

CAMBRIDGE LICENSE COMMISSION HEARING

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION GENERAL HEARING

LICENSE COMMISSION BOARD MEMBERS:

FIRE CHIEF GERALD REARDON
SUPERINTENDENT CHRISTOPHER BURKE

STAFF: EXECUTIVE DIRECTOR ELIZABETH LINT

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

DATE: Tuesday, October 22, 2013
TIME: 6:00 p.m.

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P R O C E E D I N G S

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EXECUTIVE DIRECTOR ELIZABETH LINT:

Before we get started, if has anyone has a cell phone on we'd appreciate if you turned off the volume.

And we do not have our Chairman tonight. But I think our fire chief and superintendent can ably handle the meeting.

This is the License Commission General Hearing, Tuesday, October 22, 2013 at 6:02 p.m. We are in the Michael J. Lombardi Building, 831 Mass. Ave, Basement Conference Room.

Before you are Commissioners Chief Gerald Reardon and Superintendent Chris Burke.

So do you want to start with all the MIT lodging houses?

FIRE CHIEF GERALD REARDON: MIT can come up. And we'll do the first one, and we'll vote

independently on each one but everybody needs to pay attention to the questions and everything on the first one.

EXECUTIVE DIRECTOR ELIZABETH LINT: I'll announce them all and state them for the record.

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APPLICATION: HOUSECORP, THE WOMEN'S
INDEPENDENT LIVING GROUP, FRIENDS OF LAMBDA PHI,
THETA DEUTERON HOUSE CORPORATION

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Housecorp, Inc., Matthew Peverill, Resident Manager, holder of a lodging house license at 69 Chestnut Street has applied for a change of Resident Manager to Jeremy Sher.

Application: The Women's Independent Living Group, Farah Alibay, Resident Manager, holder of a lodging house license at 355 Mass Ave has applied for a change of Resident Manager to Deena Sharuk.

Application: Friends of the Lambda Phi Chapter of the Alpha Delta Phi, Warren Rudder, Resident Manager, holder of a lodging house license at 351 Mass Ave has applied for a change of Resident Manager to Andy Huang.

Application: Theta Deuteron House Corporation, Resident Manager, holder of a lodging house license at 372 Memorial Drive has applied for a change of Resident Manager to Javier Garcia.

FIRE CHIEF GERALD REARDON: Good evening. So MIT if all you could turn around and give your names and spell it for the stenographer and your relationship here tonight.

ANDY HUANG: A-N-D-Y H-U-A-N-G.

DEENA SHARUK: Denna, D-E-E-N-A, Sharuk, S-H-A-R-U-K.

FARRAH SABOUNI: Farrah, F-A-R-R-A-H, S-A-B-O-U-N-I.

JEREMY SHER: Jeremy J-E-R-E-M-Y. Last
name S-H-E-R.

JAVIER GARCIA: Javier, J-A-V-I-E-R
Garcia, G-A-R-C-I-A.

FIRE CHIEF GERALD REARDON: Does MIT want
to present everything?

SARAH GALLOP: Sarah with an H.
G-A-L-L-O-P.

No, thanks.

FIRE CHIEF GERALD REARDON: So all of you
are here tonight to be the resident manager of
the various lodging houses at MIT.

So just does everybody understand what
the resident manager? Or someone want to speak
on behalf of what the resident manager's duties
are, to the best of your knowledge?

EXECUTIVE DIRECTOR ELIZABETH LINT: I'm
sorry. We have to back up. I missed one.

No. I didn't announce St. Anthony.

Application: St. Anthony Association of Boston, Inc., d/b/a Number Six house. Yu Lei, Resident Manager, holder of a lodging house license at 428 Memorial Drive has applied for a change of resident manager to Farrah Sabouni.

FIRE CHIEF GERALD REARDON: So does anyone want to speak? Give us your duties as you understand it.

JEREMY SHER: I can take a stab at that. I'm Jeremy Sher, 69 Chestnut.

FIRE CHIEF GERALD REARDON: Go ahead.

JEREMY SHER: As I understand it, we have this Resident Advisor Handbook. Which I would like to give you as an exhibit which orients us. And we have it for the year to refer to. So there's a kind've a complete set of information of the. It is really useful.

In what nutshell, to me, "RA" formally stands for residential advisor, it stands for

responsible adult.

And the idea is people will be safe, and people will be in a positive academic environment that provides them with, you know, a house that is physically safe, a community that is safe in terms of their ability to exist and thrive there.

So we take steps to make the community educational. We take steps to make sure that the building and its infrastructure is sound. And certainly to the extent there are conflicts, or any kind of issue that's interpersonal, we are there to deal with it and help people resolve that.

FIRE CHIEF GERALD REARDON: Have all you taken the training from MIT? Everyone successfully completed everything that was outlined as required in the handbook?

You also realize you have to be the bad person --

JEREMY SHER: Yes.

FIRE CHIEF GERALD REARDON: When something goes wrong. So you need to speak up and advise people what is correct or incorrect behavior. What is acceptable in terms of building safety. Obviously, any kind of parties with under-age drinking, et cetera, et cetera, so that it is a responsibility, and if you fail in your responsibility, you will be back here.

And it may be difficult to proactively speak to someone, but it is far less painful than coming back here because someone got injured or something happened that's not good for either the people that live there or the residents or students.

Questions?

SUPERINTENDENT CHRISTOPHER BURKE: No questions.

FIRE CHIEF GERALD REARDON: Anything

further from anyone?

(Pause.)

You are all so chatty tonight.

EXECUTIVE DIRECTOR ELIZABETH LINT:

They've got work to do.

FIRE CHIEF GERALD REARDON: All right, so I'll make a motion that we approve the following: Farrah Sabouni for the lodging house at 428 Memorial Drive, Jeremy Sher for 69 Chestnut Street, Deena Sharuk for 355 Mass. Ave, Andy Huang for 351 Mass. Ave, and Javier Garcia for 372 Memorial Drive as Resident Managers.

And these are all MIT lodging houses.

SUPERINTENDENT CHRISTOPHER BURKE: Second that motion.

FIRE CHIEF GERALD REARDON: Made and seconded.

All in favor?

Anyone from the public wish to be heard

on this matter before we take a final vote?

Seeing none, make -- all in favor?

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

FIRE CHIEF GERALD REARDON: Aye.

So congratulations. You are RAs and hopefully have a successful season.

Inspire some wisdom on those that come before you.

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APPLICATION: P.F. CHANG'S

EXECUTIVE DIRECTOR ELIZABETH LINT: P.F. Chang's China Bistro, Inc., d/b/a P.F. Chang's Stephen Dray manager, holder of an all alcohol beverages as a restaurant license at 100 Cambridgeside Place has applied for a change of manager to Maria Moya.

FIRE CHIEF GERALD REARDON: Good evening.

Just spell and give your name, spell it, and your relationship to the license tonight.

ATTY. ANDREW UPTON: Andrew Upton

U-P-T-O-N. Lawyer for P.F. Chang's. And with me is Maria M-A-R-I-A, Moya, M-O-Y-A, proposed manager of record on the liquor license.

FIRE CHIEF GERALD REARDON: Maybe you could turn around and give us a quick synopsis of change of manager, and Maria can give us some her experience.

ATTORNEY ANDREW UPTON: Just from a technical point of view, we are changing from Stephen Dray to Maria Moya.

