

CAMBRIDGE LICENSE COMMISSION HEARING

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION HEARING

LICENSE COMMISSION BOARD MEMBERS:

ACTING CHAIR ARTHUR GOLDBERG

POLICE COMMISSIONER ROBERT HAAS

ASSISTANT FIRE CHIEF GERARD MAHONEY

STAFF: EXECUTIVE DIRECTOR ELIZABETH LINT

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

DATE: Tuesday, September 8, 2015

TIME: 6:05 p.m.

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P R O C E E D I N G S

September 8, 2015

EXECUTIVE DIRECTOR ELIZABETH LINT: We would like to get started. If anyone has a cell phone on, we would appreciate it if you turned it off. And the back exit is to remain open and clear at all times.

The License Commission general hearing Tuesday, September 8, 2015, it's 6:05 p.m. We're in the Michael J. Lombardi Building, 831 Mass Ave, basement conference room.

Before you're the Commissioners: Acting Chair Arthur Goldberg, Police Commissioner Robert Haas, and Assistant Fire Chief Gerard Mahoney.

If anyone is here for the application of Little Donkey, that's been continued to September 29 and Genki Ya has been continued to October 6.

**APPLICATION:**  
**CCHH CAMBRIDGE, LLC D/B/A HYATT REGENCY**

EXECUTIVE DIRECTOR ELIZABETH LINT: First matter, Application: CCHH Cambridge, LLC, doing business as Hyatt Regency Cambridge, Stacey Nichols, manager, holder of an all alcoholic beverages hotel license at 575 Memorial Drive has applied for a change of manager to Claudia Wattenberg.

ATTY DAVID MOYNIHAN: Good evening, Commissioners. My name is David Moynihan. I'm an attorney with the McLane Law Firm. I represent CCHH Cambridge, LLC.

ACTING CHAIR ARTHUR GOLDBERG: Counsel, please sit. We should actually pull up a couple more chairs for people.

THE REPORTER: Counsel, would you spell your first and last name for the record, please?

ATTY DAVID MOYNIHAN: David, D-A-V-I-D,

Moynihan, M-O-Y-N-I-H-A-N. I'll give you my card.

ACTING CHAIR ARTHUR GOLDBERG: Please go ahead.

ATTY DAVID MOYNIHAN: Thank you. We're here tonight for a petition to change manager. Formerly it was Stacey Nichols who held the position from September of 2010 until July of this year.

We were here last month, and we had an issue. Unfortunately, we thought we were on the agenda but we weren't so we're here this month.

Claudia Wattenberg, sitting here on my left, your right, is the proposed new manager. Also with me is James Beaurivage, director of finance with Hyatt Regency Cambridge.

Ms. Wattenberg has a long history with the Hyatt chain. She has been with the Hyatt

chain since about 1988 serving in a variety of places from Germany to Utah most recently.

She's held the position as manager, has had no violations at any of the facilities that she's been the manager under a liquor license of all alcoholic beverages.

ACTING CHAIR ARTHUR GOLDBERG: Questions?

ASSISTANT FIRE CHIEF GERARD MAHONEY: I have nothing.

POLICE COMMISSIONER ROBERT HAAS: No other questions.

ACTING CHAIR ARTHUR GOLDBERG: Anything from the Executive Director?

EXECUTIVE DIRECTOR ELIZABETH LINT: The background check is fine. All the paper work is in order.

ACTING CHAIR ARTHUR GOLDBERG: So do you have -- do you have experience managing a facility within an all alcohol license?

CLAUDIA WATTENBERG: I have been with Hyatt Hotels and Resorts for 26 years.

I just recently moved from Park City, Utah, and if you're familiar with Utah, we have multiple liquor licenses in Utah with separate pouring rooms and very stringent liquor laws and training obligations and employee management training as well the licenses.

ACTING CHAIR ARTHUR GOLDBERG: Does anyone else here have any -- want to be heard on this matter?

(No response.)

Okay. I guess we'll entertain a motion.

ASSISTANT FIRE CHIEF GERARD MAHONEY: I make a motion to approve the change of manager as described in the application.

ACTING CHAIR ARTHUR GOLDBERG: Second.

POLICE COMMISSIONER ROBERT HAAS: Second.

ACTING CHAIR ARTHUR GOLDBERG: All in



favor?

POLICE COMMISSIONER ROBERT HAAS: Aye.

ACTING CHAIR ARTHUR GOLDBERG: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY:

Aye.

ACTING CHAIR ARTHUR GOLDBERG: You're  
approved.

**APPLICATION:**

**DANTE ALIGHIERI SOCIETY OF MASSACHUSETTS**

EXECUTIVE DIRECTOR ELIZABETH LINT: Dante  
Alighieri Society of Massachusetts, Frank Scala,  
manager, holder of an all alcoholic beverages  
club license at 41 Hampshire Street has applied  
for a change of officers/directors.

I can give you some background, if you  
would like.

So this is a situation where the ABCC had  
sent notice to all of the local licensing boards

to make sure that all the clubs had updated their officers and directors, and in going through all of them, it was determined that almost all of them had not been keeping up with the appropriate changes having the hearing before this Board and then notifying the ABCC.

So we have endeavored to get them all in, and little by little they're all coming in, and hence, these gentlemen are here.

ACTING CHAIR ARTHUR GOLDBERG: Thank you.

Could you state your names for the stenographer, please?

ANGELO FIRENZE: Angelo Firenze,  
F-I-R-E-N-Z-E. And I'm the treasurer of the Dante Alighieri Society.

SALVATORE BRAMANTE: Salvatore Bramante,  
B-R-A-M-A-N-T-E. Vice president for administration, Dante.

ACTING CHAIR ARTHUR GOLDBERG: Would you

like to make a statement of some kind?

SALVATORE BRAMANTE: Well, we're -- our manager for many years, he's in Italy, that's why he's not here tonight, but so, he's been reappointed as the manager of the bar.

As Elizabeth has stated, we're here because we've had a change of officers and directors since our last filing.

ACTING CHAIR ARTHUR GOLDBERG: Okay. And that listing of officers and directors is on file?

EXECUTIVE DIRECTOR ELIZABETH LINT: It is.

ACTING CHAIR ARTHUR GOLDBERG: Okay.

EXECUTIVE DIRECTOR ELIZABETH LINT: And we did updated backgrounds on all of them and they're all fine.

POLICE COMMISSIONER ROBERT HAAS: How often do you run elections for officers and

directors?

SALVATORE BRAMANTE: They're run every year. We have -- like the directors, they're voted in by the membership. The officers are voted in by the directors.

POLICE COMMISSIONER ROBERT HAAS: And it happens annually?

SALVATORE BRAMANTE: We sort've like -- every half of the Board is elected every year.

POLICE COMMISSIONER ROBERT HAAS: So this means going forward, you know that --

SALVATORE BRAMANTE: Yeah. We realize that. Every change we have to --

ANGELO FIRENZE: Every time there's a change --

SALVATORE BRAMANTE: -- reapply. Hopefully, we won't have to do that.

POLICE COMMISSIONER ROBERT HAAS: You have to make a note to yourselves when you have

elections that you have to come back and just  
update the --

ANGELO FIRENZE: Yes, yep.

ACTING CHAIR ARTHUR GOLDBERG: Any other  
questions?

POLICE COMMISSIONER ROBERT HAAS: No  
other questions.

ASSISTANT FIRE CHIEF GERARD MAHONEY: I  
have nothing.

ACTING CHAIR ARTHUR GOLDBERG: Does any  
member of the public want to speak on this?

Seeing none, we could entertain a motion.

POLICE COMMISSIONER ROBERT HAAS: I make  
a motion to approve the change of  
officers/managers.

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
Second.

POLICE COMMISSIONER ROBERT HAAS: Sorry.  
Officers/directors.

ACTING CHAIR ARTHUR GOLDBERG: All in favor?

POLICE COMMISSIONER ROBERT HAAS: Aye.

ACTING CHAIR ARTHUR GOLDBERG: Aye.

Opposed?

Did you say aye?

ASSISTANT FIRE CHIEF GERARD MAHONEY: I did.

ACTING CHAIR ARTHUR GOLDBERG: So you're approved. Three to nothing.

Thank you.

ANGELO FIRENZE: Thank you for all your help, Liz, we appreciate it.

EXECUTIVE DIRECTOR ELIZABETH LINT:  
Welcome back.

ANGELO FIRENZE: Thank you.

**DISCIPLINARY:  
CASELLA WASTE/ATLANTIC WASTE**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Disciplinary matter: Casella Waste/Atlantic Waste, Steve Culliton, representative, holder of a Cambridge disposal license due to a report received by the License Commission from Inspectional Services regarding Casella Waste's alleged violation of Cambridge City Ordinance 8.25.080, which states, in part: "All dumpsters shall be in new or good condition free of damage caused by wear or misuse that would allow leaks or access by rodents."

ACTING CHAIR ARTHUR GOLDBERG: Is anyone here for Casella or Atlantic Waste? Okay.

CHARLES McISSAC: Name is Charles McIssac, M-C-I-S-A-A-C. That's a capital I.

ACTING CHAIR ARTHUR GOLDBERG: Could you state your occupation and why you're here.

CHARLES McISSAC: I'm a housing inspector for the Inspectional Services for the City of

Cambridge.

During -- since the early -- since early June, there's been a terrible rodent situation in an alleyway that contains four dumpsters located on Mass Ave between Dudley and Alberta Terrace.

One of these dumpsters I noticed during an inspection in the middle of July between around the -- between the 13th and 17th of July. I found that there was a large hole in the bottom of the dumpster and there was a lot of seepage dropping to the ground.

The hole was present because rats had chewed a hole through the dumpster -- through the bottom of the dumpster making it larger and larger.

I notified the licensee of the dumpster which was Hana Sushi Restaurant, that they needed to change it out which is our typical procedure is to have the licensee contact the hauler to



have their dumpster changed out. And by "changed out," I mean to get one dumpster in that's compliant.

They did call it in. I called Casella the following day, and they confirmed that they did get a call in by Hana Sushi, and that they were on the list to get the dumpster changed out.

Ten days later, I called Casella again because the dumpster remained. The rodent problem hadn't gotten any better even though a lot of people were baiting and exterminating. And I was put on hold and then disconnected. Called them back a couple of days later, told they would call me back with an answer. I got no call back.

My supervisor, Martha Flynn, called them on August -- in early August, and she got a call back from them stating that they didn't have a dumpster that was -- that they could swap out.

I emailed the corporate office in Vermont. I got the same response, that they didn't have a dumpster to swap out.

So, anyway, by the time the dumpster finally got the swapped out, five weeks had passed, and, you know, we ticket and we send citations to the licensees when it's their fault, they leave a dumpster open or overflowing, but we have -- we don't have a ticketing power or anything to -- for the haulers, and for personally, I think that five weeks waiting for a dumpster to be swapped out, especially when there's a terrible rodent situation, was far too long.

ACTING CHAIR ARTHUR GOLDBERG: So did you ticket these licensees?

CHARLES McISSAC: Yes, Hana Sushi got a ticket initially. They got a ticket because of leaving the dumpsters open at that time, not

because of the faulty dumpster.

ACTING CHAIR ARTHUR GOLDBERG: Did they contest the ticket or did they pay it?

CHARLES McISSAC: No.

ACTING CHAIR ARTHUR GOLDBERG: Was there a fine?

CHARLES McISSAC: There's a fine. Whether they paid it or not, I couldn't tell you. It goes to the city clerk.

ACTING CHAIR ARTHUR GOLDBERG: But was there a fine imposed on the ticket, as far as you know?

CHARLES McISSAC: Yes.

ACTING CHAIR ARTHUR GOLDBERG: So you said that the dumpster was changed out at some point?

CHARLES McISSAC: Eventually. It took five weeks after the first phone call.

ACTING CHAIR ARTHUR GOLDBERG: Did that

resolve the rodent problem, as far as you know?

CHARLES McISSAC: It's only resolved the leakage of -- and the food source that that leakage provided. That's all. The rodent problem still exists. So with a different degree, I think it's lessened.

