

CAMBRIDGE LICENSE COMMISSION HEARING

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION POLICY HEARING

LICENSE COMMISSION BOARD MEMBERS:

CHAIR ANDREA JACKSON

POLICE COMMISSIONER ROBERT C. HAAS

ASSISTANT FIRE CHIEF GERARD MAHONEY

STAFF: EXECUTIVE DIRECTOR ELIZABETH LINT

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

DATE: October 7, 2014

TIME: 6:04 p.m.

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P R O C E E D I N G S

October 7, 2014

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(Hearing is being audio and videotaped by
Xavier Dietrich.)

EXECUTIVE DIRECTOR ELIZABETH LINT:

Before we get started, if anyone has a cell phone
on, we would appreciate it if you would shut it
off or put it on silent mode. The back door is
to remain open at all times.

This is the License Commission general
hearing Tuesday, October 7, 2014. We are in the
Michael J. Lombardi Building at 831 Massachusetts
Ave, Basement Conference Room.

Before you are the Commissioners, Chair
Andrea Jackson, Chief Gerald Reardon and
Commissioner Robert Haas.

Since Captain Cahill is here, would you
like to approve the minutes from August 19 and

28?

CHAIR ANDREA JACKSON: Yes, I would like to make note the hearing is being is audio taped.

Go ahead, I'm sorry.

EXECUTIVE DIRECTOR ELIZABETH LINT: So the minutes from August 19 and August 28, on those occasions, you were here with Captain Cahill and with Superintendent Williams, so --

CHAIR ANDREA JACKSON: And those dates again?

EXECUTIVE DIRECTOR ELIZABETH LINT: August 19 and August 28. Just been difficult to get you all together to approve them.

CHAIR ANDREA JACKSON: Captain Cahill, if I can have you up here for a second, please, since you are here.

So I would like to make a motion that we approve the minutes for August 19 and August 28 and those were hearings in which you attended in

the Chief's place.

CAPTAIN TOM CAHILL: Yes.

CHAIR ANDREA JACKSON: Is there a second?

POLICE COMMISSIONER ROBERT HAAS: Was I
here?

EXECUTIVE DIRECTOR ELIZABETH LINT: You
were not here, just the two of you.

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

CAPTAIN TOM CAHILL: Aye.

CHAIR ANDREA JACKSON: So we're good.

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DISCIPLINARY: TEMPLE, INC., D/B/A TEMPLE
BAR.

EXECUTIVE DIRECTOR ELIZABETH LINT:
Disciplinary: Temple, Inc., d/b/a, Temple Bar,
Peter Lee, manager, holder of an all alcoholic
beverages license restaurant license at 1688
Massachusetts Avenue due to a report from the

Cambridge Fire Department.

CHAIR ANDREA JACKSON: Good evening.

ATTY JAMES RAFFERTY: Good evening.

You want us to --

CHAIR ANDREA JACKSON: I was going to say, before we hear from -- could I please hear from Captain Cahill so it is clear what the issue is.

Captain?

Good evening.

CAPTAIN TOM CAHILL: Good evening.

CHAIR ANDREA JACKSON: Please state your name and position for the record, please.

CAPTAIN TOM CAHILL: Captain Tom Cahill, Cambridge Fire Department.

All set?

CHAIR ANDREA JACKSON: Yes.

CAPTAIN TOM CAHILL: There was a fire on July 29, 2014 at the Temple Bar located at 1688

Mass Avenue.

The deputy chef working that evening requested a fire investigator, so I responded and we determined that there was a wood pizza oven which had been there since the current owners bought the place.

It was on a makeshift shelf made out of two-by-fours and plywood. It was an existing condition.

What happened was, the fire burnt through the shelf, and at that time the executive chef made a phone call to one of the owners and asked what he should do. The owner told him to knock a hole in the wall, make sure he didn't see any fire.

30 to 40 minutes later there was smoke coming from where the wall meets the ceiling above this.

The executive chef told me again that he

called the owner and asked the owner what he should do and the owner said to call the Fire Department.

CHAIR ANDREA JACKSON: What was that time frame in between?

CAPTAIN TOM CAHILL: It was 30 to 40 minutes from when he originally smelled smoke and was told to knock a hole in the wall until he called back 30 to 40 minutes to say that there was smoke coming from the ceiling.

So there were a number of issues. When the fire was knocked down, the emergency lights were not working. The sprinkler heads, the fire was directly impinging on a sprinkler head, it didn't activate and some of the other sprinkler heads were almost indistinguishable.

You really, you couldn't tell, two of them in particular, just they were covered with grease, and you just couldn't distinguish they

were a sprinkler head.

Now, my concern is the property itself is connected to commercial/residential buildings.

I'm concerned that what actions were taken when there was an initial smell of smoke.

I just want to make clear that had the Fire Department been called initially, we have the technology to probably to have found that fire in that bay before any damage would have been done.

I am concerned that whoever it might be, whether it is the executive chef, or any employee, would have to call somebody to find out what to do in the event that this would were to happen again.

It is -- I mean everybody's familiar with Mass. Ave, but this particular building again is connected to residential buildings and commercial buildings and it was minutes away from getting

into that area that we call the cockloft which extends all those buildings together. It could've been devastating fire.

CHAIR ANDREA JACKSON: What time of day was the fire? What time of day?

CAPTAIN TOM CAHILL: It was evening time.

CHAIR ANDREA JACKSON: Evening time?

CAPTAIN TOM CAHILL: Early evening.

POLICE COMMISSIONER ROBERT HAAS: July 19?

CAPTAIN TOM CAHILL: July 29. 6:08.

POLICE COMMISSIONER ROBERT HAAS: 6:08 is when the Fire Department got the report?

CAPTAIN TOM CAHILL: That's when Fire alarm received the call, 6:08.

FIRE CHIEF GERALD REARDON: They back open again right now?

CAPTAIN TOM CAHILL: No, sir.

FIRE CHIEF GERALD REARDON: Has any

remedial work been done or any follow-up inspections?

CAPTAIN TOM CAHILL: No follow-up inspections from the Fire Department. They are undergoing an extensive renovation.

PATRICK LEE: It is scheduled for --

CHAIR ANDREA JACKSON: If you can identify yourselves for the record, please.

PATRICK LEE: Patrick Lee. I'm one of the owners of Temple Bar.

ATTY JAMES RAFFERTY: Just by way of information, I'm James Rafferty on behalf of the applicants, it is my understanding that renovation work is now nearly entirely complete and they are awaiting final inspections including a fire inspection which is scheduled for tomorrow and there have been upgrades to the monitoring and suppression systems.

FIRE CHIEF GERALD REARDON: And just for

the record?

PETER LEE: Peter Lee.

FIRE CHIEF GERALD REARDON: Just in case we ask you a question.

I don't know who wants to answer on behalf --

PATRICK LEE: I'll answer.

FIRE CHIEF GERALD REARDON: I think you understand the gravity of the issue with any kind of a delay.

This is really very serious in terms of this could've been far more devastating than it was.

I understand the issue of not interrupting operations, but it can't be tolerated when it comes to life safety in terms of your own employees, the occupants.

Again, as Captain Cahill mentioned, many of the buildings on Mass Avenue they are

turn-of-the-century and they have a lot of open voids, interconnect top and bottom, we refer to them in the fire trade as taxpayer blocks, they have common basements, and I don't think that sometimes people understand how quickly, how devastating a fire moves, and most people who have a fire come out afterwards and say, I just can't believe how quickly that spread. I would never believe it.