We had previously qualified Diana Federico, who served as the manager, was approved by this board, and rejected by the ABCC due to overdue Department of Unemployment taxes.

As we were correcting that tax situation, which was a filing that the DUA lost for \$322, Diana Frederico resigned from the company.

So now we are proposing Maria to take her

place.

So it is not really -- just so you know, it is really not a skip from Dray to Moya. There was one who was approved and serving in there, but we got boxed in by the tax issue.

So Maria was been with P.F. Chang's for three years. She started as a server and was promoted to manager and that was this year, and when Frederic co-left, she was promoted from a group of three managers at the place to be the one in charge of alcohol service.

She is an honorably discharged veteran of the National Guard where she was a financial compliance specialist.

She's a US citizen and lives in Revere, and she's here to answer any questions you may have.

FIRE CHIEF GERALD REARDON: Maybe you can give us some your experience. Have you ever had

a license in your name?

MARIA MOYA: I have never.

FIRE CHIEF GERALD REARDON: If you can give us some your experience in terms of history with dealing with alcohol.

MARIA MOYA: As a server, three years' experience. Firsthand contact with the guests with alcohol serving. I am TIPS certified. I, with my experience as a manager, I hold my employees and myself responsible for handling liquor sales and serving my guests.

FIRE CHIEF GERALD REARDON: Has your three years' experience been here in Cambridge?

MARIA MOYA: I was in the downtown Boston location.

ATTORNEY ANDREW UPTON: She's TIPS certified but she's aware that Cambridge requires 21 Proof.

FIRE CHIEF GERALD REARDON: Thank you for

pointing that out.

ATTORNEY ANDREW UPTON: Usually the Chairman tells us about that. We discussed it. She's prepared to take that one. And she has passed and been certified by TIPS, so I think she's in good shape on that.

FIRE CHIEF GERALD REARDON: Paperwork on all this?

EXECUTIVE DIRECTOR ELIZABETH LINT: We still need the background check. I have the paperwork. We need it back.

PETER SHEINFELD: Okay.

SUPERINTENDENT CHRISTOPHER BURKE: For clarification, is it three years total service at P.F. Chang's?

MARIA MOYA: Yes.

SUPERINTENDENT CHRISTOPHER BURKE: What was the breakdown between server and management position?

MARIA MOYA: (Puzzled look.)

SUPERINTENDENT CHRISTOPHER BURKE: You
were a server?

MARIA MOYA: I started as a server, about
two and a half years. And then became a
certified trainer. And then eventually a
manager.

SUPERINTENDENT CHRISTOPHER BURKE: Any
other experience serving alcohol in other
establishments?

MARIA MOYA: No, sir. Just for P.F.
Chang's.

FIRE CHIEF GERALD REARDON: And your time
in Boston was with P.F. Chang's as well?

MARIA MOYA: Yes.

SUPERINTENDENT CHRISTOPHER BURKE: Have
you ever worked at the Cambridge location before
or strictly the Boston location.

MARIA MOYA: I have worked in the

Cambridge location for the last two or three months.

FIRE CHIEF GERALD REARDON: Anyone from the public wish to be heard on the application for P.F. Chang's?

Seeing none, so I guess we can make the motion to approve this pending the paperwork.

EXECUTIVE DIRECTOR ELIZABETH LINT: Subject to the background check, which I should be able to have completed certainly this week.

FIRE CHIEF GERALD REARDON: I make a motion to approve the change to Maria Moya.

SUPERINTENDENT CHRISTOPHER BURKE: Second that motion.

FIRE CHIEF GERALD REARDON: Motion having been made and seconded. Obviously, it is contingent upon the background and also the 21 Proof training.

All in favor.

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

Any opposed?

None.

Good luck.

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APPLICATION: JOHN HARVARD'S BREW HOUSE

EXECUTIVE DIRECTOR ELIZABETH LINT: J.H.

Restaurant Cambridge, LLC, d/b/a John Harvard's
Brew House, Ashley Slider, manager, holder of an
all alcohol beverages as a restaurant license at
33 Dunster Street has applied for a change of
beneficial interests.

ASHLEY SLIDER: Good evening.

FIRE CHIEF GERALD REARDON: Good evening.

State your name and spell it and your
relationship to the licensee.

ASHLEY SLIDER: My name is Ashley

S-L-I-D-E-R. And I'm the general manager for

John Harvard's Brew House in Cambridge,
Massachusetts.

FIRE CHIEF GERALD REARDON: Give us a
quick synopsis of the change.

ASHLEY SLIDER: None of this directly
effects the restaurant as far as management or
anything. It is in our corporate office for
volume services.

The CFO and the senior vice president,
they are both officers. They are leaving and
they are being replaced with -- Hadi Monavar. He
H-A-D-I, last name is M-O-N-A-V-A-R. He will be
the new CFO for the company.

FIRE CHIEF GERALD REARDON: So there's no
stock exchanging hands. It is just position
changes?

ASHLEY SLIDER: Yep, position changes
only.

FIRE CHIEF GERALD REARDON: Obviously,

this will not effect the actual licensed establishments in terms of operations and hours?

ASHLEY SLIDER: No, no.

FIRE CHIEF GERALD REARDON: Are we all set for paperwork?

EXECUTIVE DIRECTOR ELIZABETH LINT: We need a corrected check. You send us too much money and we can't give refunds, so ...

ASHLEY SLIDER: We sent you --

EXECUTIVE DIRECTOR ELIZABETH LINT: \$200 for the ABCC. But the hearing and advertising fee is \$175 not, \$300.

Again, I need the CORIs done as well. But we'll get that.

ASHLEY SLIDER: Angela sent you the check? Or was it --

EXECUTIVE DIRECTOR ELIZABETH LINT: It should've been -- actually, it should be one it -- that's interesting because it says "a check

in the amount of \$175. But it wasn't. It should be \$185.

ASHLEY SLIDER: We'll cancel the check and reissue a new one.

Did you have any more questions?

FIRE CHIEF GERALD REARDON: Do you have any questions?

SUPERINTENDENT CHRISTOPHER BURKE: No questions.

FIRE CHIEF GERALD REARDON: So I make a approval on this pending changing the paperwork and the CORI, so I make a motion to approve the change to John Harvard's Brew House at 33 Dunster Street and it's just a change of beneficial interests.

SUPERINTENDENT CHRISTOPHER BURKE: Second that motion.

FIRE CHIEF GERALD REARDON: Motion made and seconded. All in favor?

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

FIRE CHIEF GERALD REARDON: Aye.

EXECUTIVE DIRECTOR ELIZABETH LINT: And
Chief, I assume that's subject to the CORI and
the --

FIRE CHIEF GERALD REARDON: The CORI and
paperwork.

ASHLEY SLIDER: Thank you.

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INFORMATIONAL: PENTECOSTAL TABERNACLE

EXECUTIVE DIRECTOR ELIZABETH LINT:
Informational: Pentecostal Tabernacle, 56
Magazine Street, due to the request by a neighbor
to discuss the amplified noise level emanating
from inside the church during services.

ATTY. SEAN HOPE: Good evening Members of
the Commission. For the record Sean Hope. Hope
Legal Law Offices in Cambridge.

I'm here tonight on behalf of

International Pentecostal Tabernacle. Here with me tonight is Mrs. Sandra Edey, who is a communications director for the church. And we have Elder Roy Ray of the Pentecostal Tabernacle. And also Tom McGraw.

