she is, I saw that -- a low-key kitchen? Excuse me. A kitchen is a kitchen. It has a stove. It has prep areas. It has refrigeration area.

This is disguised as a restaurant. It is not a restaurant. It is a bar. I don't want a bar in my neighborhood. I had no problem -- I supported Paneno (phonetic) when they came in for their beer and wine license.

I have supported other people in the area on the beer and wine licenses because they are restaurants. They have skin in the game. And

for the city to be the biggest investor in this restaurant is mind boggling to me.

It is a capped area. You would be directly hurting me. Directly hurting me. Not only me, the Plow and Stars. They are struggling right now. There are other businesses that are struggling. We are saturated with alcohol licenses in that area from Grafton Street to The People's. You can walk in either direction and in two minutes and get all the drink and food you want.

If you want the upper type of place, you can go to Grafton Street. We to appeal all kinds of people. We have Ph.D.s, we have Noble laureates that have been our customers there.

So I can't tell you that -- it would definitely would be effecting me. And I certainly hope that the Board will give this

serious consideration.

I didn't realize I lived in a blighted area. This is what these new licenses were for. Blighted areas.

I'm surprised to know I live in a blighted area. And I should go back and look at my building to see I'm not living in the slum.

I understand why these non-value licenses were issued. They were issued to bring up areas because there was nothing there and you needed to somehow get that business kicked off. There were a lot of people offering free rent to go there. And even my chef Will Gilson (phonetic), he went to an area and he put skin in the game. They put in a kitchen. They spent a lot of time there developing the food.

This is not food. This is -- they are bringing in things from outside. Charcuterie?

You know what that is? Salami and baloney.

That's what that is.

There's no kitchen. There's no skin in the game. An oven? Please.

We have fryolators. We have ventilation systems. We have fire suppression systems. We have all that.

Plus, we have 20 employees that depend on making a living there. And every little business that comes in, especially to create a new license where there's no need, there's no big need for that. The public outcry? Plus, I read some of these things. Everybody thinks they are signing -- that were signing on those petitions were thinking that they were signing on for a coffee shop.

Plus, the fact they say they live in Cambridge. But their application says they live

in Allison. There's deceptive practices going on here.

And I'm not here to create animosity. They are lovely people. I know they want to go to open a business. Go to a depressed place and get your free license there.

We spent a lot of money. And we work very, very hard and every one of my employees is loyal to the business and they all work very hard. They can't afford to lose their job.

They make way above minimum wage, and I would like to keep it that way. I'm the owner. I don't draw a salary. I only take a rent from the place. I'm loyal to the people that work there, from the manager, to the bartenders, to the wait staff and to our very loyal chef, who is absolutely wonderful and he is renowned.

We had Ferran Adria. Do you know who he

is? He's the most famous chef in the world. He came to our place to have dinner after he did a talk in Harvard. So if these people back here that claim that they need a great place to come to, then maybe they should come to the Cellar more often.

MARTIN GREENUP: Excuse me. I --

CHAIR ANDREA JACKSON: Excuse me.

STEPHEN KAPSALIS: Ferran Adria chose to come here. He has been on the Travel Channel. His restaurant in Spain is touted to be one of the best restaurants in the world.

Those are the type of people we have that come in here. And our chef, Brandon, is wonderful. He's a creator. He creates beautiful things. And his sous chef, Jason, and everybody that works in the kitchen is wonderful.

And I would like to keep it that way. We

have skin in the game. A lot of skin. It costs a lot of money to operate a place like this. And we're not slicing salami.

We are cooking. And we have a kitchen to prove it with walk-in boxes and human beings working there.

I want to thank you very much for listening to me. I'm very passionate about this. I hope the Board denies this application. We are saturated. We don't need it. In three minutes in either direction you can hit five places. I thank you so very much. Please help us out.

CHAIR ANDREA JACKSON: Thank you.

Is there anyone else who wishes to speak?

DENISE JILLSON: Good evening. Denise Jillson, Director of the Harvard Square Business Association.

We are speaking in support of this

application. I met with Kim several times. The Upperwest joined The Association and I think the most important thing I think about is because it -- you wouldn't think that such a small place would create so much controversy because it is only 20 seats.

When we examined the beer and wine, the no value, non-transferable beer and wine and all alcohol licenses a few years ago was the fact that there were so few licenses available, and the ones available were so expensive and prohibitive for small uninvested moms and pops and local independents.

And we really felt as though we were losing, and we know that we were just losing out on the restaurant scene to other communities, particularly in Boston.