ACTING CHAIR ARTHUR GOLDBERG: Is it your opinion that the continuing rodent problem is caused by the dumpsters, or do you know what is causing it?

CHARLES McISSAC: I think the dumpsters contribute greatly. In this particular area of the dumpsters, it definitely contributes, the majority of the reason why the rats exist in that area.

ACTING CHAIR ARTHUR GOLDBERG: So is there still a problem with the dumpsters of some kind?

CHARLES McISSAC: There is. The lids of

the dumpsters, more or less, and, you know, the situation where the dumpsters -- the area where the dumpsters are situated is not conducive to keeping rats off the dumpsters.

They have a way of climbing up on to the dumpsters, which we're in the talking stage with the management company that owns the alley to change that.

ACTING CHAIR ARTHUR GOLDBERG: What are you asking of this Commission?

CHARLES McISSAC: You know what, Casella is a large company. I'm assuming they're a large company. I see their dumpsters all over the place. And I don't know if it's up to the Commission for a slap-on-the-wrist to tell them, "Look, this is what could happen if you don't abide by the city dumpster ordinance," which is what they were called for to comply with an ordinance that they were given when the ordinance

was in place. All the haulers were given a copy of the ordinance.

And, you know, we were just like -- whether it's a threat of losing their license to operate in Cambridge, if that's what the Commission can do, I just -- I would like -- I guess we need a little help with some little push to get Casella and the large haulers to abide by the ordinance.

ACTING CHAIR ARTHUR GOLDBERG: Okay.

Other questions?

POLICE COMMISSIONER ROBERT HAAS: You mentioned that you have seen dumpsters around the city. I'm assuming so -- have you had an opportunity to check the other dumpsters to see if they're in similar condition? I mean, what is troubling about your testimony is, this is a relatively large company, you called them and they tell you they don't have a dumpster to swap

out with a damaged dumpster. So I'm just trying to figure out if this is a large firm, I'm trying to figure out what the issue is, and, in fact, there's other conditions that are similar, if it only pays such little attention to this one particular incident.

CHARLES McISSAC: There are a number of their dumpsters around and other companies' dumpsters that it's hard to find out if the dumpsters have the hole in the bottom, like we found here, but there's a lot of damaged ones out there, which, again, is a violation.

POLICE COMMISSIONER ROBERT HAAS: With this particular company?

CHARLES McISSAC: Yes.

POLICE COMMISSIONER ROBERT HAAS: Have they been cited for the damage that's been done?

CHARLES McISSAC: There are other citations for them. They have been cited in the

past a number of times. And there's some active -- I know I have another active citation out to them.

POLICE COMMISSIONER ROBERT HAAS: With this particular company?

CHARLES McISSAC: Yes.

ACTING CHAIR ARTHUR GOLDBERG: Did you cite them under the dumpster ordinance because you were saying that reaches licensees as opposed to haulers?

CHARLES McISSAC: The citation I have out for Casella dumpster presently is to the licensee to get a dumpster in good condition. There's no fine involved in that.

And that's usually the typical manner is just to send a citation, have your hauler change out the dumpsters.

And we would state why, you know, your faulty lids, you've got a hole in the bottom,



whatever the reason may be.

ASSISTANT FIRE CHIEF GERARD MAHONEY: How frequently does Casella service the dumpster?

CHARLES McISSAC: This particular dumpster is once a week.

ASSISTANT FIRE CHIEF GERARD MAHONEY: And this particular dumpster is only for the Hana Sushi facility company?

CHARLES McISSAC: Correct.

ASSISTANT FIRE CHIEF GERARD MAHONEY: And you have attempted to contact Casella and they don't -- they didn't even take your call basically, right?

CHARLES McISSAC: It got to the receptionist, and the receptionist confirmed that the order was placed by the restaurant to change out the dumpster, and when I tried to narrow down a time frame, we'll call you back, and then the call never comes.

ASSISTANT FIRE CHIEF GERARD MAHONEY:

They're based -- would you say their corporate, what, is in Vermont?

CHARLES McISSAC: Yes, that's where I sent the email.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Do we know if they have a yard or a facility in this area?

CHARLES McISSAC: There is one in the Boston area.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Do you know where?

CHARLES McISSAC: I think it's on the North Shore.

EXECUTIVE DIRECTOR ELIZABETH LINT: We could certainly find out.

ASSISTANT FIRE CHIEF GERARD MAHONEY: I would think that perhaps start with some correspondence from the Commission telling

them.

CHARLES McISSAC: The address we have for the contact through licensing is in Peabody.

ACTING CHAIR ARTHUR GOLDBERG: I would like to ask if there are any members of the public who would like to speak on this issue?

Please come up.

Hello.

CRAIG KELLEY: Congratulations on your temporary appointment.

ACTING CHAIR ARTHUR GOLDBERG: Thank you.

CRAIG KELLEY: Thank you everyone for being here. My name is Craig Kelley and I'm a City Councilor and live about five blocks from this site.

I have a whole host of questions that relate to this, and if they drift too far, please stop me, and if it turns out that they don't drift too far, but this isn't the place to have

the discussion, feel free to stop me at all.

But I think there's lots of confusion about what the License Commission can do regarding dumpsters or the difference between a citation and a fine and how much authority we have to get anyone to do anything from the dumpster management perspective at the company level.

ACTING CHAIR ARTHUR GOLDBERG: Maybe I can address that briefly? Sorry to interrupt.

CRAIG KELLEY: Oh, please.

ACTING CHAIR ARTHUR GOLDBERG: But the License Commission does issue disposal permits to the hauler, so the License Commission does have direct authority over the haulers on disposal permits and there's a section -- that's by ordinance.

So there's also the dumpster ordinance, which is a different ordinance where the

licensees and owners have responsibility.

CRAIG KELLEY: Right, thank you.

I understand that ISD can fine people who aren't putting the trash in the dumpster properly and not closing it. It's not clear what power we have. I know we've licensed the dumpster company, but if the answer is to unlicense them that is different from you're being able to fine them. I don't know exactly where that works.

I don't know if we have the ability to tell people that they need to be emptied more often. I don't know if we have the ability to go and empty dumpsters ourselves if someone is not emptying them.

So we've had just down the alley from that dumpster, there was a dumpster that was full for months, and I believe Charlie's got it finally emptied, but it has taken forever and it made the discussion how to manage rats in the

neighborhood much more difficult because people see this broken dumpster, they see the full dumpster, they see all this stuff that the city is having trouble addressing, and I'm trying to figure out what powers, what direct powers, would there be, whether it be entering the property and removing the dumpster or the trash in the dumpster or fine the hauling company, of what magnitude, or taking someone to court for not following a citation, or simply finding the people that are pushing trash in the dumpster. I'm trying to figure out what power we have over the people behind this problem so we can work better with the neighbors to figure out some sort of coordinated collaborative anti-rat management program.

I don't know if you have any answers for any of that, or if it's something we can take up at a different time, but these are issues that I

think are confusing to everybody involved in the discussion, but there must be answers for them somewhere.

ACTING CHAIR ARTHUR GOLDBERG: Yeah, I don't know if any of the other Commissioners have a comment, but I would say, I think some of what you're saying goes beyond the purview of the License Commission.

They may be health-related issues that a different entity may have some authority over but, you know, we're here tonight on a disciplinary matter.

CRAIG KELLEY: What is the limit of your disciplinary ability on any particular disciplinary matter other than revoking their hauling license?

ACTING CHAIR ARTHUR GOLDBERG: Well, we do have authority to revoke the license under the ordinance.

As to the dumpster license itself, we would have authority to, under the other ordinance Chapter 8, to penalize the owner or the licensee of the property, so we have some specific authority over them. We have a little more generalized authority over the hauler itself.

CRAIG KELLEY: For the hauler, the limit of your authority is to grant or not grant or revoke or not revoke a license? There's no finding ability, there's no contempt of citation ability? There's no --

ACTING CHAIR ARTHUR GOLDBERG: Well --

CRAIG KELLEY: I'm trying to find out what kind of teeth we have here.

ACTING CHAIR ARTHUR GOLDBERG: Yeah, I think we have different options available.

One would be, I think the Commission will discuss this whether or not we want to issue a



warning letter of some kind, and we could possibly do that here and the warning could say, if they refer to violations, we'll have you come in for a revocation hearing.

Generally, the power to revoke a license implies certain lesser powers also over the license.

So I'm not able to give you a dissertation on this at the moment, but --

CRAIG KELLEY: But I'm not hearing fines.

You can't sock them with a \$500 a day fine for a faulty dumpster?

ACTING CHAIR ARTHUR GOLDBERG: There are fines that can be issued to the licensee. The ordinance related to disposal permits, does not specifically contain fining provisions.

CRAIG KELLEY: Okay, those are all my questions, and I think we'll probably continue this discussion in other venues where we can get

a little more back and forth and perhaps try and delineate who is best able to do what.

But I appreciate your work on this issue. It's really, really, really terrifying for a bunch of the neighbors in a way that I think you only understand when you see rats crawling out of your basement wall.

So thank you very much.

ACTING CHAIR ARTHUR GOLDBERG: Thank you.

POLICE COMMISSIONER ROBERT HAAS: So, Mr. Chair, it seems to me there's two issues here: One, I think with respect to the responsiveness of the hauler -- and I don't know how the Commission feels about this -- but I'm wondering if we put out a notice telling them that they have 30 days to fix this situation, otherwise, we'll suspend their disposal license, which will impact the entire, all of them because not just site by site; right, Elizabeth it's

their entire ability to operate in the city?

EXECUTIVE DIRECTOR ELIZABETH LINT:

Absolutely.

POLICE COMMISSIONER ROBERT HAAS: And the second issue that comes up in your testimony, which I'm concerned about, is that you're attributing part of the problem, the rodent problem, to the dumpster, but it seems to me there may be other issues that may be contributing to the rodent problem with this particular licensee, and respectfully, you're gonna need to bring them in for a disciplinary hearing to determine whether or not we have the ability to take further action against them with respect to this issue in the neighborhood.

CHARLES McISSAC: Can I respond to that?

The licensee actually after they were cited and everything took care of -- they're very

good with everything.

POLICE COMMISSIONER ROBERT HAAS: You said there's still a rodent problem?

CHARLES McISSAC: Rodent problem exists because this dumpster got changed out two weeks ago. So you know the correction of the dumpster didn't automatically make the rats go away.

THE REPORTER: Chair, can we stop for one second? My computer just stopped and I think I need to plug something in.

ACTING CHAIR ARTHUR GOLDBERG: We'll take a break for a couple minutes.

(Short Recess Taken.)

ACTING CHAIR ARTHUR GOLDBERG: I would actually like to go back. I don't know if Councilor Kelley has left the room, but we were talking about Chapter 5.24 before about licensing of the haulers, and there's a penalty section, the last section which talks about -- well, this

is a penalty for persons who aren't licensed shall forfeit a sum not exceeding \$50 for each offense. That's the only fine provisions, I believe, as to the disposal license.

Is there another gentleman here to speak on the Casella issue?

ATTY RICHARD HELLER: I'm here on behalf of Casella.

ACTING CHAIR ARTHUR GOLDBERG: Please come forward.

STEVEN CULLITON: Thank you.

THE REPORTER: Sir, please state and spell your first and last name?

STEVEN CULLITON: Sure. My name is Steven, S-T-E-V-E-N, Culliton, C-U-L-L-I-T-O-N. I'm Casella's operations manager based out of Peabody, Mass, 295 Forest Street.

I apologize for my tardiness. It was quite a bit of traffic coming down.

ACTING CHAIR ARTHUR GOLDBERG: Thank you for coming. So while you're here, maybe you could clarify for me too, are you also known as Atlantic Waste?

STEVEN CULLITON: It is a previous -- we were once purchased by a larger company under Atlantic North, which is our previous name. We have since broken off and we're recognized as Casella Waste Company or Casella Waste Systems, I should say.

