

COMMONWEALTH OF MASSACHUSETTS
CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION GENERAL HEARINGS

Michael Gardner, Chairman
Robert C. Haas, Police Commissioner
Thomas Cahill, Captain, Fire Department

STAFF:

Elizabeth Lint, Executive Director

-- Held At --

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

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6:11 p.m.

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P R O C E E D I N G S

ELIZABETH LINT: Okay. We are going to begin.

This is the License Commission General Hearing on Tuesday, June 5, 2012, at 6:11 p.m. We are in the Michael J. Lombardi Municipal Office Building, 831 Massachusetts Avenue, Basement Conference Room.

The Commissioners are Robert Haas and Captain Tom Cahill.

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The first matter is the application of Fuji Group, Inc., doing business as Fuji Restaurant, Matthew Smith, manager, holder of an all alcoholic beverages as a restaurant license at 300 Third Street has applied for an alteration of premises description to include a bar on their seasonal patio on private property.

ROBERT HAAS: Can you spell your name

for the stenographer and your position in terms of with respect to the application.

JIMMY LAING: My name is Jimmy Laing and I'm one of the partners that works with Matt, and I'm just helping him set up. My last name is L-A-I-N-G, first name Jimmy.

NINA LAING: My name is Nina, N-I-N-A, Laing, L-A-I-N-G.

MATTHEW SMITH: I'm Matthew Smith, I'm the general manager and partner at Fuji Kendall Square. Smith is S-M-I-T-H.

ROBERT HAAS: Mr. Smith, can you give us an overview of the project.

MATTHEW SMITH: We just opened in December and we are trying to do some alterations to liven up our corner of the neighborhood. Instead of it being known as the last destination in Kendall Square, we'd like to help extend our patio to use the capacity that was allowed to us.

We initially opened properly to offer

a better atmosphere for Kendall Square and what was being built. And we have a few ideas of what we'd like to do as far as offering a nice gesture to the neighborhood.

We have some businesses across the street that doesn't look so friendly, so we'd like to offer something to bring people down to visit our side of Kendall Square.

ROBERT HAAS: How has business been going since December?

MATTHEW SMITH: Very well. We've had a great reception from the neighborhood. Things are going very well, very welcoming, we've had a great turnout, a great clientele.

ROBERT HAAS: So with respect to the alterations of the premises, what are you doing on the interior side, if anything?

MATTHEW SMITH: Yes. We are actually planning on pulling up the patio that we have currently, making it flat. We are also planning on doing some more alterations as far

as gardening, lighting work, and possible -- we'd like to do possible heaters for outside to extend the patio season that will be built, and also an outside bar.

ROBERT HAAS: So everything is exterior in terms of the alterations?

MATTHEW SMITH: Yes.

THOMAS CAHILL: How are you proposing the heating?

MATTHEW SMITH: When we had dug up the patio, we had proposed to put gas lines underneath and have them as towers.

THOMAS CAHILL: Have you done any inquiries with the city to see if that's acceptable at this location? I know that's done on a case-by-case basis.

MATTHEW SMITH: We looked into the code, and that's kind of as to how we proposed it. Just so you know, we do know that there is no propane allowed outside. And we figured that this will be the cleanest way to do it

and the safest way.

THOMAS CAHILL: Okay.

MATTHEW SMITH: And we think aesthetically it would be a nice thing for the neighborhood and be able to use the outside as long as we can at the beginning and at the end of season.

ROBERT HAAS: So would inspectional services be involved with this as long as the fire department?

THOMAS CAHILL: Both, inspectional and the fire department. These are taken on, the outside heating, on a case-by-case basis. Someone from fire prevention would actually go down there and look at our proposal and make a decision based on the site visit.

MATTHEW SMITH: Okay.

ROBERT HAAS: So this is all private property, it doesn't encroach on any public ways at all?

MATTHEW SMITH: No, it does not.

JIMMY LAING: We have allocated a certain space, if you can notice on the plans itself, right here (indicating), what we did is we allocated a space that is not part of the -- well, it's part of the patio now, but we wanted to do it so that we can still utilize that as a sitting area for passersby; just so that, you know, we can keep it as a semi-public open space as well just for people to enjoy, just something more for the City of Cambridge.

ROBERT HAAS: So would you have people seat themselves, or would they first go into the restaurant?

JIMMY LAING: Oh, no, they would actually come into the restaurant to be seated within our area. But as you can see right here, this part right here (indicating), we are going to be building benches right there, and we'll still keep the planters there, just so that when people walk by if they want to

sit down and take a break, they can.

ROBERT HAAS: So you wouldn't be serving any food or alcohol in that outdoor area, right?

JIMMY LAING: This area? No, nothing at all. Just the patio inside where the tables are, that's where we'll be serving food and drinks.

THOMAS CAHILL: And if the decision was made that the heat wasn't acceptable, that wouldn't impact your proposal, would it?

JIMMY LAING: It would not impact the proposal, just because -- yes, we would like to be able to extend the patio season, but if it's prohibitive, then it's prohibitive, and we'll just run it when it's in season; and when it's not, then we'll shut it down.

ROBERT HAAS: Any other questions?

THOMAS CAHILL: No, sir.

Anybody from the public who wish to comment on the project? Mr. Marquardt?

CHARLIE MARQUARDT: My last name is Marquardt, M-A-R-Q-U-A-R-D-T, my first name is Charlie. I live at 10 Rogers Street.

First of all, these guys are great in the neighborhood, they've done a really good business. So I'm going to be -- I'll talk first as a member of the Board of the East Cambridge Planning Team, then I'll be myself, and then I'll go into that, too.

They came and met with the East Cambridge Planning Team first when they were going to open and then when they were proposing the patio.

We as members of the public and members of East Cambridge Planning Team have come to like the outdoor patio as a place to stop and read papers and whatnot. So they actually responded to our request to put the seating area in there so when people are walking by so they can have a place to sit down with a tree next to them. So that was in

response to one of our comments.

So they brought the plans back, they met with no other questions from the East Cambridge Planning Team, so we are very happy to have them in the neighborhood, they are very supportive.

In the few months they have been there, they have been very active, not only in their own business but in supporting local charities and local events.

I would say they were probably the most visited table at Cooking for a Cause. I had five of them myself, so I've been there a couple of times.

As speaking for myself now, I think they are a good addition to the neighborhood. What they are proposing to do is in keeping with what the entire Kendall Square Study is trying to do, enliven the neighborhood.

If you look at that area of Third Street, it has gone from dead, dreary, and

really sort of a little scary at night, to very exciting and lively.

And probably a good six days a week now, and getting closer to seven, what they are proposing to do is exactly what Goody Clancy and the city are talking about; doing things to bring people out onto the sidewalk and enliven the neighborhood.

And then the last thing I'll say is that I'm also a Board member of Cambridge Local First, and we submitted a letter saying that as our independently-owned and locally-owned business, we are supporting what they are trying to accomplish.

And all of us, myself, East Cambridge Planning Team, Cambridge Local First, we'll also put the caveat in that as long as they play by the rules, okay; and if they do not, I would expect myself, yourself, the police, license, or fire to come down and request that they behave accordingly. But so far they have

behaved quite nicely.

ROBERT HAAS: Does anyone else wish to comment? Yes, sir, go ahead.

(Audience member)

JEFF McCOMISH: My name is Jeff McComish, M-c-C-O-M-I-S-H. I'm a senior director at the services with Alexander Real Estate Equity, owners of the property. And I'm just very much in favor and very pleased with what they have proposed.

And certainly as landlord we would approve what's been proposed and are very happy to have them with us.

ROBERT HAAS: Great.

JEFF McCOMISH: Thank you.

ROBERT HAAS: Anyone else?

Seeing no other public comments, I'll entertain a motion.

THOMAS CAHILL: I have no questions.

ROBERT HAAS: Are you going to make a motion?

THOMAS CAHILL: I'll make a motion to accept this contingent on the proposal for the heating systems.

ROBERT HAAS: I'll second that motion. All those in favor, please signify by saying aye.

THOMAS CAHILL: Aye.

ROBERT HAAS: Aye.

MATTHEW SMITH: Thank you very much.

ROBERT HAAS: One last question. And when do you expect this to be all placed out?

MATTHEW SMITH: We're looking to start construction after the summer season ends and hopefully the beginning of next --

ROBERT HAAS: All right. So you're going to wait until next season before you open?

MATTHEW SMITH: Yes. We'd like to bring as much clientele down the street towards our area as we can while we get things in place.

ROBERT HAAS: All right. Thank you.

MATTHEW SMITH: Thank you all very much for your time.

ROBERT HAAS: Thank you.

* * * *

ELIZABETH LINT: Application.

President and Fellows of Harvard College has applied to amend their existing garage license at 29 Garden Street to increase the number of parking spaces from 56 to 62 with 620 gallons of gasoline in the tanks of autos only.

And maybe we should take them one at a time because they are all going to be different.

JENNIFER GRAVEL: Take them one at a time.

ELIZABETH LINT: I think so. Unless there's anything that goes along with this one?

JENNIFER GRAVEL: There's not. I was going to sort of group them by the ones that

were common and do this at the same time. Is that all right?

ELIZABETH LINT: Yes, okay.

JENNIFER GRAVEL: Do you want me to start with 29 Garden?

ROBERT HAAS: Why don't you start by telling us your name and spelling your last name, please.

JENNIFER GRAVEL: Jennifer Gravel, G-R-A-V-E-L, campus planner with Harvard Planning and Project Management at 1350 Massachusetts Avenue.

JIM SARAFIN: My name is Jim Sarafin, S-A-R-A-F-I-N, and I'm the associate director of Parking and Transportation.

JENNIFER GRAVEL: So this is a continuation of an effort that we began on the first hearing when we came before you with eight applications. What it is, is that Harvard is currently undertaking an effort to reconcile all of our parking licenses with the

transportation and --

THE STENOGRAPHER: Could you please move your exhibit back a little bit for me. It seems to be blocking your voice and I can't understand what you're saying.

JENNIFER GRAVEL: Okay.

It's part of an effort to reconcile our parking inventory and the City's parking transportation demand management plan. It's really a housekeeping effort to ensure that all of our facilities are properly licensed.

All of, as before, all of these sites are preexisting. They really -- the majority of the sites have preexisting spaces with no proposed changes to the operation layout of the number of spaces.

And with that, there is one garage among them, 29 Garden Street, and 21 open air lots.

Should I start with 29 Garden?

ROBERT HAAS: So this applies to all

of the applications you've got here, right?

JENNIFER GRAVEL: Well, 29 Garden Street is -- it's a 62 space garage located at the corner of Garden and Chauncy Streets.

This particular site has a license currently for 56 spaces. There was some restoration work done in the building recently and the garage was re-striped and they were able to -- and some things were moved in the building allowing for more room for more cars there.

ROBERT HAAS: So the footprint hasn't changed at all?

JENNIFER GRAVEL: The footprint is the same; the building is exactly the same. It was re-striped and there is room to accommodate 62 spaces. And these all comply with the City's dimensional requirements.

JEFF McCOMISH: And part of this facility particularly, it used to be the old Harvard police station and they used to park

down there. So they parked their cars and they weren't charged a fee to park their cars. But now the police have moved, and this facility is all either tenants or affiliate personnel and now everyone charges to park there, so that's why there is also a change in the license.

JENNIFER GRAVEL: So that is really the only thing triggering the change in this particular license that is currently licensed. And so the amendment would allow for an increase of six spaces, so that's what we are proposing.

ROBERT HAAS: Any questions?

THOMAS CAHILL: So you would just be modifying through the fire department for the flammable storage to have an increase by --

JENNIFER GRAVEL: Yes. So the capacity on the application is increased.

THOMAS CAHILL: It would be amended?

JENNIFER GRAVEL: Yes.

