

COMMONWEALTH OF MASSACHUSETTS

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION GENERAL HEARING

LICENSE COMMISSION BOARD MEMBERS:

Michael P. Gardner, Chairman  
Superintendent, Christopher Burke  
Gerald Reardon, Fire Chief

STAFF: Corey Pilz

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

DATE: Tuesday, April 9, 2013

TIME: 6:07 p.m. to 9:30 p.m.

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P R O C E E D I N G S

COREY PILZ: Good evening. Welcome to the Cambridge Licensing Commission general hearing for April 9, 2013.

As the clock says, it is 6:03 p.m. We are at 806 Mass Ave this evening in the ballroom.

Thank you all for accommodating the short-minute room change that we had.

Please turn off all your cell phones and please do note that the fire exits are located at the rear of the room, and also to the left, your right, those doors do need to remain open during the entire hearing.

The License Commission Board this evening is as follows: Chairman Michael Gardner; Deputy Superintendent Chris Burke, and Fire Chief --

COMMISSIONER MICHAEL GARDNER:  
Superintendent.

COREY PILZ: Superintendent. Excuse me.

-- Superintendent Chris Burke and Fire  
Chief Gerald Reardon.

We're going to begin with our first item  
on the agenda this evening.

APPLICATION: TIANEARN CORPORATION D/B/A

SPICE & NOODLE

COREY PILZ: Application: Tianearn  
Corporation doing business as Spice & Noodle,  
Nancy Jitjaruek, manager, has applied for a new  
wine and malt beverages as a restaurant license  
at 1678 Massachusetts Avenue with a seating  
capacity of 76 and hours of operation from  
11:00 a.m. to 11:00 p.m. seven days per week.  
Applicant is also applying for an entertainment  
license to include: Audio tape machine/CD  
playing music below, at, or above conversation  
level; audio tape machine/CD playing music below

conversation level: 2 TVs; 1 radio; iPod.

COMMISSIONER MICHAEL GARDNER: Good evening.

ATTY. JAMES RAFFERTY: Good evening, Mr. Chairman.

COMMISSIONER MICHAEL GARDNER: Would you be so kind as to state and spell your last names for the record and identify your affiliations with the application?

ATTY. JAMES RAFFERTY: My name's James Rafferty, R-A-F-F-E-R-T-Y. I'm an attorney with offices at 130 Bishop Allen Drive in Cambridge.

I'm appearing this evening on behalf of the applicant, and seated to my right is my client.

Say and spell your own name.

NUANCHAN JITJARUEK: My name is NUANCHAN, the last name is Jitjaruek, J-I-T-J-A-R-U-E-K.

This is my partner.

ATTY. JAMES RAFFERTY: This is the friend of the licensee.

CHAIRMAN MICHAEL GARDNER: All right.

ATTY. JAMES RAFFERTY: So, Mr. Chairman, this is an application to allow for a CV license serving wine and malt beverages at 1678 Massachusetts Avenue.

This is a storefront located on the block of Mass Ave between Shepard Street and Martin Street. There are a number of restaurants and licenses in the area.

This space has not previously been used as a restaurant, although the use is a permitted use in the Business A Zoning District.

A few months ago the applicant filed an application for a Special Permit with the Board of Zoning Appeals to seek a waiver of the

required amount of parking, because like most of the locations in that stretch of Mass Ave, there's no off-site parking.

And the Zoning Board granted the Special Permits, and that's what has allowed us to come forward here tonight.

The applicant does -- may be familiar with the Commission because she does operate a Thai restaurant in Harvard Square at --

(To Nuanchan Jitjaruek:) What number is that?

NUANCHAN JITJARUEK: 24 Holyoke Street.

ATTY. JAMES RAFFERTY: 24 Holyoke Street.

It is known as --

NUANCHAN JITJARUEK: -- Spice Thai Cuisine.

ATTY. JAMES RAFFERTY: Spice Thai Cuisine.



NUANCHAN JITJARUEK: We have beer and wine.

ATTY. JAMES RAFFERTY: She also serves beer and wine.

This location had been vacant or has been vacant for some time. It's had a range of uses.

In the past few years, it was also used as the Harvard Coop -- Harvard Law School Coop, had a bookstore there, and the Harvard Credit Union was in there for awhile. But the operator has identified the location and attempted to have some communication with the neighbors about the proposed use, and we did receive some communication from neighbors.

The space is exceptionally long and there's a rear that is on Bowdoin Street, and the door along Bowdoin Street is the source of concern from the neighbors, the level of activity

at that door which is understandable.

And we have expressed a willingness to abide by restrictions on the use of that involving any deliveries, including trash pickups and employee access, customer access, but I would say that we're trying to work out what might be seen as an acceptable compromise with regard to the ability to open the door on occasion.

And it is for that reason that I suspect that we do not yet have complete agreement with the neighbors on that issue.

The restaurant itself is fairly straightforward. It's a -- it does not contain a bar. It's really -- the beer and wine would really be the complement to the food. It is a relatively small restaurant.

The total seat count, I believe, is 76. The space itself is long and narrow, so it is a

little --

COMMISSIONER MICHAEL GARDNER: So "long" meaning along the access of Mass Ave, is that --

ATTY. JAMES RAFFERTY: No.

COMMISSIONER MICHAEL GARDNER: It's long the other way?

The other way.

ATTY. JAMES RAFFERTY: Long and deep.

CHAIRMAN MICHAEL GARDNER: Going towards Bowdoin?

ATTY. JAMES RAFFERTY: Yeah. I have a copy of the floor plan if the Commission wants to see it.

(Forwarding plan.)

It's a little bit narrower than the standard storefront on the block. But, at any rate, I think the floor plan kind've depicts that.

The activity associated around the restaurant is not going to be what would likely be regarded as a destination restaurant. The price point and the menu are geared to attracting the existing population in the neighborhood. Harvard Law School and Lesley University are directly across the street.

The licensee has experience in serving the student community and the Harvard Square community, and the hope here is that she can bring that experience and success to this location.

It is a location that can be serviced through deliveries from the front door, so that's why we can say confidently that we believe the issues around deliveries, particularly trash and food deliveries, can be accommodated on Mass Ave within the loading zones on Mass Ave that other

restaurants service.

We have explored the opportunities for the availability of beer and wine licenses. I have to say I'm unaware of any.

I did learn today that there was a possibility of a beer and wine license. I've since learned that that is a no-value license, 302 Mass Ave.