So, you know, when we opened up, when the

city opened up and made available these licenses for locally-owned independent moms and pops to come and pursue their dream, things changed. And we can take a look at Kendall Square and what's happening there.

Certainly not a blighted area. But one that needed a boost. And many of the licenses that have been issued have been issued to restaurants in that area.

If you think about competition, Harvard Square has over 100 eateries, and you could sort've stand in the middle of Winthrop Street and within 30 seconds, I think I counted the other day, within 30 seconds you could be at 25 different eateries. And 70 to 80 percent of those are licensed.

So that part doesn't scare us. And, in fact, most of the restaurants welcome it because

it becomes a destination. And there's lots of choices.

So if all of these other -- certainly counsel that was representing the unnamed people earlier mentioned all of these other issues, and if those issues can be taken care of, certainly I think a small, little restaurant that serves 20 people and you know, with -- I have traveled to Europe, and have been to these little places that have these small bars and they serve the tapas, and they are quiet lovely and pretty harmless, and I don't think that they impact, severely impact, things like transportation, people coming in and parking cars.

It is just too small to have that kind of an impact.

But anyway, I think if we can solve some of those issues. Certainly a little place like

this seems pretty sweet, and something that, again, it is just outside of The Square, but they have become members, and to the extent that the license is issued in the spirit in which the license was intended, which is, I believe, all along when we examined -- the eight months we sat in this room studying the various policy changes to the liquor licenses, it was, in fact, to support mom-and-pop operations like the one that's being proposed tonight.

Thank you.

CHAIR ANDREA JACKSON: Thank you.

KATHY NELSON: Hi. My name is Kathy Nelson, N-E-L-S-O-N. I have two daughters that live in Cambridge. Mass Ave area, 991 Mass. Ave. I'm in opposition of the issuance of this type of license.

Just being in the area and walking

through the whole Harvard Square, it seems like there's plenty of establishments with full liquor licenses. And this is just another redundancy.

And listening to the owner here, she seems very scattered and she doesn't have a solid business plan. She has been all over the place. And it leads me to wonder what kind of business owner she will be. Will she be responsible with that type of license. Will she do all the screenings necessary to prevent underage drinking and the like.

And I have done a little bit of homework on what those no value licenses are. From what I can see they are issued in areas that needed a boost. They needed businesses to come in. That the city had put in -- made improvements and they needed people to come in and really elevate the whole area with restaurants and have it be a

draw, which worked out great in Kendall Square. And it is wonderful for all the businesses down there, but it seems like this area has that already and all the establishments around there bought their licenses or obtained them by traditional means.

And while I can fully appreciate that the licenses are very expensive, that shouldn't be a reason for you, the Board, to just issue her a no value license just because she simply doesn't have the financial capital to purchase it herself. That's it.

CHAIR ANDREA JACKSON: Thank you.

Anyone else that has not spoken yet that wishes to be heard?

Do you have something you wanted to add that hasn't been said already?

MARTIN GREENUP: I --

CHAIR ANDREA JACKSON: No. No.

You need to address me.

You need to come to the front.

FIRE CHIEF GERALD REARDON: And you are not going to address someone else. You address us.

MARTIN GREENUP: I live in the area and my neighborhood bar The Cellar. I'm a regular there and I know Greg and Quinton the barmen just because I go in there a lot.

And as a customer there, I mean there's a lot of loyal customers, I don't foresee myself going there any less by going to a new place if it opened up. I just couldn't see that happening.

CHAIR ANDREA JACKSON: Thank you.

Counsel, you may add -- you have one minute to add whatever it is you want to add.

ATTY. LISA BELANGER: I just wanted to respond to the comment about the mom-and-pop operations.

The rules and regulations when it refers to the mom-and-pop operations, it specifically wasn't talking about new people coming in.

It was talking about who have been already existing in the establishment for years and needed to get beer and wine licenses or full alcohol licenses to be able to survive and compete with already existing businesses. To me, that's apples and oranges. And that moms and pops was made for existing businesses, not new people coming in.

Thank you.

CHAIR ANDREA JACKSON: Anyone else?

You can come back to the table.

EXECUTIVE DIRECTOR ELIZABETH LINT: I

think Ms. Jillson touched on some of the changes that we made in the cap policy back in 2008 when in the policy was significantly relaxed.

I don't think Kendall Square is a good example because it is not a capped area.