ROBERT HAAS: Any comments from the public at all?

Seeing none. I guess we'll take a vote on this because we are taking them separately.

THOMAS CAHILL: Okay. I make a motion to accept the proposal.

ROBERT HAAS: I second the motion. All those in favor, please signify by saying aye.

THOMAS CAHILL: Aye.

ROBERT HAAS: Aye.

And now let the record show that Mr. Michael Gardner, the Chairman of the Board, has just joined us.

MICHAEL GARDNER: Thank you.

ROBERT HAAS: So 159 Bank Street --

ELIZABETH LINT: 159 Bank Street, Peabody Terrace, visitor's lot.

JENNIFER GRAVEL: I have them in a separate order based on -- I mean, I'm happy

to flip through them, but it might be quicker if we go in the order I have them. I'm happy to do them whatever way you want.

ELIZABETH LINT: That's fine. Go ahead.

ROBERT HAAS: So we're going to do 12 Mellen Street next?

* * * *

JENNIFER GRAVEL: Yes. So this next group of applications for all of these, these are currently all unlicensed lots. And the reason that we are before you today is because we recently began charging a fee for the spaces. There is no change to the existing number of spaces to the layout.

ELIZABETH LINT: Can I just interrupt for one minute.

So is it 12 Mellen, 16 Mellen and 20 Mellen? Just so that we have it for the stenographer and so that we can also follow along.

JENNIFER GRAVEL: Sure. So this is 12 Mellen, 16 Mellen, 20 Mellen. There are actually about 14 spaces, and I could do them three or four at a time -- but we're on 12, 16 and 20 Mellen right now.

ELIZABETH LINT: Yes. Okay.

JENNIFER GRAVEL: So 12 Mellen Street has two open air spaces. We recently began charging a fee for the preexisting spaces --

THE STENOGRAPHER: I can't hear you. Sorry. There's the air unit right above me blowing air.

JENNIFER GRAVEL: We recently began charging a fee for these, and this is what is triggering the need for the license at this location.

So at 16 Mellen Street, six open air spaces. We, again, recently began charging a fee for this. So this is the only thing that is triggering the requirement for the license at this location.

At 20 Mellen Street, also in the same neighborhood, these are pretty much all adjacent to each other, there's three existing open air spaces. We recently began charging a fee for these.

JEFF McCOMISH: And in all of these spaces, parking was affiliated with the residents that are there and those were never charged; it was kind of like a free benefit for people who paid rent there. And now part of the PTDM requirements is to try to encourage not to take vehicles to University; so to actually charge people for parking is an incentive not to bring cars to the University. So that is part of the reason why we are doing this now, we are separating it out.

ROBERT HAAS: So these are all private tenants that are associated with these parking spaces?

JEFF McCOMISH: Most of the people who are parking there are living in the

buildings that are currently there.

ROBERT HAAS: And I'm assuming that you've already vetted all this with everybody that is --

JEFF McCOMISH: Absolutely.

MICHAEL GARDNER: Well, in fact, you started to charge by the car, if I recall?

JENNIFER GRAVEL: Yes.

MICHAEL GARDNER: Commissioner, do you want to continue to lead the discussion here?

ROBERT HAAS: I'm all set with this issue. Thank you.

Do you have any questions?

THOMAS CAHILL: I'm all set.

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

Seeing none. The matter of 12, 16 and 20 Mellen, I would make the motion to approve the open air parking licenses for

those locations and the number of spaces as listed in the agenda.

ROBERT HAAS: Second.

THOMAS CAHILL: Second.

MICHAEL GARDNER: Motion having been made and seconded, all those in favor, please signify by saying aye.

ROBERT HAAS: Aye.

THOMAS CAHILL: Aye.

MICHAEL GARDNER: None opposed. So would you please go on to your next set.

* * * *

JENNIFER GRAVEL: Sure. So the next three that I'll do are 18 Sumner Road, 27 Everett Street, and 2 Divinity Avenue. It's much like the previous applications, the 18 Sumner Road is a 24 space open air lot for which we recently began turning a fee for the use of the spaces.

The spaces are, again, preexisting, and there is otherwise no change to the

operation, layout, or use of the site.

MICHAEL GARDNER: And who are the typical users of the space? Is this also residential or is this part of your academic program?

JEFF McCOMISH: There is a residential building associated with that, there's actually a couple in that area. It could also be other affiliates in the area; but the majority are tenant parkers or tenants in the area. They are all affiliated use.

MICHAEL GARDNER: Okay.

THOMAS CAHILL: There were issues brought to our attention regarding a fence in the area.

JENNIFER GRAVEL: Yes. We are looking into it and certainly we'll do what we can to address those concerns.

MICHAEL GARDNER: So Captain, what are the concerns that they have?

ELIZABETH LINT: A resident at 2327

Irving Terrace called me yesterday. I spoke with her and then she e-mailed us, and I know she e-mailed Mr. Lucy as well, who I see in the back.

And her issue with the fence on the property line which is owned by Harvard is maintained in -- right now it's in deplorable condition and needs to be repaired or replaced.

JEFF McCOMISH: I contacted the Director of Housing today, so we'll address that issue.

JENNIFER GRAVEL: And that was for this license.

ELIZABETH LINT: Yes.

MICHAEL GARDNER: So are you planning to repair it or replace it?

JEFF McCOMISH: I just want to hear back from him to be sure whether we repair it or replace it. And, unfortunately, I didn't get a chance to go out there and see the

condition of the fence today, so I can't make that determination.

MICHAEL GARDNER: But we have your commitment that you'll review it and bring it up to an acceptable --

JEFF McCOMISH: I already let him know that we'll go out there and address it.

MICHAEL GARDNER: Are there any members of the public who would like to be heard on these? And I have Sumner, Everett and Divinity, is that the right set?

JENNIFER GRAVEL: Yes.

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

Seeing none, I'll make a motion to approve the open air parking for the spaces on Sumner, Everett and Divinity Avenue.

ROBERT HAAS: Second.

THOMA CAHILL: Second.

MICHAEL GARDNER: Motion having been made and seconded, all those in favor, please

signify by saying aye.

ROBERT HAAS: Aye.

THOMAS CAHILL: Aye.

MICHAEL GARDNER: None opposed, so the motion carries. And it is for the number of spaces that is listed in the agenda for this evening.

JENNIFER GRAVEL: The next three are 9 Kirkland Place, 20 Holden Green, and 51 Brattle Street. And it's the case for all of these, they are preexisting spaces that had not previously had a license because we were not previously charging for them. The recent fees that were charged for the parking at these sites have triggered the requirement for the license. So for all of these we are coming in for a new license to allow for the charging of fees for these spaces.

And 9 Kirkland Place has four open air spaces, 20 Holden Green has 36, and 51 Brattle Street has 16 open air spaces. And

they have had this many spaces for as long as we've been operating these.

MICHAEL GARDNER: And, again, the typical users or tenants who would be paying for these spaces are?

JEFF McCOMISH: Yes. Holden Green specifically is all residential in that area. 51 Brattle, they were actually parking University vehicles there so no one was paying a fee for them parking there, but now there some faculty and staff that are parking there so now they are paying.

MICHAEL GARDNER: And 9 Kirkland?

JEFF McCOMISH: And Kirkland is also tenants, too, but 51 is some faculty staff.

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

Seeing none, I would make the motion to approve the open air parking for 9 Kirkland, 20 Holden Green, and 51 Brattle

Street for the number of spaces as listed in the agenda this evening.

ROBERT HAAS: Second.

MICHAEL GARDNER: Motion having been made and seconded, all those in favor please signify by saying aye.

ROBERT HAAS: Aye.

THOMAS CAHILL: Aye.

MICHAEL GARDNER: None opposed. So I move to approve those spaces.

* * * *

MICHAEL GARDNER: The next three.

JENNIFER GRAVEL: The next three are 76 Brattle Street, 11 Mount Auburn, also called Shaler Lane, and 101-103 Plympton Street. Again, for all of these --

ROBERT HAAS: Hold on. What is that second one again, please.

JENNIFER GRAVEL: The second one was 11 Mount Auburn Street.

Similarly, these are lots that are

not currently licensed. We recently began charging a fee. They are preexisting spaces. And the institution of a fee for parking at these locations is what is triggering the need for the requirement.

At 76 Brattle, this is Green Leaf, we also call this the Green Leaf lot. This is the Dean of Radcliff. We do on occasion have to charge for those spaces, so we are required to have a license. There are two open air spaces there.

Shaler Lane, this services the -- this is all residential here, this is all resident parking. There are 14 spaces on -- this is -- 11 Mount Auburn is also called Shaler Lane.

And 101-103 Plympton, it's two spaces to service the adjacent residential building, all open air.

MICHAEL GARDNER: So it's two at 76 Brattle?

JENNIFER GRAVEL: Two at 76 Brattle, correct.

MICHAEL GARDNER: And that is in connection with Radcliff?

JENNIFER GRAVEL: Correct.

JEFF McCOMISH: Even the Dean is paying for parking; everyone is paying for parking now.

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

Seeing none. I make the motion to approve the open air parking for the listed number of spaces according to the agenda at 76 Brattle. 11 Mount Auburn, and 101 to 103 Plympton Street.

So the motion having been made and seconded, all those in favor, please signify by saying aye.

ROBERT HAAS: Aye.

THOMAS CAHILL: Aye.

MICHAEL GARDNER: None opposed, so those are approved.

Do we have others?

JENNIFER GRAVEL: Yes. There is three more in this category of lots that aren't currently licensed but are licensed because we began charging a fee; and those are 699 Green Street, 8 Mount Auburn Street, and 159 Banks Street.

THOMAS CAHILL: Could you repeat those, please.

JENNIFER GRAVEL: Sure. 699 Green Street, 8 Mount Auburn Street and 159 Banks Street.

THOMAS CAHILL: Thank you.

JENNIFER GRAVEL: 699 Green Street has two open air spaces to service the affiliated building behind it.

8 Mount Auburn Street, this lot has 38 spaces, and this is mostly affiliate parking, the faculty staff or --

JEFF McCOMISH: There is some residential as well.

JENNIFER GRAVEL: There some residential as well, yes.

MICHAEL GARDNER: So when you speak of affiliate, what you typically mean is some employees of the University are commuting to park in these spaces to do whatever it is they do?

JEFF McCOMISH: It could be faculty staff or students basically or affiliates.

JENNIFER GRAVEL: And 159 Banks Street, this is the Peabody Terrace visitor's lot. So there is a garage associated back here, and it's also an open air lot.

The site actually has 25 spaces. But nine of those are drop off for the daycare that is located in the building. So we only charge for 16 of those spaces. So we have applied for a license for 16 spaces for those who want them and who would be subject to the

license because of the fee.

MICHAEL GARDNER: If I could just ask you cold, Ms. Lint, do you have any concerns or thoughts about the other nine, whether or not there is any need to enforce the license to the drop-off spaces?

ELIZABETH LINT: No, we would not.

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

Seeing none. Are there any questions for me, Commissioner?

ROBERT HAAS: No questions.

MICHAEL GARDNER: Then I make a motion to approve the listed number of spaces for open air parking at 699 Green Street, 8 Mount Auburn, and 159 Banks Street.

ROBERT HAAS: Second.

MICHAEL GARDNER: Motion having been made and seconded, all those in favor please signify by saying aye.

ROBERT HAAS: Aye.

THOMAS CAHILL: Aye.

MICHAEL GARDNER: None opposed. So those are approved.

So we'll move on to the next thing on the agenda.

ELIZABETH LINT: Just would more.

* * * *

JENNIFER GRAVEL: We have six more. The next five, these are -- I'll just briefly describe them. These all currently have a license, but for various reasons were licensed for fewer spaces than are on the ground today, and some of that is because we started charging for all of the spaces, or administratively they were off by one and needed to correct that.

