

COMMONWEALTH OF MASSACHUSETTS  
CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION GENERAL HEARINGS

Michael Gardner, Chairman  
Robert C. Haas, Police Commissioner  
Gerard E. Mahoney, Assistant Deputy Chief

STAFF:

Elizabeth Lint, Executive Director

-- Held At --

Michael J. Lombardi Municipal Building  
831 Massachusetts Avenue  
Basement Conference Room  
Cambridge, Massachusetts

Tuesday, March 6, 2012

6:15 p.m.

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P R O C E E D I N G S

ELIZABETH LINT: We are going to get started. This is the License Commission General Hearing. Today is Tuesday, March 6, 2012, it is 6:15 p.m. we're in the Michael J. Lombardi, Municipal Building, 831 Massachusetts Avenue, Basement Conference Room.

Before you are Commissioners Robert Haas and Assistant Chief Gerard Mahoney.

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The first matter is the application of Grafton, Inc., doing business as The Redline Bar & Grill, Patrick Lee, Manager, holder of an all alcoholic beverages as a restaurant license at 59 JFK Street has applied for a change of business name from The Redline Bar & Grill to Park Restaurant and Bar.

JAMES RAFFERTY: Good evening,

Commissioner and Chief. I'm James Rafferty on behalf of the applicant, Grafton, Inc. Seated to my right is Patrick Lee, the manager.

This is an application merely to change the d/b/a, change the name of the restaurant.

The Commission might recall about six months ago a change of premises was approved at this location of The Redline allowing for expansion and construction is nearing completion.

Mr. Lee has operated The Redline at this location for nearly ten years. And they are looking to open hopefully the latter part of this month when the renovations will be complete, and they are changing the name to Park Restaurant and Grill -- Bar -- excuse me, Park Restaurant and Bar. And with that, we don't have any more to say about this.

ROBERT HAAS: And so because you are changing your image, is that why you want to

change the name?

PATRICK LEE: Yes. The concept is changing.

ROBERT HAAS: So it has a new menu?

PATRICK LEE: A new menu, more restaurant driven. So we just thought we'd change the name, get a fresh start.

GERARD MAHONEY: Sounds okay to me.

ROBERT HAAS: And okay to me.

GERARD MAHONEY: I have nothing further.

ROBERT HAAS: So I make a motion to approve the proposed name change to Park Restaurant and Bar.

GERARD MAHONEY: Second.

ROBERT HAAS: All those in favor?

GERARD MAHONEY: Aye.

ROBERT HAAS: Aye. Okay.

PATRICK LEE: Thank you very much.

\* \* \* \*

ELIZABETH LINT: Review of F&D

Restaurant Corp., doing business as Campus/Manray, Donald Holland, Manager, holder of an all alcoholic beverages as a restaurant license at 21 Brookline Street for review of their inactive license status.

JAMES RAFFERTY: Good evening, Mr. Chairman, Commissioners. You may remember me from the earlier case, James Rafferty, appearing on behalf of the applicant.

Mr. Holland was unable to be here. But I bring good news on the faith of this license as it has the distinction of being one of the longer inactive licenses. And, I must say, Mr. Holland has been very diligent in trying to find a location, for low these many years, and only within the past month he has executed a letter of intent for a location in Central Square, and he anticipates filing, if the letter of intent proceeds that.

We are working with the landlord's counsel for a building over on Mass. Avenue.

Expectation is that we would hope to have an application in here within 60 days to file for a change of location to allow for the return of Manray, a much beloved Central Square nightspot that's been not in operation for a few months now.

ROBERT HAAS: Where is the location in Central Square?

JAMES RAFFERTY: It's Central Square, it's Mass. Avenue, it's at the moment slightly proprietary because we don't have a lease yet. But I can represent in good faith that I saw today a letter of intent from counsel for the landlord.

Mr. Holland came into my office about two weeks ago and said he is working with Mr. Kelly of the Diamond Group, who is a as very active restaurant broker. He has secured the space for the client and he has been responsible for putting a lot of restaurant operators and landlords together.

So there was an attempt about a year ago at the building next to the old police station, that Mr. Holland spent a fair bit of money with architects and designers to build out that space owned by Mr. Simons. And at the end, the landlord found another tenant and kind of -- at the 11th hour -- pulled the plug. So it's only for that reason that we are a little -- we don't have a signed, hard deal with the landlord, but it looks very promising.

ELIZABETH LINT: I think there was also a zoning issue with that location?

JAMES RAFFERTY: Yes. He needed additional time, yes. Actually, there is a zoning amendment pending. But in the Central Square overlay district, that section, there is a requirement that any place that has entertainment has to have it's principal entry on Mass. Avenue. So that location didn't meet that.

So one of the things the landlord, ultimately, wasn't comfortable with, it was going to take an additional period of time to go through a zoning variance to get that approved. And the landlord took a sure thing from an office-type tenant that was prepared to go in without having to do that.

This location wouldn't have that problem (inaudible) because he has a -- it has an entrance on Mass. Avenue. It's not currently a licensed space. It is currently a phone store.

ROBERT HAAS: How much longer of an extension would Mr. Holland be looking for?

JAMES RAFFERTY: I would think that we wouldn't -- I would think six months would be more than enough, because he has renewed for 2012. So he is very mindful, and he really has an aggressive -- that's not always the case sometimes with inactive licenses. I would say in his case I can personally attest

to his diligence and his constant calling me for long, long periods of time trying to find locations. He has actively participated in Council Reeves Red Ribbon Commission to learn as much about opportunities within Central Square; attended every meeting faithfully and worked at trying to establish locations with landlords. He is very much in front.

He feels that Central Square is the right location for his business, so he has narrowed -- and that's what made it a little hard, he has narrowed his location.

ROBERT HAAS: How long has it been inactive? Almost five years, right?

ELIZABETH LINT: Well, it's well beyond the limit.

ROBERT HAAS: I wish Mr. Holland every bit success, but I think we are running out of time. The fact his license is paid through 2012 -- I'd be willing to grant another six months, but I'd really be hard

pressed to go any further.

JAMES RAFFERTY: I think he has been very mindful. So I have every reason to believe that this location will prove successful.

ROBERT HAAS: I hope so.

JAMES RAFFERTY: Because candidly he has resisted merely selling the license, which is obviously an option with an inactive license. Either you use it or sell. And he has paid the annual fees, he has kept the license current, and he has declined offers to sell the license because he is very committed to returning to his business.

He lost his location because the landlord tore the building down and built a residential project there; he was not ready to close operations. So he is very committed to trying to --

ROBERT HAAS: The only questionable note that I would offer is if, in fact, it

appears that the deal is not going to go through, he is going to know much sooner than six months.

JAMES RAFFERTY: Yes. I think six months will give him enough --

ROBERT HAAS: And my advice to him then at that point, I mean, he needs to reconsider what he wants to do with that license. Rather than wait six months and then come back. You know what I'm saying?

JAMES RAFFERTY: I know exactly what you're saying. Your advice to him would be strikingly similar to the advice that he has already received.

ROBERT HAAS: Okay. With that, I make a motion to extend the inactive status of this license for an additional six months.

GERARD MAHONEY: Second.

ROBERT HAAS: Those in favor, please signify by saying aye.

GERARD MAHONEY: Aye.

ROBERT HAAS: Aye.

JAMES RAFFERTY: Thank you.

\* \* \* \* \*

ELIZABETH LINT: Swiss Traders, Incorporated, doing business as Hoffa's of Harvard Square, Bernard Imhof, Manager, holder of an all alcoholic beverages license at 114 Mt. Auburn Street for review of their inactive license status.

JAMES RAFFERTY: My name is James Rafferty, R-A-F-F-E-R-T-Y, I'm here for the applicant -- well, actually, no. In this case, I was asked by the applicant's counsel to appear on their behalf. Erica Endyke from Fred Conroy's office in Lexington.

I have a relationship with the licensee because I represent the landlord. This is the license in Harvard Square that you might recall was the subject of a redevelopment effort involving the tearing down of the old Cronin's, Chili's, wood frame

structure in the MBTA Conductor's Building, and an office building was approved by the planning board and the restaurant was going to go in the ground floor there.

That appears, for a variety of reasons, not to be happening. And within the past two months, there has been a conversation about selling the project entirely. I know this as counsel for the landlord.

And there has been conversations about a new entity coming in, and there have been preliminary discussions between that entity and this licensee about selling the license. And the objective would be to have a ground floor restaurant on the floor of this building.

This one is not as lengthy, but it is aging, no question. The same situation. In this case, however, there has been a willingness to sell the license and, in fact, I believe there is a listing for the license.

I did direct a client there several months ago who was looking for a Harvard Square location.

But Ms. Endyke informs me that they had a preliminary conversation about someone coming into it.

So, like the previous one, I think the fate of this could be clear, but they would need to simply ramp up their sales effort, but there is a sales effort underway with this license.

And if we could be permitted to a six-month window for this license --

ROBERT HAAS: So if I remember correctly, this building hasn't been built yet, right?

JAMES RAFFERTY: That's correct. The existing building is there and it is shuttered; there is no activity.

Within the past six months, the landlord has even contemplated just reopening that building and leasing it out to a possible

restaurant tenant. And there was a lot of start-up costs associated with that that made it not particularly attractive.

But in the past month or two, there has been conversations about the possibility of the entire project being sold. And that interested party has spoken with Ms. Endyke. Because if they were to step forward and proceed, they would want to be able to locate a restaurant tenant on the ground floor.

ROBERT HAAS: So at the time and the sale of the entire project, they would also purchase the license, is that the plan?

JAMES RAFFERTY: That would be, yes, that's the preliminary plan. That's why Ms. Endyke informs me that they have had preliminary conversations about that. And that landlord would have to identify an operator, obviously, and the operator would need to make an application.

ROBERT HAAS: But that's something

that would happen at the time of the sale. I mean, somebody who is going to develop the project with the intent on opening the space as a restaurant, providing somebody would take that space, and they would be the holder of the license and then sell the license to --

JAMES RAFFERTY: No, I think you had it correct the first time. The sequencing would be that they would need to identify an operator. And there was a point in time where I think this operator entertained a notion of perhaps reopening there, but I'm told by Ms. Endyke that is no longer -- the Imhof family, it's no longer something they are interested in doing.

ROBERT HAAS: I just have a question for Mr. Lint. So would the clock then reset if that were to happen, that scenario that Mr. Rafferty described?

ELIZABETH LINT: If someone bought it? Yes.

ROBERT HAAS: So the clock would reset.

ELIZABETH LINT: Yes.

JAMES RAFFERTY: I don't think it would be inactive at that point, I think it would be approved but pending the issuance.

ROBERT HAAS: And which could be a period of time if there were going to be reconstruction, right?

JAMES RAFFERTY: It could.

ELIZABETH LINT: But, likewise, what we do for the approval, they are good for six months; and generally someone will just call the office and I'll approve the extension with the understanding that it's in the works.