And we don't want anyone to be telling us that because the block burnt down or we have had a tremendous loss. So, I guess, I would like to hear from you on -- I guess I'm a little setback that in an establishment that you both own, and that appears to always be very well run, how this happened, I want you to speak to that.

PATRICK LEE: I mean, of course we are devastated that something like that this happened and are just happy that everyone was able to get

out okay, and due to the quick response time, the fire was contained very quickly.

The only thing I would say in terms of the heat on the wall, there is an electrical box right there and, you know, throughout the history of Temple Bar that electrical box gets warm.

So I think what my partner was saying to the chef was, Is the electrical box warm or is there a fire? And, you know, the 20 -- in the 30 or 40 minutes elapsed in between there he was monitoring that situation.

When it became clear to him that there's smoke, this is a fire, he was immediately told to call the Fire Department.

You know, in retrospect, he should have done that immediately.

FIRE CHIEF GERALD REARDON: He should not of called you people at all. He should have just called, and if it is nothing, we are in and out

of there.

I mean, we do 3,300 responses a year, we mitigate, you know, we're not going to turn the place upside-down, but obviously calling a third party and not making an immediate notification is just unacceptable.

Just for the record, if you have an electrical box that's constantly getting warm, that's something that shouldn't happen either.

PATRICK LEE: Yeah.

ATTY JAMES RAFFERTY: I should notify my -- Chief, that it is not the policy for that call to take place. The decision to call -- I think in my discussions with both Patrick and Peter Lee, the second call he felt was more a call of, Look it, there's smoke, I'm going to call the Fire Department. It was not a question of, Should I? There definitely was a second call. The sequencing is troubling. In retrospect, the

first call really would have been more helpful.

I do think it is worth noting that from that point forward, though, they followed the procedures that they trained their people with, guests were removed from the restaurant without incident.

Everyone got out safely, the basement were checked for employees, the restrooms were checked.

By the time the Fire Department arrived, all of the patrons were outside the premises and they were completely cooperative, but there was an error in judgment, admittedly, when the first suspicions arose, and for that, obviously, they find themselves before the Commission.

FIRE CHIEF GERALD REARDON: How much retro work are we doing?

PATRICK LEE: There's been quite a bit of work done. There was a lot of smoke damage, so

every surface had to be touched.

Obviously, all the systems have been upgraded and there's a direct Fire Department system installed and monitored as well.

POLICE COMMISSIONER ROBERT HAAS: When you describe the upgrade of the equipment, what equipment was upgraded?

PATRICK LEE: There's a new fire monitor in there that's direct connect to the Fire Department now.

POLICE COMMISSIONER ROBERT HAAS: What about the sprinkler system?

PATRICK LEE: The sprinkler system has also been rechecked and signed off on by a sprinkler company.

POLICE COMMISSIONER ROBERT HAAS: What is your maintenance plan to make sure that Captain Cahill doesn't find or inspectors don't find the condition of the sprinkler heads they found on

the inspection?

PATRICK LEE: The sprinkler heads are maintained by the company yearly.

POLICE COMMISSIONER ROBERT HAAS: So how did they get in that condition that they were covered in grease?

PATRICK LEE: You know, it's in a spot, that particular head was very greasy and it was in a spot in the kitchen and it is unacceptable and it should be maintained better by us.

POLICE COMMISSIONER ROBERT HAAS: So I guess my question is: Are you waiting for the annual inspections by the company? Or do you now have a routine where you keep those heads clean?

PATRICK LEE: No. Believe me, this has been a huge wake-up call and not going to be the case going forward, not just in this place but at all of our places.

CHAIR ANDREA JACKSON: And what, if

anything, have you instructed your staff to do different so that's no repeat of this?

PATRICK LEE: Well, you know, I think, you know, when there's the first sense of an issue, you need to call the emergency number to get either fire or police there immediately, and I think the rest of the situation they handled very well, professionally. They evacuated the building very quickly, got the staff out, got themselves out.

FIRE CHIEF GERALD REARDON: I think you understand why we're bringing this forward. This could've been extensively more serious, and we could have had injuries.

You may not have suffered as much damage as you did also in terms of the business loss and everything else, but that's secondary to the safety issues, so I wanted you to come in here and explain to make sure that you are taking the

necessary steps that something like this will never happen again. Obviously, you have a number of establishments, and I assume it will transcend to the rest of your establishments in terms of the safety.

PATRICK LEE: Yep.

CHAIR ANDREA JACKSON: Any questions?

POLICE COMMISSIONER ROBERT HAAS: No other questions.

CHAIR ANDREA JACKSON: Any questions?

FIRE CHIEF GERALD REARDON: No other questions.

CHAIR ANDREA JACKSON: Captain Cahill, anything else to add?

CAPTAIN TOM CAHILL: No. I would just -- I want to make sure that Mr. Kennedy is also onboard with this. It was -- what was alarming that night was he was indifferent to this, to my concerns, that that call should have been made 30

to 40 minutes before, and he didn't seem to have an issue with the way things happened that evening, and I think that's my greatest concern is they, you know, reestablish their policy and everybody's onboard with it.

CHAIR ANDREA JACKSON: And for the record, Mr. Kennedy is?

CAPTAIN TOM CAHILL: Mr. Kennedy said, he told me he was a co-owner.

He was the one that received the call from the executive chef that -- the calls from the chef that evening.

CHAIR ANDREA JACKSON: Are there any members of the public that wish to be heard in this matter?

Seeing none, I make a motion that we issue a warning, place the matter on file.

FIRE CHIEF GERALD REARDON: Second.

CHAIR ANDREA JACKSON: All those in favor

signify by saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: Aye.

PATRICK LEE: Thank you.

PETER LEE: Thank you.

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APPLICATION: COLWEN MANAGEMENT, INC.

D/B/A FAIRFIELD INN & SUITES

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Colwen Management, Inc., d/b/a

Fairfield Inn and Suites by Marriott Cambridge,

Peter Hewes, manager, has applied for an all

alcoholic beverages hotel license at 209

Monsignor O'Brien Highway for 123 rooms.

Applicant is also applying for a

entertainment license to include background music

and three TVs.

ATTY JAMES RAFFERTY: Good evening, Madam

Chair. For the record, James Rafferty on behalf of the applicant. I'll let the gentlemen introduce themselves.

PETER HEWES: My name is Peter Hewes.

CHAIR ANDREA JACKSON: If you could speak up, I'm sorry.

PETER HEWES: I apologize.

My name is Peter Hewes. I'll be the general manager of the New Fairfield Inn.

CHAIR ANDREA JACKSON: And how are you spelling your last name, please?

PETER HEWES: Last name is spelled H-E-W-E-S.

CHAIR ANDREA JACKSON: You will be the general manager?

PETER HEWES: Yes, correct.

NORM DEMERS: Hi, my name is Norm Demers, D-E-M-E-R-S. I'm the regional director of operations for Colwen, C-O-L-W-E-N, Hotels, and

will be overseeing this hotel.

ATTY JAMES RAFFERTY: Madam Chair, this is an application for a hotel and innkeeper's license at a hotel that's currently under construction on O'Brien Highway at the site of what may be fondly remembered by some as the old Genoa Meat Packing Plant.

It was the subject of an extensive Planning Board review where the design of the building and the particular focus on the parking lot, the egresses, and landscaping requirements and particular features about how the buildings met the street were extensively reviewed by the Community Development Department.

The applicant is an experienced hotel operator and is been going to be flagging the hotel with his Marriott brand that is, I guess, a little unique in the marketplace. There aren't a lot of this particular --

NORM DEMERS: It's new to the Cambridge area. It is a select service brand hotel.

