

COMMONWEALTH OF MASSACHUSETTS

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION GENERAL HEARING

LICENSE COMMISSION BOARD MEMBERS:

Richard V. Scali, Chairman
Robert C. Haas, Police Commissioner
Daniel Turner, Deputy Chief

STAFF:

Elizabeth Y. Lint, Executive Officer

- held at -

Michael J. Lombardi Municipal Building
831 Massachusetts Avenue
Basement Conference Room
Cambridge, Massachusetts 02139
Tuesday, March 10, 2009
6:00 p.m.

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P R O C E E D I N G S

MS. LINT: License Commission General Hearing, Tuesday evening, March 10, 2009. It's 5:30 p.m. We're in the Michael J. Lombardi Municipal Building, 831 Massachusetts Avenue, Basement Conference Room. Before you the Commissioners: Chairman Richard Scali, Deputy Chief Dan Turner, and Commissioner Robert Haas.

MR. SCALI: We are here at an earlier time in regards to our Executive Session with regards to a lawsuit before the Commissioners. So we'll just announce now to go into Executive Session and go back on the record once we're done. Motion then, Executive Session.

MR. HAAS: Motion.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: Aye.

(License Commission adjourned to Executive Session.)

MR. SCALI: We'll make a motion to come out of Executive Session. Moved.

MR. TURNER: Second it.

MR. SCALI: All in favor?

MR. TURNER: Aye.

MR. HAAS: Aye.

MR. SCALI: Aye.

We'll go back on the record now with our General Hearing which is to begin at 6:00 p.m. It's now 6:15 p.m.

MS. LINT: If anyone is here for Christopher's Toad, that's been continued to April 14.

MR. SCALI: Anyone here on Christopher's? No, no hands. Okay. That one is April 14.

Okay, Mrs. Lint, start with our first item.

MS. LINT: Disciplinary matter

continued from January 20, 2009, Three Aces Pizza.

MR. SCALI: I'm sorry, for the record, you already announced about cell phones being off; correct?

MS. LINT: Oh, sorry. If anybody has a cell phone on, please turn it off.

MR. SCALI: Fire exits are here to my right at the sign above, and the back exit where you entered, that door stays open at all times for fire exiting purposes.

Now we'll go to our General Hearing.

MS. LINT: Disciplinary matter continued from January 20, 2009, Three Aces Pizza, Stamatis Eliadis, Manager, holder of a Wine and Malt Beverages as a Restaurant license for a lengthy absence from his establishment without notifying the License Commission.

MR. SCALI: Good evening.

MS. TRIANTAFILLOU: Good evening.

MR. SCALI: Tell us your name for the record please.

MS. TRIANTAFILLOU: For the record, my

name is Katherine Triantafillou. I represent Mr. Eliadis.

MR. ELIADIS: Stamatis Eliadis.

MR. SCALI: We had continued this matter from our Decisionmaking meeting so that Ms. Triantafillou could be here, and you were going to update us on your status.

MS. TRIANTAFILLOU: Our status is I think the last time we had an informal conversation was that we were going to place the license in inactive status. We are actually in the process of looking for a buyer and may have one.

MR. SCALI: Is it someone we referred to you I hope?

MS. TRIANTAFILLOU: Possibly.

MR. SCALI: I think the Commissioner was eager to have someone buy it.

MS. TRIANTAFILLOU: Since we hadn't completed those conversations I almost was going to continue it again, but I didn't want to put you off one more time, but that's what's we're doing. Three Aces is closed; we are looking for a buyer

for the license.

I didn't know quite frankly the procedure, if we should put in inactive status before we sell it or do it and then sell it. It didn't matter to us.

MR. SCALI: You definitely have to do it. You're closed anyway so it makes no difference. It's inactive and you are requesting it to be inactive now.

MS. TRIANTAFILLOU: Yes.

MR. SCALI: The question I have I guess is -- I don't know whether the Commissioner wants to mention this in terms of the issues that were brought before us with the disciplinary matter. Is that still an ongoing issue or are those issues now closed?

MR. HAAS: Has an investigator talked to you yet?

MS. TRIANTAFILLOU: Not recently. Is there something more you wanted?

MR. HAAS: There is an issue regarding the license. When your client was out of the

country, apparently there was a transfer of papers which he didn't sign and didn't authorize anybody to sign. So we're still looking into that matter to find out who did that and whether or not there is a criminal violation associated with that. So that portion of the investigation is still open at this point.

MR. SCALI: That doesn't affect this?

MR. HAAS: No.

MR. SCALI: The other issue has to do with the City Council has requested information as to why Harvard has ceased your lease, and it's been referred to another department, actually to Harvard real estate to answer those questions. I think you told us what happened, but I guess the City Council now is concerned as to why that lease was stopped.

MS. TRIANTAFILLOU: Really.

MR. SCALI: I just wanted to let you know that that's still an ongoing question. I don't know if you have any more information than what you told before.

MS. TRIANTAFILLOU: I don't really

other than just factually that Harvard terminated the lease as of January 16, which was a surprise because at the time, as you know, we were trying to undo all the problems that had occurred while Mr. Eliadis was out of the country. They just terminated it which they have a right to under the lease, unfortunately, and our efforts to renegotiate that have not been successful.

MR. SCALI: There is a request to renegotiate the lease?

MS. TRIANTAFILLOU: Our efforts to renegotiate the closer, the termination, have not been successful. If Mr. Eliadis had been able to extend the lease, or to have the lease be active, would be in business.

MR. SCALI: So there is no possibility of anybody else going in there either?

MS. TRIANTAFILLOU: No, zero. It is now an empty space which personally I think is not particularly good for the City of Cambridge to have so many empty storefronts, but you know Harvard marches to a different drummer than the rest of us

do.

MR. SCALI: Anyone from the public want to be heard on this matter? No hands. Commissioners, do you have any questions?

MR. HAAS: No questions.

MR. SCALI: Deputy chief.

MR. TURNER: Mr. Chair, will the Three Aces have to come back before us with the request?

MR. SCALI: I think we can do that this evening. They have been before us a couple of times on that matter. We can act on that.

I guess the motion would be then to allow inactive status for six months.

MR. TURNER: On the motion.

MR. SCALI: Motion moved.

MR. HAAS: Second it.

MR. SCALI: All in favor?

MR. TURNER: Aye.

MR. HAAS: Aye.

MR. SCALI: So inactive request approved for six months. If nothing happens within six months, you come to us in six months and report

back as to what's happened.

With regards to the Disciplinary matter, Commissioners, do you wish to consider that matter now, or place it on file?

MR. HAAS: Placed on file.

MR. TURNER: Place on file.

MR. SCALI: Motion to place on file.

MR. HAAS: Motion.

MR. SCALI: Moved.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: Aye.

So look for your buyer and we'll go from there.

MS. TRIANTAFILLOU: Thank you very much for your patience.

MR. SCALI: Please consider reasonableness in your price.

MS. TRIANTAFILLOU: But of course.

MS. LINT: Disciplinary matter, Route 2 Hotel Company, Inc. d/b/a Cambridge Gateway Inn, Freemon Poindexter, Manager, holder of an Innholder's license at 211 Concord Turnpike for operating as long-term, Section 8 housing.

MR. SCALI: Good evening.

MR. SHADRAWY: Good evening.

MR. SCALI: Have a seat. Tell us who you are for the record, please, first.

MR. SHADRAWY: Bernard F. Shadrawy, Jr., Shadrawy and Rabinovitz, 15 Broad Street, Boston, MA. I'm representing the Route 2 Hotel Comapny, Inc. and I have with me this evening, Mr. Tony Martignetti who is one of the principals.

MR. SCALI: Mrs. Lint, are you presenting this or is Deputy Chief.

MS. LINT: Deputy Chief.

MR. TURNER: Mr. Chair, I forwarded to your office or I forwarded to the head of the Fire Department, Chief Reardon, a report. This report was based upon the Fire Company responding to the Gateway Inn for multiple fire and medical calls. I

would like to read the report into record.

"To Chief Reardon, from Deputy Chief Turner, dated February 5, 2009, regarding 211 Concord Turnpike. Sir, Engine 4 has responded to the Gateway Inn for multiple fire alarm and medical calls. During these calls it was noticed that this facility is being used to house families on a long-term basis. It may be operating more as a lodging house and than an Innholder.

I, myself, Deputy Turner went to the facility on January 30, 2009. I spoke with the manager on duty, Elaine Tarlson, and explained the reason for my visit after which an inspection of the common areas of the facility was made. A copy of the inspection report is attached.

Later that morning, I spoke with the owner Tony Martignetti, who informed me that the inn is currently fully occupied by homeless families under a placement program run by Community Services Network out of Stoneham, Mass. These families do not reside there for more than 45 days according to the owner.

According to recent Boston Globe articles, these families are placed there under a program run by the Department of Transitional Assistance. Based upon the information that was provided to me and upon my observations, it appears that the facility is operating as a lodging house. Inspectional services has been contacted and provided with the information."

MR. SCALI: Mr. Shadrawy, the issue before us has to do with the safety of the location. The Fire Department is finding that this is a change of use from the hotel use that we've had there previously to a lodging house use. Then I believe there also were some other Police Department issues in terms of calls, too.

MR. HAAS: No.

MR. SCALI: For the change of use which is the issue before us, and the status of that location, I guess.

MR. SHADRAWY: If I might, I think it might speed things along, I tried to commit as much as I possibly could to writing, because a lot of it

has to do with the definitions and descriptions of what various definitions and descriptions are used in various places for lodging houses and for hotel/motel/inn.

I have attached to the document I've given you all of the definitions that are referred to in my letter. The issue as I see it and as the Chairman has described it is what the definition is of, and the use is of this facility in regards to the various laws that pertain to it.

One of the first documents I'll point out is the first attachment to the letter, which is an e-mail from the Commissioner of Inspectional Services. We've had extensive conversations with both the Commissioner and his staff relative to their description and definition under the Building Code and the Zoning Code relative to what they think this property is.

Although brief and to the point, I think it says it all in that I spoke to David Burnes, Senior Building Inspector, who concurs with me that this is a hotel use and not a lodging

house. The guests are transient, do not sign leases or pay on a monthly rate. See attached copy of the Building Code which is also attached.

MR. SCALI: What is the date on that e-mail?

MR. SHADRAWY: This was I believe -- you know, there is no date on it, but it came I would say two weeks ago.

MR. SCALI: I know that our office had a conversation with Ranjit today who tells us from what I remember that there is a violation. So I guess I'm not sure how this e-mail came through to you or to Mr. Martignetti.

MR. SHADRAWY: I had a conversation with him on the fifth, again, to follow this up to tell him that I would be using this, and asked him to come to the hearing.

MR. SCALI: We did ask him to come this evening and he said he could attend if we wanted him to.

MR. SHADRAWY: Let me go through without that what we believe are findings relative

to our research as to what we should be.

The issue comes down to right now there are 78 rooms. There's a two-story structure, and what happens is they are licensed as an Innholder with food. The occupants within the building as the notice had indicated are not in fact Section 8. There is no Section 8 designation for this property whatsoever. There are no, in fact, written leases or tenancy agreements or agreements with any agency or the people within it. It's dealt with on exactly as it was as a hotel.

The Community Services Network of Stoneham, Massachusetts is the contact point for placing people within the hotel, and what they do is they come in on a temporary emergency basis. As we understand it, the shelters within the Commonwealth of Massachusetts do not want to place children in the shelters, nor do they want to place pregnant women in the shelters. So what they do is they look to a facility to place them in temporarily while they look for either Section 8 or permanent housing.

That is exactly what is going on here. They pay the normal rate, the hotel rate that the hotel has charged and continues to charge. The hotel pays the hotel room/ convention center tax to the state and the city as if it was a hotel.

MR. SCALI: So who pays the rent?

MR. SHADRAWY: The rent comes from Community Services Network.

MR. SCALI: They have a deal with Mr. Martignetti or whoever the owner is, the corporation here, to pay the rent for tenants?

MR. SHADRAWY: On an individual basis. Some of them stay days, some of them stay an average of 45 days. None stay beyond 90 days. There are no more than four occupants per unit. There are two beds within each unit, which is no different than it was when it was a hotel.

MR. SCALI: So there are no families living there that are more than four people in every room.

MR. SHADRAWY: That is my understanding and Mr. Martignetti's understanding,

yes.

MR. SCALI: Understanding, meaning you have investigated that?

MR. SHADRAWY: We have checked and that is our testimony.

What we can tell you is that at any given point during a day, you might find more than four people within a room visiting, because they become a social network within their own community. But no, every unit has no more than four people in it.

MR. SCALI: Is there any cooking in the rooms?

MR. SHADRAWY: There is no cooking in the rooms. There is a microwave provided, and a refrigerator just as it was with the hotel. There is a meal provided in the morning as part of the daily rate. There is maid service as well. So it is run exactly as it was when it was the hotel. People come and go. We don't know when they're coming or when they are going. They do not stay longer than 90 days; that we can tell you. There

is nothing more than an informal agreement with the Community Services Network.

MR. SCALI: Well, you were saying there's no agreement and now you're telling me there's an informal agreement. So is it like an oral agreement?

MR. SHADRAWY: It's purely as long as they send people, they send people. If they don't send people -- they could tomorrow stop sending us people. We have absolutely no contractual obligation from them or to them whatsoever.

MR. SCALI: How many rooms have people that come through this organization?

MR. SHADRAWY: Seventy-eight.

MR. SCALI: How many hotel guests do you have there?

MR. SHADRAWY: There are approximately, and it varies because it changes on a daily basis, but it's approximately about 180, 190. It depends on the size of the family that comes at any particular time. There could be one, there could be four.

MR. SCALI: How many rooms are there where there are hotel guests that are not from that organization?

MR. SHADRAWY: Right at this time?

MR. SCALI: Yes.

MR. SHADRAWY: Today there's none.

MR. SCALI: So every room is filled with a family from that organization?

MR. SHADRAWY: It could be an individual as well.