MICHAEL GARDNER: So for these five, are you representing that this does not, in fact, involve an actual increase in the number of historic spaces that have been available?

JENNIFER GRAVEL: Right. The number of spaces on the ground here have not changed historically.

MICHAEL GARDNER: So this is to have the license, the existing license is to match the reality of what's being charged?

JENNIFER GRAVEL: Yes, correct.

JEFF McCOMISH: Absolutely. Like for instance in the (inaudible), if we decided to charge for the remaining nine spaces for child care, we would have to come back and confirm generally.

JENNIFER GRAVEL: So that's how I would characterize these, unlike the other ones, these already do have a license, so we are amending them.

So the first three are 19 Ware Street, 48 Trowbridge Street, and 8 Prescott Street. 19 Ware Street is an 11 space lot; it's currently only licensed for six spaces. We recently began charging for the additional

spaces, and so that's what triggering the additional requirement.

48 Trowbridge Street is an 18 space open air lot currently licensed for 17, so we. Because there are and have been 18 spaces on the ground, we are correcting the license so it reflects that reality.

And 8 Prescott Street, it has nine open air spaces, it was licensed for five, because we recently began charging a fee for the additional spaces we are coming in to amend that license.

JEFF McCOMISH: And in some of these instances, like Fellows from the University will be able to park for nothing as part of their Dean-hood now if they want to park they need to pay.

MICHAEL GARDNER: Is this typically affiliate parking as opposed to --

JEFF McCOMISH: Absolutely.

MICHAEL GARDNER: Are there any

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

Seeing none. Commissioners?

ROBERT HAAS: Nothing.

THOMAS CAHILL: My concern is we are adding spots, many spots in some cases. You said they were designated. Were they actually marked, or are we now -- did we consider them spaces and now we are marking them as designated spaces, and is that going to interfere with any ingress or egress?

JENNIFER GRAVEL: No. These were spaces on the ground, they were in the inventory and they --

THOMAS CAHILL: Now, you say they were striped --

JENNIFER GRAVEL: They were striped.

THOMAS CAHILL: I didn't hear you say they were striped.

JEFF McCOMISH: They were striped and everything. And because we weren't charging

for them, we didn't necessarily have to get a license for them. But now that we're charging for the spaces, we need to get a license.

THOMAS CAHILL: How long have they been on the ground, would you guess?

JENNIFER GRAVEL: We looked back at our parking inventory from 2004, so they have been on the ground at least that long and in most cases longer.

THOMAS CAHILL: Okay.

MICHAEL GARDNER: Anything else?

THOMAS CAHILL: No.

MICHAEL GARDNER: Then I would make a motion to approve the amendment to the existing licenses at 19 Ware, 48 Trowbridge, and 8 Prescott Streets to reflect the new number of spaces for which a fee will be charged as described in the testimony and the agenda.

THOMAS CAHILL: Second.

MICHAEL GARDNER: Motion having been

made and seconded, all those in favor, please signify by saying aye. Signify by saying aye.

ROBERT HAAS: Aye.

THOMAS CAHILL: Aye.

MICHAEL GARDNER: None opposed. So well make the adjustments to those three lots. And you have two more?

JENNIFER GRAVEL: Two more like this, and then one after that. Then we'll be done.

* * * *

JENNIFER GRAVEL: So the last two we are amending the existing license to be accurate with the spaces we are actually charging for, this is 10 De Wolfe Street and 67 Brattle Street.

ELIZABETH LINT: Did we do 41 Holyoke Street?

JENNIFER GRAVEL: I don't have that, not yet, that's the last one.

ELIZABETH LINT: Okay.

JENNIFER GRAVEL: 10 De Wolfe Street

is a surface open air lot. There is a garage associated with De Wolfe Street that is separately licensed. For some reason we had a garage license for the open air lot for six spaces here. There are actually -- so there is no change to the number of licensed spaces location, we are actually just changing the type of licensing from a garage license to an open air lot because that's what it is. There is a separate license that we retain for the garage and that is accurate.

And I should say that there are six spaces that we charge a fee for and four drop off spaces for the daycare adjacent to it. So there is actually 10 paces in the lot for which we charge a fee.

MICHAEL GARDNER: So are you reducing the number on the garage license by ten?

JENNIFER GRAVEL: It was a separate license. For some reason, we had two separate garage --

MICHAEL GARDNER: So this licensed as a garage mistake?

JENNIFER GRAVEL: Mistake, yes.

ROBERT HAAS: And which you are only licensing four or six of those spaces now, right?

JENNIFER GRAVEL: Correct.

JEFF McCOMISH: Right. Six of the ten surface spaces.

JENNIFER GRAVEL: And there was license for six spaces previously.

ROBERT HAAS: Okay.

JENNIFER GRAVEL: There's -- this particular one doesn't have any change in the number of spaces but just in the change of type of license.

THOMAS CAHILL: So the ten spaces -- now, I'm confused. So you are looking for a license for ten spaces or for six?

JENNIFER GRAVEL: For six. Four of those spaces, because we don't charge a fee,

they are drop-off spaces for the daycare, there is no fee charged for those.

THOMAS CAHILL: So you don't need a license for those.

JENNIFER GRAVEL: No, you don't.

THOMAS CAHILL: And the application says ten?

JEFF McCOMISH: Yes.

* * * *

JENNIFER GRAVEL: 67 Brattle Street, this one again was licensed for 20 spaces, there is striped for 21 spaces. We now charge for all 21 spaces. So the license needs to be amended.

So there aren't spaces added, we haven't physically changed the site, there has been no changes to the site.

MICHAEL GARDNER: And this is also open air?

JENNIFER GRAVEL: Yes. The only garage in all this was the first one we talked

about, 29 Garden Street.

MICHAEL GARDNER: And this is also affiliate parking?

JEFF McCOMISH: Yes.

MICHAEL GARDNER: As is De Wolfe?

JEFF McCOMISH: Yes, it's also affiliate parking.

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

Any questions from the Commissioners?

ROBERT HAAS: No questions.

THOMAS CAHILL: No questions.

MICHAEL GARDNER: Then I would make a motion to convert the existing garage license at 10 De Wolfe for six spaces to an open air license for six spaces; and to amend the 20 space open air license at 67 Brattle Street to a 21 space license.

ROBERT HAAS: Second.

MICHAEL GARDNER: Motion having been

made and seconded, all those in favor, please signify by saying aye.

ROBERT HAAS: Aye.

THOMAS CAHILL: Aye.

MICHAEL GARDNER: Try to get that paperwork straightened out.

* * * *

JENNIFER GRAVEL: And then the last one, this is 41 Holyoke Street. This is the surface lot, open air lot, adjacent to the Malcolm Athletic Center. It was currently licensed for 18 spaces. The lot was re-stripped after some surface work, so one space was added. And in this case we actually did increase the capacity by one space.

JEFF McCOMISH: We added a second ZIP car to that location. The original ZIP car that we put in that parking lot was -- from our information -- it most used ZIP cars in all their Fleet. So the demand was really high, so we had an opportunity to add another

ZIP car in. And we know that students don't necessarily bring their cars to campus.

JENNIFER GRAVEL: So this is what is triggering the need for the requirement that the lots does comply with all the dimensional requirements for the parking.

MICHAEL GARDNER: And this lot is primarily used by whom?

JEFF McCOMISH: This is affiliates and it's in kind of the river area but affiliate parking.

MICHAEL GARDNER: Is there any connection to the athletic space?

JENNIFER GRAVEL: It's not accessory to the athletic center, no.

MICHAEL GARDNER: And your representation is that although you have increased the number of spaces by one, one new space has been dedicated to a ZIP car?

JENNIFER GRAVEL: Correct.

JEFF McCOMISH: Correct. We had one

ZIP car and now we have two ZIP cars.

THOMAS CAHILL: Do the 19 spaces follow in the footprint as to what was the 18 spaces?

JEFF McCOMISH: I believe it did. As Jennifer said, they did work on the electrical substation which is adjacent to the parking lot. I don't have the drawings necessarily that said there wasn't the exact footprint. I assume it was, but I can't tell you specifically.

THOMAS CAHILL: Okay.

JEFF McCOMISH: But it was very close, because we kept the landscaping or improved on the landscaping.

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

Seeing none, I'll make the motion to convert the current 19 space open air parking license for 41 Holyoke Street to a 19 space

license, and express as part of the motion appreciation to Harvard for adding an additional ZIP car capacity for the extra space.

ROBERT HAAS: Second.

MICHAEL GARDNER: Motion having been made and seconded, all those in favor, please signify by saying aye.

ROBERT HAAS: Aye.

THOMAS CAHILL: Aye.

MICHAEL GARDNER: None opposed.

Thank you for all of your work. I hope you think it was worth it.

* * * *

ELIZABETH LINT: Mr. Chair, if you don't mind, if we can take one matter out of the order.

MICHAEL GARDNER: Okay.

ELIZABETH LINT: Application continued from May 1st to May 15th. Venus International, Incorporated, doing business as

7-Eleven, Habte Ayalew, Manager, holder of a 7-day wine and malt beverage as a package store license at 36-40 JFK Street, is applying to transfer said license to Market in the Square, LLC, Peter Whang, Manager, at 45 Brattle Street.

MICHAEL GARDNER: Good evening. Before you begin, Mr. Galluccio, please have a seat. I just wanted to express to all of you and to other members of the audience my regrets, that I couldn't be here for the beginning of the meeting, but I had a conflict with the school department that I was unable to break.

Mr. Galluccio, would you be so kind as to state and spell your name for the record, and also if we could have the applicant do the same.

ANTHONY GALLUCCIO: Thank you. My name is Anthony Galluccio of Galluccio and Watson at 1498 Cambridge Street in Cambridge,

Mass. My last name is spelled Galluccio, G-A-L-L-U-C-C-I-O. And I'm joined by my client, Peter Whang.

PETER WHANG: That's spelled W-H-A-N-G.

MICHAEL GARDNER: As I recall, you were here a couple of weeks ago and we deferred a decision, and part of the reason was to have you consider the hours of operation you wish for the alcohol license.

ANTHONY GALLUCCIO: Thank you, Mr. Chair. I do have some additional information. I appreciate the time that the Commission afforded us.

Just for information, I do have some copies of a résumé for Peter, who is an experienced grocer, at another establishment in Connecticut, two establishments in Connecticut for a number of years, four years, and has been operating in Harvard Square successfully for the last three years --

PETER WHANG: Four.

ANTHONY GALLUCCIO: Four years. And I also have a picture that delineates the area. That would be the point of storage for beer and wine, although the applicant has no intention of selling beer at this time, we'd like to get the storage area delineated at this time.

And I think we submitted a floor plan, Mr. Chair, that was a little difficult to read, so I've got a blown-up version of that, that also just shows the actual area so that you can see the dimensions. And I'll give you that, that's the full floor plan.

ELIZABETH LINT: We have it.

ANTHONY GALLUCCIO: Mr. Chair, we did have a conversation with folks -- I'm not sure that they are here tonight -- but we did have some representation from Harvard Square at the last hearing and we were waiting outside while it was raining. Mrs. McMillan and also the

representative of Cambridge First, just talking about hours of operation.

Peter is excited about the opportunity, but also certainly willing to go forward with more limited hours of operation that are certainly allowed by law. So we have asked for a ten to ten.

I haven't had any particular opposition or concern, but Peter was amenable to that. I know that Commissioner Haas had raised an issue of having an early start. We also just suggested that because there is a lot of activity in the square, we are happy to not go to the 11:00 time.

I would just say that I think this is a positive move for Harvard Square, given that the license is moving from a 7-Eleven now to an experienced grocer. Peter serves prepared foods, fresh fruits and vegetables throughout the day, and I think it does bring the license more in line with a grocery store, which I

think folks are generally happy with.