ATTY JAMES RAFFERTY: The proposal calls for a restaurant on the ground floor with a lounge. It is not anticipated to have significant function business.

It's, I think, it would qualify as a limited service hotel. There's not room service available, but it will provide an attractive option for travellers and visitors to the city.

It is within close proximity to the Green Line and particularly the newly-relocated Lechmere Station, which is currently on track for breaking ground in the next year or so as the Green Line extends behind the building.

It will fit in nicely with the development occurring behind it in terms of the North Point Development Project. There are two residential buildings nearing completion at that

location, and we're starting to see that side of O'Brien Highway start to matriculate.

We have a number of arrangements with the Traffic Department over creative use of bicycles and other modes of transportation and taking time thinking about how the hotel might participate in the Bike Sharing Program, so if the guests were going to Kendall Square, for instance, and stay in that hotel, they could avail themselves of a bicycle opportunity to proceed to Kendall Square on a bicycle and not necessarily by a car, but the site is in very good proximity adjacent to the public transit, and it is for that reason that we were able to, I think, be as successful in dealing with the traffic issues associated with the hotel.

CHAIR ANDREA JACKSON: When is the hotel slated to open?

NORM DEMERS: Mid-December to mid-January

right now.

FIRE CHIEF GERALD REARDON: Just elaborate a bit on the limited service aspect.

NORM DEMERS: Yes. I mean, it is hotel. Rooms are a combination of suites and single rooms and on the food and beverage side there is no immediate space in this hotel.

We will serve a complimentary breakfast as part of the hotel offerings, and then in the evening we will have bar service and we will have a light menu, I would say more of small plates, small salads, more of an appetizer-like dinner style, and then currently the menu we have at our properties is anywhere from six to 12 items.

FIRE CHIEF GERALD REARDON: And breakfast and it's all to be served in this restaurant?

NORM DEMERS: Yes, it has a kitchen area as well an enclosed buffet area, which is where the food is, and then outside of that is the

seating areas.

FIRE CHIEF GERALD REARDON: The food will be, most of it prepared on site?

NORM DEMERS: All of it will be, absolutely.

ATTY JAMES RAFFERTY: I think it's fair to say both the alcohol and food service is designed to accommodate hotel guests, it's not exclusively for hotel guests, and area residents and others may find themselves there, but if you had an opportunity to review the ground floor plan, the areas devoted to the space are not particularly large and they really -- the operator's experience is this serves largely as an amenity service to guests.

It is 123-room hotel, and this will be a way to provide those guests with opportunities within the building.

But as I noted, it's a -- it would be a

full service hotel license, but there's a limited area that is identified in the licensed premises, so you could only consume alcohol within the --

FIRE CHIEF GERALD REARDON: How many seats is the restaurant area roughly?

ATTY JAMES RAFFERTY: The restaurant in the CV application we identified as having --

EXECUTIVE DIRECTOR ELIZABETH LINT: 69 with --

POLICE COMMISSIONER ROBERT HAAS: Say that again.

EXECUTIVE DIRECTOR ELIZABETH LINT: 69 with a five-seat bar. Total occupancy is 106.

ATTY JAMES RAFFERTY: 64 seats table, five seats at a bar.

FIRE CHIEF GERALD REARDON: Thank you.

CHAIR ANDREA JACKSON: Mr. Hewes, can you tell us about your background?

PETER HEWES: I have worked in management since I was in my teens and I have worked in hospitality management for approximately five years for the same employer in the sense that he is one of the partial owners of this project and he's the CEO of the management company that operates those -- that is to operate this hotel and about 25 more within the Colwen portfolio.

I have worked at a few different properties for Colwen including a Residence Inn, which is similar in scale and in its complexities to this hotel.

I was in Portsmouth, New Hampshire.

I've worked at an independent full service property in Vermont including a bar, a restaurant, a small luxury hotel and a larger, more -- a hotel more similar to what we're looking to build here.

I've also helped with hotel openings

mostly focused in operations, and previous to that, to my experience in hospitality, I worked in retail management since I was a teenager, twice in Cambridge, The Galleria as well. I'm familiar with the area.

FIRE CHIEF GERALD REARDON: Have you ever had an alcohol license in your name before?

PETER HEWES: I have not.

ATTY JAMES RAFFERTY: You are currently a manager of record on a hotel in --

PETER HEWES: Sudbury.

ATTY JAMES RAFFERTY: But it does not have an alcohol license.

FIRE CHIEF GERALD REARDON: I assume the alcohol license would be in the general manager's name?

ATTY JAMES RAFFERTY: He will be the manager of record on the license, correct, and would participate in the training program.

POLICE COMMISSIONER ROBERT HAAS: So it's your plan to have the restaurant and the lounge operational when your hotel first opens or is there some lag time in between?

PETER HEWES: When the hotel opens, everything will be up and running, correct.

CHAIR ANDREA JACKSON: Any questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

CHAIR ANDREA JACKSON: Any other questions?

FIRE CHIEF GERALD REARDON: No questions.

CHAIR ANDREA JACKSON: Are there any members the public that wish to be heard in this matter?

Seeing none, I make a motion that we approve the all alcoholic beverages hotel license for Colwen Management Inc., doing business as Fairfield Inn & Suites by Marriott, and Peter

Hewes as manager.

The applicant was applying for an entertainment license to include background music and three TVs, and there's also included in the motion 21 Proof training is required for all managers and servers.

Mr. Rafferty, you can either contact our office and we can get you a copy of the schedule or we can at least get you the contact name of the person.

I know there are a few other dates coming up soon.

ATTY JAMES RAFFERTY: Depending on the number of employees, I know sometimes they used to do site training.

CHAIR ANDREA JACKSON: I can give you the contact name and number and sometimes they will do on site.

So there's a motion made. Is there a

second?

FIRE CHIEF GERALD REARDON: Second.

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

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: You are all set.

Good luck to you.

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REVIEW: SHAN DONG DUMPLING HOUSE, D/B/A
DUMPLING HOUSE

EXECUTIVE DIRECTOR ELIZABETH LINT:

Review: Shan Dong Dumpling House, Inc., d/b/a
Dumpling House, Jing Liu Sloane, manager, holder
of a common victualler license at 950
Massachusetts Avenue approved October 3, 2013.

CHAIR ANDREA JACKSON: Ms. Lint, the
first one we are doing is the review?

EXECUTIVE DIRECTOR ELIZABETH LINT:

Correct.

CHAIR ANDREA JACKSON: Good evening.

ATTY JAMES RAFFERTY: Good evening, Madam Chair. James Rafferty, same spelling as the last time, on behalf of the applicant.

I would ask my clients to state your name and the spelling of your last names, if you would, please, for the stenographer.

JING SLOANE: My first name is Jing.
S-L-O-A-N-E. J, for John, I-N-G.

QIMING BING: My name is Qiming,
Q-I-M-I-N-G. And last name B-I-N-G.

I'm the treasurer of the restaurant.

YONG XIE: My name is Yong, Y-O-N-G.
Last name is X-I-E.

ATTY JAMES RAFFERTY: Madam Chair, the restaurant has been open approximately five months.

QIMING BING: Five months.

ATTY JAMES RAFFERTY: At this location on Mass. Ave, it's received very positive acclaim from area residents, local critics and the general public.

It has been operating now without any conflicts with any of the residents in the building and they are unaware of any complaints involving their operation either from the manner in which food is delivered or patrons entering and exiting the establishment.

