

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: April 8, 2014

TIME: 6:06 p.m.

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P R O C E E D I N G S

April 8, 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.

This is the License Commission General Hearing. It is Tuesday evening, April 8, 2014 at 6:02 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.

If anyone is here for the transfer application of Homage Bistro and Ten Tables, that is off the agenda.

CHAIR ANDREA JACKSON: Anyone here for
that matter?

(No response.)

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APPLICATION - SOUTH AFRICA PARTNERS

EXECUTIVE DIRECTOR ELIZABETH LINT:

APPLICATION: South Africa Partners at 89
South Street 701 Boston, Mass 0211 has applied
for a charity wine license at 40 Edwin Land
Boulevard, Royal Sonesta Hotel for an event on
April 26, 2014.

(No response.)

APPLICATION - LEGAL SEAFOODS

UNIVERSITY ROAD AND BENNETT STREET

EXECUTIVE DIRECTOR ELIZABETH LINT:

APPLICATION: Legal Seafoods, LLC, d/b/a
Legal Seafoods, Chelsie Foster, manager, holder

of an all alcoholic beverages restaurant license at 5 Bennett Street has applied for a change of manager to Drew Johnson.

Application: Legal Seafoods, LLC, d/b/a Legal Seafoods, Chelsie Foster, manager, holder of an all alcoholic beverages restaurant license at 20 University Road has applied for a change of manager to Drew Johnson.

CHAIR ANDREA JACKSON: Good evening. Please state your name for the record, spelling your last name please, and if you could speak up, so we can hear you over the air.

ATTY RICHARD HELLER: Richard Heller, H-E-L-L-E-R, Senior Vice President and General Counsel for Legal Seafoods.

DREW JOHNSON: Drew Johnson, J-O-H-N-S-O-N, Restaurant Manager for Legal Seafoods, Harvard Square.

CHAIR ANDREA JACKSON: You are looking for a change of manager. Didn't we do a change of manager for this recently?

ATTY. RICHARD HELLER: We did in February. And Chelsie Foster got transferred to our new restaurant on Washington Street. She's an assistant general manager there and on the liquor license there.

CHAIR ANDREA JACKSON: Okay, it's still in the family.

Mr. Johnson, can you tell us about your background, please?

DREW JOHNSON: So I went to school in New York. I worked for a steakhouse in Manchester, Vermont as a server, and I moved to Boston two and a half years ago and ended up walking by Legal Seafoods in Kendall Square and started as a server there and worked my way up the ranks and

became restaurant manager for the company.

CHAIR ANDREA JACKSON: Again, what year was it that you started with Legal's?

DREW JOHNSON: 2011, September.

CHAIR ANDREA JACKSON: Have you ever held a liquor license in your name before?

DREW JOHNSON: I have not.

CHAIR ANDREA JACKSON: Have you ever served as a manager in any other capacity in any other restaurant?

DREW JOHNSON: In a restaurant, no.

CHAIR ANDREA JACKSON: Have you attended 21 Proof training before?

DREW JOHNSON: I did. About a month ago. Even sooner than that.

CHAIR ANDREA JACKSON: Is everything in order in the file?

EXECUTIVE DIRECTOR ELIZABETH LINT:

Absolutely.

CHAIR ANDREA JACKSON: What previous positions have you had with Legal's?

DREW JOHNSON: Legal Seafoods I have been a server and a key associate and now manager.

CHAIR ANDREA JACKSON: Any questions?

FIRE CHIEF GERALD REARDON: No questions.

CHAIR ANDREA JACKSON: Any questions.

POLICE COMMISSIONER ROBERT HAAS: No questions.

CHAIR ANDREA JACKSON: Want to make a motion, Chief?

FIRE CHIEF GERALD REARDON: I make a motion to approve the change of manager for Legal Seafoods at both locations, 5 Bennett Street and 20 University Road, from Chelsie Foster to Drew Johnson.

CHAIR ANDREA JACKSON: Second.

All in favor signify by saying aye?

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

DREW JOHNSON: Thank you so much.

Have a great night.

CHAIR ANDREA JACKSON: You, too.

APPLICATION - SOUTH AFRICA PARTNERS

EXECUTIVE DIRECTOR ELIZABETH LINT:

APPLICATION: South Africa Partners at 89

South Street 701 Boston, Mass 0211 has applied
for a charity wine license at 40 Edwin Land
Boulevard, Royal Sonesta Hotel for an event on
April 26, 2014.

CHAIR ANDREA JACKSON: Please state your
name for the record spelling your last name.

MARY TISEO: Mary T-I-S-E-O.

CHAIR ANDREA JACKSON: If you can tell me

your relationship to South Africa Partners,
please.

MARY TISEO: I'm the executive director.

CHAIR ANDREA JACKSON: You are applying
for a charity wine license?

MARY TISEO: That's correct.

CHAIR ANDREA JACKSON: How many years
have you been holding this event?

MARY TISEO: Probably ten years.
Although not every year. But for the last
several years consecutively.

CHAIR ANDREA JACKSON: How many years
have you had it at the Sonesta?

MARY TISEO: This is our first year at
the Sonesta.

CHAIR ANDREA JACKSON: Where was it
previously?

MARY TISEO: We were at the Marriott in

Kendall Square before that, and the year before that, we were at the Fish Pier in Boston.

CHAIR ANDREA JACKSON: Who donated the wine?

MARY TISEO: Wines of South Africa, which is a distributor of South African wines here in the United States.

CHAIR ANDREA JACKSON: Who will you be pouring the wine?

MARY TISEO: The staff of the Sonesta Hotel.

CHAIR ANDREA JACKSON: Is that just during the wine tasting or during the entire event?

MARY TISEO: It will be both during the wine tasting and at dinner as well.

CHAIR ANDREA JACKSON: Any questions?

FIRE CHIEF GERALD REARDON: No questions.

CHAIR ANDREA JACKSON: Any questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

CHAIR ANDREA JACKSON: I make a motion that we approve the charity wine license for South Africa partners. Is there a second?

FIRE CHIEF GERALD REARDON: Second.

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

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: Thank you very much.

APPLICATION - PRESIDENT AND FELLOWS OF

HARVARD COLLEGE - MCKINLOCK HALL

EXECUTIVE DIRECTOR ELIZABETH LINT:

APPLICATION: President and Fellows of

Harvard College holder of a lodging house license at 8 Mill Street, McKinlock Hall for 127 rooms has applied to amend this license to increase the number of rooms to 144.

Applicant is also applying for exemption from the requirement from having a resident manager.

CHAIR ANDREA JACKSON: Good evening. Please state your name for the record spelling your last name.

ALEXANDRA OFFIONG: Alexandra Offiong,
O-F-F-I-O-N-G.

RICHARD PICOTT: Richard Picott,
P-I-C-O-T-T.

CHAIR ANDREA JACKSON: And if can you please tell us what your relationship is to the applicant.

ALEXANDRA OFFIONG: I work at Harvard

University; Harvard Planning and Project Management.

RICHARD PICOTT: I'm Director of Facilities with Faculties of Arts and Sciences. Office of Physical Resources and Planning for House Renewal.

CHAIR ANDREA JACKSON: I'm sorry, your first name again?

RICHARD PICOTT: Richard.

CHAIR ANDREA JACKSON: And this is for the dorm located at Mill Street and Plympton, is that correct?

ALEXANDRA OFFIONG: Yes.

CHAIR ANDREA JACKSON: When is the construction slated to be finished?

ALEXANDRA OFFIONG: It will be completed this summer and we have students moving in for the fall term.

FIRE CHIEF GERALD REARDON: So the increase is generally the basement area that has been reconfigured in these buildings?

ALEXANDRA OFFIONG: There are a few beds located in the lower levels.

But the increase is actually more attributed to the increase in the number of single bedrooms rather than more double bedrooms. So the layout has changed.

CHAIR ANDREA JACKSON: So again, you are moving to more single rooms, is that correct?

ALEXANDRA OFFIONG: Yes.

CHAIR ANDREA JACKSON: I'm sure you explained it at probably other hearings but since I'm new, you can help educate me why are you looking for the exception to the requirement of resident manager?

RICHARD PICOTT: So we have that in place

at our other houses and dorms. We have a robust system in place to cover day-to-day activities, so it starts off with the building manager, who is on site weekdays, business hours.

And there's also an in-resident house master. They are there 24/7.

There's a resident dean in residence full-time. And there's tutors in full-time residence and that averages one tutor per 25 students. And they have an on-call system.

Additionally, we have an operation center which provides 24-hour coverage of the buildings with maintenance personnel on the site 24/7.

In the office we maintain a phone tree and most of our managers are in a few minute or a 20-minute drive of the campus.

CHAIR ANDREA JACKSON: Any questions?

POLICE COMMISSIONER ROBERT HAAS: All

staff that you have is rotating around the various houses and dorms, right, so they are not fixed to any location?

RICHARD PICOTT: No. We have an assigned manager for each house.

POLICE COMMISSIONER ROBERT HAAS: This is during the regular business hours, though. Over that 24-hour period, the other staff rotates?

RICHARD PICOTT: The other staff are available to cover. If that building manager is not available, then it would go to the area manager. So, for instance, at Leverett House, there's an area manager who is also the building manager and he's responsible for Leverett, Dunster and Mather. We have that in place among the 12 houses.

ALEXANDRA OFFIONG: Just to be clear, each house has dedicated tutors, house staff, and

dedicated house master.

POLICE COMMISSIONER ROBERT HAAS: That
reside there?

RICHARD PICOTT: That reside there, yes.

CHAIR ANDREA JACKSON: Any questions?

FIRE CHIEF GERALD REARDON: No. This is
basically almost new construction because of the
work they have done over there. They have done a
nice job. I'm familiar with the work.

CHAIR ANDREA JACKSON: Any questions?

POLICE COMMISSIONER ROBERT HAAS: No
other questions.

CHAIR ANDREA JACKSON: I make a motion
that we approve to increase the number of rooms
at McKinlock Hall to 144 and also to approve the
exemption from the requirement for having a
resident manager.

Is there a second?

FIRE CHIEF GERALD REARDON: Seconded.

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

FIRE CHIEF GERALD REARDON: Aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

ALEXANDRA OFFIONG: Thank you.

APPLICATION - PRESIDENT AND FELLOWS OF
HARVARD COLLEGE 1201 MASSACHUSETTS AVENUE

EXECUTIVE DIRECTOR ELIZABETH LINT:

President and Fellows of Harvard College has
applied for an open air parking lot license at
1201 Massachusetts Avenue for two parking spaces.
Applicant is also applying for a lodging house
license for 69 rooms with 137 occupants and
exemption from the requirement for having a
resident manager.

CHAIR ANDREA JACKSON: Again, just state

your name for the record so I have it.

ALEXANDRA OFFIONG: Alexandra Offiong

O-F-F-I-O-N-G.

RICHARD PICOTT: Richard Picott

P-I-C-O-T-T.

FIRE CHIEF GERALD REARDON: If you can give us a run-down of this particular location.