ROBERT HAAS: So when do you think there would be a pretty good idea as to whether or not the project is going to go in that direction?

JAMES RAFFERTY: Well, that's why I asked for six months, because this kind of

fell out of a six-month rhythm, I know, historically, had been the pattern on these. And I thought perhaps when renewal time comes around in the late fall, we should address this because six months from now would probably put us in October?

ELIZABETH LINT: Seven months.

JAMES RAFFERTY: Seven months then.

ROBERT HAAS: So would they withdraw the license from being considered for sale pursuant to the happening of this project --

JAMES RAFFERTY: No. I think it's still --

ROBERT HAAS: Or whichever comes first?

JAMES RAFFERTY: Yes, definitely. I don't think they would -- from my understanding, they had an expectation on a number. I know they had one conversation and they were a part with this operator. There had been another license for sale in the

Square. I know this came up I believe on one of the recent transfers and expansions as to whether or not this license would be available. But at the moment, I think that they think the more fruitful outcome would be a new operator.

GERARD MAHONEY: Okay. I make a motion to grant the extension.

First, does anybody want to be heard on this matter?

(No response.)

GERARD MAHONEY: I make a motion to grant the extension as counsel requests.

ROBERT HAAS: Extension for six months, seconded.

GERARD MAHONEY: All those in favor, please say aye. Aye.

ROBERT HAAS: Aye.

JAMES RAFFERTY: Thank you very much.

\* \* \* \* \*

ELIZABETH LINT: Uno's has been

continued to the March 20th agenda. The attorney was ill.

(Chairman Michael Gardner is now present for the hearing.)

MICHAEL GARDNER: Good evening. My apologies for being late, I was away at another meeting.

My name is Michael Gardner, I'm the Chair of the Commission.

\* \* \* \* \*

ELIZABETH LINT: Application for Putnam Green, LLC, Care of Homeowners Rehab has applied for a garage license at 625 Putnam Avenue for 28 no fee parking spaces and 208 gallons of gasoline in the tanks of autos only. Applicant will also be storing a one-gallon container of Class 1 on the property for a snowblower.

JANE CARBONE: Good evening. My name is Jane Carbone, C-A-R-B-O-N-E. I work at Homeowners Rehab in Cambridge, and we are part

of the nonprofit housing developer of Putnam Green. It's 40 units of affordable housing on Putnam Avenue. And we were approved last year under a special permit to develop the 40 units of housing, and we got approval for a 28 car garage.

And we're about 90 percent complete with the construction, so we are applying for the storage of the gasoline within the automobiles and for the snowblower in the garage.

MICHAEL GARDNER: Just for the record, could you be clearer about from whom you received the permission, both for the housing and the 28 parking spaces?

JANE CARBONE: From the Community Development Department, Planning Board, and the Building Department Inspectional Services for the building permit.

MICHAEL GARDNER: Thank you.

JANE CARBONE: So we sent notices to

the abutters and the return receipt --

ELIZABETH LINT: I'll take those.

MICHAEL GARDNER: Could you describe the physical structure of the garage, please.

JANE CARBONE: The garage is an open air garage that is partially below grade. There are two buildings on the site; one is a six-unit building on Sidney Street, that's slab on grade. And the garage is under a 34-unit building that is four stories high, wood frame. And the garage is an open area garage with the areaways a half below grade. So there is an entrance to the garage on Putnam Avenue.

MICHAEL GARDNER: Thank you.

GERARD MAHONEY: The building is fully sprinkled, I assume?

JANE CARBONE: Yes.

GERARD MAHONEY: The garage area is sprinkled as well.

JANE CARBONE: Yes.

MICHAEL GARDNER: Any questions?

ROBERT HAAS: No.

GERARD MAHONEY: No.

JANE CARBONE: We are applying for a certificate of occupancy for April, as well as we are hoping to have a decision tonight on the storage of the tanks for the CO.

MICHAEL GARDNER: And just really for my edification, a Class 1 for -- on the property is a snowblower. What's Class 1?

GERARD MAHONEY: Class 1 is flammable.

MICHAEL GARDNER: That's just gasoline.

GERARD MAHONEY: Yes.

MICHAEL GARDNER: Are there any members the public who would like to be heard on this matter?

(AUDIENCE MEMBER)

MICHAEL GARDNER: Yes, please come forward and state and spell your name for the

record.

MICHAEL PEARSON: My name is Michael Pearson. My mother is Ruby Pearson; she is the owner of 609 Putnam Avenue and has been there since 1948.

My question is, you said you only have 28 parking, but 40 units. Where are the other people going to park their cars? As you know, this is a business/resident area and we have no other parking.

JANE CARBONE: So when we got approval at the Planning Board, they approved a reduction in the parking. Because we had resubmitted at the time other housing developments that we completed at Trolley Square and Auburn Court.

The residents that have been in our developments, the majority of them don't have vehicles, so we are assigning spaces. And we've been interviewing residents, and so far we don't have all the residents that have

vehicles. But the Planning Board approved the reduction based on our previous history with projects similar to this development, where it's known that the garages are built and they are under-utilized.

MICHAEL GARDNER: So, as I understand the answer, your belief is that a high enough percentage of your residents will not be owners of vehicles, so the 28 spaces will be sufficient without having an impact on the street, or a particular impact on the street?

JANE CARBONE: Right. The City, at the time the hearing was approved, the City of Cambridge said that they would redesignate Putnam Avenue. Down on that end of the city, there is no signage for any permit parking, so they were going to designate permit parking on that end of Putnam Avenue to relieve some of the concern that the abutters have.

MICHAEL PEARSON: That's a business area. That's where California Paint was,

that's where the (inaudible) Fort Washington, and where were closely. So I'm very concerned.

There is really not much parking. There is only about two cars can fit on Putnam Avenue right now; at 605 to 609 only two cars. Other than that, the rest of the street is a business area.

Is the City going to provide other parking?

MICHAEL GARDNER: Well, I would have to tell you that the decisions about the permitting of the property that went through the Planning Board Community Development and Inspectional Services Department have really decided the issues about both, the number of units and the size of the garage.

Unfortunately, from your perspective, as I understand it, our responsibility in the License Commission is whether or not to grant the permit which involves the storage of the

gasoline. I said that fairly?

ELIZABETH LINT: That's correct.

MICHAEL GARDNER: And so we really don't have any authority over the number of units of housing or the number of parking units that were approved for the garage. The only thing we can do is decide whether or not it is appropriate to grant the permitting because of the storage of gasoline.

Michael PEARSON: So no matter how many people they put in these units that have vehicles, the concern is only for that particular site not anything else where they can park?

JANE CARBONE: The garage is for 28 spaces and that's how many vehicles we are allowed to park in that garage.

MICHAEL GARDNER: Can you give us any more --

JANE CARBONE: Are you saying there will be less parking needs for the residents?

MICHAEL PEARSON: Right.

MICHAEL GARDNER: What you've described is a history in your development of, in fact, your renter mix or profile is such that this size should be adequate for your tenants?

JANE CARBONE: Yes.

MICHAEL GARDNER: How far along are you in the renting process? Do you have any sense about what the mix is so for?

JANE CARBONE: We are interviewing applicants now, we have about, I'd say, 15 deposits, and out of those 15, four have vehicles. So we think we are probably going to have 28 vehicles, but no more than that.

AUDIENCE MEMBER: Do you have charge separately for someone to park inside?

JANE CARBONE: No.

AUDIENCE MEMBER: As part of the rental part of it?

JANE CARBONE: No.

MICHAEL GARDNER: Anything else you have, sir?

MICHAEL PEARSON: Can anybody park in there?

JANE CARBONE: It's for the residents.

MICHAEL GARDNER: It's not public parking?

JANE CARBONE: Right. I mean, I think we had worked out arrangements -- during snowstorms and stuff -- we would work with the abutters so they got their vehicles off the street and could park in the garage during snowplowing. And I think that is something that they had access to in the past when the site was vacant, they parked on the site. And I think we can still work the neighbors. The Pearsons have been very accommodating during construction and we value that, so I think we want to work with the abutters to see what we can do to accommodate them. But right now, we

just want to get the license for the gasoline in the vehicles.

MICHAEL PEARSON: As long as it's deemed to be safe, you know.

MICHAEL GARDNER: Well, there is an additional inspection, is there not? Would you describe that briefly, Deputy?

GERARD MAHONEY: The fire department as well as inspectional services has to sign-off on new construction to grant the certificate of occupancy.

The building is obviously built in the most recent codes, has a full fire protection system, including a fully sprinklered building. That's what this particular body is looking for with respect to the safety issue, with respect to the storage of gasoline in the motor vehicles.

MICHAEL GARDNER: Thank you. Any other members of the public who would like to be heard?

Seeing none. Pleasure of the Commission?

GERARD MAHONEY: Motion approve the license as requested.

ROBERT HAAS: Second.

MICHAEL GARDNER: So there's a motion been made and seconded to approve for a garage license for 625 Putnam Avenue for 28 no fee parking spaces, 280 gallons of gasoline in the tanks of auto only, plus a one-gallon container of Class 1 flammable stored on the property for a snowblower.

All those in favor, signify by saying aye.

ROBERT HAAS: Aye.

GERARD MAHONEY: Aye.

MICHAEL GARDNER: Seeing none opposed, so we have granted the permit. I'm pleased to hear you say of your commitment about continuing to work with the abutters on the ongoing issues in the area. And thank you

for bringing it to our attention.

JANE CARBONE: Thank you.

\* \* \* \* \*

ELIZABETH LINT: Application for Cambridge Cuisine, LLC, doing business as Bridgestreet, William Gilson, Manager, has applied for a new wine and malt beverages as a restaurant license at 1166 Cambridge Street with a seating capacity of 110 and standing for 39. The proposed hours of operation are 5:00 p.m. to 1:00 a.m. Monday through Thursday and 5:00 p.m. to 1:00 a.m. Friday and Saturday.

MICHAEL GARDNER: Good evening, gentlemen. Please state and spell your names for the record and your affiliation.

ATTORNEY HOPE: Good evening, Mr. Chairman. For the record, I'm Attorney Sean Hope, S-E-A-N, H-O-P-E, of Hope Legal Law Office in Cambridge. I'm here tonight with William Gilson. Spell your name.

WILLIAM GILSON: G-I-L-S-O-N.

ATTORNEY HOPE: I'm also here tonight with Chris Yorty.

CHRIS YORTY: Y-O-R-T-Y.

MICHAEL GARDNER: Tell us about your plans.

ATTORNEY HOPE: There is an application for a common victualer, beer and wine, as well as a limited entertainment license.

You are looking at an experienced restaurant group both in the food and beverage industry as well as in Cambridge.

Chef Gilson started off as a cook at Oleana and has worked up and has worked most recently at Garden at the Cellar.

Chef Gilson has looked for an opportunity to open his own restaurant in Cambridge for a long time, and this application is almost like a long-term dream.