There's a restaurant broker that I believe contacted the Commission. So I quickly contacted the restaurant broker, and after a few phone calls late today, she confirmed that she was unaware of the no-value concept.

There is a restaurant up the street that I learned was also considering selling and perhaps I shouldn't name it publicly because I'm not sure they've confirmed this -- but it turns out that that restaurant has a full alcohol

license and is looking to sell the business with the license.

So, it is not as if they would entertain a relocation of the license.

As the Commission knows with restaurants of this size, it does become a challenge for the economics of the beer and wine license to work.

And that's why the Commission on occasion has seen fit to an appropriate setting to issue no-value, nontransferable license.

And it is in that spirit that the licensee arrives here.

I will say that we have had the benefit of a healthy exchange with many of the neighbors who attended the zoning process.

My sense, at the moment, is that the level of concern isn't particularly focused on the beer and wine, but on more traditional

operational issues which, of course, are legitimate concerns, and our hope would be that we would have an opportunity to try to reach some type of a conclusion on those issues before the Commission would reach its decision-making to award this application.

COMMISSIONER MICHAEL GARDNER: Thank you for that.

Do I understand that the operation on Holyoke Street has a beer and wine license?

ATTY. JAMES RAFFERTY: That's correct.

COMMISSIONER MICHAEL GARDNER: And how long have you had that facility?

How long have you been operating that.

NUANCHAN JITJARUEK: The restaurant? We open since 1999 December.

ATTY. JAMES RAFFERTY: December 1999.

COMMISSIONER MICHAEL GARDNER: Mr. Pilz,

do we have any information about any issues,  
difficulties with that location?

COREY PILZ: No.

COMMISSIONER MICHAEL GARDNER: Have you  
done any checking of the record for that?

COREY PILZ: None was brought to my  
attention.

COMMISSIONER MICHAEL GARDNER: Right. I  
understand. Okay. So we'll --

ATTY. JAMES RAFFERTY: It's worth  
exploration. But I can say having represented  
the applicant, I'm not aware of any disciplinary  
hearings since the issuance of that license  
13 years since it has been in operation.

(To Nuanchan Jitjaruek:) Have you ever  
had any hearings or complaints?

NUANCHAN JITJARUEK: No, never once.

CHAIRMAN MICHAEL GARDNER: And in what



ways, if any, would this operation be different than the Holyoke Street location?

NUANCHAN JITJARUEK: We can offer sushi noddle. It will be more like Japanese and also the variety of noodles and the cream. I want to offer healthier food, something different than Spice.

ATTY. JAMES RAFFERTY: It will be largely a cuisine-related menu, but operationally, price-wise, volume-wise, the hours here are rather limited.

She's not looking to be open after 10:00 at night during the week, 11:00 on the weekends. It is a -- it's seen as an economical restaurant.

There are many fine dining establishments emerging on those blocks. This isn't to suggest this is not a fine dining experience, this would be of a different johndra.

COMMISSIONER MICHAEL GARDNER: The price points are different?

ATTY. JAMES RAFFERTY: Yes.

COMMISSIONER MICHAEL GARDNER: I take it, Mr. Rafferty, you may be familiar with an email or letter by date of March 22nd, 2013 referencing the Bowdoin-Hudson Street neighbors' concerns?

Are you familiar with that.

ATTY. JAMES RAFFERTY: Yes. And that's the reference to the rear door that I was referring to.

COMMISSIONER MICHAEL GARDNER: So, in general, among the issues in this letter and the requests of the neighbors for us to take in consideration the question about whether or not the rear doors are ever used for any purposes, I take it, remains unsettled.

Are there other issues with respect to

what they have been asking about either with respect to deliveries or the trash or the mechanicals that as far as you're concerned remain unresolved?

ATTY. JAMES RAFFERTY: In my perspective, they're not unresolved because I believe they can all be accommodated.

I believe that I've met with the architect. I believe he's present this evening on the issue of the mechanicals.

So the deciding of the mechanicals with the attention to the concerns expressed -- so we have a roof plan on that. Certainly, the deliveries can be accommodated.

As I said, I think the big issue is whether there would be a willingness on the part of the neighbors to allow for some limited use of the door.

And I think essentially it has to do -- we have proposed and only just recently since we arrived, the possibility between the hours of 3:00 and 5:00 allowing the door to be able to get some air in while the employees are preparing in the warm weather.

COMMISSIONER MICHAEL GARDNER: 3:00 and 5:00 p.m.?

ATTY. JAMES RAFFERTY: Yes. 3:00 and 5:00 p.m.

But that's why I cited that as an issue. I think it is unlikely we would resolve this this evening, but I recognize it is paramount significance to the neighbors, and given the two-tiered decision-making process, I wanted to alert the Commission at the outset that I understand that there may be issues here that require further discussion.

COMMISSIONER MICHAEL GARDNER: And we do have a decision hearing scheduled for May the 2nd at 10:00 a.m., I believe.

Other questions from either of the other Commissioners?

FIRE CHIEF GERALD REARDON: Just to be clear, the rear door has to be available 24 hours a day for fire access so is the rear exit.

So that has to be made available. It doesn't have to be open, but that door has to be used as an egress.

ATTY. JAMES RAFFERTY: Understood.

FIRE CHIEF GERALD REARDON: At all times it has to be kept clear.

ATTY. JAMES RAFFERTY: So an emergency panic bar alarm door?

FIRE CHIEF GERALD REARDON: That's fine.

ATTY. JAMES RAFFERTY: I think that's

what's envisioned.

COMMISSIONER MICHAEL GARDNER: Okay. On the issue of the mechanicals being installed on the roof near the front of the building, is that doable?

Just identify yourself for the record, please.

Just state and spell your last name for the record and then tell us about your plan.

MICHAEL KIM: I apologize for my lateness.

CHAIRMAN MICHAEL GARDNER: It's quite all right.

MICHAEL KIM: It had to do with traffic. I'm Michael Kim. I'm a registered architect. Last name K-I-M.

COMMISSIONER MICHAEL GARDNER: Your plans for the mechanicals, sir?

MICHAEL KIM: The mechanicals. We're trying to address the hood exhaust, the largest mechanical, by going straight up through the second-floor apartment and exiting on the roof of that apartment. That would allow for the smallest possible fan, therefore, quietest possible fan.