ACTING CHAIR ARTHUR GOLDBERG: Okay. So you're no longer affiliated with Atlantic?

STEVEN CULLITON: That's correct.

ACTING CHAIR ARTHUR GOLDBERG: I believe the disposal permit that the License Commission has issued is in the name of Atlantic Waste, so we should get that resolved.

STEVEN CULLITON: Okay. That has come up in many municipalities, and many times the

comment from the municipality is it takes more paperwork to change the paperwork, so if you're still at the same billing address, we'll just keep it the same, so...

ACTING CHAIR ARTHUR GOLDBERG: Well, frankly, I think we prefer to have the name right --

STEVEN CULLITON: Absolutely.

ACTING CHAIR ARTHUR GOLDBERG: -- the legal name right.

So did you have a statement? I don't know if you heard Mr. McIsaac's testimony.

STEVEN CULLITON: Yes, I did. Nothing prepared, it was really just to discuss the purpose of being here. I did get here just in time to hear this gentleman's -- many of his comments and if I could just address those.

You know, there's a systemic problem in the waste industry, any company -- any of the

hauling companies, and really what it comes down to is the main difference in Cambridge is certainly way ahead of most of the communities we deal with, the difference between what is trash, what is recyclable and what is compost or food waste.

You know, we work closely with the City of Cambridge, and, you know, my biggest customer is MIT from a food waste standpoint and hauling that away. I heard the name of the company. I'm not specifically familiar with this company. We have over 250 commercial containers in the City of Cambridge, 81 of those are at MIT, 11 of those are at Lesley University, about 158 commercial accounts after that.

Typically, we run into a scenario with the restaurants where they take their trash, their recyclable material and their food waste, they load it into the same container.



Very rarely do we see a recycled container, a true recycled container that has a rodent problem. The rodents just aren't after cardboard, plain ordinary paper cardboard, what have you.

Sometimes in trash, we do see that, but we typically see it more in that mixed comingled material, so they're really going after the food waste.

And again, not familiar with this particular account, but more than likely there's no compost removal system in place, so all of that food waste is going into the trash, and all that trash is sitting out there.

I heard a comment about the open lids. When our drivers service the containers, again, I'm not familiar if this is a front load or rear load, but typically the lids are closed after the service. Who opens them? Our customers open

them because it makes it easier to throw the material into the containers.

So, again, while servicing the container, lids are closed, but after, out of convenience, they don't want to touch the dirty covers, what have you, the covers stay open.

Service frequency was mentioned. This particular customer is a once-a-week customer. You know, I'm a businessman, and I would like to service them eight days a week if that was possible because I'm charging them for each of their pickups. They're business people too and they're going to try and control their costs especially with a trash system, so what they're going to go for is a minimal pickup as possible. Again, systematic problem we see this across the board.

ACTING CHAIR ARTHUR GOLDBERG: I'm sorry. So you don't control the frequency of pickups of

dumpsters?

STEVEN CULLITON: Customers control the frequency. You know, certainly our salespeople, who are paid a commission, would push for a higher frequency rate, but ultimately it's up to the customer.

So, again, that's another area that we do not control, the customer is in charge of, and, again, that does contribute to the rodent problem. If you're going just once a week, you have all that food and debris that build up in the containers, and, you know, the containers that we frequent, that we more frequently service, we see less rodent problems.

POLICE COMMISSIONER ROBERT HAAS: So can you explain why it took five weeks to replace this particular dumpster?

STEVEN CULLITON: Again, I don't know this particular case. We don't have a

receptionist. We do have a customer service area. We're based out of Rutland, Vermont.

The calls all funnel up through our customer service area in Rutland, and they're forwarded down to the operations group in Peabody.

And, again, not familiar with this particular case why it would take five weeks. Our response time is typically anywhere from one day to two weeks depending on the condition of the container and what it entails. And for an example, you know, I went through before I came here, I currently have four pending swaps, container swaps for the City of Cambridge.

Two of them are swapping out plastic containers which we currently have on back order, and one of them on Boar Street, we made five attempts. Each attempt it has been blocked. And one of them came in today at 2:04 p.m. that the

side door was falling off the ten-yard upright container. Something like that is usually a day turnaround, possibly two if we don't have a repair truck in the Cambridge area.

So, again, five weeks, I'm not familiar with the case, but our typical response time is within two weeks.

POLICE COMMISSIONER ROBERT HAAS: When ISD called, they were told that you didn't have any available dumpsters to replace it with initially.

So I'm just trying to figure out why a company your size wouldn't have other dumpsters available to do a quick swap out for a dumpster.

So that's what I'm grappling with. They seemed to be somewhat evasive. It took another call, several weeks later, to figure out when that dumpster was going to be changed out. It essentially was, but like I say, it was over a

five-week period of time. Meanwhile, this particular dumpster has a hole in it leaking food stuff and it contributes to rodent problem for this particular establishment.

So I would imagine you would not think that's an acceptable turnaround.

STEVEN CULLITON: Very unacceptable.

POLICE COMMISSIONER ROBERT HAAS: The situation now with this particular dumpster you're attributing it to the customers leaving the lids open as opposed to the lids being faulty.

STEVEN CULLITON: I heard lids being open, and especially, if we're servicing once a week, my drivers are on site once a week for a short amount of time.

Two days later, I would imagine if the lids, for some reason, were open after the driver put the container down, that the business would

shut the lids at that point.

ACTING CHAIR ARTHUR GOLDBERG: Any further questions?

ASSISTANT FIRE CHIEF GERARD MAHONEY: So you said you're not familiar with the account.

Is there somebody in your office, shop or whatever, that is familiar with the account?

STEVEN CULLITON: The salesperson would be the one most familiar with the account.

ASSISTANT FIRE CHIEF GERARD MAHONEY: I would think maybe a positive step would be for the person from Casella that is familiar with the account to meet with the gentleman from ISD on site to address the issues.

You had mentioned a hole in the dumpster, but that dumpster has been changed out.

CHARLES McISAAC: Yes, it has.

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
Okay.

STEVEN CULLITON: Typically, we get more service requests or swap-out requests from the drivers than we do from the businesses.

In many cases, the businesses don't recognize there's an issue with the bottom, with the floor where all the material sits. They don't -- they may not recognize there's a leak or an issue with the dumpster.

It's the driver who literally picks it up off the ground to service it who notices the leaks, and the base of the floor may have a crack in it or something along those lines.

Over 60 to 70 percent of the swap out of containers do come from the drivers.

ASSISTANT FIRE CHIEF GERARD MAHONEY: So, again, I would think maybe one step in the right direction is somebody from Casella meets with somebody from ISD on site as a starting point to get this matter resolved.



POLICE COMMISSIONER ROBERT HAAS: You heard there's another pending issue that ISD is dealing with, I guess, with your company as well that hasn't --

CHARLES McISAAC: The citation's in the mail, so the --

POLICE COMMISSIONER ROBERT HAAS: It's going to the Peabody address?

CHARLES McISAAC: It's going to the licensee. It's a Casella dumpster with broken lids. It's not a matter -- when lids are left open by a dumpster, that's usually the licensee's fault, and that's when they get a ticket.

But sometimes it's just as simple as a drain plug missing and things like that. We contact the licensee to contact their hauler because a lot of haulers won't even talk to anyone else unless they have the contract with them. So we tell the licensee to contact their

hauler to get the violation corrected.

POLICE COMMISSIONER ROBERT HAAS: You understand if this body were to take action relative to suspending or revoking your license that would affect all your customer base?

STEVEN CULLITON: Absolutely, sir.

POLICE COMMISSIONER ROBERT HAAS: Right?

STEVEN CULLITON: Absolutely, sir.

POLICE COMMISSIONER ROBERT HAAS: No other questions.

ACTING CHAIR ARTHUR GOLDBERG: Thank you.

So it's up to the Commission. I don't know if anyone has a motion.

I'm inclined to want to issue a warning letter at this point, but if other people disagree then we can talk about it.

POLICE COMMISSIONER ROBERT HAAS: Do we have a history with this company on file?

EXECUTIVE DIRECTOR ELIZABETH LINT: We

don't.

POLICE COMMISSIONER ROBERT HAAS: We

don't.

EXECUTIVE DIRECTOR ELIZABETH LINT: We

also haven't been licensing the haulers for that many years.

POLICE COMMISSIONER ROBERT HAAS: Uh-huh.

ASSISTANT FIRE CHIEF GERARD MAHONEY: So

can you, as a representative of Casella, guarantee us this evening that you or a member of your staff will meet with ISD to address the issue, not only at Hana Sushi, but he has stated he has other Casella locations in the city that are problematic?

STEVEN CULLITON: Absolutely.

ASSISTANT FIRE CHIEF GERARD MAHONEY:

Okay.

ACTING CHAIR ARTHUR GOLDBERG: I make a

motion that the License Commission issue a

warning letter to Casella Waste that related to the incident at issue about the five-week turnaround problem, and other issues related to Casella dumpsters in the city, and that any further violations by Casella could result in a disposal license suspension or revocation by the License Commission.

ASSISTANT FIRE CHIEF GERARD MAHONEY:

Second.

ACTING CHAIR ARTHUR GOLDBERG: All in favor?

POLICE COMMISSIONER ROBERT HAAS: Aye.

ACTING CHAIR ARTHUR GOLDBERG: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY:

Aye.

**APPLICATION:**

**SFJ GROUP, LLC D/B/A EL JEFE'S TAQUERIA**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: SFJ Group, LLC d/b/a El Jefe's Taqueria, John Schall, manager, has applied for a common victualer license at 83 Mount Auburn Street.

Said licence, if granted, would allow food and nonalcoholic beverages to be sold, served and consumed on said premises with a seating capacity of 29 inside and 3 seasonal patio seats with operating hours from 7:00 a.m. until 4:00 a.m. seven days per week.

ACTING CHAIR ARTHUR GOLDBERG:

Mr. Rafferty?

ATTY JAMES RAFFERTY: Good evening, Mr. Chairman, members of the Commission.

For the record, my name is James Rafferty. I'm appearing in this evening on behalf of the applicant who is seated to my right, John Schall, S-C-H-A-L-L.

Mr. Schall is the principal and manager

of the LLC, SFJ Group and he's looking to operate an El Jefe's Taqueria. The "J" is silent as in Juan.

EXECUTIVE DIRECTOR ELIZABETH LINT: Got it.

ATTY JAMES RAFFERTY: There's an old joke about that. They say, "Where are you going to stay?"

"Oh, the San Uwan."

"San Uwan? Oh, San Juan."

"When are you going?"

"Next Uly."

It's a long story. Silent "J."

ACTING CHAIR ARTHUR GOLDBERG: Be that as it may...

ATTY JAMES RAFFERTY: With all this trash talk, I thought we may want to shift the subject here because Mr. Schall is a respected, well established operated in the Harvard Square

community. He is the principal and manager of Fire & Ice on Church Street.

This is a location that is before the Commission tonight seeking a common victualer license at a location that has been licensed for, frankly, decades by the Commission. It most recently in the last year or so operated as a Taco Truck. Prior to that it was Philippe's. Prior to Felipe's, it was Real Taco. Prior to Real Taco, I think it was the Bruger's Bagels and it was a TCBY Yogurt.

So it's had a fast food license for more than three decades. We recently received approval from the Zoning Board for Special Permit for fast order food at this location.

There isn't too much planned in physical alterations. This is going to be an authentic restaurant serving much more than just tacos, but it's going to principally serve a -- how would

you describe the cuisine?

JOHN SCHALL: Authentic Mexican taqueria with tacos, burritos, enchiladas.

ACTING CHAIR ARTHUR GOLDBERG: Do we have a menu on file?

EXECUTIVE DIRECTOR ELIZABETH LINT: I believe we do.

ATTY JAMES RAFFERTY: We did file one. And we said there's a -- it has been the -- the location has been serving menus -- cuisine of that genre for more than a decade.

So Mr. Schall is looking to increase the hours of operation to be consistent with the adjoining Tasty Burger. There's a demand for late night food. It's in the heart of the student centric section of Harvard Square.