But Chef Gilson is not alone, he also

has been paired with Christopher Yorty. He is the GM of Temple Bar, which is the Lee Brothers, who were at the previous application before this. He also worked at Craigie on Main Street. So both of these two gentlemen have experience in the food and beverage industry, but this is an opportunity to have their own venture.

We are also joined tonight with two other partners, (inaudible) Cambridge LLC. This is Mr. Ming-Tai Huh --

MING-TAI HUH: M-I-N-G, T-A-I, last name is H-U-H.

ATTORNEY HOPE: And also Nick.

NICK VANTVELFVE: Nick Vantvelfve, V-A-N-T-V-E-L-F-V-E.

ATTORNEY HOPE: Briefly, I'll talk about the concept, although I think Chef Gilson is much more knowledgeable than I am.

This is a modern American concept located in the Inman Square neighborhood.

This was an application, and just by some background, this was, in June 2010 before this commission, an application by the previous licensee, that location was the Bosphorus space. And when the space opened up, Chef Gilson and his restaurant team had been looking previously for this location.

But part of that application -- this is not unique. Many of the restaurants in the buildings on Cambridge Street are located in the Business A district. Right behind this Business A district, it goes 100 feet into what is a residential district. So you have this combination of the business A district along with the residential district.

So if you look at the transcript -- and I also spoke with the attorney for Bosphorus -- it was a very thorough transcript, and there was opposition at that time for a restaurant use of any sort at that location.

Part of the reason why, and I believe looking at the transcript, the previous licensee before Bosphorus was the Santos Christo Club. This was a club that had a TV and an all alcohol license for close to 500 people. One of the primary areas of concern was this back entrance doorway that lead into the neighborhood.

So you can imagine, a social club, this is over a decade ago, so there was noise and other activities that would spill out into the back area. The neighbors expressed concern. And looking in the transcript it's about 50 pages thick of different requirements.

This property also went before the Zoning Board for the Bosphorus because the rear portion, about 10 feet of the building, is actually a C-1 zone, but it wasn't zoned for residential. So as part of the variance that was approved and the application before

the License Commission put a restrictions on use. And one of the restrictions, and this is general speaking, was that the back door area was only used for emergency purposes.

Part of the venting and the duct work, there was elaborate testimony about that, and it was all aimed to be away from the residential, closer to Cambridge Street.

The space wasn't build out in June 2010 when the Bosphorus came before you, this was all part of a proposal.

Also, the landlord was still the same landlord. When he purchased the property, which is a couple years before 2010, he worked with the City for façade improvements. So the whole building was gutted and renovated. The front was done over to be consistent with the businesses on Cambridge Street as well as the interior, which is part of what attracted my clients to the space; and that it already had a build-out, it was suitable for residential.

As recently as last night, there was a meeting with the restaurant group and the neighbors. It wasn't all the neighbors; obviously, I sent close to 150 abutter notices, but these are the Tremont Street neighbors, the people that were the most vocal in the hearings in 2010. And we discussed the proposal and the plan as well as some concerns they had. Some of them are here tonight.

Some of the primary concerns were about the back door, and we also insist on this condition as well as the variance and have agreed to only use the variance to use the back door for emergency purposes.

There was also issues about the hours. In the initial application, we wanted hours to 12:00 p.m. during the week and 1:00 a.m. on the weekends. That was objectionable to the neighbors and it also was more than what was previously had by the previous licensee.

So we had discussed it. And the restaurant group had come to the decision that they would reduce their hours so that they would be exactly what the licensee has now -- I wouldn't say exactly -- so that we would not keep it going to midnight on the weekends and 11:00 p.m. during the week.

One of the differences between the previous licensees is they were open at 8:00 a.m. for breakfast. Our application only has it open from 5:00. Those hours do reflect that this is primarily a dinner restaurant and high-end cuisine. So this is not a bar that is going to serve sandwiches and have sports games. This is really about the food, and Chef Gilson and his partners, his pride and joy, in terms of creating a menu that's going to be exciting to him and also comfortable for the neighborhood, and at affordable prices.

Also, as well -- and I have a copy of our reconfigured floor plan. So the numbers

stay the same in terms of the total seating. But this property actually has a large bar. Just as you come in, there is a large bar.

And so in part of the previous application in 2010 and our application now, they asked us to reduce the number of bar seats, so that you have more people at tables as opposed to a bar restaurant having beer or wine. So we reduced that by two.

So the seating capacity is still at 110, but we reduced the actual seating to move it more towards tabletops away from the bar.

MICHAEL GARDNER: Did you say you reduced it by two?

ATTORNEY HOPE: Yes, we reduced the bar seating.

MICHAEL GARDNER: From what to what?

ATTORNEY HOPE: It was at 18, now it is at 16. So the seating capacity stays at 110 seats.

Also the initial application had

standing room for 39 standing, and we have reduced that to 10. And I think part of the thinking was that there would be -- you know, part of the concept, which I expect Chef Chris can speak to it more accurately, that they are going to have maybe 15 to 20 staff members, employees, serving food.

It's part of the concept to make sure that they will be attentive and receive quick service. So they're going to have more staff than maybe other restaurants would have, but the seating number actually is going to be 110 with only 10 standing. So that was an area of concern for the neighbors and we addressed that as well. So that's primarily it.

I know that Chris -- and you probably have questions for the Chef, but overall this is a use that is allowed within the district and it is a use that we feel is compatible for what folks would like to see, and yet we tried to curtail the application to be consistent

with what was there before.

GERARD MAHONEY: Could you go over the hours of operation again, please.

ATTORNEY HOPE: Monday through Wednesday, it would be -- Monday through Thursday, it would be 5:00 p.m. until 11:00 p.m., and then Friday, Saturday and Sunday --

SEAN DWYER: Sunday through the Thursday is 5:00 to 11:00.

Gerard MAHONEY: Sunday through Thursday 5:00 to 11:00.

SEAN DWYER: And Friday and Saturday, 5:00 to 12:00.

MICHAEL GARDNER: So as it's written in the call of the meeting, the application is Monday to Thursday 5:00 to 1:00 and then Friday and Saturday 5:00 to 1:00.

I understand you are changing -- you are rolling the hours back by one hour during the week and also on the weekends, but I think we are hearing for the first time that you are

looking to be open on Sunday. Is that new?

ATTORNEY HOPE: No. The application had seven days on it, but what it didn't have, it didn't have specified hours on Sunday.

So when we met with the neighbors, we made it clear that it was Sundays, but they also suggested the times that we were going to be open.

MICHAEL GARDNER: So it is Sunday through Thursday 5:00 to 11:00, Friday and Saturday 5:00 to midnight?

ATTORNEY HOPE: And brunch on Sundays also.

MICHAEL GARDNER: Brunch on Sundays?

SEAN DWYER: Yes. We would be looking to open for brunch on Sundays.

MICHAEL GARDNER: At what time?  
11:00?

SEAN DWYER: At 10:00.

GERARD MAHONEY: And stay open through to midnight?

WILLIAM GILSON: Until 11:00.

GERARD MAHONEY: 11:00.

MICHAEL GARDNER: So Sundays would be 10:00 a.m. to 11:00 p.m. Okay.

Do you need additional paperwork for that?

ELIZABETH LINT: I don't believe so. We can amend it.

MICHAEL GARDNER: Is there anything else you want to add?

ATTORNEY HOPE: No.

MICHAEL GARDNER: So what's the nature of the alcohol license? Is this a no-value no transfer? Are you purchasing a license?

ATTORNEY HOPE: No. This would be a no-value, no transfer license and, actually, part of this arrangement was that the previous licensee had an active license that was up for renewal, and we entered into negotiations for this, and because of his desire to move on, he

turned his license in. So this wouldn't be an additional license within the area, but there would be "one out" and "one in" at the same location.

MICHAEL GARDNER: So the prior license has been returned?

ELIZABETH LINT: It was no-value no transfer, but it wasn't renewed, so the ABCC was notified that it ceased to exist.

MICHAEL GARDNER: When did Bosphorus close?

AUDIENCE MEMBER: January 16th.

MICHAEL GARDNER: January 16th of 2012?

AUDIENCE MEMBER: Yes.

MICHAEL GARDNER: Thank you.

So we dealt with a request from the Bosphorus sometime during 2011 to extend their liquor license or their malt and wine license to all alcohol.

Is this in your plan as part of the

business plan? Or are you planning on having a malt and wine establishment?

SEAN DWYER: Right now, as the application stands, it's for beer and wine.

MICHAEL GARDNER: Could you tell us a little bit about the supplies coming in and the trash arrangements, and whatever concerns there might be in the neighborhood about sanitation?

WILLIAM GILSON: We have had heard all the concerns of the previous requirements of not using the back door for any sort of trash purposes, or any staff going out there for smoking breaks, or any deliveries being received.

So our plan is to have all trash be stored inside the establishment and disposed of through the front door at the appropriate evening for trash pickup.

And the same thing for any person that would need a break, they would have to

exit through the front door and walk down the street away from the establishment.

And the same thing with deliveries, they would be all coming in through the front door at designated delivery times and coordinated with somebody being there to receive it.

MICHAEL GARDNER: So the back door is purely for emergencies and a second means of egress?

WILLIAM GILSON: Correct.

ATTORNEY HOPE: Correct.

MICHAEL GARDNER: And have either of you been the manager of record for a liquor establishment in the past?

SEAN DWYER: For an establishment, not for the actual license.

MICHAEL GARDNER: So could you describe what your experience has been.

SEAN DWYER: Sir, I started in the business 12 years ago working in a restaurant

in Burlington, Vermont. I have done, more or less, every position in that restaurant, between cooking, dishwashing, bartending, and then eventually general manager.

And when I came down to Boston, I was out at Martha's Vineyard for a little while. I have managed a full service restaurant with a full liquor license in Edgartown.

After that I was at Craigie on Main for almost two years.

MICHAEL GARDNER: What was your job there, please?

SEAN DWYER: I was the assistant general manager.

MICHAEL GARDNER: Would you have been the person on-site who was in charge for a good deal of the time?

SEAN DWYER: Yes. So after Craigie on Main, I went to work for the Grafton Group, and I've been there for about 11 months now. And I'm general manager there, and I'm the one

that is on the premises five-and-a-half, six days a week, managing their full liquor license.

MICHAEL GARDNER: And how is the work going to be split up between the two of you?

SEAN DWYER: I'm managing the front of the house operations, the staff, the scheduling. You know, I'm on the floor when we open and I'm the guy locking the door. And Will is managing the food in the kitchen.

WILLIAM GILSON: And then I fill in for wherever Chris cannot be. For five years, just about five years, that I had Garden at the Cellar, it was a partnership that I had with the owners of the Cellar to operate that.

My staff handled all of the service of alcoholic beverages as far as the dining room guests that were there. I was in charge of them and managed them. And during that time, I never had any infractions or any problems with guests.

MICHAEL GARDNER: And the role of the other two partners or individuals who you introduced this evening, I'm not sure I got that.

