

CAMBRIDGE LICENSE COMMISSION HEARING

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION HEARING

LICENSE COMMISSION BOARD MEMBERS:

CHAIR NICOLE MURATI FERRER

FIRE CHIEF GERALD REARDON

POLICE SUPERINTENDENT JOSEPH WILSON

STAFF: EXECUTIVE DIRECTOR ELIZABETH LINT

AT: Cambridge Senior Center
806 Massachusetts Avenue
Cambridge, Massachusetts 02139

DATE: August 9, 2016

TIME: 4:13 p.m.

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P R O C E E D I N G S

August 9, 2016, 4:13 p.m.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Before we get started, if anyone has a phone on, we would appreciate it if you turned it off or put it on silence, and for your information, this hearing is being audio and videotaped.

This is the License Commission agenda for Tuesday, August 9, 2016. It is 4:13. We are in the Cambridge Senior Center, 806 Mass Ave.

Before you are the Commissioners Chair Nicole Murati Ferrer, Fire Chief Gerald Reardon, and Police Superintendent Joseph Wilson.

We'll go a little out of order.

VIOLATION

MACDOUGALL & SONS LANDSCAPING

EXECUTIVE DIRECTOR ELIZABETH LINT: The first matter we'll take is violation. MacDougall & Sons due to an alleged violation of Cambridge Municipal Code 8.16.081(a) and failure to apply for the 2016 leaf blower permit 8.16.081.2(c).

CHAIR NICOLE MURATI FERRER: MacDougall & Sons please come forward.

EXECUTIVE DIRECTOR ELIZABETH LINT:

(Witnesses sworn)

CHAIR NICOLE MURATI FERRER: Good afternoon.

Please state and spell your names for the record.

WENDELL MACDOUGALL: Wendell MacDougall.

THE REPORTER: Chair, I can't hear.

CHAIR NICOLE MURATI FERRER: Could you please speak louder. Sorry.

WENDELL MACDOUGALL: W-E-N-D-E-L-L,

MacDougall, M-A-C capital D-O-U-G-A-L-L.

CHAIR NICOLE MURATI FERRER: Thank you.

WENDELL MACDOUGALL: You're welcome.

ANDREA BOYER: Andrea Boyer, B-O-Y-E-R,
Chief Investigator for License Commission.

CHAIR NICOLE MURATI FERRER: Thank you.

Ms. Boyer, go ahead.

ANDREA BOYER: On February 24, 2016,
MacDougall & Sons was sent a letter informing
them to be able to operate leaf blowers in
Cambridge and must obtain approval by submitting
an application to the License Commission office.

No application was received.

On July 18, 2016, a complaint was made
that the company was using a leaf blower at the
location on 7 Hollis Street at approximately 1:10
p.m.

Picture is in the file.

You have it as well.

CHAIR NICOLE MURATI FERRER: Thank you.

Can you show Mr. MacDougall? Sorry.

(Complies.)

WENDELL MACDOUGALL: May I ask is the
person that --

CHAIR NICOLE MURATI FERRER: Yes, yes.
Of course. You can ask Ms. Boyer questions, yes.

WENDELL MACDOUGALL: Who filed the
complaint and who also took the photo?

ANDREA BOYER: Councillor Craig Kelley
did.

CHAIR NICOLE MURATI FERRER: I'm sorry,
how did we receive the complaint, Ms. Boyer?

ANDREA BOYER: Through email.

Do you have that picture, ma'am?

Thank you.

ANDREA BOYER: The previous history, the

company applied and was approved to use leaf blowers in 2015. The company was sent a letter to reapply in 2015 and an application was not submitted. There have been no previous complaints.

CHAIR NICOLE MURATI FERRER: Mr. MacDougall?

WENDELL MACDOUGALL: Yes.

CHAIR NICOLE MURATI FERRER: Do you have any knowledge as to this complaint?

WENDELL MACDOUGALL: I don't.

You know, the guys aren't even supposed to be using the blowers. Our intention is not to even use blowers at all in Cambridge.

Quite frankly, we get way too many complaints from the neighbors. I just tell the guys "Put the blowers away when they are in Cambridge."

That's why I didn't apply for the permit.

We just -- there's way too many angry neighbors, and we get constant complaints and I told the guys "Just when in Cambridge, put the blowers away. It's not even worth it."

CHAIR NICOLE MURATI FERRER: Did you speak to your employers at all with regard to this complaint when you received all this?

WENDELL MACDOUGALL: I did. I had spoken to them about it.

CHAIR NICOLE MURATI FERRER: And what did they say?

WENDELL MACDOUGALL: Well, like employees do, they gave the dumbfounded look and nobody knows anything. And there is a language barrier. And some of them saying we are "Well, we're in Somerville." I said "According to this, you weren't in Somerville."

So with the language barrier, I think they don't understand sometimes we're in Somerville or they're sometimes in Cambridge. And that's part of the problem, you know. It's unfortunate, but ...

FIRE CHIEF GERALD REARDON: Actually, this is where? Hollis Street?

CHAIR NICOLE MURATI FERRER: Yes.

FIRE CHIEF GERALD REARDON: They weren't that far from the Somerville line, right?

CHAIR NICOLE MURATI FERRER: So ready to vote?

FIRE CHIEF GERALD REARDON: Uh-huh.

CHAIR NICOLE MURATI FERRER: So consistent with other votes in this same line, I would vote a violation warning for operating without a permit and a violation of \$300 for operating during a prohibited period.

FIRE CHIEF GERALD REARDON: Agreed.

CHAIR NICOLE MURATI FERRER: Okay.

You will receive a letter with the vote but we voted a violation warning for operating without a permit and a violation of \$300 for operating during a prohibited time period.

WENDELL MACDOUGALL: Can I ask you if you don't even use the blowers in Cambridge, do you still have to apply for a permit?

CHAIR NICOLE MURATI FERRER: No. If you are not going to be operating leaf blowers in Cambridge, you don't need to obtain a permit.

WENDELL MACDOUGALL: Number one, we don't have enough accounts in Cambridge and we don't use them, and they're not supposed to be -- but again, there's a language barrier, and when I confronted them about it, one says Somerville and the other one says Cambridge and the broken

language is, you know --

CHAIR NICOLE MURATI FERRER: What language do they speak?

WENDELL MACDOUGALL: Spanish.

CHAIR NICOLE MURATI FERRER: You can send them to my office. I will speak to them for you. I am serious.

WENDELL MACDOUGALL: Well, I have one guy that is supposed to be interpreting, so he's not always with the same crew. It's not easy in this business.

CHAIR NICOLE MURATI FERRER: Thank you.

INFORMATIONAL

AMANDEEP, INC. D/B/A SHALIMAR

EXECUTIVE DIRECTOR ELIZABETH LINT:

Amandeep. Informational: Amandeep Incorporated doing business as Shalimar, holder of a common

victualler all alcoholic license at 546 Mass Avenue pursuant to General Laws, Chapter 138, Section 77 and General Laws 140, Chapter 140, Section 9.

CHAIR NICOLE MURATI FERRER: Good evening.

Could you please state your name for the record and spell it as well, please.

GURWIN DER SINGH: My name is Gurwin Der Singh. G-U-R-W-I-N D-E-R S-I-N-G-H.

CHAIR NICOLE MURATI FERRER: Thank you, Mr. Singh.

Can you tell us what is going on with Shalimar?

GURWIN DER SINGH: Yeah.

Right now I'm still waiting for my insurance company to come to a settlement, and then after that, we are going to decide our

future from there.

CHAIR NICOLE MURATI FERRER: And how long have you been closed at this point?

GURWIN DER SINGH: Closed on February 14, 2016.

CHAIR NICOLE MURATI FERRER: And then once you receive the information from the insurance company, you will know what you are going to do going forward?

GURWIN DER SINGH: Yes.