What's the company?

TOM MCGRAW: Acentech, A-C-E-N-T-E-C-H. We are acoustical consultants in Cambridge.

FIRE CHIEF GERALD REARDON: So maybe you can bring us up to speed here.

ATTY. SEAN HOPE: We are here for an informational hearing from what I gather with Ms. Boyer. Do you want to start off?

ANDREA BOYER: B-O-Y-E-R. Andrea.

So this is a previous case that was in 2010 not dealing with this church, but the Grace Vision Church.

At the time, the Board found there was a violation in April 27, 2010 saying the church

must be in compliance with the 8.16.80, which a non-measured noise distance. Just want to let you know this is the same church.

So the church, the Pentecostal church, moved into the space, and I was contacted by the abutter, Lyman Opie, to check the levels.

And we have always stated that the space to be checked -- is there's a tree that's right in front of Mr. Opie's house at 69 Magazine Street, to see if that is plainly audible.

At that time I also spoke with Sandra Edey and Mr. Roy Ray about the previous church's problems and what they need to keep in mind if they are going to be using any sort of amplification.

And that was in February.

March 13, after speaking with her and then also about some of the abutter's issues, we sent me a list of the things that they have done.

I want to give that to you.

They hired a sound tech consultant. And they were told to add more speakers to decrease the volume, so you wouldn't have to push so much sound through minimal amount of speakers.

They hired two professional technicians to weekly monitor and advise them on the site.

And they had a technician stand outside within the 50-foot rule and recorded the readings.

And they also rented electrical drums for a few weeks. And they ordered a drum encasement room. They ordered a drum encasement room at the cost that was about \$2,000.

And they were in the process of currently getting estimates for contractors and structural engineers for some of the work for the sound proofing that was on the list.

I also found out at that time the church

did not own the property. And that was one of the reasons they were waiting to do some of the work.

And when they were going to sign the purchase and sale agreement in June, that's when they wanted to start the construction right away. In August, I'm sorry.

You guys can discuss the actual times.

Complaints were still made in June, and at that time Henderson Headley checked to be sure it wasn't something that I didn't think was plainly audible and maybe someone else did.

He also said it was not plainly audible for him.

FIRE CHIEF GERALD REARDON: And for the record he is another investigator for the License Commission?

ANDREA BOYER: Yes.

And at that time it was discussed to

actually schedule a hearing to review what has been going on and what will take place to help with the sound and mitigation, and that's why the attorney's here and I believe the complainant is also in the audience.

FIRE CHIEF GERALD REARDON: Ms. Boyer, how many times did you go do sound checks?

ANDREA BOYER: Approximately five times on a Sunday. That's when they have the service.

FIRE CHIEF GERALD REARDON: And so Mr. Headley went another time?

ANDREA BOYER: Yes.

FIRE CHIEF GERALD REARDON: So it was six times.

What was the result of the six times that you were there in terms of --

ANDREA BOYER: (Interrupting) Oh, I'm sorry.

I didn't feel as if it was plainly

audible. From that point maybe you can hear like a boom or something or some of the music or singing.

But it wasn't consistent.

It wasn't happening for the whole time that it was happening.

And then with them stating they were going to be doing work to help rectify that situation, we were hopefully on the trail to having no problems.

FIRE CHIEF GERALD REARDON: What was the results from Henderson?

ANDREA BOYER: He said he didn't hear anything that was plainly audible.

He knew something was going on but it wasn't full capacity or like a concert or anything.

FIRE CHIEF GERALD REARDON: Mr. Hope?

ATTY. SEAN HOPE: To provide a little

background.

So this is the same church that Grace Vision operated under. So this is an extremely old church. And one of the issues with the church is it has structural issues. But they have large stained glass windows.

And part of the process of us restoring the church and making it safe and inhabitable for our Congregation, we knew when we actually used the church from February of 2012, we moved in there as an option to buy. So we had a purchase and sale agreement, but we wanted to make sure it was going to work for our congregation.

Part of that was testing out the facilities and make sure capacity was where we needed it to be.

Prior to going to 56 Magazine Street, we were on 77 Columbia Street. We had been there since 1927. So we have been in Cambridge.

And so we were searching for another facility to stay in Cambridge. 56 Magazine Street came up and the congregation that was there could not support the requirements of the building. They couldn't fix the building. There were doors -- the building has no insulation. It needed a new roof. Very, very expensive undertaking.

There was a developer who came in and made an offer on the property.

From what I gathered in the newspapers, and what I've heard, the neighbors were opposed to having a developer make condos out of this, and there was actually a group called the 56 Magazine Street Preservation Trust that was founded, that Mr. Opie was a part of. One of the missions was to keep the building a place of worship.

We saw this as an opportunity and reached

out to the sellers and we negotiated an opportunity for a trial period.

In that trial period, we had extensive investigations on property.

So one of the things we needed do is, we needed to remove and replace the windows. We needed a new roof and new siding.

One of the complicating factors is that the building has now been placed on the National Historic Register. So the building has been landmarked by The Historical Commission.

That means anything we do to the exterior of the building has to be approved.

So where we might've put siding up or done some other cheaper materials, we have to use what is approved by the Commission.

So it added to the cost, but it is something we decided to absorb.

So in February when we moved into that

building, that very first Sunday, we weren't -- we were aware of the previous issues but we hadn't really used it for sound.

And so, as Ms. Boyer said, that first Sunday, Mr. Opie, who is a direct abutter, came into the church and called the police.

We didn't know that at the time, but the police came.

That was really our first major interaction.

We had talked to him and I think he knew that we were buying the property. But that was our first significant interaction with the abutter.

That kind've set of tone for how the relationship had been to that point.

We had intended, and we still intend to, to do major renovations not just to mitigate the sound but really to restore the building.

Part of that would be a restoring the windows, replacing them and installation, carpeting. And there are a bunch of things we want to do.

And those things will impact sound. But it was important for us from the beginning to make sure we were complying with the noise ordinance.

So when Ms. Boyer came and said we were having complaints, we figured out where the 50-foot mark was from the church. And part of our process, we actually had parishioners and members go out there and monitor the sound.

So in a two-hour service, we may have a half-hour of praise and worship. And you will have music, instruments and singing.

So during that time probably is the loudest time.

And we had people stationed and if they

heard the plainly audible, and we kind've trained ourselves to figure out what plainly audible was, we had a system where we would tell the sound control people to lower the sound.

So this was ongoing monitoring we were doing not because we were in violation but we ASLO wanted to be good neighbors. We didn't want go into a neighborhood. Essentially we wanted to be welcome.

We haven't had any negative feedback outside of Mr. Opie. He's a direct abutter. His house is within 50 feet. It is a brick house. So the impact on sound may be, I would say, it is more probably more intense for him than other people.

FIRE CHIEF GERALD REARDON: Just a quick question: One of those used to be the rectory to that church?

ATTY. SEAN HOPE: And I believe --

(Pause.)

But it is within 50 feet, and there's a large window. So he's impacted by sound greater than other abutters.

We have another direct abutter on Perry Street, who is within ten to 12 feet from the property, and we have received nothing about compliments about the style of worship, about the music, and how we conduct is ourselves on the premises.