ALEXANDRA OFFIONG: Sure. So 1201

Massachusetts Avenue, as you may be familiar, it was formerly the Inn at Harvard. Harvard is in the process of renovating the building to create what we call a swing house. It will be a dormitory building and will actually be related to the renovation of all of the river houses in that when we begin renovating full houses, as we will begin this summer, we'll need a place where there's a dining hall, and where the students can temporarily live while their house is under

construction.

This will be the hub of that temporary housing. It will provide a lot of the social and academic and meeting spaces and music practice rooms, dining, and it will have a number of residential spaces and beds.

That project is set to be completed this summer as well.

CHIEF GERALD REARDON: So daytime we understand. Who will be there for the night?

RICHARD PICOTT: So the first house, full house will be Dunster House. It will start June 2. And the staff from Dunster House will relocate to the swing housing.

So it will be the same system we have in place. The building manager for Dunster will have an office and his staff will be there at 1201 Massachusetts Avenue.

ALEXANDRA OFFIONG: So the idea is that every year sequentially a new house will move into that building and the same system will apply.

CHAIR ANDREA JACKSON: Is there going to be a kitchen, cafeteria?

ALEXANDRA OFFIONG: There will be a dining hall and so there will be a kitchen, a server and dining hall space.

FIRE CHIEF GERALD REARDON: How much renovation are we doing to the location?

RICHARD PICOTT: At 1201 it is pretty significant. The building, for the most part, is being left as it was. We are doing a new kitchen and server area. But it is basically taking up the footprint that existed there before.

ALEXANDRA OFFIONG: So we are taking advantage of the hotel layouts to use those for

the student rooms. So on the upper stories there's fairly limited renovation, but on the first level, which will be a lot of the common spaces, there's a substantial amount of renovation.

FIRE CHIEF GERALD REARDON: When do you expect that construction to be done?

ALEXANDRA OFFIONG: This summer. And we are planning that the Dunster House students will be moving in for the fall semester.

CHAIR ANDREA JACKSON: And the two parking spaces, can you tell us about that?

ALEXANDRA OFFIONG: Sure. The lower level of the building has historically had an underground parking garage and prior to the renovation there were 58 parking spaces.

Going through the Planning Board Special Permit process, we had to reduce the number of

spaces in order to accommodate bike parking, sheltered bike parking in the basement.

So we had to lose spaces and we are trying to maintain as many spaces on the site as possible.

So we are proposing to put two on the driveway area because there's ample hardscape already there.

CHAIR ANDREA JACKSON: It is adding two spaces to the driveway but you have taken away from the parking space count in the garage?

ALEXANDRA OFFIONG: Yes.

It is a reduction -- there's a reduction overall of eight spaces on the site. But ten in the garage, so two of them are just moving up to the surface.

FIRE CHIEF GERALD REARDON: This doesn't impact any egress in that area?

ALEXANDRA OFFIONG: No. No.

CHAIR ANDREA JACKSON: Any questions?

POLICE COMMISSIONER ROBERT HAAS: No
other questions.

FIRE CHIEF GERALD REARDON: All set.

POLICE COMMISSIONER ROBERT HAAS: Do you
want to give Ms. Lint something?

ALEXANDRA OFFIONG: Yes.

EXECUTIVE DIRECTOR ELIZABETH LINT: Thank
you.

CHAIR ANDREA JACKSON: All paperwork is
in order?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

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

Seeing none, I make a motion that we
approve the open air parking lot license at 1201
Mass. Ave for two parking spaces and for the

lodging house license at the same address for 69 rooms with 137 occupants and exception from the requirements of having a resident manager. Is there a second?

FIRE CHIEF GERALD REARDON: Second.

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

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: Thank you very much.

APPLICATION - PARSNIP

EXECUTIVE DIRECTOR ELIZABETH LINT:

Turnip, LLC, d/b/a Parsnip, Jeremiah Tracy, manager, holding of an all alcoholic beverages restaurant license, pending ABCC approval at 91 Winthrop Street has applied for a to premise of

the relocate of the first floor bar and replace the existing service bar on the second floor with a full service bar.

ATTY ANTHONY GALLUCCIO: Good evening, Madam Chair and Members. My name is Anthony Galluccio, G-A-L-L-U-C-C-I-O. And I'm a partner with Galluccio and Watson at 1498 Cambridge Street. And to my left ...

JEREMIAH TRACY: Jeremiah Tracy T-R-A-C-Y. Manger of Parsnip.

JIM COVENO: Jim Covenno C-O-V-E-N-O. I work for Turnip, LLC. I'm the hospitality and the development arm of Turnip. I work with Turnip to develop the properties.

ATTY ANTHONY GALLUCCIO: Thank you. Through you, Madam Chair, as a matter of housekeeping I would like to submit our notice of mailing to abutters with our registered

receipts.

I also have for the Board, just blown-up floor plans that I would share, these will be a little easier for you to follow.

As was said in the notice, there is alteration of premises for a previously-approved alcohol transfer at 91 Winthrop Street. It is a significant alteration of the existing premises. There's no application for any change to capacity. We seek to maintain the 180 seats and the 26 outdoor patio seats.

If I could just walk through quickly the physical changes, if the Chair so chose, and I would defer to Jerry, who is the manager of record, as to sort of conceptual matters as to the changes, the food, and the dining concept; and Jim is here to speak more specifically to construction-related issues. But if you would

like, I would just do an overview.

CHAIR ANDREA JACKSON: Yes, please.

ATTY ANTHONY GALLUCCIO: Thank you, Madam Chair.

So if you look at your first page, and the way I would just orient you to this, the side closest to you would be JFK Street, the side closest to where you see the stairs is Winthrop Street, and the side farthest away from you would be Brattle, and the side to the right would be Mount Auburn.

The way I look at it is the Peet's Coffee, American Express would be the upper right, just for you to be oriented, and as you know, the restaurant sits above Grendel's Den and there's shared outdoor seating.

The Mount Auburn side is also the park side and Grendel's Den would be on that right

side.

At ground floor there are no physical changes proposed.

So if you go to the first floor plan, this change consists of moving the existing bar, which currently sits in the middle of the dining room. That bar currently has 24 seats. That would move to the side that I referred to as the Winthrop Street side, which, as proposed, would have nine seats. It is a reduction of about half the bar size.

The first floor would also consist of a renovation of that kitchen. That's where a dumb waiter -- we are putting in a dumb waiter that serves all floors. That's also a major item on that floor.

The next floor is the mezzanine. The first floor has two ceiling heights. That's why

this is all open to below. So the Mezzanine really consists of the area that, again, as I refer to as the Brattle Street side. That really is the restroom area, storage, mechanicals. That's the major makeup of that.

Jim will speak to the -- obviously, if you see the construction number, it is a significant investment. It is a complete system overhaul but I will let Jim get into that.

The second floor you will notice there's a service bar on that Mount Auburn side in the upper right, that service bar goes away and a full service bar is proposed, really, in the middle of the lounge, which I will let Jerry speak to that concept for the lounge. But that's why it's proposed in the middle. It is not a dining concept as much as it is a dining area and that proposed seating would be ten seats.

So just to point out the bar seating, if the alteration were approved, would be a five seat reduction. Actually, five seat reduction from the current 24 bar seats with the new seating at one bar, which is moving to half size, and then a new bar which relocates the service bar.

The third floor is really just a complete rearrangement of the kitchen. New walk-in cooler; just a complete overhaul of that kitchen. Although it looks very similar in some ways, it is, in the world of kitchens, pretty much a redesign.

And that's it.

Other than I would mention -- I know Jim has met with Historical working around issues related to the windows, again the dumb waiter will be a new amenity that will serve the entire

restaurant operation. And other than that, it becomes a significant investment in the entire mechanical systems. I would just point out, obviously, we would have liked to have done this at first pass.

We initially thought we could work with refinishing and cleaning up the existing location. The owners really felt that was not adequate or appropriate for this location, which, obviously, has been a location that has gotten a lot of attention and sort've a legacy to The Square and they made a financial decision to make a significant investment in the location.

Again, I would welcome questions and welcome Jerry and Jim to weigh in on anything specific to the concept or construction.

JEREMIAH TRACY: Good evening.

Should I just talk about the concept?

CHAIR ANDREA JACKSON: Yes, I want to hear about that.

JEREMIAH TRACY: With the second floor in particular, we spoke previously about the overall concept of the restaurant and how we're going to basically respect what Upstairs In The Square was and what it brings to Harvard Square.

To elaborate further of some of the changes that are proposed, the second floor previously was another dining room with a private dining.

We are going to change that concept hopefully to something more of a lounge space with small bites of food to be served off the main menu or a smaller menu.

We have nicknamed it the library, if you will. It will be soft seating, very cozy and very comfortable, and we'll not pack in as many

people as we think we could.

We want to keep it really comfortable, classy, like a library. There will be books on the wall. Things of that nature.

FIRE CHIEF GERALD REARDON: How many seats do you have presently?

ATTY ANTHONY GALLUCCIO: 180 with 26 outdoor.

FIRE CHIEF GERALD REARDON: Are you still keeping with the total numbers assigned?

ATTY ANTHONY GALLUCCIO: Yes.

FIRE CHIEF GERALD REARDON: It is just a rearrangement?

ATTY ANTHONY GALLUCCIO: That's correct.

FIRE CHIEF GERALD REARDON: And you have all the square footages and every floor has been approved in terms of the numbers of seats per square foot?

JEREMIAH TRACY: That's correct.

CHAIR ANDREA JACKSON: You were nodding your head. If I can get you to affirmatively say "yes" or "no."

JIM COVENO: Yes.

FIRE CHIEF GERALD REARDON: How far are you in the plans?

JIM COVENO: We have an existing demolition permit that we are operating under now, doing some demolition, and the permits are coordinated today and gone over and they should be submitted formally by the end of the week for the full building permit application.

ATTY ANTHONY GALLUCCIO: Subject to approval by The Board and the ABCC prior to commencing work.

FIRE CHIEF GERALD REARDON: So the existing elevator is staying where it is?

JIM COVENO: That's correct.

FIRE CHIEF GERALD REARDON: Is there an overhaul on that?

JIM COVENO: There will be a relocation of the machine room from one -- from the right side to the left side of the elevator shaft.

FIRE CHIEF GERALD REARDON: Is it hydraulic?

JIM COVENO: It is still remaining hydraulic, that's correct.

FIRE CHIEF GERALD REARDON: So I guess we have to say this is a substantial renovation in terms of --

JIM COVENO: Yeah.

FIRE CHIEF GERALD REARDON: You are going through electrical, the fire alarm, and this is --

JIM COVENO: Yes, the whole thing.

FIRE CHIEF GERALD REARDON: Have you checked out your kitchen hood access and so forth to roof and all and you are in pretty good shape as far as --

JIM COVENO: Yeah, we are in good shape on that.

We are modifying it at least as possible with the existing penetrations and utility penetrations, but the hood is just going through a slight configuration change, but we have adequate existing space, we believe, to have enough make-up air for us to keep the hoods.