FIRE CHIEF GERALD REARDON: Are you still maintaining your rent at this location?

GURWIN DER SINGH: Yes.

FIRE CHIEF GERALD REARDON: Was this a water-related issue?

GURWIN DER SINGH: Frozen pipe issue.

CHAIR NICOLE MURATI FERRER: I would say we bring it in, in six months for a hearing for

non-usage if you haven't put into use or haven't given us an update with regard to what you're doing. Okay. Six months.

GURWIN DER SINGH: Six months?

CHAIR NICOLE MURATI FERRER: Yeah. We'll have a hearing in six months if the license is not in use.

GURWIN DER SINGH: Okay, thank you.

VIOLATION

LANDSCAPE COLLABORATIVE OF NEW ENGLAND

EXECUTIVE DIRECTOR ELIZABETH LINT:

Violation: Landscape Collaborative of New England Incorporated due to alleged violation of Cambridge Municipal Code 8.16.081(a).

DOROTHY LEWIS: Dorothy Lewis,

D-O-R-O-T-H-Y Lewis L-E-W-I-S.

CHAIR NICOLE MURATI FERRER: Please get

up so you may be sworn in.

(Sworn)

CHAIR NICOLE MURATI FERRER: Ms. Boyer,
you are still under oath.

ANDREA BOYER: Yes, ma'am.

CHAIR NICOLE MURATI FERRER: Please go
ahead.

ANDREA BOYER: At the July 11 hearing,
Representative Dotty Lewis stated that she
believed they were permitted to use leaf blowers.

Pending us checking our records on her
end and my end to see if she had been permitted,
Ms. Lewis checked her records and realized she
had not applied and she apologized and she said
she would apply immediately.

She filled out the application and sent
it to me via email, and placed a hard copy
application in the email, along with a check.

We received the hard copy application on July 18, 2016, which was put on hold due to receiving two complaints of leaf blower usage on that same day, usage was allegedly on Hollis Street and 16 Sacramento Street.

There are pictures in the file to show where they were.

CHAIR NICOLE MURATI FERRER: Thank you.

Ms. Lewis?

ANDREA BOYER: She wants to see pictures.

CHAIR NICOLE MURATI FERRER: What is the history with this company in Cambridge, if any?

ANDREA BOYER: There was a disciplinary hearing on July 11. They were given a warning for not being permitted, a \$300 fine for using on --

CHAIR NICOLE MURATI FERRER: And had they been permitted before in years prior?

ANDREA BOYER: Yes. Every single year since the leaf blower permits went into effect.

CHAIR NICOLE MURATI FERRER: And have there been any other complaints made against them?

ANDREA BOYER: No. Just these.

CHAIR NICOLE MURATI FERRER: Ms. Lewis?

DOROTHY LEWIS: I can't say for sure that's our employee because we have uniforms, specific uniforms, that they wear, and they are not -- I just can't say that's one of ours. I can say that the truck is ours.

I can say that the -- that's definitely the Boston Globe that has the date on it.

I just -- I know all of the men and I just -- I don't think that's evidence enough that's our employee. It could be another employee from another company.

And we happened to be parked on the same street. I heard the other gentleman say he worked on Hollis Street, one is for Hollis Street and this one is Sacramento. And we do have a client on Rindge Avenue but not on Hollis Street.

I'm not disputing that we are working in that area, but I'm -- I just -- I don't think that's evidence enough, you know, that it's one of our employees.

CHAIR NICOLE MURATI FERRER: The 16 Sacramento Street, do you service that property?

DOROTHY LEWIS: Yes, we do. 16.

We did, at one time, because the owner of that home died last year and we were waiting almost six to eight months for payment on a lot of work we had done prior, and she had one daughter who was 19-years-old and she asked us to

come back to the property and clean it and do a spring clean-up.

So if that is one of ours, he would've -- you know, because they call it a spring clean-up, and they know what that is, he would have used the blowers regardless because of the amount of debris that would have been there.

CHAIR NICOLE MURATI FERRER: But do you inform your employees that spring clean-up, and after June 15 and until September 15, cannot --

DOROTHY LEWIS: Absolutely. Absolutely. And we have it in Spanish and inside the trucks. But again, 16 Sacramento Street was never taken care of through the whole winter. The last time we had been there was last October.

And the woman died and her name was Kathryn Krumin (phonetic) and she passed away and

we waited months for her -- probate of her estate to be settled and get paid quite a substantial amount of money.

We offered to do the snow removal and to keep working for the attorney that was handling the -- handling her estate and they opted for us not to.

We called and asked "Would you like us to do the spring clean-up in the spring?" And they declined.

CHAIR NICOLE MURATI FERRER: Did you speak to your employees at all about these two complaints?

DOROTHY LEWIS: I -- we -- when this complaint came in, when the second letter came in, we went down and told them that the next person who uses a leaf blower during the wrong months would be terminated.

CHAIR NICOLE MURATI FERRER: Did you ask them about these two specific complaints?

DOROTHY LEWIS: We get the same response. We get the "I don't know."

I wish we had this because then we could have -- you know, I would certainly have had everybody stand up and say "Okay, does anyone know who this is?" Because I don't recognize him from behind. That's not my expertise. I wouldn't know anyone from behind.

CHAIR NICOLE MURATI FERRER: Anything else?

ANDREA BOYER: I'm not sure if the complainant is here to speak about it.

CHAIR NICOLE MURATI FERRER: Is Mr. Theodore Live here?

Mr. Live, would you care to testify on this matter?

CHAIR NICOLE MURATI FERRER: Please stand up and raise your right hand.

(Sworn)

CHAIR NICOLE MURATI FERRER: Ms. Boyer, why don't you switch it up so that he can -- and sir, if you could please state and spell your name for the record, that would be great. Thank you.

THEODORE LIVE: Theodore,
T-H-E-O-D-O-R-E. Last name is Live, L-I-V-E.

CHAIR NICOLE MURATI FERRER: Thank you.
And you reported the 16 Sacramento
Street --

THEODORE LIVE: Right.

CHAIR NICOLE MURATI FERRER: -- matter?
And how is it that you came to believe
that it was a Landscape Collaborative employee.

THEODORE LIVE: Because I know that, I

live in an adjacent property, and I know that they have traditionally handled the garden maintenance there and, in fact, their truck was parked on Sacramento Street at the time.

In their defense, I will say, unlike other times when they have used leaf blowers there at full force, in this case, the leaf blower was used at a very low speed as if the person knew he wasn't supposed to be using it, was trying to comply with the noise level, but it was in use for about ten minutes.

FIRE CHIEF GERALD REARDON: So, sir, your testimony is that they normally do the work.

So are you saying you know that gentleman came from that truck on that particular day?

THEODORE LIVE: Yes. That truck was parked right in front of the property.

FIRE CHIEF GERALD REARDON: I'm not

asking that question.

I'm asking you: If you know that gentleman absolutely came from that truck?

THEODORE LIVE: No. I didn't see him enter the truck or leave the truck.

POLICE SUPERINTENDENT JOSEPH WILSON:
Were there any other landscaping trucks on that street?

THEODORE LIVE: No.

CHAIR NICOLE MURATI FERRER: Yes, ma'am?

DOROTHY LEWIS: You've lived there for many years?

THEODORE LIVE: Yes.

DOROTHY LEWIS: And you know the --

THEODORE LIVE: I don't recognize the people.

DOROTHY LEWIS: So they're neighbors but you don't recognize -- do you know the woman who

used to live there?

THEODORE LIVE: Yes, I knew Kathryn.

DOROTHY LEWIS: And you know she passed away?

THEODORE LIVE: Yes. And I recognize -- and, in fact, when I reported it, I said I knew there was probably a one-time clean-up before selling the property.

DOROTHY LEWIS: Exactly.

THEODORE LIVE: It had been in real disrepair.

CHAIR NICOLE MURATI FERRER: Ms. Boyer, anything else?