It's also a place that Mr. Schall knows where oftentimes waitstaff and workers who work in the hospitality industry in the greater



Harvard Square area do sometimes look for a place to get a bite to eat, so the CV license would look to be consistent with that of the adjoining Tasty Burger on the corner.

ACTING CHAIR ARTHUR GOLDBERG: Do you have anything to add, Ms. Executive Director?

EXECUTIVE DIRECTOR ELIZABETH LINT: I do not, except for that we do have a letter in support from Ms. Jillson from the Harvard Square Business Association who says on behalf of the Board of Directors, members and staff, they extend their overwhelming support for the application, that John is a long-time member of the association, a generous community partner and respected leader in Harvard Square.

POLICE COMMISSIONER ROBERT HAAS: So Mr. Rafferty brought up the issue about Tasty Burger, and we made some stipulations with them primarily over security issues.

Is this all on one-floor operation or two floors?

ATTY JAMES RAFFERTY: No, one floor.

POLICE COMMISSIONER ROBERT HAAS: Okay.

JOHN SCHALL: There's an office in the basement.

POLICE COMMISSIONER ROBERT HAAS: But there's no customers?

JOHN SCHALL: There's no customers.

ATTY JAMES RAFFERTY: It won't be part of the licensed premises.

POLICE COMMISSIONER ROBERT HAAS: Is there a intention, at some point in time, to come back for a liquor license?

ATTY JAMES RAFFERTY: Mr. Schall did discuss at some point the possibility of exploring a beer and wine, but at the moment, he is not looking to do that.

ASSISTANT FIRE CHIEF GERARD MAHONEY: I

have nothing.

ATTY JAMES RAFFERTY: The Commission, I know, has -- Commissioners, there are a few licenses, CV licenses that go into the later hours.

This has a food -- a price point and a food product that he believes will -- that the demand exists at that hour. It's an opportunity to try to respond to public interest, particularly student based.

The Au Bon Pain out front is known for late hours at Forbes Plaza, in the Holyoke Center Building, the Tasty Burger derives its name, of course, from the long-time Tasty Restaurant that was in the heart of Harvard Square for many years.

It's in recognition that there are some people that actually are seeking food at that hour. He's hoping to be able to respond to that.

ACTING CHAIR ARTHUR GOLDBERG: Are there any other nearby entities open as late as this 4:00 a.m.?

JOHN SCHALL: Tasty Burger next to us.

ATTY JAMES RAFFERTY: Tasty Burger. It's in the same building. This is the building known as the garage.

It's the corner of Mount Auburn Street and JFK Street. There's a series of CV licenses and -- but this is -- this has -- this is a single story more like a storefront. The entire space is visible from the sidewalk. It has a clear plate glass window.

There wouldn't be any activity going on in the premises that wouldn't be visible from the sidewalk.

POLICE COMMISSIONER ROBERT HAAS: Uh-huh.

ACTING CHAIR ARTHUR GOLDBERG: Are there any members of the public who wish to be heard on

this?

POLICE COMMISSIONER ROBERT HAAS: In terms of renovations, what are you planning on doing?

JOHN SCHALL: 90 percent of the renovation is changing the equipment out, and so when people will select the ingredients for their meal, they'll come through a line where they'll see it.

Right now, orders are taken and then the meals are prepared behind, and we're changing that process around. So it will be sort of similar to at Chipotle or BP Loco or any of them.

So that's the majority of the build-out is switching that the way food is being served.

ATTY JAMES RAFFERTY: This is a floor plan.

ACTING CHAIR ARTHUR GOLDBERG: So the paperwork is in order on this?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes, Mr. Rafferty just passed me the abutter notifications.

ACTING CHAIR ARTHUR GOLDBERG: Okay. A motion?

ASSISTANT FIRE CHIEF GERARD MAHONEY: I make a motion that the application be approved as submitted in the application.

ACTING CHAIR ARTHUR GOLDBERG: Seconded. All in favor?

POLICE COMMISSIONER ROBERT HAAS: Aye.

ACTING CHAIR ARTHUR GOLDBERG: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
Aye.

ATTY JAMES RAFFERTY: Thank you very much.

ACTING CHAIR ARTHUR GOLDBERG: You're approved three to nothing. Good luck.

**APPLICATION:  
DOMENIC'S FORNO, INC**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Domenic's Forno, Inc, Ciro Maione, manager, has applied for a common victualer license at 75-125 Binney Street.

Said license, if granted, would allow food and nonalcoholic beverages to be sold, served and consumed on said premises with a seating capacity of 49 inside and 12 seasonal patio seats with operating hours from 7:00 a.m. until 11:00 p.m., seven days per week.

ATTY JAMES RAFFERTY: Good evening, again, Mr. Chairman, James Rafferty on behalf of the applicant who is seated to my right is Ciro Maione, M-A-I-O-N-E. Is it Maione?

CIRO MAIONE: Maione is fine.

ATTY JAMES RAFFERTY: Mr. Maione is looking to open a new business in a new building

that's coming and approaching completion at 75/125 Binney Street.

It's a building approved as part of an overall PUD Special Permit issued by the Planning Board several years ago to Alexandria Real Estate.

The principal is the Life Science building, but one of the requirements of the Special Permit was that portions of the ground floor be retail, and the intention is to create active uses.

So Mr. Maione operates a very successful restaurant in Waltham known as Domenic's. And Domenic's has a strong following, but one of the unique aspects about Domenic's is that Mr. Maione is the third generation baker and they feature freshly prepared breads. They bake all their breads on premises.

This is going to serve, and we submitted,



authentic Neapolitan and regional Italian items alongside Italian/American favorites.

It's a bakery, deli and casual restaurant all in one.

It's going to service occupants of the building, obviously. The surrounding neighborhood, the greater Kendall Square neighborhood, and it's on the residential side of Binney Street.

It's across the street from the new 2.2 Acre Park that was provided to the city by Alexandria as part of the development, so it really -- I know from direct involvement that the landlord really went through a very thorough vetting of what would be the right use there, and tried to come up with something that would add to the current offerings in Kendall Square. Kendall Square, as we all know, has matured. There have been a variety of food offerings, but

for the longest time there wasn't much.

Mr. Maione's business features catering so he can accommodate offices within the building. It's the type of place where residents could stop by on their way home from work if they leave in that Kendall Square T stop and heading into the East Cambridge neighborhood, it will serve as a great supplier of food to the neighborhood.

Its proposed hours are from 7:00 a.m. to 11:00 p.m. Seating includes ten patio seats on private property, and it will serve as a nice way to activate this new building. The building is due to open...

CIRO MAIONE: They said maybe November, 1st of November.

ATTY JAMES RAFFERTY: It's going to be the home of Ariad Pharmaceuticals and it's a dramatically designed building with a large

atrium area that opens up onto the park and the food was -- it was always anticipated that a food service use would complement the type of active use that's sought for here, so that people beyond just the tenants of the building would be drawn to the building and to the restaurant.

I know Alexandria is excited that Mr. Maione has been able to make this commitment, and I know that people throughout the neighborhood are excited about this restaurant that has such a success in Waltham coming into Cambridge.

ACTING CHAIR ARTHUR GOLDBERG: Quick question: Is it 12 outdoor seats or ten?

ATTY JAMES RAFFERTY: I think the floor plan shows 12.

ACTING CHAIR ARTHUR GOLDBERG: Okay.

You said ten.

ATTY JAMES RAFFERTY: Did I say ten?

Yeah.

CIRO MAIONE: 12.

ATTY JAMES RAFFERTY: Three sets of four.

ASSISTANT FIRE CHIEF GERARD MAHONEY: How long have you had the establishment in Waltham?

CIRO MAIONE: 36 years.

ASSISTANT FIRE CHIEF GERARD MAHONEY: I guess that's established.

POLICE COMMISSIONER ROBERT HAAS: What is the nearest crosswalk on Binney Street?

ATTY JAMES RAFFERTY: On Second Street.

POLICE COMMISSIONER ROBERT HAAS: And the parking for customers is outside of the complex? Where would they park?

CIRO MAIONE: There's parking in front.

ATTY JAMES RAFFERTY: There's metered parking. Under the terms of the Special Permit, the retail, the small business exemption for

retail, is any premises less than 10,000 square feet on the retail side, so it's on-street metered parking and resident parking in the back.

There's a parking garage in the building, but the building -- that garage is for the commercial tenants as well as there's an adjoining residential building at 270 Third Street that just reached completion.

This is a block-long building that runs Binney Street between Third and Second, and you notice that they have completed the improvements to Binney Street, the cycle track has been installed, it will be a principal bicycle artery from the Charles River through into Kendall.

It's all part of a well-conceived and executed master plan that's designed to make these buildings interact a little more with the

community.

So I will say this without appearing to be judgmental that some of the criticism has been there's a lot of elite-style eateries there, and this is something that is seen as a little more broad based in its appeal. It's neighborhood friendly. It's -- you can pronounce most of the names of the food, and even though kale is very popular and things like that, you know, where do you get a good salami sandwich in Kendall Square, I mean. Any specialties?

CIRO MAIONE: Lots of specialties.

ATTY JAMES RAFFERTY: Now, there's a building a few blocks away where dedicated men and women protect the city all day, and they have been known to have an interest in a good sandwich.

POLICE COMMISSIONER ROBERT HAAS: How soon after the November opening do you plan on

opening your establishment?

CIRO MAIONE: I would say sometime in the winter we'll be ready to open, February.

POLICE COMMISSIONER ROBERT HAAS:  
Crossing over to the new year, February?

CIRO MAIONE: Yes.

ATTY JAMES RAFFERTY: They haven't done the fit-out yet for the restaurant. The landlord delivers them the space.

ASSISTANT FIRE CHIEF GERARD MAHONEY: How long is your lease?

CIRO MAIONE: Ten year with options.

ACTING CHAIR ARTHUR GOLDBERG: Any members of the public that wish to be heard?

None.

EXECUTIVE DIRECTOR ELIZABETH LINT: I have minor housekeeping.

You gave me the abutter notifications. I don't have the affidavit.

ATTY JAMES RAFFERTY: Oh.

EXECUTIVE DIRECTOR ELIZABETH LINT: I have a letter in support from Councilor Toomey, that "During the rezoning process for the parcels along Binney Street much importance was placed on transforming Binney into a retail corridor. With the application of Domenic's Forno, this vision is starting to take shape as far as the application and hope to welcome the first of many new businesses to Binney Street."

That's all I have.

ACTING CHAIR ARTHUR GOLDBERG: Okay. I'll make a motion that the CV license be approved.

POLICE COMMISSIONER ROBERT HAAS: Second.

ACTING CHAIR ARTHUR GOLDBERG: All in favor?

ASSISTANT FIRE CHIEF GERARD MAHONEY: Aye.



POLICE COMMISSIONER ROBERT HAAS: Aye.

ACTING CHAIR ARTHUR GOLDBERG: Aye.

Three to nothing.

Thank you very much.

ATTY JAMES RAFFERTY: Thank you.

**APPLICATION (CONTINUED):  
RAMEN RESTAURANT GROUP, LLC D/B/A SUVAAI**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Continued from July 7, July 21 and August 11, 2015, Ramen Restaurant Group, LLC d/b/a Suvaai, Falgun Pathak, manager, has applied for a new wine and malt beverages restaurant license at 2378 Massachusetts Avenue with proposed hours of 11:30 a.m. to 12:00 a.m., Tuesday through Sunday with a seating capacity of 22 inside and 8 seasonal patio seats on the public sidewalk.

ATTY SEAN HOPE: Good evening,

Mr. Chairman, Members of the Commission.

For the record, Attorney Sean Hope, Hope legal law offices in Cambridge.

I'm here tonight on behalf of the applicant, Ramen Group, LLC. And we also have on behalf of the LLC, we have Mr. Falgun Pathak, he's the manager, proposed manager of the CV.

Commissioners, as I mentioned, this is an application for a CV license. This is an existing restaurant at 2378 Mass Ave in North Cambridge.