FIRE CHIEF GERALD REARDON: So are you actually increasing the footprint of the kitchen much?

JIM COVENO: We are increasing the footprint of the first floor kitchen by probably around 75 square feet or so where there was an

old stairway tucked in on the side there that communicated between the first and the mezzanine. It was just service access.

So we are utilizing that square footage now and the kitchen below by removing that.

FIRE CHIEF GERALD REARDON: So hopefully you will still make your CFM for your hood based upon --

JIM COVENO: My engineers are telling me that I'm meeting it. If not, I feel I have a little bit of room, they tell me.

FIRE CHIEF GERALD REARDON: It is a challenge.

JIM COVENO: It is a challenge.

FIRE CHIEF GERALD REARDON: You don't have -- there's no back-up power at this location. It's not required.

JIM COVENO: No.

FIRE CHIEF GERALD REARDON: So, counsel, I know you like to answer these technical questions, so I'll spread this out.

ATTY ANTHONY GALLUCCIO: I'm very comfortable with this interchange.

POLICE COMMISSIONER ROBERT HAAS: On the original plan on the first floor, the prep area, what was that used for that you are eliminating in the new design?

JIM COVENO: That was originally a bar. There was bar seating there under the old --

POLICE COMMISSIONER ROBERT HAAS: It wasn't for food preparation at all?

JIM COVENO: There was a small oven there that they were using to heat up small snacks, pizzas and such like that. It was a small prep --

POLICE COMMISSIONER ROBERT HAAS: It

doubles as a bar as well?

JIM COVENO: You could get a drink there. I don't think it was a service bar. I'm not all that familiar with their old operations.

POLICE COMMISSIONER ROBERT HAAS: So you are eliminating that whole concept together?

EXECUTIVE DIRECTOR ELIZABETH LINT: That was a pizza bar.

POLICE COMMISSIONER ROBERT HAAS: So the kitchen is just -- you are just relocating your appliances and stuff in that same area where the kitchen originally was?

JIM COVENO: Yes.

POLICE COMMISSIONER ROBERT HAAS: And the seating was basically the same on that first floor except you moved the bar over to the Winthrop Street side of the building?

JIM COVENO: Correct.

POLICE COMMISSIONER ROBERT HAAS: So explain -- the bathroom area is kind've like a mezzanine location as opposed to a complete second floor?

JIM COVENO: Correct. It is under -- long before it was Upstairs On The Square, when it was theater, that was essentially the back of the house of the stage so there was a mezzanine.

POLICE COMMISSIONER ROBERT HAAS: That makes sense.

JIM COVENO: Okay.

CHAIR ANDREA JACKSON: When is construction slated to be completed?

ATTY ANTHONY GALLUCCIO: We are shooting for beginning of September assuming approvals go at a typical -- not this board, but typical pace at the State level.

CHAIR ANDREA JACKSON: Mr. Galluccio, again, if you can just quickly explain to me why was there the delay in terms of why this wasn't presented to this Board when you first applied?

ATTY ANTHONY GALLUCCIO: Yep. The initial thought was to go in clean up and refinish and immediately open upon transfer approval, and I think the owner just made a decision to make a deeper economic investment on the location. It was just a decision to put a significant investment in.

As the Board knows, it is a new dining concept for that location. We are extremely excited about the chef there, but given the attention to that location, I think it was a decision that was made to really send a message of how serious the owner and operators are about the location.

And you can see it is a very -- it is a challenging building because of its past uses and it is not an easy renovation. Once you get into this, you get in pretty deep, which the numbers reflect.

POLICE COMMISSIONER ROBERT HAAS: So the historical significance is on the outside of the building alone and not the interior?

ATTY ANTHONY GALLUCCIO: Yes.

Obviously, Madam Chair, I encouraged a quick decision on this. We're still pending at the ABCC. So, you know, we are hoping that we will catch up and the thought was that this shouldn't cause any delay given that the application is still at the ABCC, so I think hopefully we will catch up and it won't add a significant delay.

I did make it clear to the applicant --

the preference is to do this all at once, so I have been pressuring that piece, so I appreciate your question on that.

POLICE COMMISSIONER ROBERT HAAS: No other questions.

FIRE CHIEF GERALD REARDON: All set.

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

Seeing none, I make a motion that we approve the alteration of premise to relocate the location of the first floor bar and to replace the existing service bar on the second floor with a full service bar at 91 Winthrop Street.

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: All set.

Thank you.

APPLICATION - TORY ROW

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Tiger and Bears, LLC d/b/a Tory Row, Matthew Curtis Manager, holder of a wine & malt beverages restaurant license at 3 Braille Street has applied to upgrade said license to all alcoholic beverages.

CHAIR ANDREA JACKSON: Good evening.

Please state your name for the record spelling your last name.

ATTY VINCENT PANICO: Vincent Panico, P-A-N-I-C-O. I'm an attorney and I represent the petitioners.

To my right, would you please identify

yourself?

CHRIS LUTES: Chris Lutes, L-U-T-E-S.

MATTHEW CURTIS: Matthew Curtis,
C-U-R-T-I-S.

CHAIR ANDREA JACKSON: If you can tell us
why you are here this evening.

ATTY VINCENT PANICO: Before I do, Madam,
I had informed Ms. Lint, and for the record, to
be sure there's no problem, that I represent your
mother, as long as there's no problem with that.

CHAIR ANDREA JACKSON: I don't know who
you are, so I don't see it as a conflict. Do
you?

ATTY VINCENT PANICO: Good.

CHAIR ANDREA JACKSON: Good to know.
Okay.

ATTY VINCENT PANICO: Is that all right?

POLICE COMMISSIONER ROBERT HAAS: I have

no problem.

FIRE CHIEF GERALD REARDON: I know who he is but I have no problem.

EXECUTIVE DIRECTOR ELIZABETH LINT: I know who he is, too.

CHAIR ANDREA JACKSON: I guess I will learn later.

ATTY VINCENT PANICO: Okay, as I think at least one member of the Commission, maybe two, remember we were hear previously and we received a no-value beer and wine license, and at that time, and this is my memory, so please excuse me if it doesn't reflect yours accurately, I believe the Commission said, we were asking for a full -- all alcohol license. The Commission said, Well, why don't we start out with a beer and wine license and watch it for awhile and see what happens and then maybe take it up in the future.

POLICE COMMISSIONER ROBERT HAAS: I think you have three no-value licenses currently in the City?

CHRIS LUTES: We have three other licenses in the City.

POLICE COMMISSIONER ROBERT HAAS: Is this four?

CHRIS LUTES: We have four licenses currently. The one at Tory Row is the only no-value license.

Our first license we received at Miracle of Science in 1991 was a regular license issued in a no cap zone. It was a new issue but it wasn't called a no-value license.

POLICE COMMISSIONER ROBERT HAAS: You paid for that license?

CHRIS LUTES: It didn't exist at the time. It was a new issue. It was in a noncap

zone.

POLICE COMMISSIONER ROBERT HAAS: Let me ask you: With any of your four establishments, do they have a for value license?

CHRIS LUTES: A license we paid for, yes. We paid \$200,000 for a license at Cambridge Wine, which is in Harvard Square.

POLICE COMMISSIONER ROBERT HAAS: The other three establishments are no-value?

CHRIS LUTES: And I'm not sure about how the transfer went on the license at Middlesex Lounge.

That license was issued to someone else. Their business failed and we took over the business. And the license I believe was transferred or the City took it back and reissued it. We did not buy that license.

POLICE COMMISSIONER ROBERT HAAS: So you

have a no-value nontransferable license at
Middlesex?

CHRIS LUTES: I don't know if it actually
said no-value nontransferable.

FIRE CHIEF GERALD REARDON: You did not
pay for it?

CHRIS LUTES: We did not buy it.

POLICE COMMISSIONER ROBERT HAAS: There's
only two license for our purposes: One for value
and one for no-value.

CHRIS LUTES: Can I ask -- it's probably
not right for me to ask you a question.

POLICE COMMISSIONER ROBERT HAAS: Go
ahead.

CHRIS LUTES: At some point all the
licenses that had value were issued by the City
and then they ultimately came to have value.

FIRE CHIEF GERALD REARDON: No.

CHAIR ANDREA JACKSON: No.

So as I understand it, you received two free all alcohol licenses that are at Middlesex and Miracle of Science and then the one free wine and beer, which is at Tory Row?

CHRIS LUTES: That's correct. They were new issues.

POLICE COMMISSIONER ROBERT HAAS:

No-value nontransferable, so if you were to sell your business, you can't transfer that license.

CHRIS LUTES: At Tory Row, that's absolutely the case. That was not my understanding in 1991 when we got our first license at Miracle of Science.

If you look at the transcripts from back then and the license in the folder doesn't say that.

EXECUTIVE DIRECTOR ELIZABETH LINT: I

could look in the file it would tell. We keep notations. Anything issued after 1986 is a no-value nontransferable.

CHRIS LUTES: Okay. I completely believe it. To my recollection, that wasn't --

POLICE COMMISSIONER ROBERT HAAS: I was only aware of two types of licenses.

CHRIS LUTES: When we applied for that license, it was a new issue and we didn't pay for it. But at the same time, no one said that this license was nontransferable. It doesn't really bother me.

POLICE COMMISSIONER ROBERT HAAS: You should get that clarified just in case you ever want to sell that particular establishment so you know the status of the license.

CHRIS LUTES: Yeah. We don't carry the license as any particular value on our balance

sheet.

POLICE COMMISSIONER ROBERT HAAS: You can't get any kind of pledge against those three licenses, right? You can't use those licenses to get any kind of pledge, borrowing against a pledge?

ATTY VINCENT PANICO: Legally, I don't think it is possible.

CHRIS LUTES: Definitely not for Tory Row.

POLICE COMMISSIONER ROBERT HAAS: So I guess my question is: Is it a matter of simply upgrading the license; or is there an opportunity for the applicant to seek a license that may be on the market?

EXECUTIVE DIRECTOR ELIZABETH LINT: There certainly is an opportunity to purchase an existing license.

POLICE COMMISSIONER ROBERT HAAS: Have you explored those possibilities at all?

CHRIS LUTES: Yes, to some extent we have. They are all extremely expensive and clearly outside our business model as they were when we came to you in 2007 about the original license.

ATTY VINCENT PANICO: I talked to Jimmy Rafferty and he has the Western Front license and he said that's for sale for \$200,000. When they factored that into what would happen between a beer-and-wine license sales and an all alcohol license, at that cost, it doesn't work. It is an impractical move. They couldn't possibly make it work economically.

CHRIS LUTES: That license is for how many seats? It is a couple hundred seats.

ATTY VINCENT PANICO: Many more seats

than we would use.

EXECUTIVE DIRECTOR ELIZABETH LINT: Madam Chair, I also had a conversation with Mr. Rafferty today and he said that number might be flexible.

CHAIR ANDREA JACKSON: And as I understand it, other than the Western Front, there's other licenses out on the market as well?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes. Potentially the ManRay license, although I know he's actively seeking a location. And I do believe there's one or two others. Courtside.