ANDREA BOYER: No, ma'am.

CHAIR NICOLE MURATI FERRER: Ready to vote?

FIRE CHIEF GERALD REARDON: Yes.

CHAIR NICOLE MURATI FERRER: So I would

say no violation on the Hollis Street.

I would say a violation on the 16
Sacramento Street matter.

DOROTHY LEWIS: We can keep this?

I'm going to take this back.

CHAIR NICOLE MURATI FERRER: Yes, you
can.

FIRE CHIEF GERALD REARDON: Agreed.

CHAIR NICOLE MURATI FERRER: I would say
a violation, the fine \$300. Thank you.

VIOLATION

GARZONA LANDSCAPE SERVICE INCORPORATED

EXECUTIVE DIRECTOR ELIZABETH LINT:

Garzona Landscape Service Corp. due to an alleged
violation of Cambridge Municipal Code 8.16.081(a)
and 8.16.0812(e) use of an unapproved leaf
blower.

(Sworn.)

ANDREA BOYER: Complainant is here as well, if you would like.

CHAIR NICOLE MURATI FERRER: Yes, if he or she would like to speak, certainly. Please come up and raise your right hand as well, sir.

(Sworn)

CHAIR NICOLE MURATI FERRER: And you can bring up a chair. I'm sorry. Thank you.

And if you could please state and spell your names for the record, that would be great and I'll start from my left to the right.

STEVEN JOSHUA SAMUEL: Steven Joshua Samuel S-T-E-V-E-N J-O-S-H-U-A S-A-M-U-E-L.

ANDREA BOYER: Andrea Boyer.

JUAN GARZONA: Juan J-U-A-N. Last name. G-A-R-Z-O-N-A.

CHAIR NICOLE MURATI FERRER: Thank you.

Mr. Samuel, why don't we start with you.

STEVEN JOSHUA SAMUEL: Sure.

I live at No. 7 Blanchard Road, and the Garzona and another truck on different days, the Garzona Landscape vehicle was there -- a vehicle with Garzona Landscape lettering, Garzona Landscape lettering was at No. 8 on June 22, June 29, July 13, and August 4.

I saw them personally on some of those dates. And my wife was home and I was at work on some of the others.

And they were using leaf blowers on a couple occasions, two workers, and I would say they were there -- on the days that I was there, they were there for a considerable length of time.

I would say half an hour or more.

CHAIR NICOLE MURATI FERRER: Ms. Boyer?

ANDREA BOYER: Yes.

Garzona Landscape is not on our annual list to send a letter to them to apply for the annual permit.

A complaint was made against Garzona Landscape on -- excuse me, on June 22, 2016 for using leaf blowers at 8 Blanchard Road after the allowable permitted date.

On June 29, 2016, Garzona Landscape was instructed by written letter to cease and desist use of leaf blowers until properly permitted.

Another complaint was received on July 13, 2016 using two leaf blowers that were being used at the same time at 8 Blanchard Road.

Garzona Landscape submitted an application on July 20, 2016. A denial letter based on the make and model of the leaf blower was sent to them on July 25, 2016.

The notification letter was also emailed on July 26, 2016.

Another complaint was received on August 4 that Garzona Landscape was using a leaf blower at 8 Blanchard Road.

There's no there's no previous history.

CHAIR NICOLE MURATI FERRER: Mr. Garzona, you can ask them any questions or you can tell us what has been going on.

JUAN GARZONA: The only thing I can tell you, I didn't know that I didn't have to use -- have to have a license to blow.

That is the only account I have in Cambridge and I was using June, July, I was using that, and then I received a letter. Like she say, I submit the application and it was denied, and August 4, the guy did it without -- I didn't know, you know, because I told them "Don't do any

more blowing over there until I have the license." They didn't listen.

After I -- when I got the letter, I asked them, they said "Yeah, we used it but not that much power." I said "I'm not supposed to use the blower over there." And, yeah, they did it. I don't want to -- they did it.

And the only thing I need to know is, what should I do? What kind of blower should I use over there? I don't know. I don't know. Should I go to ask?

CHAIR NICOLE MURATI FERRER: So before we get to that, on June 22 -- or on June 29, did you receive the letter that was sent to you letting you know that you needed to be permitted to use leaf blowers in Cambridge and that there were specific times that you could use leaf blowers?

JUAN GARZONA: No. I received, I think

it was July. July. That was like one week before I submit the application.

CHAIR NICOLE MURATI FERRER: But you received the letter letting you know that you needed to be permitted to operate in Cambridge?

JUAN GARZONA: Yes.

After I received the letter, you know, that's when -- August 4, and they did it. You know, they was not supposed to do it.

CHAIR NICOLE MURATI FERRER: With regard to the blower, did you receive the noise ordinance telling you the types of blowers that are approved?

JUAN GARZONA: No.

CHAIR NICOLE MURATI FERRER: After the hearing, if you could speak with Ms. Boyer, right there, and she will show you, but it's basically the decibel level can't be above 65 --

JUAN GARZONA: Thank you.

CHAIR NICOLE MURATI FERRER: -- as rated
per the manufacturer.

Anything else?

JUAN GARZONA: No.

CHAIR NICOLE MURATI FERRER: So do you
have any questions? I'm sorry.

FIRE CHIEF GERALD REARDON: I don't.

CHAIR NICOLE MURATI FERRER: Ready to
vote?

FIRE CHIEF GERALD REARDON: Yes.

CHAIR NICOLE MURATI FERRER: So I think
consistent with everything else, I would treat
this first incident as basically the warning
incident, which was the one that received the
letter to cease and desist, but I would find the
violation on July 13 and the August 4, and I
would issue a \$300 fine for each.

FIRE CHIEF GERALD REARDON: Agreed.

CHAIR NICOLE MURATI FERRER: Okay, you will receive a letter but basically you have a violation and \$300 fines for the July 13 and the August 4 for a total of \$600.

Thank you.

APPLICATION

D2J RESTAURANT GROUP

D/B/A HOPS N' SCOTCH

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: D2J Restaurant Group, LLC doing business as Hops n' Scotch, holder of a common victualler, all alcoholic beverages license at 1248 Cambridge Street has applied for a change of manager to Kent Fai He.

CHAIR NICOLE MURATI FERRER: Please state and spell your name for the record.

KENT FAI HE: Full name is Kent K-E-N-T.
Middle F-A-I H-E.

OFFICER BRIAN HARUTUNIAN: Mr. He, you
have never been the manager of record on a liquor
license before, is that correct?

KENT FAI HE: Correct.

CHAIR NICOLE MURATI FERRER: Can you tell
us a little bit about your experience in the food
and beverage industry.

KENT FAI HE: I've worked at Hops n'
Scotch in Brookline as a host, server and
bartender as well for about a year.

CHAIR NICOLE MURATI FERRER: I'm sorry,
did you say a year?

KENT FAI HE: A year, yep.

CHAIR NICOLE MURATI FERRER: Are you
familiar with the rules and regulations of this
board, the ABCC and the laws of the Commonwealth

of Massachusetts with regard to the sale and service of alcohol?

KENT FAI HE: I am.

CHAIR NICOLE MURATI FERRER: Do you understand that we expect you to stay up to date with those rules, laws, and regulations?

KENT FAI HE: Absolutely.

CHAIR NICOLE MURATI FERRER: And as I informed you, your application is missing your proof you have citizenship.

KENT FAI HE: Yup.

CHAIR NICOLE MURATI FERRER: You can email or fax that.

Do you know -- and you have no financial interest in the license, correct?

KENT FAI HE: I do not.

CHAIR NICOLE MURATI FERRER: Nothing else is changing that you know of.

KENT FAI HE: No.

CHAIR NICOLE MURATI FERRER: Anyone in favor of this petition?

(No response.)

CHAIR NICOLE MURATI FERRER: Anyone in opposition to this petition?

