

COMMONWEALTH OF MASSACHUSETTS

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION GENERAL HEARINGS

LICENSE COMMISSION BOARD MEMBERS:

Richard V. Scali, Chairman
Robert C. Haas, Police Commissioner
Gerald Reardon, Fire Chief

STAFF:

Elizabeth Y. Lint, Executive Officer

- held at -

Michael J. Lombardi Municipal Building
831 Massachusetts Avenue
Basement Conference Room
Cambridge, Massachusetts 02139
Tuesday, May 25, 2010
6:09 p.m.

REPORTERS, INC.
CAPTURING THE OFFICIAL RECORD
617.786.7783/617.639.0396(fax)
reportersinc.com

INDEX OF AGENDA PROCEEDINGS

<u>Agenda Matters</u>	<u>Page</u>
Application: Atwood's Corner, LLC	3
Application: Uno Restaurants, LLC	11
Application: Sweet Spot Bakery, LLC	15
Application: Life Alive Cambridge	24
Application: BMR-Rogers Street, LLC	40
Application: Khadouj, LLC	50
Application: Anthony Impemba and Gary Nazzaro	56
Investigative: Hersha Hospitality	61
Ratifications: Medallions 183, 182, 182	116

P R O C E E D I N G S

MS. LINT: License Commission General Hearing, Tuesday, May 25, 2010. It's 6:00 p.m. We're in the Michael J. Lombardi Municipal Building, 831 Massachusetts Avenue, Basement Conference Room. Before you are the Commissioners: Chairman Richard Scali, Chief Gerald Reardon, and Commissioner Robert Haas.

The first matter is Application: Atwood's Corner, LLC d/b/a as Atwood's Tavern, Ryan Magee, Manager, holder of an All Alcoholic Beverages as a Restaurant license and Entertainment license at 877 Cambridge Street has applied to extend their current 1:00 a.m. closing hour until 2:00 a.m. on Thursdays, Fridays, Saturdays, and the night before a legal holiday.

MR. SCALI: Good evening. Just tell us who you are for the record, please.

MR. RAFFERTY: Good evening, Mr. Chairman and members of the Commission. For the record my name is James Rafferty. I'm an

attorney with offices at 130 Bishop Allen Drive, Cambridge, appearing on behalf of the licensees. Seated to my far left is Mr. Patrick Magee and to my immediate left is Mr. Ryan Magee, the manager of record.

MR. SCALI: So this is an extension. How long have you been in operation?

MR. RAFFERTY: I'm glad you asked that question Mr. Chairman because the Commission should be able to look at these two gentlemen and feel good about the work that you do, because four years ago the Commission saw fit to grant these two gentlemen and their brother a license at a location that had been shuttered for over a year on Cambridge Street. They have created a friendly neighborhood oriented establishment that in the four-and-a-half years they've been in business exemplifies all the characteristics and expectations that the Commission has for licensees.

They have the added benefit of living in the building so they really know their premises, they know their neighbors, they live upstairs.

It's a family operation. They got a little loan from their parents and were able to go into business. Like some of the great restaurateur families in Cambridge, they have established a fine reputation both in the neighborhood and in the surrounding community.

After four years and active membership in CLAB and participation in a range of other activities, they would like to be able to continue to serve the public for an additional hour. They keep their kitchen open until midnight. They have as part of their operation, they do have late-night diners. A demand exists. They have been collecting in a relatively short period of time some signatures from literally hundreds of nearby neighbors.

MR. SCALI: Is this a Cap zone?

MR. RAFFERTY: I believe it is a Cap zone.

MS. LINT: It is a Cap zone.

MR. RAFFERTY: I'm not sure under the current Cap policy what the capacity and 1:00 a.m.

continue to be matters of Cap. My recollection was that while they --

MR. SCALI: I think we exempted them under the new policy from two years ago.

MR. RAFFERTY: That was my understanding as well.

MR. SCALI: We are very familiar with your reputation. Mr. Magee comes to all the CLAB meetings and is very active in the Taste of Cambridge and all that. So the matter really for me is the need issue and really the overwhelming neighborhood support if that's what we're looking at.

I know you've turned that place around completely. From what I know I don't think we have any complaints, Mrs. Lint, do we?

MS. LINT: Absolutely none.

MR. SCALI: Let's just focus on the support then if we could. These are your petitions here.

MS. LINT: And I also have a letter in support from Councilor Toomey as well as the

President of the East Cambridge Business Association.

MR. RAFFERTY: Mr. Chairman, I'd draw the Commission's attention to the addresses on the petition because not only are they not all Cambridge residents, they represent people within very close proximity, nearly all from the immediate neighborhood, walking distance to the establishment. It is that clientele that has created the need for the extended hour, and it's for that reason that the applicants are seeking the opportunity to join with those other licensees who provide service until 2:00 a.m.

To the extent that overwhelming public support is considered a criteria, I think the petitions in the absence of any objection -- there's been extensive outreach.

As I said, the Magees live at the location. They not only are business neighbors but they're residential neighbors, so you can imagine that provides them with a level of attention to issues that might not be present with other

licensees.

MR. SCALI: So we're not changing the entertainment; right?

MR. RAFFERTY: No.

MR. SCALI: What time does the entertainment stop?

MR. MAGEE: At 1:00.

MR. RAFFERTY: So there wouldn't be any change in the hours of the entertainment license.

MR. SCALI: Questions?

MR. HAAS: So just on the petition, it doesn't specify what they've signed. So they clearly understood what they signed in terms of the later opening?

MR. MAGEE: Yes, absolutely.

MR. SCALI: So it would be Thursday, Friday, Saturday and Sunday when Monday is a holiday. All your other nights would be 1:00 a.m.?

MR. MAGEE: That's correct.

MR. SCALI: Questions, Chief?

MR. REARDON: Are there any other 2:00 a.m.'s on that stretch?

MR. MAGEE: The closest would be Bekoski and the Druid in Inman Square proper.

MS. LINT: Nothing right there.

MR. REARDON: Bekowski's is close.

MR. MAGEE: It's a seven minute walk.

MR. SCALI: Does anybody from the public want to be heard on this matter? Abutter notifications are all set?

MS. LINT: Yes, all set.

MR. SCALI: Pleasure of the Commissioners?

MR. HAAS: Motion to approve.

MR. REARDON: Seconded.

MR. SCALI: Motion to approve, moved and seconded. All in favor?

MR. HAAS: Aye.

MR. REARDON: Aye.

MR. SCALI: I think you'll do a good job there with that, Mr. Magee. Mr. Rafferty has advised you well.

MR. MAGEE: Constantly.

MR. RAFFERTY: Thank you. Nice to
come here and see familiar faces.

MS. LINT: Application: Uno Restaurants, LLC d/b/a Uno Chicago Grill, Maurie Molod, V.P., Real Estate, holder of an All Alcoholic Beverages as a Restaurant license at One Porter Square has applied to hold said license as inactive.

MR. SCALI: Good evening. Have a seat, please.

MR. HERZ: Actually my name is not Maurie Molod but it's George Herz.

MR. SCALI: I'm sorry, it is?

MR. HERZ: My name is George Herz, H-E-R-Z.

MR. SCALI: And you are the -

MR. HERZ: Senior Vice President of Uno Restaurants, LLC.

MR. SCALI: And this is just for this Location you're talking about, which is the Porter Square location?

MR. HERZ: Right.

MR. SCALI: Tell us what happened. Did you just decide to close that location down, or

a lease ran out?

MR. HERZ: What happened was the company and its 153 entities filed under Chapter 11 on January 20, 2010. And in connection with the filing among other things, it closed approximately 26 underperforming restaurants with this being one of them.

MR. SCALI: So that busy site was underperforming?

MR. HERZ: Yes.

MR. SCALI: I always thought it was mobbed up there all the time. I'm surprised to hear you say that.

So what's the plan? Is the plan to sell the license?

MR. HERZ: We are in discussions with another national restaurant group for that particular location. The gentleman, Maurie Molod, who is in Las Vegas now at the ICSC Conference and discussing this right now - it's the International Conference of Shopping Centers Associations -- we expect to and we're hopeful to put something

together and finalize the transaction within the next week or two.

MR. SCALI: So you're fairly close to an agreement and you think it will happen soon?

MR. HERZ: Correct. And of course, we will keep you notified as to that.

MR. SCALI: And the Harvard Square location is staying the same?

MR. HERZ: Yes, it is.

MR. SCALI: Comments?

MR. HAAS: No comments.

MR. SCALI: Does anybody from the public want to heard on this matter?

Our usual standard approval is a six-month extension. It sounds like you'll have plenty of time to make your application and apply by then. If you don't have enough time for that then you can always apply for an extension again. We do it in six-month increments to kind of keep you on the ball to get things moving along.

MR. HERZ: That makes sense.

MR. SCALI: Motion for six-month.

MR. HAAS: Motion.

MR. SCALI: Moved.

MR. REARDON: Second.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. REARDON: Aye.

MR. SCALI: Good luck.

MS. LINT: Application: Sweet Spot Bakery, LLC d/b/a Lyndell's Bakery, David Brent Campbell, Manager, has applied for a Common Victualer license to be exercised at 74 Prospect Street. Said license, if granted, would allow food and non-alcoholic beverages to be sold, served, and consumed on said premises and will have a seating capacity of 69 (49 seats inside, 20 outside on a seasonal patio). The hours of operation will be from 6:00 a.m. to 8:00 p.m. seven days per week. Applicant is also applying for an Entertainment license to include background music below conversation level.

MR. SCALI: Good evening. Just tell us who you are, please.

MR. CAMPBELL: I'm Brent Campbell. I'm the manager at the location. This is Bill Galatis; he's the owner.

MR. SCALI: The owner of the --

MR. GALATIS: I'm the owner of Lyndell's Bakery.

MR. SCALI: Your name again?

MR. GALATIS: Bill Galatis, G-A-L-A-T
-I-S.

MR. SCALI: Thank you.

MR. CAMPBELL: Basically Lyndell's
Acquired Carberry's Bakery at the end of January of
this year and all these licenses should be in place
for Carberry, except for the seasonal patio
seating. We're just looking to apply as the new
company.

MR. SCALI: Are you in there now
operating for Carberry's?

MR. CAMPBELL: Right now we're -
right.

MR. SCALI: So you have permission to
operate under Carberry's license.

MS. LINT: We had to chance them to
come in and apply.

MR. SCALI: I thought so. What were
you all thing; that you just weren't going to
apply?