So his establishment is well thought of now and sees that he is an experienced operator. So hopefully those hours are helpful to the Commission. No real preference on Sunday. I would like for some guidance from the Commission on that and we would take a lead from you. And I think that's about it.

The area that we are looking to store is an enclosed area, which I think deals with some of the just monitoring and security issues because it's walled off.

MR. WHANG: There is a camera --

ANTHONY GALLUCCIO: Do you have these, Elizabeth (indicating)?

ELIZABETH LINT: I don't.

ANTHONY GALLUCCIO: There is actually a wall on both sides, and then there would be an aisle down the middle -- okay.

ELIZABETH LINT: I do.

MICHAEL GARDNER: Sorry. If I'm to

understand it on this photograph that's opposed to the schematic, you are talking about the controlled area on the back wall.

PETER WHANG: Yes. I have put some thought into it now. I've decided maybe, you know, if I'm going to do beer later on, to have that already preplanned, so there is no real changes. So the majority of it really -- I'd like to do everything pretty elegantly, so I take my time with it. I've yet to decide how it's going to be done, but the majority of the wines will probably, or any refrigerated, will be against that wall that you're looking at.

MICHAEL GARDNER: And that's represented by the red on the schematic?

ROBERT HAAS: Are you going to have some refrigeration on this back wall as well?

PETER WHANG: For now I'm just doing all wines, but if I did decide to do beers --

ROBERT HAAS: And it would be the

same floor area, or would you expand the floor area that the --

PETER WHANG: No, it would be the same floor area.

MICHAEL GARDNER: And Ms. Lint, the regulation with respect to the service of alcohol on Sundays I understand begins at 10:00 a.m.

ELIZABETH LINT: Not for a package store.

MICHAEL GARDNER: No. I'm asking for service in a restaurant. Are there rules about Sundays and the sale of beer and wine in a --

ELIZABETH LINT: In a package store yes, they can not serve at 10:00, it's noontime.

MICHAEL GARDNER: So would it be amenable for you and amenable -- and correct me if I misstate anything, Ms. Lint -- to have the hours of operation for the beer and wine

license to be from 10:00 to 10:00, Monday through Saturday, and noon to 10:00 on Sundays.

ELIZABETH LINT: Noon to 6:00 on Sundays, right.

MICHAEL GARDNER: Well, that's why we do need some guidance.

ELIZABETH LINT: That's why I'm here.

ANTHONY GALLUCCIO: The Sunday hours are already restrictive, so we would ask for the hours that are afforded by law for Sunday but restrict the hours during Monday through Saturday.

MICHAEL GARDNER: And from the résumé and -- sorry, I've forgotten if this was discussed the last time, Mr. Whang -- any prior experience in selling or serving alcohol or beverages?

PETER WHANG: No. This would be a first for me.

MICHAEL GARDNER: Are you familiar

with the requirements for Cambridge that you have to go through in order to be fully licensed for that?

PETER WHANG: Yes.

MICHAEL GARDNER: And you are prepared to do that?

PETER WHANG: Of course.

ANTHONY GALLUCCIO: We've gone off that. I was hoping to accomplish the Safe Server, we just didn't have time to do that. But we obviously we would accept those conditions, that he complete those courses prior to the application being released or a license being released to Mr. Whang.

MICHAEL GARDNER: Any other questions?

THOMAS CAHILL: No questions.

ROBERT HAAS: No questions.

MICHAEL GARDNER: Are there any members of the public who would like to be heard on this matter? Please step forward and

spell your name for the record and kindly identify yourself.

(Audience member.)

DENISE JILLSON: Good evening.

Denise Jillson, J-I-L-L-S-O-N, Executive Director of the Harvard Square Business Association and we are here to night to offer our support for this application.

Peter is a long time member of the association, four years actually, and has been a wonderful community partner and somebody that we know will do a wonderful job with this transfer of license. Thank you.

MICHAEL GARDNER: Thank you very much.

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

Seeing none, I'll make a motion that we approve the transfer -- I'm sorry. There is one other item.

Mrs. Lint, I understand there was a

pledge involved in this, and did you get a chance to look at the documents.

ELIZABETH LINT: Yes, I did review it and everything is in order.

MICHAEL GARDNER: Thank you. Having heard that I'll make the motion that we approve the transfer of the license to the applicant to operate Monday through Saturday on the hours of 10:00 a.m. to 10:00 p.m. and on Sundays noon to 6:00 p.m. for a beer and wine license.

THOMAS CAHILL: Second.

MICHAEL GARDNER: Motion having been made and seconded, all those in favor please signify by saying aye.

ROBERT HAAS: Aye.

MICHAEL GARDNER: None opposed. So I understand you are an institution in the neighborhood.

PETER WHANG: I try.

MICHAEL GARDNER: I'm happy to see

you take this over and expand your operation.
Good luck.

ANTHONY GALLUCCIO: Thank you,
Mr. Chairman.

* * * *

ELIZABETH LINT: Application. Pro
Park, Inc., has applied for an open air
parking lot license at 41 Church Street for
122 parking spaces.

SEAN LAMPERT: Good evening. Sean
Lampert, L-A-M-P-E-R-T, regional vice
president of operations for Pro Park out of 5
Longfellow Place in Boston.

MICHAEL GARDNER: Could you describe
the nature of the business that you work for
and the kinds of the locations that they have,
and then the circumstances of what leads you
here tonight.

SEAN LAMPERT: Sure. Parking
management and valet services. We operate
West End Place, Direct Equity Residential,

which is Longfellow Place, two Emerson Place buildings behind Massachusetts General, and the Garden garage, the bubble garage, which used to be the tennis courts, on and off Basketball City. We operate TD Garden Garage, which we are opening actually tomorrow for Delaware North. We operate the Charles Hotel in Cambridge, the valet service and the garage.

ELIZABETH LINT: Excuse me. It's very hard to hear up here if you are speaking down there. Can you please keep your voices down. (Directing comments to Audience Members congregating in the back of the room.)

SEAN LAMPERT: The Liberty Hotel, the valet service in Boston, as well as shuttle services down in Cranston, Rhode Island, and another garage up in Malden.

MICHAEL GARDNER: And tell us about your involvement with 41 Church Street.

JOHN LAMPERT: We lease the property.

It was previously run by Pilgrim Parking from Fellows of Harvard beginning November 1st. And this is just a renewal of the existing license for the lot. No changes in the number of spaces that we inherited. We just out the license in our name to continue to operate.

MICHAEL GARDNER: When I looked at the file, it looked to me -- and I could be characterizing this sort of inappropriately -- but we kind of had to chase you to come in and apply.

And I'm just wondering that since you are such an experienced operator, if something fell through the cracks here?

SEAN LAMPERT: No. I guess the lack of knowledge on the City of Cambridge. In the City of Boston, it automatically renews every year. I think it's July 1st, and you start the process in April. When a new operator takes over from an old operator, the existing license is transferred.

I did reach out to this City back in November and asked them what I needed to do, and they said you just needed to fill out this form and get it back to us, which we did, and I thought that was the end of it. I thought it was transferred and we would pay the fee when everything came up.

I was on vacation when the initial e-mails started flying about, and as soon as I came back, I inquired what we had missed and what we had not done. It wasn't our intention to be chased on it.

THE STENOGRAPHER: Excuse me. Can we close the door or something back there, because they are still awfully loud over there.

ELIZABETH LINT: We can't close the door.

MICHAEL GARDNER: I wonder if somebody back there could ask the people to quiet down.

(Off the record.)

MICHAEL GARDNER: Well, I appreciate your follow through and sorry we had a miscommunication.

And any material change in operation from the way Pilgrim did it as best you can represent?

SEAN LAMPERT: More customer service orientated. We dressed it up; we cleaned the lot up a lot. We resigned it. Our whole thing is hotel quality service no matter the facility. So we try to bring what we bring at the Liberty and the Charles Hotel to the open lot as well and just take the extra step for the customer service.

MICHAEL GARDNER: Which hotel is the Liberty?

SEAN LAMPERT: That's the old jail house in Boston.

MICHAEL GARDNER: Any questions?

ROBERT HAAS: No questions.

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

Seeing none, I'll make the motion to approve the license for the open air parking for the 122 spaces at 41 Church Street for Pro Park, Inc.

THOMAS CAHILL: Second.

MICHAEL GARDNER: Motion having been made and seconded, all those in favor please signify by saying aye.

ROBERT HAAS: Aye.

THOMAS CAHILL: Aye.

MICHAEL GARDNER: Thank you. Welcome to Cambridge or at least welcome to Church Street.

* * * *

ELIZABETH LINT: Application.
Central Square Restaurant Partners, LLC, doing business as the Asgard Irish Pub and Restaurant, William Goodwin, Manager, holder

of an all alcoholic beverages as a restaurant license at 350 Massachusetts Avenue has applied for a change of hours on Sunday from 11:00 to 8:00 a.m. with alcohol service starting at 10:00 a.m.

MICHAEL GARDNER: Good evening, again. If you'd be so kind as to state and spell your name for the record and identify your affiliation.

WILLIAM GOODWIN: William Goodwin, G-O-O-D-W-I-N, manager of record, popular classic restaurant concepts, Central Square Restaurant Partners.

MICHAEL GARDNER: So tell us about the new plans.

WILLIAM GOODWIN: Well, currently our common victualer and alcohol license is 8:00 a.m. Monday through Saturday, and entertainment and patio can open at 10:00 a.m. Our Sunday license is patio and entertainment can open at 10:00 a.m., common victualer 11:00

a.m., and alcohol 11:00 a.m.

So where we do serve brunch on Saturday and Sunday mornings, we would like to have the opportunity to open earlier. We also would like to be able to serve Bloody Marys and Mimosas at 10:00 a.m. versus the 11:00 a.m. We do have customers that do come in early and enjoy brunch with an alcoholic beverage.

All of my servers, managers and bartenders are trained by Cambridge, by the Cambridge ServSafe Program that Frank Connolly runs. I have several throughout the year.

We've been in business for ten plus years now and never had a violation, and we try to maintain high standards.

MICHAEL GARDNER: Thank you.

Ms. Lint, any history of difficulties or complaints from this location?

ELIZABETH LINT: None at all.

MICHAEL GARDNER: Commissioners, any

questions?

THOMAS CAHILL: No questions.

ROBERT HAAS: No questions.

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

Seeing none, I'll make the motion to approve the change of the license for an all alcoholic beverages beginning at 10:00 a.m. on Sundays, and a change of hours for the common victualer service to 8:00 a.m. on Sundays.

ROBERT HAAS: Second.

MICHAEL GARDNER: Motion having been made and seconded, all those in favor please signify by saying aye.

ROBERT HAAS: Aye.

THOMAS CAHILL: Aye.

MICHAEL GARDNER: I wish you well with the new operation and thank you for a number of years of complaint-free service.

WILLIAM GOODWIN: Thank you very

much.

MICHAEL GARDNER: Did I not ask for members of the public?

AUDIENCE MEMBER: Yes, you did, but I have an independent question.

MICHAEL GARDNER: Okay. Mr. Goodwin, your issue is done involving the Asgard.

AUDIENCE MEMBER: We live facing the parking lot. (Inaudible discussion.) They come in at 6:00 in the morning with their garbage trucks and they are backing up, and it is really impossible to sleep. And the question is --

MICHAEL GARDNER: And what location are you speaking about, sir.

AUDIENCE MEMBER: Mount Auburn.

MICHAEL GARDNER: This is a bit out of order, but in consideration I'll ask you to come forward and state and spell your names for the record and briefly describe your concern, including the location that you are

concerned about.

BERL HARTMAN: My name is Berl Hartman, B-E-R-L, H-A-R-T-M-A-N, able we live at 28 Banks Street in Cambridge, which is directly the Mount Auburn parking lot that I guess Harvard owns.

MICHAEL GARDNER: And your name, sir.