(No response.)

CHAIR NICOLE MURATI FERRER: I would vote to grant but hold the application until we get his proof of citizenship and send that up to the ABCC then.

KENT FAI HE: I just email it to you guys?

CHAIR NICOLE MURATI FERRER: Yes, you email it to the license@cambridgema.gov or if not, just call the office and we'll give you a fax number.

KENT FAI HE: Thank you.

APPLICATION

HATHAWAY PARTNERS, LLC

EXECUTIVE DIRECTOR ELIZABETH LINT:

Hathaway Partners, LLC has applied for a garage license at 15 Richdale Avenue for 20 vehicles and 200 GALs of gasoline in the tanks of autos only. Applicant has filed an application for an open air parking lot license at said address for 26 parking spaces.

CHAIR NICOLE MURATI FERRER: Good evening.

Could you please state and spell your name for the record.

SAM WOLFF: My name is Sam Wolff S-A-M and my last name is W-O-L-F-F.

CHAIR NICOLE MURATI FERRER: Thank, Mr. Wolff.

And can you tell us what these licenses

are for.

SAM WOLFF: They are for the indoor and outdoor parking at Hathaway Lofts at 15 Richdale Avenue.

CHAIR NICOLE MURATI FERRER: And are these for res -- residential?

SAM WOLFF: It is a residential building, yes.

FIRE CHIEF GERALD REARDON: The new building down the bend?

SAM WOLFF: It is.

CHAIR NICOLE MURATI FERRER: I see you have your fire sign-offs.

SAM WOLFF: We have.

FIRE CHIEF GERALD REARDON: How many stories is that? Is that four?

SAM WOLFF: Part of it is two and part of it is three. There's no fourth story.

CHAIR NICOLE MURATI FERRER: And to confirm, the 26 are outside and 20 inside?

SAM WOLFF: Yes.

FIRE CHIEF GERALD REARDON: No questions.

CHAIR NICOLE MURATI FERRER: Anyone in favor of this petition?

(No response.)

CHAIR NICOLE MURATI FERRER: Anyone in opposition to this petition?

(No response.)

CHAIR NICOLE MURATI FERRER: I vote to grant.

FIRE CHIEF GERALD REARDON: Agreed.

CHAIR NICOLE MURATI FERRER: Granted.

APPLICATION

TRANSFER OF CV ALL ALCOHOLIC BEVERAGES LICENSE

HELD BY MIGHTY TOAD, LLC D/B/A WEST SIDE LOUNGE TO

KAVERI INCORPORATED D/B/A NIRVANA

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Transfer the common victualler all alcoholic beverages license held by Mighty Toad, LLC doing business as West Side Lounge at 1680 Mass Ave to Kaveri Incorporated doing business as Nirvana at the same location. Jatinder Pabla proposed manager of record.

The proposed hours are 11 a.m. to 11 p.m. seven days per week with a seating capacity of 74 inside and four seasonal patio seats on the public sidewalk.

Applications have also been made to pledge said license and for an entertainment license to include non-live music playing below, at, or above conversation level and two TVs.

The premises described as: Dining room and bar with restroom on the ground floor. One

entrance and one exit (approximately 1,715 square feet), bathrooms in the basement, seasonal outdoor seating on public sidewalk (approximately 60 square feet).

CHAIR NICOLE MURATI FERRER: Thank you.

Good evening. Please state and spell your names for the record.

ATTY JAMES RAFFERTY: Good evening, Ma'am Chair, Members of the Commission.

My name is James Rafferty,
R-A-F-F-E-R-T-Y, I'm an attorney with offices located at 675 Mass. Ave in Cambridge.

I'm appearing this evening on behalf of the proposed licensee Kaveri Incorporated
K-A-V-E-R-I.

Seated to my right is Jatinder Pabla
P-A-B-L-A. Ms. Pabla is an officer, a shareholder of the establishment and also the

proposed manager.

And Ms. Pabla's husband is seated to her right and he will be involved in assisting in the operation of the restaurant and the spelling on his name is -- we call him Sonny, but --

SURINDER SINGH: Surinder.

ATTY JAMES RAFFERTY: Surinder is S-U-R-I-N-D-E-R. And Singh is S-I-N-G-H.

CHAIR NICOLE MURATI FERRER: Thank you.

And Mr. Rafferty, before we start, the CV application has the description of the premises different than the alcohol one.

Can we just adopt the one on the alcohol application?

ATTY JAMES RAFFERTY: Yes. Thank you.

I apologize for the confusion.

This is the -- as is noted in the application, this is an application to transfer

the license of the West Side Lounge, which has operated at that location for 15 years.

The operators, Mr. Christopher and his wife, are here this evening. I know they are known to the Commission. They are also licensees at other venues in Cambridge.

So the proposal here essentially involves a change in ownership, a change in cuisine and menu but otherwise the premises, its layout, its capacity, the manner in which it does business in terms of patron serving of lunch and dinner and neighborhood-based clientele, all of that remains unchanged. It is a rather straightforward application.

The existing kitchen equipment will be utilized in the new operation.

Ms. Pabla is experienced in the business world. But this is her first experience serving

as a manager. She has a financial background, which should serve her well.

Her husband, Mr. Singh, does have experience in the restaurant business and he will be assisting her in the first few months of operation.

CHAIR NICOLE MURATI FERRER: Thank you. Can you tell us a little about what Nirvana will be?

ATTY JAMES RAFFERTY: Describe the type of restaurant.

SURINDER SINGH: It's gonna be an Indian restaurant, fine dining restaurant, serving south Indian cuisine with the service of --

CHAIR NICOLE MURATI FERRER: Ms. Pabla, you've worked at Kashmir and Mela, correct?

JATINDER PABLA: Yes.

CHAIR NICOLE MURATI FERRER: Those have a

liquor license, correct?

JATINDER PABLA: Yes.

CHAIR NICOLE MURATI FERRER: And are you familiar with the rules and regulation of this board, the ABCC and the laws of the Commonwealth of Massachusetts with regard to the sale and service of alcohol?

JATINDER PABLA: Yes.

CHAIR NICOLE MURATI FERRER: Do you understand that we expect you to stay up to date with those rules, laws and regulations?

JATINDER PABLA: Yes.

CHAIR NICOLE MURATI FERRER: One thing. I noticed the manager application and the PI forms are all handwritten.

We just had three applications returned because of handwritten because the ABCC's putting everything into the system, so as an FYI, that

may slow it down or you can just type.

ATTY JAMES RAFFERTY: We would be happy to redo those and -- typed form to get those filed tomorrow.

CHAIR NICOLE MURATI FERRER: Yep.

And it is a seller pledge, correct?

ATTY JAMES RAFFERTY: Yes. The purchase price transaction is reflected in the agreement. It's for \$300,000.

\$250,000 is paid at the time of closing and \$50,000 is financed by the seller secured by a pledge, and the application seeks approval to the pledge tonight.

CHAIR NICOLE MURATI FERRER: I would review the financials as well. They didn't seem to add up specifically, the ones that we got. I'm not quite sure but we send those up and that's an ABCC requirement, so just because --

since you are going to be retyping the other ones, take a quick look at that and make sure.

ATTY JAMES RAFFERTY: Okay. Thank you. When you say "don't add up," you're saying the distance of the 250 was apparent?

CHAIR NICOLE MURATI FERRER: Yes.

FIRE CHIEF GERALD REARDON: So, counsel, just to reiterate, is it just going to be a cosmetic change in there?

ATTY JAMES RAFFERTY: Yes. The bar, the tables, the booth and chairs are unchanged. I think --

SURINDER SINGH: Yes.

ATTY JAMES RAFFERTY: Carpet.

SURINDER SINGH: Bathroom needs to be updated. Kitchen equipment needs to be brought up to code, so ...