We have seen the request to route it to the front of the building, and that would be a horizontal route of over 50 feet while technically possible, we need a much larger fan, which would be louder, and would also spill out at a second level, not the third level and much closer to the street.

FIRE CHIEF GERALD REARDON: Just also you would need multiple clean-outs on a horizontal run and access for manways for that.

MICHAEL KIM: It is technically possible.

It's not advisable, we believe, for the public  
nor the owner.

COMMISSIONER MICHAEL GARDNER: Tell us  
about the kinds of odors we can expect from this  
restaurant.

ATTY. JAMES RAFFERTY: What type of odors  
would you have?

MICHAEL KIM: It is foreseen as a  
Pan-Asian menu, so there would be cooking of  
meat, of various sauces and a small amount of  
deep frying.

COMMISSIONER MICHAEL GARDNER: And plans  
for trash and refuse, what --

ATTY. JAMES RAFFERTY: That's easily  
answered. The trash will be stored within the  
restaurant itself and delivered to the front  
exclusively. No trash pickup or storage in the  
rear of the backdoor.



For better or for worse there isn't much land on the backside either. The building runs nearly the entire length of the lot.

So storage accommodations have been -- the floor plan provides for trash storage within the premises with delivery out to Mass Ave.

COMMISSIONER MICHAEL GARDNER: Any other questions?

SUPERINTENDENT CHRISTOPHER BURKE: What would you anticipate the frequency of pickups for trash?

NUANCHAN JITJARUEK: I would say about five to six days a week. Five days minimum.

SUPERINTENDENT CHRISTOPHER BURKE: Would these be morning pickups?

NUANCHAN JITJARUEK: I'm sorry?

SUPERINTENDENT CHRISTOPHER BURKE: Morning? Afternoon, what's the timing?

NUANCHAN JITJARUEK: Be in the morning,  
yes.

COMMISSIONER MICHAEL GARDNER: Anything  
else you would like to add now?

ATTY. JAMES RAFFERTY: No.

COMMISSIONER MICHAEL GARDNER: Are there  
any members of the public who would like to be  
heard on this matter?

Please come forward, state and spell your  
last name for the record, please.

HELEN SOLORZANO: My name is Helen  
Solorzano, S-O-L-O-R-Z-A-N-O.

I live at 13 Bowdoin Street, and I'm here  
representing a group of our neighbors.

I brought a letter that's signed by 30  
neighbors, which is a summary of the points that  
you have.

COMMISSIONER MICHAEL GARDNER: Is this

the March 22nd letter?

HELEN SOLORZANO: Yeah.

CHAIRMAN MICHAEL GARDNER: Okay.

HELEN SOLORZANO: I also have a picture here. If I can show you this picture? A photograph of the property. This is basically the rear door of the property that we're talking about. And this is No. 10 Bowdoin Street where we have two residents from No. 10 over there. This is No. 1 Bowdoin Street. And No. 3 where we have some residents here, and No. 5, and I live down at No. 13 at the end, but you can see -- and this is a distance from the backdoor here. This is a distance of 40 feet to the property line on the other side, so just to give you --

COMMISSIONER MICHAEL GARDNER: Property line on the other side, you mean across the street?

HELEN SOLORZANO: Across the street,  
yeah. This is across the street.

CHAIRMAN MICHAEL GARDNER: Okay.

HELEN SOLORZANO: So you can see the door  
just spills right out onto our sidewalk. This is  
also a very high density restaurant area.

This -- you can't really see it here, but  
there's a driveway here and the driveway is where  
West Side Lounge and Giulia's is.

There's also -- you can see in my picture  
the trash bin over here. This is from Wrapro  
Restaurant that's on Mass Ave.

So we have a big concentration of  
restaurants that back directly into our  
residential zone, just as some context.

So our issue with this proposal is that  
it is a change of use. The property was a bank.  
It was a bookstore. It was -- and to turn it

into a restaurant, it's a very drastic set of operations. There's going to be more deliveries -- more food deliveries.

We didn't see any deliveries on our street for the other businesses.

There's going to be more trash pickups. And we already have trash pickups for all these other restaurants and the grocery store on the block.

There's going to be new air conditioning and ventilation. We already have problems with noise from the existing ventilation systems.

There's going to be a change in hours of later hours and weekend hours, more employees and just more general foot traffic.

And we were disappointed at the Board of Zoning Appeals that they only wanted to hear about customer parking issues at that meeting.

And basically, these businesses -- we love the neighborhood because obviously we love having all these businesses nearby, but they've created this constellation of ongoing persistent problems on Bowdoin Street.

And we tried to resolve the problems with other restaurants and with the city. There are problems that affect different city departments, Zoning, License, DPW, Traffic and Parking, and we really feel that these issues, if a license is to be granted, that there needs to be an attachment to the license or to the building permit so that there's an enforceable city oversight of these issues.

There's two big issues I want to talk about.

The first one is pedestrian safety, but it is not just our neighborhood, but we're a

gateway neighborhood. We basically funnel traffic. People who are walking through Avon Hill and down Linnaean Street cut down Bowdoin Street all the time. There's a lot of children going to school. We have about over 45 children on our street alone, and they go down the street to get to the high school, to get to the Baldwin School, to get the Raymond Park.

There's a lot of elderly people. The Evergood Market is on the corner of Hudson and Mass Ave, and a lot of elderly people do their shopping there.

And the issue -- one of the big issues is with the trucks that we have all these delivery trucks on our street all the time. They'll park on our street, they'll block traffic, we'll have multiple truck deliveries. And there's five loading zones on Mass Ave, but a lot of the

trucks don't use those loading zones, they come on to our street. The trucks are idling.

There's these multiple trash pickups.

Our street is very narrow and actually the trash trucks will not fit on our street, and they end up running over the sidewalks, and they pulverize our sidewalks, which I can also show you.

Here you can see all the cracked sidewalks. So it -- basically our sidewalks have been destroyed, so they're not really safe to walk on, and as a consequence, we constantly have people walking down the middle of the street instead of going down the sidewalk.

And then the other issue is just the noise and nuisance from all these pickups. You know, we have issues with the rear exits of the other restaurants of employees coming out and



loitering. And our issue with the use of this rear door is it is right on our sidewalk.

And our question is, you know, if you allow the use of the door, it is very easy to sort've incrementally have the use get worse and worse unless you just don't have it be used at all.

Up until this time, like the bank never opened the backdoor, the bookstore never opened the backdoor. It was not an issue for those businesses.