This is an application that initially was filed along with a beer and wine application. We're not asking the Commission to rule on the beer and wine application this evening. We solely want to focus on the CV application as well the change of name.

Part of the reason for the CV application, this is a southeast Indian

restaurant, Mr. Pathak has had a series of successful restaurants. Since 2002 he has been part owner of a restaurant in Billerica.

FALGUN PATHAK: Billerica, Sudbury and the restaurant at 2378 Mass Ave. I owned that since 2013 up to 2014 where I pulled in new partners.

That's one of the reasons for the name change is the parent company has changed, and we would like to move ahead with the new name, and new company.

ACTING CHAIR ARTHUR GOLDBERG: Okay. Is this the first time you're before the Commission on the CV license?

ATTY SEAN HOPE: So the previous hearings actually focused -- we actually didn't come before. There was a disciplinary hearing that was the subject of -- there was a series of fires that happened at the premises, and so we

didn't get a chance to come before application and we thought it was appropriate to postpone until we had whatever those issues were to be resolved.

So we actually have not been able to present the CV application, nor the name change.

Part of the challenge was we were doing a marketing roll out in order to drive business to the restaurant and because we had continued the hearings, we actually weren't able to focus on the change of name and the CV.

So we wanted to actually have that go forward tonight, and although the application is packaged with a beer and wine, we don't plan to move forward with that until the appropriate time.

Part of the issue was resolving some of those health and safety issues, which have been resolved, but also wanting to make sure

that we can establish to the Commission that we're able to operate successfully without incident.

ACTING CHAIR ARTHUR GOLDBERG: So you're withdrawing the beer and wine application?

FALGUN PATHAK: Yes.

ATTY SEAN HOPE: Yes, we are.

ASSISTANT FIRE CHIEF GERARD MAHONEY: So your current restaurant is the restaurant where we have had issues with the duct work and a couple of --

FALGUN PATHAK: Fires? Yes.

ASSISTANT FIRE CHIEF GERARD MAHONEY: And fire incidents and you met with Captain Cahill?

FALGUN PATHAK: Yes.

ASSISTANT FIRE CHIEF GERARD MAHONEY: And all that stuff has been addressed?

FALGUN PATHAK: Yes.

POLICE COMMISSIONER ROBERT HAAS: So

going forward, if I recollect this correctly, there were issues around the maintenance of the ventilation system, and its timeliness in having things done and things like that.

Are the same people involved or is there a different group of people now coming in with this CV license?

FALGUN PATHAK: No, same group of people.

POLICE COMMISSIONER ROBERT HAAS: What is different about this operation compared to the other operation?

FALGUN PATHAK: Well, we obviously have been to the disciplinary hearing and we have been -- we're going to promise to the Commission that we will change the way we operate, and that's the -- that's the sole underlying reason that we're still here with the same group of people.

I'm actually more involved with the restaurant now.

We had a manager who was running the business and she was also part -- she was also a partner in the business, but myself and my third partner are going to be more involved with running the business and making sure that we follow the processes as we have promised to the Commission in a previous hearing.

ACTING CHAIR ARTHUR GOLDBERG: So I'm a little confused.

This is a new CV application?

ATTY SEAN HOPE: Yeah.

ACTING CHAIR ARTHUR GOLDBERG: But you're saying there's an existing restaurant there run by the same people?

ATTY SEAN HOPE: Madura, LLC is the entity that had the existing CV license and so they're actually transferring to the new LLC.

There are additional LLC members that are going to be part of this new LCC.

So while the inside interior will only change maybe with some design but the number of seats is gonna to stay the same. Part of the rebranding is also infusing some capital to be able to make improvements in the restaurant, some of which will remedy some of the issues that had to do with broken glass and other things that were -- just had issues of more nuisance and rose to the level of health and safety, but they were nuisance issues that are now going to be addressed.

So I think it's a rebranding. It's an infusion of capital. I think from the previous hearing, disciplinary hearing, there was also understanding exactly what their obligations were in making sure that they were going adhere to those.



Unfortunately, we had to get to that point, but there was a -- Mr. Pathak has owned licenses, and I think they understand the seriousness of what it means to own this restaurant. So this is an investment in the space that is there. And it's a challenging stretch of Mass Ave. There's a couple different restaurants, but there's not a whole lot of foot traffic yet.

I think there's growing density around this area, and so the idea is if they can rebrand themselves and improve the appearance, and also just be able to do some additional marketing with the new name, the hope is that they will be able to drive foot traffic and to be able to continue this cuisine.

And this is a cuisine that's not readily available in this area. So they do feel like there will be a continuing need and demand for

that type of food.

ASSISTANT FIRE CHIEF GERARD MAHONEY:

Another point I want to bring up is: This is in the same block where we had a fairly lengthy discussion earlier this evening regarding the dumpster issue.

ATTY SEAN HOPE: That's right.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Who is your dumpster company?

FALGUN PATHAK: We changed. We had some issue with our previous hauler, and we changed to Casella as well.

ASSISTANT FIRE CHIEF GERARD MAHONEY: You changed to Casella?

FALGUN PATHAK: Yes.

POLICE COMMISSIONER ROBERT HAAS: How frequently are you going to have pickups?

FALGUN PATHAK: Right now it's just once every week.

ASSISTANT FIRE CHIEF GERARD MAHONEY: So I have some concerns over the fire issues.

I actually communicated with Captain Cahill, and I feel it's best at this time to hold off on approving this because of the significant issues we had, until I'm satisfied as the fire official that the fire and safety issues have been addressed and addressed adequately.

ATTY SEAN HOPE: Can I just respond?

So we do understand the fire and health and safety issues, and we did take action subsequent to the disciplinary hearing to make sure those were remedied.

We do have an existing CV of Madura, LLC and so that is operating. And so by approving this, you would allow us to make the changes and improvements to actually continue almost a different page. We want to turn the page from that.

So by denying this, what you're doing is you'd be limiting our ability to rebrand, you'd be limiting our --

ASSISTANT FIRE CHIEF GERARD MAHONEY: I didn't say "deny."

ATTY SEAN HOPE: Oh, excuse me.

ASSISTANT FIRE CHIEF GERARD MAHONEY: I never said "deny."

We had significant difficulties with one of the employees, a manager there, failing to adhere to the instructions and directions of the Fire Department, opening a business when it was told not to open, and I want to make sure that things have been adequately addressed before I vote in the affirmative to proceed any further. That's my take.

FALGUN PATHAK: Sure.

POLICE COMMISSIONER ROBERT HAAS: So can I ask a question? So what would you be looking

for in terms of vindication is that they have reformed their operation?

ASSISTANT FIRE CHIEF GERARD MAHONEY:

That the hood system has been maintained, that there's a valid contract in place.

I don't have the report in front of me, but there were a significant list of issues that Captain Cahill -- and, again, one of the problems was there was an employee, a manager, if I'm not mistaken, a female, if I'm not mistaken, that failed to comply with the instructions and directions of the Fire Department, opened the facility when the facility was told to remain closed, correct?

So I think you would respectfully understand that my concerns are well founded.

FALGUN PATHAK: Yes.

POLICE COMMISSIONER ROBERT HAAS: So I'm just trying to think what would that transition

look like to satisfy The Assistant Chief's concerns? So you're looking to change the CV before you make an investment; my guess is some of the conditions that existed before probably are still there to some degree, right?

ATTY SEAN HOPE: I would say that the -- it's my understanding, and correct me if I'm wrong, that the health and safety issues that were noted by not just Inspectional Services, but the Cambridge Fire Department had been remedied. And that -- and that's been the understanding that has been taken care of.

I think we could also do is also write a letter to the Commission outlining what has been done to this point, so that you have some record in the file that these have been taking place.

I don't believe that there's another scheduled reinspection by any of the city or departments, so I don't know if --

ASSISTANT FIRE CHIEF GERARD MAHONEY:

Right. And what I would also suggest is that you and/or your client reach out to Captain Cahill and make sure that everybody's on the same page.

EXECUTIVE DIRECTOR ELIZABETH LINT: I might be able to add some.

I believe the fire issues had been addressed, which is why you voted at the disciplinary hearing.

However, I don't have any information that the Inspectional Services' concerns have been addressed, and in fact, most recently, I want to say Friday, I had an email from Ms. Fernandes in Inspectional Services sending me photos of the establishment where they've already changed the signs outside to indicate the new d/b/a, but she did not indicate to me that all of her concerns had been taken care of.

The other issue I have is that they're asking for 22 seats, but the zoning signoff is only for 20 seats. And I don't know -- I don't have a sidewalk obstruction permit for patio seats either.

ATTY SEAN HOPE: Just the first issue with the d/b/a, so the initial application was back in July, as I said. And there was actually we paid the Boston Globe for the marketing assuming that if we weren't approved for the beer and wine we would be able to change the d/b/a.

The d/b/a, I know, is usually a ratification by the Commission. There's an element of free speech if you want to name your restaurant as long as it's not offensive in certain things. So we continued that, so I do take responsibility for that because we could have had that heard at that time. We focused on the beer and wine and health and safety issues,



and we continued to that point.

So the idea that they have actually advertised for the new d/b/a without being approved had more to do with the other issues and that we didn't go forward with the CV and the d/b/a.

So this wasn't an intention to skirt this issue. It was really focusing and making sure the health and safety issues were resolved, which I do believe at the last disciplinary hearing they were identified and they were resolved.

The issue with Inspectional Services and those issues, I don't know if there's been a reinspection of those.

FALGUN PATHAK: I believe those right after the hearing, the last disciplinary hearing, and there was no -- the service -- well, the inspections had been signed off on and we were allowed to open the restaurant.

So the only issue that we had was that I think there was a fridge that was malfunctioning and we shut it down.

ASSISTANT FIRE CHIEF GERARD MAHONEY:

What was malfunctioning?

FALGUN PATHAK: A fridge, refrigerator.

EXECUTIVE DIRECTOR ELIZABETH LINT: The refrigerator was malfunctioning.

I know

Ms. Fernandez was very concerned about whether or not the food that was moved out of that malfunctioning refrigerator was actually going to be safe and able to be used.

The manager on duty, who I believe is the female that Assistant Chief Mahoney is referring, to didn't have any hand sanitizer, didn't seem to understand what it was, brought out the wrong product, and it turned out that they actually didn't have in the establishment the correct

product.

This was as of Friday, I was told this.  
So I'm not convinced it has been resolved.

ACTING CHAIR ARTHUR GOLDBERG: Does  
anyone else wish to be heard on this matter?

POLICE COMMISSIONER ROBERT HAAS: So  
understanding our skepticism, it's not a  
situation that the partnership still stays  
intact, you're switching out managers with this  
new name and new d/b/a, but yet we still have  
remaining issues that exist. So, you know, I  
agree with the fire chief, there has to be some  
demonstration that the operation's going to  
change even before you make the switchover.

The partners are not changing. It's the  
same group of people, you're just shuffling  
people around. So to wait for this CV to be  
approved before you start making those changes, I  
think is going to really put us in a bad

situation or give us greater pause because we're just wondering if we're going to get more of the same.

So my sense, and I have to agree with the Fire Chief, that there has to be some demonstration that this restaurant will be brought into code, it's going to meet the requirements we're hoping to see and then go ahead and try to demonstrate your good faith in terms of changing operation.

I mean, at the very least, I'm going to be looking for some kind of review, once and if this CV gets approved, to demonstrate there is, in fact, a change going forward.

But leading up to that point in time, I mean, were you planning on shutting down and then infusing the money or were you planning to change over to a new business, a new CV and then continue your operation?

FALGUN PATHAK: The latter point.

POLICE COMMISSIONER ROBERT HAAS: So you weren't going to shut down?

FALGUN PATHAK: No.

POLICE COMMISSIONER ROBERT HAAS: So that means to me that you have to make these changes before I feel comfortable in terms of even considering the CV because what it looks like is you're going to just walk over with a new name and the existing situation we have here is going to continue.