MR. SCALI: Basically no one could go in there and call up and say I want a room this evening?

MR. SHADRAWY: Not this evening, but they could on any other evening.

MR. MARTIGNETTI: Could I interject for a second?

MR. SHADRAWY: Certainly.

MR. MARTIGNETTI: Today we had two rooms available, and they were available all day. Anyone who came in off the street could have rented those rooms; however, Community Services Network

called us before five o'clock and said that if the rooms were still available they would like to have them, and they sent down two families.

Over the weekend, we had availability. Community Services Network moved a couple of families out and we had a couple of rooms that we rented to the general public, Friday night, Saturday night, and one Sunday night. And actually, we never filled the second room on Sunday night, so we had a vacancy.

This is what happens every day. We have no guarantees from them and we give them no guarantee. If we have a room available for them, they're welcome to take it. If we don't have a room available to them, we can sell it to the next person who comes along.

Right now, we average 2.43 people per problem. We have approximately 180, 190 people in the hotel, mostly children, and usually single moms, very few men. We average 2.43 people per room, and no room has more than four people, ever.

MR. SCALI: You're sure about that?

MR. MARTIGNETTI: I am very sure about that.

MR. SCALI: I guess the idea of a hotel is that people come and go, they don't get their mail there. They leave and they go back to their home. These people are there and I'm assuming they must get their mail there.

MR. SHADRAWY: They do not get their mail there.

MR. SCALI: So how do they get their mail? Do the kids go to school?

MR. SHADRAWY: Some of them I assume do go to school.

MR. SCALI: I think by law they have to go to school, don't they.

MR. SHADRAWY: I would assume but we're not sure where, nor do we inquire.

If I could just take you through -- one of the attachments I also gave you were your definitions of what transient occupancy is.

"A transient occupancy is accommodations rented for transient occupants and intended for the use for

short-term stays of a definite duration by travelers, tourists, or other guests."

Clearly, these could be considered "other guests." They are not intended for their primary residence. These aren't intended as their primary residence. I can guarantee you that if you asked every single individual in there if they considered this their primary residence and where they want to reside, they would absolutely tell you no. And no tenancy has ever been created.

The fact is that right now there are other hotels and inns that have students in them, and they are not going home either. They are there though for a temporary basis, and I would say probably for a longer period, although I don't know this for a fact, than the occupants that occupy this facility.

In addition, under your definition of lodging house, it says, "Lodging is provided for an extended occupancy and such occupancy is expressly governed by Section 17 in Chapter 186. I've also attached for you to my letter 186, Section 17,

which among other things says, "Occupancy of a dwelling unit within premises licensed as a rooming or lodging house, except for fraternities, sororities, dormitories, for three consecutive months shall constitute a tenancy at will." No one in this facility stays for three consecutive months.

If you then go to the definition used for taxing, what the taxing authority is for hotels within the Commonwealth of Massachusetts, and I've attached that also. It is Chapter 64G, Section 1. The definition of occupancy as to what gets taxed under the hotel/motel/inn tax in the Commonwealth of Massachusetts says, "For a period of 90 consecutive calendar days or less."

MR. SCALI: What happens after 90 days with the people that are there now? Do they get thrown out?

MR. SHADRAWY: We don't have anything to do with that, but they are not there more than 90 consecutive days. I can tell you what we have been able to find out is that the state is getting

very good at placing people. They truly believe that under the new federal administration as well as state administration, and through the transitional housing program set up by the state, which is now also being looked at as the federal government through recovery funds that the Section 8 program is going to be active again, where for many years it was not. So they're very optimistic about being able to permanently place these people.

The situation is one where I can tell you, and I'll let Mr. Martignetti speak for himself, but they are very conscious of the fact that this building is grandfathered in regards to certain fire and safety codes.

MR. SCALI: You mean sprinklers?

MR. SHADRAWY: Sprinklers. They are very diligent in patrolling, policing, and watching the unit. I don't believe there's been any real incidence of fire or violations that haven't been fixed once brought to our attention immediately.

I believe that their management has tried to cooperate both with the police. We

understand that there were some incidents where 911 calls were placed and have talked to the district police people about what to do in that instance. They clearly come out, but it's also communicated with the office as to whether or not someone has actually seen something or there's a real emergency going on, or it was a prank call. So the management I think is consistent in trying to police and patrol their own property.

The other definition I would point you to in your own definitions is that of Innholder of hotel (or inn), and it's, "A building or group of buildings containing six or more rooms," which this does, "which provides sleeping accommodations and food for transient occupants, which is licensed or required to be licensed under the provisions of Section 6 of Chapter 140." And that is what is going on here.

The definitions I think are that to be a hotel or inn the use must provide sleeping accommodations and food. We do. The definition of transient occupancy requires "rented

accommodations" -- there is no rental -- "to be used for short-term stays of a definite duration." These don't remotely come close to definite. "Such stays are for travelers, tourists, or other guests, and accommodations are not intended as the primary use" -- they are not intended as their primary use -- "and no tenancy is created or implied."

We do provide sleeping accommodations and food, and we charge a daily rate and pay the hotel/motel/convention and city tax as it were and was as a hotel. The rates are commensurate with what they would charge a normal person, a normal occupant.

Just to point out, there is also a statute, 140, Section 8, which I've attached, which states that "An Innholder who upon request refuses to receive and make suitable provisions for a stranger or traveler shall be punished by a fine of no more than \$50." It isn't up to I think Mr. Martignetti to question the occupant as much as it is to patrol what goes on within their property within the law.

So long as they're transient, it's no different I would say than the Red Cross during a fire, placing someone in a facility for a length of time. In fact, even with the Red Cross, I believe they do get mail at some facilities, but that is not the case here.

The only communication that goes on with these occupants is through their provider to them. That's the only communications. There's no mailboxes, there's no mail delivery. Needless to say, if something comes, I'm sure they'd give it to their guests just as they would any occupant who was there for an extended period of time.

MR. SCALI: You're telling me none of the people that live there receive any mail there, none of the kids go to any of the Cambridge Schools that are in the area.

MR. SHADRAWY: I'm not saying that at all. I'm not saying for a moment that they're not going to the Cambridge schools. I'm assuming a lot of them were Cambridge residents, but I don't know.

MR. SCALI: They have to live

somewhere in Cambridge to go.

MR. SHADRAWY: What I'm saying is prior to them coming to this facility, I would assume that some of them were Cambridge residents. And probably for whatever reason became homeless or in need of shelter.

And there are a number of reasons why they could need the shelter as well. It doesn't necessarily mean they were originally homeless. It could mean that there was some other situation within their home that caused them to have to vacate.

MR. SCALI: I think you understand that the issue really isn't wanting these people not to be there. The issue is safety of this location. The use of that building was for transient hotel guests. And if people are living there in bigger numbers than what should occupy the rooms; that are there for a long-term basis, the codes are different for that use.

The concern, for myself, and I'm sure the other Commissioners, is the safety of those

people in those buildings. So if there are more people in those rooms than should be -- I'm not sure what the limitations are in each room, but if there a families that are larger than four, or five, or six that are living those rooms, that's a safety issue. If there are people who are living there for a long period of time, and there should be sprinklers and there's a fire, that's an issue of safety for those people that are living in those buildings. That is our main concern.

We certainly do not want people not to have a place to live or want people to be homeless. That is certainly a main concern of the Commission that people do have homes, but there is a liability of the City and a liability of any of these departments in the City to make sure that there's safety for those people living there.

MR. SHADRAWY: And as my client agrees with everything you've said, they are very diligent in that regard. Whether or not this was occupied by this type of occupancy, and we can differ on what we call it, but in our opinion, it doesn't

differ from any occupancy that they could have as a hotel. There could be up to four residents; there are two beds in each room. There could be up to four residents, a mother and father and two children, or a mother or a father with three children.

MR. SCALI: What happens to families that a larger than four?

MR. SHADRAWY: They don't come to our facility. I'm sure this agency and the state transitional agency has some means of dealing with them.

The other issue that was presented to us, and I have not checked this out, but it was presented to us is that lodging houses are not covered by the transitional housing statute. That would shorten their supply as well if this were converted to a lodging house.

MR. SCALI: They couldn't refer them to a lodging house?

MR. SHADRAWY: Yeah. That is what we've been told. Now, I haven't checked that out

myself but it's because it requires a tenancy and they cannot have a tenancy. This has to be --

MR. SCALI: Whether they're intending it or not, if people are living there for a long period of time, it's a tenancy.

MR. SHADRAWY: Well, I think the definitions -- whether we want to or not -- I think the definitions are very well defined, and I think we meet the definitions of hotel, motel, inn.

We don't want to leave this hearing with any impression that the Martignetti's and the owners of this inn are not willing to work with the Fire Department in any way, shape, or manner. We can, in order to make this safer, better, comply with whatever needs to be done. What we don't want to do is have to go into a change of occupancy.

A lot of this is simply economic driven as well. It is economic driven in that the Martignetti's pay taxes, real estate taxes, and hotel/motel/inn tax. That amounts to a lot of money. It's over a quarter-million dollars, but given that, the option that they have is that

hotels are down in occupancy. This is a way I think to fill another need that the state has and the city has that gets the same thing.

MR. SCALI: That may be, but if the use has changed that's a whole different story.

MR. SHADRAWY: We don't think it has. I think if you read my letter, through your definitions I think you'll see we meet those definitions. At the point where we exceed that time period, I think Chairman, you're absolutely right.

MR. SCALI: Questions?

MR. HAAS: The only thing I would point out is you mentioned a couple of times when you were presenting information is that you make a distinction that the business practice is changed for the hotel. You keep on referring back to the fact that the way we run the business now is the way we used to run the business, with the exception of the fact of how people are coming to the hotel.

As the Chairman said, I think our primary concern is making sure there's adequate

safety in place especially when you're running a full occupancy as you seem to be doing now, under this present arrangement. If the business practice changed, has it changed where it tripped something. Has it changed sufficiently enough to trip it from being an inn, now to something else. And if so, what is that something else. I think that's what we're trying to deliberate and try to figure out.

Again, being responsible for making sure that everybody is safe in that facility, and there's sufficient safety. I'm pleased to hear that you're willing to work with the Fire Department to make sure there's sufficient safety features that are there, because I think the last thing anybody wants to see is a tragedy there.

MR. SCALI: Absolutely.

MR. HAAS: I think that's our concern. I think it's wholly warranted for this body to kind of assess has the business practice changed sufficiently enough that maybe you need to think about it being classified as something else. I don't know what the answer to that question is at

this moment.

MR. SHADRAWY: We clearly hope that the state, either through the federal government hopefully, because I don't think the state has the means, will be able to create, find, with a number of the changes in the housing market that's going on with foreclosures and other abandonments of homes, to find permanent housing for these people. I think that's the goal. And the Martignetti's goal is to keep this a hotel. That is their goal.

MR. SCALI: Deputy Chief.

MR. TURNER: Mr. Chair, the issue was raised about the concern of life safety at this facility. Again, when I went out and did my inspection I would like to report that there were some violations noted; however, they were minor in detail. I didn't want to give the impression that this was a disaster waiting to happen. There were some simple things as extension cords running across the floor, some storage that wasn't orderly, things of that nature. It was a minor thing. So I do have a report which I have given you and will

make available to counsel.

MR. SHADRAWY: We actually have that, thank you. And in fact, Deputy Chief, if I understand, those were corrected and your department was notified of that.

MR. TURNER: So with that, having done some research, and I'm reluctant to tread in this area, but some of the research our office has done -- and again, this is jurisdictionally under the purview of the building official, the one thing we did note that if there were a change of use, if it was determined to be a lodging house and it did create a change of use, there would be the potential that this facility would have to install a sprinkler system.

MR. SCALI: So that is the main concern in the change of use; that it would require a sprinkler system?

MR. TURNER: Looking at it from the Fire Department's side of the fence. Again, this is up to the building official to make that call, so we don't want to put words in anybody's mouth or

make any decisions that's out of our realm of jurisdiction.

MR. SCALI: The issue of grandfathering, is that not on the table that you know of; that building being grandfathered as Mr. Shadrawy mentioned?

MR. TURNER: The building as it currently exists being non-sprinkler protected is in compliance with all codes. In other words, if it were to be built today, yes, it would have to be sprinkler protected, however, as it stands today, it's I guess you'd say grandfathered.

MR. SCALI: As a hotel?

MR. TURNER: Correct.

MR. SCALI: But not as a lodging house.

MR. TURNER: The change of use as a lodging house would then trigger the possibility. Again, that's a whole argument that could be presented at that time, and there's an appeals process that could be followed, and certainly exemption from that could be granted by the State

Building Code Appeals Board. But again, that's a whole approach that we don't really -- we'll let the building official make that decision.

MR. SCALI: Anybody from the public want to be heard on this matter? Nobody from the public. Pleasure of the Commissioners.

MR. HAAS: I don't want to put Mr. Thomas on the spot.

MR. SCALI: I saw Mr. Thomas there but I'm sure he's concerned. I don't know whether he has any comments. You have to come forward if you're going to speak. Just give us your name for the record.

MR. THOMAS: Glen Thomas. I'm the director of Cambridge MultiService Center.

I had a number of concerns and one is that these families at this point need that temporary housing. It's not the first time that the Gateway has been used in this manner. I'm concerned that if it's just a matter of changing the type into a lodging house, it sounds as if from the definition that these families might not be

eligible to stay there.

A couple of things I would like to clear up though. The reason the families are in hotels/motels right now is because there isn't enough shelter space in the state. There's currently around 2,000 families in motels. It is not an ideal situation. And they are there ostensibly until a shelter bed either opens up for them or they're able to get placed into housing.

We are currently working with some of the families there along with other agencies trying to get them placed into permanent housing as opposed to waiting until they can be moved into another shelter.

The other thing is that it may come through this other agency that they're referring to, but this is DTA. This is the Department of Transitional Assistance which is funding this. So it seems to me that's something you really should know.

MR. SCALI: It's a state organization.