The idea in 2008 when the policy was changed, and I think it was a longer than eight months we met, and it was people from all walks of the community. It allowed cap-to-cap transfers. It allowed new no value licenses to be approved after an applicant has proved there was a diligent search and there was no possible means of purchasing a license.

But the idea was very much to give new start-ups an opportunity where they might not have otherwise. So it was a significant change from the 1986 policy.

CHAIR ANDREA JACKSON: So as such,

there's nothing, in terms of the capped zone, that would prohibit us in terms of the cap, is that what you are saying?

EXECUTIVE DIRECTOR ELIZABETH LINT: It wouldn't prohibit you unless you found they didn't do an exhaustive search and still you to have to show there's a need for another license in that particular location.

No harm to the area.

And overwhelming neighborhood short.

CHAIR ANDREA JACKSON: And there are other licenses out there?

EXECUTIVE DIRECTOR ELIZABETH LINT: There certainly are.

And I would like to know who is offering a license for \$800,000 because one never sold in the City for that price.

CHAIR ANDREA JACKSON: Thank you.

Anything you would like to add?

KIMBERLY COURTNEY: Sure. In regards to the one I saw for \$800,000, that was through a broker and it was including the -- they were selling it with the space, so I'm sure that was for the built-out.

CHAIR ANDREA JACKSON: So the amount you stated wasn't just for the license?

KIMBERLY COURTNEY: Most of the licenses I see are attached to locations. They are not available floating around for you to just take anywhere.

So the one I saw, that really expensive one I saw was associated with a very large commercial space and then you would take over the lease, which is also why I find it quite difficult -- I mean, I found it very difficult to find licenses available that are not tied to the

location that they are currently at.

EXECUTIVE DIRECTOR ELIZABETH LINT: Any
of our licenses can be moved to any location.

KIMBERLY COURTNEY: I believe the owner
would have to be willing to do that, though.

EXECUTIVE DIRECTOR ELIZABETH LINT: No.
The landlord cannot control a license, by
statute. The person who owns the license
controls the license.

KIMBERLY COURTNEY: That's what I meant.
I'm sorry. Yes.

So that was part of my difficulty in my
search was seeing licenses associated with
specific spaces.

So I would like to respond to some of the
comments. I don't want to keep you too long. I
will be brief.

In regards to the first gentleman, Mr.

Depaulo, we intend this to be a very classy establishment. This is not going to be a dive bar. This is not going to place where young kids hang out and get drink. This is a place that serves good food and is focused on the community.

So I'm not concerned at all about any negative impact on the community. In fact, we are residents, and it is the type of place that I think this neighborhood desperately needs.

In regards to Attorney Belanger, I'm unclear --

CHAIR ANDREA JACKSON: If you could make your comments, not necessarily tie them to people. Just make your point, please.

KIMBERLY COURTNEY: Okay.

A number of points were made regarding topics with the building permits and the

wheelchair lift and sprinklers and the kitchen facilities. All of those things.

We have all of those things already established. We have our -- the drawing that you have with this application is not the full architectural plans we submitted to the city and already have approved. Those are extensive, as you know. We have here the image of the general layout you requested.

But we have everything approved by Zoning. Everything -- the permit that's on the space is actually a full building permit. It is not a demo permit. We do have a building permit issued, which means it has gone through Zoning, Fire, the Architectural Access Board already approved our plans and we are fully accessibility.

The issue with the wheelchair lift is

being resolved by the building because that's not a part our space we are renting. They are aware it is in violation.

It has been sitting there for a number years and it hasn't been operating. So they are in the process of replacing that wheelchair lift. That needs to be done probably in order for us to open and I'm pushing them to get them as quickly as possible. So that's definitely something that is a high priority.

And as I said, our space is fully accessible. Our bathrooms are in compliance. Everything is fully in compliance with the AAB.

The kitchen is a fully functional kitchen. The only difference is we won't have gas equipment and we are not going to be slinging hamburgers and french fries.

We have the ability to boil water and

make pasta and make baked goods and do all sorts of cooking. It is just limited in terms of grease vapors. And I understand the implications of that. We are doing that for financial reasons. But that doesn't mean it is not a serious restaurant focused on food.

I have been dedicated to food ever since I left the practice of law in 2009 and I think my resume shows that. And the food is a very important aspect of this. This is not a bar. In fact, a bar would not be allowed in this zoning area. So this is a restaurant.

Something was alluded to the deceptive practice about an address in Allston. Xavier does own a property in Allston, for the record. So there is an address in Allston.