ATTY SEAN HOPE: And these are new issues that have come up. I think they're -- in context there were serious allegations dealing with health and safety and three fires. There were a lot of resources and money put into taking care, maybe not the aesthetics, but the things that had to do with even being safe, even occupying, even as an employee.

So although it seems like there are more things, there was a lot of effort put in between the disciplinary hearing and now even to be able to be open.

The Cambridge Fire Department would be shutting them down if they came in and said things weren't taken care of. We've made a lot of progress.

It does sounds like there are additional things to be done. But I also do believe just the branding of the restaurant is going to allow for the continuation of some of this improvement. I don't know if the Commission would be open to a conditional approval with some 30-day check-in.

I just think the delaying some of this doesn't necessarily help create what we need in terms of foot traffic and additional revenue and the hours to continue to do work.

I do understand the Commission's pause of just a changeover and if it's going to be more the same.

Mr. Pathak is here to say this is his reputation, he has several restaurants, he's not just an employee, and he's here to make the decisions.

And when we talked about it, we discussed whether all the issues were resolved, and we came here fully expecting they were, otherwise we wouldn't have been here today.

POLICE COMMISSIONER ROBERT HAAS: You're not aware of what took place on Friday then?

FALGUN PATHAK: No.

POLICE COMMISSIONER ROBERT HAAS: I mean, the fact that there's no hand sanitizer, there's some issues around food spoilage and whether or not the food is suitable to be served and stuff like that, I think there's a major health

concern, right?

So I just don't see -- it's not like flipping the light switch, all of a sudden it's going to get better. There has to be some indication to us that there's some fundamental reform with respect to health and safety issues.

And we're not seeing it if now there's another new issue that's cropped up as recently as Friday, right?

ATTY SEAN HOPE: You said you were an owner, but you were not there day-to-day, the management, and it sounds like that may be necessary.

POLICE COMMISSIONER ROBERT HAAS: It sounds like you have to insert yourself. I mean, if you make some changes, you need to insert yourself and make those things happened.

FALGUN PATHAK: That's my intention.



The business is owned by three partners, and the lady, the female, is one of the three partners now.

So two other partners, which is myself and one other person, we're going to take more and more active part in running this business, so there will be some changes that each of us will be held more accountable with what happens with the restaurant.

For us, at this point, if it doesn't work out, we just have to close and walk away from the business.

This is just a last-ditch effort to kinda get things going and moving forward.

POLICE COMMISSIONER ROBERT HAAS: So is it that you can't work there while she is there or -- I'm just trying to understand.

If you're truly partners, I don't understand why you can't go in and start to make

some of the reforms that need to be to demonstrate to this body that you, in fact, are going to have a different operation going forward, and I think to some degree -- I'm using the word loosely -- but to maintain some leverage to make those changes in your best interest, for us to go ahead and approve your CV now and say, okay, we'll give you another 30-day review or six-month review, you know, I think we want to see some changes that are really fundamental to health and safety, right, and if you're willing to make that commitment after the CV license -- I don't know why you can't make it prior to us giving you formal approval to change your -- grant you a new CV license. And then there's a question, so...

ATTY SEAN HOPE: And I do know that we want to make sure that we're in compliance, and the idea that we have advertisements in the

Boston Globe and other places with the new name, as opposed to a new CV -- I understand we're asking for permission from the Commission on that -- if the Commission chose to want to see some significant change before the CV, I was wondering if you could be inclined to vote on the d/b/a just so that we're not operating out of compliance with the License Commission, although we could take a sign down, we have advertising materials that we put out, and that's been a big push.

So, again, July was when we actually had planned to have that completed and the series of continuations. So if there's an opportunity for that and there's this idea that the CV might be granted at a later time after we've proven that we can make these changes, I just don't want them to be operating with a name that has not been approved by the Commission.

Is it possible to bifurcate those two?

ACTING CHAIR ARTHUR GOLDBERG: The d/b/a is changing from what to what is the proposal?

ATTY SEAN HOPE: Currently it's Curry n Wok.

ACTING CHAIR ARTHUR GOLDBERG: Excuse me?

FALGUN PATHAK: It's Madura, LLC. That's the --

ACTING CHAIR ARTHUR GOLDBERG: I'm talking about the restaurant.

FALGUN PATHAK: Curry n Wok is the d/b/a and we're changing it to Suvaai, S-U-V-A-A-I.

ACTING CHAIR ARTHUR GOLDBERG: Well, do you have a motion?

ASSISTANT FIRE CHIEF GERARD MAHONEY: I think my concerns are to --

POLICE COMMISSIONER ROBERT HAAS: They have already changed, in essence, for all practical matters the d/b/a.

ASSISTANT FIRE CHIEF GERARD MAHONEY: You have taken advertisements using the new name of the restaurant?

ATTY SEAN HOPE: We have.

ASSISTANT FIRE CHIEF GERARD MAHONEY: And what you are asking us is to approve the change of the name of the restaurant and not change the CV, is that correct?

ATTY SEAN HOPE: The CV is really the legal ownership, the legal entity, which is Madura, LLC and there's a new Ramen Restaurant Group, LLC which has many of the same partners, but there's a new partner and there is an infusion of capital as part of this that we want to have approved, and in some ways it's being held until this new entity can be approved.

EXECUTIVE DIRECTOR ELIZABETH LINT: We do have a decision hearing on October 8, if that's something you want to think about.

ASSISTANT FIRE CHIEF GERARD MAHONEY: I personally would be more comfortable putting it off until then.

POLICE COMMISSIONER ROBERT HAAS: My recommendation is that you do, in fact, get some inspections to demonstrate to us that all those things can pass. And then theoretically report back by our decision meeting, which is October 8, and then I think we can make an informed decision whether or not we want to move forward or not is my suggestion.

I make a motion to continue the matter to October 8.

ACTING CHAIR ARTHUR GOLDBERG: Seconded. And for clarification that's to continue both matters, the CV and the d/b/a change?

POLICE COMMISSIONER ROBERT HAAS: Right.

ACTING CHAIR ARTHUR GOLDBERG: Okay.

ATTY SEAN HOPE: I just -- I don't think

the Commission would do this, but I just want them to understand we do have materials out there and we're not -- this is first, and I understand the reasoning why.

POLICE COMMISSIONER ROBERT HAAS: You understand what you need to do between now and October 8, right?

So all the inspectional entities need to get through your restaurant and you need to pass all those inspectional hurdles, right, before I think any of us feel comfortable in terms of whether we can go forward with your CV license application.

ACTING CHAIR ARTHUR GOLDBERG: On the d/b/a frankly, I'm not that sympathetic because this Commission is supposed to approve the name change before the name is changed.

So there's a motion to continue both matters to the --

POLICE COMMISSIONER ROBERT HAAS:

October 8 meeting.

ACTING CHAIR ARTHUR GOLDBERG: October 8  
meeting.

Is there a second?

ASSISTANT FIRE CHIEF GERARD MAHONEY:

Yes, sir.

ACTING CHAIR ARTHUR GOLDBERG: All in  
favor?

POLICE COMMISSIONER ROBERT HAAS: Aye.

ACTING CHAIR ARTHUR GOLDBERG: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY:

Aye. Opposed? No.

**APPLICATION:**

**TAHAZA CANAL PARK, LLC D/B/A  
TAHAZA HUMMUS KITCHEN**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Tahaza Canal Park, LLC, d/b/a



Tahaza Hummus Kitchen, Emily DeBonis, manager, has applied for a common victualer license at One Canal Park. Said license, if granted, would allow food and nonalcoholic beverages to be sold, served and consumed on said premises with a seating capacity of 30 inside and 30 seasonal patio seats with operating hours from is 11:30 a.m. to 9:00 p.m., seven days a week.

EMILY DeBONIS: Hello. I'm Emily DeBonis.

ED DOYLE: Ed Doyle. Real Food consultant.

ACTING CHAIR ARTHUR GOLDBERG: Could you spell your names, please?

EMILY DeBONIS: Yes. E-M-I-L-Y. Last name is D-E-B-O-N-I-S.

ED DOYLE: E-D, D-O-Y-L-E.

EMILY DeBONIS: We're applying for a CV. We're at One Canal Park. We're a fast casual

modern Mediterranean restaurant. We are big in local-sourced ingredients, healthy eating. We are fully compostable in what we serve. We have no venting inside, no alcohol served.

We're hoping to liven up the area. We're the first restaurant in the area and we're hoping to offer a food option for all of the workers there, there are hundreds of employees in the area, with the only option currently is the Cambridgeside Galleria Mall, and we're hoping to really liven it up with some good food to offer them.

ED DOYLE: My company has worked with Ms. DeBonis for over a year and a half at this point.

Emily's background is not in food service. My company works with many companies all over the US, nationally and internationally to help develop new concepts and roll them out.

So we're going to work out and lay out the operation model, build the team, put all the things in place to make sure that she and the team she selects will be successful in the community.

Recently they've hired Tara Brendle, who is an experienced, 12 years, multi-unit restaurant manager, who we actually flew in from LA, whose looking like a terrific member the team, to really give them the ongoing resources that they need to make sure things are first-class.

ACTING CHAIR ARTHUR GOLDBERG: So this is your first restaurant?

EMILY DEBONIS: It is.

ACTING CHAIR ARTHUR GOLDBERG: Anything from the Executive Director?

EXECUTIVE DIRECTOR ELIZABETH LINT: Everything is in order. And they do have the

fast food permit from the Planning Board.

ACTING CHAIR ARTHUR GOLDBERG: Questions?

POLICE COMMISSIONER ROBERT HAAS: So you're going to relying upon this person you're bringing in to kinda run the operations for you since you're kind of new at this, right?

EMILY DEBONIS: Alongside me, yeah.

ACTING CHAIR ARTHUR GOLDBERG: You did find something?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

I have a letter of support from Councilor Toomey. He said he's lending support to the application. There's much desire in the neighborhood to see a strong retail environment along First Street.

This new business will help to improve the atmosphere for small businesses along the street to add a changing -- and add to a changing

street that is more conducive to successful retail along the corridor.

ACTING CHAIR ARTHUR GOLDBERG: Any members of the public here to be heard on this?

No.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Quick question. Where will the patio seats be?

EMILY DEBONIS: It will be along the side, so it won't be right off First Street, it will be along the side.

ED DOYLE: Under the Colonnade?

ASSISTANT FIRE CHIEF GERARD MAHONEY: Between the building and the mall?

ED DOYLE: No. We're in the opposite corner. We're on the canal side.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Oh, okay.

EXECUTIVE DIRECTOR ELIZABETH LINT: Is that private property?

ED DOYLE: Yes, it is.

ACTING CHAIR ARTHUR GOLDBERG: I make a motion that this CV license be approved.

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
Second.

ACTING CHAIR ARTHUR GOLDBERG: All in favor?

POLICE COMMISSIONER ROBERT HAAS: Aye.  
Aye.

ACTING CHAIR ARTHUR GOLDBERG: Aye.  
Thank you.

**APPLICATION:  
PLAYSKA CAMBRIDGE, LLC**

EXECUTIVE DIRECTOR ELIZABETH LINT:  
Application: Playska Cambridge, LLC, Tim  
Wiechmann, manager, has applied for a common  
victualer license at 243 Hampshire Street. Said  
license, if granted, would allow food and

nonalcoholic beverages to be sold, served and consumed on said premises with a seating capacity of 16 and operating hours from 7:00 a.m. until 9:00 p.m., seven days per week.

ACTING CHAIR ARTHUR GOLDBERG: Hi.

TIM WIECHMANN: Hi, Tim Wiechmann, T-I-M, W-I-E-C-H-M-A-N-N.

BRONWYN WIECHMANN: And Brownwyn Wiechmann, B-R-O-N-W-Y-N, also W-I-E-C-H-M-A-N-N.

TIM WIECHMANN: We're here to apply for a CV license. We're the owners of TW Food Restaurant. I'm the chef and she's my business partner and wife. We also own Bronwyn in Union Square, the German restaurant. And we recently acquired Rosie's Bakery in Inman Square. And we're hoping to serve coffee and breakfast into lunch and into an early dinner. We're really excited to be in the neighborhood there. That's new for us.