MR. THOMAS: I didn't want to bring it

with me because it has names on it, but I have a list of every family that is there and their entry date. I didn't look at it before I came here so I can't say that there is no family that's been there for 90 days. I would say there are. It's not easy to -- shelter space is not opening up. So I think it probably is 45 days or two months, but I wouldn't make the statement that there is absolutely no one there.

MR. SCALI: People are there longer than 90 days because there's no place else to go.

MR. THOMAS: Because there's no place else to go. But there is a lot of activity. A lot of families are -- I receive a report every day on who is moving out, who is moving in, so it seems to be status, but it does seem to be around that 78 number of families.

We have never had honestly any concerns with the Gateway. They have been there and we have worked with them in years past, so it's not that it's an unsafe area. Anyone who wants to -- well, they all have to be in school, but any

child who wants to be Cambridge school is going to Cambridge school. They are either picked up by the Cambridge department or most, if they're old enough, they're provided with passes and Gateway provides transportation to Alewife and then they get to school from there.

Homeless families are entitled to keep their children in the school system where they came from, and it's up to that school system to provide the transportation even if it's miles away.

I just wanted to clear up, and again, I fear that these families would actually have to be displaced, because there really is nowhere for them, and it's not just Cambridge, but that's the only one in the City that actually is housing some.

MR. SCALI: I think you know our intention is not to displace families. That's not been any intention at all. Are there families that are larger than four that you think that are living there?

MR. THOMAS: I don't believe so. I'm trying to think. There's a column there and again,

I wish that -- I just didn't want to bring it because there's names on it and it's just long.

I think in the past what I know has happened in shelters is that if a family is too large for one room, then they're usually given two rooms, but the maximum would be four. I think the problem there is if it's a single-parent, then who's going to watch the others. There are some single, but by definition they either have to be a parent and a child to qualify, or a woman who is at least six months pregnant, and then she can be in there as well. So that would be the only individuals that you would find under this program.

MR. SCALI: Thank you very much.

MR. HAAS: That was helpful, thank you.

MR. SCALI: Anybody else wish to be heard? Anything else Commissioners? Anything else you want us to know, Mr. Shadrawry?

MR. SCALI: I think everything is contained in what we provided.

MR. MARTIGNETTI: I just want to

backup what Mr. Thomas said, and I was going to say this earlier. We have had several occasions, not a lot, but several occasions where we had families that were larger than four. And just like Mr. Thomas said, we put them in two rooms. When there was a case where there was only one parent, we put them in an adjoining room with a door that opened up, so the mother or father, whatever the case was, could watch the kids in the other room. So this way they had the guidance.

We also have a live-in manager and he's there all the time. We have a desk that's staffed 24 hours a day by at least one person. We also have a very very in-depth emergency evacuation plan, which explains exactly how we go about going to every room, making sure that every door is open, making sure every person is out of that hotel in case of an emergency. Our people are instructed never to touch the fire alarms after they have been set off; the Fire Department is the only body that can come down and actually turn off the fire alarms.

So we really work very very hard at it. I want everyone to understand that. I think if you check our record, you'll see that we've tried to comply in every single way. We've been in business here for 33 years in Cambridge. As Chief Turner said, within five days of any of those minor infractions we had every single one of them addressed and I'm sure they were to all the specifications that Deputy Chief Turner wanted.

MR. SHADRAWY: The only other thing that I think we might want to add is that the Martignetti's do provide a meal at breakfast every morning, and quite honestly they consider that a very good thing.

MR. MARTIGNETTI: One other thing, whenever we do find something that could be used for cooking we have them remove it from the room immediately, and if not, we confiscate it. We don't want any hot plates, we don't want any toaster ovens, none of that. We have a microwave and that's it.

MR. SCALI: It's going to be quite a

busy spot if you're going room to room.

MR. MARTIGNETTI: We do. That's what the job takes.

MR. SCALI: Any further questions?

MR. HAAS: No other questions.

MR. TURNER: No further questions.

MR. SCALI: Motion to take the matter under advisement, Commissioners?

MR. HAAS: I would just ask the Commission to consider two things: One, I think we have somewhat of a discrepancy in terms of the Inspectional Services Commissioner. I just want to clarify with him that either he concurs that it doesn't change usage or it does not. And not that question Mr. Shadrawy's legal analysis but I'd like to run this past our City Solicitor's Department, just to make sure they concur with the definitions, and make sure that they do take the definitions as presented.

MR. SCALI: So your motion is then to clarify with Inspectional Services the e-mail and if it changes their position in the change of

use.

MR. HAAS: Right.

MR. SCALI: And also to clarify with the Law Department.

MR. HAAS: I would just have the Law Department just take a look at Mr. Shadrawy's analysis, and then just either concur with it or not, so that we can make an informed decision.

MR. SHADRAWY: So we don't cut down any more trees, I have some additional copies that I could give.

MR. SCALI: Any other discussion on the motions?

MR. TURNER: No further discussion.

MR. SCALI: So the motion is then to clarify with Inspectional Services the change of use and e-mail sent by Ranjit, and also to clarify and consult with the City Solicitor with regards to the analysis in definitions, and to take the matter under advisement. Moved.

MR. HAAS: Moved.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: Aye. Thank you very much.

MS. LINT: Application: Fresh Pond Liquors, Inc. d/b/a Sav-Mor Spirits, Lawrence Weiner, Manager, holder of an All Alcoholic Beverages as a Package Store license has applied for a Change of Location, Change of Premises Description, Change of d/b/a from Kappy's Fresh Pond Liquors to Sav-Mor Spirits, and a Change of Manager from Lawrence Weiner to Michael Weiner.

MR. SCALI: Good evening. Tell us your name.

MR. WEINER: Michael Weiner.

MR. SCALI: Mr. Weiner, how are you?

MR. WEINER: Good.

MR. SCALI: So we're moving?

MR. WEINER: Yes.

MR. SCALI: Where are we going?

MR. WEINER: 231 Alewife Brook Parkway is the correct address. Some of the information that is listed as 321, we weren't sure at the time of the information, but as of right now, it's 231.

MR. SCALI: Actually the address is not even in here. Am I looking at it wrong, Mrs.

Lint?

MS. LINT: No, but it's in the legal ad.

MR. SCALI: Is it correct, 231?

MS. LINT: We changed it.

MR. WEINER: 231 Alewife Brook Parkway.

MR. SCALI: Which is the old Ground Round location?

MR. WEINER: Yes.

MR. SCALI: What's it going to look like? Is it going to be smaller, larger?

MR. WEINER: It's going to be a smaller store. The current dimensions are about 1,700 square feet. The interior dimensions will be a little bit smaller than that. The information given to us by the architect had been for the exterior walls, so once the walls are up, we'll have a better idea of the exact space inside, but it's smaller than our current facility.

MR. SCALI: Are you changing the kind of items you're selling at all? Is it the same

thing as you're selling now?

MR. WEINER: The same items.

MR. SCALI: The name change will go from Kappy's Fresh Pond to Sav-Mor Spirits.

MR. WEINER: That's correct.

MR. SCALI: So are you selling the same amount of beer and wine as you're selling now? Less?

MR. WEINER: Hopefully.

MR. SCALI: Of course you're looking for better service I'm sure, as well, but not a change in the amount of alcohol you're going to be offering to the customers; am I right?

MR. WEINER: Correct.

MR. SCALI: You're not going to be focusing on one kind or another?

MR. WEINER: No.

MR. SCALI: And still the same people involved, you and your uncle?

MR. WEINER: Yes. My uncle is the president of the organization, and I will be the manager of record.

MR. SCALI: Concerns?

MR. HAAS: No concerns.

MR. TURNER: No.

MR. SCALI: Comments from the public?
What's going into your old space?

MR. WEINER: It's our understanding that a Trader Joe's is going in there, and CVS will be at that location as well, in that original building in the expanded area.

MR. SCALI: Are they tearing that building down?

MR. WEINER: I don't know exactly what their plans are.

MR. TURNER: Mr. Chair, just to enlighten you, this is kind of a large project that's going on up there. The old Ground Round was torn down and a new structure is taking its place. There was some confusion on our end because of addressing issues as well. It's my understanding that the CVS that's currently there is extending and enlarging their space. Kappy's or Sav-Mor is moving to the new building.

Is the whole front the new building, or is it just a portion of the new building?

MR. WEINER: The whole building is a brand new building up there where the Ground Round used to be.

MR. TURNER: And that's going to be smaller than where you are now?

MR. WEINER: Our particular space will be smaller. There will be a number of other businesses in there.

MR. TURNER: It's a multibusiness. Okay, now that clarifies that. That explains that one. So that's what's going on.

MR. SCALI: Anybody from the public? Pleasure of the Commissioners?

MR. HAAS: Approve.

MR. SCALI: Motion to approve.

MR. HAAS: Motion.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: Aye. Good luck. I hope
it works out.

MS. LINT: Application: Checkraise LLC d/b/a Lord Hobo, Daniel Lanigan, Manager has applied to transfer the All Alcoholic Beverages as a Restaurant license at 92 Hampshire Street currently held by Northbound Train, Inc. d/b/a B-Side Lounge, Mark DeGiacomo, Chapter 7 Trustee. The operating hours would be Monday through Wednesday, 4:00 p.m. to 1:00 a.m.; Thursday and Fridays from 4:00 to 2:00 a.m.; Saturdays from 11:00 a.m. to 2:00 a.m.; and Sunday's from 11:00 a.m. to 1:00 a.m. with a seating capacity of 95. Applicant is also applying for an Entertainment license to include an audio tape machine/CD which may play music below, at, or above conversation level and five TV's. This address is located on Cap Area 3.

MR. SCALI: Good evening. Tell us who you are please.

MR. SEYMOUR: Karen Seymour, McDermott, Quilty and Miller, counsel to the Applicant. With me, I have Mr. Daniel Lanigan who is the 100 percent, Class A member holder as well

as the proposed manager of record at this location.

MR. SCALI: Class A meaning what, top stockholder?

MS. SEYMOUR: Top stockholder. The LLC is set up as basically people who get a say in the operation and those who don't. He's the 100 percent say in the operation.

MR. SCALI: So he's the only voting stockholder?

MS. SEYMOUR: Correct.

MR. SCALI: Who are the other people that are involved that are Class B?

MS. SEYMOUR: There are three other member that were listed in the application: Jean-Claude Mossa, Eric Yu, and Randall Bruker. They're basically investors. They just give some of the money to back.

MR. SCALI: So they won't be around for the daily operations?

MS. SEYMOUR: No, they will not be. There were criminal record forms and all that submitted for them, but the practical day to day

operation, the person who will be there is Mr. Lanigan.

MR. SCALI: Tell us Mr. Lanigan's experience.

MS. SEYMOUR: Mr. Lanigan has some pretty extensive experience in the business. He has over 10 years experience in the direct ownership and management of different locations. Just by way of reference, a couple of those locations include the Moon and Dove in Amherst, Mass. as well as The Dirty Truth in Northampton, Mass.

By way of background, just so that the Commission sort of gets a sense of what's been happening with this deal, Mr. Lanigan has actually been trying to acquire this location for over a year now. He came to our office over a year ago.

There was actually a purchase and sale agreement for the property directly with the prior business owner. Unfortunately, the economic climate being what it was, the prior business owner has actually filed bankruptcy. So we're now before

you as potential purchasers via a bankruptcy sale. Prior to that Mr. Lanigan actually moved into Cambridge. He's excited to come here and make his personal home here as well as his business home.

In the meantime -- so this all goes to his experience -- during the course of the past year, he actually got brought into a location on Newbury Street on Boston called The Other Side. They were in some serious need of overhauling management, and I think it's a telltale sign to his experience that they were willing to take him on for whatever amount of time he was available to help them with that. So in terms of his experience, in addition to his actual ownership of a couple of other places, he has a really good reputation in the industry.

MR. SCALI: Is he going to be at the Amherst location and the other locations too, or just this location?

MS. SEYMOUR: When this is all done, there are sales pending on those. So he's going to be 100 percent dedicated to Cambridge.

MR. SCALI: Is the concept of the ones in Amherst and the other locations the same as this concept.

MS. SEYMOUR: They're similar concepts. I mean, it's really intended to be your local place, American food, reasonably priced. I believe that some sample menus were submitted with the application to give you an idea of what we're looking at. The average check price per person including food and drink would be about \$30, which isn't too bad considering some of other things out there. But as I said, that would be food and beverage.

MR. SCALI: Percentage of alcohol to food service?

MS. SEYMOUR: Do you have those numbers? Or based on your other locations, those numbers?

MR. LANIGAN: Probably about 50-50.

MR. SCALI: So it will be a barroom?

MR. LANIGAN: It will be a restaurant with liquor service.

MS. SEYMOUR: In terms of the restaurant aspect, the full menu will be served until midnight every single night, and then a later night menu from midnight to close will be offered that will just be paired down. The regular menu is pretty extensive if you look at it, so in terms of keeping someone in the kitchen that can service whatever comes in at that point. Food will be available. It will be based off of the full regular menu. Just a couple of the more cumbersome things will be taken off of that.

MR. SCALI: The reason why I ask you that question is because our policy is that alcohol should be an accessory to the food. So if you had said 51 percent food that would have been a better answer.

MR. LANIGAN: It's hard to predict.

MS. SEYMOUR: We like to be honest. How's that?

MR. SCALI: We have grandfathered so-called barrooms in that have been operating for years beforehand, but little by little, we have

been eliminating barrooms in Cambridge. So we don't allow barrooms per se.

MR. LANIGAN: I know my chef is hoping for 60 or 65.

MR. SCALI: Okay.

MS. SEYMOUR: And again, there is a copy of the menu in there. I do think it's important to emphasize the fact of the commitment to serving that food. Again, the full menu until midnight as well as a substantial late night menu from midnight to close.

MR. SCALI: We're you the top bidder at the auction; is that what it was?

MS. SEYMOUR: That is correct. It was an interesting event. There's no change in --

MR. SCALI: Can you tell us what the price was at the auction?