I do believe -- I wanted to point out we do have full support from the head chef at The

Cellar. I understand that Steve seems concerned that we will impact his business negatively. I have a different opinion that. I think adding new businesses to this area is a positive thing for everybody. And Brendon Arms, who, I believe, is a co-owner there as well, signed our petition. And he's in support of our project 100 percent.

In terms of the need for this, this building has been vacant for a long time. And if we don't open up an establishment in this space, someone else will try to do that. There's a building that's been sitting vacant that neighbors have commented brings down the neighborhood. We are trying to do something positive. We are trying to involve the community.

In terms of the events, I'm not expecting numbers of people to be coming into the area and

parking. I don't think that's really an issue.

I'm trying to engage the community. The local community.

So if we were to have a wine and food paring event, I'm expecting our local neighbors to be signing up for that event.

This is the type of thing I'm trying to focus on. And the layout of the bar, again, I think is a wonderful communal way of designing a restaurant. It is a design I have had in mind for many, many years as I have been looking for a commercial space. I was looking for a space in New York City for a long time. And I lived there for a number of years. The name of the restaurant was inspired by the Upperwest side of Manhattan where there are a number of little wine bars that have European themes and they are small little nooks where you go in and it's cozy and

they don't have a fully ventilated kitchen, and they make amazing foods and incredible salads. There are so many things you can do without a ventilation system. You can make really incredible foods. It's not as limiting as it sounds.

CHAIR ANDREA JACKSON: But you keep mentioning wine bar. But yet, you are here applying for a full alcohol licenses.

KIMBERLY COURTNEY: The focus of the wine is clearly because it pairs so well with the charcuterie and the cheese and the food.

But in terms of the business model that we have, I think it would be very limiting if we didn't have a full license.

And we really don't want to exclude customers because one person likes wine and the other person doesn't drink wine and the other

person doesn't want to go into this establishment because they can't get a beer or whiskey or a cocktail or something.

I mean in the same regard, we are going to cater to our vegan and gluten-free customers. We will indicate that on our menu as well, so someone who is vegan can come in with a meat eater and be able to partake in our restaurant. So it goes along the same lines as that.

We don't want to limit our customer base because we only offer beer and wine. I think it would be incredibly limiting for us.

CHAIR ANDREA JACKSON: Any other questions?

POLICE COMMISSIONER ROBERT HAAS: I'm going back to your website, you identified some dates when you plan on opening. You are announcing your initial event and you haven't

even got your permits yet. I'm trying --

KIMBERLY COURTNEY: Any events that you see on there are held at Grafton Street presently.

The Foodbiz Network is very active and we have a free monthly networking event. Those events take place at Grafton Street. The website was up just to encourage people.

CHAIR ANDREA JACKSON: What is on your website doesn't say that.

This was pulled from your website, and it says, it has your address, and it notes that "We are looking forward to seeing you there.

Saturday, April 5, 2014, 7 to 9 p.m."

It doesn't say anything about another location.

KIMBERLY COURTNEY: I'm not sure what that is exactly.

CHAIR ANDREA JACKSON: I went to your website and printed this out. Maybe you should talk to your webmaster.

KIMBERLY COURTNEY: I'm the webmaster. I put in a sample. That was meant to be actually -- it doesn't say something about these are the types of events that we'll have and it has a list.

CHAIR ANDREA JACKSON: It says "Upperwest is planning to hold lots of fun and educational food and wine events. We expect to open in April of 2014."

KIMBERLY COURTNEY: That's not an event advertisement.

CHAIR ANDREA JACKSON: And then over here it says, it goes through your wine classes, etc., and it says Saturday, April 5, 2014, 7 p.m. to 9 p.m.

KIMBERLY COURTNEY: That was a mistake in terms of when you put one of those into the system. I have a server -- the system that I'm using has those events and it just inputs that date, but that wasn't an actual event. Obviously, we weren't -- we are not going to be open April.

That wasn't meant to be an actual event. That was meant to explain we are planning on holding events.

It is a format that, I think, it inserted a date on its own.

CHAIR ANDREA JACKSON: In two different places?

There's a date here that says April 5.

KIMBERLY COURTNEY: That one is the automatic one.

CHAIR ANDREA JACKSON: And a date on the

next page.

KIMBERLY COURTNEY: And the next date was?

CHAIR ANDREA JACKSON: The same date.

KIMBERLY COURTNEY: May I see that? It is hard to comment when I'm not looking at it.

I can testify we have not scheduled any events because we don't know when we are going to open, so ...

(Reading.)