They are here because of the conditions attached to their initial CV license that called for this review after a 90-day interval.

CHAIR ANDREA JACKSON: And the hours are still the same, closing at 10 p.m.?

ATTY JAMES RAFFERTY: That's correct.

CHAIR ANDREA JACKSON: Looking through the previous minutes there was some questions that were raised as it related to trash disposal,

so I wanted to know how that was going.

Have there been any issues with rodents?
Is the trash being properly stored and put away?

QIMING BING: We paid extra money for the
condo management group and they do the trash
using the same company. So it means another trip
of delivery. They pick up two times a week
instead of one time.

CHAIR ANDREA JACKSON: For the trash?

QIMING BING: Yes, for the trash. So we
do the reimbursement every month to the condo
board.

ATTY JAMES RAFFERTY: I'm sure, as you
know, Madam Chair, that it is a commercial unit
in a residential condo, so there is close
coordination with building management and there's
ongoing supervision, if you will, by the trustees
and others in the condo building regarding
adherence to the condo rules and regulations

around trash.

CHAIR ANDREA JACKSON: There was also a concern about smoking outside of the property.

Have you had any issues with that with people who stand outside the property smoking and the fumes going up to the residents above?

QIMING BING: We have like penalty for our employees. If we find anyone smoke outside, we have a penalty for them, but we cannot control customers if they smoke outside. We cannot control them. We just try our best to control our employees, ask them not to smoke outside.

CHAIR ANDREA JACKSON: Where do the employees smoke if they want to smoke?

QIMING BING: Far away.

CHAIR ANDREA JACKSON: Far away?

QIMING BING: Yes.

ATTY JAMES RAFFERTY: More importantly we are unaware of any complaint around that issue.

We were mindful of it in the review last time, and I understand it to be a legitimate issue in some locations. But some of the concerns were speculative at the time because the establishment was not yet in operation.

CHAIR ANDREA JACKSON: As it relates to the reviews, I don't have any other questions.

Do you have any questions as it relates to the review?

FIRE CHIEF GERALD REARDON: How is the kitchen working out in terms of the exhaust hoods? Is the kitchen exhaust system working well?

QIMING BING: Yes.

ATTY JAMES RAFFERTY: The system is functioning.

QIMING BING: Working well.

FIRE CHIEF GERALD REARDON: How often is that inspected?

QIMING BING: Three months we clean the flue and we clean the flue two times a week.

CHAIR ANDREA JACKSON: Again, as it relates to the review, are you all set?

POLICE COMMISSIONER ROBERT HAAS: Yes.

FIRE CHIEF GERALD REARDON: All set.

CHAIR ANDREA JACKSON: Are there any members that wish to be heard as it relates to the review, the review, not the new application for wine and beer, as it relates to the review, if you wish to be heard?

Yes. Please come forward.

SHARON BRITTON: My name is Sharon Britton.

CHAIR ANDREA JACKSON: Sharon, if you could please come forward.

SHARON BRITTON: Sharon Britton,
B-R-I-T-T-O-N S-H-A-R-O-N. And I'm a resident
of 950 Massachusetts Avenue where the restaurant

is located.

And I would say regarding the issues that were just discussed, I don't necessarily agree.

I think while trash has been disposed of properly, there's problems from time to time with noise on the loading dock.

There's a problem from time to time with smoking.

Just today I saw employees of the resident smoking on the property.

To be fair, I think the restaurant has tried to mitigate some of these problems but they are somewhat ongoing.

And regarding the vents, I know for a fact there's a formal complaint about odors venting from the restaurant from a resident of the sixth floor.

So I will leave it at that.

I want to speak on the issue of the

license as well.

CHAIR ANDREA JACKSON: Thank you for your comments.

SHARON BRITTON: Thank you.

ATTY JAMES RAFFERTY: Can I inquire as to where that complaint was lodged? I don't have a record of that.

CHAIR ANDREA JACKSON: I don't know.

SHARON BRITTON: It was issued to the board of trustees of the condominium board, not to the Licensing board.

ATTY JAMES RAFFERTY: Thank you.

CHAIR ANDREA JACKSON: Counsel, any comment as it relates to noise on the loading dock or the issue of the smoking and the fumes?

ATTY JAMES RAFFERTY: Other than that there is strong and regular interaction between the management company, who are agents of the condominium trustees, we're in regular

communication and are unaware of any difficulties.

There may be an occasional thing, but I think any time that you have commercial uses on the ground floor of a residential building, the potential for incidents of conflict are real and it sounds like there may be, on occasion, examples of that occurring in this situation, which I don't think is necessarily reflective of a lack of due care or proper management on part of the licensee.

CHAIR ANDREA JACKSON: Are there any other members of the public that wish to be heard on this?

ATTY JONATHAN FRANZEL: I would, Madam Chair.

CHAIR ANDREA JACKSON: This is just on the review, not on the application for wine and malt.

Please come forward.

If I could ask you two to step back so that way they can have a seat at the table.

ATTY JONATHAN FRANZEL: Good evening.

My name is Jonathan Franzel, that's F-R-A-N-Z-E-L. I'm an attorney with offices at The Pilothouse in Boston and I'm here on behalf of Debbie Koplow, K-O-P-L-O-W. She's a resident at 950 and an owner. Her unit is situated directly above the dumpling house.

When she first moved into the unit, the downstairs tenant was a Buddhist vegetarian reading room/restaurant.

CHAIR ANDREA JACKSON: What year was that?

ATTY JONATHAN FRANZEL: When was it?

DEBBIE KOPLow: That was from like -- I moved in roughly 2000, up until the switch occurred, and ...

ATTY JONATHAN FRANZEL: There are several matters that she would like to bring to your attention that have been problematic.

The smoking issue is certainly one of them, the smoking on the sidewalk outside her residence. She's almost prohibited now from being able to open her window because both the smell of smoking and the occasional smell of restaurant odors coming up into the unit.

Another issue that Ms. Koplow has brought to my attention is while the restaurant has been closing at ten, there was a small -- a brief period of time where it was staying open until later than that.

After conversation with the management company, that was corrected. However, even though they are closing now at ten, the clean-up process takes quite a long time, and the flooring there is, I believe, cement and as the chairs and

tables are moved about, the sound resonates up into her unit, and we believe steps ought to be taken to mitigate the sounds because she and her young 14-year-old daughter are being kept awake at night by this.

On one occasion Debbie's brought to my attention the floors were being power cleaned with a power washer at midnight, which is worse than moving chairs.

DEBBIE KOPLOW: It's bad.

ATTY JONATHAN FRANZEL: Those, I believe, are some of the issues we wanted to bring to your attention regarding this review.

Another noise-related issue is that the restaurant is good, and as a result there are a lot of people and often there's an overflow of pedestrian traffic waiting to que into the restaurant creating a great deal of noise as well particularly when Ms. Koplow's window is open.

She likes to have the window open.

CHAIR ANDREA JACKSON: Have any of these issues been brought directly to the restaurant?

ATTY JONATHAN FRANZEL: I believe they have been brought to the attention of the management company. You can address that.

DEBBIE KOPLOW: Well, the night that they were doing the floor cleaning, I did call down to the front desk and the person at the front desk went over there and told them they had to stop.

I haven't really -- I have been keeping notes on, you know, what the issues are because I knew the meeting was coming up and I really just kind of -- I called down one time to the front desk when I heard like -- because they have like food, or whatever under the tables, so, obviously, they have to move the chairs, but it is loud because their floor is not a soft floor, so it resonates up if they are moving anything to

clean underneath tables.