MR. GALATIS: Well let me speak
because I must tell you that Mr. Campbell had his

appendix out two nights ago, and he's here.

MR. SCALI: Two nights ago?

MR. GALATIS: Sunday night.

We weren't sure exactly what the procedures were here so I had Mr. Campbell inquire about some things. We just acquired Carberry's on January 26, and we weren't sure if we were allowed to operate under the current license or not. And then we found out what we needed to do and we immediately tried to do all the things that were required for us to do.

One of the things we did notice is the previous owner had outside seating and apparently they weren't permitted to do so. So it's one of the additional permits that we're seeking tonight as well.

MR. SCALI: Don't you have other locations?

MR. GALATIS: We do. We have the original Lyndell's in Somerville in Ball Square. We acquired this particular retail unit plus a manufacturing plant in Malden, and we also have

another retail unit in the North End on Hanover Street.

MR. SCALI: It's the same State law in all the cities and towns for Common Victualers. You have seats in those locations; right?

MR. GALATIS: No, we don't.

MR. SCALI: You have no seats in those bakeries in Somerville and in the North End?

MR. GALATIS: None.

MR. SCALI: So this was kind of a new thing for you with seats?

MR. GALATIS: It was with respect to Lyndell's Bakery, yes. The Somerville location has been there for over a hundred years and there's never been any seats inside the bakery. It's 100 percent take-out.

MR. SCALI: That would probably explain the reason why you wouldn't know.

MR. GALATIS: I'm here because I'm apologizing because we just didn't know what needed to get done. Then once Brent brought it to my attention we tried to do all the necessary things.

MR. SCALI: Hours are the same? No change in hours?

MR. CAMPBELL: I believe the previous license was for 6:30 to 8:00 p.m.

MR. SCALI: So now you want 6:00 a.m. to 8:00 p.m.?

MR. CAMPBELL: We want 6:00 a.m. to 8:00 p.m., right.

MR. SCALI: So 49 seats inside and 20 on the patio, which is on private property; right?

MR. CAMPBELL: Correct.

MR. SCALI: No alcohol, of course.

MR. CAMPBELL: No alcohol.

MR. SCALI: And just background music.

MR. CAMPBELL: Correct.

MR. REARDON: What is the new venue going to be? I'm familiar with the other locations and it's a little different for you guys from the bakery. Is it just going to be the food service?

MR. CAMPBELL: The only thing that Carberry's offers that we didn't offer in Somerville were sandwiches. We offer beverages in

Somerville as well. There's no seating in Somerville, seating here. The other thing that we're attempting to do is consolidate both product lines. We plan on offering some products that we've offered at Lyndell's for many years, here as well.

I think to answer your question, beyond the sandwiches and some additional cold beverages that we don't offer in Somerville, the product line will essentially be the same.

MR. REARDON: It will be the bakery line for the most part?

MR. GALATIS: Yes.

MR. HAAS: So you're eliminating the sandwich service, or you're going to keep the sandwich service?

MR. GALATIS: We're going to keep the sandwich service.

MR. SCALI: Did Carberry's just retire, or was this something you pursued? I'm just wondering what happened to them?

MR. GALATIS: Matt Carberry, the

namesake, got relocated to China because his wife is a senior IBM executive. So the owner who were from Iceland decided that they wanted to sell the business and focus on their businesses in Iceland. It was brought to our attention because I've been in the food business for over 25 years. So we thought it was a good opportunity for us to offer some of our products in Cambridge along with the Carberry products that we plan on retaining.

MR. SCALI: I was just curious.

MR. HAAS: Is Lyndell's a franchise, or do you own the company in its entirety?

MR. GALATIS: It's not a franchise. I own the company in its entirety.

MR. HAAS: Because you mentioned that Lyndell's has been in business for a hundred years.

MR. GALATIS: Actually 123 this year. It's been that single location for all these years up until last July when we acquired another smaller bakery called Lulu's Bakery in the North End. It allowed us to have some presence in the North End of Boston, and we were looking to have some

presence in Cambridge and this opportunity developed and we decided to pursue it, and we closed it on January 26.

MR. SCALI: Does anybody from the public want to be heard on this matter? No hands. Abutter notifications?

MS. LINT: Apparently there was an issue with the ad that I think it said 49 Prospect instead of 74 Prospect. So I did get a call about that from an abutter but she had the notice and knew the location we were talking about.

MR. HAAS: Is that going to present a problem as far as taking any action tonight?

MS. LINT: I think you can take action and we can just put another ad in.

MR. REARDON: Move to approve.

MR. SCALI: Motion to approve.

MR. HAAS: Second.

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

MR. REARDON: Aye.

MR. HAAS: Aye.

MR. SCALI: Good luck. Make sure you get all your sign offs first, Building, Fire and Health, and come in and pay your fee before you continue.

MR. GALATIS: Thank you very much.

MS. LINT: Application: Life Alive Cambridge, LLC, d/b/a Life Alive Urban Oasis & Organic Cafe, Heidi Feinstein, Manager, has applied for a new Wine and Malt Beverages as a Restaurant license at 765 Massachusetts Avenue. The hours of operation will be from 8:00 a.m. to 10:00 p.m. seven days per week with alcohol sales starting after 12:00 p.m. on Sundays. The restaurant will have a seating capacity of 70 and a total occupancy of 99. This is located in Cap No. 3. Applicant is also seeking an Entertainment license to include: Reading of poetry or other works; live acoustical performances as background music, no amplification; audio tape machine/CD playing background music below ordinary conversation level.

MR. SCALI: Good evening.

MS. FEINSTEIN: Hi.

MR. SCALI: Just tell us your name.

MS. FEINSTEIN: Heidi Feinstein.

MR. SCALI: Is this your first
venture?

MS. FEINSTEIN: It's my second. I've

been looking in Cambridge for three years to find this location.

MR. SCALI: What attracted you to this location?

MS. FEINSTEIN: I just love Cambridge and I think Central Square has to a real wonderful mix of commercial, residential, and all different types of people and it's a perfect spot for my space.

MR. SCALI: You wanted to be close to City Hall so we could get coffee; is that what it is?

MS. FEINSTEIN: I'm not allowed to sell coffee actually.

MR. SCALI: What are you going to sell?

MS. FEINSTEIN: I sell all organic whole foods, grains with vegetables and raw sauces. They're all therapeutic. I'm a nutritionist. But over 90 percent of my customers in Lowell are not vegetarian or health conscious; they just love the food. It's like yummy.

In addition to the food I sell smoothies and vegetable juices. We sell tea. We do sell coffee in Lowell but I'm going to be next to 1369 so we didn't want to --

MR. SCALI: Did they object?

MS. FEINSTEIN: They did object and I -- whatever. I'm not going to tell that story.

MR. SCALI: They sell tea, too, over there.

MS. FEINSTEIN: So what happened in Lowell is that a lot of our customers wanted to come for dinner but they would always call and say, "Can I bring a bottle of wine?" Because wine is healthy and so is beer, and it goes well with the food.

MR. SCALI: This is for a Wine and Malt license, too. I missed that part.

MR. HAAS: I was trying to figure out how the health-food went with the beer and wine.

MS. FEINSTEIN: Beer and wine is full of probiotics and it's actually very good and healthy. And again, we're not going to carry a ton

of it. We're going to have organic white - like probably one or two white wines, maybe one or two red wines, and one beer, all organic. And it's just going to be so that people who want to have a nice dinner don't feel like they can't come.

MR. SCALI: So you know if you get a beer and wine license they can't be just sitting there drinking beer and wine, they have to be eating a meal with it, or food with it.

MS. FEINSTEIN: Yes, okay.

MR. SCALI: It's an accessory to the food.

MS. FEINSTEIN: I didn't know that but it goes with the space. We're not a bar.

MR. SCALI: So 8:00 to 10:00 p.m., and then opening at 12:00 on Sundays. How many people standing? Is it 29 people standing?

MS. FEINSTEIN: My architect said it was a formula that decides what the capacity is.

MR. SCALI: Right.

MR. REARDON: Number of occupants per square-foot.

MS. FEINSTEIN: So that's how they came up with that number but we're pretty much going to have less than 50 seats.

MR. REARDON: I would suggest you go down because once you hit 100, if you break 100, you're into a whole different realm. Sprinkler laws and nightclub issues, so you may want to --

MS. FEINSTEIN: I'm planning on only having like 45 seats. So we just thought we had to go up for you so that we wouldn't -- you know what I mean? We were mistaken; we should go down.

MR. SCALI: Is there a plan with the 45 seats?

MS. FEINSTEIN: Yes.

MR. SCALI: We can't grant you more than what your plan shows, what you're applying for, what you're going to actually use. So if you're going to use 45, then that's what we would give you, 45 seats.

MS. FEINSTEIN: So that's why they went up because we do have the capacity. See what's going to happen is if we're slammed all the

time, I'm going to want to add some more seating.

MR. SCALI: You have to do that now. If you want 70 seats, you've got to show us a plan with 70 seats and maintain those seats.

MS. FEINSTEIN: That's the plan we gave. The plan has 70 seats.

MS. LINT: It has 66 seats.

MS. FEINSTEIN: So that's the plan we put in. So we're going to put that in but we're not necessarily going to put all those table in.

MR. SCALI: You have to. If you apply for it, you have to do it that way. It has to meet the plan. So do you want to think about it a little bit and see what you want to do? We don't vote until June 3, anyway. Because whatever you give us is what you have to maintain.

MS. FEINSTEIN: We re-did the plan to be less than 50, because I just wanted to see how the space works out. I guess I have a question to help me make this decision. Let's say that there are people constantly waiting for seats and I want to add seating, can I come back and reapply?

MR. SCALI: Yes.

MR. FEINSTEIN: So I guess I'll give you the new plan tomorrow with the 45 or 50, I can't remember, and then I'll reapply if I have to.

MR. SCALI: So 45, or whatever seats you determine with how many standing? Is there a bar?

MS. FEINSTEIN: No.

MR. REARDON: They're really not going to have much in the way of standing.

MS. FEINSTEIN: Downstairs in the basement we're going to have a children's play area during the day that at night the toys can go away and people can -- like in Lowell, I have wellness workshops and I show films, and we have poets come. So at night I can't imagine that there would be standing room but sometimes in Lowell that happens if a film is very popular or a poet is popular.

MR. SCALI: So that's going to happen in the basement, you're saying?

MS. FEINSTEIN: Yes.