And then the mechanicals are a huge problem. There's problems with the existing fans. Basically, this driveway makes this huge funnel of noise.

And from the description of where the mechanicals -- the ventilation is going to be placed in this restaurant, it will actually be

sort've right on ear level of this apartment building right here (*indicating*). You can't really see it, but it's sort've across from the apartment building.

COMMISSIONER MICHAEL GARDNER: Are you referring to something I think you called 3 Bowdoin?

HELEN SOLORZANO: No. This is 10 Bowdoin.

CHAIRMAN MICHAEL GARDNER: 10 Bowdoin, all right.

HELEN SOLORZANO: And we have a diagram that would show this better. But it's very concerning to us that we're going to have another fan that we have to deal with. And I live all the way down -- halfway down the block and these fans are so loud that in the summer if I have my bedroom window open, they wake me up when they

turn on.

So this results in a lot of disturbed sleep, a lot of nuisance, and it's also a big issue because many of us also rent apartments and it has an effect on property value, and it has an effect on us being able to rent our apartments in the area because people come in and they hear the noise and they don't want to live -- you know, they don't want to rent the apartment.

So that's my summary of the issues.

COMMISSIONER MICHAEL GARDNER: Thank you.

HELEN SOLORZANO: Questions?

COMMISSIONER MICHAEL GARDNER: Does the representation that deliveries and trash pickup will be done from the Mass Ave side ameliorate? Any of those concerns with respect to this restaurant?

HELEN SOLORZANO: Yes, but I would have

to -- my question is: How do we -- who is going to enforce that?

Right now we're in the position of constantly calling and complaining and trying to enforce these issues.

So I feel it really needs to be attached somehow to the licensee's conditions so that if there is a problem with it, we can come and deal with it, because there's sort've of a culture of trucks that just come and park on our street.

It's very hard to change. We have been trying to change it for four years and it's really hard to change. So, you know, we just need an enforcement mechanism.

COMMISSIONER MICHAEL GARDNER: And have there been rodent control issues or not?

HELEN SOLORZANO: I think there's -- not big ones.

COMMISSIONER MICHAEL GARDNER: Thank you very much.

Are there any other members of the public who would like to be heard?

Please come forward, state and spell your last name for the record.

LYNNE MEYER-GAY: Lynne Meyer-Gay, L-Y-N-N-E, M-E-Y-E-R-G-A-Y. I live at 10 Bowdoin Street and have since 1974. And I'm in a position now where I'm turning 74 here very soon, and my income is just Social Security and the rental of Apartment 6 at 10 Bowdoin Street, which overlooks the driveway, the sidewalk, all of this truck traffic coming in, the pouring of the air conditioners.

Air conditioners for example, Invivia, which were promised to be put on the roof are sitting down on the ground 15 feet from one of

our owners of 10 Bowdoin Street. We have -- I was showing today the apartment to two law students. This is perfect for law students. And the window to that driveway was open, and the air conditioner from West Side Lounge was just pumping out.

And they said, "Oh, well, does that go all the time?"

"Well, yes, it does." Usually people try to keep those windows shut. But we have a barrage of air conditioners that are harming the environment around us.

I live on the other side on the top, and I hear the air conditioners from Temple Bar.

But, anyway, this is a problem for me, just in terms of economics. And I shouldn't have my property ruined because there's no control over these things that should be controlled.

COMMISSIONER MICHAEL GARDNER: Thank you very much.

Are there any other members of the public who would like to be heard?

Please step forward, state and spell your last name for the record.

ANA MARIA CARDENAS: Ana, A-N-A, Maria, M-A-R-I-A, Cardenas, C-A-R-D-E-N-A-S. I live at 10 Bowdoin Street, Unit No. 2.

I'm opposite -- I'm in the first floor apartment that is ground level. I am on the side of the driveway that is shared by West Side Lounge and Giulia, and then the next property would be the building where the restaurant is proposed to come in.

I just want to reiterate what Lynne just said. Two of the businesses that are behind me, Invivia, which is an office building, and Giulia,

which was previously another restaurant. Both of these properties installed mechanical equipment after they were sort've granted their licenses to come in and renovate and whatnot. There has been no way to work with the owners to remedy the nuisance that this is.

Invivia units are 15 feet from my window and Giulia's has installed one that is about, I would say, about 20 feet from my bedroom. They literally are directed right at me.

And I have been working with Invivia to sound board the perimeter and what have you, the equipment which he put on the ground level after being told he should put it on the roof. He has yet to do it.

It's been two years since he's been renovating. Multi-million dollars. I mean, huge, huge expense, and yet, he can't cooperate



to put sound boards around the mechanical equipment.

And Giulia's, the same thing. We asked that the mechanicals not be shot out towards this echo chamber of the driveway that we discussed. It has not been done.

They have plenty of room on the roof to vent upwards for something headed towards more Mass Ave where it doesn't affect the residential area that is in proximity to this commercial area, and we can't get them to cooperate to do something like this.

And our fear is, again, if you add the vent unit, as they're saying in the middle of the building, it's just likely to duplicate the noise which the third place, West Side Lounge and their equipment has sort've been there for a very long time, but it's always an issue and it gets

addressed on sort've a per occasion business when the equipment falls out of whack.

But we would just appreciate a way to make it so that these units are sound boarded, are from the get-go not with this promise that it will be done, because, clearly, the promise is not kept.

You know, why should I buy property and then ten years later all this stuff comes in?

I am trying to work one-on-one with the owners to get things in this, you know, level agreement, and we get nowhere.

So it's just really a concern that if they get their license, they really do abide by a promise that they're saying they're going to keep.

COMMISSIONER MICHAEL GARDNER: Just a question, ma'am. Have you or anyone else you

know in the area ever asked to have the city do noise ordinance readings?

ANA MARIA CARDENAS: We have. Andrea has been out there. We have had a private company as well do some analysis, and we're in the process of trying to work through a lot of this.

COMMISSIONER MICHAEL GARDNER: Thank you very much.

Are there any other members of the public who would like to be heard on this matter?

LYNNE MEYER-GAY: I'm on record several times having Andrea Boyer out to measure, but nothing happens.

COMMISSIONER MICHAEL GARDNER: Thank you, ma'am.

State and spell your names for the record, please.

BHUPESH PATEL: My name's Bhupesh Patel,

B-H-U-P as in Peter E-S-H. Last name P-A-T-E-L.

And I live at 3 Bowdoin Street.