ATTY VINCENT PANICO: On ManRay, I communicated with Mr. Rafferty twice and asked him about ManRay, and I haven't received a reply.

And I have been told by a knowledgeable person in the City that may be spoken for

already. I don't personally know that.

EXECUTIVE DIRECTOR ELIZABETH LINT: The Courtside license, I believe, is available.

CHAIR ANDREA JACKSON: What is the last one?

EXECUTIVE DIRECTOR ELIZABETH LINT: Courtside.

CHAIR ANDREA JACKSON: My concern is that where you've already received two free all alcohol and one free wine and beer, what would be the rationale for us to grant another free all alcohol license when there are others out on the market available for purchase?

CHRIS LUTES: Can I say something?

One, it wouldn't be a new license. It would be upgrading the existing license.

FIRE CHIEF GERALD REARDON: It would be a new license.

CHRIS LUTES: Well, it wouldn't change the total number. We would be turning in our existing license. Our total number of licenses would not change.

And we're coming back after getting -- having the original license granted to us seven years ago, we petitioned then for an all alcohol license and it was suggested by this group then that we operate and see how that goes and come back. At the time it was breaking a cap in Harvard Square and that everyone here felt it would be easier to do that with a beer and wine only license to start.

POLICE COMMISSIONER ROBERT HAAS: I mean the reason why I started this discourse was I vaguely remember the fact that we were also concerned about the number of no-value licenses we already issued to you, and that may be part of

the rationale to limit it to wine and malt as opposed to giving you a third all alcohol license.

I'm trying to figure out where you are with respect to exploring an opportunity to purchase an all alcohol license as opposed to being issued a new all alcohol license.

CHRIS LUTES: So we came here thinking that the idea was to follow up on our previous application and to try to upgrade. Since then, we heard through the grapevine that maybe we should pursue some of these others.

We did a cursory inspection and found the licenses out there are all at a significant value, well in excess of \$100,000, which seems like a lot for a restaurant of our size and these licenses, at least the ones we see, have capacities that well exceed what we would use and

thus their price.

POLICE COMMISSIONER ROBERT HAAS: What is the seating on Tory Row?

CHRIS LUTES: 70.

POLICE COMMISSIONER ROBERT HAAS: You have been in business at Tory Row for how long?

CHRIS LUTES: We opened in 2008.

We got the license in 2007.

POLICE COMMISSIONER ROBERT HAAS: Okay.

CHAIR ANDREA JACKSON: Can you repeat those dates again?

CHRIS LUTES: 2007 we were issued the license. 2008 we opened.

CHAIR ANDREA JACKSON: Was it more like 2009 you opened?

My understanding there was a significant delay from when the license was granted to when you actually opened.

CHRIS LUTES: April. Maybe April of 2009.

CHAIR ANDREA JACKSON: I believe it was April in 2009 perhaps that you opened.

CHRIS LUTES: You could be right.

In any event, we are looking to level the playing field in Harvard Square. We're surrounded by establishments that have all alcohol license and we are a small space with a great window on the center of Harvard Square and we'd just like to be able to -- you know, it was originally part of our business plan, and although we managed to stay in business without the all alcohol, it would enhance our model.

ATTY VINCENT PANICO: Madam Chair, they have been good citizens of Cambridge.

To the best of my knowledge, in all of their locations, there have been no complaints.

Elizabeth can confirm that.

They've sponsored many community activities; Title Nine Girls Running, Cambridge Camping, ART, Hasty Pudding, and they run a road race which they call the Tory Row 5K Race.

They have been good citizens and they try to have a manager, at least one manager, sometimes more, at all the CLAB meetings.

One of the issues that came up just -- just came up quite recently, the Disability Office for the City sent us a letter and said that there may be some things that should be done to the main entrance. I called Larry Brayman (phonetic) in the Inspectional Services and he said, Well, when you apply for your permit, we want to look at it to see what should be done. And he said that when we apply for the permit, he'll take a look at it and give us his approval

or not approval at that time and we will address the issue.

CHAIR ANDREA JACKSON: And you're referencing the letter from Michael Muehe?

ATTY VINCENT PANICO: Yes.

POLICE COMMISSIONER ROBERT HAAS: So I want to be clear, I'm not questioning -- I think they run a good business. That's the basis for the question is the number of no-value licenses issued. And when I issued the third one, I was a little bit troubled. I hadn't realized we already issued two others.

I was troubled by the number of no-value nontransferable license we issued for multiple establishments for the same owners. That's what I was concerned about back then. And, you know, I still have those concerns.

But it has nothing to do with whether

they are good restaurant operators. They have a fine reputation. It is the number of no-value licenses and then also having value licenses that are on the market that haven't been purchased yet. There's a balance of those two things.

CHRIS LUTES: Can I say one thing?

When we opened Miracle of Science in 1991, the first thing we came to the License Commission and said, We are interested in renting this space for a restaurant, how do we go about getting a license.

Mr. Scalli broke out a map of Cambridge and showed us at the time there were various zones in Cambridge called cap zones that had licenses in them. If you wanted to open a restaurant and have an alcoholic beverage license outside of the capped zone, you didn't need to buy an existing license. You just applied for a

license and it was granted. And that's what we did. We weren't trying to game the system.

POLICE COMMISSIONER ROBERT HAAS: I'm not accusing you of doing that.

CHRIS LUTES: Or getting an unfair advantage by that. It is just our locations happened to be outside of capped ones.

POLICE COMMISSIONER ROBERT HAAS: Our approach with respect to capped zones is we pretty much abandoned the whole notion of capped zones. And I appreciate that was in play in 1991.

CHRIS LUTES: At the time it was very different than it is now. And same with when we got the Middlesex license. Tory Row, in my mind, is the only license where we came and said, Look, we want to open in a capped zone. We are having a really hard time and we know that the City is

moving towards wanting to embrace these no-value licenses to take more control of it, which I applaud. And I was happy to be a part of that. And at that point, we were just looking to take that license and upgrade it one step and turn the other one in, if that's the way it goes.

POLICE COMMISSIONER ROBERT HAAS: I understand.

Our concern always, too, is trying to figure how do you make sure that you don't devalue those licenses out there for value by issuing an over abundance of no-value nontransferable licenses. The purpose has always -- or typically is, unless you do the pledge, would be to get a no-value license. I mean, the price has now gone up in terms of being able to maintain those licenses, but they are not near the market value of value licenses at this point

in time.

So I'm just trying to figure out how you make sure, to some degree, you keep the market so that the value license still maintain some value and they don't get depreciated because it is a choice between getting a value license and no-value license. You know, for a business model it makes sense to go to a no-value license.

CHAIR ANDREA JACKSON: I think I share the Commissioner's comments in regards to being concerned about issuing a third free all alcohol license to you.

And it has nothing to do in the way you run your shop. By all accounts you run a good, clean shop. So it has nothing to do with that. It is looking just at the number.

CHRIS LUTES: You think it would be unfair for us, is that what you are saying.

CHAIR ANDREA JACKSON: Yes, I do.

FIRE CHIEF GERALD REARDON: For example, if you were to get a license on the market for \$100,000, let's say, and then in five or six months one of your competition in the area was to get one for free, I don't think that's leveling the playing field either.

And the other problem is we have some of these on the market because there's not the impetus. If there was no other for alternative for some people but to buy the ones on the market, they would work out some kind of deal. It is supply and demand. We are going to wind up with these for value licenses on the market that are not getting bought out because of this particular opportunity. And you've had very good success in getting some of those licenses already, and you put them to good use and I

applaud you for that.

CHRIS LUTES: My point is, we didn't have the opportunity. We were never told that we should have bought a license.

FIRE CHIEF GERALD REARDON: And you are talking many years ago now, and right, it was open an area.

CHRIS LUTES: I think it is unfair to hold that against us that we have two licenses that we got before the capped zones were dissolved and that Cambridge was looked at as a whole.

Back then, it wasn't an option to buy a license.

We came here and they said, Just apply for a license. You are not in a capped zone. So two of our licenses that were free, the no-value nontransferable license, were issued that way.

You know, back then, it could've been in our budget to buy, in fact, a license for Miracle of Science, but we were told we shouldn't do that.

And it feels unfair to have the fact that we have a license there held against us for just trying to upgrade our license that we have in The Square.

FIRE CHIEF GERALD REARDON: You know, you hit the lottery a couple times. It doesn't mean it's unfair. You hit the lottery three times.

CHRIS LUTES: I would like to think our success has nothing to do with the lottery or luck.

FIRE CHIEF GERALD REARDON: But you were fortunate to get those without having to buy them is what I'm saying. Luck and circumstances were such that you were able to get them.

CHRIS LUTES: And anyone could have done

that.

FIRE CHIEF GERALD REARDON: Absolutely.

ATTY VINCENT PANICO: I think moving from beer and wine to all alcohol, that's really not a big jump.

I think if you are thinking of issuing a brand-new all alcohol license, I think that's huge, but in this case, they already have a beer and wine and they are trying to move from one to the other.

POLICE COMMISSIONER ROBERT HAAS: The way it works, you are turning one license in and getting reissued a new license. So you are getting -- I understand what you are saying that it is not a big jump from the fact that they already have a license. Technically what you are doing, they are trading in their beer and wine license and the License Commission would be

reissuing a new all alcohol license.

ATTY VINCENT PANICO: I was thinking more we are modifying an existing license.

POLICE COMMISSIONER ROBERT HAAS: But the way the process works, you trade one in and get issued a new one.

So, again, I think the premise, aside from the issue around the capped area because they predate me, was to encourage new businesses and to give them an opportunity to start to flourish and I think you have flourished in the City.

CHRIS LUTES: We are still in business, correct, and as I said, when we originally came here, our plan was to apply for the all alcohol. We had a very thorough discussion about the whole thing, and at the end of that meeting, it was suggested that -- in fact, I think it might have

been by either you or Mr. Scalli.

POLICE COMMISSIONER ROBERT HAAS: I don't go that far back.

CHRIS LUTES: To try to start with the beer and wine only and then come back and upgrade, those were the words that were used back then.

ATTY VINCENT PANICO: It hasn't been all gravy at that location. The City came in and closed down the sidewalk for a long period of time. When that problem resolved, part of the building fell apart and they had to close the sidewalk again. So they have had some economic --

POLICE COMMISSIONER ROBERT HAAS: I mean, we are not discouraging you from upgrading your license. We are questioning whether or not you have explored the market enough to make sure that

any licenses on the market at this point you can enter into good faith negotiations to seek the purchase of a license before we go ahead and issue another no-value nontransferable license.

ATTY VINCENT PANICO: I suggest if we did explore the market and brought back some economic figures to show you on the basis of what is available and what might occur if we operated the restaurant with a full license that it doesn't work, you might give it a second thought.

POLICE COMMISSIONER ROBERT HAAS: I think you have to assess what you are able to afford and see if you can find a market that fits within your business plan.