MR. SCALI: So people will come and

get a glass of wine or beer, and food, and be able to eat downstairs?

MS. FEINSTEIN: Downstairs, yes.

MR. SCALI: And watch the show or the poetry.

MS. FEINSTEIN: Yes.

MR. SCALI: Are people going to be seated down there at all?

MS. FEINSTEIN: It's all seating downstairs.

MR. SCALI: So if you apply for some kind of standing, you have to maintain that number of standing or less.

MS. FEINSTEIN: Is standing different than occupancy?

MR. SCALI: Occupancy is the total of seating and standing; capacity is just seating.

MS. LINT: But I don't have a plan that shows seating in the basement.

MR. SCALI: Yes, there's no seating in the basement area.

MS. FEINSTEIN: Really?

MR. SCALI: Well, maybe you'd better take a look at - you've got to submit a new plan anyway. You've got 26 seats downstairs I think.

MS. FEINSTEIN: I think there's 26 upstairs.

MR. HAAS: There's the basement here.

MR. SCALI: Oh, I'm sorry. You've got seating in the basement, yeah. So you don't plan on taking the seating out when people are doing the poetry, do you?

MS. FEINSTEIN: No. It's in the children's play area at the back.

MR. SCALI: You're going to maintain the seating as is?

MS. FEINSTEIN: As is.

MR. SCALI: So you just need to give us a new plan showing the upstairs and downstairs with the total number of seats and the total number of standing.

MR. REARDON: This work hasn't been done as of yet?

MS. FEINSTEIN: No. It's hopefully

starting soon.

MR. SCALI: When does the video store leave, do you know?

MS. FEINSTEIN: They just left last week.

MR. SCALI: Questions from the public at all?

MR. HAAS: Do you want to talk about the beer and wine license?

MR. SCALI: Yes. New beer and wine licenses has to show overwhelming neighborhood support, proof of need, lack of harm in Central Square.

MS. FEINSTEIN: Prrof of need. How do I show that; people saying they want it?

MR. SCALI: You're different in some way than anybody else in Central Square; you can't get a glass of beer or wine nearby; or you offer something different than anybody else offers in the Square.

MS. FEINSTEIN: Do I write something on top and then go around and ask people to sign

it?

MR. SCALI: you can do it by letter, petition, e-mails.

MS. LINT: Anything you like.

MR. SCALI: You can do it by City Councilor support, you can do it by neighborhood organizations, you can do it by business association support. Did you get any letters at all?

MS. FEINSTEIN: Nothing.

MR. SCALI: So you're not going to meet the overwhelming neighborhood support tonight because you don't have any support of people saying they want you to be there.

MS. FEINSTEIN: When do I need to get that in by?

MR. SCALI: We need to continue it then because it needs to be another hearing to do that. We could consider you without the beer and the wine with the new plan.

MR. HAAS: But there's no coffee either.

MR. SCALI: It's up to you. If you want to have your application on without the beer and wine, we can vote on it on June 3, without the beer and the wine. We can continue it to another hearing in June.

MS. FEINSTEIN: And you'll do it together?

MR. HAAS: If that's your ultimate market plan, you probably want to wait until you can do it all together.

MS. FEINSTEIN: That makes sense.

MR. REARDON: The other problem is that you may not want to start construction until you have it adjudicated, so it depends on what you want to do.

MR. SCALI: You may not want to start your construction --

MR. REARDON: Start you construction without a license and any potential permits.

MS. FEINSTEIN: Then I'll get my -- is that what we're talking about now is the restaurant license? Then I'd rather do that now because I

need to start construction.

MR. SCALI: If your plan includes the beer and the wine and you don't get the beer and the wine, are you going to be okay without the beer and the wine?

MS. FEINSTEIN: Yes. Customers will be sad.

MR. HAAS: Then you're arguing against your own case if you say you can survive without your beer and wine license.

MS. FEINSTEIN: It's in my business plan that I hope to have it, but I already signed the lease so I have to go into business.

MR. SCALI: It's not contingent upon your licensing?

MS. FEINSTEIN: No.

MR. SCALI: Why do people do that? Did you have an attorney involved?

MS. FEINSTEIN: Yeah.

MR. SCALI: And your attorney didn't advise you to make your lease contingent upon your licensing?

MS. FEINSTEIN: I don't think so.

MR. SCALI: What if you don't get a license?

MS. FEINSTEIN: That would be really bad.

MR. HAAS: When were you hoping to open?

MS. FEINSTEIN: I'm hoping to have a soft opening at the end of August and open in September.

MR. HAAS: Do we have another hearing between now and June 3?

MR. SCALI: No. It would be June 10, isn't it? June 9.

MS. LINT: June 8.

MR. SCALI: Is it Tuesday, June 8?

MS. LINT: Yes.

MR. SCALI: So you can come back on June 8.

MS. FEINSTEIN: So I'll come back on June 8 with overwhelming support. What do you consider overwhelming support; how many people?

MR. SCALI: Whatever you can muster up. You might want to talk to Mr. Baron in Central Square, you might want to talk to your immediate --

MS. LINT: Mr. Goldstein.

MR. HAAS: You may want to have somebody out in front of the store and ask people walking by if they would support it. Because that's going to be your traffic so it does both things.

MS. FEINSTEIN: They're all excited. People are banging on the window.

MR. HAAS: You can advertise at the same time and at the same time you can demonstrate that there's a customer base that's interested in you having a beer and wine license.

MR. SCALI: All right. A motion to continue to June 8.

MR. HAAS: Motion.

MR. REARDON: What about the -- is she going to hold off on the whole thing?

MR. SCALI: You're going to wait on the whole thing until then; right?

MS. FEINSTEIN: Yeah.

MR. SCALI: So moved and seconded.

All in favor?

MR. REARDON: Aye.

MR. HAAS: Aye.

MR. SCALI: Thank you.

MS. LINT: Application: BMR-Rogers Street, LLC, holder of a Garage and Flammables license at 301 Binney Street has applied to amend their current flammables license to include an additional 30 gallons of Class 1B, flammable liquids to their existing license. If approved, the total amount of flammable liquids on the license would be 2,520 gallons.

MR. SCALI: Good evening. Just tell us who you are.

MR. EDWARDS: Rocky Edwards, Sherma Engineering, fire protection engineer working for Biomed Realty.

MR. ZINNO: Sal Zinno from Biomed.

MR. SCALI: Zinno?

MR. ZINNO: Yes, Z-I-N-N-O.

MR. SCALI: So this is an existing location at 301 Binney. Why are we adding on more flammables?

MR. EDWARDS: More flammables are being added because there's a new tenant. Portions of the building are currently vacant and they have

a new leasee, the Burn Institute.

MR. ZINNO: The Brode Institute on the third-floor.

MR. SCALI: So what's the Brode Institute doing in this location?

MR. ZINNO: Pharmaceutical research. They have a mix of lab and office space on the fifth-floor, hence their need for the small update to the license.

MR. SCALI: So the only thing you're adding is 30 gallons of Class 1B?

MR. EDWARDS: I think there's some waste on the first-floor as well.

MR. SCALI: More than we advertised on here? I want to make sure we have everything on here. Is everything included in what you wanted on that? I only see one thing on here, unless we advertised it incorrectly or something.

MR. EDWARDS: There's a small list, 30 gallons new for the flammables but there was some new combustible liquids on there, 47 gallons of combustible liquids.

MR. SCALI: It's all got to be in there. Maybe it was done wrong.

MR. REARDON: How many cars are in the Garage?

MR. EDWARDS: We're not changing the garage and I don't have any idea. I think I have the old application here that we submitted to you for that.

MR. REARDON: 503.

MR. ZINNO: That sounds about right.

MR. SCALI: Mrs. Lint, was that left off?

MR. EDWARDS: I've got a copy of the license right here.

MS. LINT: That would help me.

MR. REARDON: Well, 503 cars is -

MR. EDWARDS: Yeah, 503 cars. I included it in with my application.

MR. REARDON: So that's 5,030 gallons because it's 10 per car.

MR. SCALI: Something is not right With this. This advertisement is not right because

you've got a lot more than just this. So either we did something wrong or you applied wrong.

MS. LINT: What is on the existing?

MR. REARDON: You've got a generator, too, 330. So that's 5,360.

MR. EDWARDS: And that's on the license.

MS. LINT: They currently have that.

MR. REARDON: And that's good through the end of the year.

MR. SCALI: So why is the -

MR. REARDON: So what they're adding is just in addition to the existing license?

MR. EDWARDS: Yeah. We're amending the existing license.

MR. SCALI: He's got the advertisement as 2,520 gallons as you're existing license, which is not right.

MS. LINT: Because it says on the application, 2,490 from existing license and 30 gallons new.

MR. SCALI: But that's not right

because the garage is - that's not right.

MR. EDWARDS: But they're not -- I'm confused.

MR. SCALI: Storage in the tanks of vehicles. We have one license for the whole building; right?

MR. EDWARDS: Right.

MR. SCALI: So the existing license should have 10 gallons of gas per car, average, plus any of the lab storage, plus a generator, plus anything else that's flammable.

MS. LINT: Which it does have. It currently has it.

MR. SCALI: Is it in the ad that way, or is just wrong on the agenda?

MS. LINT: No, it wasn't in the ad, because it wasn't on the application that way. The existing license is different than what was on the application.

MR. EDWARDS: I included the existing license because again, it's confusing, because they're not storing or doing anything with

flammables that are in the cars. The cars may or may not be in the garage or not.

MR. SCALI: It has to be added on. Whatever your existing license says, it has to be in the ad, in addition to what you're adding on. So you didn't apply correctly.

MR. REARDON: They have an existing permit with us through December 30.

MR. ZINNO: For the vehicles and the generator.

MR. REARDON: 5,030 for the cars and 330 for the generator.

MR. ZINNO: And then our other tenants at 301 also have a permit.

MR. EDWARDS: Right, their own separate permit.

MR. SCALI: But you've got one license.

MR. ZINNO: Correct.

MR. SCALI: We need to redo the ad, adding in all the new stuff plus the old to make it a total amount for you.

MR. HAAS: What's accounting for the increase aside from just the new tenant? What are they storing in there that's additional to the vehicles? You've already accounted for your vehicle space; right?

MR. EDWARDS: Yeah. The vehicles are the vehicles. The vehicles are not adding. It's the fifth-floor, the flammables.

MR. HAAS: And the waste material on the first-floor is a byproduct of those?

MR. EDWARDS: Yes.