So I have called a couple times but it is just -- it's been handled right then, and I haven't really done anything, mentioned anything, about the overflow. I was waiting for tonight to bring that up.

And I am a little concerned about the trash, the odor, because it just smells. It smells like the oil smell. I can't describe what the smell is, but you can smell it in the hallways and in the stairwell, and like my window is -- our windows are right there out front, so the smell -- like if it is windy out or a breezy night, you can get that smell of whatever it is, it comes in.

FIRE CHIEF GERALD REARDON: So you haven't really had a lot of interaction with the condo board in terms of --

DEBBIE KOPLOW: Not really because I mean

I've -- with all due respect, I didn't have a lot of support at the beginning, so I've kinda been dealing with Jonathan Franzel, keeping a log like I have been told, and more so talking to management maybe about a couple things like the things that happened, I did inform management but I don't get a huge response.

CHAIR ANDREA JACKSON: I think what would be helpful is if you had these types of issues that you do contact the restaurant and let them know to give them the opportunity to fix it, so -- or if you don't want to contact them directly, then certainly contact the management company.

I think it is important to call one of them if you are having a problem.

DEBBIE KOPLOW: Once it is at the front desk, they then turn, log it into a book and the management company does find out.

But honestly, I don't have a lot of time.

I'm running around bringing my child everywhere, and I don't have that time to deal with, nor should I have to be dealing with it, when there's a management company with some of these issues.

I tell the management company or call the front desk or whatever. I don't really want to deal directly with the restaurant.

A lot of times they don't understand what the front desk has gone over. They don't understand sometimes.

POLICE COMMISSIONER ROBERT HAAS: So you are saying the management company does keep a log, a register of complaints?

DEBBIE KOPLow: Yeah, they do keep a log with the front desk.

POLICE COMMISSIONER ROBERT HAAS: Would it be possible for us to get a copy of that, of the record?

CHAIR ANDREA JACKSON: Any more

questions?

FIRE CHIEF GERALD REARDON: All set.

CHAIR ANDREA JACKSON: Any other questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

CHAIR ANDREA JACKSON: Any members that wish to be heard as it relates just to the review of this application?

Seeing none, I make a motion that we place the matter on file and we try to obtain the logs from the management company, and if we need to, we can address it and review it at another time. Is there a second?

FIRE CHIEF GERALD REARDON: Second.

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

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

ATTY JAMES RAFFERTY: Should we step
back?

CHAIR ANDREA JACKSON: We'll call it
again.

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APPLICATION: SHAN DONG DUMPLING HOUSE,
INC. D/B/A DUMPLING HOUSE

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Shan Dong Dumpling House, d/b/a
dumpling house, Jing Liu Sloane, manager, holder
of a common victualer license at 950
Massachusetts Avenue has applied for a new wine
and malt beverages restaurant license at said
address. The already approved hours for capacity
will remain unchanged. This is located in cap
No. 2.

ATTY JAMES RAFFERTY: Good evening, Madam
Chair and Members of the Commission. As you've
heard, the restaurant has been in operation now

for several months and it has proven to be very successful.

At the time of its initial filing, it did indicate its desire to operate with a wine and malt beverage license and the judgment at that time was that there were questions about the adequacy of the notice, as I reviewed the transcript, and I think there's a time-proven practice the Commission has employed around applicants proving themselves to be capable operators and demonstrating a record of adherence to regulations associated with their CV license and being able to co-exist harmoniously with their abutters.

I think the record in this case would reflect that what the applicants have succeeded in doing is creating a very popular restaurant that enjoys a wide range of support from local residents.

We have submitted a number of petitions and we have had some additions to that this evening.

But as the Commission knows, the issue of licenses and the issuance of licenses are directly related to public need, and in this case, this license would really serve merely as a complement to diners.

There's no proposal to alter the premises by creating a bar or lounge. This would just allow patrons to enjoy a more complete dining experience by also being able to order a wine or a malt beverage.

It's a popular accompaniment to this type of cuisine and the operators really have extended themselves in trying to accommodate interest.

Now, I would say it would appear in one instance the concept of a restaurant being located on the ground floor is seen as

objectionable by the prior speaker, and I suspect we'll hear more further on that, but we have many examples of this throughout the city.

And this condominium association permits this use in the building. Some time ago, there was a restaurant at this location for several years. It will not be the first time a restaurant has been on the ground floor.

There have been retail establishments on the ground floor of this building. There was a convenience store for many years in the space just beyond that, so sometime commercial activity does, as I noted earlier, does sometime conflict with some residential activity and managing that effectively is important but not unlike the building down the street at 1105 Mass Avenue restaurants and can peacefully co-exist and I think the track record here is that these operators have abided by the restrictions.

There was conversation early on about the hours. This has a rather modest closing time or an early closing time by many Cambridge restaurant standards and the applicant doesn't seek to change that, so we are not going to be faced with some of the late night issues.

As you know, there are several licensed establishments nearby on the adjoining blocks and this will not compete with them.

This is very much a restaurant, and the challenges of operating the restaurant have been met successfully.

If one were to peruse Yelp, and other style reviews, you would find high marks for this restaurant and the applicants believe that they have demonstrated the type of commitment to licensing policies that would warrant the issuance of this, and they ask that the Commission give them an opportunity to

demonstrate, just as you did in the case of the CV license, that they can successfully discharge their responsibilities.

The issues that you heard about in the review are certainly legitimate for the person who raised them, but the time the floor gets cleaned, and the tables get moved really is not going to be effected by whether or not licensee there is allowed to serve wine and malt beverages, so issues do need to be attended to and I would respectfully suggest creating a dialogue directly with the operator might be beneficial.

I know my clients are eager to be able to respond. As we met and reviewed all this, my constant inquiry was to determine whether there were issues that they were aware of and they checked with the management company and have not been made aware beyond the reservation and

objections that have existed since prior to the opening of their restaurant.

And certainly any abutter is entitled to voice concern in a licensing procedure.

In fairness, it should be noted, that when concerns are related to a use that one would simply prefer not to exist, that being a restaurant use, I think some of those concerns around beer and wine should be somewhat tempered in the Commission's view as to whether or not there are conditions here that are problematic and if there's anything about a beer and wine license that would exacerbate those conditions, and I would respectfully suggest there are not such conditions present, nor, therefore, is there any reason to believe that allowing the licensee to satisfy customer needs and provide wine and beer would there be any reason to expect that matters will change.

CHAIR ANDREA JACKSON: Any outreach from the owners of the restaurant to the neighbors upstairs as it relates to applying, other than typical abutter notification?

ATTY JAMES RAFFERTY: Largely through the management company.

We are not aware of or we did not -- we didn't have any direct. Several of the -- they restaurant enjoys strong patronage of residents of the building and several have signed the petitions in support of beer and wine license.

POLICE COMMISSIONER ROBERT HAAS: Have either of you held an alcohol license in your name?

JING SLOANE: No.

ATTY JAMES RAFFERTY: Say it orally.

QIMING BING: No.

ATTY JAMES RAFFERTY: They both have restaurant-related experience but neither of them

have served as a manager of an alcohol-licensed establishment.

CHAIR ANDREA JACKSON: Do you have any other questions for them?

POLICE COMMISSIONER ROBERT HAAS: No.

CHAIR ANDREA JACKSON: Do you have any questions for them?

FIRE CHIEF GERALD REARDON: No.

CHAIR ANDREA JACKSON: No questions thus far. I reserve the right to ask questions afterwards.