HYMAN HARTMAN: I'm Hyman Hartman, H-Y-M-A-N, H-A-R-T-M-A-N.

MICHAEL GARDNER: So as I understand it, you have some concerns about how early in the morning garbage trucks come to the site to pick up --

HYMAN HARTMAN: Exactly. And they are always backing up and, of course, it is beep, beep, beep, beep. And I just say, "Why don't they come at 8:00 instead of 6:00?"

MICHAEL GARDNER: So what I would suggest to you, since this matter has already passed us for this evening, it is off the agenda, is that you can write a letter to

Ms. Lint, who is the Executive Director of the License Commission, express --

HYMAN HARTMAN: Is this Elizabeth Lint (indicating)?

MICHAEL GARDNER: Yes. And express your concerns as clearly and as succinctly as you can, and the License Commission will forward the matter for review to Harvard and ask them to look at it and communicate back both to us and you.

HYMAN HARTMAN: Shall we collect other people.

BERL HARTMAN: There are other neighbors who couldn't be here. And should we get them to sign also?

MICHAEL GARDNER: I generally don't give advice about organizing this, but you are free to do what you believe is most effective.

HYMAN HARTMAN: But 6:00 in the morning is an unholily hour.

ELIZABETH LINT: I will ask my

investigator to take a look specifically at that location. If certain parts of that area are designated as commercial, then the trash can be picked up at that hour.

So once you send me something with all the specifics, I'll have her take a look at it.

HYMAN HARTMAN: Thanks a lot.

ROBERT HAAS: And the parking lot is at 8 Mount Auburn Street?

BERL HARTMAN: Do we have your e-mail? Or how do we reach you?

ELIZABETH LINT: It's right on the website, under the License Commission.

HYMAN HARTMAN: I don't know, where is the actual parking --

ROBERT HAAS: There's one at 159 Banks and there is one at 8 Mount Auburn, and I'm just trying to make sure we have the right address.

BERL HARTMAN: It's 8 Mount Auburn

Street.

HYMAN HARTMAN: I'm sorry we came late and missed the excitement.

MICHAEL GARDNER: Okay. Good luck to you with the matter.

* * * *

ELIZABETH LINT: Application. The Royal Bharat, Incorporated, doing business as India Pavilion, Sukhwinder Singh, Manager, holder of an all alcoholic beverages as a restaurant license and entertainment license at 17-19, 21-24 Central Square has applied to amend their existing entertainment license to include live musical instruments and/or vocalists with amplification.

MICHAEL GARDNER: Good evening. Would you be so kind as to state and spell your names for the record.

BERNARD GOLDBERG: Bernard Goldberg.

SUKHWINDER SINGH: Sukhwinder Singh, last name is S-I-N-G-H, first name is

S-U-K-H-W-I-N-D-E-R, manager of the Pavilion Restaurant.

MICHAEL GARDNER: Good evening, Mr. Goldberg.

BERNARD GOLDBERG: Good evening, Mr. Chairman, members of the Commission. We are here today to amend the entertainment license that presently exists for and on behalf of the Royal Bharat Corporation to allow us to include live musical instruments and vocalists with amplification.

Sukhwinder is the manager, and I left with Ms. Lint a description of the premises and you all should have one, I do believe.

MICHAEL GARDNER: So as I recall, Mr. Goldberg, you were here on this matter perhaps about a year ago, if I got it right, to expand --

BERNARD GOLDBERG: Yes. To expand it to about 96 capacity.

MICHAEL GARDNER: You've taken a

number of other businesses on each side and taken over?

BERNARD GOLDBERG: That's right. Your memory is good, Mr. Chairman.

MICHAEL GARDNER: And tell us a little bit about how the operation has been going since you expanded.

BERNARD GOLDBERG: The operation is a wonderful restaurant. Everybody who has gone into the restaurant notices the newness of it, and they have been able to serve people properly without too much congestion.

It's a large area space, Mr. Chairman. There's seating as you come into the restaurant itself, there's seating to the left and to the right. The left area is more popular so far as seating occupancy is concerned, and the right is where the cooking is done and is visible to the patrons who sit in that particular area.

The location of the side where there

would be entertainment is in the -- as you walk into the restaurant through the entranceway, it's to the left and in the corner, and it's eight feet square. And it's attended by Sukhwinder at this time to have Indian classical music. That may not be limited to Indian classical music, it may be for two nights or three nights. And what they'd like at this moment in time is to open up the entertainment and the musical end of it at 6:00 p.m. and have it extended to 1:00 p.m. at the evening time.

MICHAEL GARDNER: 1:00 a.m.?

BERNARD GOLDBERG: 1:00 a.m. I do believe that they have a 2:00 license and they understand the use of it so far as the entertainment is concerned and the necessity to the close it down at 1:00 and clear whatever tables they have there.

MICHAEL GARDNER: So am I -- in reading this schematic, is it all the way over

to the corner near the front?

BERNARD GOLDBERG: All the way over to the left, yes.

MICHAEL GARDNER: To my left? Where this a little box area is described?

BERNARD GOLDBERG: Yes. The way it's described, that eight foot square area.

MICHAEL GARDNER: Presumably the music could be heard throughout the restaurant however.

BERNARD GOLDBERG: There'd be no question about it, but it's not loud music. But nonetheless it would give some atmosphere to the entire restaurant.

MICHAEL GARDNER: And, Ms. Lint, in terms of the noise ordinance, I assume that would apply if the noise on the outside were too loud, there could be enforcement?

ELIZABETH LINT: It can't be plainly audible from 50 feet.

MICHAEL GARDNER: You understand

those restrictions?

BERNARD GOLDBERG: No question about that. Plus, of course, it's a double-pane window, and the area traversed by the automobiles is certainly loud enough to slice into the area, the loudness of the music, which it won't be loud.

MICHAEL GARDNER: I wonder, sir, do you operate any other premises in the area, or do you have any prior experience with managing live entertainment?

SUKHWINDER SINGH: No, sir.

MICHAEL GARDNER: And you've taken steps to sort of figure out what the pitfalls are and the lessons you need to learn to manage live entertainment?

SUKHWINDER SINGH: Yes, sir.

MICHAEL GARDNER: Any questions?

ROBERT HAAS: You do have other establishments that offer entertainment?

SUKHWINDER SINGH: Just like

amplifier, CD deck, not live music.

MICHAEL GARDNER: Recorded music.

SUKHWINDER SINGH: And the DVDs.

THOMAS CAHILL: Did you say that your increasing the capacity to 96?

SUKHWINDER SINGH: No. We've already done that.

MICHAEL GARDNER: That occurred probably last May or June.

ROBERT HAAS: Okay. No questions.

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

Seeing none, I will make the motion to approve an amendment to the entertainment license to include live musical instruments and the vocalist with amplification from the hours of 6:00 p.m. to 1:00 a.m.

And would this be all days of the week you were in operation?

BERNARD GOLDBERG: Except on Sunday,

I believe the hours would be.

SUKHWINDER SINGH: The same thing.

BERNARD GOLDBERG: To 10:00.

SUKHWINDER SINGH: 1:00, the same thing. 6:00 to 1:00.

MICHAEL GARDNER: 6:00 TO 1:00 on Sundays as well?

ELIZABETH LINT: Yes.

MICHAEL GARDNER: So seven days a week 6:00 p.m. to 1:00 a.m. is the application, and I made a motion in support of those terms.

ROBERT HAAS: I just wanted to ask one thing. You basically are saying, typically, though, it's going to be about two or three nights a week, right?

SUKHWINDER SINGH: Yes. But sometimes people come to me for special occasions, so if they want to do like a private party, it can be like during the weekdays. So I don't want it to be like this

one time like I'm doing live musical, but I won't be able to do it for your party.

ROBERT HAAS: So the purpose for your applying for seven days is just to make sure you have the flexibility to do it more than just weekends.

SUKHWINDER SINGH: Yes. The plan is for the weekends, we are going to do a live band.

ROBERT HAAS: Classical music most of the time.

MICHAEL GARDNER: Live band but Indian.

SUKHWINDER SINGH: Indian classical music.

ROBERT HAAS: No hip pop.

SUKHWINDER SINGH: No.

ROBERT HAAS: I'll second your motion, Mr. Chair.

MICHAEL GARDNER: Motion having been made and seconded, all those in favor signify

by saying aye.

ROBERT HAAS: Aye.

THOMAS CAHILL: Aye.

MICHAEL GARDNER: We wish you well with this new endeavor. Thank you.

* * * *

ELIZABETH LINT: Application. ARE-MA Region No. 34, LLC has applied for a garage license with additional flammables storage at 225 Binney Street for 273 vehicles, 2730 gallons of gasoline in the tanks of autos only, and 1,810 gallons of Class II in an aboveground storage tank.

And before we get started, just for housekeeping purposes, the city has this address at 146th Street.

JEFF McCOMISH: Right.

MICHAEL GARDNER: Well, before you start, why don't you state and spell your name for the record and identify your affiliation and then you can answer.

JEFF McCOMISH: Sure. Jeff McComish, M-c-C-O-M-I-S-H. I'm a senior director, Asset Services, property and asset management with Alexander Real Estate Equities.

And the property, James Rafferty works on our behalf, and he has been working -- actually, I neglected to I think bring the documentation related to the changes of it, the change of address, but Alexander Center ^ at Kendall Square is a number of new locations for a proposed building that are all permitted with the city and on through to buildings that have actually been approved by the city. And that one actually is being built, it's an office building for Biogen Idec on their original site between 5th and 6th Streets on Binney Street -- in fact, the crane just went up today for this particular building. So I can deliver that documentation of the address change.

MICHAEL GARDNER: So is this new

garage space.

JEFF McCOMISH: Yes. This is a new parking garage underground as well as it is storage tank on the lower level, the second level below grade, for the emergency and backup generators.

MICHAEL GARDNER: And the status of the construction now?

JEFF McCOMISH: It is -- steel is going to start going up actually probably starting tomorrow.

MICHAEL GARDNER: So it's been excavated?

JEFF McCOMISH: Yes. There's about maybe three or five percent excavation continuing, that is about all that's left, and then steel starts going up. The building is slated actually to be occupied come no later than November 2013, so it's fast track.

MICHAEL GARDNER: And the expected time when the garage itself would actually go

into use?

JEFF McCOMISH: It would be at that time, come November.

MICHAEL GARDNER: With the opening of the building?

JEFF McCOMISH: Yes. They are moving folks from their Weston offices back to Cambridge, along with another property across the street that Biogen -- that Boston Properties is building.

MICHAEL GARDNER: And who will be responsible for maintaining and monitoring the garage space, that would be property management people from your company or how?

JEFF McCOMISH: Actually from Biogen Idec, their management and parking garage company as well as security will operate the building and the garage.

MICHAEL GARDNER: And I apologize for not remembering or understanding, what is the organization that you work for, their

relationship to that?

JEFF McCOMISH: We are their landlord. We own --

MICHAEL GARDNER: You own the space?

JEFF McCOMISH: Yes. We own the building and the space and it's a 15-year lease with options.

MICHAEL GARDNER: But they as the tenants will be responsible for making sure all the standards are complied with on an ongoing basis?

JEFF McCOMISH: Yes. We will have oversight responsibility as per the lease, that we manage basically the core and shell of the complex and ensure that it is operated properly. But day-to-day operations will be them.

MICHAEL GARDNER: But you --

JEFF McCOMISH: But we'll hold the license and renew it annually, and the fire permit as well as --

MICHAEL GARDNER: But you are ultimately responsible --

JEFF McCOMISH: For the asset, yes.

MICHAEL GARDNER: And do you currently own properties in Cambridge that are currently operating and have garages?

JEFF McCOMISH: Yes. One being 300 Third Street right at the corner of Third and Binney Street. I have a number of others that don't actually have below grade parking garages, but 215 First Street, the Athenaeum Building, that has an outdoor surface lot.