MR. SCALI: We need to re-advertise it, Mrs. Lint.

MS. LINT: Yes.

MR. SCALI: June 8 is too soon.

MS. LINT: And I've been told we may not put anything on June 22, so that the Commissioner is not upset.

MR. SCALI: June 22 is a very long hearing already.

MS. LINT: Idenix.

MR. SCALI: What's the next one after

that?

MS. LINT: I don't know the July dates.

MR. SCALI: It's the second Monday in July. Why don't you get a hold of Mrs. Lint tomorrow to see what dates we have available.

MR. REARDON: Whose fault is the ad though? They provided a permit that shows they have 5,360.

MS. LINT: The problem is this is the application, so it has 2,520 gallons, 2,490 from existing and 30 gallons new. So that's why the ad was done this way.

MR. REARDON: Okay.

MR. EDWARDS: I didn't understand when I filled out the application. I brought it into Deputy Chief Turner and talked to him about and he had thrown like a yellow sticky note together and written some numbers on it and stuff. But in the end, it turns out to be my fault.

MR. SCALI: Get a hold of Mrs. Lint tomorrow and find the next available date and we'll

put it back on for you.

Motion to re-advertise.

MR. HAAS: Moved.

MR. REARDON: Seconded.

MR. SCALI: All in favor?

MR. REARDON: Aye.

MR. HAAS: Aye.

MR. SCALI: We'll do the best we can to get you on as soon as possible.

Does anybody from the public want to be heard on this matter? No hand.

MR. ZINNO: So we actually wouldn't be able to update the permits on the license until the next hearing date?

MR. SCALI: Yes, because people reading the ad will not understand what you applied for at all. They'll just think it was 30 gallons of Class 1B, and that's not fair to the public not to know what you're actually applying for.

MR. ZINNO: I mean that's what we really are applying for though; right?

MR. EDWARDS: An additional 30

gallons.

MR. SCALI: There's more than that. There's a generator and other stuff on there, too, that's not on the ad.

MR. ZINNO: But those are existing. I'm just trying to figure it out. We have obviously the tenant. Our tenant is nearing the end of their construction or there and I just want to be able to give them an accurate update.

MR. SCALI: We will do the best we can to help you out. You just need to read -- when you get something in the mail you need to read what it says and look at the ad and make sure it's correct. Thank you.

MS. LINT: Khadouj, LLC d/b/a La Creperie, Hassa Ghazli, Manager, has applied for a Common Victualer license to be exercised at 1154 Massachusetts Avenue. Said license, if granted, would allow food and non-alcoholic beverages to be sold, served, and consumed on said premises and to have a seating capacity of 19. Applicant is also seeking seasonal patio seating on the public sidewalk for two tables and four seats to be taken from the inside. The hours of operation will be from 10:00 a.m. to 11:00 p.m. seven days per week.

MR. SCALI: Good evening. Just tell us who you are.

MR. SUMMER: David Summer with Ghazli Hassan and James Murray.

MR. SCALI: Who do you have with you; Mr. Hassan?

MR. SUMMER: Ghazli Hassan and James Murray.

MR. SCALI: So what was this location Before?

MR. MURRAY: This is 1154 Mass. Ave.,

currently La Creperie, and will remain La Creperie, transfer of ownership from me to Hassan.

MR. SCALI: So you currently are there. Is he operating that with you?

MR. MURRAY: He's working for me.

MR. SUMMERS: The transfer hasn't occurred yet. It's conditioned upon getting the license, of course.

MR. SCALI: Tell us your experience in the restaurant business.

MR. HASSAN: I had a business before in Medford in 285 Boston Ave. It was like a crepe place. The name is Cafe du Crepe, next to Tufts University. I have been there from 1998 to 2009. I sold it last year in May, so I'm working.

MR. SUMMER: Before his ownership of seven years he also was an employee there for I believed four years.

MR. HASSAN: From 1998 to 2002.

MR. SUMMERS: He has 12 years of experience in a very similar type business.

MR. SCALI: Mr. Murray trusts you with

working with you?

MR. HASSAN: Of course.

MR. SUMMER: Well, he's going to sell him the business.

MR. SCALI: You won't be staying on at All, Mr. Murray?

MR. MURRAY: I will serve as an adviser until Hassan is comfortable in his new role.

MR. SUMMERS: They're friendly so I'm sure he'll be helping out.

MR. SCALI: So 19 seats, 10:00 a.m. to 11:00 p.m. Are you still applying for the patio seats?

MR. HASSAN: Yes.

MR. SCALI: Wasn't there some issue you had with the patio seats?

MR. MURRAY: Originally when we put the application we did not request seating, and then Mrs. Lint suggested that if we wanted it, we should incorporate that in our application. So we took a moment to reconsider and then thought that

it would be appropriate to just do that in one fell swoop rather than re-apply.

MS. LINT: I don't have a DPW permit.

MR. SCALI: Have you gone to DPW to get your permit?

MR. MURRAY: Yes. The DPW did come and signed off on it.

MR. SCALI: We need a copy of that permit.

Does anybody from the public want to be heard in this matter?

MS. LINT: I do have a letter in opposition from Denise Heinz, which I believe I forwarded to all of you.

MR. SCALI: She is opposed to what?

MS. LINT: Any public sidewalk use.

MR. SCALI: Patio use?

MS. LINT: Yes.

MR. SCALI: That's a pretty decent size sidewalk.

MR. MURRAY: It's certainly wide enough.

MS. LINT: And it's a small amount of seating.

MR. SCALI: And you only have four seats up there.

MR. MURRAY: Abutting the front of the store, clearance on Mass. Ave.

MR. REARDON: And it's been inspected already and approved?

MR. MURRAY: Yes.

MR. SCALI: Pleasure of the Commissioners? Questions?

MR. HAAS: What did the opposition state? I didn't see the --

MR. SCALI: The letter from Ms. Heinz?

MR. HAAS: Yes.

MS. LINT: I sent it to you.

MR. HAAS: I'm sure you did.

MS. LINT: "Restaurants use of public Sidewalk space for additional seating is ill advised public policy."

MR. SCALI: She didn't like our public policy, our patio policy.

MR. SUMMER: It is fairly wide there.

MR. SCALI: It's not wide, wide. It's a medium-size sidewalk. But you're going to make sure the tables are against the wall; you've got to maintain four to five feet space for wheelchairs and for people getting by.

MR. MURRAY: We maintain a minimal size -- the maximum table size would be 24 inches off the building, nothing further than that. No 30, 34, or 42, 44-inchers.

MR. HAAS: Motion to approve.

MR. SCALI: Motion to approve as applied, moved, seconded. All in favor?

MR. REARDON: Aye.

MR. HAAS: Aye.

MR. SCALI: Good luck. Make sure you have your sign offs and pay your fee before you open.

MS. LINT: Application: Anthony Impemba and Gary Nazzaro d/b/a Cambridge Nutrition Center, Anthony Impemba, Manager, has applied for a Common Victualer license to be exercised at 1815 Massachusetts Avenue, Suite 005. Said license, if granted, would allow food and non-alcoholic beverages to be sold, served, and consumed on said premises and will have a seating capacity of 14. The hours of operation will be from 6:00 a.m. to 10:00 p.m. Monday through Friday, 7:00 a.m. to 7:00 p.m. on Saturdays, and 8:00 a.m. to 3:00 p.m. on Sundays.

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

MR. IMPEMBA: Anthony Impemba.

MR. NAZZARO: Gary Nazzaro.

MR. SCALI: You look very familiar. I don't know how I know your name.

So this used to be Juicy Jack Patricks?

MR. IMPEMBA: Right. We're reopening under a different name and adding some things to

it.

MR. REARDON: Is this on the first-floor of 1815?

MR. NAZZARO: It's the lower-level right outside of Bally's.

MR. SCALI: This is for the people that are using the health center.

MR. IMPEMBA: Pretty much that and we're also doing vitamins, so for Cambridge residents.

MR. SCALI: So it Juicy Jack retiring? He's been there what, 20 years?

MR. IMPEMBA: He's been there about 20 years. He just up and gone. He never renewed the license.

MR. SCALI: Oh, he left. I just remember when they applied way back when.

MR. IMPEMBA: He'd been there about 20 years.

MR. SCALI: So vitamins, drinks.

MR. IMPEMBA: Protein drinks, some smoothies, vitamins, protein powders, supplements,

waters, a little bit of coffee, maybe some bagels I think we're doing just in the morning.

MR. NAZZARO: We're going to gear it towards nutritional supplements more so than like food and stuff like that.

MR. SCALI: Is this your first venture?

MR. IMPEMBA: I owned a Gold's Gym, a Universe Gym, and I've had two of these already.

MR. SCALI: And not in Cambridge?

MR. IMPEMBA: One in Everett and one in Lowell.

MR. REARDON: You owned the store in the gym?

MR. IMPEMBA: I owned the gym at the time, but inside my gyms I put two spots and did the same exact things, sold the vitamins and things like that. I was there for about 10 years.

MR. HAAS: Are they still in operation now?

MR. IMPEMBA: Both gyms are still in operation.

MR. HAAS: But is your --

MR. IMPEMBA: No, I sold them.

MR. SCALI: Does anybody from the public want to be heard on this matter? I see no hands.

MR. REARDON: Is this the same seating capacity as previous?

MR. IMPEMBA: It is.

MR. SCALI: So 6:00 a.m. to 10:00, 7:00 to 7:00 on Saturdays, and 8:00 to 3:00 on Sundays.

MR. IMPEMBA: Correct. The only thing I didn't see is -- we were thinking about putting a TV up there and we put it in the application but I didn't see it in the ad.

MR. SCALI: TVs are free. We can do that over the counter for you. Just one?

MR. NAZZARO: Yeah.

MR. SCALI: Pleasure of the Commissioners?

MR. REARDON: Motion to approve.

MR. HAAS: Seconded.

MR. SCALI: Motion to approve, moved
and seconded. All in favor?

MR. HAAS: Aye.

MR. REARDON: Aye.

MR. SCALI: Good luck.

MS. LINT: Investigative: Continued from April 6, 2010. Hersha Hospitality Management d/b/a Holiday Inn Express, holder of an Innholder's license at 250 Monsignor O'Brien Highway due to a complaint received by the License Commission regarding the illuminated sign on the building.

MR. SCALI: Hello everyone. Just tell us your names again to refresh our memories.

MR. STEARNS: Frank Stearns,
S-T-E-A-R-N-S.