Are there members of the public that wish to be heard on this matter?

If you can please come forward.

SHARON BRITTON: Thank you.

My name is Sharon Britton, B-R-I-T-T-O-N, 950 Massachusetts Avenue. And I would like to congratulate the people that run this restaurant.

They are running a very going concern. I mean, I have eaten at the restaurant, the food is wonderful, it is busy at lunch and dinner. For the people living in the building your success is one of the issues.

The number of people coming and going is an issue for some people creating more traffic in the area of the condo and the smoking has been addressed. But regarding the liquor license, I have no problem with the idea of serving beer and wine in the restaurant.

My concern is, another layer of commodities coming in and out of the building and how are they going to dispose of bottles. The restaurant is open until 10:00 at night and the clean up happens after 10:00 at night, and my bedroom is right over the loading dock. At night the things that go on out there wake me up.

I know the restaurant has been interested

in having a license, they have spoken about having their hours increased to 11:00 and I think that is very incompatible with the residential nature of building.

CHAIR ANDREA JACKSON: I didn't hear that this evening.

SHARON BRITTON: Did you say you are not going to ask for increased hours?

ATTY JAMES RAFFERTY: I did.

CHAIR ANDREA JACKSON: So you are looking to increase the hours?

ATTY JAMES RAFFERTY: No. I said we are not.

SHARON BRITTON: You won't in the future, they are not coming back to do that in the future, because that was my concerns with beer and liquor license is the once that gets approved and the comings and goings and the cleaning at that hour is going to be a problem with everybody

who lives on the east side of the building.

As I said, to be fair, the owners have tried to mitigate some problems.

I had a problem every night with the clanging dumpsters. But I talked to the superintendent and the superintendent arranged to have plastic lids, dumpsters with plastic lids, which is much less noisy.

So they have been responsive to some problems, but I'm concerned about the beer and wine bottles potentially being out there and needing to dispose of them in the late evening hours.

That's all I have to say.

CHAIR ANDREA JACKSON: And what time of night do you hear that noise, if they are closing at ten?

SHARON BRITTON: After ten. I would say 10:15 to 10:30. Generally it is done by 10:30

but throughout the day there's a lot more activities.

This was a residential building where the loading dock was used for people moving in and out, and it wasn't used in the evening hours, ever, so now we have a whole new level of activity coming and going on that loading dock all the time.

I can detail with it during the day, we live in the city, that's what the city is, but I think, you know, in fairness their success, I'm happy for your success, but it shouldn't all come at the expense of the people who live in the building.

CHAIR ANDREA JACKSON: Thank you.

SHARON BRITTON: Thanks.

CHAIR ANDREA JACKSON: Is there anyone else who wishes to be heard on this matter?

ATTY JONATHAN FRANZEL: If I may?

Again, I'm Jonathan Franzel on behalf of Debbie Koplow of 950 Mass. Ave.

As my Brother correctly stated, the public need is the biggest consideration when you are considering whether or not this beer and wine license should be approved.

Among the considerations are the availability within the area of existing dispensaries and within a very short distance from 950 Massachusetts Avenue are several restaurants that do have beer and wine licenses as well as, I believe, if it is not a liquor store, it's a convenience store that sells beer and wine, so I don't think that there is an actual public need in approving this license.

At the same time, the reason for the request is of course in order to increase the traffic and increase the business. It makes sense. In making an increase in traffic and flow

that would surely exacerbate the issues that we've already articulated with regard to the review, so for those reasons I would respectfully request that this license, or even the temporary evaluation, as proposed by my Brother, be denied.

CHAIR ANDREA JACKSON: Thank you.

ATTY JONATHAN FRANZEL: Thank you.

JOHN PATRICK: Hello. My name is John Patrick, P-A-T-R-I-C-K, and I'm also a resident of the condominium at 950 Mass. Ave.

Like my predecessor, I would say that I think the majority of people who live in the condominium are pleased at the restaurant's success and we would also say we think they serve very excellent food.

I, like most people in Cambridge, are always happy to see a successful business on Mass. Ave rather than a closed store front, so I think that's a good thing.

There is a difference, however, between an establishment that is a stand-alone establishment and one that also occupies the same building as a large residential unit.

So I would like to make the point that the restaurant needs to continue to keep in mind that they do an impact on the quality of life for the other residents that live in the building, and I am also concerned about noise occurring after hours since there is dumping that goes into dumpsters and I can imagine lots of loud clattering that might come from that.

The loading dock is in an area that's between the condominium and another building immediately adjacent to it, so sound reverberates quite loudly there, and again at times of year when you may have your windows open, it can be very loud there.

So I would hope that if the restaurant

does get their license, they would take steps to avoid making noise with empties at a time of day when they may be disturbing the residents' sleep.

I also noted when I reviewed the alcohol provisions that are in the Cambridge bylaws, that it seemed to suggest that restaurants are responsible for supervising patrons who may be waiting to enter the establishment, is that correct?

CHAIR ANDREA JACKSON: Well, typically we have a crowd control manager.

FIRE CHIEF GERALD REARDON: Crowd control managers are inside primarily but we have had locations where we've had very large venues that have spilled out to the street.

EXECUTIVE DIRECTOR ELIZABETH LINT: There have been situations where there are smaller ones. The chocolate place on Brattle Street we

had the restaurant put up stanchions and people had to stand in line inside the stanchions so as not to spill over onto the sidewalk and constrict the flow of pedestrians.

JOHN PATRICK: So given those regulations, I would say if they could take steps to do something to try to mitigate private smoking. Something else that one of the concierge staff who has reported to me that takes place on occasion is, there's an entryway into the building itself, that's adjacent to the restaurant, it is not where the main entrance is, it's private property, part of the condominium, and the concierge staff has noticed that some of the patrons who are waiting have children who are running back and forth inside that area.

CHAIR ANDREA JACKSON: Are you saying inside that courtyard area right in the front?

JOHN PATRICK: Yep. And they expressed

some concerns about liability. There's a stairway and there are glass doors. So if somebody could sort've keep that in mind in kind of supervising what is going on with patrons awaiting entry into the restaurant that would be helpful.

CHAIR ANDREA JACKSON: Do you mind me asking how long you have lived there?

JOHN PATRICK: I have lived there since 2001.

CHAIR ANDREA JACKSON: Any issues with the -- I believe it was a previous restaurant that was there?

JOHN PATRICK: That was pretty quiet, closing hours were earlier, not nearly as many patrons.

CHAIR ANDREA JACKSON: So not as many issues?

JOHN PATRICK: No.

CHAIR ANDREA JACKSON: Thank you.

JOHN PATRICK: Thank you.

CHAIR ANDREA JACKSON: Are there any other members of the public that wish to be heard on this matter?

Seeing none, counsel, your clients can come back to the table.

Hearing the concerns raised by the residents, particularly the clanging of bottles in the loading zone and the people who live directly above that loading zone, what do you propose to do to mitigate that sound if the application is granted?

ATTY JAMES RAFFERTY: Well, as I heard the testimony, I thought what we could do is work with the management company, perhaps hold a meeting with the residents and address issues around loading, particularly deliveries and how there are different ways to handle this.

I think the policies of the restaurant should be informed by concerns of the residents, so I think that exchange could be helpful.

We could provide the Commission for its consideration at a later meeting how we would propose to deal with that as well as the issue addressed by the gentleman around patrons waiting for a table.

I think these are issues that are highly manageable.

The closing hour of 10:00 is -- affords opportunities for most of this work to occur within a relatively reasonable period of time.