FIRE CHIEF GERALD REARDON: You need to do due diligence in terms of the availability and do some -- come back and say that, you know, This is what is out there and we, in earnest, tried to

deal with it and the number of seats and the size compared to what we have and our economic plan is such. But we wouldn't want you, for example, to get the one you paid for value to be sitting here saying, I had to close my restaurant and I haven't been able to sell this thing because no one will buy it because you keep on giving out alternative licenses at no cost.

So there's a balance here to all the people that invested in these things because many of them use them as collateral. And they can't get devaluated to the point where the collateral of those licenses are being used as equity in their business models, and obviously, we are trying to protect that as well to make sure that it is a fair playing field for everybody, at least in my opinion.

CHRIS LUTES: When we were here last

getting the license originally, we were limited in our search of licenses at the time to only licenses that existed in this Harvard Square cap. Has that changed.

POLICE COMMISSIONER ROBERT HAAS: I have to go back and look at the minutes. I don't recall.

EXECUTIVE DIRECTOR ELIZABETH LINT: I can --

CHRIS LUTES: But my question is: Harvard Square was a capped zone, they were fixed number of licenses in The Square, if we had bought a license for the Western Front, we couldn't have moved it to Harvard Square back then.

POLICE COMMISSIONER ROBERT HAAS: No. We did allow transfers. You would have to make an application. I know it was stricter then when we

first started and then gradually got away from this notion of caps and how many licenses you had in a particular area and things like that and let the market drive itself to some degree.

What I'm saying is, I'm not saying no.

I'm saying, I --

CHRIS LUTES: I'm trying to explore and understand the lay of the land now because it was significantly different then than it was.

POLICE COMMISSIONER ROBERT HAAS: We don't talk in terms of caps any longer, and the notion of moving a license from one area to another is no longer an issue, at least in the last few years that I have been on The Commission.

So, I think what I'm saying to you is, I want to make sure that you've done some exploration other than simply making an inquiry

of what is available, but then seeing if there's an opportunity for you to negotiate for a purchase of an all alcohol license. And if you were to say, We can't reach a deal, or They are too expensive, I think there's licenses out there that may have some flexibility in terms of how much they are being sold for.

You have to figure out your business plan.

CHRIS LUTES: Let me ask a few more questions. I'm getting a sense that that's the way this is heading. Could we potentially move any all alcohol license there, so even though we only have say 70 seats, if I bought a license from a restaurant that had 50 seats in Porter Square, could I move that license here.

POLICE COMMISSIONER ROBERT HAAS: We don't get into the banking of seats anywhere

really.

CHRIS LUTES: It doesn't matter.

FIRE CHIEF GERALD REARDON: I mean there's some relevance. A 50-seat one, what we would possibly do is potentially grant you an upgrade of that license to cover your 70 seats. Again, within reason. We can't go with a 25-seat thing and go to 200.

CHRIS LUTES: Say legal capacity, a license is a license because that was --

FIRE CHIEF GERALD REARDON: Well, they always were seats in the old days and they banked seats and there were so many seats in the cap zone.

EXECUTIVE DIRECTOR ELIZABETH LINT: And it got very confusing.

CHRIS LUTES: So it really changed. So a license like the Western Front license was

significantly more value when it was a place that seated 200 than a place, say, like Miracle, a place that had 65 seats.

POLICE COMMISSIONER ROBERT HAAS: Right. So I would suspect anybody selling an all alcohol license that has substantial number of seats is going to be asking for a higher price because when they bought the license they bought it for a higher price.

CHRIS LUTES: But that's gone away now.

POLICE COMMISSIONER ROBERT HAAS: But I would expect they are trying to get their value back to the license. You may find you may not be able to negotiate with the person who has 200 or 300 seats.

CHRIS LUTES: I would be looking to match it with --

POLICE COMMISSIONER ROBERT HAAS: I would

say to you that if you can get a 200-seat license, I don't think -- I'll speak for myself. I don't think I would be hard pressed to say, Oh well, that's for 200 seats, you can apply to a 70-seat restaurant.

CHRIS LUTES: So my question is whether a license a license. I'm looking to match something.

POLICE COMMISSIONER ROBERT HAAS: I think from my perspective, if you went to a restaurant that had 16 seats and now you are trying to fit into -- I'd have sit here and think about that for awhile. I think that most of the licenses that I'm aware of on the market are probably in the ballpark of what your capacity is. The question is, can you negotiate a deal that will meet your business plan. And I don't know that. You have to figure that out.

CHRIS LUTES: Okay.

POLICE COMMISSIONER ROBERT HAAS: I'm not going to make that judgment.

CHRIS LUTES: The answer to that is, we did a cursory inspection and the handful licenses that we heard that were out there were well in excess of the asking price of something that made sense on a per-seat basis to move it to a 70-seat restaurant where we already have a beer and wine license.

FIRE CHIEF GERALD REARDON: The key to that is, as we've heard, I think you need to do a little more due diligence other than "as told to by..." and contact whoever the reps are for those licenses. And find out for a fact what reality is today versus what the rumor is on the street.

No disrespect to anyone, but sometimes there's folklore that doesn't really exist.

POLICE COMMISSIONER ROBERT HAAS: I can appreciate the rules have changed since you last got your license and it was probably one of the first licenses I ever dealt with when I was on the Commission, but it has changed substantially and we are asking to make sure that -- again, we want to preserve some value in the licenses that are out there and if there's an opportunity for you to negotiate something within your business plan in terms of what you can afford. I'm not asking you to break the bank to buy a license. I just want to make sure that you make an attempt to see if there's any opportunities to purchase a license.

CHRIS LUTES: More than we have?

POLICE COMMISSIONER ROBERT HAAS: You made a cursory check, so we are asking you to do more than a cursory check.

EXECUTIVE DIRECTOR ELIZABETH LINT: I believe the Uno's license is also available, which was originally tied to that location, but the location no longer exists so the license is available.

CHRIS LUTES: Do you have a list of available licenses?

EXECUTIVE DIRECTOR ELIZABETH LINT: I don't but Chris probably has a good idea of all of them.

CHRIS LUTES: If the Licensing Commission doesn't know which licenses are being used or not --

EXECUTIVE DIRECTOR ELIZABETH LINT: Because people don't generally tell us that their licenses are for sale.

CHRIS LUTES: You would have a list of licenses that aren't being used, is that right?

You must know what licenses have been issued and whether they are being --

EXECUTIVE DIRECTOR ELIZABETH LINT: That would be the inactives and there's maybe one. ManRay, which is looking for a location.

FIRE CHIEF GERALD REARDON: Uno's.

CHRIS LUTES: Uno's and ManRay.

CHAIR ANDREA JACKSON: I think I have the most recent list. I think I recently asked Ellen to put one together for me.

EXECUTIVE DIRECTOR ELIZABETH LINT: There are a few and Chris would have that.

CHRIS LUTES: Just out of curiosity, how long can you have an inactive license before it goes away.

CHAIR ANDREA JACKSON: It is debatable.

EXECUTIVE DIRECTOR ELIZABETH LINT: Our rules say -- is it 48 months?

CHAIR ANDREA JACKSON: I believe that's what it says.

EXECUTIVE DIRECTOR ELIZABETH LINT: I believe our rules say 48 months but that has been allowed to go further.

FIRE CHIEF GERALD REARDON: In full disclosure, that was the issue with ManRay. It has been a lot longer.

ATTY VINCENT PANICO: Do they have until the end of the year or July?

EXECUTIVE DIRECTOR ELIZABETH LINT: No. May 29.

POLICE COMMISSIONER ROBERT HAAS: Maybe there's some urgency and they want to sell the license.

ATTY VINCENT PANICO: Do you know how many seats ManRay is?

EXECUTIVE DIRECTOR ELIZABETH LINT: No, I

don't.

ATTY VINCENT PANICO: May we continue
this?

CHAIR ANDREA JACKSON: Before I make a
motion, are there any members of the public that
would like to be heard on this matter?

Seeing none, I make a motion that we
continue this matter until our Decision Hearing,
the date of which I don't know.

EXECUTIVE DIRECTOR ELIZABETH LINT: I
will tell you. May 1.

ATTY VINCENT PANICO: Say that again.

EXECUTIVE DIRECTOR ELIZABETH LINT: May
1.

CHAIR ANDREA JACKSON: May 1st is our
Decision Hearing.

POLICE COMMISSIONER ROBERT HAAS: So
potentially you could come back to us on May 1

and tell us what the results are.

CHRIS LUTES: We'll have a lot of information in the next five days.

CHAIR ANDREA JACKSON: I make a motion that we continue this until our Decision Hearing.

Is there a second?

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.

CHAIR ANDREA JACKSON: Thank you.

ATTY VINCENT PANICO: Thank you.

APPLICATION - THE FRIENDLY TOAST

EXECUTIVE DIRECTOR ELIZABETH LINT:

Toasted Brothers, LLC doing business as the Friendly Toast, Eric Goodwin, manager, holder of

an all alcoholic beverages restaurant license at One Kendall Square, Building 300, has applied for an alteration of premise to include a seasonal outdoor patio on private property for food and alcohol service.

ROBERT PULER: Robert Scott Pulver,
P-U-L-V-E-R.

CHAIR ANDREA JACKSON: If you can tell us what you're looking to do. It says you are looking for alteration of premise to include a seasonal patio.

ROBERT PULVER: I applied for our liquor license eight or nine months ago when we bought the restaurant.

At the time I was applying for the restaurant, I didn't know that I needed to have a license for the outdoor area, which we were getting, which was closed at the time we were

buying the business, or shut down, I should say, because of the weather, and Chris suggested that I reapply just get the license for the business, which we needed to get up and running and come back later to apply for the outdoor space.

So that's what I'm doing now.

The outdoor space has been open serving food for the last five years under the previous owner of the business and I'm circling back to say I would like to serve alcohol out there.

FIRE CHIEF GERALD REARDON: So this is shared private property outside or is it dedicated to --

ROBERT PULVER: In my package it shows it is leased space dedicated to my business.

POLICE COMMISSIONER ROBERT HAAS: You referred to the prior owners, that means the business changed hands?

ROBERT PULVER: I bought the business with my partner, Eric Goodwin, back in October.

POLICE COMMISSIONER ROBERT HAAS: Last October?

ROBERT PULVER: This past October, that's when we got our liquor license from you folks, and I just didn't follow through on everything I needed to get. I didn't know I was supposed to do that. And it was moot at the time. It was closed.

CHAIR ANDREA JACKSON: So are you looking to move -- is this new seating or are you looking to move seating inside to outside?

ROBERT PULVER: We've always had the seating. I'm looking to increase my number of seats allowed to sell alcohol, and I checked with the building inspector upstairs when I was applying and he said it is allowable.

EXECUTIVE DIRECTOR ELIZABETH LINT: It is actually in the lease as well.

CHAIR ANDREA JACKSON: What does the lease state?

EXECUTIVE DIRECTOR ELIZABETH LINT: That the tenant shall have the appurtenant exclusive right and license to use the exterior ground level area immediately adjacent to the premises which is attached.

POLICE COMMISSIONER ROBERT HAAS: How many seats in the patio area?