MR. KOVATS: Steve Kovats,
K-O-V-A-T-S.

MR. SCHWEPPE: D - the letter D,
Schweppe, S-C-H-W-E-P-P-E.

MR. SCALI: Just tell me what your duties and jobs are again.

MR. STEARNS: I'm the attorney for Hersha Hospitality, the operator and owner of this hotel. This is Steve Kovats from the management of Hersha; also, Kathy O'Brien of Hersha who was with us at the last hearing as well; and Tom Lehnen from Hersha who is the general manager of the location;

and Mr. Schweppe is a professional lighting designer and a lighting consultant for us.

MR. SCALI: Lighting designer. So tell us what you have been doing. I've been hearing rumors that you've been doing all kinds of studies and tests. I guess we have a report here that Mr. Schweppe has put together but why don't you tell us.

MR. STEARNS: What we would like to do is we would like to report back to you on what we have done in terms of consultation with Hersha management, in terms of consultation with Holiday Inn, in terms of the field investigation study that Mr. Schweppe has done, and the follow-up meeting that we had with Ms. Boyer from the Commission staff as well as the abutters.

We had opportunity since the April hearing to brief the senior executives of Hersha on the issues that were presented. We inquired with them and with Intercontinental, with IHG as to the flexibility that we had with respect to the sign because that was something you asked us to do.

As you recall we were very pessimistic because we had presented into the record a letter from IHG that said they really can't change the sign, but we wanted to really assess the actual conditions out there from an objective standpoint, which is why we hire Mr. Schweppe to do some research and some investigation.

In addition, we forebore on adding some of the additional lights that were approved. There's some blue up-lighting that was part of the original permit that's in existence on the other side of the building. We have not gone forward and put that up, and then coming back and having further discussions with the Commission. And as I said, we met with the neighbors and Mr. Schweppe following his study.

What we would like to do is like Mr. Schweppe describe the work that he has done and let him talk about his methodology, let him talk about his approach and his findings most importantly, and his recommendation based on his findings. Then we can circle back to where we go.

MR. SCALI: Was this testing to determine how light travels from that sign to Ms. Spera's window; was that the idea?

MR. SCHWEPPE: What I was asked to do was to investigate what the conditions for lighting around the hotel and No. 12 Schiarappa Street, and then take some readings from various points so that we could get an understanding of how much light is coming from where and be able to give a review of this is what is there at this point.

One last thing that I did was I took readings with meter to find out how much light was coming from the sign and then I asked that the sign be turned off so that that we could have a demonstrable cause and effect of how much light was coming from that particular sign at that particular time.

MR. SCALI: The relevant point here is -- just so you don't go into a lot of extra detail -- what is the effect of that sign on Ms. Spera's window. If you can focus on that that's really -- I know there's a light pole out front and I know

there's cars going by, and we know there's a lot of other businesses operating in that area, but I think the complaint was that this particular sign affects that house in a certain way and that's our only issue.

MR. STEARNS: We don't want to be dismissive but I think he should present all of his findings because he did evaluate exactly that, and as well he evaluated other conditions in the immediate area, and I think it's relevant that he report on all of that.

MR. KOVATS: It really won't take him that long.

MR. SCALI: I'll let you.

MR. SCHWEPPE: Good evening, my name is Steve Schweppe. I'm President of Schweppe Lighting Design, a lighting design consultancy that is 24 years old. My firm has worked on numerous projects in Cambridge including the master plan for University Park with Forest City Development, Tech Square with Susaki Associates, and Cambridge Engine No. 4 with Ann Bay Associates.

On Monday, May 17, 2010, I made a site visit between 7:00 p.m. and 9:30 p.m. to observe actual lighting conditions. I used a light meter, a foot-candle meter that is sensitive to 1/100 of a foot-candle. I took various readings in several places in order to get the full picture for someone walking the area. I also looked out the window on the seventh floor of the hotel directly below the sign to get a sense of where the sign is visible from.

What I then did is went to various Places, which if you - I we have a little map that shows approximately where everything was. The light levels at the sidewalk in front No. 12 was 0.55 foot-candles, half a foot-candle; at the stairs, .77 foot-candles; directly under the pole, 3 ½.

For comparison, we wanted to see other places that were similar. At the sidewalk under the pole on McGrath and O'Brien in front of No. 12 it was 1.01. At the sidewalk across from No. 12, it was 0.28.

One of the things we wanted to do was also get an engineering sense of what it was like -- how much light was coming from different places. So what we did is we stood at the corner of Schiarappa and McGrath and O'Brien on the side of the street from No. 12 and aimed the meter in three places. What we did is we aimed it going as if you were walking up Schiarappa and what we got was a reading of 0.01 foot-candles. Then we aimed it at the Shell station where we got 0.23 foot-candles, and then back at the Holiday Inn where it was 0.13 foot-candles.

The last thing that we did was I went to the sidewalk at the edge of the parking lot on Schiarappa Street. I found a place where I had basically as little light from other light sources so that I could get a more accurate reading of what the sign was actually doing. So I made sure that trees, branches, poles were trying to block out the various aerial lights: the one in front of Schiarappa, the one directly on McGrath and O'Brien next to No. 12, and the one on McGrath and O'Brien

right to front of the Holiday Inn, so that I would not get that added light.

What I did was I set the meter up at six feet off of the ground, aimed it at the sign, took a reading which was 0.14 foot-candles, then with the sign off it was 0.12 foot-candles. So the difference was $2/100$ of a foot-candle. This basically is a light level that the human eye cannot detect unless it is in a place where there is absolutely no other light. It is less light than when the moon is at one-quarter out. So it really is very very little light. The amount of light coming from that sign would be basically at zero by the time it got across the street and to the house.

One of the things that we were looking at objectively or what might be helpful was that while the pole in front of the house is a cut off, it's a very nice cut off, it cuts off most of the light above the first-floor, there is direct light from the pole currently on the first-floor of No. 12. One of the things that we had suggested was

putting on a house side shield so that at least that extra light could be kept off of the side of the residence. It would not impact the public in any way in that it's not light that with that kind of cut off the angle would be such that you wouldn't affect the amount of light that is hitting the sidewalk currently. And that's pretty much the summary.

MR. SCALI: Were you able to look at a level -- I think it's the second-floor that's the issue from what I remember, the bedroom window.

MR. SCHWEPPE: Correct.

MR. SCALI: Were you able to determine whether that light from that sign is reflecting into that window, into that bedroom window in that home? Was there a reading that you took from that window?

MR. SCHWEPPE: Didn't have to do that because once you have a light level reading from a particular point, and you know what the distance is, you can then calculate how much light is coming off of the source of that light and then

recalculate for the distance.

MR. KOVATS: So in laymen's terms, he did it at our sidewalk and got that reading, and beyond our sidewalk it would weaken.

MR. SCALI: The trouble I'm having with this is that I don't think it's a matter of foot-candles and that kind of thing. I think it's more a matter of when you're in that window and you're looking up, the sign is right there in their window. Whether that's foot-candles or not, I don't know, and what that intensity is, but that's what they see.

MR. SCHWEPPE: My job was to find out if there was actually light coming from the sign into the space that you could tell.

MR. SCALI: So you didn't go up in that window? They didn't let you in obviously to look through the window and see what that looked like, but you were trying to determine whether the illumination was readable.

MR. SCHWEPPE: Whether there was light, yes. Whether there were lots of foot-

candles, any technical light coming through. And the answer is no, not from the sign. That does not mean that you cannot see the sign, because at the same time it's things like you can see the stars, but the stars don't have any real light.

MR. STEARNS: Did you determine what the predominant light sources were in that local area?

MR. SCHWEPPE: The predominant light sources visually were the Shell station more than anything else. It's extremely bright.

MR. SCALI: I don't mean to be argumentative at all but I don't think she can see the Shell station sign from her bedroom window.

MR. KOVATS: You can see the Shell station from that window.

MR. SCALI: Do you know that?

MR. KOVATS: Absolutely.

MR. SCALI: You stood in the window and could see it?

MR. KOVATS: I've stood right there on the street side. You can see that entire street

from the window.

MR. SCHWEPPE: Can you also comment on your observations about the maple trees?

MR. SCHWEPPE: When I went to look out of the window at the top of the stair tower, I believe you can see in one of the photographs, certainly at this time of year with the trees leafed out it does shield the house pretty significantly. And when they weren't leafed out there would definitely be branches and part of the tree trunk doing some shielding, certainly nothing like the amount of shielding from the leaves.

MR. SCALI: Questions?

MR. HAAS: No questions.

MR. STEARS: I know that the annotated photographs were submitted. Mr. Schweppe has also done a very short two-page summary of the testimony he just gave. So I would just like to submit that into the record. It's a written summary of what he just said.

MR. SCALI: Has Ms. Spera looked at this report?

MR. STEARNS: We took this information and we had a meeting with the Speras and Kathy and Tom. Mr. Schweppe met with them at the end of last week, and Ms. Boer as well from your Commission staff. We presented these conclusions. We talked about the types of -- we tried to identify from our standpoint based on these conclusions what sort of mitigation. You strongly encouraged us to be good community citizens and be good neighbors, and see what kind of mitigation we could offer that was related to the situation.

Based on these findings and based on the feedback that we got that it's not really the light but it's the aesthetic of the sign, it's the image of the sign, it's the perception of the sign, we really didn't reach any agreement by any stretch as to what --

MR. SCALI: What did you offer?

MR. STEARNS: What we offered to do is we offered to permanently forego the blue up-lighting that has not been installed.

MR. SCALI: The blue up-lighting is

what?

MR. STEARNS: There's blue up-lighting on the other side of the building that's a part of the approved permit.

MR. KOVATS: It shines all the way to the roof.

MR. SCALI: So that's not on?

MR. STEARNS: We have not installed it on this side of the building.

MR. KOVATS: You had asked us to meet with Holiday Inn. We met with Holiday Inn and went over what we were talking about with our neighbors. Holiday Inn had said our goal would be - also it's yours -- to make the neighbors as happy as we can and they said -

MR. SCALI: I'm glad they said that.

MR. KOVATS: And they said go ahead and not stall that even though you're brand required to do that. If that's something that we can do, you can do, please go ahead and do that. So they've made that offer in our reaching out to them.

MR. SCALI: So that's one step. What else?

MR. STEARNS: In addition to that we offered to essentially partner with the City of Cambridge and contribute half the cost, or up to \$1,000 to assist the City in any sort of better shielding of that particular public street light based on Mr. Schweppe's recommendations that there is sort of a dominant -- that is the dominant light source in the area.