MICHAEL GARDNER: Questions?

THOMAS CAHILL: You're responsible for the parking garage and the tenants will be responsible for their space themselves; is that correct?

JEFF McCOMISH: Well, Biogen will operate the parking garage by way of a third-party parking management company, I believe, along with their security. So they

will be providing the in's and out's, you know, providing the access with access cards and so on.

THOMAS CAHILL: Who will be responsible for all the flammable storage stuff of all the vehicles, will that fall under --

JEFF McCOMISH: On a day-to-day basis, that will fall under Biogen.

MICHAEL GARDNER: As the tenant for the entire building?

JEFF McCOMISH: Exactly, as the tenant for the entire building. And they will have to maintain, obviously, the volume of the diesel fuel for the generator and maintain that as well.

ROBERT HAAS: What's the -- just describe for me the exit and entrance arrangement for that garage area.

JEFF McCOMISH: I believe it is off of Roger Street. I have drawings. Well,

there's the loading dock and parking garage entrance off of Roger Street. I'll try to locate --

ROBERT HAAS: Well, Roger street has already been in pretty poor condition, so I'm assuming you're going to repair a portion of Roger Street as an access point to the garage?

JEFF McCOMISH: Yes.

ROBERT HAAS: And how far down are you going to go with that, those improvements for Roger Street?

JEFF McCOMISH: It will be the whole stretch of the building. We actually, along with Biogen, working with AT&T who owns the other half of the street, ideally, to come to some sort of agreement, lease agreement, license agreement, to take access to that space as well and approve it.

ROBERT HAAS: So with the number of vehicles that you are proposing to be in this garage, are you going to make any improvements

to the intersection of Binney and Sixth Street to facilitate traffic movement?

JEFF McCOMISH: I believe so. I don't have specifics on that. I know we are dealing with utilities in the roadways. So we are dealing with those, we are taking up the streets in many areas and then having to resurface them, so yes.

ROBERT HAAS: I'm talking more specifically about traffic in connection with the number of vehicles trying to -- because I imagine that is going to be one of your main access points?

JEFF McCOMISH: Right. I'm not aware of any absolute, like, streetlights going in, but I know we are working with traffic and parking, you know, as part of the whole permit process for the building.

ROBERT HAAS: No other questions.

THOMAS CAHILL: No questions.

MICHAEL GARDNER: And so the fire

department will, as I understand it, do inspections when as construction is more nearly complete and prior to the certificate of occupancy, that part of it. And our action tonight is to give you the go-ahead at least in concept for the license.

JEFF McCOMISH: Correct.

MICHAEL GARDNER: We are approving it but, in the end, unless you build it --

JEFF McCOMISH: Per the code, absolutely. So we are quite a few, over a year and a half from or thereabouts from the actual building inspection and so on.

MICHAEL GARDNER: The building permit for the buildings already --

JEFF McCOMISH: Yes. The building permits live and as being constructed.

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

Seek none. Any other questions?

ROBERT HAAS: So you're going to be using both Fifth and Sixth Streets as points of entrance into the garage area?

JEFF McCOMISH: Well, I imaging people will take those streets as part of their means to get to the garage, yes.

ROBERT HAAS: No other questions.

MICHAEL GARDNER: Then I'll make the motion to approve a garage license with additional flammable storage at 225 Binney Street, subject to the clarification of the address actually for the record being accurate for 273 vehicles, 2730 gallons of gasoline, and 1810 gallons of Class 2 fuel and above ground storage tank.

ROBERT HAAS: Second.

MICHAEL GARDNER: Motion having been made and seconded, all those in favor, signify by saying aye.

ROBERT HAAS: Aye.

THOMAS CAHILL: Aye.

JEFF McCOMISH: Thank you very much. I'll deliver that during the course of the week. Thank you.

* * * *

ELIZABETH LINT: Application. Just A Start Corporation has applied for a garage license with additional flammables storage at 424 Windsor Street for 12 vehicles, 120 gallons of gasoline in the tanks of autos only, and 30 gallons of Class I.

MICHAEL GARDNER: Would you state and spell your name for the record and identify your affiliation.

ROBERT MacARTHUR: Robert MacArthur, M-a-c-A-R-T-H-U-R. I'm project manager for Just A Start.

MICHAEL GARDNER: If you could tell us about the garage and the programs that it supports.

ROBERT MacARTHUR: Sure. It is part of the renovation of the church building at

424 Windsor Street into residential condominiums with 12 units in the church and two in the adjoining building, which is a rectory building.

We are putting parking under the building for 12 parking spaces, and there are also two surface parking spaces next to it.

MICHAEL GARDNER: And what's the state of construction or demolition now.

ROBERT MacARTHUR: We are at 75 percent complete on the construction.

MICHAEL GARDNER: So the ground has been excavated and the space is there?

ROBERT MacARTHUR: Right. The ground has been excavated and all utilities are in and the garage floor has been poured.

MICHAEL GARDNER: Could you describe a little bit about the nature of the community involvement in the process, if anything.

ROBERT MacARTHUR: Sure. The community involvement, I think we've owned the

property since 2008, prior to my involvement in the property. There was a fairly significant opposition to the change of use in the loss of this building as church in the neighborhood that we bought from the Archdiocese.

We had to go through a special permit process and had opposition in the special permit process, and then met the terms were in agreement with abutters to proceed on the building of the renovation of the property as a residential use.

MICHAEL GARDNER: Any affordable units?

ROBERT MacARTHUR: It's all affordable.

MICHAEL GARDNER: And involved in the city's affordable housing trust in any way?

ROBERT MacARTHUR: Yes. The Department of Community Development is a supporter of the project financial.

MICHAEL GARDNER: Questions?

ROBERT HAAS: The 12 parking spaces, are they underground or how are they situated?

ROBERT MacARTHUR: Yes. The garage surface is about three feet below grade, so they are under the units.

ROBERT HAAS: Are you going to be doing anything about lighting around that property with respect to the garage?

ROBERT MacARTHUR: Lighting within the garage.

ROBERT HAAS: Well, around the building to kind of give you more visibility around that area.

ROBERT MacARTHUR: I'd have to look at the plan. But we're using the existing curb cut to come into the building between the rectory and the church, so lighting would be restricted to that parking area and that entrance. I don't think so we are doing specific lighting at the curb cut, you know.

And then on the other side of the church, we wouldn't be adding lighting because there is no egress from the right side of the church.

ROBERT HAAS: The two spaces that you are proposing in addition on the outside, are those for --

ROBERT MacARTHUR: Those are residents as well. There are two, so it's a total of 14 units, one parking space per unit, 12 are in the church and two are in the rectory building.

ROBERT HAAS: So how would you accommodate additional parking for the facility, the guests, visitors?

ROBERT MacARTHUR: If it were guests, it would be street parking.

ROBERT HAAS: And that's all residential parking there, right?

ROBERT MacARTHUR: Right.

ROBERT HAAS: So there is really no

provisions for people to park in that area unless they have a permit from the city.

ROBERT MacARTHUR: Yes. In our experience, not all of the affordable units the people have cars, but that's true, there is no provision for additional parking.

ROBERT HAAS: So if there are units that have vacant lots, are they going to be using visitor parking as well or designated visitor parking?

ROBERT MacARTHUR: They would be deeded with units, so it would be by arrangement of the people in the condo association.

MICHAEL GARDNER: Any questions?

THOMAS CAHILL: What are the 30 gallons of the Class 1 referred to?

ROBERT MacARTHUR: It's probably more than we need, but just when we met with the fire department they suggested having additional for snowblowers and other items.

THOMAS CAHILL: No further questions.

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

Seeing none, I'm going to make the motion to approve the garage license with additional flammable storage at 424 Windsor Street for 12 vehicles, 120 gallons of gasoline in the tanks for autos only, and 30 gallons of Class 1 fuel. We don't need a license for the aboveground space?

ELIZABETH LINT: No.

MICHAEL GARDNER: So that's my motion.

THOMAS CAHILL: Second.

MICHAEL GARDNER: Motion made and seconded. All those in favor, please signify by saying aye.

ROBERT HAAS: Aye.

THOMAS CAHILL: Aye.

MICHAEL GARDNER: None opposed. So

you are approved. Good luck with the completion of the project and a successful addition to the neighborhood.

ROBERT MacARTHUR: Thank you.

* * * *

ELIZABETH LINT: Application.

Chipotle Mexican Grill of Colorado, LLC, doing business as Chipotle Mexican Grill, Andrew Trinchitella, manager, has applied for a common victualer license to be exercised at 600 Massachusetts Avenue. Said license, if granted, would allow food and non-alcoholic beverages to be sold, served, and consumed on said premises with a seating capacity of 55 (49 inside and 6 outdoor on a seasonal patio). The hours of operation will be 11:00 a.m. to 10:00 p.m. seven days a week. Applicant is also applying for an entertainment license to include an audio tape machine/CD playing music below conversation level.

MICHAEL GARDNER: Good evening. If

you could simply state and spell your name for the record and identify yourself.

HOUAN ISKANDANI: My name is Houan Iskandani. My first name is H-O-U-M-A-N, and my last name is I-S-K-A-N-D-A-N-I.

MICHAEL GARDNER:

HOUAN ISKANDANI: I'm a team director for the Chipotle Restaurant.

MICHAEL GARDNER: Are you saying a "team director"?

HOUAN ISKANDANI: They call us a regional director, operational direct to oversee the New England market.

MICHAEL GARDNER: So in the end you won't really be responsible for managing or running this operation?

HOUAN ISKANDANI: No. We have assigned a manager that will be starting with us very soon, and I will plan to have a building turned over to us for our operation in the early August.

MICHAEL GARDNER: My memory is that we had an application from -- is it Chipotle.

HOUMAN ISKANDANI: Yes, Chipotle.

MICHAEL GARDNER: Recently. My memory was Kendall Square, but I'm not exactly sure --

HOUMAN ISKANDANI: Kendall Square just got completed two weeks ago. We are in the process of interviewing and hiring applicants. I am planning to open that operation in a few weeks. So that would be our third operation in Cambridge.

MICHAEL GARDNER: So you've got two operating now?

ROBERT HAAS: There's another one in the --

HOUMAN ISKANDANI: Then we have one more at the Cambridgeside Galleria Mall.

MICHAEL GARDNER: Do we have any complaints or issues with any of them?

ELIZABETH LINT: None.

MICHAEL GARDNER: And, again, just for the record, could you briefly describe the food concept and kind of what customers could expect there.

HOUMAN ISKANDANI: We fall in the category of quick service, if you will. It's a buffet style. The choices are limited to burritos, tacos, bowls and salads. The customers come in, they go through the serving line, and they basically choose their items that they are ordering.

All our meats are naturally based meats with the emphasis of where we get the food from. We have tried to participate in a lot of farmers, local farmers, we are able to purchase our produce, which is lettuce, jalapeños, green peppers, red onions, in season obviously. And trying to really what we call food integrity. Which is really being responsible in part, as well as the food guests purchased and the customer sits down

and the consumer can eat it or take it to go.

MICHAEL GARDNER: What would you say a typical or average price range would be?

HOUMAN ISKANDANI: The burritos, the price ranged we have in Boston, it would be an average about \$10 per person with the burrito and a drink. It's very good. You should try.

MICHAEL GARDNER: And this is the old Wendy's location, I believe. So I passed the site twice and basically I just looked in at it because I knew that the hearing was supposed to be today.

Do we have much experience, Ms. Lint, in approving applications when we don't have the on-site managers available to review?

ELIZABETH LINT: For something like this, yes.

ROBERT HAAS: The only thing I would offer in terms of this site, we did have some problems with respect to the control and access to the public rest rooms. So you're

going to think about how you're going to go manage that. Again, maybe because your concept is very different than Wendy's, it might not experience the same kinds of problems, but it's been an issue that we've had at that at that location.