SEAN DWYER: I would describe it as more administrative roles on the back-end, financials, things of that nature.

MICHAEL GARDNER: And you're responsible for the alcohol?

SEAN DWYER: Yes.

ATTORNEY HOPE: And Chris would actually be the manager of record.

MICHAEL GARDNER: You're the manager of record?

CHRIS YORTY: Yes.

WILLIAM GILSON: So any of the Tips training, Chris would be handling that.

MICHAEL GARDNER: Have you gotten done all of that?

ELIZABETH LINT: The 21 Proof.

MICHAEL GARDNER: The 21 Proof

training?

WILLIAM GILSON: I've done the training before previously, but we would definitely be taking it again for this establishment.

MICHAEL GARDNER: I'm pleased to learn that experienced counsel in this area also have the same problem that I do of remembering which one is which.

Any other questions from any members of the Commission?

GERARD MAHONEY: I have none.

ROBERT HAAS: None.

MICHAEL GARDNER: Is there anything else you'd like to add before we open it to the public?

Any members of the public who would like to be heard?

(AUDIENCE MEMBER)

MICHAEL GARDNER: If you could allow

some people to come up and take your seats.

And then we'll ask you please to state and spell your name.

MICHELLE GENOVA: I'm Michelle Genova, M-I-C-H-E-L-L-E, G-E-N-O-V-A, and I live at 84 Tremont Street. I've been involved with this building since the Santo Christo left. And some of you I recognize and some of you may recognize me.

We did meet last night, and we put together a letter that I sent in to Elizabeth. And I hope you guys have had a chance to read that letter.

So we were very happy with the plan and very happy to meet them and hear about their experience. They have agreed that they wouldn't use the back door, and that was really a non-issue for them. We didn't have to fight them at all with that, so that was appreciated.

There are other things mentioned in

the letter that I won't go into now. But our main issues are still the hours and parking. So with the hour 1:00 a.m., we were definitely opposed. And so it's good to hear that they have rolled back some.

And Sunday brunch is new to us. We were asking, and other neighbors were asking, this is a pretty big group of neighbors, we were asking for 10:00 p.m. weekdays and 11:00 p.m. weekends. And that's really for a couple reasons.

One is that the Commission is probably familiar that the building is surrounded on three sides by residences. There is actually 20 units that immediately abut on either Norfolk or Tremont or Cambridge Streets. It's a lot of units.

This building is a one-story building and so the surrounding units are two to three or four, so we are subjected to noise and smells from ventilation, people coming and

going out the front and heading to wherever they have parked their cars, which was often on our street, or walking back to the train, which is in Central, so the most logical place to walk is down Tremont. So that's the noise, and it is really probably our primary issue.

The closing hour at midnight will still bring them to at least 1:00 a.m., with closing up shop and getting the trash out on the designated nights.

The second reason that we had for our view on this was that if you draw a big circle around that restaurant, there is nothing else open that late. Everything -- and I presented a short list in the letter, but all the fine dining, even the not-so-fine dining, closes at 10:00 on weeknights, 11:00 on weekends. So this would be a stand-out for them to go past those hours.

MICHAEL GARDNER: Do you recall what the hours of the Bosphorus were?

MICHELLE GENOVA: Bosphorus I think was granted midnight and 11:00 by the Commission, despite our arguments. And, however, they may have started out with that, but by the end, they had rolled their hours back to 10:00 and 11:00.

But I can't -- I'm only speculating as to the reason, but I think people that come to Inman are used to that, those hours. There's not many people milling about later in the evening.

MICHAEL GARDNER: In terms of the noise issue, were your concerns primarily about the people leaving the building or were there issues of noise coming from the building during the operation?

MICHELLE GENOVA: Our concern is with both. When Bosphorus was there, I would say the initial opening period was fairly busy, and then the clientele kind of dropped off. And so we never really found out what it was

like to have a full, 110 capacity restaurant next door. So we are still -- that's kind of an unknown for us as to how noisy it would be.

With Bosphorus we didn't have a problem with noise where I live, directly behind, and that's mostly due, I think, to the fact that the architect who designed the plans for that restaurant put a buffer in the back by putting the bathrooms and trash back there; and so there is a buffer on the noise.

I know upstairs our neighbors are disturbed by the vents because the vents don't go past our building vertically, they stop. So they hear it, they smell it, and they have to close their windows. So that the later they are running and the later they are there cleaning up the later the ventilation runs.

MICHAEL GARDNER: I'm not sure when the letter came, I didn't see it today --

ELIZABETH LINT: I know I forwarded it.

MICHELLE GENOVA: My apologies it came late because we met with them last night.

MICHAEL GARDNER: And I was out of the office for a lot of the afternoon.

MICHELLE GENOVA: It's tough because I know you guys have this vision, and we are really excited to have you in the neighborhood. But I have a vision of a great night's sleep also.

So I'm just emphasizing that we are excited to have them in the neighborhood, and so it's tough for me to fight them on this application. But they described to you their dream, or to us, their dream of the restaurant staying late so that the chefs can come when they get off the work and it could be like a chef hangout late at night.

All I can say is that the dream of most of the residents at 1:00 a.m. is a peaceful night's sleep. So we are a little at odds, even at midnight on weekends.

MICHAEL GARDNER: Thank you. Is there anything else you'd like to add?

MICHELLE GENOVA: The parking. I wish that there were something that we could figure out for our neighborhood with parking. And I'm very happy to hear that these guys are looking into valet, I think that's super important; that there is a valet service that takes the cars off the residential streets and into some kind of a lot or garage. Just to put that out there.

MICHAEL GARDNER: We didn't hear anything about the valet plan. Is there something you can add about that?

ATTORNEY HOPE: We are looking into valet. But valet is one of those things you would have to coordinate. But when you do valet, you actually do take off metered parking. So it would have to be something that has to be approved.

And I also think in our discussions

we wanted to see that we'd have some of that volume. We expect to get the a good capacity but -- (inaudible) -- so taking on that extra expense up front. (Inaudible).

THE STENOGRAPHER: Excuse me. I just cannot hear him.

MICHAEL GARDNER: Would you please keep your voice up.

ATTORNEY HOPE: Sorry. But I think everyone has an interest in making sure people can come and not drive around the block for a half-hour looking for a parking space; that doesn't help business.

MICHELLE GENOVA: And we also offered our support in getting that -- whatever zoning --

MICHAEL GARDNER: So what we have is a commitment to a discussion and exploration of the process?

ATTORNEY HOPE: Yes.

MICHAEL GARDNER: Are there any other

members of the public who would like to be heard?

ROBERT HAAS: Excuse me. Can I just say something. I know that there was a discussion about the venting and you said that the neighbors -- your belief that the neighbors living above the restaurant are bothered by the noise of the venting.

But have you been bothered by any of the smells or odors coming from the venting, I should say, when Bosphorus was operating there?

MICHELLE GENOVA: Yes. They were telling me that they have to keep their windows closed.

ROBERT HAAS: What about you?

MICHELLE GENOVA: I'm on the first floor, so I don't smell it. Because the building is one story and so anybody up above is probably experiencing the same thing, depending on the wind.

So part of what we've said there is that, if there are any changes to be made to that ventilation system, that we'd want everything --

ROBERT HAAS: To be re-evaluated.

MICHELLE GENOVA: Yes. So that we have a chance for input. And they are receptive to that.

MICHAEL GARDNER: Is there a plan to potentially change the venting? I didn't hear that.

ATTORNEY HOPE: I don't think so. And I think it was Mr. Patel, if you look in the transcripts, there was probably about 20 minutes of testimony addressing an issue of how best to accommodate the venting and the duct work.

So while it is probably not a perfect solution, because it's a residential neighborhood abutting a commercial use, I do think that -- correct me if I'm wrong, and I

wasn't there in 2010 when that discussion did happen -- and the plans that we have today as opposed to putting the kitchen in the center as opposed to all the way back was done to try to mitigate some of those issues.

I also think the Cambridge Noise Ordinance was what was in effect then, and part of the use of the HVAC was later put in to attenuate that. But if you have a window that is proximately to an HVAC, you're going to hear something.

But as I looked in the record and talked to the attorney who was there, that was part of the discussion. Because the space wasn't built out yet so the Commission was mindful of that as well.

MICHELLE GENOVA: I did -- actually, we didn't get a chance to look at the floor plans. And if that's at all possible, just to see what's changed?

ATTORNEY HOPE: For the record, the

structural -- everything is actually staying the same where you have the bathrooms.

(Inaudible) And because the build-out was already done, it was just for an arrangement of tables in the front area.

MICHELLE GENOVA: As it was explained to us last night, you had said that you would be cutting the bar in half?

SEAN DWYER: Not quite in half, but we are indeed shortening the bar.

MICHELLE GENOVA: It looks the --

SEAN DWYER: It was more up here (indicating) where we just wanted some room for guests waiting for their tables. And we are not sure if we are going to use this here. I would say the bar --

WILLIAM GILSON: It's approximately about seven feet of the full linear bar that is being shortened.

MICHAEL GARDNER: But you are only losing two spaces?

WILLIAM GILSON: The stools are, for the plan's purposes, are on the side of it, as before it was pushed too far and the stools could not be on the end of the bar. So we shortened it two stools total and seven feet in length, so there is more room for egress as people are entering the building.

SEAN DWYER: There was no stools with their backs facing the front door before, so now that we have it shorter, we have more room for that, so that's why that loss was only two total stools. But the bar itself was shortened.

MICHELLE GENOVA: I looked back on the records from the Bosphorus decision meeting, and they were asking for 23 bar seats, and the Commission told them to bring it down, I thought, to 16.

So, if that's correct, then we haven't really lost any bar seats.

ATTORNEY HOPE: But their overall

application, I believe they had seating for 135. So we have 110. So although we didn't cut the bar, our overall net number still stays at 110. So I guess we could move seats away from the bar. But based on our numbers the capacity stays at 110. Whereas, Bosphorus they had 135.

When they reduced their bar, they actually brought down that wall, remember? So we have 20 seats lower and also with the standing room at nine.

MICHELLE GENOVA: Where is the standing room? Just to have people waiting?

ATTORNEY HOPE: Exactly. So people come in and you have a cue of nine or ten people, they'd be in this area. And that's why they moved the bar, so when they come in they are not spilling out into the street.

GERARD MAHONEY: How long was Bosphorus in business?

AUDIENCE MEMBER: A year.

MICHAEL GARDNER: A member of the audience has indicated 12 months.

GERARD MAHONEY: Why did it cease to exist? Why did you go out of business? Why did Bosphorus go out of business?

AUDIENCE MEMBER: It just did.

Actually, I was here for the hearing for the liquor license. I was mentioned in the record. So there was the main causation, in my opinion. It was a Turkish restaurant. So if it was an American cuisine, so beer and wine preferred.

MICHAEL GARDNER: Ms Lint, do you recall any noise complaints or any noise level inspections being done during any of the operations?