MR. KOVATS: And the last time we were here we heard that the lighting going into the house was an issue, so you felt we could be a partner with the City and shield that.

MR. SCALI: What does that mean, partner; that we pay for it?

MR. STEARNS: It would be a public project. We can't go up --

MR. SCALI: Shielding what though; the streetlight?

MR. KOVATS: The public streetlight that's there.

MR. SCALI: The streetlight is not an issue. I think you're really misconstruing.

MR. KOVATS: I'm sorry, sir. If you read the study, that streetlight is shining in that home.

MR. SCALI: That streetlight has been there for umpteen years. The streetlight is not the issue. It's your sign that's reflecting in their window.

MR. KOVATS: But the issue was that -- if I could speak -- the issue was that we were concerned about the amount of lighting that was going into the home so we went back and we did the study to find out where it was coming from.

MR. SCALI: I don't think it's the amount of lighting, it's a reflection of your sign in their window.

MR. KOVATS: There is no reflection. We've shown that in the diagrams.

MR. SCALI: Well that's your opinion.

MR. KOVATS: No, it's factual. We just gave it to you. It's factual information,

sir.

MR. SCALI: So how did this meeting go? Tell me how the rest of the meeting went.

MR. STEARNS: I wasn't at the meeting. We offered to fund installation of any sort of blackout curtains or mitigation curtains within the apartment if they were interested, and none of these suggestions were acceptable.

MR. SCALI: So do you know what -- I guess I'm going to cut to the chase because we did this 10, 12 years ago, the exact same thing. I'll tell you what it is exactly. It's the green and the blue and the reflection that they get into their window. I just know that from 1999 when we had this very same issue in 1999.

So I'm guessing that what Ms. Spera is going to say is that she wants a white sign, you know, nothing neon, which there's no more neon anymore, in a plain color that has your name and logo, but without that big *H*, and just says Holiday Inn Suites. I just know that she's going to say that. She can say whatever she wants.

MR. STEARNS: The one thing for the record --

MR. SCALI: So that's not going to happen from what you're telling me; right?

MR. STEARNS: The one thing for the record that's very important from our standpoint is any comparison to the situation in 1999, again, we were not privy to this proceeding, but our understanding is that the sign that created the controversy in 1999 not a legal sign. It was a very different type of sign. You can describe it from a lighting perspective, but it was not a backlit sign. It was a sign where the direct features of the sign, the direct hardware of the sign was lit exposing outward, as opposed to this which is a fabricated backlit sign consistent with the City of Cambridge ordinances. So I think it's important to establish --

MR. SCALI: I was here. I was sitting right over there in 1999.

MR. STEARNS: This is a legal sign that we're talking about now.

MR. SCALI: We're not talking about illegalities, we're not talking about the sign being put up illegally. We're talking about how that works.

MR. STEARNS: In terms of the reactions that we got after we presented the lighting information, after we compared daytime to nighttime, the reactions that we got, we left with the impression that it's not a matter of jerry rigging or manipulating or slightly modifying the existing legal sign; that there would be nothing that we could do to it that would be acceptable other than to completely demolish it and fabricate a brand new one. And were we to do that, it wouldn't meet our standards, it wouldn't portray Holiday Inn. It would meet the branding criteria of the chain.

MR. SCALI: What is it that you could do besides you turned off the blue up-lighting, which you didn't install; you offered to put darkening shades in their home, which obviously they have rejected; am I right?

MR. STEARNS: I wasn't at the meeting and I don't like to speak for other people.

MR. SCALI: So you offered that. What else was there that you --

MR. KOVATS: We offered to help modify the lighting coming into the bedroom from the streetlight, which we at the last meeting really felt that was what the issue was.

MR. SCALI: It's not. The street lighting is not the issue.

MR. STEARNS: We also discussed with them, and this was also rejected, the idea of having the sign not be lit at certain hours late at night. But again, it turned out -- what we learned from this was that it really wasn't about the lighting. We learned from the neighbors that it was about the aesthetic of the sign and we learned from Mr. Schweppe's conclusions and his results that it really wasn't about the lighting because the lighting because the lighting didn't really changed the visual image of the sign. The conditions that were objectionable were essentially

the same in the daytime and the nighttime.

Let me just ask them; they were at the meeting as well.

MR. SCALI: I'll call them up. If Mr. Lehnert wants to come up, he can come up and speak.

MR. LEHNERT: The one statement that was made as I recall is that -- I believe it was Anna Spera made a comment that we, as we walk out of our home, we see the sign and we don't like the sign as we walk out of the home. This was after the comment about the lighting. We were trying to identify what it was. So it seemed to me that it changed from there was sort of a lighting issue to then it wasn't a lighting issue at all. They just didn't like to see the sign at all as they walked out of the house.

MR. SCALI: All right. Ms. Spera, did you want to come up? Just tell us your name for the record.

MS. SPERA: Jean Spera, 12 Schiarappa Street, Cambridge.

MR. SCALI: So tell me what's happened since you were here last.

MS. SPERA: Obviously I think we all came here last time in good faith and left in good faith that you determined that you were going to hold your vote in abeyance; that they were going to contact Holiday Inn and come up with some changes. Obviously no changes were forthcoming from Holiday Inn.

So I guess one thing is the specter of Holiday Inn Corporation existing somewhere out there and having some influence on what's happening on the City of Cambridge, although we're not dealing directly with them. So they're sort of here by proxy telling us, or we're understanding that they're telling us that they're not going to make any concessions. So I'm clearly frustrated because it's now April 6 to May 25, and we have no changes.

MR. SCALI: Did you have this meeting with them on Friday night and they explained to you what the options were?

MS. SPERA: Yes.

MR. SCALI: So in terms of the streetlight, I'm assuming --

MS. SPERA: The streetlight has been there forever, and the streetlight was there before Holiday Inn and it's there now, and it is absolutely not a factor in this.

The gas station on the highway has been there numerous years and that is not a factor. So neither of those are factors. He was lighting in the area. We're well aware of that. I've lived there my entire life. My mother lived there her entire life. So there is nothing new about that.

The issue is clearly what you said: From my window you can see and that green light is visible. I have a picture of it. I am not a photographer and I learned very quickly after reading the manual that it's extremely difficult to take pictures from inside at night of something outside. Obviously I'm clearly not a photographer and I don't have that ability, but you can see, if I can show you, you can see that green light

visible and this is with the trees. Remember the trees are only here part of the time. So I'm just going to show you. It's not perfect because it doesn't take into consideration how close it looks when you're inside. There's several of those photos that I just tried to take myself just to show that's how it looks from my window, and it's actually much closer and much larger.

MR. SCALI: Is that your bedroom window on the second-floor?

MS. SPERA: Yes. So there's a bedroom and a den next to it, and both of them are visible. Obviously as I said to you that is -- and I can hire a photographer if I need to, to take a night photo of that but I am not able to do that. You can see that it is much closer and much larger in reality, but I wasn't able to do that with the photo.

MR. SCALI: So the reflection comes through the trees; the sign is reflecting right into your room.

MS. SPERA: Right. You can see it

right through the window. It's right into the window and when there's no trees, obviously it's more noticeable and it's larger reality than I could depict with that photo. And I'm clearly not a photographer. So it's there and it's visible.

I think there were two issues that we talked about and one was clearly the aesthetic of it being totally atrocious in terms of the color and how it looks when you come down the street. Whether you're in the house or out of the house it's just a horrible sign to have in a residential area. Everybody who drops us off, picks us up, or does anything comments about how horrible that sign is to have across from your house or a residence.

So from the perspective of trying to be neighborly, I think one should take that into consideration and think carefully about that. So that was the issue.

Then, as I said to you when it's lit Up, if I'm sitting there reading a book, or working on a computer that is very visible. There's no way

to say that it isn't, and it's not attractive to look at. It has nothing to do with the streetlight being kind of just ambient light that really doesn't do anything. This is really right into your bedroom window and it is not acceptable.

It's disheartening as you said, how much time we've spent into trying to make this a sign over the years that has been something that we could tolerate and then this has happened and it's really frustrating.

MR. REARDON: Do you have the same issue during the daytime with it?

MS. SPERA: I think it's unattractive during the daytime because it's a horrible green and a big green *H* with green block letters.

MR. REARDON: So it's not just the lit part at night?

MS. SPERA: I think it's twofold. I think it's unattractive when it's unlit, and it's unattractive when it's lit. It's even more unattractive when you're sitting in your bedroom or your den trying to work on the computer or watch TV

or read a book. So I think there are many aspects to it.

MR. SCALI: Is it lit during the day?

MS. SPERA: No.

MR. SCALI: So it's not a reflection issue then during the day; am I right?

MS. SPERA: No, no. It's just the appearance.

MR. SCALI: You just see it.

MS. SPERA: Yeah, it's just garish.

MR. SCALI: But it's not like disturbing?

MS. SPERA: It's unattractive, let's put it that way. That's number one, but then it has the secondary effect of when it's lit.

MR. SCALI: We can't regulate garish and ungarish[sic]. It's not a matter of that. It's a matter of what's disturbing.

MS. SPERA: I know that. It is Disturbing. It's that green, it lights up with that garish green lighting. It's not attractive.

MR. SCALI: I gather from Ms. Boyer,

Mrs. Lint, there was some discussion about mitigation but did Ms. Boyer mention what those mitigation issues were.

MS. LINT: She had nothing to add. MS.

MS. SPERA: There was obviously - you know, can you give us shades. Obviously we have room darkening shades anyway, so that's irrelevant. And you have to have the shade up at some point in time.

MR. SCALI: So acceptable to you -- just so we can get - if we get to one end, maybe we'll get to the middle somewhere. Acceptable to you is what?

MS. SPERA: Elimination of that horrible green lit up sign.

MR. SCALI: So no color?

MS. SPERA: Yeah. I'm going for a white; the same white as it was. It's just horrible to look at. Every night you have to sit in a room and look at that light.

MR. SCALI: So there's no middle ground? I guess I'm trying to - we're going to get

to a point where we're going to make a decision, and if the decision is that this is somehow not disturbing, and not unreasonable, and not unhealthy --

MR. REARDON: It meets Zoning.

MR. SCALI: -- it meets Zoning, meets Building code, that's what's going to be there. So what we try to encourage is that there be some kind of agreement and that's what happened in 1999. You all sat down and came to an agreement.