I understood the testimony to be there's about a 15-, 20-minute period of activity. Maybe some of that activity could be deferred to the following morning.

I think we could review all of that and would request an opportunity to provide an

updated report to the Commission at a later date regarding outreach with the condominium association and the management company around the issues that have arisen at tonight's hearing.

QIMING BING: Also for our -- another restaurant what we usually do, we put the empty bottle into the box first, so we will throw them away. The next time when the beer company, the beer company come, they will pick up the bottles. We usually we'll leave the empty bottle in the back.

CHAIR ANDREA JACKSON: You put the empty bottles into a box, you said, and then what do you do with the box? You dispose of the box in the dumpster?

QIMING BING: Yeah, the beer and wine company will pick back up and give reimbursement for the bottles.

ATTY JAMES RAFFERTY: So it sounds like,

Madam Chair, it is unlikely that type of activity, at least involving bottles, wouldn't be occurring in the loading dock at the closing if that's all internal to the restaurant.

CHAIR ANDREA JACKSON: And I know it is difficult to hear, I wanted to make sure the residents in the back did hear that.

SHARON BRITTON: I heard that, yes. If it will be contained inside the building, that would be wonderful.

JOHN PATRICK: Inside the restaurant.

SHARON BRITTON: Inside the restaurant until the daylight hours.

EXECUTIVE DIRECTOR ELIZABETH LINT:
Decisions are October 30th.

CHAIR ANDREA JACKSON: Thank you.

Any questions?

FIRE CHIEF GERALD REARDON: No.

CHAIR ANDREA JACKSON: So based on the

concerns raised, and counsel, I like the idea of holding a meeting with the management company and the residents to discuss the noise and mitigate. What I would like to do is make a motion that we continue this matter to our Decision Hearing which is October 30th.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Uh-huh.

CHAIR ANDREA JACKSON: So hopefully you can have that meeting prior to that date and see if you can work something out that is livable, if at all, for the residents as well.

I think it is important that the residents' concerns are taking into consideration.

So I make that motion that we continue this matter until October 30.

Is there a second?

POLICE COMMISSIONER ROBERT HAAS: Second.

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

FIRE CHIEF GERALD REARDON: Aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHAIR ANDREA JACKSON: Thank you.

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APPLICATION: HULT INTERNATIONAL BUSINESS SCHOOL, INC., D/B/A, HULT STUDENT LOUNGE

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Hult International Business School, d/b/a Hult Student Lounge, Christina Braga, manager, has applied for an alcoholic beverages educational institute license at 1 Education Street.

The proposed hours of operation are 8 a.m. to 1 a.m. seven days per week with seating capacity of 134 inside and 54 seasonal outdoor patio seats. Alcohol service will start at 5 p.m.

Applicant is also applying for an entertainment license to include dancing by patrons, poetry and other readings, live music and/or vocalists with an life amplification, car observing elucidate, music playing below, at or above conversation level and two TVs.

CHAIR ANDREA JACKSON: Good evening.

ATTY EMMA YASHAR: Good evening. I'm Emma Yashar, Y-A-S-H-A-R. I'm the attorney for the applicant.

CHAIR ANDREA JACKSON: Tell me who you have with you this evening and their relationship to the application.

ATTY EMMA YASHAR: Absolutely.

I have Christina Braga, B-R-A-G-A. And she works at Restaurant Associates which manages the food service operations for EF. She's their Director of On-site Operations at 1 Education Street and 8 Education Street.

And Gunnar Link, G-U-N-N-A-R L-I-N-K, is the Finance Director for the Hult International Business School. That's the graduate level business school that is the applicant for this license.

And Shawna Sullivan is the Director of Public Affairs, right, for EF Education First.

She does a little bit of everything.

CHAIR ANDREA JACKSON: A Jill of all trades.

ATTY EMMA YASHAR: Yes.

Just briefly about the applicant, the Hult International Business School is part of the EF companies. The Hult family is the family that owns EF Education First.

Around 2004 the Hult family became the primary benefactor for the Arthur D. Little School of Management, and in honor of that, the school was renamed after them.

And since then it has grown, I think, from a program of about 15ish people ten years ago to now they have almost 600 students in their Boston area programs and many more than that internationally.

It is a graduate-level program, and so these are students, mostly international students, who are coming to the States usually for a year to get a masters in business administration.

And we are before you tonight seeking an alcoholic beverages license for an education institution.

You may recall, we have been before you a few times in the past couple months, first to move the existing liquor license from Lingo, which is the restaurant that has long been in 1 Education Street over to the new building that EF is building, or has built, and is now occupying,

at 8 Education Street and you approved that.

Thank you.

And then we were before you last month seeking approval for a CV and entertainment license for the Hult student lounge, which will now occupy the space at 1 Education Street that's been vacated by Lingo, and we asked at that time to be able to come back with a liquor license application for the Hult International Business School as the applicant.

And that's what we're here for this evening.

CHAIR ANDREA JACKSON: And this application for the all alcohol, this is just for students, is that correct?

ATTY EMMA YASHAR: That's correct.

FIRE CHIEF GERALD REARDON: Is this going to be in the old Lingo area?

ATTY EMMA YASHAR: Exactly. There are

some minor cosmetic improvements planned but the layout is the same and it will, you know, the space --

CHAIR ANDREA JACKSON: The bar is not moving or any of that?

ATTY EMMA YASHAR: No.

FIRE CHIEF GERALD REARDON: Is this similar to the seating capacity that was in Lingo?

ATTY EMMA YASHAR: It is the same, yep.

FIRE CHIEF GERALD REARDON: So are you still going to serve food down there as well in the kitchen area?

ATTY EMMA YASHAR: Yes.

FIRE CHIEF GERALD REARDON: I guess it's going to be similar to Lingo but --

CHRISTINA BRAGA: The operations will be exactly the same for the bar and restaurant. We'll be serving breakfast and lunch in the cafe

during the day, just a scaled-down operation from what we are currently doing.

CHAIR ANDREA JACKSON: The main difference is Lingo was open to the public versus this will not be?

SHAWNA SULLIVAN: Because we are moving the public restaurant to 8 Education Street.

FIRE CHIEF GERALD REARDON: So there will be some sort of change who goes into the space then once it's --

SHAWNA SULLIVAN: Yeah, our building is -- both of our buildings are fully secured and you need a key card to get in, and so what we'll be doing is, with some lobby renovations planned, we'll be making sure that this is a student-only lounge the same way students can only access the building.

FIRE CHIEF GERALD REARDON: Presently you can access Lingo from the street?

SHAWNA SULLIVAN: Right, because up to even still today it is our public restaurant.

FIRE CHIEF GERALD REARDON: And that's the part that will change in terms of the access control for --

SHAWNA SULLIVAN: It will be for students only and we have security in our front desk.

CHRISTINA BRAGA: As of the 20th, the lobby will actually be closed. There will be a separate entrance and you can only come in with a key card access. And then the plans are, I just reviewed the plans today, so the plans are to get into Lingo, you have to access -- get that access security first and then come through the building, so there won't be that public entrance anymore.

FIRE CHIEF GERALD REARDON: Okay.

CHAIR ANDREA JACKSON: And you will be the manager of record?

CHRISTINA BRAGA: Uh-huh.

CHAIR ANDREA JACKSON: And let the record reflect because I know when I go back and look at the minutes, I'll probably forget who I was talking to, Christina Braga will be the manager of the record. Thank you.

POLICE COMMISSIONER ROBERT HAAS: Tell us about your experience.