HOUMAN ISKANDANI: I will look into that.

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

Seeing none. I will make the motion to approve a common victualer license for 600 Massachusetts Avenue for the applicant for food and non-alcoholic beverages for -- I'll have some questions before I complete a vote -- for 55 seats, 49 inside and 6 outdoor on a seasonal patio with hours of operation from 10:00 a.m. -- 11:00 a.m. to 10:00 p.m. seven days a week with an entertainment license for an audio tape machine, CD playing music, below

conversation level.

That's my motion before any of the Commissioners decide whether they'll second it or not, could you just clarify the six outdoor on a seasonable patio, is that a private space or are you proposing to use a public way for that?

HOUMAN ISKANDANI: I believe it's a public way for that. I don't know exactly how -- I looked at the drawings way back, but it's basically what we've had done in the past, we use that seasonally, and then we take the patio furniture out and it's not available during the wintertime.

MICHAEL GARDNER: Okay. So I would amend my motion to say that the approval of the outdoor spaces would have to be conditioned on approval by the Department of Public Works and such other review as required by the city to make sure that it, in fact, met space conformity to use the requirements.

That's my motion.

ROBERT HAAS: Second.

MICHAEL GARDNER: Motion having been made and seconded, all those in favor please signify by saying aye.

ROBERT HAAS: Aye.

THOMAS CAHILL: Aye.

MICHAEL GARDNER: Okay. Welcome to Cambridge.

HOUMAN ISKANDANI: Thank you very much.

MICHAEL GARDNER: You'll be close to many of the people who work in this building and the one across the way.

HOUMAN ISKANDANI: We are looking for forward to it. It's a great concept. And I've been with them for 14 years. The people and the food is very unique. We are very excited to be part of Boston.

MICHAEL GARDNER: As Commissioner Haas said it can be a challenging environment

at that location, so you need to make sure you hire your managers very carefully to understand the issues in the environment and be able to respond to them.

HOUMAN ISKANDANI: Absolutely. Thank you very much. Have a good evening.

MICHAEL GARDNER: Thank you.

ELIZABETH LINT: Appeal OMF Taxi, Inc., George Fiorenza, President, holder of Cambridge hackney medallion number 120 is appealing a \$300 fine for failure to report to cab inspections when required.

MICHAEL GARDNER: Good evening. Could you state and spell your name for the record.

GEORGE FIORENZA: My name is George Fiorenza, F-I-O-R-E-N-Z-A. Ambassador Brattle and Yellow Cab of Cambridge and also the owner of OMF Taxi, taxi medallion 120.

MICHAEL GARDNER: So tell us what happened, sir.

GEORGE FIORENZA: In April it's the taxicab inspection season. So typically there is a schedule that issues and it tells you when your cab is supposed to show up for inspection. They check the vehicle, make sure it's clean and all that and then they issue a license, a renewal license.

I own over 25 cabs in the city and I manage another 15. So I have a set number of people that set these cabs up for me. I don't physically do it.

So that Friday was scheduled for cab 120.

Prior to me leaving the office, it was garaged in my office. We have a garage and they clean it, prep it, get it ready. So we were waiting for the registration on a new vehicle to come in.

I leave the office. I have some appointments and I was gone the rest of the

day.

I never heard from my office that it did not go to the inspection. I realized that it didn't go when I showed up at my office on Monday morning at 7:00 a.m.

I waited until about 9:00. I called Hackney Officer Ben Szeto because I have his cell phone to let him know that I know that it didn't go. He said, "Why didn't somebody call me?"

I told him, "Benny, I was not around to even call you. Nobody in my office knows to call you, so that was my error." I said, "I'm already en route to the inspection to hand you the actual medallion." I wasn't there to lie and I'm not here to fabricate anything. It wasn't on the road. It was parked in my garage. Because there was a problem with the title and we did not get the registration. We did not get the registration for two weeks after the fact.

But on that Monday when I handed the Hackney Officer Benny Szeto the medallion, he issued me a \$300 fine.

Now, if it's the end of the incident inspection, I agree. But where it's not an ongoing problem on something that we do, I thought maybe a warning would be issued first. And if it did not get inspected by the end of the month, then a \$300 fine would have been kind of justified and I would have definitely paid it.

But in no way was I trying to circumvent the process. So that's why on Monday when I came to the office, I made it a point to let him know that I was bringing in the actual medallion to him. I apologized to him that nobody called him on Friday. It's just that nobody else would have done that. If I thought I was wrong, I would not be here tonight.

MICHAEL GARDNER: Have you had to pay

finest in the past for a failure to meet inspection schedules?

GEORGE HERZ: I paid a fine two years ago when I wasn't aware that you had to bring the actual medallion in with the cab 249 that was a handicapped medallion.

After that, I knew if we didn't meet the inspection, we would bring the medallion in to it. I didn't have a problem with any of the other cabs.

We also had two medallions that could not go on the road because the cars were not available so we did hand those to him after, you know, prior to the end of the inspection.

So I know what the rules are, but this was more of a miscommunication. It wasn't us trying to mislead the License Commission or the hackney officer.

MICHAEL GARDNER: I'd appreciate, Ms. Lint, if you could just remind all of us, and particularly me, sort of how the

inspections are scheduled and what, if any, difficulties come from a no show and no notice on an inspection, and just explain a little bit more about bringing in the medallion.

ELIZABETH LINT: Okay. So the rules and regs state that if your vehicle is off the record, you're supposed to turn the medallion in to the hackney officer.

ROBERT HAAS: You said "medallion," you mean the physical metal plate?

ELIZABETH LINT: The physical plate, yes.

Inspections are set up through the office. Each vehicle is assigned a set specific time to come in. Officer Szeto is basically down there by himself doing inspections. I think at that time Officer Arcos was able to help him out, but it's an extremely busy time.

Everyone is scheduled. If you don't show up, the packet says very clearly "a \$300

fine will be imposed."

He actually imposed quite a few this go-round for people that didn't show up or didn't call.

It did happen a couple of years ago with Mr. Fiorenza, and I know he did pay a fine at the time.

And I think Officer Szeto has just tremendous frustration, especially with the people that do have the larger fleets and really do know the rules, just not giving him the courtesy of a telephone call, or really going out of your way to make sure that everything is right, because it's disrespectful to him. So the rules are clear.

GEORGE FIORENZA: But that's why I called on Monday, to explain to Officer Szeto, if I was at the office on Friday, he would have had the medallion in his hand.

But the people that work in my office don't have the capability to say, oh, I need

to go get it. So that's why on Monday morning when I came in and I went to the garage and I saw that the car was still in there, I waited until 9:00, and I called Officer Szeto. I said, I know I didn't show up, I apologize. I said, I had gone away from the office, that's why I'm driving to you to give him the plate.

And I believe a lot of the people that he issued fines to did not call him, he had to chase them.

MICHAEL GARDNER: So presumably, in hindsight, ideally, it would have been your knowing that that cab needed to be inspected that day and perhaps knowing that not everything was click-click, all ready to go.

GEORGE FIORENZA: No. We had -- the vehicle was ready to go. All we were waiting for was the registration.

MICHAEL GARDNER: So knowing you didn't have all of the pieces, including the registration, ready to go, if you had left the

instructions with somebody in the office, "Be sure, if the registration doesn't come in, to call him and let him know," in hindsight, it sounds to me that the way to do it is, if you are not going to be there, to delegate the responsibility to somebody else to make sure that either it gets inspected or the appropriate notice gets made.

I don't know if you would agree with that or not?

GEORGE FIORENZA: Yes, I would agree with that, yes.

MICHAEL GARDNER: Commissioner?

ROBERT HAAS: So the car really wasn't technically ready to be inspected on that Friday, right? Because you didn't have the registration for it.

GEORGE FIORENZA: We were waiting for it, the registration.

ROBERT HAAS: But you didn't get it for two weeks after the fact, right?

GEORGE FIORENZA: We couldn't because apparently there was something wrong with the title and we didn't know that.

When we gave the information to the insurance agent, he gives it to a runner. When I spoke to the agent that morning, he said, yes, the runner took it, he'll have it back by 1:00, it should be here. Good. No problem.

I had to leave. I told Rich, who works in my office, I said, "Rich, the insurance agent will have it by 1:00; go pick it up and go take it over to get inspected."

ROBERT HAAS: So is it an open inspection or are you scheduled for a particular time?

GEORGE FIORENZA: During that day there is a slew of cabs that get inspected. So on Friday, I forget what it was, say it's 9:00 to 3:00. You can go in at any time from 9:00 to 3:00 to have that done so.

When the agent told us we would have it by 1:00, I said okay, we'll have plenty of time. I said that I have to leave, but once you get it, get it inspected. We have the check, the form, I mean, everything was ready to go.

So when I showed up on Monday, I noticed that it was there and I immediately called him. So I waited until 9:00 to call.

ROBERT HAAS: Would there have been any fine imposed if you called and cancelled for that particular day and scheduled it for another day?

GEORGE FIORENZA: No. If I would have called Benny Szeto and said 120 is not going to make it, it's parked in the garage, he would have probably said, "Just bring the Medallion to me" and I would have brought it. I mean, that's what I did on Monday.

ROBERT HAAS: So when you bring the Medallion in, once the cab is inspected, he

returns the Medallion to you, and then you reinstall it on the car?

GEORGE FIORENZA: Yes. We go back with the vehicle, he inspects it, he hands the medallion back to us, to me.

ROBERT HAAS: So those two cabs that you talked about that you turned in the medallions, did you get those back?

GEORGE FIORENZA: No, no, those were done. We knew that it was -- actually it was one of the vans that was broken done and Dodge would not get the part by April 30th. So right away, I says, here's that one, it's not going to be here on time.

So I don't want to take that risk, and so that's what I'm trying to do so. I understand what the rules and the regulations are, but depending on the circumstances, it has to be seen that it was just a miscommunication.

A lot of the people that he imposed a

fine, I guarantee you that they never called him or saw him and that he had to chase them down. And that's not what I'm here to do.

MICHAEL GARDNER: I wonder, Ms. Lint, if you have any comments on the representation of the guarantee that he would have had to chase any of them down to distinguish them from this case.

ELIZABETH LINT: I do not have any information.

MICHAEL GARDNER: Thank you.

THOMAS CAHILL: No other questions.

ROBERT HAAS: No questions.

MICHAEL GARDNER: Normally I don't -- I'm not shy about this, but I think where Officer Szeto is sort of under your guidance, I look to you for guidance on what you think is the appropriate disposition on this matter.

ROBERT HAAS: I don't know if there is an opportunity to adjust the fine or there is a strict \$300 fine.

MICHAEL GARDNER: You don't know if it says, "Up to \$300" or it says "\$300"?

ELIZABETH LINT: I think it says \$300, but that doesn't mean that you don't have the authority to do something else.

ROBERT HAAS: So my inclination quite honestly is I think you still bear some responsibility. I think with the timeliness of the notification -- granted, the fact that you did call when you learned about it, but -- a couple of things. Either you got to make sure that other people in your office are equally aware of the regulation or rules with respect to the taxicabs. I'd offer a motion to reduce the fine to \$150.

MICHAEL GARDNER: Okay. We've had a motion and a second to reduce the fine to \$150. Before we take any action on that. I don't believe we have given the public an opportunity to speak.

Are there any members of the public

here who would like to be heard on this matter?

Seeing none, I think, before we take the vote, as an experienced cab owner and operator in the city, I hope you understand our effort to try to do everything we can through the Hackney Inspection Program to have the cabs be as serviceable and presentable and helpful to the public as they can be.

And I don't think we have any indication that you've been anything other than cooperative in that effort.