MS. SEYMOUR: Yes, absolutely. Again, as part of the application materials it is disclosed. The purchase price ended up being a total of \$320,545.36. That includes the liquor license, the equipment -- which frankly, there's

only so much value to that -- the furniture and fixtures. He's then investing \$50,000 into renovating the premises so some of that will come into play, and then the goodwill. We sort of have our break down in the application of what that is. About a hundred of that was allocated to the license.

The unique thing about this scenario is that -- and as an attorney who does this all the time, we always get excited for people with Mr. Lanigan's experience, but then we're always cautious in these circumstances because typically you'd have a purchase and sale and it would be contingent on getting approvals and all that great stuff. This particular bankruptcy sale, that was not the deal. It's closed. The 320 is done.

MR. SCALI: So whether you get permission from us or not makes no difference?

MS. SEYMOUR: Whether or not I do, whether or not Mr. Lanigan does, he could be --

MR. SCALI: You're stuck with the license, is that the idea?

MS. SEYMOUR: Right, he could be stuck with it whether or not, but that was -- Again, I raise that for the sheer fact of pointing out Mr. Lanigan's commitment to Cambridge. Again, he moved here, he wants this business. He's been trying to get it for a year, and he's committed. He feels that it's a great location, a great neighborhood, and he wants to enhance that factor.

MR. SCALI: It's been a troublesome location over the years. I think that's our main concern.

MS. SEYMOUR: The prior operation, no question.

MR. SCALI: And there are neighbors that live very close by right next door. I can point out a couple of people who have called a number of times over the years. So I'm just wondering, how have you dealt with the abutters and neighbors that live in the building particularly right behind?

MS. SEYMOUR: In addition to -- the fact that this has been a troublesome location is

one of the reasons that someone like Mr. Lanigan sees opportunity. So part of what Mr. Lanigan did and he did this on his own, our office wasn't actually involved in it at all, was -- you know, our office sent out the notice to abutters that's required by the Commission, but in addition to that Mr. Lanigan sent out a letter introducing himself.

In fact, yesterday he had anyone who was interested come in, sit down, meet with him. He wanted to introduce himself, get some feedback. Obviously, he knows the prior operation was problematic but he was interested in hearing some of the specific concerns, and then really to reassure the neighbors that his intent is an entirely different one, and his goal is a different one as again I think is evidenced by his reputation in his other operations.

So there were I think 10 people attended the meeting yesterday. He got some good feedback. There were some concerns raised. Mr. Lanigan felt that after talking to them that they definitely felt better about having met him

and sort of his responses, and what his view is for what's going to go on at that location.

MR. SCALI: What happens at 1:00 a.m. in the morning when people come out of your establishment?

MR. LANIGAN: My doorman goes outside and makes sure that everyone sort of disperses the area. It seems like the problem was a lot of people hanging out sometimes until three or four in the morning. I don't think that the prior establishment really did anything to prevent that or to stop that. It's my hope that our guys will be there seven nights a week. We'll be outside making sure the people are not only getting out of there, but being quiet.

MR. SCALI: Is there parking -- there's no parking in that building; right? Do you have an agreement with Mr. Schlessinger for the lease?

MR. LANIGAN: Yeah. I have a spot and there's a spot that I'm trying to rent across the street.

MR. SCALI: I'm talking about the actual building itself. Do you have a lease with the landlord?

MS. SEYMOUR: With the landlord, absolutely, yes. That was also part of the bankruptcy proceeding; that the lease was all tied into it. Again, copies of those are submitted with this application but that was part of the bankruptcy requirement was an assignment of the lease.

MR. SCALI: When do you take deliveries?

MR. LANIGAN: After noon, I guess that's what the neighborhood wants.

MR. SCALI: After noon time?

MR. LANIGAN: After noon, between noon and five. So I'm just establishing those relationships now, so I'll make sure that everyone knows not to bring a truck before noon.

MR. SCALI: How do you dispose of your glass bottles?

MR. LANIGAN: We'll have a recycling

bin out back. I guess in the wintertime it's been problematic because the driveway is not necessarily always plowed and so the trucks that are not allowed in there have to wheel all the barrels out. So I'm just working with the people in that building to insure that the driveway is always plowed so that we can be sure that all of our dumpsters and glassware can get out to the street to be taken care of properly.

MR. SCALI: Any questions, Commissioners?

MR. HAAS: Why do you want to have the music above conversation level?

MS. SEMOUR: I don't know that we made the specific request to have it above conversation level.

MR. HAAS: Below, at, or above.

MS. SEMOUR: I don't know that that was our language that was in or if it was a box that was checked off in the application.

MR. SCALI: Is it music that's going to just be for the background music, or is it for

people to dance to?

MR. LANIGAN: No, no.

MS. SEYMOUR: It's all non-live entertainment, just background.

MR. SCALI: Just background music?

MS. SEYMOUR: Yeah, absolutely.

MR. SCALI: Above conversation level would be like if you had a DJ or something.

MR. HAAS: Amplified music.

MS. SEYMOUR: No DJs. It will be no DJs, no live music, no dancing. It would just be the background music factor. Actually, when I read that myself, I was wondering if there must be --

MR. SCALI: There is a category for below conversation level.

MR. TURNER: Mr. Chair.

MR. SCALI: Deputy Chief.

MR. TURNER: Through to the Applicant, are there any plans on renovations?

MS. SEYMOUR: Yes. There are cosmetic upgrades planned. So there will be some painting. Are you upgrading anything with the bathrooms?

MR. LANIGAN: Fixtures. It's mostly
woodwork and furniture painting. Nothing
structural.

MS. SEYMOUR: Mostly furniture,
fixtures, and equipment.

MR. LANIGAN: The structure will
remain as it is.

MS. SEYMOUR: A little facelift.

MR. HAAS: No questions.

MR. SCALI: Anybody from the public
want to be heard? I knew there were some neighbors
here. Come forward please, if you would.

MR. BURKE: My name is Joe Burke. I
live at 327 Windsor Street. I'm about three houses
down from the intersection of Hampshire Street and
Windsor. I lived at that address when it was the
Windsor Tap, and when it transferred hands to the
B-Side, and the B-Side made the same promises that
it's going to be a restaurant, and we're going to
have a different clientele in there. Well, yuppies
get drunk just like anybody else.

We had problems with people parking in

front of the driveway, debris thrown in the bushes, loud talking at 2:00 a.m. in the morning. I don't see how the owner can prevent this no matter how much experience he has. So we'd --

One thing we definitely don't want to see is 2:00 license on Friday and Saturday night. I do work on Saturdays. I do not want to be woken up at 2:30 in the morning by this. I do not need them urinating in the yard anymore. Those are my main complaints about this.

I don't think there's any need to have a 2:00 license. We're not happy about a 1:00 license, but a 2:00 license in a residential area like it is, I mean there's no other businesses there that stay open that late. Everything is closed up by 6:00. It just doesn't seem like there's a need for a 2:00 license for sure. Thank you.

MR. MAHONEY: I'm Dennis Mahoney. I live at 325 Windsor Street beside Joe. All the things he -- I reiterate. One of the main problems is parking. If you go out on a Friday or Saturday

at like 4:00 in the afternoon, 5:00 in the afternoon, you come back and this bar is full. You can't find a spot. You've got to go within two blocks to find a spot. It's ridiculous.

Numerous times I've caught people coming out of the bar throwing their cups and glasses in my hedges. They're in my driveway and beside my house urinating, men and women. I'm saying, "What the hell are you doing?" They're saying, "Well, it's too crowded in the bar. We got to come out here. Come on, Dude." I say, "Just listen, go before I call the cops."

It gets to be a real hassle, and at 1:00, their doorman can't do anything about these people. They're going in drunk, they're coming out drunk. You see them get out of the cars, they're yelling, screaming. It's ridiculous. That all I've got to say. Thank you.

MS. BURKE: I'm Stella Burke. I live at 325 Windsor Street. I'd like to reiterate everything they're already said. I'd also like to say that as an abutter, I did not receive any

notice from Mr. Landrigan about this meeting, nor did anyone else who lives in my house. And there were also abutters who did not receive any notice about this meeting tonight that I spoke to on my way here.

MR. SCALI: Does your property touch the property of this?

MS. BURKE: No. We're on the opposite side of Hampshire Street.

MR. SCALI: They wouldn't be required to notify people across the street. It's only those that are next to you and behind.

MS. BURKE: Okay, I'm across the street. We weren't notified.

I just want to say we've had the same issues numerous times. I'm probably one of the people who has called the police on this. I start work at 3:00 in the morning; I don't need the noise that comes out of that bar when they close. The slamming doors, the yelling, the arguing, the fighting, the hedges, again, the trash, the debris, everything else.

I, for one, was glad to see the B-Side close. I lived there when it was the Windsor Tap. We never had any issues with that. It was a neighborhood bar that people walked to. Now, with the congestion that's already there with parking, and we have people driving from all over to go there, it's really an issue. And I'm tired of getting people to stop parking in my driveway, blocking my driveway, all of the above.

Like I said, I was glad to see it close and I wouldn't -- I'd be happy if this didn't open.

MR. SCALI: Thank you very much.
Anybody else?

MR. GETSCHEL: I'm Scott Getschel at 322 Windsor, right across the street actually from the B-Side.

MR. SCALI: At 322?

MR. GETSCHEL: 322, yeah, caddy corner and sort of facing it. I'm actually in an awkward position here because I know a lot of people involved in the bar. I'm also a musician and spend

a lot of time in clubs and stuff.

The thing is, let's see, I've been living there for like 13 years. I remember the Windsor Tap. I guess my problem is with the 2:00 license, and it's mostly that there's a migration -- or there used to be a migration of last-call people coming into the neighborhood. I believe the Windsor Tap used to be a 2:00 closing also.

So other than that, I would say I'm kind of in the middle as far as having a bar in the neighborhood, you know, it's residential. But at the same time, I've gone to the B-Side many times. So I don't know. I just wanted to put my two cents in.

MR. SCALI: Thank you very much, Mr. Getschel. Yes.

MR. BECERRA: My name is Leonard Becerra, 956 Cornelius Way.

MR. SCALI: What's your last name again?

MR. BECERRA: Becerra.

MR. SCALI: Could you spell it?

MR. BECERRA: B-E-C-E-R-R-A.

MR. SCALI: What's your address?

MR. BECERRA: Six Cornelius Way.

MR. SCALI: So you're a little bit down the street.

MR. BECERRA: I'm a few blocks from there. I drive around because I have to pick up my son from his parties and things, and I know well the B-Side and the noise, and the traffic patterns of people when they come out of the bar and when they try to get home and they don't know which one is Windsor Street and which one is Hampshire.

I like the idea of having a bar nearby. I don't like the idea at all that it's open until 2:00 in the morning. I don't know how much that will impact the business given that there are no other commercial buildings or businesses around at that time of the day open. It's not Central Square, it's not Newbury Street. I don't see the reason why they should be open until 2:00. So I will oppose that the license is granted to be open until 2:00 in the morning.

MR. SCALI: Thank you very much.
Anybody else?

MR. FANNING: My name is Richard Fanning, F-A-N-N-I-N-G, 21 Cornelius Way. I have the same sentiments as the prior speaker, or the prior two speakers. A 2:00 license, a lot of noise. I used to drink at the old place which was fine but the last episodes over the past years have been too much.

MR. SCALI: Thank you very much,
Mr. Fanning. Next?

MS. ROSE: I'm Catherine Rose and I live at 322 Windsor Street. I've been living there for 12-and-a-half years, almost 13 years. So I've seen it go from the Windsor Tap to the B-Side Lounge.

You've heard about the parking, you've heard about the bottles in the yards, you've heard about the pee, the fights, the disruption. I guess, you know, I have a family. We'd love to see a restaurant there. We'd really like to not see a bar there.

Music has been an issue because when there has been live music or loud music, we have had that be very disruptive to my child, to me getting woken up in the middle of the night having to take care of a child. So I just would like to put forward that concept that music, as much as I love it, is not what we want in the neighborhood.

A restaurant is really what we need in the neighborhood. He would get a lot of -- you know, like a family-style restaurant, or meaning just a moderately priced restaurant. It doesn't have to be families but not a high high end restaurant. That would be what the neighborhood would embrace.

A bar, it's just a residential neighborhood, so it creates problems, and everyone always objects so it creates tension in the neighborhood, which is not something that we want. We want to be friends with the people who own the business and help them survive, not be at odds with them.

MR. SCALI: Thank you very much.

Anybody else? Tell us your name.

MR. MYERS: My name is William Myers. I'm not a direct abutter. I live a couple of blocks away on Elm Street.

MR. SCALI: What address?

MR. MYERS: 167, and I'd like to speak in favor of Mr. Lanigan though. I've known him for several years through his other two establishments. I think that he has a pretty well proven track record of his ability to run a business successfully and quietly.

My experience is that his restaurants in Amherst and Northampton have always, when I've been there, had well behaved crowds. He's always had capable doormen. I believe that his experience managing and owning several places would speak well to his ability to have people in place to help control crowds at the end of an evening.

I live in Kendall Square so I walk back and forth -- I'm sorry -- I work in Kendall Square, I walk back and forth on a regular basis. I really think that it would be good for the

community to have that space full again and in operation as a restaurant. I think that the clientele that he intends to attract is not necessarily going to be the same crowd that formerly inhabited the B-Side.

MR. SCALI: Thank you very much. Anybody else want to be heard? No more hands. You have the right to rebut.

MS. SEYMOUR: Just a couple of responses. I don't think that anything that neighbors have said this evening are a surprise to Mr. Lanigan. As I said, he is well aware of the operation of the prior business owner. It sounds as though the prior business owner was far more problematic than whoever may have been there prior to him.

MR. SCALI: The Windsor Tap had their issues too. Those that mentioned that Windsor Tap was good, they haven't been going back far enough.