CHRISTINA BRAGA: Well, I'm currently the manager on record for the alcohol license in Lingo presently. I have been for the last four years.

And prior to that, I ran restaurants in downtown Boston. I wasn't named on the liquor license, but they were full alcohol licenses.

Prior to that, I was the general manager of three properties in California that all had alcohol licenses as well.

POLICE COMMISSIONER ROBERT HAAS: Were

they in your name?

CHRISTINA BRAGA: No. The liquor licenses worked different. It is always the owner on record. Since I have been at Lingo, I have been on the license there.

FIRE CHIEF GERALD REARDON: What is it, five years?

CHRISTINA BRAGA: Five years now.

CHAIR ANDREA JACKSON: Have you taken 21 Proof training?

CHRISTINA BRAGA: I'm in communication with Kesha Orman to schedule that for myself and all of the new hires, including assisting staff, for the week of the 13th. Everyone is TIPS certified as well and they also have taken the crowd manager training.

CHAIR ANDREA JACKSON: Any questions?

POLICE COMMISSIONER ROBERT HAAS: No.

FIRE CHIEF GERALD REARDON: No questions.

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

Seeing none, I make a motion that we approve the application for Hult International Business School, Inc., doing business as Hult student lounge, Christina Bragg, manager, for an all alcoholic beverages educational institute license at 1 Education Street for the hours stated in and the seating as stated and with 21 proof training for Ms. Braga and staff. Is there a second?

FIRE CHIEF GERALD REARDON: Second.

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

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: Thank you.

- - -

APPLICATION: CRYSTAL LUNCH, INC., D/B/A
CAN TAB LOUNGE

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Crystal Lunch, Inc., d/b/a Can Tab
Lounge, and Third Rail, Stephen Ramsey, manager,
holder of an alcoholic beverages restaurant
license at 738 Massachusetts Avenue has applied
for a change of officers/directors and transfer
of stock.

ATTY JOHN MCKENNA: John McKenna,
M-C-K-E-N-N-A, the attorney for Crystal Lunch
Incorporated, doing business as Can Tab Lounge
and Third Rail. We're here for a petition.

I'm sorry. Steve Ramsey.

STEPHEN RAMSEY: Stephen Ramsey,
R-A-M-S-E-Y.

CHAIR ANDREA JACKSON: Is "Stephen" with
a P-H?

STEPHEN RAMSEY: Yes, P-H. And I'm the

manager of record at the Can Tab Lounge.

ATTY JOHN MCKENNA: Ma'am Chair, we are this evening for a petition for transfer of ownership.

The prior ownership was Richard Fitzgerald, Paul Nugent, Russell Nugent. Unfortunately, Mr. Russell Nugent passed away in November of last year and Paul Nugent passed away in December of last year.

Stockholders agreement allows for life insurance policies which transfers the ownership to the survivor, which is Richard Fitzgerald, so Mr. Fitzgerald will be 100 percent stockholder in the corporation. There's also a change in directors through estate planning.

He's named his two daughters and sons as directors. Mr. Fitzgerald will be the president, treasurer, and secretary of Crystal Lunch Incorporated, or he's already been named as

president, treasurer and secretary. He's also named as a director.

And Lynn Fitzgerald-Scannell, F-I-T-Z-G-E-R-A-L-D - S-C-A-N-N-E-L-L, is a director as well as well Laurie Manning, L-O-R-I M-A-N-N-I-N-G. And the last director is Scott Fitzgerald. They are the children of Richard Fitzgerald.

So we are here this evening to reflect a transfer on the liquor license on the change of directors and stockholders of the corporation. There's been no change to the operation of the organization.

Mr. Ramsey is the manager and has been the manager for the last four or five years?

STEPHEN RAMSEY: It's all of that. I forget the exact date.

ATTY JOHN MCKENNA: He's been an employee.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Longer than that.

STEPHEN RAMSEY: It seems like forever.

I met my wife there 35 years ago, so I've been there a lot.

ATTY JOHN MCKENNA: And I met my wife there 21 years ago.

STEPHEN RAMSEY: We'll have to check notes.

ATTY JOHN MCKENNA: So in any event, that's why we are here this evening, Madam Chair. Any questions from myself or the manager, we'll be happy to answer.

CHAIR ANDREA JACKSON: All the paperwork is in order?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes, it is.

CHAIR ANDREA JACKSON: Any questions?

POLICE COMMISSIONER ROBERT HAAS: No

questions.

FIRE CHIEF GERALD REARDON: No questions.

CHAIR ANDREA JACKSON: I make a motion that we approve the application for a change of directors -- change of officers and directors and transfer of stock for Crystal Lunch, Inc., doing business as Can Tab Lounge and Third Rail. Is there a second?

FIRE CHIEF GERALD REARDON: Second.

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

FIRE CHIEF GERALD REARDON: Aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHAIR ANDREA JACKSON: Thank you. You are all set.

ATTY JOHN MCKENNA: Thank you.

- - -

RATIFICATIONS

EXECUTIVE DIRECTOR ELIZABETH LINT:

Ratifications, all refinances. 5, 9, 65, 87,
191, 209, 21, 58, and 243.

CHAIR ANDREA JACKSON: Again, all
refinances?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

POLICE COMMISSIONER ROBERT HAAS: All the
paperwork in order? Motion to accept.

FIRE CHIEF GERALD REARDON: Aye.

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

POLICE COMMISSIONER ROBERT HAAS: Aye.

EXECUTIVE DIRECTOR ELIZABETH LINT: And
the minutes from September 9 you were all
present.

CHAIR ANDREA JACKSON: Just September 9.

EXECUTIVE DIRECTOR ELIZABETH LINT: Just
September 9.

POLICE COMMISSIONER ROBERT HAAS: I make
a motion to accept the minutes from September 9.

FIRE CHIEF GERALD REARDON: Second.

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

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

EXECUTIVE DIRECTOR ELIZABETH LINT: Do
you want to --

CHAIR ANDREA JACKSON: Yes. I have a
letter that I need to send out. I have taken a
good look at it, but I make a motion to, if you
so choose, to approve.

MARC LEVY: The topic is?

CHAIR ANDREA JACKSON: Responding to a
letter, so it is me answering as Chair, but I
can't speak on behalf of the board.

FIRE CHIEF GERALD REARDON: I make a
motion to accept the letter to send out.

POLICE COMMISSIONER ROBERT HAAS: Second.

CHAIR ANDREA JACKSON: All those in favor

signify by saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: I make a motion
adjourn.

FIRE CHIEF GERALD REARDON: Seconded.

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

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHAIR ANDREA JACKSON: We are adjourned.

(The hearing was adjourned.)

ERRATA SHEET

INSTRUCTIONS: After reading the transcript, note any change or correction and the reason therefor on this sheet. Sign and date this errata sheet.

PAGE	LINE	
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I have read the foregoing transcript, and except for any corrections or changes noted above, I hereby subscribe to the transcript as an accurate record of the statement(s) made by me.

CERTIFICATION

Commonwealth of Massachusetts
Norfolk, ss.

I, Jill Kourafas, Certified Shorthand Reporter, in and for the Commonwealth of Massachusetts, do hereby certify that the hearing herein before set forth is a true and accurate record of the proceedings with the exception that some statements may not appear due to heavy accents, unclear speaking, rapid and overlapping speaking, private conversations, those speaking too softly or incoherently, not identifying themselves and proper names/places will be spelled phonetically if not spelled while on the record.

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Jill Kourafas
Certified Shorthand Reporter - License No. 14903

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