ELIZABETH LINT: I had no complaints.

MICHAEL GARDNER: Any other members of the public who would like to be heard on this matter?

(AUDIENCE MEMBER)

MICHAEL GARDNER: If you would state your name and spell it for the record.

MAURA KILTONNONS: My name is Maura KILTONNONS, M-A-U-R-A, K-I-L-T-O-N-N-O-N-S. I live at 342 Norfolk Street. I'll just briefly talk about Norfolk Street people.

I just want to really reiterate, and I know you guys know this property very well by now, but that it does go very deeply into a residential area. There is, I believe, nine buildings that are immediate abutters to the building and 20 or so housing units. So it's a lot of people that would be impacted only anything that goes on in this building.

But other than that, I think it sounds like it's a great team and a good plan. You know, the hours is definitely an issue. I think the hours should be the same as the other restaurants in the neighborhood. That the later hours -- again, the 12:00 closing means people come out on the street making

noise, things happen past 1:00 or 1:30.  
That's it.

MICHAEL GARDNER: Thank you very  
much.

Any other members of the public who  
would like to be heard?

AUDIENCE MEMBER: Yes.

MICHAEL GARDNER: Please come forward  
and identified yourself for the record.

KENNETH REEVES: My name is Kenneth  
Reeves and I'm a member of the Cambridge City  
Council. Good to see you. I haven't been  
here this year, so hello.

Ms. Lint, I'm glad to see you have  
this title. In our system they don't tell us  
who is what, and so I'm glad to know that.  
Congratulations.

ELIZABETH LINT: Thank you.

KENNETH REEVES: I'm here to say a  
word about the current application. With your  
indulgence, I would like to say a little bit

at the end about one or two others that have been before you already.

Chef Will under-described himself entirely, so I'm glad I'm here. Chef Will took what was the Cellar and added the vacant restaurant Upstairs at The Garden, had been vacant for years, and he came in. And he is a very gifted chef. He is sort of a country Massachusetts boy whose father raises the vegetables and the herbs and brings them in to him. And he built an extraordinarily thriving building. The food is not good, it's incredible. He has a tomato soup that would make you an exponent of tomato soup. And you should go there; they are still using the same recipe now that his sousse chef and others have continued with his menus. So he's a very, very gifted and a very wonderful guy.

I always support the neighbors. And I would suggest, in this instance, the best litmus test is to look at the location. It's

right be Cambridge College, about 980 -- 991.

And 991 has -- actually Upstairs at the Cellar and the Cellar, which both are restaurants and a bar downstairs, and a liquor store, and above are about 60 apartments. And I can virtually guarantee you that there has never been a complaint about Upstairs at the Cellar because the food, the clientele are pretty higher than lower ticket folks, and a lot of suburbanites show up and they come and go, a lot of college students come, but it's a fine dining restaurant. And that is it's strength.

If you need a comparative that has housing above, I think it exists, and I think it argues for that they'll be good neighbors.

Now, I do also think that this whole hours question is an important question. As you know, I actually have been to a couple of places in Washington and residential neighborhoods that are open all night on the

weekends, and people live well, 17th and 18th Streets.

And the Council is going to Washington this coming weekend and I'm hoping to take them through this area. It hasn't to do with the hours, it has to do with the management and the understanding that if you want this later stuff, you won't make noise, et cetera. It has to do with management, I think.

I would really wonder if the Midwest Grill is closed early, because I don't think so.

And we have this issue in Cambridge where we have like 1:00 bars and 2:00 bars; and the people leave the 1:00 bars and go to the 2:00 bars and we can't explain why that is.

So I'm with the neighbors that I would like the hours to be relatively uniform, but I do think that we already have in this

neighborhood places that are open later. And I think all of the issues have to do with management as opposed to time.

You could go to San Francisco and the whole city is open all night. It's just here that we seem to feel that, you know, we got to be in bed by 1:00. I'm not an exponent of that at all.

And as we become this epicenter of innovation, et cetera, and so on, we are compared to places that, you know, there is something called "night life" and people live it.

So I would speak to the earlier hours. And I think to start off, this is a fair juncture. I do hope that the gentleman from Bosphorus, I was looking forward to having a Turkish restaurant; we didn't have one. I'm sorry to hear that part of the issue was the full liquor license. I wish I had known that. I'm hopeful that he will get in

touch and maybe we can find him another venture because of we shouldn't have to go to Istanbul to get Turkish food.

But on the point, I'm very familiar with the Grafton Group as well, and I think that they have -- they must have four or five establishments, all of which are run well and successfully.

I was recently at the Russell House, which is a thriving subterranean situation. And everyone knows Grafton Street and the Redline, which I'm pleased to see is doubling or increasing in size in a good place.

I think Harvard Square is about to get a lot more interesting from what I'm hearing in various proposals.

So I think you have an experienced team. Chef Wilson certainly has been able to train a staff that is able to run in his absence. And he was tied, to me, to one of the most onerous things that as you

restaurateur can have, which is that he only controlled the food part; all of the bar went to the building owner.

And then, if you know anything about the restaurant business, which I'm sure you all do, the profit in restaurants is in the liquor, it's not in the foods. So if you don't control that part of the revenue, you are actually kind of working against yourself.

So I couldn't be more pleased. This was my around the corner from my house neighborhood haunt and it's a great place. The secret is that you should go there for lunch, because you cannot get in at night or on the weekends. This is the kind of following he has had and they come from far and near because the food is so good.

So I probably have said way more than enough. I just wanted to say that on the Chipotle application, I think this may be coming to Central Square. If that's true, I'm

looking forward to that.

There is a lot of healthy food options in Central Square and I already mentioned the Redline. And, of course, I'm hopeful that F&D Restaurant Corp., d/b/a Campus/Manray, will finally find a home. I heard they may have, so we'll see.

But this crew, particularly Chef Will, I know quite personally and have known a long time. And I also want to say he is very community-minded.

Every year (inaudible) they put out a food tent, which is healthy cooking and we ask local chefs to come and demonstrate. And Chef Will has the distinction of being the chef who, every year that I've asked him, he has come. And he has made some wonderful watermelon and tomato concoctions that we wouldn't have thought were good, but were marvelous.

So he is the best, and I can say that

from personal knowledge. We could have lost him and I'm and so glad he is going to be with us.

There is quite a competition now that we're so hot between Boston and Cambridge. And that's why I want Bosphorus back, and please help these guys make a great place to eat. And to the neighbors, you are about to have a treat-treat. And that's all I can tell you. I can show you actually but I won't. Okay. Enough from me.

But this is -- I'm so glad -- because I thought we were going to loose them to Boston. So I'm glad we have them.

If you have any questions m3, I'll try to answer them.

MICHAEL GARDNER: I did think after reading a Globe article a while ago that, in fact, there was no competition between Boston and Cambridge.

KENNETH REEVES: Well, there isn't.

Just so you know, I had hoped Chef Will could have gone to Kendall. But I think it's so much better to have him in Inman because now we have three hot spots of restaurants there, or maybe four, but three that are emerging. And the best food in Boston is in Cambridge and that's established.

And the last thing I want to say, someone with experience from Craigie on Main is invaluable. Because Craigie on Main is probably one of the smartest restaurants we ever had.

For example, when they went to get guest investors for their new place, they went through a ton of explanation of what they do. They were in the basement of an apartment on Craigie Street, no parking, and it had to be a destination. But they literally new the e-mail addresses of all of their clientele around the restaurant. So that if it was a cold night, they would e-mail them to come

over and have free cocoa on them. But of course when you got there for the free cocoa, you'd buy something. And I thought that was ingenious. So anybody that is coming from that kind of well thought-out, well-run thing would be knowing what they're doing. And I think that's a good thing, too.

MICHAEL GARDNER: Thank you very much.

Any other members of the public who would like to be heard on this matter?

There's another member. Would you come forward and state and spell your name for the record.

JOHN CLIFFORD: I'm John Clifford, C-L-I-F-F-O-R-D, and I live at 55 Aberdeen Avenue in Cambridge. I want to support their application for the license; not as much as Ken, but I've been in the Garden at the Cellar many times. It's a very, very good restaurant, very crowded, no noise, no

trouble. There is no anything there.

But also, I used to own the Green Street Grill. I mean, you really need the extra hour to operate. Especially the good job that they do, both at Craigie on Main Street, the Garden at the Cellar. The Grafton Street Group, they know how to control the crowds and everything, so I wouldn't think that the neighbors would have any worries. And I would wholeheartedly support their application. Thank you.

MICHAEL GARDNER: Any other members of the public who would like to speak?

Another audience member. Would you come forward and state and spell your name for the record.

GARY GRIFFIN: I'm Gary Griffin, G-R-I-F-F-I-N. I'm just here to support their endeavor as well. Will has worked with us at Oleana Restaurant in Cambridge, which is a block over. And I think he is very talented.

I think he'd be a great asset to the area.

But also, listening to the complaints about the neighbors and whatnot, I understand it, we are in the same situation.

We have a 16-complex apartment building next to us. We have residential right behind us and whatnot. And when you look at the license, even though it's 11:00 or 12:00 or 1:00, at that stage of the night, the clientele decreases considerably.

And, you know, we have really good relationships with our neighbors, no complaints. We have an outdoor patio that they'll be people out there after 11:00 finishing up their dinner. And we really don't have any complaints. If on some nights it does get kind of loud, we have a relationship with our neighbors, they just say something, and it's rarely, if at all, and it's not consistent.

So in that situation, it's just the

whole idea of having a restaurant and something with great quality, I think supersedes it.

But also, that whole thing with the noise and whatnot, it's not like a bar; there is not like people stumbling out at 2:00 or 3:00.

After they have there dinner, their wine, their beer, they're going to go down the road to something that is open 1:00 or 2:00, if not before.

But towards the end of the evening, the clientele, the amount of people in your restaurant, you know, it's not going to be 110. And if it is, you know, more power to you. But from my experience in that, it has dwindled down and it's quiet or much more quiet.

And I'd just like to voice my support in their endeavor and wish them luck.

MICHAEL GARDNER: Thank you. Could

you remind us what the hours are at your establishment, sir.

GARY GRIFFIN: We have a 1:00 license, but we go until 11:00. Sometimes if we have like a special occasion or whatever, we'll go a little bit beyond that.

You know, sometimes someone will rent out the whole restaurant or what have you; but, for the most part, 11:00 to 12:00 people are in the restaurant.

MICHAEL GARDNER: Thank you. Any questions from the Commission?

GERARD MAHONEY: Nothing.

ROBERT HAAS: Nothing.

MICHAEL GARDNER: Any other members of the public who would like to be heard on this matter?

MICHELLE GENOVA: I would like to.

MICHAEL GARDNER: Very briefly, anything else you want to say?

Please come up here so we can hear

you.

MICHELLE GENOVA: Just to reiterate that we are abutters and neighbors with concerns.