MS. SEYMOUR: Let me just say this, and this is without intending to be disparaging to the operator. If the prior operator knew how to

run a good successful business, he would not have been in the position that he was in to be forced to sell his business via bankruptcy. I think that that's probably further testament to the fact that everything the neighbors have said is accurate in terms of the crowds that were gathering there.

When we talk about -- there are a couple of things that are here that concern me as someone who also does disciplinary hearings. If there is an owner and management that are properly trained, and more importantly are properly training their staff as Mr. Lanigan does, there should not be anyone leaving the premises with any cup or bottles to be throwing it in anyone's yard. So that's a big concern, and quite frankly, that should have been an easy fix for a prior operator. The over service is obviously what leads to a lot of the other issues that we're talking about, whether it's urinating in someone's yard, or sort of loitering around.

What I will say, and I know because it's a residential community and they've lived with

what they've had to live with as long as they've had to live with it. The two other establishments that we have been referencing are in fact located in residential neighborhoods. This is someone who has experience dealing with the neighbors, dealing with making sure that people are not leaving intoxicated, people are leaving with items, people are not loitering around.

I guess I would just say, and Mr. Lanigan has emphasized this to me several times, the most important thing for him is that there would be an open line of communication with the neighbors. I'm sure based on the fact that these folks took their time to come out tonight, that they did try to express those things to a prior operator, and I'm sorry that they weren't heard.

In terms of the closing time and the fact that this is a residential neighborhood, those are all things that this operator certainly has experience with. I guess what I would just suggest to the Board is that particularly in this economic

climate, I'm not going to tell you that changing the hours from what they previously were is what this client is looking for.

MR. SCALI: I was going to ask you how married you are to a 2:00 a.m. closing.

MR. LANIGAN: I would like to -- obviously I bought the place with that intention of keeping it. I would be willing to concede a couple of things. I can say that in Northampton I have a 2:00 license but you can't get in after 1:00, so it stops the migration from Central Square. You don't have the crowds of people walking down the street at 1:15 who have already had six or seven drinks coming into the place.

MR. SCALI: We've had that problem before here, and what ends up happening is that people end up being locked in as opposed to people not being able to get in. Once you're in then people are letting other people in and it hasn't worked here, that concept.

MR. LANIGAN: It works very well out there. I'd ask that you give me an opportunity at

the 2:00 a.m. to see how it goes, and we can revisit it in six months or a year.

MS. SEYMOUR: Or if there's a problem before. I mean the Board always has the opportunity for a disciplinary hearing and calling someone in.

MR. SCALI: I will tell you that B-Side promised us an awful lot of things and they did not come forward with that. They did not comply. So when I asked you about the food versus the alcohol -- because I was hoping you were going to say we're going to be a restaurant. But 50-50 to me means you're a barroom. I personally have a problem with that concept.

MR. LANIGAN: Are you talking about a percentage of gross revenue or 50 percent of just sales. It's too very different things, and I would say that --

MR. SCALI: I don't think it makes a difference either way.

MR. LANIGAN: I think it does.

MR. SCALI: If you tell me you're a

restaurant serving food and people can get a glass of wine with their food, that to me is -- alcohol is an accessory to your food. If you tell me you're going to sell 50 percent alcohol, you're a barroom. So I have a problem with that.

MS. SEYMOUR: With respect Mr. Chairman, I would challenge you to find any barroom in this city or any of the surrounding cities that is a barroom as you've described it, but is serving a full menu until midnight, and then a substantial menu from midnight to closing. I think that's a really important factor.

This Board and the community should hold any applicant, any licensee to that. It is difficult because in a lot of these situations someone is coming in and sort of stepping into the sins of the prior operator. I wish that more people were familiar with Mr. Lanigan's operations because I think that the perspective would be very different. I know that we're not, and all we can do is come in and talk about that.

You know, again, the goal here is to

maintain a very open line of communication with the neighborhood and to be held accountable for the promises and the statements that are being made based on a good record of that.

MR. SCALI: I wish I was more familiar with your Amherst and Northampton operations because it sounds like we'd probably have a lot of information, more information about them as to how you'd operator here. Maybe that's something we can get from you in terms of how your operation works.

MS. SEYMOUR: Or maybe -- I mean, I don't know, to the extent that the Board has any relationship with the Boards in those locations to call and see.

MR. SCALI: Maybe you have a great track record there. I don't know. Have you had any disciplinary issues in Amherst or Northampton?

MR. LANIGAN: We had one. We had some shades, some curtains in the window that were not supposed to be there. I argued for them and I got spanked for a day.

MR. SCALI: We don't allow shades in

our windows either.

MR. LANIGAN: We just did it after closing because a lot of people that work there are female, and they were counting money out in the open, and I just didn't feel comfortable with that. So we closed the curtains for an hour and then we reopened them for the rest of the night, but the police didn't like that. So they're gone.

MR. SCALI: No other disciplinary issues?

MR. LANIGAN: No.

MR. SCALI: Questions?

MR. HAAS: I'd make two statements: One, I think using discipline as a means to correct situations is not something this Commission wants to get in the business of doing because it just doesn't work well. We go through long arduous hearings and you clearly have a number of people that live in the neighborhood that are going to be watching your establishment very closely because they don't want to have to go through the experience of the prior owners.

Secondly, I would encourage you to think about possibly reversing your position about the trial period at 2:00, a trial period at 1:00. Then after six months come back and revisit to see if you demonstrate to the neighborhood that you can run a responsible business. I think because you're going to have to get over the history. It's just unfortunate but that's what you're really going to need to do.

It would seem to me that as a good-faith gesture to the neighborhood, demonstrate to the neighborhood that you can run a business that's going to be respectful the fact that you're in a residential neighborhood. Then come back in six months after you've had that track record, and then reapply for a 2:00 opening. It's just a suggestion I would make to consider.

MR. SCALI: And you actually would not lose the 2:00 a.m., because if you purchased a 2:00 a.m., you can always bank that 2:00 a.m. Even if you sold it in the future, or come back in six months and apply, you wouldn't lose that. We don't

get rid of it because you bought that portion of it. You just wouldn't be able to use it until you came back to us.

MR. LANIGAN: It seems like the neighborhood is very very opposed to 2:00 a.m. So no matter how well we did our job, it would be unlikely to ever be granted back.

MR. SCALI: If you did a great job and came in showed that you did a great job with a 1:00 a.m., maybe they'd say, well we'll give them a try. I don't know. It's just an idea the Commissioner suggested.

MR. HAAS: I think you're right. I think a lot of the situation or the experiences with the B-Side, you can easily correct. And you have to demonstrate that if you do have certain problems that you can clamp it down very quickly. I think if you can do that then I think it's not a stretch to say, well, if you're open to 1:00, you can now open to 2:00, and you're not going to experience any significant changes in terms of your operation.

So again, I would just offer that as a suggestion for you to consider. I'm not prepared to vote at this point. I'd recommend taking it under advisement at this point, but I'd ask you to consider that.

MS. SEYMOUR: I think that you understood Mr. Lanigan, the point that he was making.

MR. HAAS: I do.

MR. SCALI: I would also suggest if you wish to rework your menu, perhaps put a more substantial menu so that you are more food oriented. That would be what my recommendation would be. We're not scheduled to vote until --

MR. LANIGAN: April 2.

MR. SCALI: April 2, so you've got some weeks to see what you can do.

MR. LANIGAN: The next hearing is March 24.

MR. HAAS: One last question,
Mr. Chair.

MR. SCALI: Deputy Chief.

MR. TURNER: What is your intent -- I didn't notice it on your application -- when Monday is a holiday? Are you still intending to close at 1:00 a.m. on Sunday?

MS. SEYMOUR: No. Then it would be the 2:00 a.m., which we understand was how it was previously done.

MR. SCALI: When Monday is a holiday it would be 2:00 a.m.

MR. TURNER: It's not in the application. Okay, thank you.

MS. SEYMOUR: Again, that's assuming there are people who want to be here until that time. Mr. Lanigan is going to be there 24/7 so his intent would not be to be there any longer than the demand for it was required.

MR. SCALI: I guess, you know, just to make sure you understand this has had a very long problematic history in this location. It's not that we distrust you or think you're not telling us the truth, it's that people have been burned before in this neighborhood. So you have to understand

that we're just as concerned as the neighbors are.

MS. SEYMOUR: We understand that. I guess we would just ask that to the extent that the Commission finds it appropriate to call some of the other Boards, I think that would be great.

MR. SCALI: I think that's a good idea.

MS. SEYMOUR: And to the extent that again, particularly in this economic climate, if there's a way for there to be some sort of meet in the middle during this prove yourself period in terms of the closing hour that would be appreciated. Maybe it's not the 2:00 a.m. for the Thursday, Friday, Saturday that it used to be. Pick one of the days, or somewhere in the middle. That could help.

The Chairman mentioned banking the 2:00 a.m. for future sales. Mr. Lanigan's goal here, again, as I stated many times is to be here and live here, and be part of the community. So the goal here isn't sort of just to come in and flip it and make it all good, and then get someone else in. That's not what's happening here.

MR. SCALI: I understand.

MR. HAAS: We're not suggesting that you're going to be forced to stay at the 1:00 a.m. closing. I think this body would be willing to entertain, after you demonstrated that you're a running responsible business, to reconsider that after a period of time, whether it be six months, or whatever.

MR. LANIGAN: I think that's reasonable.

MR. SCALI: How busy is our March 24 hearing?

MS. LINT: Not too bad.

MR. SCALI: Would the Commissioners be willing to continue it until March 24? I guess it would give you a couple of weeks to re-present or to reconsider some of your positions and present some information to Mrs. Lint for us with regards to the closing hour, the menu.

MR. LANIGAN: I can bring a lot of folks from the community or my direct abutters out there to speak on our behalf as far as our

relationship with the neighbors.

MR. SCALI: I'm not asking you to bring tons of people in to support you; that's not my goal. My goal really is more to come into compliance with what we deem would be an appropriate use for that neighborhood, I guess is what we're trying to convey to you.

MS. SEYMOUR: Is it that you want us to appear again, or do you want us just to submit the information to Mrs. Lint?

MR. SCALI: I think if you can submit it beforehand, it will give Mrs. Lint an opportunity to call Amherst and Northampton to find out what their opinion is of your operations, and then to appear before us on the 24th of March, again with a revised plan, if you want to. If you don't want to and you want us to vote on what you have now, we'll do that too. I think Mrs. Lint can let the neighbors know that they're entitled then to come back in and hear what you suggest would be your alternate plan, I guess.

Motion then to continue to March 24.

MR. HAAS: Motion.

MR. HAAS: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: All right. See you on

March 24.

MS. LINT: Application: Toasted Hatch, LLC d/b/a The Friendly Toast, Melissa Jaspar, Manager, has applied for a new All Alcoholic Beverages as a Restaurant license at One Kendall Square, Building 300. The proposed hours of operation are 7:00 a.m. to 1:00 a.m. seven days a week with a seating capacity of 150. Applicant is also applying for 24 seats (taken from inside) on a seasonal private outdoor patio with service of food and alcohol. The address is located in Cap Area 13.

MR. SCALI: Good evening. Just tell us your name for the record, please.

MR. BENZAN: Attorney Dennis Benzan.

MS. JASPAR: I'm Melissa Jaspar.

MR. PATEL: Bhupesh Patel, spelled B-H-U-P-E-S-H. I'm the architect.

MR. SCALI: Someone has been doing a lot of homework. So this is for a new license to take the place of what was Anise?

MR. BENZAN: It was formerly Anise, yes, correct.

MR. SCALI: Anise has been turned into

us, Mrs. Lint?

MS. LINT: I believe so.

MR. SCALI: A 1:00 a.m. closing, seven days a week, 150 capacity, outdoor patio. Great. Tell us about it.

MR. BENZAN: Melissa Jasper is the owner of the Toasted Hatch d/b/a The Friendly Toast, along with her husband who is actually at the location right now painting the walls and getting it ready to open in April. They currently operate out of Portsmouth, New Hampshire. They have a very successful restaurant in Portsmouth, New Hampshire called The Friendly Toast. They are looking to open here at One Kendall Square. The hours of operation will be 7:00 a.m. to 10:00 p.m. Monday through Thursday, 7:00 a.m. to 1:00 a.m. Friday and Saturday, and on Sunday, 7:00 a.m. to 9:00 p.m.

MR. SCALI: So what's in the ad is not accurate then?

MR. BENZAN: They're not going to be open until 1:00 a.m. seven days a week.

MR. SCALI: Say the hours again. I'm sorry.

MR. BENZAN: The hours will be 7:00 a.m. to 10:00 p.m. Monday through Thursday, 7:00 a.m. to 1:00 a.m. Friday and Saturday, and 7:00 a.m. to 9:00 p.m. on Sundays.

We're requesting a total of indoor seating capacity of 150, and 24 outdoor seating, which means that during season, we'll reduce the number of indoor seating by 24. We're not looking to seat 174 people, just 150 at any given time.

The Friendly Toast is a very unique restaurant. It's theme is vintage decor. If you ever have the chance to visit their restaurant in Portsmouth, New Hampshire it's like a museum, and Melissa is like the curator of that museum. She has a number of collectibles that she puts on the walls. I had the opportunity to visit the restaurant this past Sunday with my young children, and they were in awe of all of the decor on the walls, old amusement rides, and a number of interesting features. And aside from the fact that

the food was great.

As you know, Kendall Square is an area that has undergone tremendous development over the last 10 years. There are a number of developments that are slated to be completed this year. It is a place that is in need of more restaurants.

This particular restaurant, The Friendly Toast serves breakfast all day. It is a unique opportunity for the City of Cambridge to welcome a restaurant such as this to the area because it is a family friendly restaurant; it attracts students. It also is a restaurant that can serve breakfast at all times of day to persons that are working in the biotech industry that may get out of work at 8:00 at night, or begin work at 12:00 in the afternoon and are looking for breakfast. It's an area that needs this type of service. Aside from the fact that it contributes greatly to the artistic and cultural setting in Kendall Square.