ROBERT PULVER: 28 seats, seven tables.

And my neighbors are all doing the same thing. Cambridge Brewing Company, Blue Room, they all share the courtyard with me.

FIRE CHIEF GERALD REARDON: Each one of the locations is cordoned off?

ROBERT PULVER: Oh, yeah. 100 yards

between all of them.

CHAIR ANDREA JACKSON: Ms. Lint, how does this effect the cap number for One Kendall Square.

EXECUTIVE DIRECTOR ELIZABETH LINT: Now I'm looking at this, and reading the lease, it would not because it is what Friendly Toast originally had.

My thinking earlier today that it was going to be an issue, and I attempted to contact the management company to see if they needed to -- if you needed permission to do that, and now I see it is in the lease, it is not.

POLICE COMMISSIONER ROBERT HAAS: So I understand you correctly, the adjacent businesses are serving alcohol in the patio areas?

EXECUTIVE DIRECTOR ELIZABETH LINT: They all are.

ROBERT PULVER: That's my understanding.

And we are in a courtyard. We are not in the street or anything.

POLICE COMMISSIONER ROBERT HAAS:

Friendly Toast had other businesses, right, they were cooking their food in other locations and bringing it to this location?

ROBERT PULVER: No.

POLICE COMMISSIONER ROBERT HAAS: Who am I thinking of? Didn't they have a New Hampshire location?

ROBERT PULVER: We have a New Hampshire business. I was there all day today but they don't share food.

POLICE COMMISSIONER ROBERT HAAS: I thought they made food one place and brought it to another.

ROBERT PULVER: No. It would be really

smart because I employ an awful lot of bakers.

FIRE CHIEF GERALD REARDON: So the present barriers you have out there to delineate your area is adequate?

ROBERT PULVER: Oh, yeah.

CHAIR ANDREA JACKSON: Again, this doesn't effect the cap at all?

EXECUTIVE DIRECTOR ELIZABETH LINT: Not at all.

CHAIR ANDREA JACKSON: Any questions?

FIRE CHIEF GERALD REARDON: All set.

POLICE COMMISSIONER ROBERT HAAS: All set.

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

Seeing none, I make a motion that we approve the alteration of premise to include seasonal outdoor patio on private property f or

food and alcohol services for Toasted Brothers located at One Kendall Square Building, 300, is there a second?

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.

APPLICATION - VEGGIE GALAXY

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Veggie Galaxy, LLC, Adam Penn, manager, holder of a wine and malt beverages restaurant license at 450 Massachusetts Avenue has applied to amend their current alcohol hours of 11:00 a.m. to 11:00 p.m. seven days per week to 11:00 a.m. to 11:00 p.m. Monday through

Thursday, 11:00 a.m. to 1:00 a.m. Friday, 10:00 a.m. to 1:00 a.m. on Saturday and 10:00 a.m. to 11:00 p.m. on Sunday. Applicant is also applying to amend their common victualer hours to close at 2:00 a.m. on Friday and Saturdays.

CHAIR ANDREA JACKSON: Good evening.

Please state your name for the record spelling your last name.

ADAM PENN: Adam. Last name P-E-N-N.

CHAIR ANDREA JACKSON: Can you tell us why you are looking to amend your hours?

ADAM PENN: Yes. So we're in Central Square. We opened two and a half years ago. And I have been getting feedback from customers and requests from customers Why don't we stay open later.

The biggest hesitation of mine has always been the staff getting home that late. Since the

T has started running later hours that's created an opportunity. I also heard from customers.

Historically I have always been told the one late night spot to go to in Central Square for food was High Five Pizza and they recently closed. And those two reasons created the impetus to make the move and stay open later just on Friday and Saturday nights.

CHAIR ANDREA JACKSON: Ms. Lint, do the hours on the application match the hours that were in that --

EXECUTIVE DIRECTOR ELIZABETH LINT: No, they do not.

But I do know that what was advertised is I believe what you were looking for.

The application has -- on the CV application has hours of operation seven days open 7:00 a.m. to 2:00 a.m.

ADAM PENN: No.

EXECUTIVE DIRECTOR ELIZABETH LINT: I don't think that's what you wanted. If you can stop in tomorrow and amend the CV application.

ADAM PENN: Yes.

EXECUTIVE DIRECTOR ELIZABETH LINT: To be consistent with what you advertised we can't just amend your app.

CHAIR ANDREA JACKSON: So you are looking to extend your alcohol hours just on Friday and Saturday, is that correct, the first part of it from 11:00 to 1:00?

ADAM PENN: That's correct.

CHAIR ANDREA JACKSON: Then looking to amend your CV hours to 2:00 a.m. on Fridays and Saturdays?

ADAM PENN: Yes.

CHAIR ANDREA JACKSON: And you have staff

that will adjust to that transaction in terms of the hours?

ADAM PENN: We do.

CHAIR ANDREA JACKSON: You will have full staff onboard?

ADAM PENN: It will be slightly limited staff. Our plan is to serve only breakfast after 11:00 p.m., which would require less staff if we had a full menu.

CHAIR ANDREA JACKSON: Any questions?

POLICE COMMISSIONER ROBERT HAAS: You said you will serve breakfast after 11:00 p.m.?

ADAM PENN: Yes.

POLICE COMMISSIONER ROBERT HAAS: How does that differ from your regular menu?

ADAM PENN: We serve breakfast all day.

POLICE COMMISSIONER ROBERT HAAS: So you are limiting your expanded menu after 11:00?

ADAM PENN: Yes.

POLICE COMMISSIONER ROBERT HAAS: No
other questions.

CHAIR ANDREA JACKSON: Chief?

FIRE CHIEF GERALD REARDON: No.

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

Seeing none, I make a motion that we
approve the amended hours stated by Ms. Lint for
Veggie Galaxy.

FIRE CHIEF GERALD REARDON: Second.

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

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: Good luck.

FIRE CHIEF GERALD REARDON: Good luck.

CHAIR ANDREA JACKSON: Thank you.

APPLICATION: ABIGAIL'S

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Winding Road, LLC, doing business as Abigail's, James Ludwig, manager, holder of all alcoholic beverages restaurant license and entertainment license at 291 Third Street has applied to amend the entertainment license to include dancing by patrons, comedy shows, reading of poetry and/or other works, karaoke, DJ, music playing below/at or above conversation level and live musical instruments and/or vocalists with amplification.

CHAIR ANDREA JACKSON: Good evening.

State your name for the record, spelling your last name, please.

SARA MURNANE: Sara Murnane,

M-U-R-N-A-N-E. Co-owner.

JAMES LUDWIG: James Ludwig. I'm co-owner of Abigail's. The last name is L-U-D-W-I-G.

CHAIR ANDREA JACKSON: Can you tell us why you are seeking a change?

JAMES LUDWIG: The neighborhood is growing and there's a lot more residents coming to the area. You know, we invested heavily in sound-proofing, the build-out, and we feel that we have done lot of tests and stuff for when we have a party. You know, I mean people asked us, Can we have a piano player there? Or something like that. And I don't believe we had very many complaints from our neighbors recently.

SARA MURNANE: We haven't had any.

JAMES LUDWIG: Not that I know of. So you know, I'm willing to accommodate their needs as well, so I think --

SARA MURNANE: There's a lot of students in the neighborhood and lot of residents.

JAMES LUDWIG: And we don't have a 2:00 license. It is not something that people would pour on the street super late.

SARA MURNANE: We do have a lot of signatures in support of our application. We want to provide -- we don't necessarily want to be a music venue. We want a venue --

JAMES LUDWIG: (Interrupting.) I'm sorry.

SARA MURNANE: We want the opportunity to host special events. Our main goal is to have the opportunity to have live music on occasion. We would like to do a jazz brunch.

As James mentioned, we do have an upcoming event. We are hosting a 90th-birthday party and the guest of honor requested a piano

player be present. That led us to apply across the board. We don't want to become a rock venue.

We have enlisted the services of a sound engineer to check the levels from the apartments above to make sure that we don't impede on the neighborhood.

We don't want to become a public nuisance. We have a clause in our lease saying we should have repeated violation, we will have our hours of operation reduced.

JAMES LUDWIG: We are a restaurant first and foremost. We don't want to disrupt the diners. We want to keep it classy. That type of thing.

CHAIR ANDREA JACKSON: So are you looking to have a DJ?

I know when I looked through the

paperwork --

SARA MURNANE: Mostly DJs.

It will be mostly DJs. The only live music we plan on pursuing now is a jazz brunch. But that said, we would like to have an occasional, maybe acoustic band play.

We are very aware of our limitations even with the sound-proofing in place. It is a residential neighborhood. I live there myself. We don't want to be a nuisance. We want to have a place where people in the neighborhood can come and have a cocktail and listen to music.

Our kitchen will remain open until 1:00 a.m., as it always has, with late night snacks.

CHAIR ANDREA JACKSON: Where would the DJ be? Would it be right at the front entrance?

SARA MURNANE: Yes. We have three

high-top bar tables. We wouldn't be using
turntables. We don't plan on using turntables.
It will be someone working on off a laptop.

CHAIR ANDREA JACKSON: What would you do
with the high-top tables that are there?

SARA MURNANE: They can remain in place.

The DJ would take over one high top.
Should we have a band, we have two additional
high tops at the far end of the bar that would be
removed to make space.

CHAIR ANDREA JACKSON: Where would you
put those high-top tables?

SARA MURNANE: Downstairs to our storage
area.

CHAIR ANDREA JACKSON: When are you
looking to start this?

SARA MURNANE: As soon as possible. At
the event I mentioned, that would require the

pianist, that's requested the first week in May, which would be after your Decision Hearing.

FIRE CHIEF GERALD REARDON: So what's happened now if someone asked for a piano --

SARA MURNANE: She's aware that we have an application pending and should it be approved, she --

FIRE CHIEF GERALD REARDON: You haven't done any of those venues so far?

SARA MURNANE: No.

CHAIR ANDREA JACKSON: No DJ at all?

SARA MURNANE: We had a DJ that worked off a laptop, and I cleared it with Chris before we did it, utilizing our existing equipment we are licensed for. The only additional equipment was the laptop.

JAMES LUDWIG: We started it on Sunday night. I changed it to Saturday because it is

more of an appropriate night, I think, for that.

SARA MURNANE: We wanted to possibly do a karaoke night. We have a DJ lined up to do that night should we be approved.

FIRE CHIEF GERALD REARDON: What space would you use for the dancing area?

SARA MURNANE: The dancing -- we've had requests for weddings. People wanted to have small weddings.

Should we need space for a dance floor, the main dining area, we could remove the tables and put them downstairs. We don't want to be a nightclub. It is not our intention. We just want to get everything covered.

FIRE CHIEF GERALD REARDON: Well, it is the right answer. You need to remove them from that floor and put them downstairs and not push them to the sides.

EXECUTIVE DIRECTOR ELIZABETH LINT: Madam Chair, I do have a letter, one letter from abutters next door, and they like and support the neighborhood restaurants. They are just concerned with increased noise and ask that you ensure any amendment granted would include reasonable limits on the level of the sound.