So we are invested in renovating the property, and I had mentioned the things we are planning to do. We think, and this is not just our opinion, we had a specialist come in and really say that if we do the things we plan to do with the windows and the installation and the new roof that the sound issue -- if there is a sound issue, but even just the sound would significantly decrease.

I think it was important to us to note when Ms. Boyer came out and Henderson we weren't found out of compliance with the 50-foot rule.

Even though we weren't, we did things -- we actually have drums that play in the church. We use digital drums and paid for a full encloser, so when you go and see the drums, they are in a glass case.

We have we changed where the speakers were. So we hung the speakers instead of having them at the front of the sanctuary where they have to blast them to the back.

So we have done several things. And these are all about being a good neighbor.

We have grand plans outside of the renovations. We really want to do make the property a first-class property.

But those are not to stand -- in keeping with the compliance of the ordinance.

These are just things that we are doing because we are a church and we are invested in renovating the property and feel it is the right thing to do.

That's what we have committed to do.

In terms of a timeline, I know that was part of our -- we just received \$100,000 grant from the Historical Commission to take out some of the stained glass windows and have them repaired and put back in. In the meantime, they will use wood or Plexiglass materials. And we are going forward with that. It is a process.

We hoped to close as early as April/May. It took us until August to close.

So some of the things we wanted to do, we couldn't do structurally because we didn't own the building. So now we own the building.

The first thing we did was apply to the Historical Commission for funding. There is

momentum. There is a commitment to do this.

And we are hoping the complainant, Mr. Opie, will be satisfied with what we do. Frankly, I think he's in a unique position because he's within the 50-foot range.

And, you know, I think it is important to note on our first Sunday, we he called the police. And for the Congregation that wasn't what we expected necessarily from an abutter when we were just trying to really use the building to see if it was going to work for our church purposes.

FIRE CHIEF GERALD REARDON: Would your sound person like to add to this?

TOM MCGRAW: Nothing yet. But I'm happy to answer questions from the technical side.

SUPERINTENDENT CHRISTOPHER BURKE: So have you determined a timeline for the upcoming repairs?

And would they have a desired result?
Can you give me a sense of that?

ATTY. SEAN HOPE: So the timeline, a lot
of it depends on funding.

Like I said, the first thing we had is
the money from the Historical Commission.

And so the windows, because there's a
safety issue, there was a major storm and there
were certain elements of the building that -- the
first thing we are focusing on is the windows.

To be honest with the Commission, it
really is about funding and timing. There are
certain things you do before others.

One of the things we realized was there
was wetness and mold getting into the roof. We
would like to do the shingles. We can't do the
shingles until we take care of damage underneath
the shingles.

But I would add -- because to this point

we are not been ruled to be in violation of the noise ordinance -- we are not accelerating any steps that aren't proper to do in terms of what our contractor is telling us what to do.

He's saying we have to do structural things. We have a bell tower. So we are really doing those in order of what makes most sense for the building as opposed to trying to address a subjective sound issue that really is a problem for one person.

But what we plan to do will have a major effect on the sound, and remains a positive effect.

To be frank, we have had people that come by say we love hearing on a Sunday morning, church music emanating from a property that's a church.

And just so you know, right now we use the church from about 11:30 to 2:30 once a week,

I mean in terms of having worship services. So in terms of, is this a noisy church, regardless whether you are in the noise radius or not, that's what we have been doing.

I know the previous church they didn't do some of the sound mitigation we have done. And it didn't seem they were working with the Commission in the same way we have been.

So this really has been a very small time that we have been operating with amplified sound. And yet, we just seem like, with the abutter, even that limited amount of time, so I only bring it up to say, it is not quite clear to us what would really satisfy the abutter.

And so we have been focusing on being in compliance with the ordinance and restoring the building.

And that's been our focus since we purchased the property.

SANDRA EDEY: I would like to say we have another building, church building, 77 Columbus Street, so that's why there's only one service there because -- we purchased it because we have an overflow. We were doing three services. This building allows us to do -- maybe just have two services versus three so it is not a stress on different people.

And we -- like we have been in Cambridge 85 years. There's been estimates that this will cost up to 5 to 6 million dollars. And so it is not something we take lightly.

So we are doing the best that we can. We want to restore it the way it is supposed to be, and we have been working very closely with the Historic Society.

We can document that. But we have to deal with the major, as Sean was saying, the major things first, to concentrate the roof, the

holes in the roof. And this is not cheap.

FIRE CHIEF GERALD REARDON: Anything further?

SUPERINTENDENT CHRISTOPHER BURKE: No.

FIRE CHIEF GERALD REARDON: Anyone else wish to be heard on this matter?

LYMAN OPIE (abutter): Could I say something?

FIRE CHIEF GERALD REARDON: State your name.

LYMAN OPIE (abutter): Lyman L-Y-M-A-N, Opie, O-P-I-E.

And I'm the owner of 58 and 60 Magazine Street, which the residence next door to 56 Magazine Street.

I should point out in response to some of the things Mr. Hope said. It is nice to see you.

First of all, Mr. Hope, apparently is not aware that I was in touch with the church for a

couple months before their first service in February. And I was in touch with Bishop Ryan Green, I had lunch with him, and discussed the prospect of our being neighbors.

When we had lunch, I did mention the problem with the sound with the previous church at the property.

And a couple weeks before their first service, I meet Bishop Green, Sandra Edey and many of these most active congregants at the church and explained to them clearly the substance of ordinance 8.16.80.

Regarding calling the police the first service, I think that was a perfectly constructive thing to do. We needed to have the church come in compliance with the ordinance that they knew they had to follow.

And the deal at that point was they had one month of services in which to decide whether

they wanted the building or not, as Bishop Green described the situation to me.

So we didn't have any time to mess around and spend months seeing whether the building would be good for them or not.

Mr. Hope said it wasn't clear to him what would satisfy the abutter, and of course that's not true because they have made no effort to talk to me to ask me.

They have made no effort to communicate with me to constructively resolve the problem over the last eight months even though they know it's been a problem from the first service.

For the record, I've worked professionally as a church musician. I played in rock n' roll bands like the back of PT Church in an amateur capacity, so I understand issues that the church faces. I understand that a church has music and it's vitally important.

I'm supportive of the PT church's mission. And I'm glad to have them in the neighborhood. There are an asset to the community and they are good folks but their services have been too load for this location. The residential location.

I gather there's no argument here as to whether they are subject to 8.16.80. That's great progress.

Every Sunday I have listened. They have been not in compliance. And here there's a question as well who is listening. What constitutes plainly audible? And the obvious solution here would be for people to get together. Me, and somebody from the church, and stand outside and say, Is it plainly audible here or not? But they have refused to work with me on that.

I welcome that opportunity.

There are three reasons the violations are a problem: First it is a nuisance. The noise from their services is distressing, stressful, and bothersome to me and my tenants.

Second, this is a matter of significant material harm to me. Having this persistent extreme noise nuance next to my real estate, greatly decreases the value of my real estate. This is significant.

Third, most importantly, it is a matter of public health and child safety.

When I attended PT church's services, it was so loud that I could not talk to the person standing to me without shouting in his ear.

After the service, my ears were ringing painfully and I was partially deafened temporarily. And these are not safe sound levels. They pose the risk of causing permanent hearing damage and these permanent noises are

irreparable. Medical science has no way to fix them.

More than that, infants and young children are more susceptible to this damage than adults. And there are infants and young children brought to these services.