And in regard to the councilor's comparison of the Cellar to this building, it's quite different in that that's a brick area and we have wooden structures where the noise carries quite a bit more than brick.

And that being said, if we can -- you know, we are psyched about the restaurant because we know the reputation of these guys. But we just want to protect our rights as people who live there.

MICHAEL GARDNER: Thank you.

Anything after the public comment that any of you would like to add?

ATTORNEY HOPE: I would just like to address the piece about the hours, reducing the hours and her testimony about circling the area around the restaurants, the hours of

those restaurants. Part of the reason why this ownership group selected this location is because there is not another fine dining restaurant within that circle.

So what you do have is, you have other establishments, more like bars, where they serve some sort of food, and you have people who, they go there to drink beer and watch a football game or to watch a sporting event. This is not going to be that same clientele.

So I think it's also important to know that the concept of this, that they have here, is going to be very different.

Also, I think it's important, we specifically asked for the bare minimum entertainment license. This is not going to be a place where after 11:00, let's say, they are going to be moving tables, someone is going to put on a CD and the next thing you have is some kind of a lounge, which is

another reason why going from midnight to 1:00 has some of the noise that you hear about.

This is not going to be that location. We just want like background music, maybe one or two TVs. But I think the concept is important. And there is not another restaurant in what I believe is this immediate area. I believe (inaudible names of restaurants) -- Trina's, those are further down. Because there is not another -- we wouldn't be right next to another establishment that has fine dining.

So I think some of those concerns, and the hours of the adjacent music is a little bit misleading. Meaning, we have a different type of establishment, different clientele, that at 11:00 we are going to have people having food or going to be winding down.

And also as Council Reeves pointed out, I do think management is a key part of

things. You know, you have experienced operators; they are hearing your concerns. They don't want to be operators that are continually getting calls to Ms. Lint's or ISD about loud noises and that type of thing going after hours.

I do think that the reduction to 1:00 was appropriate and the neighbors expressed that. But I do think as a growing area, we really do need the 11:00 during the weekdays and the midnight time on weekends.

I think we do a lot in terms of management and the setup of the restaurant to mitigate that. But it is important for us to have that to really compete, not with the other adjacent users, but the other fine dining restaurants along Cambridge Street and along that corridor of Inman Square.

MICHAEL GARDNER: What are the plans with respect to how soon you want to get started? I'm not sure, is there much

renovation that has to be done or when are you hoping to be able to open?

WILLIAM GILSON: Our plan is to hopefully be starting construction by the end of this month and hopefully open by the beginning of June.

MICHAEL GARDNER: So just a couple of thoughts since I haven't had a chance to review the entire record, including the letter and the issues in terms of the fact dispute as to exactly what the hours in the proximity are.

I'm wondering whether the other Commissioners feel, given the timetable, they would like to have that it be prudent for us to hold this over for a decision hearing on the 29th of March, or if you are feeling that you've got enough information to proceed this evening?

GERARD MAHONEY: I have enough information to proceed.

ATTORNEY HOPE: I would like to add, part of this restaurant group is about investors. And, obviously, if the Commission needs more time, it needs more time. But having a decision tonight would actually help us fund the proposed construction that we are trying to do, so that if the Commission felt that it had sufficient information, we would greatly appreciate it.

Also the other factor is that we receive a decision, so the longer decision, the longer to stop the ABCC.

You know, this is time sensitive for the group, like any restaurateur, and we hoped that the Commission was ready for a decision.

ELIZABETH LINT: Mr. Chair, for the record, I have letters of support obviously from Councilor Reeves, but also from Councilor Von Buticon (ph.sp.) and Councilor Simmons.

ROBERT HAAS: I'm just wondering now,

in light of the fact that there is an still an extension beyond our decision with respect to the ABCC that will delay the timetable that they're proposing.

MICHAEL GARDNER: Well, I would be prepared to, I think, support the license as submitted with the hours as revised and discussed this evening, namely, and 11:00 p.m. and midnight, subject to a, I think, four- to six-month review after opening to determine and give, in particular, members of the public the opportunity to come back and give us their impressions about how well the place is managed and how quiet the gathering of chefs at 11:30 is.

WILLIAM GILSON: I'll call them all now.

MICHAEL GARDNER: And then I think I would feel comfortable that our fiduciary responsibility or our responsibility to the process was satisfactorily handled, given the

reputations and track record of the group who is bringing the application forward and the enthusiasm of the neighborhood about the theme for the restaurant and the group, and to deal with it in the end to see how problematic the hours end up being.

ROBERT HAAS: So, Mr. Chair, I'd make a motion to approve the application as amended, with the stipulation that there will be a six-month review where the applicants will be expected to come back to this body and kind of give us a status report and also a report on your behalf as to how successful the restaurant is operating.

GERARD MAHONEY: Second.

MICHAEL GARDNER: Motion having been made and seconded --

ROBERT HAAS: Sorry. The other stipulation is the 21 Proof training.

MICHAEL GARDNER: Yes. And all of the other normal accoutrements and

responsibilities you have in opening.

ELIZABETH LINT: Let's put on the record it's no-value, non-transferrable, cannot be pledged, must be turned back in should the restaurant close.

ROBERT HAAS: You've incorporated that as part of the motion?

MICHAEL GARDNER: Yes, it's a no-value, no transfer license, and it can't be pledged.

Any further discussion, either between Ms. Lint and the Deputy Chief and anyone else?

ROBERT HAAS: Assistant chief.

MICHAEL GARDNER: Assistant chief, I apologize.

Hearing a request for no further discussion, all those in favor signify by saying aye.

GERARD MAHONEY: Aye.

ROBERT HAAS: Aye.

MICHAEL GARDNER: None opposed.

And we do appreciate the neighborhood concerns, and I think you've heard the neighborhood concerns this evening and understand it's your responsibility to manage your clientele and your staff with respect to the noise issues. Good luck.

WILLIAM GILSON: Thank you.

ATTORNEY HOPE: Thank you.

(Discussion between the Commission.)

MICHAEL GARDNER: Ms. Lint, do we have any other items on the record?

ELIZABETH LINT: We do.

\* \* \* \* \*

Application for Chipotle Mexican, LLC, doing business as Chipotle Mexican Grill, Andrew Trinchitella, Manager, has applied for a common victualer license to be exercised at 2 Cambridge Center. Said license, if granted, would allow food and non-alcoholic beverages to be sold and consumed on said premises with

a seating capacity of 68 (48 inside and 20 on outdoor patio). Hours of operation will be 11:00 a.m. to 10:00 p.m. seven days a week.

MICHAEL GARDNER: Sir, would you come up and state and spell your name for the record and your affiliation.

BRAD TOOTHMAN: I'm Brad Toothman, T-O-O-T-H-M-A-N, Chipotle Mexican Grill. Unfortunately, Andrew could not be here because of his father's illness, so I will be one of managers.

But we are seeking a common victualer application for this. So we are seeking -- Chipotle, we have an existing -- two existing restaurants in Cambridge. We have one in Harvard Square and one on Fresh Pond Parkway, and we are seeking a third location to open up, which is under construction at 2 Cambridge Center. Our square footage is 2205 square feet. We'll have a total of 68 seats, 20 patio seats, which are on private property,

and 48 interior seats. Hours of operation will be seven days a week 11:00 a.m. to 10:00 p.m.

MICHAEL GARDNER: And so if you could just advise us, this is a chain restaurant we can expect? This restaurant is going to be similar to the others?

BRAD TOOTHMAN: Actually, Chipotle is a burrito-taco restaurant. We are a national restaurant. Fast food. We did seek our board of appeals for a fast foods certificate back on January 12. The case number is 10199. That has already expired and nobody has challenged that decision, so it's been recorded to the town clerk as of this morning.

MICHAEL GARDNER: Could you describe for us the experience of the proposed manager, Andrew Trinchitella?

BRAD TOOTHMAN: Andrew and myself have been with Chipotle for over five years. Andrew specifically has been managing

restaurants from Denver, Colorado, where he started, to Boston. He moved up here in the Boston market about three years ago. He has worked at restaurants in Harvard Square, also in the City of Boston at 101 Summer Street.

He is -- right now we don't have alcohol, we are not seeking an alcohol license here. Andrew has worked with alcohol at various restaurants that we have had in the past.

The majority, about 70 percent of our restaurants have beer and wine, but in these locations in Boston, just because it's not available, we actually don't have it in Cambridge.

So as I say, Andrew is local. He lives in South Boston. And as I said, he has been with the organization for a while.

MICHAEL GARDNER: What use has the space been put to prior to now?

BRAD TOOTHMAN: It was actually two

spaces, this restaurant. I don't know if you've been over into what Boston Property has done over in that area. They have ripped out the old -- what used to be a staircase that used to go out into their little outdoor area and that has since gone away.

And what they've done there -- actually, there used to be a breezeway in front of it where Boston Private Bank and Character's Restaurant used to be able to use that breezeway.

What the landlord has done is, they've brought those breezeways and got rid of them and brought storefronts all the way to the front. They have also created, by taking over that exit for the Marriott, they created an outdoor environment for seating and for entertainment. I don't know what type of entertainment, but I think they'll come back down in the future. But what it is, it has now become this open forum for both the

employees in the area and also MIT .

A little information of what's going on in the market is that Microsoft is moving into this building above us. And they are moving, I believe it's 300,000 employees that will be entering into that building down the road, the next couple of years.

MICHAEL GARDNER: I hope it isn't 300,000 --

BRAD TOOTHMAN: Sorry. Square feet. I'm sorry. It's 300,000 square feet.

But for us, specifically for this, there is -- you know during the meeting with the Board of Zoning and Appeal, we did talk about parking. There is underground parking here.

But the majority of our customers will either be coming from the office buildings or be coming from the Red Line, which is about 50 feet away from our entrance.

ROBERT HAAS: So what was in the

space before? You said it was two --

BRAD TOOTHMAN: It was two -- it was actually separate. The majority of it was a breezeway, the space.

GERARD MAHONEY: This is the Food Court adjacent to the Marriott?

BRAD TOOTHMAN: No, it's actually the other side. It's directly underneath the Marriott. I actually have an old picture, if you want to see it, what it looked like.

MICHAEL GARDNER: That might be helpful.

BRAD TOOTHMAN: It's actually not the prettiest experience in the world.

(Picture hand happened to the Commission.)

BRAD TOOTHMAN: Even though Characters had their sign there, that space wasn't actually --

GERARD MAHONEY: Characters was set back?

BRAD TOOTHMAN: And they brought the whole store front -- you see where the pillars are, they got rid of -- they did a really nice job. What they are doing, they're putting awnings up to kind of create that really nice looking area.

If you've driven by there in the last month, you can kind of see what Boston Private Bank has done. And it will just continue all the way over. It's really nice, what the final outcome is.

GERARD MAHONEY: So will you be the only food establishment in that section?

BRAD TOOTHMAN: Characters will still be there.

GERARD MAHONEY: But along the stretch on Main Street, there will be nothing else?