And we have eight years of experience running restaurants. We sat here eight years ago for our first one.

BRONWYN WIECHMANN: This one has no alcohol license?

TIM WIECHMANN: Yeah, this has no alcohol. It's strictly take-away and a small eat-in area of 16 seats.

ASSISTANT FIRE CHIEF GERARD MAHONEY: What type of cuisine?

TIM WIECHMANN: Actually, Balkan food, which is like Mediterranean, southeast Europe. So it's German Balkan. It will be totally unique just like Bronwyn is.

ACTING CHAIR ARTHUR GOLDBERG: Will you be the chef there?

TIM WIECHMANN: Yep, yep.

I'm the chef of all three actually.

ASSISTANT FIRE CHIEF GERARD MAHONEY: So



this is the space where Rosie's was?

TIM WIECHMANN: Right, uh-huh. No major renovations. Just kind've a cleanup, painting. We kept the counter the same, just trying to keep it very simple.

ASSISTANT FIRE CHIEF GERARD MAHONEY: No Rosie's pastries coming back.

TIM WIECHMANN: People ask for them all the time. They're knocking at the door. My new ones better be good.

ACTING CHAIR ARTHUR GOLDBERG: Are there any members of the public here to be heard on this?

Seeing none.

ASSISTANT FIRE CHIEF GERARD MAHONEY: I make a motion that the application for 243 Hampshire Street be approved as submitted.

ACTING CHAIR ARTHUR GOLDBERG: Second.

POLICE COMMISSIONER ROBERT HAAS: Second.

You seconded or I seconded?

POLICE COMMISSIONER ROBERT HAAS: Are you asking for a second or...?

ACTING CHAIR ARTHUR GOLDBERG: I was seconding.

POLICE COMMISSIONER ROBERT HAAS: Okay. Fine.

ACTING CHAIR ARTHUR GOLDBERG: All in favor?

POLICE COMMISSIONER ROBERT HAAS: Aye.

ACTING CHAIR ARTHUR GOLDBERG: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Aye.

ACTING CHAIR ARTHUR GOLDBERG: Opposed? No.

Congratulations.

TIM WIECHMANN: See you guys soon. Thank you.

**APPLICATION:****MONOGRAM RESIDENTIAL 22 WATER STREET****PROJECT OWNER, LLC****EXECUTIVE DIRECTOR ELIZABETH LINT:**

Application: Monogram Residential 22 Water Street, Project Owner, LLC has applied for a garage license with additional flammables storage for 351 parking spaces, 3510 gallons of gasoline in tanks of autos only, five gallons of Class 1 and 1,000 gallons of Class 2 for a generator at 22 Water Street.

JASON BURRELL: Hi. Jason Burrell, BURRELL.

THE REPORTER: J-A-S-O-N?

JASON BURRELL: J-A-S -- yes. I work for the developer that is completing the development of 22 Water Street which is located behind the Hampton Inn.

The building has a private residential

garage, which is 351 parking spaces, and we have a fuel oil storage tank for the generator, which is located on the roof, and the additional gallons which, I believe, was five is for a snowblower which will be located in the locked fuel storage room that houses the storage tank for the generator.

We have gone through all of our inspections and passed for ISD, and we have been working closely with Lieutenant Towski who has signed off on the building.

ASSISTANT FIRE CHIEF GERARD MAHONEY:

Okay.

ACTING CHAIR ARTHUR GOLDBERG: Lieutenant Towski of the Fire Department?

JASON BURRELL: Correct.

ACTING CHAIR ARTHUR GOLDBERG: You have the Fire Department approval?

JASON BURRELL: Correct, yes. And ISD

approvals which are contingent upon Fire Department approvals.

ASSISTANT FIRE CHIEF GERARD MAHONEY:

What is your timeline for completion?

JASON BURRELL: We're done. We have a TCO through the fourth floor of the building currently.

ASSISTANT FIRE CHIEF GERARD MAHONEY:

These are apartments or condominiums?

JASON BURRELL: They're apartments.

ASSISTANT FIRE CHIEF GERARD MAHONEY:

Okay. How many units in the building?

JASON BURRELL: 392. Big building.

ACTING CHAIR ARTHUR GOLDBERG: And all the parking is residential for the building?

JASON BURRELL: Correct, and it does include visitor spaces for people that are coming in to see people in the building, and potential future residents. So anybody who is looking to

rent an apartment in the building would have access to the parking garage through the concierge who would let them into the garage.

ASSISTANT FIRE CHIEF GERARD MAHONEY:

Below grade parking?

JASON BURRELL: It's both. There's a basement, first-floor level and a second-floor level and we do have carbon monoxide detectors which are hooked up to the garage ventilation system throughout the enclosed area of the parking garage.

ACTING CHAIR ARTHUR GOLDBERG: Are there any members of the public who would like to be heard on this?

None.

EXECUTIVE DIRECTOR ELIZABETH LINT: I do have a question: Is Monogram going to maintain ownership or is it being sold?

JASON BURRELL: No, they maintain

ownership. Yes. And we have part ownership -- we have part ownership in that entity.

ASSISTANT FIRE CHIEF GERARD MAHONEY: I make a motion that the application for 22 Water Street for flammable storage be approved as submitted.

POLICE COMMISSIONER ROBERT HAAS: Second.

ACTING CHAIR ARTHUR GOLDBERG: All in favor?

POLICE COMMISSIONER ROBERT HAAS: Aye.

ACTING CHAIR ARTHUR GOLDBERG: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Aye.

ACTING CHAIR ARTHUR GOLDBERG: Three to nothing in favor.

JASON BURRELL: Thank you very much. Just a point of procedure, do I have to come back to the decision hearing on the 8th or is this --

ACTING CHAIR ARTHUR GOLDBERG: No.

**APPLICATION (CONTINUED:  
DIAMONDS CAMBRIDGE GROUP, INC, LLC  
D/B/A PIZZA BAR**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Continued from August 11, 2015,  
Diamonds Cambridge Group, Inc, d/b/a Pizza Bar,  
John Diamantopoulos, manager, holder of a wine  
and malt restaurant license at 1238 Cambridge  
Street has applied for a change of manager to a  
Tyler Stratton, new stockholder, transfer of  
stock, change of d/b/a to All Star Pizza Bar,  
pledge of stock and new officer/director.

And I do not see any of them there.

ACTING CHAIR ARTHUR GOLDBERG: Is anyone  
here for Pizza Bar?

EXECUTIVE DIRECTOR ELIZABETH LINT: And I  
did not hear back from their attorney. I had an  
email on Friday, and I expected to see them.

ACTING CHAIR ARTHUR GOLDBERG: Well, I



guess we should either postpone this or we could vote on it with nobody here, but...

ASSISTANT FIRE CHIEF GERARD MAHONEY: I'd say postpone it.

POLICE COMMISSIONER ROBERT HAAS: I would agree.

ACTING CHAIR ARTHUR GOLDBERG: Okay. So postpone this to our next meeting.

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
Motion to postpone Diamonds Cambridge Group to the next meeting.

EXECUTIVE DIRECTOR ELIZABETH LINT:  
September 29.

ACTING CHAIR ARTHUR GOLDBERG: Second.  
All in favor?

POLICE COMMISSIONER ROBERT HAAS: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
Aye.

ACTING CHAIR ARTHUR GOLDBERG: Aye.

Three to nothing.

**APPLICATION:  
JUSTIN PRONOVOST D/B/A CURIO COFFEE**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Justin Pronovost d/b/a Curio Coffee has applied for a common victualer license at 441 Cambridge Street.

Said license, if granted, would allow food and nonalcoholic beverages to be sold, served and consumed on said premises with a seating capacity of 15 and operating hours from 7:00 a.m. (sic) until 7:00 p.m., seven days per week.

ACTING CHAIR ARTHUR GOLDBERG: 6:00 a.m. or 7:00 a.m.?

EXECUTIVE DIRECTOR ELIZABETH LINT: I'm sorry. Wait a minute. 6:00 a.m. until 7:00 p.m.

seven days.

JUSTIN PRONOVOST: Good evening.

ACTING CHAIR ARTHUR GOLDBERG: Hello.

Kindly identify yourself.

JUSTIN PRONOVOST: Yep, I'm Justin Pronovost, P-R-O-N-O-V-O-S-T, I'm the principal sole proprietor of Curio Coffee.

So I'm applying for a CV license for a new cafe at 441 Cambridge Street. We will be serving specialty coffee, so high quality, freshly roasted coffee from a leading national roaster, Counter Culture Coffee, and then some light food options prepared by other local bakeries and food preparers.

We're not going to prepare -- we're not going to bake anything or really prepare anything on premises due to the lack of space and ventilation. So we're going to source things like baked goods and pastries from other

licensed, you know, local providers.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Any microwave or heating devices?

JUSTIN PRONOVOST: We're going to use a toaster to toast bagels and an egg station. It's a kind of a seamer/electric cooktop to make eggs for sandwiches. It will be all electric, no open flames or anything like that.

ASSISTANT FIRE CHIEF GERARD MAHONEY: I'm trying to visualize this location, 441?

JUSTIN PRONOVOST: It used to be Petsi Pies location, and they were doing soups and sandwiches and I think more hot foods than we're planning.

ACTING CHAIR ARTHUR GOLDBERG: Do you have kitchen facilities on site?

JUSTIN PRONOVOST: Yeah, so it's an open concept space. So we altered the counter -- we're going to alter the counter a little bit.

There's very limited space for food preparation. It would be a kind of stand-alone sandwich unit, and then the other equipment would be for preparing coffee. So an espresso machine, a coffee brewer, refrigeration for milk built into an L shaped counter.

ACTING CHAIR ARTHUR GOLDBERG: Do you have a sink?

JUSTIN PRONOVOST: Yeah, there was also -- Petsi Pies had already had an existing three-bay sink and a hand washing sink to meet the inspectional criteria.

ACTING CHAIR ARTHUR GOLDBERG: And a full-size refrigerator?

JUSTIN PRONOVOST: It will be an undercounter refrigerator. It's a 48-inch, so it has a full-size capacity, but it's built -- it would be built underneath the counter to save space and improve the appearance of the overall

open concept.

ACTING CHAIR ARTHUR GOLDBERG: Any other questions?

POLICE COMMISSIONER ROBERT HAAS: No other questions.

ACTING CHAIR ARTHUR GOLDBERG: Any member of the public wish to be heard on this?

None.

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
Motion to approve the application submitted for Curio Coffee at 441 Cambridge Street.

EXECUTIVE DIRECTOR ELIZABETH LINT: I'm sorry. Just back up for a second. I have letters in support from East Cambridge Business Association, as well as Councilor Toomey who are both lending their support. They like the idea of reactivating the retail space on Cambridge Street and are encouraged by seeing small businesses willing to invest.

ACTING CHAIR ARTHUR GOLDBERG: There was  
a motion to approve.

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
Yes, sir.

POLICE COMMISSIONER ROBERT HAAS: Second.

ACTING CHAIR ARTHUR GOLDBERG: All in  
favor?

POLICE COMMISSIONER ROBERT HAAS: Aye.

ACTING CHAIR ARTHUR GOLDBERG: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
Aye.

ACTING CHAIR ARTHUR GOLDBERG: Opposed?  
None.

Congratulations.

JUSTIN PRONOVOST: Appreciate that.

**APPLICATION (CONTINUED):  
UNSPEAKABLE, LLC D/B/A AMES STREET DELI**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Continued from May 28, 2015,  
Unspeakable, LLC d/b/a Ames Street Deli, Joseph  
Cammarata, manager, holder of an all alcoholic  
beverages restaurant license at 73 Ames Street  
has applied for an alteration of premise to  
include an outdoor seasonal patio on the public  
sidewalk for 39 seats.

ACTING CHAIR ARTHUR GOLDBERG: So I  
should say that I'm going to abstain from voting  
on this matter, but Chief Mahoney and  
Commissioner Haas were here for the prior hearing  
on this, so they can vote on this.