NANCY KRAMER: Nancy Kramer, K-R-A-M-E-R.

I live at 3 Bowdoin Street.

COMMISSIONER MICHAEL GARDNER: Just to refresh my memory is 3 Bowdoin Street across the street?

BHUPESH PATEL: 3 Bowdoin Street is across the street from -- this is 3 Bowdoin Street here (*indicating*). It's across the street and one property over from the building in question.

So four basic things that we thought would be good to represent graphically. One is we're well aware of the fact that the Zoning Board, that the back of the building was in this residential neighborhood. And we had met with the Zoning Commissioner, and he clarified with us

that the backdoor -- it's in a residential neighborhood -- can possibly require a variance to be able to use that backdoor.

Because we were unable to meet with the lawyers before the Zoning Board hearings that was never really clarified. So a lot of the neighbors were concerned with information they received from the Zoning Commissioner relative to the information that was approved at the Zoning Board hearing.

With that in mind, I think, most of the neighbors consider that if the backdoor is in the residential neighborhood and this blue line, as far Rogi's (phonetic) defined is 100 feet from the front of the building.

The rationalization most of the neighbors are assuming is why the backdoor requires more than just an allowable change of use without

having conditions set upon it, the Zoning Board here.

That's what most of the neighbors are really frustrated about. They actually wanted those conditions attached to the Special Permit because we had a tough time pursuing the use of the backdoor for other restaurants via the License Commission.

The second issue mainly has to do with two forms of traffic on the back street. One is trash trucks and second is delivery trucks.

The trash trucks are shown in green and the delivery trucks are shown in red.

We basically spent the last two years working with the existing restaurants, which is Chatterley's, Starbucks, BerryLine, Wrapro, West Side Lounge, Giulia's and Temple Bar and Cambridge Common, which is here as well as the

new high rise to increase the number of loading zones from two loading zones to five loading zones to accommodate a lot of the trucks that were delivering to the restaurants.

We've basically got over 30 trucks of West Side Lounge using the loading zones. Three trucks are still back here basically. Evergood, all the trucks are now used in the loading zone. They have almost 40 deliveries a week and only one truck is still coming back here.

So we have had success with West Side Lounge and Evergood. It's a little tougher with Giulia's.

So, I think with that background most of the neighbors feel that if we can continue that process of due diligence with the proposed vendor, a lot of that work that's taken place in the last two years would not be in vain.

It appears that the petitioner is going to accommodate putting trash trucks in the front and having deliveries all in the front, so I don't think that's a concern.

But I think most of the neighbors want to be clear upon the fact that there's a condition where the sidewalk is pretty badly damaged. And we were on the five-year plan to have the sidewalk repaired, and then we were taken off the five-year plan because it was pretty clear that this was quite unresolved. They repaired the sidewalk in this corner and this corner twice over. T.

Hey replaced the gas and water caps for all of our properties as they keep getting broken off from the trucks.

And it's at that the point that the DPW said that we really need to resolve this before



they would attempt to come back and do any kind of additional repairs.

COMMISSIONER MICHAEL GARDNER: It's a little unclear to me what it means to "resolve it." If you're hearing that from the Public Works engineering staff -- who is supposed to resolve it?

BHUPESH PATEL: Basically Jay doesn't want to remedy -- fix the sidewalks because he can only, according to him, fix the sidewalks with a residential concrete slab underneath them, not a commercial slab. They will never be able to accommodate trucks.

So, he says "Look it. Go talk to Traffic and Parking," which we did, and sat down with Kitty Kramer and her assistant to go through what they can do to ticket the violators.

Pretty straightforward, trucks aren't

supposed to be on the residential sidewalk. They can get a ticket for that. If they cross the residential sidewalk to park in this driveway, which Roger has already clarified to the letter is only allowed for employee and patron parking.

That also would be a ticket not because they parked here, but because they crossed the residential sidewalk blocking driveways, so forth and so on.

But, obviously, they're unable to administer those tickets. It's not that easy because by the time someone gets there and Kitty Kramer is called, the delivery gets in and the truck is gone.

ATTY. JAMES RAFFERTY: Mr. Chairman, I don't mean to interrupt, but I just want to emphasize we are prepared to take complete restriction on any truck deliveries in the rear.

I understand these are legitimate issues, but  
we --

COMMISSIONER MICHAEL GARDNER: I  
understand that, Mr. Rafferty. But I feel it's  
incumbent upon the Commission to understand sort  
of the problems in the neighborhood.

ATTY. JAMES RAFFERTY: No, no. I wanted  
to affirmatively make clear to the people here  
that we want it clear at the outset that we're  
mindful of that issue. We have communicated in a  
variety of forms, we welcome and would accept  
conditions.

COMMISSIONER MICHAEL GARDNER: Thank you.  
Mr. Patel, do you want to --

BHUPESH PATEL: Yeah. So the only other  
thing with the trash/delivery trucks is basically  
most of the vendors are starting to cooperate  
with removing the four-yard rolling trash

collection system to place it in a tote, which is the small green devices for recycling that allows them to wheel things around.

We have been able to take everything out of the dumpster and go to a food tote and glass tote and paper tote and they've basically begun to wheel them around for pickup here.

We've actually went through most of this on Mass Ave, and out of these seven blocks, there's three restaurants in this block. All the other blocks in dark red is just one restaurant except for our area.

And it was pretty clear from all the other vendors that all of them, except for three people, are having all their trash brought around the front even if it's not accessible through the front door. They will literally --

COMMISSIONER MICHAEL GARDNER: Okay. I

think -- all right. I got it.

BHUPESH PATEL: The neighbors just want to make sure that they didn't sound like they were being difficult, that we're fully --

COMMISSIONER MICHAEL GARDNER: It sounds like you have been very diligent about trying to work with the existing tenants that try to solve the problems.

BHUPESH PATEL: That's two issues. The other two issues relate to specifically the unresolved issues with this restaurant. One is the mechanical equipment.

This business is mostly one story in the front and two stories in the back. It has a residential apartment up here.

And we told the owner when he was putting up it for rent, we tried to get the mechanical equipment to come out on the first floor roof

because then it would be shielded by this second floor wall, and all that mechanical noise, even if he can't afford to put a sound board on it, would basically be directed towards the street.

I think that's a little unclear where it's going to be. It's clear the kitchen is in this area. And it's going to come up. If it comes out of the second floor roof, these all have third floor bedrooms.