So I'm not suggesting that the city launch a child abuse investigation or anything like that.

But my hope is, in the process of the church examining and adjusting their practices in order to come into compliance with the noise ordinance, they will create a safer and more healthy environment for their young congregants.

So that's the summary of the problem.

I remain open to working with the church and I'm sorry they have refused to do so until this hearing.

I didn't buy my house next to the church

with the expectation of silence on Sundays. But I did not expect to have a rock n' roll band playing full tilt under my bedroom window.

And in answer to Mr. Hope's question, what would satisfy the abutter? To see the law enforced. That's all. I'm glad to work with them to do that. I have told them over and over again and received no response from them.

So those three reasons, because the noise, there's an extreme nuance in our otherwise quiet and peaceful residential neighborhood.

Second because this noise nuance causes me substantial material damage by devaluing my real estate.

And third, because we would all like to see a healthy and safe environment for the young congregants at PH church. I would beg the city to enforce the noise ordinance as it applies to all activities at Magazine Street.

FIRE CHIEF GERALD REARDON: Thank you.

Let us say for the record the License Commission has on at least six times gone to that location and found them to be in compliance. At no time did we have anything from the License Commission investigators that they are not in compliance. Just so we're clear on that. Obviously audible is subject to every individual.

LYMAN OPIE (abutter): Where are you standing?

FIRE CHIEF GERALD REARDON: They are using the same location to try to do that at all times. And it is a subjective thing. But these people do it on a regular basis and we don't disagree that you may not find that your hearing is more sensitive than others, but we wanted to be clear that at this point when you say they are in compliance, right now they are in compliance with all testing that we have done.

Just so the record is clear.

LYMAN OPIE (abutter): They have --

ANDREA BOYER: There's an agreed-upon location in front of the tree in front of the house. That is something we have written to each other, I believe. It has to be monitored there because you can't just have any individuals coming onto your property.

LYMAN OPIE (abutter): By the same token, I expect the noise level to be inaudible from all points on my property.

And I'm glad to work with the church to correlate the noise levels with the exterior noise levels as heard at all points.

ANDREA BOYER: We've always agreed that it was the tree I would stand at when I am doing the plainly audible.

LYMAN OPIE (abutter): That's 50 feet from me.

ANDREA BOYER: I want to be clear.

LYMAN OPIE (abutter): For it to be not audible 50 feet across my backyard. I don't want to give somebody a license to waltz on my property to check the sound levels whenever they like. I'm glad to do it but --

ANDREA BOYER: No. Even when I spoke with the church and I -- it was that it would be the tree that they would have their people check because no one should be on anybody's property.

FIRE CHIEF GERALD REARDON: And also, did we know if there's been any other complaints from anyone else with regard to --

ANDREA BOYER: I have not received complaints from anyone else.

TOM MCGRAW: May I speak? I think one of the challenges is defining what is plainly audible. And we would suggest that the -- for lack of a formal legal --

ANDREA BOYER: I have a legal definition right here.

"Plainly audible" means any sound that can be detected by a person using his or her unaided hearing faculties. The detection of the rhythmic-based component of the music is sufficient to constitute a plainly audible sound."

TOM MCGRAW: So is plainly audible then including specific sounds that are actually quieter than the ambient?

So, for example, if this sound is 60 decibels, and I play another sound, some music in the back room that's 55, that 55 is quieter than 60 but it still will be audible because it is different because the human brain will be able to distinguish one from the other.

FIRE CHIEF GERALD REARDON: It is also a combined effect of background noise with --

ANDREA BOYER: First of all, it is a not a measured noise disturbance so that's what separates the plainly audible.

It would -- if a car coming, am I going to say -- I'm going to wait for the car to go by.

That's the benefit of standing there for a long period of time. You are able to differentiate what the different noise sources are.

With that said, still, it has not been like a continuous plainly audible situation.

ATTY. SEAN HOPE: And when Ms. Boyer came out, she didn't instruct us where the 50 foot marks are. We have been using that for the ongoing monitoring.

On of the things we looked at with the noise ordinance is it doesn't define specifically plainly audible.

And we have take the License Commission

and your investigators, who have been dealing with this issue throughout the city, to take their interpretation as the experts for whether or not we have plainly audible.

If Ms. Boyer or Mr. Hendricks came out and they said, You know what, during this moment, whatever, that it was higher than it should be, we had a mechanism to address that.

I heard Mr. Opie several times say inaudible. Inaudible. As if you don't hear anything. That, to me, seems like that's his own personal standard.

LYMAN OPIE (abutter): Excuse me, I didn't say inaudible.

ATTY. SEAN HOPE: You said you wanted the sound to be inaudible.

LYMAN OPIE (abutter): No, I did not.

FIRE CHIEF GERALD REARDON: You need to go through us and not back and forth.

ATTY. SEAN HOPE: More importantly, it is that we have been relying on -- we are not sound experts, and we didn't retain Mr. McGraw until after the fact. We wanted to make sure we were doing all we could.

We relied on the License Commission. We have committed on the record, and in the writing, of things and steps we have taken and will take going forward. And we, as a church, we are committed to abiding by the noise ordinance as well.

And we're here -- I want to address, Mr. Opie and our bishop did meet early on. It is correct they had lunch as an abutter to reach out.

Our impression as a church is that the communication was not fruitful once the police was called. Not immediately after. But we decided to designate a communications person so

there wouldn't be random people from the church interacting with the abutter.

So we have Ms. Edey, she's out there on Sundays and monitoring. They see each other and know each other.

To be frank, we felt the requests were getting demanding. They were getting to be unreasonable in terms of coming in and wanting to use our sound boards and different things.

That was our impression.

So we felt until we purchased the building and until we could implement further steps, more communication wasn't fruitful.

So we are not against having communication, but I think you can see from some of the testimony, there is a difference between what the Commission is saying and what we're saying.

Even moving forward, we want to be good

neighbors.

So we are taking on a major undertaking. A lot of that will have a positive effect on any sound, whether it is plainly audible or whatever.

And I think that it is going to hopefully cure what seems to be an independent issue by one correct direct abutter. He's an abutter and neighbor and we're sensitive to that.

SANDRA EDEY: One of things I will say, some of the songs we have sung have been without music.

And the other thing for you to understand is the church that was there before had 60 members. We pack that church out like 300, 400 people. If we sneeze, you will hear us.

Just the singing alone with no amplification, you hear us. You've got a church that's not a little church. You've got a good size church that's there.

ATTY. SEAN HOPE: To add to that, the ordinance talks about amplified sound. If they are all there and they were screaming at the top of their lungs, that probably wouldn't be something that someone would enjoy, but it is not controlled by the noise ordinance.

So it is this issue of amplified sound.

We have hired a sound person to help us further mitigate that sound to an appropriate level. And we were told to not increase -- there are more things that we could possibly do, and spend more money in terms of equipment and machines, but we were told until we take care of some of these major structural issues, that it doesn't make sense to go further.

Maybe when that huge window is now sealed up, maybe when the holes in the attic and the new roof is put on, that those will take care of those sound issues.

SANDRA EDEY: Carpeting.

ATTY. SEAN HOPE: There's a lot that will impact it.

FIRE CHIEF GERALD REARDON: Again, for the record, this is not an -- it's informational not a disciplinary hearing.

There's no evidence of any disciplinary action at this time or any violations.

Final word, Mr. Opie.