Could you please identify yourself.

TSEWEI LIM: My name is Tsewei Lim, I am  
one of the owners --

THE REPORTER: Spell your first and last  
name.

TSEWEI LIM: Sure. Tsewei is spelled



T-S-E-W-E-I. Lim is spelled L-I-M.

ACTING CHAIR ARTHUR GOLDBERG: Thank you.

TSEWEI LIM: Thank you.

ACTING CHAIR ARTHUR GOLDBERG: Go ahead.

TSEWEI LIM: As you know I was here, I believe, back in April or May to apply for -- to put a patio out in front of the restaurant at 73 Ames Street, and at the time I was issued the common victualers license, but for reasons that are still not entirely clear to me, I was told that the ABCC was unhappy with the fact that the patio was separated, was located on the street side of the pavement as opposed to the building side of the basement, whereas the city preferred that patios be on the street side of the pavement rather than the building side.

So until the ABCC has now found a way to resolve the situation and so here I am.

POLICE COMMISSIONER ROBERT HAAS: So how

have they resolved the situation?

EXECUTIVE DIRECTOR ELIZABETH LINT: They issued an advisory, they amended their rules and regulations to allow the patios to not be contiguous to the buildings so long there is a line of sight and dedicated person to the patio.

ACTING CHAIR ARTHUR GOLDBERG: That's for the patios on the sidewalk?

EXECUTIVE DIRECTOR ELIZABETH LINT: For the patios on the sidewalk, yep, on the public sidewalk.

ACTING CHAIR ARTHUR GOLDBERG: Public sidewalk.

POLICE COMMISSIONER ROBERT HAAS: You will meet both that criteria, line of sight and somebody dedicated to be on the patio?

TSEWEI LIM: The entire storefront is glass, so it's clearly within line of sight.

And if there's a requirement there be a dedicated wait person for the patio, then we can certainly do that.

POLICE COMMISSIONER ROBERT HAAS: There seems to be...

TSEWEI LIM: For the record, this is the first time I'm hearing about the dedicated person requirement.

POLICE COMMISSIONER ROBERT HAAS: Does that change your plans?

TSEWEI LIM: I'm sorry?

POLICE COMMISSIONER ROBERT HAAS: I didn't hear what you said. Does it change your plans?

TSEWEI LIM: No, it doesn't change my plans, but...

ACTING CHAIR ARTHUR GOLDBERG: You will be able to comply with that condition?

TSEWEI LIM: Absolutely.

ACTING CHAIR ARTHUR GOLDBERG: Is there any member of the public that wishes to be heard on this?

No.

ASSISTANT FIRE CHIEF GERARD MAHONEY: I would make a motion that the application for Unspeakable, LLC d/b/a Ames Street Deli be approved as submitted in light of the advisory that has been received from the ABCC.

POLICE COMMISSIONER ROBERT HAAS: Second.

ACTING CHAIR ARTHUR GOLDBERG: All in favor?

POLICE COMMISSIONER ROBERT HAAS: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
Aye.

TSEWEI LIM: Thank you very much.

EXECUTIVE DIRECTOR ELIZABETH LINT: I see that Mr. Izzo from Bridj is here, and I do not see Mr. Verna or Mr. Jankauskas. Perhaps we can

skip over and make him wait until I call him.

**REVIEW:**

**GROUP ZOOM, INC, D/B/A BRIDJ**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Review: Group Zoom, Inc, d/b/a Bridj, Michael Izzo, representative of the License Commission's October 30, 2014 approval and City Council's approval on November 10, 2014 regarding your pilot program.

MICHAEL IZZO: Good evening. My name is Michael Izzo, spelled I-Z-Z-O. I'm the operations director of Bridj, and we're a technology company operating the world's first flexible mass transit service. We have been operating in the Boston area for over a year now.

We're currently also operating from

Washington, D.C. We provide shuttle service generally right now between Allston, Brighton, Brookline into downtown and the Seaport area as well as into Kendall Square.

And we have been working closely with the City of Cambridge since before we launched service. We were -- in the fall -- we were granted a jitney license to operate in the same service area that we're in now.

We had several meetings with TPT to discuss the details of our service. They had a few concerns -- they had a few areas of concern and we were able to actually move forward with the jitney license by determining -- by designating those areas as areas we would include in a pilot program.

So we have been operating for a little over six months now. The pilot was a six-month pilot. We operated for six months while keeping

eyes on those locations. There were four locations. Actually, one of them to which we're currently operating service.

However, we worked with TPT, provided them the information that they required to evaluate if the -- if our service was, in fact, disruptive to existing transportation service and existing traffic movement in those areas.

The conclusion of the pilot was that the intent of the city has heard no complaints from any organizations or citizens about our service, and the data revealed no significant delays due to the presence of our service. And I believe you all received a copy of that memo prior to this hearing.

ACTING CHAIR ARTHUR GOLDBERG: So you have seen the memo from Traffic, Parking and Transportation dated July 21 related to Bridj.

MICHAEL IZZO: Yes, I have.

ACTING CHAIR ARTHUR GOLDBERG: There were several recommended conditions that TPT recommends be put on the Bridj jitney license.

Do you agree with those conditions or do you -- you're familiar with them, you've seen those?

MICHAEL IZZO: Yes, I have.

ACTING CHAIR ARTHUR GOLDBERG: Do you have any issue with any of those conditions?

MICHAEL IZZO: No, we did not.

We worked with the city, we met with them several times and so they fit our service offerings right now, yes.

ACTING CHAIR ARTHUR GOLDBERG: I'd rather not read all the conditions because there's a page and a half of them, but they are on record.

I don't know if you have any questions, any of the Commissioners?

POLICE COMMISSIONER ROBERT HAAS: No.



ACTING CHAIR ARTHUR GOLDBERG: So what I would recommend is that we approve, after this pilot program has ended, that we now recommend approval of the jitney license to the city manager, who then recommends it to the City Council, and I should do this by motion, so why don't I call this a motion to approve the jitney license for Bridj and make the recommendation to the city manager who will submit it to the City Council for approval and with the conditions attached that are listed in the July 21, 2015 memo from Joseph E. Barr, the Director of the Traffic, Parking and Transportation Department to Andrea Jackson, Chairperson of the License Commission, and I guess I'll ask for a second.

POLICE COMMISSIONER ROBERT HAAS: Second.

ACTING CHAIR ARTHUR GOLDBERG: All in favor?

POLICE COMMISSIONER ROBERT HAAS: Aye.

ACTING CHAIR ARTHUR GOLDBERG: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY:

Aye.

MICHAEL IZZO: The only question I have is: In the recommended jitney license, what dates is that license going to reflect?

EXECUTIVE DIRECTOR ELIZABETH LINT: It will be an annual license based on the -- it was going to expire December 31, so -- assuming with City Council approval.

MICHAEL IZZO: It could be to the following December 31, okay, fine.

ACTING CHAIR ARTHUR GOLDBERG: We now made a recommendation, so the City Council has to give final approval.

MICHAEL IZZO: Okay. And I will hear from you or from the City Council about it?  
Thank you very much for your time.

ACTING CHAIR ARTHUR GOLDBERG: Good  
night.

**APPEAL:**  
**ARNEL VERNA**

EXECUTIVE DIRECTOR ELIZABETH LINT:  
There's an appeal from Arnel Verna, holder of a  
Cambridge Hackney License No. 29250 due to my  
decision to suspend his Hackney license for two  
weeks. I do not see him here. I have not seen  
him here all night.

ACTING CHAIR ARTHUR GOLDBERG: Well, I  
think we should consider his appeal withdrawn if  
he's not here to pursue it.

ASSISTANT FIRE CHIEF GERARD MAHONEY: I  
would second that if that's a motion.

ACTING CHAIR ARTHUR GOLDBERG: Okay.  
Motion to uphold the decision of the Executive  
Director as to the two-week suspension of the

license of Arnel Verna, and Mr. Verna being absent from this appeal hearing that was scheduled for his benefit.

Second.

ASSISTANT FIRE CHIEF GERARD MAHONEY:

Second.

ACTING CHAIR ARTHUR GOLDBERG: All those in favor?

ASSISTANT FIRE CHIEF GERARD MAHONEY:

Aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

ACTING CHAIR ARTHUR GOLDBERG: Aye.

Three to nothing.

**DISCIPLINARY:  
CITY COMPOST, LLC**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Disciplinary matter for City Compost, waste haulers for failing to pay the 2015 license

renewal fee.

I would recommend that we have one of the investigators determine whether or not they're still conducting business in the city.

POLICE COMMISSIONER ROBERT HAAS: And if they are?

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
Revoke their license.

EXECUTIVE DIRECTOR ELIZABETH LINT: We put it on for a revocation hearing.

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
Make a motion that license investigator investigate City Compost to see if they're, in fact, in conducting business in the City of Cambridge. If they are found to be doing so, to notify them of revocation hearing.

ACTING CHAIR ARTHUR GOLDBERG: Second.

All those in favor?

ASSISTANT FIRE CHIEF GERARD MAHONEY:

Aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

ACTING CHAIR ARTHUR GOLDBERG: Aye.

Three to nothing.

**RATIFICATION: BARISMO, INC D/B/A DWELLTIME**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Ratification: Barismo, Incorporated, doing business as Dwelltime, Jamie van Schyndel, manager, holder of a common victualer license at 365 Broadway has changed the d/b/a to Barismo.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Is everything in order?

EXECUTIVE DIRECTOR ELIZABETH LINT: It is.

ACTING CHAIR ARTHUR GOLDBERG: There's no one to be heard on this?

EXECUTIVE DIRECTOR ELIZABETH LINT: It's just a ratification on this, so we would not have

asked him to come in.

POLICE COMMISSIONER ROBERT HAAS: I make  
a motion to accept.

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
Second.

ACTING CHAIR ARTHUR GOLDBERG: All in  
favor?

POLICE COMMISSIONER ROBERT HAAS: Aye.

ACTING CHAIR ARTHUR GOLDBERG: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
Aye.

Three to nothing in favor.

EXECUTIVE DIRECTOR ELIZABETH LINT: And  
then we have quite a few minutes to catch up on  
since we have Assistant Chief Mahoney here.

May 5, May 26, and May 28 both the  
Commissioner and Assistant Chief were here, those  
need to be approved.

ASSISTANT FIRE CHIEF GERARD MAHONEY:

Make a motion to approve the minutes of May 5,  
19 --

EXECUTIVE DIRECTOR ELIZABETH LINT: No,  
no. Sorry. 5th, 26th and 28th.

ASSISTANT FIRE CHIEF GERARD MAHONEY: The  
5th, 26th, 28th.

POLICE COMMISSIONER ROBERT HAAS: Second.

ACTING CHAIR ARTHUR GOLDBERG: All those  
in favor?

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
Aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

EXECUTIVE DIRECTOR ELIZABETH LINT: And  
then I don't know if you have had an opportunity  
to review the --

POLICE COMMISSIONER ROBERT HAAS: No.

EXECUTIVE DIRECTOR ELIZABETH LINT:  
That's the answer.

ACTING CHAIR ARTHUR GOLDBERG: Okay. Is



there any other business?

EXECUTIVE DIRECTOR ELIZABETH LINT: I  
have none.

ACTING CHAIR ARTHUR GOLDBERG: Move to  
adjourn.

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
Motion to adjourn.

ACTING CHAIR ARTHUR GOLDBERG: Second.  
All in favor?

POLICE COMMISSIONER ROBERT HAAS: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
Aye.

ACTING CHAIR ARTHUR GOLDBERG: Aye.  
Thank you.

(Whereupon the meeting 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.

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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.

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## CERTIFICATION

Commonwealth of Massachusetts

Norfolk, ss.

I, Jill Kourafas, a Notary Public 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.

IN WITNESS WHEREOF, I have hereunto set my hand this 11th day of September 2015.

-----  
Jill Kourafas  
Certified Shorthand Reporter  
License No. 14903  
Notary Public

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