COMMISSIONER MICHAEL GARDNER: The concerns about the mechanicals and where it's vented, are those primarily noise concerns or odor concerns or what?

BHUPESH PATEL: It's mostly noise concerns because basically we have been advised by a sound engineer that if you see it, you will hear it. So his issue is if it was in this area, it's basically an echo chamber.

COMMISSIONER MICHAEL GARDNER: Do you have any information about any of the sound readings that Ms. Boyer or any other sound engineers have done?

BHUPESH PATEL: Cavanaugh and Tocci, who we retained, made a report and it was given to Andrea Boyer a few months back.

COMMISSIONER MICHAEL GARDNER: All right.

BHUPESH PATEL: She's doing her own readings. Then that's pretty much -- the last thing unresolved is obviously the backdoor. Pretty clearly, even if it was 3:00 to 5:00, the fact that has taken us so many years to resolve the use of these other backdoors, it's something I don't think a single resident would be interested in having even a few hours of use because it's difficult to police.

And we determined even with Giulia's,

where the License Commission actually resolved that, they needed to put a panic bar there as a way of dumbing down the enforcement.

The owner just started pulling the panic bar from the electrical system and opening the door. It was pretty clear that that wasn't going to get resolved. He literally was selling the business, so we waited until the new vendor came in.

Right now the second vendor is in and the second vendor has yet to reinstall that panic bar.

So I think the big issue is even if the door was open just for a regulated two hours, it's really hard to get the employees and the cyclical managers to change -- we have had four managers go through here -- to really appreciate and respect the regulation based on a decision



that was made at a meeting.

So I don't think I could think of a single neighbor that would be willing to allow that two-hour use because of that.

That's the only thing.

There was one thing, I think, that Helen wanted to mention, which she didn't, there's a blog the neighbors put together finally to help record all that stuff.

COMMISSIONER MICHAEL GARDNER: If you want off-line, you can give the citation for the blog to Mr. Pilz.

Are there any other members of the public who would like to be heard on this matter?

Please state and spell your name for the record?

KAREN FORTOUL: Karen Fortoul,  
F-O-R-T-O-U-L, and I'm at 38 Bowdoin Street. So

that's on the Linnaean Street side of Bowdoin Street. I just wanted to support the other neighbors and, for example, confirm about the blog.

As a matter of fact, even though I'm on the other side of Martin Street, I tend to drive on Martin Street. I never go Hudson Street when I'm going to Harvard Square just because you never know what trucks are there. It's definitely broken up.

And then also we moved here 20 years ago, appreciate the nice, quiet residential street and then when there is additional truck traffic, as Helen mentioned, a lot of kids on the block, and I don't want to have the residential area to have a lot of traffic.

COMMISSIONER MICHAEL GARDNER: Thank you very much.

Any other members of the public who would like to be heard?

Please state and spell your last name for the record.

JOHN BIGELOW: John, J-O-H-N, B-I-G-E-L-O-W. I'm at 5 Bowdoin Street. I just want to reiterate a couple things.

It's been frustrating for us neighbors trying to work with the establishment operators regarding use of their backdoors.

Over the last few years, we've been told or promised activity would be curbed, diminished, eliminated, and one example is the installation of the panic bar at the restaurant currently operating under the name of Giulia. The panic bar has been disconnected. It's routinely used for deliveries, rubbish removal and other operational activities throughout the operating

hours of the establishment. It's really frustrating for us.

I am very grateful that Attorney Rafferty and his clients are talking into account our concerns, and it's very helpful and it's a very nice way to start. But I think any use of -- short of fire egress of the backdoor of this proposed establishment is not gonna be accessible with the neighbors simply because A, it creates additional noise and commercial activity in residential neighborhoods, and it also is a thin wedge that new management can occur, different managers who are there at different times of the operating day may have slightly differing opinions of the acceptable usage, and it's so front and center. I can look out any window in front of my two family and see this backdoor, and it's just investing enough trying to reduce the

essentially illegal usage of commercial activity on our street with the existing restaurants, that the thought of an additional one that we'll have to negotiate with over time, it doesn't sit well with me or any of my neighbors.

And I'm also always mindful of what additional commercial activity back there will do to our property values. I'm a real estate agent in Cambridge, and commercial activity like that in a neighborhood that is not a commercial neighborhood, does nothing to enhance property value.

So, I think the idea of a restaurant there isn't intrinsically bad, but our street and our neighborhood is residential, not commercial. And I think what we're opposed to is additional commercial activity on that small section of our neighborhood.

Thank you.

COMMISSIONER MICHAEL GARDNER: Thank you very much.

Are there any other members of the public who would like to be heard in this matter?

(No response.)

I'll just give some general reactions which is I found the discussion edifying and illuminating this evening.

And I'm both pleased at the applicants' state of flexibility and desire to try to work through some of the problems and also very impressed with efforts within the neighborhood to try to resolve issues and try to be -- to have an amicable relationship in essentially what looks like a border in a very vibrant city, which is land poor and which compromise and reasonableness have to be the order of the day.

I'm also discouraged to hear reports that if this Commission or other governmental agencies have set forth guidelines and rules if enforcement isn't in issue on those, then I think it's up to the governmental entities with the participation of citizens to try to be more effective in that enforcement.

So, with those prefatory remarks, I would encourage the parties here who have interests to engage in dialogue. I will be making a motion we defer this matter until our decision hearing on May the 2nd at 10:00 a.m.

We typically do not take testimony at that hearing, but would appreciate any written reports or summaries of any positions of any the parties prior to that meeting so that that's available to us. We certainly have our own homework to do.

Any other comments from any of the Commissioners?

FIRE CHIEF GERALD REARDON: How much of the front roof is exposed, do you know, roughly?

How much is the first story unobstructed without the second story in the front?

MICHAEL KIM: 60 percent.

FIRE CHIEF GERALD REARDON: About 60 percent.

Would that take it back to almost to the Sushi Bar area on your layout which is somewhat back in here from there?

MICHAEL KIM: Approximately there, yes. There's a second story apartment up to there with windows that face that.

FIRE CHIEF GERALD REARDON: So what was your plan for the exhaust hood, just to go through the existing building?



MICHAEL KIM: There is a mechanical room that's directly above where the hood is proposed to be. So there's a straight shot right through the apartment allowing all of the heat and particular matter to rise.

I would take advantage of the chimney effect. The fan could be much smaller and more efficient.