MS. SPERA: Yes, we did, but we had no offer to agree on other than to buy a shade and do something to a streetlight that isn't even our property and we didn't complain about and had no interest in. As far as the blue lights on the side of the other building, I don't know what that is. I haven't seen it. I have no interest in it because it doesn't impact on me. So if people on that part of the area might have an issue with that, I have no idea what that is.

MS. SCALI: We're not worried about that side because it's not affecting you. Was

there some offer to make this sign smaller?

MR. KOVATS: No.

MR. STEARNS: Well, the sign is already smaller than the sign it replaced. What I said earlier in the testimony was that the notion of modifying the sign along this line is really to throw it out and start anew.

MR. KOVATS: This is what I wanted to ask. We really -- and it may not seem this way -- we really want to be a good neighbor. We're really trying to satisfy our brand so that we can keep the flag on the building. We've done a lot of renovations. I took a really hard look today at that building. I have a few pictures that I want to enter into today's discussion.

At the time when we left we really thought we have an issue where we are putting our light into a neighbor's window, and I get that. So that's why we went out and did what we did. Now I'm hearing today, we just don't like the way the sign looks, and it's green at night.

MR. SCALI: If we could just -

MR. KOVATS: I'm just trying to get to what the problem is.

MR. SCALI: You're going around in circles and circles. The sole issue is that this sign is reflecting in her window. That's all I see. Whether it's garish or unattractive is really not before us. We don't regulate garish.

MR. KOVATS: So garish is not an issue.

MR. SCALI: Whether it's the size of the letter or whatever, we're talking about that light reflecting in, the green, the blue reflecting in her window. So is there a branding possibility where they have other alternatives with signs that are branded and recognized that the corporation will accept? I'm sure that there are other --

MR. KOVATS: One of the discussions that I wouldn't mind having with Holiday Inn now that I understand is, is there something we can do to dim it down; is there something that we can do to not back light it but front light it?

MR. SCALI: That's what I was hoping

you all were going to come back with today; that's what I was hoping you were going to say. Whether the green is lighter, whether the green is dimmer, I don't know.

MR. KOVATS: Well, now that I understand that it will be an easier conversation to have.

MS. O'BRIEN: Mr. Scali, if I can -

MR. SCALI: Yes.

MS. O'BRIEN: My name is Kathy O'Brien. I was actually at the meeting on Friday with the neighbors and Andrea Boyer. During that night, Ms. Boyer did ask me, she said if your company could put up a smaller sign or if you had another Holiday Inn to swap out the sign, could you do that? And I said having the conversation with the two neighbors and Tom and I, my answer to that was, is from what I'm hearing from this conversation is that it's not the size of the sign, it's that they don't like it at all, and they both agreed.

MS. SPERA: You said it could never be

smaller. You said it could not be smaller.

MS. O'BRIEN: Because Ms. Boyer specifically asked me, are we watching other Holiday Inns? Could you take that sign and move it somewhere else and get a smaller one? And I didn't answer it with a yes or no, I answered it with that the conversation we're having tonight is that it's all about the sign and the aesthetics, and that wouldn't solve that.

MR. SCALI: If it's dimmer and less big, and I'm not sure that's even possible, but if it's dimmer and less big, and maybe the color issue is an issue that's up in the air -- but I mean we have to all be reasonable and they have to be reasonable as well. So that's our job to come to a reasonable conclusion. We're not going to make you do something that's unreasonable.

MR. STEARNS: I think if you're focusing in on this reflective nature of the sign and you're talking now about dimmer, I think that Mr. Schweppe should try to address that very specifically because he studied that.

MR. SCALI: It's not a matter of what Mr. Schweppe believes, it's a matter of what that reflection is in that window.

MR. STEARNS: But he's the one --

MR. SCHWEPPE: Excuse me. From a purely technical standpoint, there is no perceptible light coming from that sign -- would you please let me --

MR. SCALI: But I've made it clear to you. You weren't in that window. You did not stand in the window.

MR. SCHWEPPE: Sir, this is Engineering. I mean gentlemen, you both deal with engineering. It is very simple.

MR. KOVATS: Really what it comes down to is the aesthetics of the way the sign looks and she doesn't like the colors.

MR. SCHWEPPE: But it is important to get in the record that there is no light coming from that sign through the window. Is that sign visible, yes. There's a difference.

MR. SCALI: That's what it is then;

it's visible.

MR. KOVATS: So are the other signs on the street.

MS. SPERA: But they're not green and right directly into my bedroom window.

MR. SCALI: We're getting farther apart here. I'm trying to bring you closer together.

MS. SPERA: It wasn't just about aesthetics.

MR. SCALI: Hold on. Go ahead. Just tell us your name.

MS. SPERA: Anna Spera. It shines in the window at night, but also, when we walk out our front door or company is leaving, it hits you right in your face, a big green thing. There's no need for a green -- I mean really, it people are going out it's like -- everybody says it. It's horrid. It's just a big oversized green thing.

MR. SCALI: To be fair to Holiday Inn, we can't regulate aesthetics in terms of what you think is pretty and what's not pretty. It's a

matter of how it's affecting you health-wise, and reflection-wise into your home, and how it's disturbing you. They may not think that your shutters are pretty and they can't go across the street and ask you to take your shutters down. They're not very pretty.

MS. SPERA: But the light still hits you when you're leaving, too.

MS. SPEAR: It's a green light.

MR. SCALI: That's my point: it's the reflection that's coming from that and disturbing you in your window.

MR. REARDON: Is there a modification that can be made to the sign like if the big *H* was gone?

MR. KOVATS: Now that I know that it's not the aesthetics, it's the light, I can have a conversation with Holiday Inn about that.

MR. REARDON: The other way around, it's not the light but it's the aesthetics.

MR. KOVATS: I'm sorry.

MR. REARDON: It's not the light but

the aesthetics primarily.

MR. KOVATS: Now I'm hearing that it's the light, not the aesthetics.

MR. SCALI: We're talking about how it is reflecting onto their home in terms of what the color does and how it's affecting them when they're looking out their window.

MR. STEARN: One of the things that we also have for the record -

MR. KOVATS: We'd like to present these because I think they're important. From that house looking out onto the road you can see many signs and lights that are reflecting as in our study in Cambridge or in that area, onto that home. This one here is right across the street and at night it's a nice neon red sign. This sign here just shines white light because the sign has been missing from the car wash right down the street from their home.

MS. SPERA: But is it right directly in front of my front door?

MR. SCALI: Please, please, please.

MR. KOVATS: This sign here is from behind their kitchen and it's not aesthetically pleasing.

MR. SCALI: But you're missing my point.

MR. KOVATS: Can I just get my points into the notes here? That's all I'm asking for. Here is a yellow sign across the street, and this is the Shell station that produces most of the light that's shining onto that home.

MR. SCALI: Have you stood in her window to see?

MR. KOVATS: This is in front of her house facing the hotel.

MR. SCALI: That's not my question. My question is, did you stand in her bedroom window?

MR. KOVATS: No. I wouldn't be allowed to do that. You know that answer.

MR. SCALI: Well then you don't know, do you then?

MR. KOVATS: Yes, I do, because I had

an engineering study done that said that there was no --

MR. SCALI: You don't know.

MR. KOVATS: Mr. Scali, you're telling me that a firm that came and did a lighting study doesn't know what they're talking about?

MR. SCALI: I think we're talking apples and oranges; that's what I think.

MR. KOVATS: We're talking there's no lighting impact but there's an aesthetic impact. That's what we're saying today. We don't like the colors, we don't like the size, we don't like the shape.

MR. SCALI: You can call it whatever you want to call it. It's disturbing to them in their window. That's what it is.

So where are we? Are we anywhere near trying to come to some resolution to this?

MR. STEARNS: We've offered mitigation. We don't want to be treated like the bad guy here. We don't think we're the bad guy. We have a lawful sign. We hired an expert. We put

forward four or five ideas and they've all seemingly been rejected.

You seem to think that there might be some value in us actually being the second-floor window.

MR. SCALI: I think so. Not that she would allow you in her bedroom to look out a window but I think that's the issue.

MR. STEARNS: If you want to set something up, we'd do that, but again, we're not anticipating that we would reach a different conclusion.

MR. SCALI: Here's the solutions that I think you should look at. You should look at whether the sign being smaller is an option; it being more dim than what it is now; and at the ultimate, to eliminate the big *H* with the green. So that to me is probably what the ultimate would be. I think all of those are reasonable options and I'm sure that many people or many corporations have dealt with this in many different neighborhoods with different people. I know for a

fact that Dunkin' Donuts has dealt with this on numerous occasions because we've had it here before us.

MR. REARDON: Do you think it would be more palatable with the *H* missing and still have the other two colors?

MS. SPERA: The green is really -- it's like this green only more intense so it's right in your window and it's not tolerable.

MR. SCALI: We've got to be reasonable now in terms of -- you know, what you want and what they want are two different ends of the spectrum.

MS. SPERA: I understand that. I'm just saying that that -

MR. REARDON: It's already gone through Zoning and I's gone through a whole bunch of things.

MS. SPERA: Obviously that's another issue that's beyond my control because obviously we had an agreement for another sign and some process within the City. But be that as it may, at this point in time I'm not going to address that. It's

just something for me to think about.

MR. REARDON: I guess we're trying to see if there's any kind of common ground.

MS. SPERA: Yes. I think he mentioned three.

MR. SCALI: Those are the three options that I think you should consider. I think if they offered to make it smaller or dimmer or less green --

MS. SPERA: Yes, or less green, right.

MR. SCALI: I don't think you're going to get a plain white sign because that's not their brand. So I think all those are reasonable options that we could -- not to belittle Mr. Schweppe in any way in terms of his study, I just don't think it's --

MS. SPERA: And I obviously said that that night; that I respect whatever he did but that was not what I was talking about. I was not talking about the ambient light and light meters because I've lived there my whole life. So clearly I'm aware of what the environment is like and

that's not the issue. The issue --

MR. REARDON: It's not the fact that that sign is shining but it's visibly --

MS. SPERA: Correct, into my bedroom. And the point being --

MR. REARDON: Visible light versus technical shining light.

MS. SPERA: And because obviously the sign that was up there previously, although a different shape, a different configuration -- it wasn't like this, it was more like this -- was there and we had it that muted white, that smoky white, however we described it, and that was not problematic. So clearly there's a difference. I wouldn't be here if there was no difference. I would be content but there is a dramatic difference and that's a fact.