SARA MURNANE: We are fully in support of that. Last thing we want to do is upset our neighbors.

EXECUTIVE DIRECTOR ELIZABETH LINT: According to our noise ordinance, noise can't be audible onto the sidewalk from the establishment.

JAMES LUDWIG: With the door closed, right?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

CHAIR ANDREA JACKSON: You said in the past you had a DJ that played music off of a

laptop?

SARA MURNANE: Yes. It plugs into our PA system, which we are licensed for.

CHAIR ANDREA JACKSON: Is that consistent with the current license they have?

EXECUTIVE DIRECTOR ELIZABETH LINT: I would have to look at the entertainment license. I believe it is.

SARA MURNANE: I asked Chris if it was okay.

FIRE CHIEF GERALD REARDON: When you look at this, at first glance, it looks like you are taking a giant turn and --

SARA MURNANE: No.

JAMES LUDWIG: We want to be --

FIRE CHIEF GERALD REARDON: You are looking for some flexibility?

SARA MURNANE: Absolutely. Absolutely.

FIRE CHIEF GERALD REARDON: It would be the exception as opposed to the norm.

SARA MURNANE: Yes. DJs a couple nights a week and live music on occasion. The Square has changed and nothing happens down there after dinner hours. Everyone goes over the bridge and we want to keep them in Cambridge.

CHAIR ANDREA JACKSON: I think my only concern is just in terms of your location making sure you are good neighbors. I know there are apartments directly above where your establishment is at. My concern how are those people effected.

SARA MURNANE: As I said, I enlisted a sound engineer. We entered the apartments directly above and several units down and the sound levels, he has given us a written guideline we should adhere to so not to impede on their

peace and quiet.

JAMES LUDWIG: We've invested over \$10,000 in sound-proofing. Also, you know, we encourage -- we have good communication with the concierges and most of our neighbors in the neighborhood. We have a good finger on the pulse of what is going on around us, I think.

FIRE CHIEF GERALD REARDON: It is also listed in your lease agreement about the noise, correct?

SARA MURNANE: Yes. We do have an agreement should we have violations, they will reduce our hours of operation.

CHAIR ANDREA JACKSON: Now, do you have landlord approval --

SARA MURNANE: Yes.

CHAIR ANDREA JACKSON: -- to alter your license?

SARA MURNANE: Yes.

CHAIR ANDREA JACKSON: Do you have that in writing? When I looked through your lease, as I read it --

SARA MURNANE: They have approved it. I can get you something in writing. They support it.

EXECUTIVE DIRECTOR ELIZABETH LINT: Just a letter or something from the landlord would be great.

SARA MURNANE: Okay.

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

Seeing none, I make a motion that we approve the amendment of the entertainment license to include dancing by patrons, comedy shows, reading of poetry and/or other works, karaoke, DJ, music playing below/at or above

conversation level and live musical instruments and/or vocalists with amplification, contingent upon receipt of the letter from the landlord and with a six- month review.

All in favor signify by saying aye.

FIRE CHIEF GERALD REARDON: Aye. Second.

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHAIR ANDREA JACKSON: Sorry. A "second" would be appropriate. Jumping the gun. It's seconded.

All those in favor signify by saying aye.

FIRE CHIEF GERALD REARDON: Aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

SARA MURNANE: Thank you so much.

Have a great evening.

APPLICATION: CAPTAIN MARDEN'S

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Captain Marden's Seafoods, Inc.

Terri Klippert, manager, has applied for a vendor/ peddler license to operate a mobile food truck on private property at 1 Oxford Street.

Applicant would be permitted to be on said property from 11:00 a.m. to 3:00 p.m. on Mondays and Wednesdays.

CHAIR ANDREA JACKSON: Good evening.

TERRI KLIPPERT: Hi, Andrea.

CHAIR ANDREA JACKSON: I'm trying to figure out who you are.

So if you could please state your name for the record spelling your last name.

TERRI KLIPPERT: Terri K-L-I-P-P-E-R-T.

CHAIR ANDREA JACKSON: Can you tell us what your plan is, please.

TERRI KLIPPERT: Mondays and Wednesday we have been serving lunch at 1 Oxford Street in

front of the Cambridge Science Center from
approximately 11:00 a.m. to 3:00 p.m.

FIRE CHIEF GERALD REARDON: Are you
actually on Oxford Street or are you on --

TERRI KLIPPERT: On the overpass
overlooking the fire headquarters.

FIRE CHIEF GERALD REARDON: Beautiful
fire headquarters.

TERRI KLIPPERT: I was going to say that.

FIRE CHIEF GERALD REARDON: I knew you
were.

TERRI KLIPPERT: People have been
pleased.

CHAIR ANDREA JACKSON: How many other
food trucks are out there?

FIRE CHIEF GERALD REARDON: 72. Only
kidding.

EXECUTIVE DIRECTOR ELIZABETH LINT: Seems

like it.

TERRI KLIPPERT: Three total.

CHAIR ANDREA JACKSON: Three total during this particular time?

TERRI KLIPPERT: That's correct.

FIRE CHIEF GERALD REARDON: Sometimes it seems like five or six. They were doing construction.

EXECUTIVE DIRECTOR ELIZABETH LINT: Depends on the day.

CHAIR ANDREA JACKSON: Is all paperwork in order?

EXECUTIVE DIRECTOR ELIZABETH LINT: I have to make sure I have the background checks. We were having issues with what we were getting today.

CHAIR ANDREA JACKSON: Any questions?

POLICE COMMISSIONER ROBERT HAAS: No

questions.

CHAIR ANDREA JACKSON: Any questions?

FIRE CHIEF GERALD REARDON: No questions.

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

I make a motion that we approve the vendor/peddler license to operate a mobile food truck on private property of 1 Oxford Street for Captain Marden's Seafoods, Inc., Terri Klippert as manager contingent upon an acceptable CORI check.

FIRE CHIEF GERALD REARDON: Any other inspections?

TERRI KLIPPERT: The gentleman was darling; the fire inspector.

FIRE CHIEF GERALD REARDON: You've got propane?

TERRI KLIPPERT: Right.

EXECUTIVE DIRECTOR ELIZABETH LINT: Was that his name; or he was really nice?

TERRI KLIPPERT: He was wonderful.

And I did submit the CORI check and the Sex Offender Registry Board paperwork a month and a half ago maybe, two months ago.

EXECUTIVE DIRECTOR ELIZABETH LINT: We have it. We are getting back from the board, every single one says "no CORI information found" on every single thing we have submitted.

TERRI KLIPPERT: So it says everybody is okay but they might not be?

EXECUTIVE DIRECTOR ELIZABETH LINT: Right. So we are going to run them through the police department.

TERRI KLIPPERT: I do have them from Wellesley, if that helps.

EXECUTIVE DIRECTOR ELIZABETH LINT: That

would be great.

TERRI KLIPPERT: Fabulous. I'll get that to you tomorrow.

EXECUTIVE DIRECTOR ELIZABETH LINT: Terrific.

CHAIR ANDREA JACKSON: There's been a motion and second. All in favor signify by saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: Thank you.

APPLICATION: VIOLETTE BAKERS

EXECUTIVE DIRECTOR ELIZABETH LINT: And last but not least, Application: Violette, LLC doing business as Violette Bakers, Leesteffy Jenkins, manager, has applied for a common victualer license to be exercised at 1001 Mass

Ave. Said license, if granted, would allow food and nonalcoholic beverages to be sold, served and consumed on said premises with a seating capacity of 14 inside and 6 seasonal patio seats on private property. The proposed hours of operation are 9:00 a.m. to 6:00 p.m. Wednesday through Friday 9:00 a.m. to 5:00 p.m. Saturday and 10:00 a.m. to 4:00 Sunday.

CHAIR ANDREA JACKSON: Good evening. Please state your name for the record spelling your last name.

LEESTEFFFY JENKINS: Leesteffy Jenkins
J-E-N-K-I-N-S.

CHAIR ANDREA JACKSON: So as I understand it, you are here this evening because you, initially when you first opened your establishment, you did not have a CV license because you weren't going to have any seats, is

that correct?

LEESTEFFFY JENKINS: Somehow, I don't know how, but I got --

CHAIR ANDREA JACKSON: If you could speak up, please.

LEESTEFFFY JENKINS: Somehow, I don't know how, I either didn't understand the information that was given to me or I got misinformation. I thought we were grandfathered in because it is retail and we didn't actually have seats in the beginning. It took us several months to open at retail even.

When we had lots of people and inspectors and stuff, nobody said anything other than we were talking about whether part of our space was going to go to somebody else and they were saying the bathrooms might have to go someone else and they said, No, you have seats, you have to keep

the bathroom.

It wasn't actually until Ms. Lint came in and gave me a piece of paper.

CHAIR ANDREA JACKSON: Was it you?

EXECUTIVE DIRECTOR ELIZABETH LINT: Not me.

CHAIR ANDREA JACKSON: It was probably Andrea Boyer.

LEESTEFFFY JENKINS: I thought it was you because it was signed by you. I'm sorry.

CHAIR ANDREA JACKSON: It was probably Andrea Boyer.

LEESTEFFFY JENKINS: I wasn't there. My employee called me. I even understand yet there was another license that I was supposed to have that I didn't have.

It was an error my part. I didn't realize it. I think when I was told by the

Commissioner that I was grandfathered in, I didn't understand that seating was another kind of license that you have supposed to have.

CHAIR ANDREA JACKSON: When did you open?

LEESTEFFFY JENKINS: We opened the store, a really soft opening, meaning we weren't really open, at the end of August but our grand opening was the end of October.

CHAIR ANDREA JACKSON: 2013?

LEESTEFFFY JENKINS: Yes.

And at that time we had two, four tops and two, three tops inside, and we had two, three tops outside, and with winter coming on, we moved that two, three tops inside and that's the seating we have.

We currently have two, four tops and three, two tops for seating in the bakery.

CHAIR ANDREA JACKSON: Ms. Lint, is my

understanding correct that because they have seats, they should have been here, correct?

EXECUTIVE DIRECTOR ELIZABETH LINT:

That's correct. I think maybe, just looking through the file, some of the concern was, in talking about being grandfathered, that location was originally a restaurant. It was Rocca, a long time ago. And so, because of that it was an allowed restaurant space. So I think that's where some of the confusion might have come in.

FIRE CHIEF GERALD REARDON: The zoning the opposed to --

EXECUTIVE DIRECTOR ELIZABETH LINT: The zoning as opposed to license.

LEESTEFFFY JENKINS: To be honest with you, I came immediately.

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes, she did.

LEESTEFFFY JENKINS: Because there's no excuse I didn't know.

CHAIR ANDREA JACKSON: The fact that you did come immediately when it was brought to your attention, the decision was made not to shut you down and give you the opportunity to get the paperwork in, which my understanding is that you did immediately.

LEESTEFFFY JENKINS: Yes, I came immediately.

CHAIR ANDREA JACKSON: How is business going?