BRAD TOOTHMAN: You know, there is some grand plans by redoing that whole Food Court environment over there. And actually

what they are trying to do is they are trying to redo the whole entire area. They are spending a fair amount of money to upgrade it.

MICHAEL GARDNER: Councilor Reeves made a reference to, I thought, Central Square. Is that --

BRAD TOOTHMAN: Actually it is public because I just realized after I talked to him that we are seeking a fast food certificate for the old Wendy's in Central Square --

GERARD MAHONEY: Wendy's is gone?

ROBERT HAAS: Yes, it's been gone for a while.

BRAD TOOTHMAN: And the hearing for that is March 22nd, that's the hearing date.

ROBERT HAAS: So there's a fourth side?

BRAD TOOTHMAN: That would be the fourth site. (Inaudible) and so we are not near it, somewhere in a large mall type of setting.

MICHAEL GARDNER: Are there any

questions?

GERARD MAHONEY: None.

ROBERT HAAS: None.

MICHAEL GARDNER: Any members of the public who would like to be heard on this matter?

AUDIENCE MEMBER: I like Chipotle a lot.

MICHAEL GARDNER: We have a member of the public who is really not here for this, but he has indicated that he likes the restaurant a lot.

Pleasure of the Commission?

GERARD MAHONEY: Motion to approve the license as applied for.

ROBERT HAAS: Second.

MICHAEL GARDNER: Motion having been made and seconded to approve the license as proposed, which is for 68 seats, 48 inside and 20 in a private outdoor patio, with hours of operation of 11:00 a.m. to 10:00 p.m. seven

days a week.

All of those in favor signify by saying aye.

GERARD MAHONEY: Aye.

ROBERT HAAS: Aye.

MICHAEL GARDNER: None opposed. Good luck.

BRAD TOOTHMAN: I appreciate it. Thank you.

\* \* \* \* \*

ELIZABETH LINT: One more disciplinary matter. Royal Transportation Services, Incorporated, Medallion 255A, Selim Romanos, Manager, due to your failure to submit up-to-date owner and operator information to the License Commission.

MICHAEL GARDNER: Please come forward and state and spell your name for the record, sir.

SELIM ROMANOS: Selim Romanos,  
S-E-L-I-M, R-O-M-A-N-O-S.

MICHAEL GARDNER: And for clarification, is this a matter that was on for the last hearing but not heard at all?

ELIZABETH LINT: Yes.

MICHAEL GARDNER: So there has not been a past hearing --

ELIZABETH LINT: No. There was another medallion that was on and that one was heard. This one was continued because he was unable to be heard and we were courteous enough to continue it for him to appear.

MICHAEL GARDNER: And just for our edification, Ms. Lint, could you explain a little bit about what the concerns are.

ELIZABETH LINT: Yes. As you know, we have a certain number of -- a small number of handicapped accessible vans, and this is one of those vans. The manager, Wally Nacool (ph.sp), who has met the ACT manager, was having problems reaching all of the drivers in order to fill whatever jobs would come in.

As a result of that, we sent out -- part of the problem is either people didn't answer the phone or the phone was shut off or it's the wrong number or anything like that.

So we sent out a form to all of the accessible medallion owners requesting all updated information: Their address, their phone number, cell phone number, and whoever else is driving the van. Because there are supposed to be two drivers on every van so they are available 24 hours a day. And we never got any of the information back.

MICHAEL GARDNER: From Mr. Romanos?

ELIZABETH LINT: Right.

MICHAEL GARDNER: So you understand the concern?

SELIM ROMANOS: I do.

MICHAEL GARDNER: So please advise the Commission of your situation.

SELIM ROMANOS: First of all, thank you. I had to be out of town the last couple

of months, I had to take care of my uncle who was very sick, and he just passed actually a few days ago. So I just came yesterday back.

And I'll tell you why I mention I came back yesterday. Because, first of all, this is the -- I have some Boston medallions; I never had a Cambridge one. I never had accessible handicapped medallion.

So I bought -- I did not buy the whole medallion, I bought 90 percent of the stock of this corporation. I knew the owner, who still holds 10 percent. But he needed, for some financial reasons, he wanted to sell and he didn't want to sell the whole thing. Anyhow, so I just bought it in October from him.

MICHAEL GARDNER: A 90 percent share in October of 2011?

SELIM ROMANOS: Yes. I think it was October 1st, the closing date. And I did not know about this regulation.

I received a call like sometime late December, close to Christmas, from the Officer Ben Zito --

ROBERT HAAS: Benny Zito.

SELIM ROMANOS: He asked me that there was a letter sent and came back to him. And he said to me about my correct mailing address because he said he sent it to someone else. I wasn't sure who he did send it to. I gave him my correct address. He did not mention what the letter was about. And then like -- and that was it.

And as I was saying, like I was out of town a lot like the last couple of months for that reason.

Then I received a call from Officer Zito, on Friday, January 20th. He told me that I failed to submit a form. I had not received a form.

I went on Monday, the 23rd, to the building here upstairs. And because I asked

him over the phone, he said he is not going to be in on Monday. Anyway, I went on Monday, I picked up the form, and I asked (inaudible) -- I e-mailed it to him. I have the e-mail on the 24th, on Tuesday. I put the driver's information and all of that.

He called me back and he sent me an e-mail -- actually, yes, he called me and sent me an e-mail about the regulations that you are going to submit -- I think it's every year by January 16th or something like that, and the details.

The driver who drives the car -- and that was one of the reasons. Even though I own some Boston medallions, up to the year 2003, I used to run them from the garage, it used to be on Beacon Street, they closed after that, Inman Square.

So I was somehow in contact with some Cambridge taxies or Cambridge medallion owners or drivers. And the same guy had been driving

it since then, over ten years.

I hear that there were no complaints about him or anything of that sort. So that was one of the reasons why I bought the cab. He leases the car.

And I was supposed to go to Checker Cab. I was told that they are the ones that dispatch these calls for these vans. And because of what happened in the last few weeks, I wanted to go there like right before I come to the hearing, the last one, and bring a log of what I was told. He always has answered these types of calls, and he is available a lot, too, as needed for these calls.

Unfortunately, I didn't get the chance to do that. He is the one that works on the car from 6:00 a.m. to 11:00. He takes a couple of breaks, I guess, during the day.

The other person that I bought the shares from, he used to own the whole thing

before. He is also a licensed driver, but he wanted to sell back then to get the money.

So to make a long story short, he had some family financial issues and he is not here now. But he is a licensed driver and he wants to be driving some part-time with the person who drives it now. His name is Ramire Sahli (ph.sp).

MICHAEL GARDNER: So if I understand it right, you are a relatively recent purchaser of the medallion, of the overwhelming majority share, you had -- you got one driver who was reasonably reliable, the other driver is supposed to be, the old owner, but he has not been around, and you've not been around because of the personal family circumstances, for which we offer you condolences for the loss of your uncle.

SELIM ROMANOS: Thank you.

MICHAEL GARDNER: But it sounds like you need to do better than this. That you've

got to have -- you've got to have at least two drivers who, in fact, are available. And maybe you need three drivers, I don't know. But to have a one of the drivers who is responsible for, it sounds like either half or more than half the hours, but he is kind of tied up with family troubles so he is not available, that doesn't work for you, and your investment in the medallion, and it certainly doesn't work for us for service to the public.

Have I stated that fairly, Ms. Lint?

ELIZABETH LINT: You have. And if I may, Mr. Chair, I know who Ramire is and he's been a driver for a long time, he has a good reputation. The problem is that he is not responding to any of the calls from Checker to take these jobs.

Checker called me the other day in a panic, because they had a reservation and he went down the list of every single driver. And he did get Ramire on the phone and he

said, "I'm coming back from the airport. I'm going to Arlington. I'm not going to pick it up."

That is why they have these medallions. And all the owners have been told that they are going to pull those medallions if they are not going to accept these jobs and will auction it off to someone who is willing to take care of it.

He can't not answer the phone and he can't not say, "I'm not going to take the job." That's what their responsibility is.

ROBERT HAAS: You understand that you've taken on a special responsibility by having a handicapped accessible van, that you have to be available 24 hours a day, seven days a week. And because there's so few of them, that we can't afford not to have the calls not answered.

That's not just with you, but it seems to be with some of the other holders of

the medallions that aren't being responsive.

And as the Chairman indicated, the arrangement right now is not adequate to provide that service 24 hours a day, seven days a week with the current staff you have on right now.

So you need to think about how you're going to staff it in order to be responsive to the calls, these kinds of special calls where you take on a special responsibility.

SELIM ROMANOS: I'm knowing now. I just know like after the fact. I thought when I got the form that I filled it out that day and e-mailed it back, I thought like I did what I was supposed to do.

But the e-mail that I got after with more details, so I did not know back then.

I'm not sure how old is this regulation -- and even when we -- usually, like -- I mean, this is my first medallion in Cambridge, and usually like in Boston they

give us some type of booklet about the rules. But here there is no such a thing.

So my understanding now that I need to -- except to fire the driver, or if I don't -- because if I don't fire them, I'm going to get --

ROBERT HAAS: Well, I think what you've got to think about is what is going to be your operational plan to satisfy the requirements for a handicapped accessible van; namely, you have drivers available continuously the entire week and available to answer calls the entire week.

So the Chairman's point, if you have to hire three or four drivers in order to accomplish that, then that's maybe what you got to do. But you can't have your drivers turning down calls or not answering calls when they are supposed to be on.

So I think it's a matter of what's your business arrangement is going to be,

what's your business model going to be to make sure this van stays operational continuously. And if it does come out of operation, it's your responsibility to notify Checker Cab that your cab is not going to be available, and then how long it's not going to be available.

I mean, you just can't indiscriminately take it off the line. If you have mechanical problems, it's not working, or you have an unexpected emergency, but it can only be for short durations.

So the challenge you have, unlike the other medallions you have in Boston, is this cab has to remain operational for an entire 24-hour period, seven days a week.

So what you need to figure out is how do you accomplish that as a principal shareholder of this medallion.

MICHAEL GARDNER: And two operators to cover all those hours, that is stretching them pretty tightly. And it sounds like you

don't have the sort of reliability with the drivers now that you need.

Ms. Lint, do we have regulations or written materials to be shared?

ELIZABETH LINT: We've been rewriting them. And every time a situation like this comes up, I make a note of something else that needs to be inserted. So we've been going on and on and we are really trying to fine-tune it, and I'm hoping to have it done shortly. But they are so outdated that it's really been a huge endeavor.

MICHAEL GARDNER: So is it useful to ask Mr. Romanos to come in for a meeting with you and our hackney officer to go over these rules in more detail?

ELIZABETH LINT: Absolutely. And we can give him a copy of what's out there in a draft, that's basically what our rules are, it's just that it hasn't all been finalized and tightened up as much as we would like it.

MICHAEL GARDNER: Are your personal circumstances such now that you're going to be in the area and are actually able to manage the staffing for this operation to be successful?