Unfortunately, it's a labor intensive effort which takes a police officer away from other duties, and we'd like to try to make it as efficient -- to use the officer's time as efficiently as possible, and I'm going to support the Commissioner's motion as well because I think there are some mitigating circumstances here in terms of the quickness of your response and your immediate

realization of the problem.

On the other hand, we like to make sure that you and other owners and operators know that when an inspection is coming up, if you can't be there yourself to make sure that everything happens, somebody is designated as responsible to get the job done. And if it's simply a matter of getting the cab in for inspection, that's what everybody wants, all well and good. But if there are some unforeseen circumstances, as there were clearly in this case, that somebody has got the initiative, mandate, knowledge, initiative to correct the matter.

So motion having been made and seconded, all those in favor signify by saying aye.

ROBERT HAAS: Aye.

THOMAS CAHILL: Aye.

MICHAEL GARDNER: So we've approved the imposition of a fine for the failure to

comply with rules, but mitigated the fine to \$150.

Wish you well. Hope we never have to have the circumstances with you here again.

GEORGE FIORENZA: Thank you very much.

* * * *

ELIZABETH LINT: Application. Turtle Creek Winery, Kip Kumler, Manager, has applied for a Farmer's Winery license for the Kendall Square Farmers Markets.

MICHAEL GARDNER: Good evening sir. Could you please state and spell your name for the record and also your affiliation.

KIPTON KUMLER: Yes. My name is Kipton, K-I-P-T-O-N, Kumler, K-U-M-L-E-R, and I'm the owner of Turtle Creek Winery in Lincoln, Massachusetts.

MICHAEL GARDNER: And could you tell us about your plans for Kendall Square Farmers Market.

KIPTON KUMLER: There are two markets, one on Main Street in Kendall Square and the other on Kendall Street, different days of the week. We participated last year in the one on Main Street.

I think at the review hearing which I attended earlier I indicated we thought there was a marginal endeavor because of associated cost.

This year I'm hoping -- I'm doing this as an effort to try and tweak it and maybe reduce the hours, which were part of the problem, and also hope that there may be more of a recognition from last year.

The other market at Kendall is a new market and we have no experience there.

We are presently this year at 15 markets. I think we have a fair amount of experience with farmers markets.

MICHAEL GARDNER: And could you summarize again the -- any problems that you

may have encountered last year with respect to the dispensing of alcohol or, if things went smoothly, what was your overall experience.

KIPTON KUMLER: As an individual winery we had no problems whatsoever. And I'm the former chairman of Massachusetts Farm Winery Association. I know now that there were over a thousand market days in 2011 with a little more than 20 wineries and 50 different individuals.

And to the best of my knowledge, from that point of view, there were no problems. I think it was a win-win situation. I think it enlivened the markets. I think most vendors feel it increased in some incremental fashion some traffic that came there.

I think before all this got started, some package stores reflectively thought that this was going to be a form of competition that resulted in lost sales, but I don't think that has proven the case at all. We have

stores in many of these markets that have benefited from our being there. We are introducing in most cases a new product to new people at a higher price point.

MICHAEL GARDNER: Questions?

ROBERT HAAS: So you mentioned that there is actually two markets in the Kendall Square area and now you're going to try this other one. Is that because you've gotten more experience, more traffic, from your standpoint, or is --

KIPTON KUMLER: No. I think this is a gamble. The second market on Kendall Street is actually -- my concern about it is it may not have a critical mass of vendors.

We, I think as a generalization, feel that you need about 18 vendors and you need about a thousand people to make this work.

ROBERT HAAS: And you are not sure that you're going to meet that amount?

KIPTON KUMLER: Well, you see how it

starts; you don't know how it's going to go develop.

MICHAEL GARDNER: Right.

KIPTON KUMLER: This is a brand new market, it didn't exist last year. It's in front of the Genzyme building, I mean, it looks like -- it's not on the sidewalk in the same way that Main Street is. There are some things that would, theoretically, favor it.

ROBERT HAAS: And you say you are going to adjust your hours from last year?

KIPTON KUMLER: Well, that has to be negotiated with the market manager. What we discovered on Main Street is that people come out at lunch time and that's when they buy the wine. It was thought that it would be bimodal, and then when they left work and went home, they would also buy it. But everybody is in such a hurry to go home, they don't stop for anything.

ROBERT HAAS: What are you

contemplating.

KIPTON KUMLER: Well, I will try it until 6:00 or 6:30, I can't remember.

But if that doesn't -- if that's really a very fallow time after 2:00, then I will negotiate with the market manager to not stay for the full-time, and that may or may not be acceptable to him.

MICHAEL GARDNER: Any other questions?

ROBERT HAAS: No questions.

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

Seeing none, I would make a motion to approve the Farmers Winery license for the Kendall Square Farmers Markets at two locations as described in the hearing.

ROBERT HAAS: Are you going to do it at both locations or just the one?

KIPTON KUMLER: Both, sir.

ROBERT HAAS: Okay, sir.

MICHAEL GARDNER: And I don't have here -- what is the calendar time period when you anticipate this will be going?

KIPTON KUMLER: It's already started. And it goes -- it's in the application, I don't recall precisely, but typically it's like the 27th of October.

MICHAEL GARDNER: The time period is stated in the application. Pass the motion?

ROBERT HAAS: Seconded.

MICHAEL GARDNER: Motion having been made and seconded, all those in favor please signify by saying aye.

ROBERT HAAS: Aye.

THOMAS CAHILL: Aye.

MICHAEL GARDNER: None opposed. So good luck and welcome back to Cambridge. And I hope that it's profitable for the visitors to the market and to yourself.

KIPTON KUMLER: Thank you very much,

gentlemen.

In case there is any curiosity about it, I'll give you a little information about the winery and the promotion (indicating).

* * * *

ELIZABETH LINT: Disciplinary matter for All Hawkers/Peddlers and Open Air Parking licensees that have failed to complete the renewal process by April 30, 2012 for their 2012-2013 license.

So for Open Air it would be Prospect Apartments, Clinton Apartments, and Walden Park Associates.

For those, I would have Ms. Boyer go out and hand-deliver notices that they will either have to cease and desist their operation of the parking lots, or they will have to come in and complete their renewal plus the \$50 administration fee for non-renewal.

MICHAEL GARDNER: So these are open

air parking spaces?

ELIZABETH LINT: Yes. There's the hawkers and peddlers, and Chris Kazynski, Jeffrey Apotheker, Samuel Marinelli, and Marie Charles (phonetically spelled).

Mr. Kazynski I know is just an ice cream cart that he puts out in front of his shop and then his restaurant in the warmer weather. And I'm not sure that he still wants to do that, so we can make inquiry of that.

The other three are food trucks, and it's customary that the hackney officer goes out to find them. And I will have Officer Szeto do that as well.

ROBERT HAAS: He'll do the same thing, hand them the notice?

ELIZABETH LINT: Yes.

MICHAEL GARDNER: And there's not a third category? It's just the hawkers and peddlers and open air parking?

ELIZABETH LINT: Yes.

MICHAEL GARDNER: So is the discipline to not renew the license? Or what are you suggesting as the action that we take.

ELIZABETH LINT: Well, they cease and desist until they come into compliance or -- that's what we would traditionally do.

Or you can just revoke it. And then if they wanted to re-apply, they would have to start all over again.

MICHAEL GARDNER: So I'll make a motion that the taking notice of the fact that the listed open air parking licensees and those who have maintained the hawkers and peddlers licenses and have failed to complete their renewals and their licenses by the April 30th deadline, and as such the License Commission staff take such all necessary steps to advise them that they are to cease and desist from the operation of business as authorized under the licenses, pending their coming forward and re-applying and showing

cause to the License Commission why the licensees should be renewed.

ROBERT HAAS: Second it.

MICHAEL GARDNER: Motion having been made and seconded, any further discussions?

Are there any members of the public who would like to be heard in this matter?

Seeing none, all those in favor signify by saying aye.

ROBERT HAAS: Aye.

THOMAS CAHILL: Aye.

MICHAEL GARDNER: None opposed.

Ms. Lint, could you please make sure that all of the licensees who failed to renew are notified that they are to cease and desist.

ELIZABETH LINT: Yes, I will.

MICHAEL GARDNER: I see we have some ratifications.

ELIZABETH LINT: Yes, we have many.

Medallion numbers 162, 19, 242, sale

of 98, refinance of 98, 40, 170 and 215 paperwork was all in order.

ROBERT HAAS: Make a motion to accept.

THOMAS CAHILL: Seconded.

MICHAEL GARDNER: Motion having been made and seconded, all those in favor signify by saying aye.

ROBERT HAAS: Aye.

THOMAS CAHILL: Aye.

MICHAEL GARDNER: None opposed. So it's approved.

Do we have any other business before us, Ms. Lint?

ELIZABETH LINT: I do not.

MICHAEL GARDNER: Our next scheduled meeting is June 19th.

I wasn't aware that the Fire Chief wasn't going to be here this evening.

ELIZABETH LINT: That was a late development. I got a call after you left

office.

MICHAEL GARDNER: Do we have any indication as to whether or not the Chief and the Commissioner can be here on the 19th.

ROBERT HAAS: I'm planning to be here.

MICHAEL GARDNER: Deputy, I take it you can't speak for the Chief's schedule?

THOMAS CAHILL: No.

MICHAEL GARDNER: So we are scheduled for the 19th. I'm not sure if in the book we are scheduled for a decision hearing on June 28th.

And so far we don't have any matters that are deferred to the 28th?

ROBERT HAAS: That will also incorporate the 19th, right?

ELIZABETH LINT: Yes. Right now we don't have any.

MICHAEL GARDNER: I guess for the record we've had some e-mail exchanges at the

last hearing we held, and my memory is that on a two-to-one vote the Commission approved a common victualer license with a 4:00 a.m. close to the Tasty Burger in Harvard Square and a 2:00 a.m. beer and wine license for the same location.

I understand there are actually some issues with the hours for the beer and wine?

ELIZABETH LINT: That's correct.

MICHAEL GARDNER: And could you tell, Ms. Lint, the conversations that you've had with the applicant's counsel Mr. Galluccio.

ELIZABETH LINT: Yes. I spoke to Mr. Galluccio about the 2:00 a.m. on the wine and malt. That's not a category that we currently have. So we are scheduling the policy hearing to create another category for the 2:00 a.m. wine and malt.

And he had no problem with the license just being until 1:00 a.m. until such time that it might or might not be approved.

ROBERT HAAS: Why do we distinguish between beer and wine and all alcohol in terms of the license?

ELIZABETH LINT: It's just how -- over time, as the categories were created, so there's, say, an all alcohol six-day license or seven-day license. And all alcohol 1:00 a.m. or 2:00 a.m. And then wine and malt, six-day or seven-day. The categories just evolved as the need arose.

ROBERT HAAS: But there is no rationale how you distinguish the hours?

ELIZABETH LINT: No, never.

MICHAEL GARDNER: So we've never had a 2:00 a.m. wine and malt?

ELIZABETH LINT: Right.

ROBERT HAAS: So this could change all of the wine and malt licenses going forward?

ELIZABETH LINT: It could change them going forward but, logically, wouldn't you

rather have a wine and malt 2:00 a.m. than no alcohol. Logically, it makes no sense, as if the category didn't exist.

Does it make sense to you?

ROBERT HAAS: No. That's why I was asking.

MICHAEL GARDNER: Motion to adjourn is always in order.

ROBERT HAAS: Make a motion to adjourn.

THOMAS CAHILL: Seconded.

MICHAEL GARDNER: Motion to adjourn the License Commission at approximately 8:18 on the evening of June 5, 2012, all those in favor, please signify by saying aye.

ROBERT HAAS: Aye.

THOMAS CAHILL: Aye.

MICHAEL GARDNER: None opposed. We are adjourned at 8:18 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 12th day of June, 2012.

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

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