FIRE CHIEF GERALD REARDON: So please

make sure you follow up on the requirements on the laws and so forth if you change equipment and make sure everything is up to -- has the proper stamps and approved things on it before we get in to do an inspection.

SURINDER SINGH: Sure.

CHAIR NICOLE MURATI FERRER: Anything else?

FIRE CHIEF GERALD REARDON: No.

CHAIR NICOLE MURATI FERRER: Anyone in favor of this petition?

(No response.)

CHAIR NICOLE MURATI FERRER: Anyone in opposition -- I'm sorry. Come up, sir, please.

If you could please state and spell your name for the record, and if you are a resident of the area, if you could give us your street address, that would be great.

BHUPESH PATEL: Bhupesh Patel.

P-A-T-E-L.

First name is spelled B-H-U-P-E-S-H. At
3 Bowdoin Street.

I am in support of the application. We
just drafted a -- from the neighbors, a similar
letter we drafted for the other two restaurants
that share the same sort of back driveway.

I'll just give you a copy of that.

CHAIR NICOLE MURATI FERRER: Thank you.

Have you seen this, counselor?

ATTY JAMES RAFFERTY: No.

BHUPESH PATEL: I am going to give him a
copy as well.

We got a registered letter from Jim
Rafferty a week ago, so it has taken us a week to
get everyone to correspond and email back. I'm
sorry that this didn't get to Jim Rafferty in

time prior to the meeting.

I'm just going to read through quickly the -- 1 through 6 and skip 3.

We've already dealt with Charlie as an owner and he's been quite amenable to all of the things we asked for. He spent a lot of money investing in soundproofing the mechanical equipment that's in the rear of the building on top of a one-story shed that's the exit in the back and has dealt with a lot of the trash issues quite promptly.

So most of these are things that are common and are already taking place and we want to make sure they carry through with the new license.

The first one is the employees must never loiter and/or smoke in the rear of the restaurant.

The second is any and all deliveries must be rejected by the restaurant unless trucks are using one of the four loading zones on Mass Ave in front of the restaurant and dollying the delivery to the rear door.

At present there's about 90 percent of the delivery trucks for either Gulia or Rafiki -- I'm sorry, which the abutting restaurants or West Side Lounge, have slowly incrementally got to that 90 percent over the last year.

It is hard for us as neighbors to know which restaurants those trucks are going to because they share the same driveway.

Because West Side Lounge has been closed for the last several months, the truck traffic hasn't decreased that much, so we're assuming mostly for Gulia but we would like to make sure that agreement continues because we spent a lot

of time getting four loading zones in front of the restaurant where there used to be only one when Mass Ave was redone.

I'll skip No. 3 for a minute.

4 is the effluent from the cleaning of the trash totes, floor mats, and service of equipment must be removed from the site rather than dumping the effluent down the driveway and onto Bowdoin Street.

That happens pretty much every time the equipment is serviced.

It doesn't happen very frequently with the trash totes and floor mats but we just want to make sure that's taken care of appropriately and we've had the Health Department out there and it doesn't always seem to work. I think it has because they don't have a mop sink. I'm not sure.

5, any and all mechanical equipment must be installed on the second floor roof as near to the front facade of the building as possible and fenced with perimeter sound boards as is typical when within earshot of residential apartments.

And that's something we are hoping if that mechanical equipment changed on that one-story building, we know it is just a very controversial location and it's a big investment to put it on the roof. But we know that's considered the more appropriate location for it.

And 6, the shared driveway with the abutting restaurant, Guila, as per Zoning Commissioner's restriction letter, is for three employee parking spaces only. No trucks are allowed to use the driveway.

It is quite a large driveway, so a lot of

trucks are tempted to use it and that's why we have that condition, that No. 2, because we found that that seems to be the only way to prevent the truck being back there.

They'll say -- sometimes they'll say "The owner said we have to back here" or they'll say "Next time I'll go around the front." It is hard to get them to agree to it.

But over a year ago, basically everybody was abiding by it and they were all out front because the loading zones were all there and it was working quite well but slowly it just crept back again to a lot of trucks in the back.

The third one is really a tough one just because we have slowly asked them to take all their large dumpsters and change them out to trash totes which are easier to pick up, especially in the winter, so that actually has

been done for both businesses.

And there was one dumpster that was still there. I don't think it is there anymore.

Is that right, Charlie? Is that gone now? I.

Don't think we have seen it there. There was one dumpster there.

UNIDENTIFIED SPEAKER: I don't think we have one there now.

BHUPESH PATEL: That was just an issue because in the winter they are impossible to reach, and they are quite noisy when the trucks ram in and out trying to get to them.

But basically all four trash types, the compost, cardboard, glass, and the general are picked up two or three times a week.

The general and the glass is picked up on Monday and Wednesday and Friday and the other two

are picked up on Tuesday and Thursdays.

And so there's quite a lot of pickups each day and that's for several businesses, so there's a lot of trash trucks back there.

We are hoping the trash trucks could be wheeled to the corner of Hudson and Mass Ave and we brought a plan that we showed last time.

I want to illustrate what we showed to you last time.

It is the same thing. This is the restaurant. And this is Mass Ave.

And the trash trucks actually can't fit on the street so they do several maneuvers to get into this driveway.

And then they do several maneuvers to pick -- they used to pick up totes there. They no longer do that on Hudson now because of that street.

And then they do several maneuvers to get to the grocery store which is no longer there.

And the owners agreed that when the new business comes in, they'll also agree to have those things wheeled around.

So we eventually got this business, and this business and there's also a pizza place here that's also now wheeling their tote around, and Temple Bar is also wheeling their totes to Mass Ave.

So, actually, there's only three businesses on the entire strip in Porter Square and Harvard Square that still have something where the trucks go around back and then two of them are here and the other one is Judy Jetson. She only has one pick up a week so the neighbors aren't concerned about it.

The truck actually stays on Mass Ave and

walks to the side of Judy Jetson and picks it up and rolls it over, so that's why the neighbors aren't so concerned.

ATTY JAMES RAFFERTY: You are referring to the hair salon?

BHUPESH PATEL: Yeah.

ATTY JAMES RAFFERTY: I didn't know if the board was familiar with Judy Jetson.

BHUPESH PATEL: Another business.

ATTY JAMES RAFFERTY: The Fire Chief is cognizant of good coiffures but others may not be.

BHUPESH PATEL: So we spoke to all three trash companies and they also felt -- Giovannini and D&W said that they would also prefer it because they do come up and down Mass. Ave between 3 and 5 in the morning to pick up all the trash and they come back for a second round to

get these two vendors in the late morning.

But once a week, sometimes even twice a week, between 4 and 5 in the morning, the truck will come back here to do the pickups, and it is extremely noisy because there's a lot of maneuvering going on because they don't have the schedule to come by later on, so they do it early in the morning.

It is just an ongoing issue that's really hard to fix. And the city has really helped us out by -- they were redoing just this part of the street and they have actually redone this whole section to here to fix a lot of the sidewalks that they fixed incrementally three times in the last ten years and this time they just redid the whole thing.

That's something we really like to encourage these totes to be wheeled out to this

corner and the trash company can actually walk or wheel them down to the corner and pick them up just like they do with these businesses already.

Anyway, it's kind've a long explanation of the trash situation.

But it's a situation that's never really been resolved.

We resolved it with four other businesses on that lot block and we hoped we would be able to do with that business.

CHAIR NICOLE MURATI FERRER: Thank you.

Anyone else in support of this petition?

Please state and spell your name for the record.

HELEN SOLORZANO: Helen, H-E-L-E-N.

S-O-L-O-R-Z-A-N-O.

And I live at 13 Bowdoin Street which is

behind the restaurant and down the street a little bit.

Just to add some context to what Bhupesh is saying. Really this is about the quality of life on our street. And the safety and noise.