SELIM ROMANOS: What I can do differently, I can talk to the driver now, and to the second person that is supposed to fill in sometimes, he is not yet back, and get like some type of a back-up driver, like you say, two or three or whatever, so they have some continuous flow so they don't have interruptions. Personal matters do arise. But if you have like three or four, somebody has to be there.

ELIZABETH LINT: But that is a perfect point. Emergencies do occur, but the ACT manager needs to be notified and nobody is notifying him. So he shouldn't have to call me in a panic for me to sit there and try to figure out: Okay, how can we get out of this?

And I fortunately came up with a great idea and it worked, but that is not necessarily going to happen all the time. So we need to know who we can rely on.

SELIM ROMANOS: They answer --

MICHAEL GARDNER: Keep your voice up, we can't hear you.

SELIM ROMANOS: You said like, obviously, they are not answering enough calls from Checker cab; I was told that he was. But should I get a log? Or I don't know if they keep a log, I can get it.

ELIZABETH LINT: I don't think that is necessary. I think it's more just having the discussion.

MICHAEL GARDNER: So you've got 168 hours a week to cover.

SELIM ROMANOS: Is it a 168.

MICHAEL GARDNER: Yes, I did check. So 24 times 7 I think is 168. So two people, that's working 82 hours a week. Realistically

that is not enough.

GERARD MAHONEY: Above and beyond.

ELIZABETH LINT: That would be a violation of our rules as well.

MICHAEL GARDNER: Do we know what the actual minimum is?

ELIZABETH LINT: They were not supposed to work more than a 12-hour shift. And we know that they are some out there working 16 hours and they might take an hour break and go snooze somewhere. And that's just -- you know, public safety, that is just terrible.

MICHAEL GARDNER: Are these calls primarily dispatched?

ELIZABETH LINT: Yes and no. I would say for every one that's dispatched, there are the ones that have their steady clientele.

And we know the jobs are being filled for the most part. But the other day was really the first time that it was a major

crisis.

That being said, the ACT manager or the dispatcher, when a call comes in, shouldn't have to go down the line of all eight medallions and have nobody answering the phone, and then have one saying, "Oh, I'm not going to take it" because that just doesn't work.

MICHAEL GARDNER: So are there any members of the public who would like to be heard on this matter?

Seeing none.

Is there anything else you want to add, sir?

SELIM ROMANOS: I'm just like concerned about what's going on. I mean, aside from the fact of my medallion, just being concerned, you know, I'm trying to figure out a way to be able to do it.

I know like sometimes the cab has passengers in it, and they cannot just shove

them somewhere and go take the call. But sometimes if they don't have passenger and they tell you they have a passenger -- I know it's a tough business. I managed the Boston ones for a while.

ROBERT HAAS: So I would submit to you that operating a handicapped accessible van requires a special temperament and characteristic of your drivers as well. Because a lot of these folks need assistance, they just can't get in and out of a vehicle on their own. So they need to have a great deal of patience and ability to work with the population that needs assistance on a regular basis. So you just can't pick drivers from anywhere. You really have to be careful about who you pick as drivers. Because if you have drivers that aren't acting appropriately, it's going to come back on you as well.

So your challenge is a little bit greater than just running a normal cab or

normal medallion. So you really need to think about, you know, who is going to be, number one, responsible and reliable and who is going to have that special temperament and characteristic that can work with a special population of folks that need transportation.

SELIM ROMANOS: You just got it right. Because that was one of the reasons I said, "Look, let me buy it" because that person who drives it now has been driving for a very long time. And from what I hear, he doesn't have issues, but --

ELIZABETH LINT: No, you're absolutely right. It's just that he is not answering the phone.

SELIM ROMANOS: I know that he was out two weeks ago for some little hand surgery. I know when he came back his hand was bandaged up.

ROBERT HAAS: But you stand the greatest to lose because you have the lion's

share of the value of that medallion.

MICHAEL GARDNER: And you don't drive yourself?

SELIM ROMANOS: No, I don't drive. I do other things.

MICHAEL GARDNER: So it sounds to me like it's a matter which we should continue for a report back from Ms. Lint.

ELIZABETH LINT: I can report back to you, sure.

MICHAEL GARDNER: If we continue the matter, we'll leave it open for assurance of compliance. Does that sound reasonable?

GERARD MAHONEY: Yes.

MICHAEL GARDNER: So what we intend to do is not take any disciplinary action against you this evening, not put your license or your medallion in jeopardy tonight, but we'll continue the matter generally.

And then Ms. Lint will report back to us on the progress. A meeting you have with

her and the hackney officer and reporting back about any additional complaints. We would expect you to bring forward to Ms. Lint, your staffing plan for how this is going to be done. All right?

SELIM ROMANOS: All right.

MICHAEL GARDNER: So I would make a motion that we continue this matter generally after having advised the medallion owner of his need to confer with Ms. Lint and the hackney officer about arranging -- understanding the rules and also arranging for an appropriate staffing plan with Ms. Lint to keep the Commission advised as to any progress or problems.

GERARD MAHONEY: Seconded.

ROBERT HAAS: Mr. Chair, when would you expect to report back on this? A month? Two months?

ELIZABETH LINT: Why don't we schedule it for three months? I think that

would give him time to put people in place, and it would give me time to hear from the ACT manager.

ROBERT HAAS: Is that enough time?

SELIM ROMANOS: I think that's reasonable like you said to see what's going on.

MICHAEL GARDNER: My only concern about that is it's a little long if there are calls that aren't being answered. But I'll make the motion for three months.

ELIZABETH LINT: To put you at ease -- because this has become a situation, not just with this medallion but also the one that was on for the last hearing, and at least two others -- I'm planning on bringing the others in for a disciplinary hearing.

We are also going to be having a meeting and calling all of them in with myself and Officer Zito to just lay it out all over again. So it's not just this one.

So I think three months is okay because we'll have other things in the works.

ROBERT HAAS: How many handicap accessible vans do we have now?

ELIZABETH LINT: Eight.

MICHAEL GARDNER: And they are all supposed to be on the road?

ELIZABETH LINT: They are all supposed to be on the road. We do know that there is one that doesn't work on Sundays for religious reasons and that's fine; but we know that, so that's not one that would be in the mix to be called.

Although, in my mind, there should be enough drivers to pick it up, but it hasn't been an issue. But there are a few that are just not playing the game right.

MICHAEL GARDNER: So do you understand what we are going to vote on?

SELIM ROMANOS: I do understand.

MICHAEL GARDNER: The motion having

been made and seconded for a continuation with a three-month review with Ms. Lint reporting back to us after conferring with the owner.

All those favor, signify by saying aye?

GERARD MAHONEY: Aye.

ROBERT HAAS: Aye.

MICHAEL GARDNER: None opposed.

So we are giving you the time to get your house in order. We regard this as an important function of the City. The medallion you hold is an important medallion that serves a very vulnerable population here. So that we want you to be a success. Please work with Ms. Lint and apply your own substantial experience in this area to make sure you've got the staffing and the management control to make sure the phone calls get answered.

Thank you. Good luck.

SELIM ROMANOS: Thank you.

(Discussion off the record)

ELIZABETH LINT: Ratifications.

Medallion 26 with stock transfer and then a refinance.

Medallions 20, 70 and 27, all refi's, paperwork is in order.

MICHAEL GARDNER: Motion to accept.

GERARD MAHONEY: Second.

MICHAEL GARDNER: Motion having been made and seconded to accept the recommendation of Ms. Lint on this matter. All those in favor, signify by saying aye.

GERARD MAHONEY: Aye.

ROBERT HAAS: Aye.

MICHAEL GARDNER: None opposed.

In terms of other business, I know we received a letter regarding Prospect Liquors with the request that we reconsider our action.

My understanding of the letter was that the requests for reconsideration was based upon a claim that false testimony was

presented to the Commission by a Cambridge police officer.

I believe, Commissioner, you were here for that hearing?

ROBERT HAAS: I was.

MICHAEL GARDNER: And I believe, Assistant Chief, you were not here.

GERARD MAHONEY: I was not here.

MICHAEL GARDNER: My interest in raising it this evening was simply to put on the record any action we are prepared to take.

I was present and listened to the testimony. I had a sense about what occurred and I'm satisfied that the action the Commission took was appropriate and does not require reconsideration, but I did want to give you a chance to be on record.

ROBERT HAAS: If you recall, there was also other corroborating evidence. The testimony that was given was considered to be the officers' testimony, in light of the

allegations, I think it's totally appropriate for a different forum to hear the new allegations and make a determination whether this body acted correctly to this with respect to it's disciplinary action.

MICHAEL GARDNER: So that having been said, there is no action to take on that matter.

I will also report that last week I received from the Cambridge Hotel Association a packet of OSHA regulations regarding training and procedures. I must have gotten it last Tuesday, I guess, but I --

ELIZABETH LINT: Thursday.

MICHAEL GARDNER: Well, I opened it up this afternoon. I haven't had a chance to have the material copied, but I'll have it copied so it can be put in the record also and forwarded to the members.

ELIZABETH LINT: I have one of the documents that they gave you.

MICHAEL GARDNER: There were two documents.

ELIZABETH LINT: I only have one of them.

MICHAEL GARDNER: I'll get those to you.

With the plan to consider this matter, we won't be able to consider it in March because I will be away the next hearing date, the 20th, but hopefully we'll be able to address this issue in April.

ELIZABETH LINT: Perhaps after you digest the information, I can send it around.

MICHAEL GARDNER: Yes, right, that would be my intent.

ELIZABETH LINT: And then if everybody wants to give me their opinions, I can pass it on to you.

MICHAEL GARDNER: Yes, great.

Motion to adjourn is always in order, unless we have minutes to approve.

ELIZABETH LINT: No. I forgot about them.

ROBERT HAAS: Seconded.

MICHAEL GARDNER: Motion having been made and seconded, we'll adjourn this evening. It's now 8:16 p.m.

ELIZABETH LINT: Well done.

MICHAEL GARDNER: All those in favor, signify by saying aye.

ROBERT HAAS: Aye.

GERARD MAHONEY: Aye.

MICHAEL GARDNER: Hearing closed. We are adjourned.

(Whereupon, the Hearing was adjourned at 8:16 p.m.)

## C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS  
SUFFOLK, SS.

I, Evelyn M. Slicius, a Certified Shorthand Reporter and Registered Professional Reporter, the undersigned Notary Public, certify that:

I am not related to any of the parties in this matter by blood or marriage and that I am in no way interested in the outcome of this matter.

I further certify that the testimony hereinbefore set forth is a true and accurate transcription of my stenographic notes to the best of my knowledge, skills and ability.

**IN WITNESS WHEREOF**, I have hereunto set my hand this 14th day of March, 2012.

---

Evelyn M. Slicius  
Notary Public  
Certified Shorthand Reporter  
License No. 127193  
My Commission Expires:  
May 15, 2013

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