LYMAN OPIE (abutter): Well, they have not been in compliance, as far as I'm concerned recently.

So what should we do when there's a feeling that they are in the in compliance?

FIRE CHIEF GERALD REARDON: We have to go with what the rules and regulations and inspectors for the License Commission and so far they have found them to be in compliance.

And I know that will be a -- there's a

difference between your vision of it and my vision of it. But we have to apply the same standard across the city in fairness. And because you are so close, maybe you are going to have a situation where you believe --

LYMAN OPIE (abutter): Is the city willing to enforce the ordinance or not?

FIRE CHIEF GERALD REARDON: We have. And will.

LYMAN OPIE (abutter): Great. So if there's a problem and I perceive there's a violation of the ordinance, what shall I do? I prefer to be able to contact the church.

FIRE CHIEF GERALD REARDON: So far we have done six points, which is quiet lengthy. Six different days. Five by one inspector. And one by another by another inspector. And they have found no violation of this ordinance.

We don't have the wherewith all to be out

there every Sunday monitoring every church. I think you realize that.

LYMAN OPIE (abutter): But if there a noise problem, how shall I handle it? How will the city respond?

FIRE CHIEF GERALD REARDON: Right now, I don't know. We can't keep going out and monitoring every time. We have done it six times. I think that's a reasonable amount.

EXECUTIVE DIRECTOR ELIZABETH LINT: We are complaint-driven.

LYMAN OPIE (abutter): I guess I'd have to go through the notes of the police department and see if the police made notes about the fact when the police came by, it was quiet plainly audible.

So shall I just call the police if there's a disturbance?

FIRE CHIEF GERALD REARDON: I don't think

that's an effective use of the police department.

SUPERINTENDENT CHRISTOPHER BURKE: Well, I would agree with the Chief. But certainly we are not going to not respond if we get a call for service.

I would like to -- is there a way we can determine if there were issues noted by the abutter on the six days that we did the measurements?

ANDREA BOYER: They weren't measurements. Could you repeat that? I'm sorry.

SUPERINTENDENT CHRISTOPHER BURKE: Maybe, Mr. Opie, you can tell me, is this every service that you have an issue or concern with?

LYMAN OPIE (abutter): Yes. Consistently I stand 50 feet from the building and I can hear it quiet plainly.

SUPERINTENDENT CHRISTOPHER BURKE: That would include the six occasions monitored by --

LYMAN OPIE (abutter): I'm not there every Sunday.

ANDREA BOYER: I know that the police had been called and they sent me the report.

And it was -- they stated they were in the backyard and not in the front location.

So if Mr. Opie is in the back and I'm monitoring from the front, I that -- that would be a different case.

FIRE CHIEF GERALD REARDON: I mean, the police department is not trained and set up to do this and know what the location is for measuring this and hearing this.

You can get different officers at different days with different opinions depending where they are standing or not standing or what they are trying to listen to.

So that's why we try to place more emphasis on the people who do this for a living

and are familiar with the standard location, and try to keep a fair-for-all-parties standard type of test. And it is not going to be differentiating week-by-week by person-by-person.

But at this stage of the game this was an informational hearing. There has been no violations that have been noted.

LYMAN OPIE (abutter): I'm not here to cause trouble for the church.

FIRE CHIEF GERALD REARDON: For the record, there's been no documented violation by the church.

They have indicated to us they are make takes measures and hopefully these measures will help any sound control and hopefully it will get to the point where you feel as though it is agreeable to you as well. But that may not even happen. I don't know.

LYMAN OPIE (abutter): Do we have -- do

we expect them to be in compliance right now?

FIRE CHIEF GERALD REARDON: We have not found them to be out of compliance.

And granted you are a close neighbor and appear to be the only neighbor that, at least has made a filing, and you may agree to disagree.

But we need to keep a standard test for everyone involved here and they also seem to be agreeable.

Although both parties may not be having regular conversation, I believe they have taken steps and hired people and they will attempt to increase the work in there and hopefully everybody can be amenable. I hope.

LYMAN OPIE (abutter): Getting back to my question: Do you have a suggestion when I -- next weekend when I stand near the building and the noise, the music, is very plainly audible? Do you have a suggestion what I should do?

SUPERINTENDENT CHRISTOPHER BURKE: Well, clearly, if you make a determination there's a disturbance and you call the police, the police will respond.

To the Chief's point, these officers are to the responding with any questions that will measure that sound. I think --

LYMAN OPIE (abutter): They only need their own ears.

They don't need equipment. They need to state, in their opinion, whether the noise is plainly audible.

ANDREA BOYER: The times I checked, no one knew I was coming. So it is not as if we can't periodically check to see if they are in compliance without anybody knowing I'm coming.

I can't come obviously every Sunday.

There's other work that I have to do.

So, I mean, obviously, I -- if you feel

as if it is becoming -- we can check. We have to check other establishments as well, but it would have to be specifically to the amplification. Not just people singing.

LYMAN OPIE (abutter): Yes, of course.

ANDREA BOYER: I mean, it is a -- to call the police and have a police presence while there's a congregation in place, that's disruptive and I don't think that's necessarily the best public average to take.

I will go out periodically to check just anyhow because it is an open case.

This has come a long way since we had Grace Vision. I know that for a fact. Grace Vision was extremely audible, plainly audible, from a distance of 150 feet.

So, I mean, it's just something I can periodically check, and if you feel it's becoming something that's you are hearing every

week -- I'm standing fast thought at being at that tree, that's something we always used, and I don't think all of a sudden it is completely fair to change up the game and start standing in the backyard where they can't do that.

I'm not sure if the Board can state anything about this particular case to keep that as a standard. So they can monitor themselves every Sunday. It doesn't seem like they want to stop checking periodically to see if it is a problem.

Again, I'm still the one to call. I don't think the police -- it would still be up to the individual at least between Henderson and myself. We know what we're looking for. But again, it can't be every week.

FIRE CHIEF GERALD REARDON: Maybe we can turn around and do a couple in the near future unscheduled.

ANDREA BOYER: Okay.

FIRE CHIEF GERALD REARDON: All right.

And see if there's any change or anything that --

ANDREA BOYER: Some of the construction that Mr. Opie will still continue to hear has not been -- I mean, not changed as much as it may be down the road if they are going to do the refurb. They could --

ATTY. SEAN HOPE: I mean, we would be happy to, just in terms of the Commission's resources and time, we can report and say we have scheduled this and we have a date and time for this.

Part of this being an informational hearing, we don't want to commit to a timeline. We are a nonprofit and a church, and if we are off a month, we want to make sure we can adhere to the time.

As we go into the next month or two, we'll know more about what the timeline looks like and I'll be glad to tell you, so it doesn't come out of a complaint. We don't want to continue to come down here.

Weather-permitting we'll continue monitoring.

And just for the record I understand the police department's, Cambridge policy is to respond to calls and you have to go out there. I want to stress the point, it is disruptive when parishioners see police coming up or the bishop hears the police are outside.

And there was a time we felt borderline it was harassment and infringement on the church's religious practices.

I understand the police have a job to do. We would rather work with that Commission. And I think the only reason why we're not directly working with the abutter is because

communications broke down.

I think as the work gets done and the improvements happen, we would gladly come and take a (inaudible), and hopefully this goes away.