Melissa has a great deal of experience operating a restaurant. She began with a Friendly

Toast in Dover, New Hampshire back in 1994. She moved from Dover, New Hampshire to Kittery, Maine in 1996, and opened up a Friendly Toast in Kittery, Maine. She moved to Portsmouth, New Hampshire in 1996/97, and in Portsmouth, New Hampshire, her restaurant has been a great success.

She is a business owner that contributes greatly to a number of charities in the Portsmouth area. She led efforts in Portsmouth, New Hampshire to begin a commercial recycling program. Aside from the fact that often times you can find Melissa working the line in the kitchen, because part of her way of doing business is to take part in the cooking and make sure that employees are feeling comfortable with the type of work that she does, and respecting her work ethic and so forth, and it tends to help with employee relations.

The Friendly Toast is looking to sell alcohol for the purpose of providing a variety while you're sitting down and eating breakfast. For example, to be able to serve mimosas or

sangria. It is not the most significant part of their revenue. It will only represent about 10 to 15 percent of their food service. Again, it's only for the purpose of being able to offer variety. When you sit down on a Sunday and you want to have a mimosa.

MR. SCALI: I was going to ask, why do you need a full alcohol license as opposed to a beer and wine?

MS. JASPER: I don't actually. I love sangria and that is -- it sounds crazy -- I have a Beer and Wine license currently in Portsmouth, New Hampshire. We sell about one percent of our gross revenues is alcohol, but we can't serve sangria because it's over the alcohol content that is allowed with a beer and wine license.

We serve mimosas now; we can't serve Bloody Mary's though. I don't really intend to make a lot of money off it. It's got a built-in bar at the Anise spot too which is not at my current spot in Portsmouth. It's just it's a little more spacious here.

MR. SCALI: Are you going to use that bar?

MS. JASPER: Yes.

MR. BENZAN: At this point, I just want to take the opportunity to ask Melissa to expound a little bit on her experience, and then I'll give Bhupesh a moment to explain to you what the layout of the restaurant will be.

MR. SCALI: I think we can see your experience is extensive from the paperwork here, and I have heard about you before from Maine and New Hampshire. So I am familiar with your operation. I would be interested in hearing about your plans, unless the Commissioners want to hear about your experience.

MR. HAAS: Are you still running all three other establishments?

MS. JASPER: No. When I was in Dover it was very tiny and my husband and I ran it ourselves. It only had nine tables. When we wanted to expand, we moved to Kittery where a location opened up sort of with the hopes that we

would find a spot in Portsmouth eventually, which is why we moved from Kittery. We also had some great mobster landlords.

MR. HAAS: So you're going to maintain the Portsmouth operation then?

MS. JASPER: Yes.

MR. PATEL: As far as the layout goes it's basically three areas that make up the interior layout. There's the bar area up front, the seating area, and a back seating area. The only real changes that have been made to the space have to deal with basically cosmetic: painting, basically bringing up some of the upholstery up to par as far as it's not in such great shape. So she actually will submit samples if she does decide to reupholster or just repair what's there to the Fire Department as far as Fire Code goes.

As far as egress goes, basically there's a front exit, there's a rear exit, and there's a middle exit. So those will be maintained.

As far as the layout goes, there

really is only three things that were of concern. One is to maintain outdoor seating of one side so there could be orderly queuing of people outside if she has the fortune of having that many patrons. Inside there's a designated waiting area to the side which was actually seating prior, but this allows us to maintain a waiting area that isn't in a circulation zone for egress.

The only other thing is basically there is public bathrooms that are common for the building that are actually down the set of staircase that goes basement to basement. There is no change in any of the canopy as for the fire sprinkler system. Basically all the changes are made at 36-inch height or lower and consist specifically of only tables and chairs as far as where they're located. The movement of the bar or anything of that nature, there is nothing like that that has got to do with demolition basically as far a demo permit goes.

MR. SCALI: Is this the same capacity that Anise had?

MR. BENZAN: It is.

MR. PATEL: There is a basement space where the outdoor chairs will be stored. Basically they're metal chairs, metal tables that will be kept to the count as specified for outdoor seating. There is no change in the kitchen outside of basically submitting a revised drawing to the Health Department for their review.

MR. SCALI: No entertainment?

MR. BENZAN: No entertainment.

MR. SCALI: Background music?

MR. BENZAN: Yes, at, above or below conversation level, but Melissa normally puts the music below conversation level. We did request permission to put up three monitors, but again, it is not likely that the monitors will actually --

MS. JASPER: I've made that clear, that would happen after my death, if it happened at all. No TVs. I don't do TVs, no.

MR. SCALI: Questions, Commissioners?

MR. HAAS: No questions.

MR. SCALI: Anybody from the public

want to be heard in this matter? One commenter.

MS. JASPER: She's got orange on.
Let's hope she's a supporter.

MR. SCALI: Tell us your name.

MS. BROUSSARD: Barbara Broussard.
Good evening. It's a pleasure to come and speak
before you for something that I'm just dying to
have. I've been at your place for the last 10 years.
My daughter lives in Portsmouth.

MS. JASPER: Well, that's good but I
don't know this woman.

MR. SCALI: You should know her very
well.

MS. BROUSSARD: People in East
Cambridge are dying for a family-friendly
restaurant. So are a lot of the students at MIT.
I can tell you, I've eaten there so many times, it
is family-friendly, and this is what we need. We
don't need another barroom opened until 2:00 a.m.

MR. SCALI: Thank you Mrs. Broussard.

MS. JASPAR: Thank you.

MR. SCALI: I was going to say, this

will probably be an easy application after the last one.

MR. BENZAN: Mr. Chairman, if I just may add that Esquire Magazine in April will name The Friendly Toast as one of the top 10 restaurants in the country. So this would be a great addition to the Kendall Square area of the City of Cambridge, and will add a lot to the social cultural fabric of our city.

MR. SCALI: We haven't voted yet, but I think it would be a great fit for that location with the different type of restaurants with the Brewery and Flat Top Johnny's, it will be a great mix for that location. I'm in favor of it, Commissioners.

MR. HAAS: You are?

MS. LINT: Make a motion.

MR. HAAS: Can you make a motion?

MR. SCALI: I can make a motion if you'd like. Motion to approve.

MR. HAAS: Second.

MR. SCALI: Moved, seconded.

All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: Aye. Best of luck there. Just for clarification, this is a nontransferable non-salable license, which is linked to that location. So if you should leave, we get it back. You can't sell it, you can't transfer it, nothing.

MS. JASPER: That's fine with me.

MS. LINT: 21-Proof training.

MR. SCALI: We do require you to go through our 21-Proof training through Frank Connelly, so you can contact him. He'll come out to you or you can go to him.

MS. JASPER: And my employees can participate as well?

MR. SCALI: All of you, yes.

MS. JASPAR: Thank you very much.

MR. SCALI: Good luck.

MR. BENZAN: Thank you, Commissioners.

MS. LINT: Application: Mo Ventures, Inc. d/b/a Sofra, Maureen Kilpatrick, Manager, holder of a Common Victualer and Entertainment license at One Belmont Street has applied for an Increase of Occupancy to include 10 outdoor seats on a private patio and an Increase of Hours from 6:00 a.m. to 7:00 p.m. seven days per week to 7:00 a.m. to 11:00 p.m. seven days per week.

MR. SCALI: Good evening. Tell us who you are.

MR. GRIFFIN: My name is Gary Griffin.

MS. KILPATRICK: Maureen Kilpatrick.

MS. SORTUN: Anna Sortun.

MR. SCALI: I knew I recognized all your faces. I just couldn't remember any of your names.

MR. HAAS: You weren't here that long ago; right? You were here recently.

MR. GRIFFIN: We just opened up in August. We also have Oleana as well.

MR. SCALI: So this is you're adding onto the patio, and the patio is on private

property.

MR. GRIFFIN: Yes. It's on the landlord's property just off the city sidewalk. We're basically connected to the city sidewalk.

MR. SCALI: So you're not on any city property?

MR. GRIFFIN: No. We went through a process because we had to make it handicap accessible, and we wanted to make it handicap accessible. We had to go for a variance for a curved ramp and we had to add a door so it was handicap accessible. And that part -- I think I've got a better drawing of how it is. That's the ramp right there and this is the deck. I think there's a picture I sent along with the application.

MS. LINT: I remember seeing it.

MR. SCALI: Is your neighbor still there, Mr. Kazerian.

MR. GRIFFIN: Yes.

MR. SCALI: Is he closed right now?

MR. GRIFFIN: No, he's open.

MS. KILPATRICK: He opens occasionally.

MR. SCALI: I haven't seen him open. You're not going into that space at all; right?

MR. GRIFFIN: No.

MR. SCALI: You're staying in the same space you've been in?

MR. GRIFFIN: Right.

MR. SCALI: I was just wondering what happened to him because I don't see his lights on very often.

MR. GRIFFIN: We'd like to go into that space.

MR. SCALI: And the hour change, going an hour later in the morning and an to 11:00 p.m. at night.

MR. GRIFFIN: 11:00 p.m.

MR. SCALI: Comments?

MR. HAAS: No.

MR. SCALI: Anybody from the public? Oh, hands? Good evening. Tell us your name.

MS. NIVOLA: My name is Virginia Nivola. I live two doors away from the restaurant at 20 Hallworthy Street, and I'm just here to

express great support. I love them, their superb food, and the beautiful design to the restaurant. It lit up the neighborhood and it made it really lively and attractive.

MR. SCALI: They've done a beautiful job outside there. You couldn't ask for better.

MS. LINT: Could you tell me your last name again?

MS. NIVOLA: Nivola, N-I-V-O-L-A.

MR. SCALI: Thank you very much. Thank you for waiting so patiently.

MS. LINT: And I do have some letters in support of the application as well.

MR. SCALI: From the neighborhood?

MS. LINT: Yes. I have three.

MR. SCALI: Anybody else want to be heard? Questions, Commissioners?

MR. HAAS: No questions.

MR. TURNER: No questions.

MR. SCALI: Motion to approve.

MR. HAAS: Motion.

MR. TURNER: Seconded.

MR. SCALI: Moved, seconded.

All in favor?

MR. TURNER: Aye.

MR. HAAS: Aye.

MR. GRIFFIN: Thank you very much.

MR. SCALI: Good luck up there.

MS. LINT: Application: Gate View Condominium Trust has applied for a Garage and Gasoline license for five cars and 50 gallons of gasoline in tanks of cars only at 2495 Massachusetts Avenue.

MR. SCALI: Good evening. Tell us your name.

MS. CURRY: My name is Lauren Curry. I work for (inaudible) which developed this property, and I'm here on the authority of the condominium trust to ask for the license for the gasoline.

We had not understood initially that it would be required because it's an open space, but as it turns out, it is required, and so we have gone through the process.

I'm not sure if you had a chance to go. I have some pictures. If you look at the plan that I attached, the one that was shown to Captain Francis, I think you get a sense that the way the building is built the ground floor is an entry lobby, and then a staircase, and all of the

residential units are built on the second, third, and fourth floors. So other than this little entry lobby, the only thing that's on the grade level is these five cars, which are tucked under the building. They're not enclosed but they are parked against the wall.

If you look at one of those pictures, you can see what looks like kind of a stripe sticking out.

MR. SCALI: In here?

MS. CURRY: Yes. That's one of those extension things that you have on construction sites. So you can see that that is bigger than a car but it's tucked into the area where the cars are parked. I mean, you can see where the cars are parked on this, but you don't quite have the sense that the building is sitting over them.

MR. SCALI: Right. So there's only five cars under there?

MS. CURRY: Only five cars. The remainder of the cars serving this site are parked in an open parking lot here. So this is a five-

unit building that is built on the second, third, and fourth floors of that front structure. There is a separate structure in the back that has an additional nine units, and then there are owner and visitor parking spaces in an open lot other than those five.

MR. SCALI: Is it (inaudible) that's running the building now?

MS. CURRY: No. We sold the units; it's a condominium. The management company is are called Go Management, and we are here on behalf of the condominium trust, and I included a copy of their authorization to us in the materials I submitted in support of the application. I have the original with that if you need that.

MR. SCALI: Comments Commissioners?

MR. TURNER: No comments.

MR. SCALI: Anyone from the public want to be heard? Questions?

MR. HAAS: No questions.

MR. SCALI: Motion to approve.

MR. HAAS: Motion.

MR. SCALI: Moved.

MR. TURNER: Second.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. SCALI: Aye.

MR. TURNER: Aye.

MR. SCALI: Thank you very much.

MS. CURRY: Thank you. It's the kind of hearing I like.

MR. SCALI: See, if you wait long enough, you get positive results. They're all laughing because they know they're coming to the end.

MS. LINT: I just want to make sure we have the correct contact information and address because it obviously should not go to you.

MS. CURRY: What?

MS. LINT: Or at the Gate View Condominium Trust; is there a contact person?

MS. CURRY: It probably would be the management company I would think.

MS. LINT: I don't see that.

MR. SCALI: You can get back to us with that.

MS. LINT: Will you call me with that?

MS. CURRY: Yeah.

MR. SCALI: Just so if it goes to you in the future then you may not be the person that was going to renew it in the future.

MS. CURRY: Right, okay. That's fine. I'll just be in touch with you then.

MS. LINT: That would be great.

MS. CURRY: Thank you. I appreciate your service, among other things.

MR. SCALI: Let's go off the record for a minute.

(Short recess taken.)

MR. SCALI: The next item.

MS. LINT: Application: Cuchi Cuchi, Ltd. d/b/a Cuchi Cuchi, Maria DaSilva, Manager, holder of an All Alcoholic Beverages as a Restaurant license at 795 Main Street has applied for a Fortune Teller's license for Jinevra Howard and Amber Knight to do tarot card readings on said premises, a Change of Officers/Directors, and a Transfer of Stock.

MR. SCALI: Good evening. Tell us your name.

MS. DASILVA: Maria DaSilva.

MR. SCALI: Ms. DaSilva.

MS. HOWARD: Jinevra Howard.

MS. KNIGHT: Amber P. Knight with a K.