Right. So this first page is talking about all the different types of events that we would like to have just to get people interested.

POLICE COMMISSIONER ROBERT HAAS: It says April 5, 7 p.m.

KIMBERLY COURTNEY: Right. That's a mistake. The system forces you to put a date in.

I probably did this three or four months

ago when we didn't know when we would open. And I just input it into the website as a hey,-this-is-what-we're-doing.

It placed this date here automatically. I didn't place the Saturday, April 5 at the bottom. And it placed this date on the side automatically.

I'm not really sure why this is relevant. But I didn't plan any events. I haven't planned any events because we don't know when we are opening, so I'm not sure what that is all about.

Except for the ones with the Foodbiz Network, which are ongoing and held at Grafton.

CHAIR ANDREA JACKSON: Any additional questions?

POLICE COMMISSIONER ROBERT HAAS: No.

FIRE CHIEF GERALD REARDON: I can't see myself voting for an all alcohol license at this

location.

You've got a lot of people around you that have paid a lot of money for these licenses and it devaluates their license.

I know I can see your need as a wine bar, beer and wine, I can see that.

I think whole your business model and your food lends it itself to that. But I don't see where the all alcohol comes in, in terms of the number people you have, especially in light of the type of food. It is very light food and stuff to have people in there drinking hard drinks versus beer and wine.

So ...

KIMBERLY COURTNEY: Okay. So I would be amenable to discussing changing our application to beer and wine if there's a strong opposition to the all alcohol.

FIRE CHIEF GERALD REARDON: I'm speaking for myself right now.

CHAIR ANDREA JACKSON: I tend to agree.

I'm not necessarily in favor of an all alcohol license at this location. Again, as the Chief just stated, the menu, food menu, seems light in terms of serving hard liquor and people are going to be eating light, light fare.

KIMBERLY COURTNEY: The good thing about charcuterie is, as just reinforced in my TIPS and ServeSafe alcohol training, is that fatty foods, like cheese and meats, are actually very slowly digested, so it is the most appropriate food to eat with hard liquor.

POLICE COMMISSIONER ROBERT HAAS: I just think there's too many inconsistencies with what you are presenting to us.

I don't feel like an all alcohol license

for this establishment, given the size, and it seems you are back and forth in terms of what you are planning on doing, and it is not clear to me, so I'm not prepared to vote for an all alcohol license either.

CHAIR ANDREA JACKSON: Make a motion?

KIMBERLY COURTNEY: Is it possible to amend the application to beer and wine only verbally?

FIRE CHIEF GERALD REARDON: It is up to you legal people.

EXECUTIVE DIRECTOR ELIZABETH LINT: It is always possible to amend down.

CHAIR ANDREA JACKSON: So based on that, we've spent a lot of time discussing it, there are materials I would like to look through. I'm going to make a motion that we take the matter under advisement.

POLICE COMMISSIONER ROBERT HAAS: Second.

CHAIR ANDREA JACKSON: All in favor
signify by saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

EXECUTIVE DIRECTOR ELIZABETH LINT: That
would be March 27 at 10 a.m.

CHAIR ANDREA JACKSON: Yes. And I will
not entertaining any additional testimony at that
time.

- - -

EXECUTIVE DIRECTOR ELIZABETH LINT: That
leaves ratifications.

Sale of and transfer of 130, financing of
152 and the refinance of 189, 124, 11 and 44.
All participate paperwork in order.

CHIEF GERALD REARDON: I make a motion to
approve.

EXECUTIVE DIRECTOR ELIZABETH LINT: To
accept.

FIRE CHIEF GERALD REARDON: To accept.

CHAIR ANDREA JACKSON: Seconded. All in
favor signify saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: I make a motion
adjourn.

POLICE COMMISSIONER ROBERT HAAS:
Seconded.

CHAIR ANDREA JACKSON: All in favor
signify by saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

(Whereupon the proceedings were adjourned at
8:58 p.m.)

ERRATA SHEET

INSTRUCTIONS: After reading the transcript of this hearing, note any change or correction to and the reason therefor on this sheet. DO NOT make any marks or notations on the transcript volume itself. Sign and date this errata sheet (before a Notary Public, if required).

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I have read the foregoing transcript of the hearing, and except for any corrections or changes noted above, I hereby subscribe the transcript as an accurate record by me.

CERTIFICATE

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 23rd day of March 2014.

Jill Kourafas
Certified Shorthand Reporter
License No. 14903
Notary Public
My Commission expires:
February 2, 2017

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