MR. REARDON: But if I could, at the same time we can't have them go out and buy a smaller sign and go through that expense, and come back here and have you still not happy and then we just leave it alone. You know what I mean?

MS. SPERA: He just brought up three particular things that they could look into. I think that's worthy to discuss but we haven't had that option and we haven't seen it on the table and we haven't seen what it might look like. So therefore, there was no opportunity to discuss that. So I think that that's an issue.

MR. SCALI: I think what the Chief is saying is if we have them do that and go to that inconvenience and possible expense, you can't come back and say you don't want any of those things. That's not going to be considered.

MS. SPERA: I would hope that we would discuss it before they went ahead and did whatever they have to do.

MR. REARDON: To Mr. Schweppe, is there any kind of a slight shielding that could be underneath it that would block it in a way that would stop the visible impact of the sign.

MR. SCHWEPPE: Not really, because by doing that it's essentially blocking the sign so that you wouldn't be able to see it from the road,

from Monsignor O'Brien Highway.

MR. KOVATS: What I'll the brand is if they have this -- I didn't ask them if they've had this similar issue anywhere else. I don't even know if that sign technically could be dimmed. Or, like I talked about, maybe there's lighting from the front versus the back.

MR. REARDON: What is the source of this? Is this an LED?

MR. KOVATS: Yes.

MR. REARDON: Okay.

MR. KOVATS: That could be --

MR. REARDON: So you could actually put filtering in behind it and actually cut the number of lumens it's putting out possible.

MR. SCHWEPPE: Possibly.

MR. KOVATS: Or if the fixture will take a different bulb.

MR. REARDON: LEDs are kind of hard to Deal with. They've got a fixed --

MR. SCHWEPPE: Something along that line could certainly be looked at.

MR. REARDON: It would just muffle it Somewhat and still leave the same integrity of the lights.

MR. KOVATS: Keep what's up there but change --

MR. REARDON: It would be hopefully less expensive and easier to accomplish.

MS. SPERA: And I think we also do have different size signs since obviously the one at the Holiday Inn in Boston on Cambridge Street is a different sign, and the one in Somerville is also different.

MR. REARDON: Have they been re-branded yet?

MS. SPERA: It has the big green block with the *H* in it although it's much smaller. So I mean clearly they have different size signs and different kinds of compartments. I think the one at the Holiday Inn in Somerville is different as well, so I don't think there's this universal one that we have.

MR. SCALI: I think there are

different versions of your branding. I've seen different versions.

MR. LEHNEN: It's a full-service hotel so they don't have that same branding image.

MR. REARDON: So they're Holiday Inn, not Holiday Inn Express?

MR. LEHNEN: They have the H, and they haven't re-launched yet. So I don't know what their date is but it's slightly different. The letters are a different color and it doesn't say "Suites" on it like us, but it's very similar in nature so that will happen soon.

MR. SCALI: The one that I saw was on Cambridge Street in Boston. It kind of goes lengthwise and it's less wide. I think it's because of the size.

MS. SPERA: I think originally we said we would like the blue.

MR. SCALI: I think we have to be Reasonable, Ms. Spera, in terms of what is branding And we have to look at the reasonableness of the request.

MR. REARDON: Yeah, obviously Coca-Cola wouldn't paint their cans green. It probably wouldn't do the same thing for them.

MR. SCALI: Any other questions?

MR. HAAS: The only thing I would ask is in the meantime I assume you're going to go back now and try to do some more research to see if you can reach a more amenable solution. It's just whether or not that agreement that was entered into is still enforceable since there's been a change of ownership. I think we should ask the City Solicitor to see if that's carrying over. I suspect it's not but I'd just as soon --

MR. SCALI: I guess it's probably a legal question in terms of whether that's -- from my point of view, when you buy something you buy what you get with the whole thing but I don't know whether that was something even discussed at that point in time. So we need to look at that issue in terms of the enforceability of that previous condition.

MR. REARDON: Was there ever talk of

putting it on the roof and setting it back somewhat so it's still visible.

MR. SPERA: You mean mounting it like a billboard rather than mounting it like a sign?

MR. REARDON: Setting it back a little bit so that the roof provides a little bit of shielding but still gives you enough visibility from the roadway.. Did not inapplicable more rather than assigned.

MR. KOVATS: I don't know the hotel; I don't know what's up there.

MR. REARDON: There's Sprint/Nextel up there, I know that.

MR. LEHNEN: There's an old rubber roof up there and I think it probably would have cost a lot of money to do something like that. I think the location is a perfect façade back drop for this sort of application. You know, most hotels have their signage on the building.

MS. LINT: And I think you run into other zoning issues with billboard type signs.

MR. HAAS: It would probably have

restrictions too.

MR. SCALI: It would have been an option probably if they had applied that way.

So you do agree that you'll go back and consider those options?

MR. KOVATS: I'm going to go back and talk to Holiday Inn.

MR. SCALI: And I guess Ms. Spera, that's a reasonable discussion? You're not going to come back and start all over again; right? We're going to try to come to some agreement.

MS. SPERA: I thought we were going to come to some agreement on Friday night.

MR. SCALI: We're closer. I think we're a little bit closer. I think they need to discuss with their people.

MS. SPERA: So I'm not going to at this moment mention any other issues. So I'm not going to mention those tonight. I will wait.

MR. SCALI: Non-sign related?

MS. SPERA: I mean other unrelated issues. I'm not going to mention those tonight.

I'll hold that in abeyance until --

MR. SCALI: Let's work on one at a time.

MS. SPERA: The only reason I say that is because I know that if you don't mention something at a time, then sometimes that's held against you. And I don't want to come back.

MR. KOVATS: If there's an issue of life safety or something then we want to know about that.

MS. SPERA: The issue I was talking about is that we had talked about original that they had secondary parking and so as of late there has been -- the whole lot has been filled with and they're had a separate line of cars coming down, which I have a photo of. So that was on Monday morning when I just happened to take that picture, and then this morning I guess the fire alarm went off and there were several fire apparatus down there this morning.

MR. KOVATS: But we're a hotel; that stuff happens all the time.

MS. SPERA: I know. Let me finish my point.

MR. SCALI: Finish.

MS. SPERA: My point being is that if the cars are parked at -- say you've got both parked and you've got to double-park your row here, I think that might be problematic for fire.

MR. SCALI: Blocking the double --

MS. SPERA: Correct, yeah. There were people trying to come out of the hotel and there was moving of cars and all of that.

MR. SCALI: That's been a issue in the past.

MS. SPERA: I know the fire engines come down all the time so that's not the issue.

MR. KOVATS: What was the issue this morning?

MR. LEHNEN: There was a smoke alarm that apparently went off. The Fire Department, the Chief said he couldn't find any evidence or any sign of any smoke whatsoever. Our fire system didn't have it but we evacuated the building within

a few minutes and advised all the guests of the safe situation.

If I could address the issue with parking, we do double park cars as we need to because there isn't enough parking spots on occasion for our guests. And when I say "double park," what I'm saying is the guests that have keys to those vehicles that are double parked, which there are a few, we keep those keys on our person.

MR. SCALI: You're going down really the wrong road. You're sinking yourself deeper and deeper. You cannot double park cars on that lot. It's a fire safety hazard and it's a zoning violation. You have a number of spaces in that lot that you're allowed to have and that's it. You need to backtrack a little bit.

MS. SPERA: I have pictures of that.

MR. SCALI: If you do that, it's a deeper issue.

MS. SPERA: And I have pictures of that to verify that if we have to.

MR. SCALI: Can you take care of that

in the future and make sure there's no more. You cannot have more than the number of cars that are allowed in that lot. It's a total fire violation and a zoning violation.

This is unrelated to your sign. It has nothing to do with your sign or anything like that.

MR. REARDON: Are there other issues right now? We don't want to come back with some sort of resolution on the sign and keep this going.

MS. SPERA: No, no. I have nothing else. I'm just saying that sometimes they say if you don't bring up an issue at the time, then you can never bring it up again.

MR. SCALI: June 8 is too soon and June 22 is full.

MR. HAAS: July?

MR. SCALI: Motion then to continue to July 12.

MR. HAAS: Motion.

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

MR. REARDON: Aye.

MR. SCALI: July 12 is a Monday night because during the summer we meet on Monday nights when the City Council is not meeting. So it would be the same time at 6:00 p.m. but it will be on a Monday, not a Tuesday evening.

Thank you all for your patience.

MS. LINT: Ratifications: Refinance 183, sale of 182, and then a finance of 182.

MR. SCALI: Is all the paperwork in order, Mrs. Lint?

MS. LINT: Yes.

MR. HAAS: Motion to accept.

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

MR. REARDON: Aye.

MR. HAAS: Aye.

MS. LINT: Then there was another issue. Kara had done her renewals and there were a few that were left over that she noticed to be here for tonight. She neglected to give them to Chris to put them on the agenda and nobody is here, so I think I'm just going to have Andrea go out and see if they exist.

MR. SCALI: Non-renewals?

MS. LINT: Yes, and some of them I think are gone.

MR. SCALI: All right. Have Ms. Boyer investigate and report back, if you would.

Anything else before us?

MS. LINT: Minutes.

MR. SCALI: Motion to accept the minutes from our last meeting May 11.

MR. HAAS: Motion.

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

MR. HAAS: Aye.

MR. REARDON: Aye.

MR. SCALI: Anything else before us?

MS. LINT: No.

MR. SCALI: Motion to adjourn.

MR. HAAS: Motion.

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

MR. REARDON: Aye.

MR. HAAS: Aye.

(Whereupon, the proceeding was concluded at 7:53 p.m.)

CERTIFICATE

COMMONWEALTH OF MASSACHUSETTS
BRISTOL COUNTY, SS

I, Anne Ouellette, a Professional
Court Reporter, the undersigned Notary Public
certify that:

I am not related to any of the
parties in this matter by blood or marriage and
that I am in no way interested in the outcome
of these matters.

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

In Witness Whereof, I have
hereunto set my hand this 3rd day of June,
2010.

Anne Ouellette



ANNE OUELLETTE
Notary Public
Commonwealth of Massachusetts
My Commission Expires
March 16, 2012

**THE FOREGOING CERTIFICATION OF THIS TRANSCRIPT
DOES NOT APPLY TO ANY REPRODUCTION OF THE SAME
BY ANY MEANS UNLESS UNDER THE DIRECT CONTROL
AND/OR DIRECTION OF THE CERTIFYING REPORTER.**