You know we have little children on the street. We have elderly people that are on the street, and so the issue of -- especially the delivery trucks and the trash trucks coming down the street and parking on the sidewalk, driving over the sidewalk is very interruptive and sometimes dangerous for us as is the issue of the noise and the having the trucks.

It is a very small street. So I live a little ways down the street but it's disturbing noise having the trucks go up and down the street.

And we did really advocate to get the

parking -- the loading zones on Mass Ave, so the trucks should be using the loading ones.

And then just some of the other issues are just, you know, noise and not having dirty water run down our street.

It's a very friendly neighborhood with kids around and so it is really a quality of life issue for us, and you know, we welcome a new restaurant.

I have to say that the last time I was here we spoke before about the Mix It Restaurant, which is right next door to your restaurant, and the commission was -- some of the things we talked about and these issues were included in the license there and we've had an extremely harmonious relationship with that restaurant.

There haven't been really any issues, and so we hope to be good neighbors to each other and

start off on a good foot but just having these issues addressed will really help that.

CHAIR NICOLE MURATI FERRER: Thank you.

Anyone else in favor of this petition?

JOHN BIGELOW: My name is John Bigelow, J-O-H-N B-I-G-E-L-O-W. I live at 5 Bowdoin Street directly behind the restaurant.

I'm also in favor of the license transfer. But I want to reiterate and elaborate on some of the things that Helen and Bhupesh had mentioned, namely, that in the past a couple of operators of restaurants in that location have been a little less mindful than we have come to eventually grow accustomed to in terms of employees taking breaks in the parking area and where the bins are, cigarette breaks or just rests out there.

And we hope that they can find a better

place to do that, cigarette breaks and so forth. Sometimes people clean kitchen mats in the parking area behind by rinsing them out in the parking area.

And when that happens, dirty food filled water can sometimes accumulate around the sidewalk at the edge of the parking area and it is gross and unsanitary and it smells, and we would like to have -- continue to be free of that type of situation.

And again, we're hoping that the amount of deliveries and so forth can continue occurring on Mass Ave rather than behind the establishment, which is probably more convenient for the people making deliveries, but it is dangerous and disruptive to our quality of life on Bowdoin Street.

And I guess -- I think that's all -- oh,

one of our neighbors who could not be present today, wanted us to mention that she relies on rental income from a property that abuts the parking area behind the restaurant on Bowdoin Street, and that in the past, when deliveries and the employee cigarette breaks and so forth occur outside, all the aforementioned mat washing and other sort of undesirable activities in the parking area occurred, that the tenants that she has in her rental properties have found so objectionable that they leave, and she wanted us to mention maintaining a limited use of the parking area the way it has been for the last year or so.

Thank you.

CHAIR NICOLE MURATI FERRER: Thank you.

BHUPESH PATEL: She mentioned her address. She is at 10 Bowdoin Street and she has

two of the units at the six family at that about it.

CHAIR NICOLE MURATI FERRER: Thank you.

BHUPESH PATEL: Her name is Lynn Meyer Gay with a Y.

CHAIR NICOLE MURATI FERRER: Anyone else in favor of this petition?

(No response.)

CHAIR NICOLE MURATI FERRER: Anyone in opposition to this petition?

(No response.)

CHAIR NICOLE MURATI FERRER: Counselor anything to add.

ATTY JAMES RAFFERTY: Sure. I would be happy to address some of the suggestions.

As I noted, and I have been talking to Mr. Christopher during the hearing, a restaurant has operated at this location for 16 years by Mr.

Christopher, so the suggestion that --- some of these conditions I'm quite familiar with, they were involved in a number of zoning and licensing issues that came up on this block, but many of them have --- don't have application or relevance to this property.

The Commission approved a beer and wine license two years ago for Mix It, which was a change of use, it went into a location a few doors down on Mass Ave. And.

The building is so long that a portion of the building extends into the residential district in the rear.

Like most of Massachusetts Ave, it is zoned business for the first 100 feet on either side of the center line and then there's residential districts on either side.

So there's restriction about use of the

door and employees and the conduct at the rear of the building is perfectly appropriate when a Special Permit had to be obtained from the Zoning Board and we were dealing with a building that had a commercial use in a residential district.

That's not the case here.

It is true that the current operation has trash deliveries, that is, trash contained in a dumpster, and the dumpster is picked up from the rear of the building, and the operator intends to continue that practice but be mindful of the compliance of the trash vendor with the ordinance, the noise ordinance, and the limitations on hours and when that can occur.

Mr. Christopher tells me on the few occasions when he's received complaints from neighbors about that, he has contacted the company and generally the infraction is

attributable to a new driver or a driver unfamiliar with the route.

I would suggest the Commission could review its own disciplinary file for this licensee over the past 16 years.

I'm told by Mr. Christopher that you would not find any record of any violations associated with the operation of the restaurant or its interaction with neighbors on Bowdoin Street.

So again, No. 4 (sic) talks about mechanical equipment must be installed on the second floor roof. Well, that would be a challenge for this location because it is a one-story building.

So that would suggest this language again came from a different property at a different location and so I would say it has limited

application to the facts that are before the Commission. We understand --

CHAIR NICOLE MURATI FERRER: I'm sorry, for the record, that was No. 5.

ATTY JAMES RAFFERTY: No. 5. Did I say No. 6?

CHAIR NICOLE MURATI FERRER: You said No. 4.

ATTY JAMES RAFFERTY: I apologize. No. 4 -- No. 5 talks about a second floor as near to the front facade.

Again, in that case that was a new use going there. There had not been a kitchen or exhaust and it was appropriate for the Commission and Zoning Board to talk about where that equipment should be sited in order to minimize its impact.

Frankly, I don't know where the exhaust

equipment is on this current building but the entire building is in the business district and the equipment has been there for a considerable amount of time.

So I would say it is not relevant or particularly appropriate for the Commission to impose restrictions on the location of mechanical equipment on a preexisting restaurant that doesn't have any plans to relocate the equipment.

Having said all that, sensitivity and concern about the residential abutters on Bowdoin Street is something the applicant is mindful of. I shared with him early on and Ms. Pabla when we met, it is a fragile edge there where the residential and commercial uses meet so being attentive to issues around the operation of the restaurant, the conduct of the employees where they hang out.

The proposed hours of the restaurant are only until 11 p.m. and I think the Commission would probably find that those are hours generally compatible with residential uses, so I think there's reason to anticipate that there will be reasonable harmony between the residential uses and commercial uses.

It will be principally a business that focuses on dining. It is not an alcohol-based establishment. I think it is unlikely that there will be patrons of any significant quantity using the restaurant that are simply there for alcohol.

We know in some cases, some restaurants later in the evening attract more of a late night crowd. This is not the business model this restaurant will operate under.

So I would suggest the Commission approve

the transfer and make note of the fact that the licensee should pay attention and I'm happy to meet and coordinate and discuss concerns with the Bowdoin Street abutters.

I think anything more formal might be a restriction that could be problematic.

CHAIR NICOLE MURATI FERRER: Thank you.

BHUPESH PATEL: Can I mention one thing?

CHAIR NICOLE MURATI FERRER: Sure.

BHUPESH PATEL: The building is actually two stories.

We were just suggesting that the mechanical equipment is on a one-story shed, it is roughly ten-by-ten, in the back, the equipment is quite old and as an architect having done over 40 restaurants, I was -- we were suggesting if the equipment was going to be replaced, it would be put on the second story of the building, which

is 90 percent two stories because it is untenable on that shed in the back. Is just a giant speaker blasting out the sound of the equipment towards the properties across the street and abutting each side of it.

Any reference to some of this being inoperatable, because it was referring to a property that was extending all the way to the sidewalk, the residential street, these are actually the same lists that we put in for Gulia, which is not the restaurant that Jim Rafferty is referring to, but the restaurant that is on the other side that shares the same driveway.