LEESTEFFFY JENKINS: It is hard a location, to be honest with you. It is underground. It is in a weird space. And we are a destination location because we are gluten-free in the entire region and we'll have a lot of people come from Boston, South Shore, North Shore

and. It has been hard but people appreciate the gluten-free because all the cross-contamination issues, myself included, I can't go out to eat most places safely. So I get we get comments all the time from people appreciating it or even students at Harvard because we give them food while they sit there and study and have pastry and what have you. I feel like we are giving a good service even though it is not hugely busy in terms of the seating. Most people come and get stuff because they are coming from far away and there's no parking. They get stuff and leave. But on weekends in particular it's been more getting slowly more robust. The winter was rough. Whenever we have good weather, it helps and it helps that we recently were -- we were in Best of the New in Boston so that really helped us as well.

We are hoping when the weather -- in the next few weeks when the weather is nicer to move a couple tables back outside and we have plans out there in the fall trying to create a little oasis for people in that area with plants.

CHAIR ANDREA JACKSON: Does her license allow for outdoor seating?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

CHAIR ANDREA JACKSON: Is the elevator fixed in that location yet?

LEESTEFFFY JENKINS: I was told by the landlord it was. He's going to show me how to use it because I know two weeks ago, a family with a stroller came in and asked if it was working and I said I think so. The guy came and fixed it.

CHAIR ANDREA JACKSON: I know there was a big sign on it. Is the sign off it?

LEESTEFFFY JENKINS: The sign is off and the guy told me he fixed it. But we couldn't figure out to use it to get the stroller down the stairs. He said he would come out to show me how to use it. He came today to make sure it was working because I said somebody was here with a stroller and we couldn't figure it out.

We have a number of families that come in there because of the whole issue with children and gluten-free. We have families that come in and like we had a family come in that wanted to have a little birthday party, they had three kids and four adults there. They buy their cupcakes and sit at the table and have their little birthday party and whatever there.

CHAIR ANDREA JACKSON: Any questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

CHAIR ANDREA JACKSON: Any questions?

FIRE CHIEF GERALD REARDON: All set.

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

Seeing none, I make a motion that we approve the CV license to be exercised at 1001 Massachusetts Avenue for Violette Bakers. This allows food, nonalcoholic beverages to be sold, served and consumed on premises with a seating capacity of 14 inside and 6 seasonal patio seats on private property with the stated hours. Is there a second.

FIRE CHIEF GERALD REARDON: Second.

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

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHAIR ANDREA JACKSON: You are all set.

Good luck.

RATIFICATIONS:

EXECUTIVE DIRECTOR ELIZABETH LINT:

Ratifications: Sale of 186, finance of 186,
refinance of 216, 240, 26, 78, 136 and 46.

Paperwork is all in order.

POLICE COMMISSIONER ROBERT HAAS: Make a
motion to accept.

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

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: I make a motion
adjourn.

FIRE CHIEF GERALD REARDON: Second.

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

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

(Whereupon the proceedings were concluded at 8:00
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.

CHAIR ANDREA JACKSON

CERTIFICATE

Commonwealth of Massachusetts - Norfolk, ss.

I, Jill Kourafas, a Notary Public, Certified Shorthand Reporter, in and for the Commonwealth of Massachusetts, do hereby certify that the hearing minutes herein before set forth is a true and accurate record to the best of my ability, not verbatim, of such minutes and does not contain statements/comments that may not be heard or understood due to heavy accents, rapid, mumbled or overlapping speaking, speaking too softly or incoherently, speaking in a different language, speaking too far away to be heard, and those not properly identifying themselves. All Proper names/places will be spelled phonetically if not spelled while on the record.

This record may not be quoted from, altered, or used in any formal proceeding, as this is not sworn testimony with an oath administered by a notary public, and such record is strictly the inhouse minutes prepared for the Cambridge Licensing Board and is solely under the control and direction of the Cambridge Licensing Board.

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

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<p><u>\$10,000</u> [1] - 1:113:7</p> <p><u>\$100,000</u> [2] - 1:59:17; 1:68:6</p> <p><u>\$200,000</u> [2] - 1:50:8; 1:55:12</p> <p><u>0211</u> [2] - 1:4:8; 1:9:11</p> <p><u>02139</u> [1] - 1:1:13</p> <p><u>1</u> [6] - 1:87:15, 18; 1:88:4; 1:116:8; 1:117:4; 1:119:12</p> <p><u>100</u> [1] - 1:93:4</p> <p><u>1001</u> [2] - 1:122:4; 1:131:10</p> <p><u>10:00</u> [3] - 1:97:5; 1:122:12</p> <p><u>11:00</u> [12] - 1:97:3-5, 7; 1:99:16; 1:100:12, 16; 1:101:4; 1:116:10; 1:117:6</p> <p><u>12</u> [2] - 1:2:5; 1:17:16</p> <p><u>1201</u> [6] - 1:19:9, 13; 1:20:8; 1:21:18; 1:22:12; 1:25:17</p> <p><u>127</u> [1] - 1:13:2</p> <p><u>136</u> [1] - 1:132:9</p> <p><u>137</u> [2] - 1:19:15; 1:26:2</p> <p><u>14</u> [2] - 1:122:8; 1:131:14</p> <p><u>144</u> [2] - 1:13:4; 1:18:15</p> <p><u>14903</u> [1] - 1:135:15</p> <p><u>1498</u> [1] - 1:27:7</p> <p><u>16</u> [1] - 1:81:15</p> <p><u>180</u> [2] - 1:28:10; 1:35:7</p>	<p><u>186</u> [2] - 1:132:8</p> <p><u>1986</u> [1] - 1:53:4</p> <p><u>1991</u> [4] - 1:49:14; 1:52:15; 1:64:10; 1:65:14</p> <p><u>1:00</u> [4] - 1:97:5; 1:99:16; 1:106:18</p> <p><u>1st</u> [1] - 1:88:1</p> <p><u>2</u> [2] - 1:21:13; 1:135:16</p> <p><u>20</u> [2] - 1:5:7; 1:8:16</p> <p><u>20-minute</u> [1] - 1:16:16</p> <p><u>200</u> [4] - 1:79:11; 1:80:5, 18; 1:81:8</p> <p><u>200-seat</u> [1] - 1:81:5</p> <p><u>2007</u> [3] - 1:55:8; 1:60:10, 14</p> <p><u>2008</u> [2] - 1:60:9, 15</p> <p><u>2009</u> [3] - 1:60:17; 1:61:4, 6</p> <p><u>2011</u> [1] - 1:7:4</p> <p><u>2013</u> [1] - 1:125:13</p> <p><u>2014</u> [6] - 1:1:14; 1:3:2, 8; 1:4:11; 1:9:14; 1:135:13</p> <p><u>2017</u> [1] - 1:135:16</p> <p><u>21</u> [1] - 1:7:13</p> <p><u>216</u> [1] - 1:132:9</p> <p><u>24</u> [2] - 1:30:7; 1:32:4</p> <p><u>24-hour</u> [2] - 1:16:12; 1:17:8</p> <p><u>24/7</u> [2] - 1:16:6, 13</p> <p><u>240</u> [1] - 1:132:9</p> <p><u>25</u> [1] - 1:16:9</p> <p><u>25-seat</u> [1] - 1:79:10</p> <p><u>26</u> [5] - 1:4:11;</p>	<p>1:9:14; 1:28:11; 1:35:7; 1:132:9</p> <p><u>27th</u> [1] - 1:135:13</p> <p><u>28</u> [1] - 1:92:16</p> <p><u>29</u> [1] - 1:86:16</p> <p><u>291</u> [1] - 1:102:11</p> <p><u>2:00</u> [4] - 1:97:9; 1:99:4; 1:100:1; 1:104:7</p> <p><u>3</u> [1] - 1:46:9</p> <p><u>300</u> [3] - 1:81:1; 1:89:6; 1:96:6</p> <p><u>3:00</u> [2] - 1:116:10; 1:117:6</p> <p><u>4</u> [1] - 1:2:3</p> <p><u>40</u> [2] - 1:4:9; 1:9:12</p> <p><u>450</u> [1] - 1:97:1</p> <p><u>46</u> [1] - 1:132:9</p> <p><u>48</u> [2] - 1:86:4, 8</p> <p><u>4:00</u> [1] - 1:122:12</p> <p><u>5</u> [2] - 1:5:2; 1:8:15</p> <p><u>50</u> [1] - 1:78:18</p> <p><u>50-seat</u> [1] - 1:79:7</p> <p><u>58</u> [1] - 1:23:16</p> <p><u>5:00</u> [1] - 1:122:11</p> <p><u>5K</u> [1] - 1:62:7</p> <p><u>6</u> [2] - 1:122:8; 1:131:14</p> <p><u>617.786.7783</u> [1] - 1:1:18</p> <p><u>65</u> [1] - 1:80:6</p> <p><u>69</u> [2] - 1:19:15; 1:26:1</p> <p><u>6:00</u> [1] - 1:122:10</p> <p><u>6:02</u> [1] - 1:3:9</p> <p><u>6:06</u> [1] - 1:1:15</p> <p><u>70</u> [3] - 1:60:6; 1:78:17; 1:79:9</p> <p><u>70-seat</u> [2] - 1:81:9; 1:82:13</p> <p><u>701</u> [2] - 1:4:8; 1:9:11</p>	<p><u>72</u> [1] - 1:118:2</p> <p><u>75</u> [1] - 1:38:18</p> <p><u>78</u> [1] - 1:132:9</p> <p><u>7:00</u> [1] - 1:99:4</p> <p><u>8</u> [4] - 1:1:14; 1:3:2, 8; 1:13:2</p> <p><u>831</u> [2] - 1:1:13; 1:3:11</p> <p><u>89</u> [2] - 1:4:7; 1:9:10</p> <p><u>8:00</u> [1] - 1:133:6</p> <p><u>9</u> [1] - 1:2:6</p> <p><u>90th</u> [1] - 1:105:3</p> <p><u>90th-birthday</u> [1] - 1:105:3</p> <p><u>91</u> [3] - 1:26:17; 1:28:7; 1:45:13</p> <p><u>9:00</u> [2] - 1:122:10</p> <p><u>a.m</u> [17] - 1:97:3-6, 9; 1:99:4; 1:100:1; 1:107:1; 1:116:10; 1:117:6; 1:122:10</p> <p><u>abandoned</u> [1] - 1:65:12</p> <p><u>ABCC</u> [4] - 1:26:17; 1:36:15; 1:44:12, 15</p> <p><u>Abigail's</u> [2] - 1:102:9; 1:103:6</p> <p><u>ABIGAIL'S</u> [2] - 1:2:14; 1:102:6</p> <p><u>able</u> [6] - 1:61:13; 1:66:18; 1:71:1; 1:74:15; 1:75:9; 1:80:18</p> <p><u>absolutely</u> [5] - 1:8:1; 1:52:14; 1:71:4; 1:112:4</p> <p><u>abundance</u> [1] - 1:66:14</p> <p><u>abutters</u> [2] - 1:27:18; 1:110:7</p>
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