MR. SCALI: So this is an existing location, Cuchi Cuchi, and we are looking to add what?

MS. DASILVA: Fortune Teller/Reader.

MR. SCALI: Two Fortune Tellers?

MS. DASILVA: One each day; one on Tuesday, another one on Wednesday, yes.

MR. SCALI: So Tuesday and Wednesday.
So Ms. Howard, you'll be there one night?

MS. HOWARD: Yes, Tuesday nights.

MR. SCALI: And Ms. Knight?

MS. KNIGHT: Wednesdays.

MR. SCALI: Tell us a little bit about
-- we'll start with Ms. Howard -- your background
in terms of what you do.

MS. HOWARD: I do tarot card readings.
I've been doing them since I was about 12, and they
are just for clarification and entertainment
purposes.

MR. SCALI: Do you charge a fee for
this for people?

MS. HOWARD: No. They're kind of a
recommended donation but it's voluntary.

MR. SCALI: Do people give you amounts
of money and you look into the future and describe
what their fortune is going to be?

MS. HOWARD: It's kind of hard to
explain; I could probably show you better, but we
probably don't have time for that.

MR. HAAS: That could be interesting.

MR. SCALI: I know that we had one fortune teller here in the city who believes in taking large sums of money and then, you know.

MS. HOWARD: I like the idea of having large sums of money but it doesn't really work out that way.

Some people are more future oriented with it. I don't particularly do that. I'm not really that interested in the future. It's more about I'm using the symbology in the tarot cards to understand what's going on in our lives and see if we can feel better about situations.

MR. SCALI: For entertainment purposes only?

MS. HOWARD: Absolutely.

MR. SCALI: And Ms. Knight, your experience?

MS. KNIGHT: I've been reading about four years, three years, professionally I guess.

MR. SCALI: Are you in other cities and towns as well.

MS. KNIGHT: Yes.

MR. SCALI: Where else do you operate?

MS. KNIGHT: I do house parties, so I travel with that, and I'm on-call at a bookstore doing readings there.

MR. SCALI: Where is that?

MS. KNIGHT: In Braintree.

MR. SCALI: Yours is for entertainment purposes as well?

MS. KNIGHT: Yes. I wear costumes and it's cute.

MR. SCALI: Questions Commissioners?

MR. HAAS: Do you operate anyplace else?

MS. HOWARD: I occasionally have someone who invites me to a party at their home.

MR. HAAS: You don't have a license in any other jurisdiction?

MS. HOWARD: No.

MR. SCALI: Are you licensed anywhere else?

MS. KNIGHT: No.

MR. HAAS: Are you licensed in Braintree?

MS. KNIGHT: No.

MR. SCALI: Our only concern is that from time to time we get complaints on what they call fortune tellers who somehow scam people into giving them large sums of money and then don't follow through with what they say they're going to do. So we want to make sure that yours is a legitimate business.

MS. HOWARD: I've heard about that where they're like well, your dead grandmother has a message for you about where the family heirloom is hidden.

MR. SCALI: There's one in Cambridge already who has been doing that. I've had a lot of trouble in that area with one particular one, I won't say who. I just want to make sure that you were not that degree.

MS. KNIGHT: Not at all.

MR. SCALI: Also, we're going to be doing a transfer of stock.

MS. DASILVA: Exactly, yes.

MR. SCALI: You took one person off?

MS. DASILVA: Right, it's Barbara
Zoller.

MR. SCALI: So she's gone?

MS. DASILVA: Exactly. Now it's just
Demora and myself.

MR. SCALI: Questions?

MR. HAAS: No questions.

MR. SCALI: Anybody from the public
want to be heard in this matter?

MR. QUINN: I just have a general
question.

MR. SCALI: Tell us your name first.

MR. QUINN: My name is Garrett Quinn.
I live on Bristol Street, G-A-R-R-E-T-T. I was
just looking through the listing for the hearings
for this and it caught my eye. Why is there a
license requirement for a fortune teller? It just
seems kind of unusual.

MR. SCALI: It is required by state
law that if you are operating as a fortune

teller/palm reader in the city it's considered entertainment and it requires a license.

MS. HOWARD: You also need a license to have dancing in establishments from what I understand.

MR. SCALI: Well, yes. That's another form of entertainment, obviously. Fortune telling is a different category altogether.

Anybody else? Any hands?

MR. SCALI: Motion.

MR. HAAS: Motion to approve.

MR. SCALI: Moved.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: Good luck ladies.

MS. HOWARD: Thank you. Come on by sometime.

MS. LINT: Application: Postdoc Ventures, LLC d/b/a Berryline, Matthew Wallace, Manager, has applied for a Common Victualer license at 1668 Massachusetts Avenue. Said license if granted would allow food and non-alcoholic beverages to be sold, served, and consumed on said premises and to have hours of operation from 8:00 a.m. until 1:00 a.m. seven days per week with a seating capacity of 19. Applicant has also applied for an Entertainment license to include an audio tape machine playing background music below ordinary conversation level, TV, and a radio.

MR. SCALI: Good evening. Tell us who you are.

MR. WALLACE: Matthew Wallace.

MR. YANG: Poc Yang.

MR. SCALI: So this is for food only?

MR. WALLACE: Yes.

MR. SCALI: Pre-existing location? Or what's there now?

MR. WALLACE: It was formerly KaBloom on Mass. Avenue.

MR. SCALI: This is for seven days a week?

MR. WALLACE: Yes.

MR. SCALI: Seven days a week until 1:00 a.m. Tell us what you're going to be serving.

MR. WALLACE: It's predominantly frozen yogurt. We have another location in Harvard Square. It would be the same operation so it would be frozen yogurt, smoothies, incidental drinks, just hot chocolate, tea.

MR. SCALI: So you're expanding your operation a little further north.

MR. WALLACE: Moving up to the Leslie students.

MR. SCALI: How many seats do we have here?

MS. LINT: Nineteen.

MR. SCALI: Questions?

MR. TURNER: No questions Mr. Chair, just I'll comment that I inspected this location today and it is currently under renovations, soon to open in hopefully the next couple weeks, but

they will be under requirements to comply for a C of O inspection.

MS. LINT: This was a special permit from the BZA.

MR. HAAS: No questions.

MR. SCALI: Special permit, is it just for you? Did you go for your own special permit?

MR. WALLACE: Yes, for the variance for food use.

MR. SCALI: You went for a special variance for what category?

MR. WALLACE: For the food use.

MR. SCALI: Is that for a limited time, the variance?

MR. WALLACE: I'm not sure.

MR. SCALI: I was wondering if it was for your use only or if it could be used if you should leave. Any other questions, Commissioners?

MR. HAAS: No questions.

MR. SCALI: Motion.

MR. HAAS: Motion.

MR. SCALI: Motion to approve.

MR. TURNER: Seconded.

MR. SCALI: All in favor? Oh, comments from the public. I knew I missed somebody. I'm sorry. Come forward. I apologize. Tell us your name.

MS. ZUCKER: Debbie Zucker.

MR. SCALI: And your address?

MS. ZUCKER: 3 Shephard Street, right around the corner.

On the one hand, it sounds great to have an ice cream place in the neighborhood. My concern is we've had quite a few very popular restaurants right in this area, and garbage collection, especially when restaurants open and close in a large timeframe, cleanup happens afterwards and garbage is collected before or after hours of operation. I appeared before for this issue in the neighborhood, and it doesn't seem to make a difference.

My concern is just not for this particular operation, but with increasing numbers of food and these types of things in the

neighborhood, what do people in the neighborhood do when this occurs, because I've tried everything.

MR. SCALI: What's your -- what particular --

MS. ZUCKER: I live next door to Chez Henri and there's a Starbucks at the corner, and now there's a falafel place that opened up, which will hopefully be next to your place, and so I think it's very welcoming, but I just wonder, what is done for the noise of cleanup, trash collection?

MR. SCALI: Are you talking about people picking up trash or just putting trash out?

MS. ZUCKER: It's a combination of both. When you close at 1:00, you then clean up and then you put your things out. And again, I don't -- you know --

MR. SCALI: Well, it could be them.

MS. ZUCKER: It could be anyone, but I'm just saying this is what happens. And then the garbage companies comes to pick up the garbage at 2:00, 3:00, 4:00 in the morning. And when you call up and ask, you're told to call the police when it

happens for them to come and see the garbage truck.

MR. SCALI: You can call our office for that. Ms. Boyer will be happy to help you.

MR. HAAS: At 2:00 in the morning?

MR. SCALI: No. I mean to call and report it the next morning.

MS. ZUCKER: It's happened, I've done that. And I'm only raising this because as a person who lives very close to where the establishments happen -- we now have a new building going up across the street. It's great having a lively environment, that's wonderful, but at a certain point, people do go to sleep, and I just don't know what you would recommend so that we can all have a nice relationship.

MR. SCALI: We certainly can advise these gentlemen as to what they are required to adhere to under our noise ordinance and all that. If you're having complaints now about a particular restaurant, you should call our office and speak to Ms. Boer in our office and she'll be happy to report.

MS. ZUCKER: She knows me because I've done this before. That's why I'm here today because I've been here before with these issues and we still have the same issues. I'm just concern about not --

MR. SCALI: Ms. Boyer hasn't been able to help you?

MS. ZUCKER: This was a couple of years ago. I went through and spent a lot of time doing this, was here at a hearing, and quite frankly, the response was we've given them a fine to the company that picks up trash. That's the way it is.

MR. TURNER: If I recall, do you have dumpsters? How do you do your trash? How are you proposing to handle your trash?

MR. WALLACE: In our current space we share the little alley with Starbucks and Chez Henri, as well as Harvard Liquor.

MR. TURNER: So the dumpsters are on the Chauncey Street side?

MS. ZUCKER: Not the ones that I'm

dealing with. They're right next to my house and they wheel them down this --

MR. SCALI: Down the alleyway.

MS. ZUCKER: -- that alleyway, and in the summertime the doors are open because people get hot in the kitchens, and people get hot cleaning, and there's coffee clutch discussions in that alleyway.

The dumpsters are on -- they're not on Mass. Ave. Maybe if it was on Mass. Ave., we wouldn't hear when the trucks come as much, but they back up the trucks to the street to get the trash. I don't know which side is going to be yours, and I'm sorry, I don't want to put it on them, but we're just seeing an increase. And I'm just asking if you might be able to assist those of us who don't sleep.

MR. SCALI: If the trash trucks are picking up before 7:00 a.m. in the morning, they are in violation. You need to report that to us. I know it's not your responsibility to keep watch but Ms. Boyer will assist you. And we certainly

will advise these gentlemen that whatever company you're using for trash pickup, if they're picking up before 7:00 a.m., they're going to be in violation of the noise ordinance, delivery trucks as well. Meaning all your deliveries have to be made after 7:00 a.m.

MS. ZUCKER: And on the weekends --

MR. SCALI: On the weekend, it's 9:00 a.m. on Saturdays and Sundays. There's nothing before 9:00 a.m.

MS. ZUCKER: What about the end of the day, is there a limit as far the time for --

MR. SCALI: It's 6:00 p.m., 7:00 a.m. to 6:00 p.m. is the limit for the noise ordinance during the week, and also on weekends too, 9:00 a.m. to 6:00 p.m. So we'll advise them of that and if you could consult with Ms. Boyer, I will talk to her tomorrow about the other.

MS. ZUCKER: Thank you. Good luck.

MR. SCALI: Anybody else want to be heard? Comments?

MR. HAAS: No comments.

MR. SCALI: Motion to approve.

MR. HAAS: Motion.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. TURNER: Aye.

MR. HAAS: Aye.

MR. SCALI: Good luck. Make sure you
adhere to that noise ordinance, please.

MS. LINT: Application: Cho Enterprises, LLC d/b/a Oxford Spa Cafe, Yeon Cho, Manager, has applied for a Common Victualer license for 26 seats (22 inside and 4 outside) at 102 Oxford Street. Said license if granted would allow food and non-alcoholic beverages to be sold, served, and consumed on said premises and to have hours of operation from 7:30 a.m. until 7:00 p.m. seven days per week.

MR. SCALI: Good evening. Tell us who you are.

MR. CHO: My name is Casey Cho. I'm the manager at the Oxford Spa. This is my father, Tai Cho. I guess he's the president.

MR. SCALI: He's the boss then; right?

MR. CHO: Yeah. He's the boss.

MR. SCALI: Did you buy the spa recently?

MR. CHO: We bought it last year, last May I think. Then we -- yeah, we pretty much run it.

MR. SCALI: Is there a cafe there now?

MR. CHO: Yeah. It's the same thing as the previous owner.

MR. SCALI: Just applying now after a year?

MR. CHO: No, no, no. We applied last year too, but it was under Oxford Spa Cafe, but now it's under Cho Enterprises I believe.

MR. SCALI: So you're just changing over the name?

MR. CHO: Yeah.

MR. SCALI: So you're an LLC now?

MR. CHO: Yeah, we're an LLC.

MR. SCALI: So nothing is changing but the name.

MR. CHO: Nothing is changing. We were hoping to add more seats.

MR. SCALI: Inside?

MR. CHO: Inside.

MR. SCALI: How many more inside?

MR. CHO: Twelve to be exact.

MS. LINT: The sign off says "pre-existing." That's all it says.

MR. SCALI: Does it say the number of seats?

MS. LINT: No.

MR. SCALI: So you want to go from 10 to 22?

MR. CHO: Inside, yes.

MR. SCALI: And the number outside is the same?

MR. CHO: The number outside is the same.

MR. SCALI: Four.

MR. CHO: Four.

MR. TURNER: Mr. Chair.

MR. SCALI: Deputy Chief.

MR. TURNER: I know this is a very small establishment. I haven't visited it recently so I don't know if they've changed anything around, but I would like to see a floor plan approved by Inspectional Services for the tables and chairs.

MR. CHO: Okay.