We don't want to continue to have detrimental to his property value, but as much as everybody has a right to complain, the church also feels like we want to be able to stand for what they believe in and being in compliance with the ordinance thus far. We would like to given the opportunity to be there and get the work done that needs to be done.

FIRE CHIEF GERALD REARDON: Thank you.

So place on this file, I believe.

EXECUTIVE DIRECTOR ELIZABETH LINT: Put it on six-month review.

FIRE CHIEF GERALD REARDON: Yes.

And I'll make a motion to put it on file, and scheduled for six-month review.

And during that time, we'll have a couple spot checks done unannounced using the same standard and hopefully we can get this resolved.

And as the improvements are made, it will only help the matter.

LYMAN OPIE (abutter): Question. Will I be informed when the spot checks are happening?

FIRE CHIEF GERALD REARDON: We can do it after the fact.

LYMAN OPIE (abutter): I would like for the spot checks to be done at the southwest corner of my house, please.

ANDREA BOYER: Where is that?

LYMAN OPIE (abutter): At the end of my driveway.

ANDREA BOYER: Past the tree?

LYMAN OPIE (abutter): In my driveway. It would be helpful to learn when somebody will be entering my property to do that.

FIRE CHIEF GERALD REARDON: We're gonna use the same standard we used previously. The same location as we have previously.

LYMAN OPIE (abutter): I want the ordinance to be enforced to the extent they are in compliance across my backyard, which is within the scope of the ordinance.

Is the city unwilling to do that?

FIRE CHIEF GERALD REARDON: Well, we are not going to change it right now.

We need to have some consistency where it was tested before and we'll continue to test where it is right now.

And then we can take a look at something afterwards, but to change the game at this point in terms of where everybody is standing, is going to be very arbitrary.

LYMAN OPIE (abutter): So the city is refusing to enforce the ordinance as it applies?

FIRE CHIEF GERALD REARDON: We are enforcing the ordinance.

LYMAN OPIE (abutter): So the sound that is plainly audible in my backyard?

FIRE CHIEF GERALD REARDON: We are not going to your backyard to check.

LYMAN OPIE (abutter): Which is to say you are not going to collect the data to see whether --

FIRE CHIEF GERALD REARDON: We are going to collect the data as it has been collected with all the other tests at the same spot, which is going to give us what has been done in the past to find out if it is still in compliance at the same location that has been done in the past.

LYMAN OPIE (abutter): So what you are saying is, no, you will not recognize the fact that at a different spot the noise is quiet plainly audible, audible 50 feet from the

building?

FIRE CHIEF GERALD REARDON: We're talking about 50 feet from the building.

And the spot is 50 feet from the building, I believe. Is that correct?

ANDREA BOYER: From the tree is 50 feet from the building.

FIRE CHIEF GERALD REARDON: We are using the spot 50 feet from the building.

LYMAN OPIE (abutter): But the ordinance does not specify only one spot. It should be from any spot 50 feet from the building, correct?

FIRE CHIEF GERALD REARDON: I don't know where we're going to be in terms of --

LYMAN OPIE (abutter): What will make me satisfied and resolve this, and that is, seeing that the noise is not plainly audible at the southwest corner of my house, which is within the scope of the ordinance by my reading.

FIRE CHIEF GERALD REARDON: That's 50 feet from --

LYMAN OPIE (abutter): Quiet more than 50 feet.

FIRE CHIEF GERALD REARDON: We are going to do a spot out front right now.

LYMAN OPIE (abutter): Very good. Thank you.

FIRE CHIEF GERALD REARDON: You are welcome.

Motions been made.

SUPERINTENDENT CHRISTOPHER BURKE: Second that motion.

FIRE CHIEF GERALD REARDON: Made and seconded.

All in favor?

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

FIRE CHIEF GERALD REARDON: Aye.

Thank you all very much.

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APPLICATION: LORD HOBO

EXECUTIVE DIRECTOR ELIZABETH LINT:

Checkraise, LLC, d/b/a Lord Hobo, Daniel Lanigan,
manager, of an all alcoholic beverages as a
restaurant license 92 Hampshire Street has
applied to pledge said license to Christopher
Schlesinger.

FIRE CHIEF GERALD REARDON: State your
name, and state your association with the
application.

ATTY MARTIN POMEROY: Martin Pomeroy
P-O-M-E-R-O-Y. With Bernkopf Goodman
B-E-N-K-R-O-P-F G-O-O-D-M-A-N. Counsel for
Checkraise, LLC.

And to my left is Daniel Lanigan
L-A-N-I-G-A-N. Principal of Checkraise.

FIRE CHIEF GERALD REARDON: Counsel, give
us a synopsis of tonight's application.

ATTY MARTIN POMEROY: We have an application for a pledge. Checkraise has borrowed \$85,000 to make some equipment purchases and freshen up and do minor cosmetic renovations to the restaurant.

The lender is Christopher Schlesinger. And he has required as a condition of the loan that we pledge the license to secure the repayment of the loan.

FIRE CHIEF GERALD REARDON: And this is to do the renovations to the existing restaurant, not to expand it or change the footprint, just cosmetic?

DANIEL LANIGAN: Right. And just upgrading equipment.

FIRE CHIEF GERALD REARDON: Okay.

And what is the timeline you assume you would be doing this work?

DANIEL LANIGAN: It is pretty quick by

equipment and installing it.

There's no construction. There's no permits need. It should be done pretty quick.

FIRE CHIEF GERALD REARDON: Super, any questions?

SUPERINTENDENT CHRISTOPHER BURKE: No questions.

FIRE CHIEF GERALD REARDON: Ms. Lint, do we have any paperwork?

EXECUTIVE DIRECTOR ELIZABETH LINT: We are missing the \$125 fee for the hearing.

ANDREA BOYER: That's a good start.

DANIEL LANIGAN: Can I drop you a check tomorrow?

ATTY MARTIN POMEROY: That's in addition to the \$200?

EXECUTIVE DIRECTOR ELIZABETH LINT: The 200 is not for us. It is for the ABCC.

ATTY MARTIN POMEROY: We'll get that to

you tomorrow.

FIRE CHIEF GERALD REARDON: Is this license for a value that's at that location?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes, it is. That was purchased at auction from B side.

FIRE CHIEF GERALD REARDON: Okay. I make a motion to approve Checkraise, LLC, holder of an all alcoholic beverages license at the restaurant 92 Hampshire Street to pledge the license to Christopher Schlesinger.

SUPERINTENDENT CHRISTOPHER BURKE: Second the motion.

FIRE CHIEF GERALD REARDON: Made and seconded.

All in favor?

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

FIRE CHIEF GERALD REARDON: Aye.

Good luck with everything.

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APPLICATION: BOURBON COFFEE

EXECUTIVE DIRECTOR ELIZABETH LINT:

Bourbon Coffee, LLC, d/b/a Stacey Manley,
manager, Holder of a common victualer license and
entertainment license at 1815 Massachusetts
Avenue has applied to amend the entertainment
license to include reading of pottery, and other
works; live musical instruments and/or vocalists
with or without amplification and an audio
machine which may play music below, at or above
conversation level.

FIRE CHIEF GERALD REARDON: Anyone here
for that?

EXECUTIVE DIRECTOR ELIZABETH LINT: No.

FIRE CHIEF GERALD REARDON: Okay, seeing
no one here --

EXECUTIVE DIRECTOR ELIZABETH LINT: We'll
check into it and see if it should be taken off.