So these are actually the exact same issues that we raised with Gulia, that's why they are just repeated here. As you know, they were some that weren't tenable to the License Commission relative to Gulia and we just repeated

them for this restaurant.

ATTY JAMES RAFFERTY: Madam Chair, it is not my understanding that the Gulia license contains these conditions.

I know there was conversation. I could be corrected, but I am familiar with the operator of Gulia, he was before the Commission just last week, and I was representing him in a different license.

But I reviewed his license, I don't see these conditions in his license, but I know there was conversations but I don't know if it is being represented that those were conditions imposed by the License Commission.

BHUPESH PATEL: No, these are just -- in the same letter and --

ATTY JAMES RAFFERTY: No. I recognize it is the same letter. But I would not want the

Commission to believe that these found their way into conditions of the Gulia license because it is my understanding that, notwithstanding the letter, that the Gulia license does not contain those conditions.

CHAIR NICOLE MURATI FERRER: Thank you.

HELEN SOLORZANO: Can I make another comment?

CHAIR NICOLE MURATI FERRER: If it is in support or in opposition, sure. If it is to reiterate what has --

HELEN SOLORZANO: I just want to say we've had these problems for many, many years. We keep bringing them up.

This is a new restaurant. It is a new chance for them to start by addressing these problems in a formal way.

Mr. Rafferty, every time he represents

one of these clients says "We'll sit down and talk with you and resolve it." They don't get resolved. In fact, they get worse. We talked about this before, the volume of truck traffic has increased.

I lived there -- I grew up on that street. I have seen this.

The number of restaurants that have increased.

If we can't get this addressed at this point, you know, then we don't have any leverage otherwise because nobody addresses our issues.

CHAIR NICOLE MURATI FERRER: Ms. Pabla, do you have a phone number yet for your business?

SURINDER SINGH: Not yet. We might transfer same old number from West Side Lounge.

CHAIR NICOLE MURATI FERRER: And Mr.

Patel, I don't see an email an address in this.

BHUPESH PATEL: I can give it to you.

CHAIR NICOLE MURATI FERRER: Or a phone number.

So could you give an email address and phone number to Ms. Patel so that she has it and then you guys can meet and discuss how to be harmonious neighbors.

And once you have your contact information for your business, you submit it to them, and I am assuming that you will send it to the rest of the residents on this list and then you have an open line of communication between everybody so that if issues do arise, you have an immediate line and open line of communication.

Any further questions?

FIRE CHIEF GERALD REARDON: No.

I just believe that Counsel Rafferty's

recollection of Gulia is the same recollection that I have that some of these concerns were brought up for that particular location, and would suggest that the applicant work with the neighbors to resolve issues the best they can in terms of working together and living together in the same neighborhood.

ATTY JAMES RAFFERTY: I would like to confirm that in the case of Mix It, the change of use, a portion of a restaurant in a residential district, these are conditions, they are attached to the zoning decision and they are also included in the license.

That was a new license, a beer and wine, that didn't exist and there had not been a restaurant use in this location.

I'm just pointing out that for 16 years, this restaurant use has co-existed on that

street, and prior to that, it was Fraiser's, and prior to that, it was another licensee, and I'm suggesting that -- I think the Commission's suggestion is a prudent one, that it would behoove the applicants to stay in regular contact.

I'm sure the Bowdoin Street residents will prove to be a fruitful source of patronage for the restaurant and it would serve the restaurant well to be responsive and attentive to their concerns. And we would be happy to make available phone numbers, emails addresses.

As the Commission well knows, it is far better to communicate directly than through enforcement authorities, you get a quicker response and I think you get a more attentive operator that way.

CHAIR NICOLE MURATI FERRER: I don't know

that that's always true but I agree that open communications between the operators and the neighbors is the way to go.

And also for the record, I don't think -- I don't know that we would have the expertise to tell someone where they can put something in a building.

I mean, a building inspector and engineers and everyone else would have to get involved, so that would not be a condition unless it is coming with certified engineers and building inspectors and decisions that I could ever put on the license, just for the record, with regards to something like that.

BHUPESH PATEL: We would assume the mechanical engineer would say where it would go.

There was one question I forgot to ask, there's a parking garage in the back, it is a

garage with two spots in it, is that going with the restaurant?

Presently it is used for parking and it sometimes is used for Cambridge Common employees who pick up their cars at 2:00 at night. I'm not sure if it is going with the restaurant or not. Can we clarify if that's --

SURINDER SINGH: It is going with the restaurant.

CHAIR NICOLE MURATI FERRER: Ready to vote?

FIRE CHIEF GERALD REARDON: All set.

CHAIR NICOLE MURATI FERRER: So I would vote to grant this license with the understanding that you will get me a floor plan of the outside because I didn't see that. Is that the inside one?

ATTY JAMES RAFFERTY: Yeah, that was the

one approved by the city and subject to the same --

CHAIR NICOLE MURATI FERRER: Perfect.

Thank you.

ATTY JAMES RAFFERTY: I should note, I'm sure the Commission knows that, my understanding is that entire trench of Mass Ave, DPW is in the process of relocating the tables from the building edge to the curb edge.

CHAIR NICOLE MURATI FERRER: Yes. Yes.

I think that's something that is going to happen, and if that does happen, we have already informed Public Works to let us know because a Form 42 would have to go up to the ABCC just noticing where the tables are being moved, but there wouldn't have to be an alteration of premises.

So vote to grant.

FIRE CHIEF GERALD REARDON: Yes.

CHAIR NICOLE MURATI FERRER: Granted.

Thank you.

ATTY JAMES RAFFERTY: Thank you.

AMES STREET DELI

CHAIR NICOLE MURATI FERRER: Would you please state and spell your name for the record?

TSE WEI LIM: Tse Wei Lim spelled T-S-E
W-E-I L-I-M.

THE REPORTER: Is that your last name?

TSE WEI LIM: My first name is Tse Wei.
And my last name is Lim.

THE REPORTER: Spell your first name.

TSE WEI LIM: T-S-E W-E-I.

THE REPORTER: Last name?

TSE WEI LIM: L-I-M.

THE REPORTER: Thank you.

CHAIR NICOLE MURATI FERRER: You are here

for Ames Street Deli?

TSE WEI LIM: Yep.

CHAIR NICOLE MURATI FERRER: You guys recently closed?

TSE WEI LIM: We recently closed.

CHAIR NICOLE MURATI FERRER: Is that going to be a permanent closure?

TSE WEI LIM: It looks like it at that point.

CHAIR NICOLE MURATI FERRER: So what are your plans at this point for the license?

TSE WEI LIM: It's a nontransferable nonvalue, so I didn't think the question of my plans really comes into it.

CHAIR NICOLE MURATI FERRER: Well, it comes into it in terms of what you plan -- if you plan to reopen or not reopen or --

TSE WEI LIM: No. We are not planning to

reopen. There's some thought of selling the business but I understand it gets treated as a new application anyway.

CHAIR NICOLE MURATI FERRER: Do you have an idea of when you think you may know when you're finally deciding? Because you said it looks like it may be a permanent closure.

TSE WEI LIM: I'm sorry. That made it sound like less certain than it is.

CHAIR NICOLE MURATI FERRER: Okay. All right. So you are certainly closing?

TSE WEI LIM: Yeah.

CHAIR NICOLE MURATI FERRER: Thank you.

TSE WEI LIM: Great.

MALT & WINE LICENSE WITH OR WITHOUT ENTERTAINMENT

ARLYN DEPAGTER

EXECUTIVE DIRECTOR ELIZABETH LINT: Arlyn

dePagter has applied for a malt and wine license to be exercised at MIT, 20 Ames Street on September 16 from 4 to 9:30 for a banquet/concert/fundraiser reception with 150 expected.

CHAIR NICOLE MURATI FERRER: Granted.

Police detail.