MR. SCALI: Have you talked to Inspectional Services yet because they signed off

as pre-existing but they didn't give you a number. They have to give you a number, because certain levels trigger certain things. Over 19 seats triggers something. So I'm not sure what that number is. You need to go back to them with your plan and have them sign off on the number of seats that will be allowed.

MR. CHO: Okay. So who do we go to?

MR. SCALI: You just go upstairs when it's open, the upstairs outside counter and ask for the Building Department, and bring your plan with you and have them look at the plan by the Building Code and the Zoning Code to see what they will give you.

MR. CHO: Okay.

MR. SCALI: Because it may trigger like handicap bathroom, parking, a number of things that you may not be able to do.

MR. CHO: Okay.

MR. SCALI: Motion then to take the matter under advisement, recommending you go to Inspectional Services for a number. Moved.

Seconded?

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: All right. So we'll vote on it on April 2 but come back to Mrs. Lint beforehand with the plan and the number.

MR. CHO: Okay.

MS. LINT: Application: Olecito, Inc. d/b/a Olecito, Erwin Ramos, Manager has applied for a Common Victualer license for six seats at 12 Springfield Street. Said license if granted would allow food and non-alcoholic beverages to be sold, served, and consumed on said premises and to have hours of operation from 11:00 a.m. until 11:00 p.m. seven days per week.

MR. SCALI: Good evening. Tell us your name for the record.

MR. DELGADO: Antoine Delgado.

MR. BRANSFIELD: Kevin Bransfield.

MR. SCALI: So this is an additional location; right? The small location?

MR. BRANSFIELD: The small location, and I believe we got opened and somehow didn't understand we needed a Common Victualer license. We had several stools in there for waiting for guests and for consumption of food. So this a formal request for a Common Victualer.

When we were notified we removed the stools within the hour. I mean, we didn't

understand that we didn't have what we needed.

MR. SCALI: Did somebody from our office come down there, Ms. Boyer?

MR. BRANSFIELD: I'm not certain. I'm not certain how it all occurred but somehow it all occurred.

MR. SCALI: How long have you been open?

MR. BRANSFIELD: Ten months.

MR. TURNER: Mr. Chair.

MR. SCALI: Deputy Chief.

MR. TURNER: I went by there today based on the application, and the stools in fact were not there. The only issue I saw there was maybe a change in the hours from what they're currently operating at to what they're applying for. So you might just want to have some discussion with that.

MR. SCALI: Are you changing hours?

MR. BRANSFIELD: I think we have those hours unless --

MR. TURNER: You have 11:00 to 11:00

you're applying for.

MR. BRANSFIELD: I think we have that but I may stand corrected.

MR. TURNER: But the establishment is only open Monday. They're only advertised Monday, Thursday 11:00 to 9:00, Friday, Saturday 11:00 to 10:00 p.m. I'm sorry, Monday, Thursday and Sunday from 11:00 a.m. to 9:00 p.m.

MR. BRANSFIELD: The answer is yes, we are operating inside of what I believe we've been approved for, but again, I was not at that approval.

MS. LINT: They're menu says Monday to Sunday, 11:00 a.m. to 11:00 p.m.

MR. SCALI: Do you want 11:00 to 11:00?

MR. BRANSFIELD: Yes.

MR. SCALI: Are you going to be open those hours?

MR. BRANSFIELD: The answer is, not immediately, but I think -- you know, we're continuing to grow and we would continue to grow

into it. But if we have to come back every time we change hours; is that what you're suggesting? We think we had that I guess. We've just been operating inside of it.

MR. SCALI: We like to be pretty accurate with the public to make sure the public knows when you're open. If they ask us, we tell them you're open 11:00 to 11:00.

MR. BRANSFIELD: I appreciate that.

MR. TURNER: We have a tendency to get complaints. Somebody goes there at 10:00 at night looking for a meal or something, and then they're closed, so they complain.

MR. SCALI: So it's your choice. If you want to be open those hours, be open those hours. If not, then we'll just amend it to what you want.

MR. BRANSFIELD: And obviously we would just need to come back if we wanted to go to 11:00?

MR. SCALI: Right.

MR. BRANSFIELD: I would say that we

want to amend it if we could to 10:00 across the board.

MR. SCALI: So we'll just do 10:00.

MR. DELGADO: I agree.

MR. SCALI: Any other questions, concern? Anyone from the public?

MR. HAAS: No questions.

MR. SCALI: You probably owe a back fee too I'm sure from 2008. Motion to approve.

MR. HAAS: Motion.

MR. TURNER: Seconded.

MR. SCALI: Subject to the back fee for 2008. Moved, seconded. All in favor?

MR. TURNER: Aye.

MR. HAAS: Aye.

MR. SCALI: I'm amending the closing hour to 10:00 p.m.

MR. BRANSFIELD: Thank you.

MS. LINT: Application: Deacon Transportation, Inc. d/b/a Old Town Trolley Tours of Boston, John Welby, Manager, has applied to amend their Jitney Route.

MR. SCALI: Good evening. Tell us who you are.

MR. WELBY: John Welby, Operations Manager for Old Town Trolley.

MR. MURPHY: Matthew Murphy, General Manager of Old Town Trolley.

MR. WELBY: I was just looking to amend our Jitney route. We submitted the request the Transportation Department. Mr. Shulman approved it. Basically it's a route that we used as the detour option on our regular daytime tours. So instead of entering Cambridge via Longfellow Bridge, we'd like to enter via Massachusetts Avenue, through Kendall Square and then out to Longfellow Bridge.

MR. SCALI: Is that because of all the construction on the Longfellow.

MR. WELBY: Because of the

construction concerns plus it helps to streamline the tour, in general. We think it's a better experience for our guests overall by coming in through Massachusetts Avenue and out through the Longfellow.

MR. SCALI: Is that the only change?

MR. WELBY: We had also requested a detour option down Memorial Drive in case of traffic delays on Massachusetts Avenue, and we were approved for that with the understanding that we need to get approval from DCR.

MR. SCALI: Approved by Mr. Shulman?

MR. WELBY: Mr. Shulman approved it.

MR. SCALI: Because Memorial Drive is not our jurisdiction.

MR. WELBY: Right. He said it's okay with them coming through those roads as long as we get approval from DCR.

MR. SCALI: Questions?

MR. HAAS: No questions.

MR. TURNER: No questions.

MR. SCALI: Anyone from the public want

to be heard?

MS. LINT: I have a question.

MR. SCALI: Yes.

MS. LINT: I have a note that there's \$35 owed for balance of the advertising fee.

MR. WELBY: Oh, no. That was paid. I brought that actually -- I have a note right here when I brought that in. That was hand delivered. I gave that to Tricia on 3/5. I have a copy of the check.

MS. LINT: That's fine.

MR. SCALI: He's got good notes.

Obviously you know this is the recommendation that we give to the City Manager, which goes to the City Council for approval. I'm not sure when the next City Council meeting would be. They don't meet next week. I know that. I think it's the following week. So it goes to the City Council for approval and then it would go to the DTE from there, for a change.

MS. LINT: The DPU.

MR. SCALI: The DPU, I'm sorry.

Motion to recommend approval.

MR. HAAS: Motion.

MR. SCALI: To the City Manager.

MR. TURNER: Second it.

MR. SCALI: Moved, seconded. All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. MURPHY: And we can follow up with Ms. Lint as to when the next Council meeting will be.

MR. SCALI: Ms. Lint will prepare the packet that goes to the City Clerk that's presented to the City Council whatever the next available date is. I know it's not next Monday, it's the following Monday that they meet.

MS. LINT: You can check with Chris and he'll let you know when it gets put on.

MR. WELBY: Thank you very much.

MS. LINT: Application: Edimar Louzada, d/b/a Metamorphosis, has applied for a Second Hand Goods license at 1693 Massachusetts Avenue to sell new and used furniture.

MR. SCALI: Good evening. Tell us who you are.

MR. LOUZADA: My name is Edimar Louzada.

MR. SCALI: Tell us what you want to do.

MR. LOUZADA: I already own my store in Somerville and pretty much I sell secondhand furniture. I do custom-made furniture. I have a carpenter who works for me over the weekends. So pretty much if somebody comes along and needs a bookcase custom made, or a chest of drawers, or a night stand, we do that that kind of service. So I tried to do the same thing over on Mass. Ave. That's pretty much it.

MR. SCALI: What's there now?

MR. LOUZADA: I think it used to be a place called History.

MR. TURNER: College Skincare.

MR. LOUZADA: Years ago, they used to be a furniture store there, an antique furniture shop back years ago.

MR. SCALI: Are you in there now?

MR. LOUZADA: No, not yet. I'm waiting for all the licenses and everything else.

MR. SCALI: So you're selling just secondhand furniture.

MR. LOUZADA: I do new and used. Pretty much we going to do -- I do upholstery too. Like somebody comes along want a chair, or couch, or a loveseat and they need a new fabric on there. So we do that kind of service, you know, that kind of thing.

MR. SCALI: There is a reporting mechanism to the Police Department; are you familiar with that in terms of any secondhand goods that you bring in, a form you have to fill out.

MR. LOUZADA: Because I think in Somerville it works the same way. You've got to go through all that.

MR. SCALI: Right, there's a format.
Is it Lieutenant Ahern?

MR. HAAS: Uh-huh.

MR. SCALI: Through Lieutenant Ahern.
Anybody from the public want to be heard? Any
questions Commissioners?

MR. TURNER: No questions.

MR. HAAS: No questions.

MR. SCALI: Motion to approve.

MR. HAAS: Motion.

MR. TURNER: Second it.

MR. SCALI: Moved, seconded. All in
favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. LOUZADA: Thank you, I appreciate
it.

MS. LINT: Application: Cremaldi's Inc. d/b/a Cremaldi's, Genevieve Cremaldi, Manager, holder of a Wine and Malt Beverages as a Package Store license at 31 Putnam Ave. has applied to further extend the inactive status of the license.

MR. SCALI: Good evening. Just tell us your name for the record.

MR. CREMALDI: Cosmo Cremaldi,
C-R-E-M-A-L-D-I.

MR. SCALI: How come we're -- you're still holding onto this? You can't sell it?

MR. CREMALDI: Yeah. Jim Rafferty just notified me today that I guess it's in the process now.

MR. SCALI: You found a buyer?

MR. CREMALDI: We've had a buyer, but DOR stepped in and put a hold on it, but we straightened all away.

MR. SCALI: So you're just waiting for them to clear it?

MR. CREMALDI: Just getting the clearance now so I can go on with my life.

MR. SCALI: It's been a while, hasn't it?

MR. CREMALDI: It's been two years I think.

MR. SCALI: That's what I thought. That's why I couldn't believe it had gone by that fast.

MR. CREMALDI: I didn't think I'd wait that long.

MR. SCALI: Commissioners, questions?

MR. HAAS: How much time do you think before you sell?

MR. CREMALDI: Hopefully within the next couple of months. It's just a matter of the DOR getting off selling wine now.

MR. SCALI: Questions?

MR. TURNER: No questions.

MR. SCALI: Six months Commissioners?

MR. HAAS: Uh-huh.

MR. SCALI: Motion for a six-month extension, moved.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: We'll give you six more months.

MR. CREMALDI: Thank you very much.

MR. SCALI: Thank you for your patience. I know you waited all evening.

MS. LINT: Application: Continued from February 24, 2009. Cillstifiann, Inc, d/b/a The Druid, Dennis Morse, Manager, holder of an All Alcoholic as a Restaurant license at 1357 Cambridge Street has applied for a change from Dennis Morse to Michael Crawford.

MR. SCALI: Good evening. Last but not least.

MR. GOSZ: We cleared the room. Attorney William Gosz for the Applicant. To my right, Michael Crawford who is one of the owners of Cillstifiann that operates the Druid. He is changing manager from Dennis Morse who is the current manager, who will be off to bigger and better things, to himself, since he puts a lot of time in at the Druid already.

MR. SCALI: Mr. Morse, was he a part in the corporation too?

MR. GOSZ: No.

MR. SCALI: Just a manager?

MR. GOSZ: Yes.

MR. SCALI: Mr. Crawford, you are on

the corporate papers as well as owner.

MR. CRAWFORD: Yes.

MR. SCALI: So you're going to be the manager all the time?

MR. CRAWFORD: Yes.

MR. SCALI: Issues?

MR. HAAS: No questions.

MR. SCALI: You were there all the time anyway; right?

MR. CRAWFORD: Yeah.

MR. SCALI: Motion to approve.

MR. HAAS: Motion.

MR. SCALI: Moved.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. TURNER: Aye.

MR. HAAS: Aye.

MS. LINT: 21-Proof?

MR. SCALI: Have you been through 21-Proof before?

MR. CRAWFORD: Yeah. I did it about a year ago, or maybe more.

MR. SCALI: Your staff too, have they been through it?

MR. CRAWFORD: Yeah.

MR. SCALI: If you were new, I'd make you go through our training program again, but I think you've been around a little while. I think you know the rules; right?

MR. GOSZ: He runs a tight ship over there.

MR. SCALI: Good, glad to hear it.

MR. CRAWFORD: Thank you very much.

MS. LINT: Transfer of Medallion 210,
Refinance of 161, 144, and 116.

MR. SCALI: Paperwork in order?

MS. LINT: Yes.

MR. SCALI: Motion to accept.

MR. HAAS: Motion.

MR. SCALI: Moved.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. TURNER: Aye.

MR. HAAS: Aye.

MR. SCALI: Aye. Anything else before
us?

MS. LINT: No.

MR. SCALI: Motion to adjourn.

MR. HAAS: Motion.

MR. SCALI: Moved.

MR. TURNER: Second.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: Aye.

(Whereupon, the proceeding was
concluded at 8:31 p.m.)

CERTIFICATE

COMMONWEALTH OF MASSACHUSETTS
BRISTOL COUNTY, SS

I, Anne Ouellette, a Professional Court 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 these matters.

I further certify that the proceedings hereinbefore set forth is a true and accurate transcription of my record to the best of my knowledge, skill and ability.

In Witness Whereof, I have hereunto set my hand this 17th day of March, 2009.

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