FIRE CHIEF GERALD REARDON: You're talking about the fireproofing duct through that second floor apartment?

MICHAEL KIM: Yes.

FIRE CHIEF GERALD REARDON: And out through the roof?

MICHAEL KIM: That's correct.

FIRE CHIEF GERALD REARDON: And that really wouldn't -- do you think that would involve a 50-foot run to get to that point?

MICHAEL KIM: I'm sorry?

FIRE CHIEF GERALD REARDON: Do you think that would involve a 50-foot horizontal run to get to that point? I doesn't look like it. That would go straight up.

MICHAEL KIM: Yeah. As if we had planned it that way before.

ATTY. JAMES RAFFERTY: To bring it any further to get beyond the apartment would be the 50-foot horizontal.

FIRE CHIEF GERALD REARDON: You would turn around and fireproof that second floor?

MICHAEL KIM: A full shaft.

FIRE CHIEF GERALD REARDON: Obviously, this is a gut renovation if it has to be done.

ATTY. JAMES RAFFERTY: (No verbal response.)

COMMISSIONER MICHAEL GARDNER: Let the

record show Mr. Rafferty shook his head yes.

FIRE CHIEF GERALD REARDON: No further questions.

CHAIRMAN MICHAEL GARDNER: Anything, Superintendent?

SUPERINTENDENT CHRISTOPHER BURKE: No questions.

COMMISSIONER MICHAEL GARDNER: I'll make the motion that we defer this matter to our decision hearing on May the 2nd.

SUPERINTENDENT CHRISTOPHER BURKE: I'll second that motion.

COMMISSIONER MICHAEL GARDNER: Motion having made been made and seconded, all those in favor, signify by saying "aye."

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

FIRE CHIEF GERALD REARDON: Aye.

COMMISSIONER MICHAEL GARDNER: Aye.

None opposed.

I thank all of you for your very active engagement here this evening.

ATTY. JAMES RAFFERTY: Thank you,  
Mr. Chairman.

Thank you members of the Commission.

**APPLICATION: PRESIDENT AND FELLOWS OF**  
**HARVARD COLLEGE D/B/A QUINCY HOUSE FACULTY OF**  
**ARTS AND SCIENCES**

COREY PILZ: Application: President and  
Fellows of Harvard College doing business as  
Quincy House, Faculty of Arts and Sciences,  
Harvard University, holder of a lodging house  
license at 58 Plympton Street has applied to  
amend their existing lodging house license to  
increase the number of rooms from 374 to 383.  
The number of occupants is going to be 482.

COMMISSIONER MICHAEL GARDNER: Good

evening. If you'd be so kind as to state and spell your last name for the record and your affiliation.

ALEXANDRA OFFIONG: Good evening. My name is Alexandra Offiong, that's O-F-F-I-O-N-G. I'm here tonight from Harvard Planning and Project Management representing Harvard University.

RICHARD PICOTT: Richard Picott, P-I-C-O-T-T, with FAS, Physical Resources and Planning.

COMMISSIONER MICHAEL GARDNER: I'm sorry, is that a Harvard affiliate as well?

RICHARD PICOTT: Yes. Faculty of arts and sciences.

COMMISSIONER MICHAEL GARDNER: So tell us the plan.

ALEXANDRA OFFIONG: So tonight, as the

gentleman stated, we're here to request a minor amendment to an existing lodging housing license for Quincy House. Quincy House is a living and learning community for Harvard sophomores, juniors and seniors. It consists of three buildings, two of which are residential buildings.

On the site plan you can see one is old Quincy and one is new Quincy. Old Quincy is a neo Georgian traditional Harvard house that was built in 1930. New Quincy is a modernist building that was built in 1958.

There's also a library associated with the house.

So this house is on Mount Auburn Street, Plympton Street, Mill Street and DeWolfe Street. It's fully surrounded by public streets.

Right now Harvard is in the process of

undertaking a comprehensive renewal of old Quincy, the 1930s building, which has not been materially updated since it was originally constructed.

So this is a project that's under construction. It began last summer and we're completing it this coming summer, the summer of 2013, and looking to reoccupy the building for the upcoming academic year.

Because the building has not been materially changed since original construction, the project has required significant layout changes to meet all of the building code requirements, accessibility requirements. And so that has resulted in new bedroom layouts.

So the request today is not to change the overall occupancy, but to increase the number of bedrooms.

And that the number of bedrooms is really a response to students request for additional privacy. So we've increased the number of single bedrooms and decreased the number of double bedrooms.

CHAIRMAN MICHAEL GARDNER: The number of occupants remains the same at 482?

ALEXANDRA OFFIONG: Yes.

FIRE CHIEF GERALD REARDON: This is primarily due to the use of the space in the basement that you can actually --

ALEXANDRA OFFIONG: Prior to the renovation, the building actually had no horizontal circulation. So we, in order to provide egress and accessibility, we had to drill, create hallways throughout the building. So it was actually a challenge to maintain the bed count.



We did add some bedrooms in the lower level. That was really just to maintain the bed count.

FIRE CHIEF GERALD REARDON: But with all of the construction in order to maintain the bed count, you've actually used that area in the basement which previously wasn't used for --

ALEXANDRA OFFIONG: Yes. We have used space that was formally storage and under utilized spaces not only for bedrooms, but also other multi-purpose spaces.

FIRE CHIEF GERALD REARDON: Primarily necessary junk?

ALEXANDRA OFFIONG: Yes.

COMMISSIONER MICHAEL GARDNER: Anything else to add?

ALEXANDRA OFFIONG: I think that captures the basic request.

COMMISSIONER MICHAEL GARDNER: Questions?

SUPERINTENDENT CHRISTOPHER BURKE: None.

COMMISSIONER MICHAEL GARDNER: Are there any members of the public who would like to be heard on this matter?

FIRE CHIEF GERALD REARDON: I would like to say, though, that retrofit in all of those river dorms that they're doing in terms of our position, they're much safer and the egress and safety along with the energy efficiency the place is being done. So they were built in the dark ages, so to speak, and they didn't lend themselves to egress and access in terms of stairs. So overall these are much safer environments, as far as we're concerned, in terms of the work they're doing.

ALEXANDRA OFFIONG: And I would just add that this project represents Harvard's first test

project of the house renewal program that you referred to. And so, we may be coming back in future years as we work on other renovations, depending on what the bed counts are.

COMMISSIONER MICHAEL GARDNER: Thank you.