NICOLE SAOPEDRO-WELCH

EXECUTIVE DIRECTOR ELIZABETH LINT:

Nicole SaoPedro-Welch has applied for a wine license with performers dancing to be exercised at Studio at 550, 550 Mass Ave on August 18 from 7:30 to 9:30 with 25 expected.

CHAIR NICOLE MURATI FERRER: Did they not get their annual license?

EXECUTIVE DIRECTOR ELIZABETH LINT: She did not want to pick it up. She could not afford it, so she wanted to go this route.

CHAIR NICOLE MURATI FERRER: Okay.

Granted.

ARLYN DEPAGTER

EXECUTIVE DIRECTOR ELIZABETH LINT: Arlyn dePagter has applied for a wine and malt license to be exercised at MIT, 32 Vassar Street on September 10 from 6:30 to 10:00 for a banquet reception with 85 expected.

CHAIR NICOLE MURATI FERRER: Granted.

ENTERTAINMENT LICENSE ONLY

CARMEN MOUZON

EXECUTIVE DIRECTOR ELIZABETH LINT: Carmen Mouzon has applied for an entertainment license for recorded live music with patrons dancing for an End of Summer Picnic Celebration at Dana Park, 70 Magazine Street on August 12 from 3 to 8 with 80 expected.

CHAIR NICOLE MURATI FERRER: Granted.

KAITLIN BRESEE

EXECUTIVE DIRECTOR ELIZABETH LINT:

Kaitlin Bresee applied for an entertainment license to provide recorded live music with patrons, performers dancing for a Salsa Dance Party at Sennott Park with 400 expected on August 12 from 6 to 9. That went through Special Events.

CHAIR NICOLE MURATI FERRER: Granted.

MAYA FRENCH

EXECUTIVE DIRECTOR ELIZABETH LINT: Maya

French has applied for an entertainment license to provide recorded live music for an acoustic concert dinner at Forage, 5 Craigie Circle on September 30 from 5 to 11 with 40 expected.

CHAIR NICOLE MURATI FERRER: I would hold off on getting the police to sign-off on this.

HENRY SHACKLETON

EXECUTIVE DIRECTOR ELIZABETH LINT: Henry Shackelton has applied for an entertainment license to provide an amplification system and light show with patrons dancing for a party at MIT, 3 Ames Street on August 28 from 8 p.m. to 1 a.m. with 400 expected.

CHAIR NICOLE MURATI FERRER: There was an MIT sign-off on this. Granted. Police detail required.

CALLIE CHAPMAN

EXECUTIVE DIRECTOR ELIZABETH LINT: Callie Chapman has applied for an entertainment license to provide recorded live music with performers dancing for an informal showing at 550 Mass Ave on August 13 and August 22 from 6 to 10 with 20 expected.

CHAIR NICOLE MURATI FERRER: Granted.

VENDOR/PEDDLER LICENSE

CITY GIRL CAFE

EXECUTIVE DIRECTOR ELIZABETH LINT: City Girl Cafe has applied for a vendor/peddler license to sell food during Inman Funch at Vellucci Plaza, Hampshire Street on August 11 from 11 a.m. to 2 p.m.

That's also a Special Event.

CHAIR NICOLE MURATI FERRER: Yes, and I see the permits here. Granted.

OLE RESTAURANT

EXECUTIVE DIRECTOR ELIZABETH LINT: OLE Restaurant has applied for vendor/peddler license to sell food during Inman Funch at Vellucci Plaza, Hampshire Street on August 11 from 11 a.m. to 2 p.m.

CHAIR NICOLE MURATI FERRER: Granted.

MICHELLE HINES D/B/A COOKYEE-VARI-A-TEES

EXECUTIVE DIRECTOR ELIZABETH LINT:

Michelle Hines doing business as
Cookyee-Vari-A-Tees has applied for a
vendor/peddler license to sell hand-crafted
jewelry and designer T shirts at MIT Stratton
Student Center, 77 Mass Ave on September 18 from
9 to 5.

CHAIR NICOLE MURATI FERRER: Granted.

RICE BURG, INC

EXECUTIVE DIRECTOR ELIZABETH LINT: Rice
Burg Incorporated has applied for vendor/peddler
license to sell food (burgers) at BMR Sidney
Research Campus 21 & 20 Erie, 200 Sidney Street
on August 10, August 31, September 14, October 12
and November 9 from 10:30 to 2:30 p.m.

CHAIR NICOLE MURATI FERRER: Granted.

ADMINISTRATIVE MATTERS

TROY MCHENRY - GROUPZOOM

EXECUTIVE DIRECTOR ELIZABETH LINT: Troy McHenry on behalf of Groupzoom Incorporated doing business as Bridj has filed a waiver for failure to timely, properly renew their license.

That was the meeting I had today with Traffic and Parking, they have had a lot of changeover and who was handling what and I think that's what -- we didn't know where to send the renewals. So we are now on top of that.

CHAIR NICOLE MURATI FERRER: I would do a violation warning.

FIRE CHIEF GERALD REARDON: That's fine.

CHAIR NICOLE MURATI FERRER: It looks like Superintendent Wilson was able to give the a-okay for the Verage (phonetic) Restaurant event of October 30, 2016 from 5 to 11 p.m. so granted.

MICHAEL CLARK

EXECUTIVE DIRECTOR ELIZABETH LINT:

Michael Clark on behalf of Lee Kennedy has applied for a special noise variance to be exercised on -- there's two. Andrea gave me another one that updated what we originally had.

Tuesday, August 16 from 9 p.m. to 6 a.m. at 15 Eliot Street, Kennedy School of Government for an excavator, cut-off saw and light sets and this will continue to August 20.

It has to do with a water main tie-in.

CHAIR NICOLE MURATI FERRER: Okay, and the reason they are doing it is because they have to shut off the -- shut off the water. Okay, so we have both of them here. We have the signs-offs from all departments, so I would vote to grant both of these.

EXECUTIVE DIRECTOR ELIZABETH LINT: It is actually just the updated one.

CHAIR NICOLE MURATI FERRER: Granted.

DAVID BELLER

EXECUTIVE DIRECTOR ELIZABETH LINT: David Beller on behalf of Loyal Nine has given notice they will be closed on October 1, October 29 and December 30 for private events.

CHAIR NICOLE MURATI FERRER: Granted.

KATERYNA KUC

EXECUTIVE DIRECTOR ELIZABETH LINT: Kateryna Kuc on behalf of Urban Outfitters has applied for a one-day alcohol and entertainment license to be exercised on August 12 from 7 to 9 p.m. for an in-house event.

I asked her what that meant, and on that particular one, they are just having beer for over 21 and entertainment -- actually, one of

them is only entertainment.

CHAIR NICOLE MURATI FERRER: This one is just entertainment, the August 12 one.

EXECUTIVE DIRECTOR ELIZABETH LINT: Yep.

CHAIR NICOLE MURATI FERRER: Granted for entertainment only.

EXECUTIVE DIRECTOR ELIZABETH LINT: And then on August 18 from 6 to 9 p.m., which is beer only and entertainment.

CHAIR NICOLE MURATI FERRER: I would grant the one for August 12 for entertainment only.

And then as to the alcohol portion of the application, the applicant's representation that no alcohol will be served.

And then the one for the Full Moon Party on August 18, I vote to grant.

MEGHAN NOWAK

EXECUTIVE DIRECTOR ELIZABETH LINT:

Meghan Nowak on behalf of Barletta Heavy Division has applied to extend their already-approved special noise variance in order to extend the DPW sewer project for pumping station starting August 22 through September 3 from 9 p.m. to 5 a.m.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT: And that is all I have.

(Hearing was adjourned.)

ERRATA SHEET

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

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

CERTIFICATION

Commonwealth of Massachusetts

Norfolk, ss.

I, Jill Kourafas, 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 13th day of August, 2016.

Jill Kourafas
Certified Shorthand Reporter
License No. 14903
Notary Public

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