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APPLICATION: ROCKY HILL TRANSPORT

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Rocky Hill Transport and Services Co., has applied for a waste hauler license to operate in the City of Cambridge.

FIRE CHIEF GERALD REARDON: Just like everybody else, spell and state your name.

JOSEPH BUZUN: My name Joseph Buzun B-U-Z-U-N.

FIRE CHIEF GERALD REARDON: And your relationship?

JOSEPH BUZUN: My parents own the company. They are the owners of Rocky Hill Transport.

FIRE CHIEF GERALD REARDON: Okay. Where is Rocky Hill located?

JOSEPH BUZUN: Saugus, Massachusetts.

FIRE CHIEF GERALD REARDON: Is it a

larger company or smaller company?

JOSEPH BUZUN: A small business about eight employees on a 50-acre piece of land.

FIRE CHIEF GERALD REARDON: So I assume that you are looking to get some business work out of the City of Cambridge?

JOSEPH BUZUN: We are currently have been working with the City of Cambridge for the last ten years, but in July of 2014 Massachusetts is looking to ban food waste in landfills and waste energy plants. They want it to go to places like for us for composting and Cambridge is one of the few cities in Massachusetts that is actually at the forefront of this.

Connecticut is away ahead of the curve but in Massachusetts they are trying to tighten up on food waste recycling. And Cambridge has been one the forefront cities in Massachusetts.

And we thought it would be a good

opportunity to do more business. We do a lot of business with Randi Mayl (phonetic). She's been down at our facilities many times.

She's coming down tomorrow to take a tour of our facility.

FIRE CHIEF GERALD REARDON: Any questions?

SUPERINTENDENT CHRISTOPHER BURKE: No questions.

FIRE CHIEF GERALD REARDON: Sounds like a good plan for dealing with some of the waste.

Any issues on paperwork?

EXECUTIVE DIRECTOR ELIZABETH LINT: No.

ANDREA BOYER: I want to point out the loading and unloading law.

FIRE CHIEF GERALD REARDON: Are you familiar with the hours?

ANDREA BOYER: Of the loading/unloading law.

JOSEPH BUZEN: I'm not too familiar with them, but I have seen signs in Cambridge that say the loading dock hours are from 5 a.m. and 7 p.m.

FIRE CHIEF GERALD REARDON: There's restrictions on people -- individual loading dock hours, which is a managing property thing. But the noise ordinance is over and above whatever restriction.

JOSEPH BUZUN: Yeah.

FIRE CHIEF GERALD REARDON: What is the time?

ANDREA BOYER: Because you are unloading, it is not so much -- it is the crate you are loading and unloading, you know, the dumpster. It is based on the dumpsters, not based on a disposal pick-up.

You are not allowed to pick up before 7 a.m. and you can pick up until 9 p.m. and on the weekends 9 a.m. to 9 p.m. you can pick up.

Now, the one thing about that is if it is -- I'll put some information on here (writing it down). This is in not as professional as I would like it to be.

That's the License Commission. If you have any questions, call first and there are certain allow-abilities in commercial spaces that is zoned though, not just -- like Broadway Market is in a residential area, so you can't pick up until 7 a.m. there. But there are areas that are all commercial and you can pick up earlier.

JOSEPH BUZUN: Depending on the locations, can I give you a call for the details?

ANDREA BOYER: Yes. Once you tell me your locations, I can tell you exactly which ones are okay and not.

It's a good couple handfuls you might have. And we can go over that so you will now.

JOSEPH BUZUN: The one place that we are

going to be working is Cambridgeside Galleria.

That's why I have seen the signs.

ANDREA BOYER: You can pick up there before 7 a.m., early, because it is all commercial zoned, correct. So you are okay there.

JOSEPH BUZUN: Okay. Thank you.

FIRE CHIEF GERALD REARDON: Questions?

SUPERINTENDENT CHRISTOPHER BURKE: No.

FIRE CHIEF GERALD REARDON: Any questions from the public who want to be heard on this matter?

Seeing none, I make a motion to approve Rocky Hill Transport Services for a waste hauler license to operate in the City of Cambridge.

SUPERINTENDENT CHRISTOPHER BURKE: I second that motion.

FIRE CHIEF GERALD REARDON: Motion been made and seconded.

All in favor?

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

FIRE CHIEF GERALD REARDON: Aye. Those
opposed?

None.

Good luck.

EXECUTIVE DIRECTOR ELIZABETH LINT:
Anything else?

FIRE CHIEF GERALD REARDON: Motion
adjourn.

SUPERINTENDENT CHRISTOPHER BURKE: Motion
to adjourn seconded.

FIRE CHIEF GERALD REARDON: All in favor?

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

FIRE CHIEF GERALD REARDON: Aye.

(Whereupon the proceedings were concluded at

7:22 p.m.)

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 Halloween 31st day of October 2013.

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

<u>\$100,000</u> [1] - 1:37:7	1:29:10	1:51:18;	1:42:2	1:48:8
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1:21:1	1:90:11	1:63:16;	<u>8.16.80</u> [3] - 1:24:1;	1:34:11;
<u>\$185</u> [1] - 1:21:2	<u>2014</u> [1] - 1:84:9	1:75:19;	1:44:12;	1:35:5;
<u>\$2,000</u> [1] - 1:25:14	<u>2017</u> [1] - 1:90:16	1:76:3, 6, 9, 12; 1:77:1, 3	1:46:8	1:38:9;
<u>\$200</u> [2] - 1:20:10;	<u>21</u> [2] - 1:14:18;	<u>50-acre</u> [1] - 1:84:3	<u>831</u> [2] - 1:1:12;	1:41:11, 14;
1:80:16	1:17:17	<u>50-foot</u> [4] - 1:25:9;	1:3:12	1:43:7, 11;
<u>\$300</u> [1] - 1:20:12	<u>22</u> [2] - 1:1:14;	1:33:11;	<u>85</u> [1] - 1:42:10	1:45:7;
<u>\$322</u> [1] - 1:12:17	1:3:11	1:36:3;	<u>9</u> [3] - 1:86:18	1:49:5;
<u>\$85,000</u> [1] - 1:79:3	<u>27</u> [1] - 1:23:19	1:38:5	<u>92</u> [2] - 1:78:6;	1:50:9;
<u>02139</u> [1] - 1:1:13	<u>2:30</u> [1] - 1:40:19	<u>55</u> [2] - 1:53:14	1:81:10	1:51:2, 9, 18;
<u>100</u> [1] - 1:11:14	<u>300</u> [1] - 1:58:14	<u>56</u> [5] - 1:22:12;	<u>A-C-E-N-T-E-C-</u> <u>H</u> [1] - 1:23:7	1:52:2;
<u>11:30</u> [1] - 1:40:19	<u>31st</u> [1] - 1:90:11	1:29:17;	<u>a.m</u> [5] - 1:86:3,	1:55:13, 17;
<u>12</u> [1] - 1:35:6	<u>33</u> [2] - 1:18:12;	1:30:2, 14;	18-19;	1:56:14;
<u>13</u> [2] - 1:2:5;	1:21:14	1:43:14	1:87:10;	1:57:2;
1:24:17	<u>351</u> [2] - 1:5:4;	<u>58</u> [1] - 1:43:13	1:88:4	1:58:7;
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				<u>academic</u> [1] - 1:8:3
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