I asked for public comment, I think. Didn't get any. So I will make the motion that we approve the change in the lodging house license to increase the number of rooms from 374 to 383, understanding that the number of occupants will remain the same at 482.

FIRE CHIEF GERALD REARDON: Second.

COMMISSIONER MICHAEL GARDNER: Motion having been made and seconded, all those in favor, signify by saying "aye."

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

FIRE CHIEF GERALD REARDON: Aye.

COMMISSIONER MICHAEL GARDNER: Aye.

None opposed.

Thank you for your efforts to both improve your physical facilities and safety within the city.

ALEXANDRA OFFIONG: Thank you very much.

**APPLICATION: MAGG, LLC D/B/A WEST BRIDGE**

COREY PILZ: Application: MAGG, LLC doing business as West Bridge, Alexis Gelburd-Kimler, manager, holder of an all alcoholic beverages as a restaurant license at One Kendall Square, Building 300, has applied for an alteration of premises to include a second outdoor patio on private property.

CHAIRMAN MICHAEL GARDNER: Good evening. If you'd all be so kind as to state and spell your last names for the record and identify your affiliation or role here this evening.

ATTY. WILLIAM FERULLO: Good evening.

William Ferullo. I'm with the law offices of McDermott, Quilty & Miller. F-E-R-U-L-L-O. And I'm here representing MAGG, LLC doing business as West Bridge.

ALEXIS GELBURD: I'm Alexis Gelburd-Kimler, G-E-L-B-U-R-D-hyphen-K-I-M-L-E-R, owner and manager of record of West Bridge.

DAVID HADDEN: David Hadden, H-A-D-D-E-N, business partner with Alexis.

CHAIRMAN MICHAEL GARDNER: So tell us a little bit about the establishment and also the plan.

ATTY. WILLIAM FERULLO: Yes. I will have Alexis tell you a little bit more of the restaurant itself.

We've brought along the most recent reviews and write-ups we received from Boston Magazine, Boston Globe, CQ Magazine, the Improper

Bostonian and Bon Appetite and Gelati, which is going to be in the future, a food and wine magazine.

The reason I say that is the restaurant has been open just under a year from May 14th of last year. It's a French-gear'd restaurant, new concepts, very well received. If you would like, we'll make copies of these and submit them later.

The restaurant seating and capacity really doesn't change for this. We currently have a small outdoor patio of 14 seats.

The restaurant has an overall capacity of 180 which we have never reached. We're asking for 32 seats on the new patio in addition to the 14 that we already have. The new patio is on the plaza at One Kendall.

The area, if you were looking at the restaurant, the rear of our restaurant, you would

see the Cambridge Brewing Company which also has a patio close to the same area to the entrance to Cambridge Brewing Company.

The hours of operation also will not change. To repeat them for the record, we operate Monday through Friday from 11:30 a.m. to 1:00 a.m. and Saturday and Sunday from 3:00 p.m. until 1:00 a.m.

Likewise this will not change, the hours of operation for the restaurant, as a result of the patio service.

The patio service will be similar to the smaller area of the 14 seat area, which serves the same capacity as the restaurant being you could have full meals or light meals, beverage service as you would inside the restaurant.

We would point out that the patio that currently exists and this patio as well is going

to be for food service, meaning if someone wished to come in for a drink, they would have to go into the existing bar that's inside the restaurant.

The setup on the outside, as you can see from the diagram and floor plan we've given you, is full seating.

It's a communal dining concept with two areas of 16 seats and tables. So that when you come in as a one, or six, or eight, you'll be seated somewhere in those 32 seats as opposed to separate tables.

Other than that, I would have Alexis talk about that menu, if you would like to hear about the menu.

COMMISSIONER MICHAEL GARDNER: Let me just ask as it isn't clear to me.

Are you asking for 32 more seats or all



within your 180, just a reconfiguration to allow 32 of that 180 on the patio?

ATTY. WILLIAM FERULLO: That would be correct. We're not asking for any increase in capacity. We have spoken to the Inspectional Services Department and informed them that we will not be asking to increase the 180 capacity. So it's not to raise any issues as far as parking.

We currently on the interior have 111 seats within that 180. So between the seating, the employees, anyone else on the premises, we're always well under the 180 figure. Inclusive of the 32, we will still be in the 175-176 range capacity inclusive of all occupants, even counting on potential people waiting for services inside.

COMMISSIONER MICHAEL GARDNER: Is the

patio configured such that access is controlled so people can't be getting in to get liquor?

ATTY. WILLIAM FERULLO: As we have application, the patio is an enclosed area, which requires a bit of construction, meaning we have to put in removable stanchions to assemble what will be a metal and wooden fencing system that will close it.

The walkway into it, it's a stanchion-type of system, so that people won't congregate near the stairs, et cetera. They can be allowed on the patio. They won't be able to leave the patio or enter the patio without going through the entrance.

COMMISSIONER MICHAEL GARDNER: So you'll be able to control ID checks and all of that that way?

ATTY. WILLIAM FERULLO: Absolutely.

COMMISSIONER MICHAEL GARDNER: So we received an email, which I'm not sure is our issue, but I wanted to just raise it, bring it to your attention.

There was a report as a concern as to whether the ABCC would consider the second patio contiguous on the licensed premises. The plan shows the patio is at the bottom of the steps from the restaurant, and this in some other case that someone was familiar with, led to some concerns that it was not contiguous, and an issue about there should a view of the outside premises from the inside.

I don't know if this is an issue that is new to you, or you're familiar with it, but any comments you got since it's part of the record we have.

ATTY. WILLIAM FERULLO: The first, yes.

The second I'm not as familiar with as far as having a view from the outside from the inside.

There's many of restaurants that don't have windows that face their outside area, but that's news to me. I'm not sure there's anything in the regulations that refer to that.

As far as the contiguous nature the way we've drawn the plan, inclusive of the area that we show of the stanchions leading to the staircase, we would make the case with the ABCC that once our -- the both patios operate seasonally, so once the seasonal patio that we currently have is open, that it would be contiguous by use of the staircase into this area.

If we need to meet with them further on that, we would be willing to do that. We are aware of the requirement that they be contiguous.

COMMISSIONER MICHAEL GARDNER: So it's the first patio that makes it contiguous is the bridge to make it contiguous with the second?

ATTY. WILLIAM FERULLO: Interesting use of the word. But, yes, it would be our representation to the ABCC that we would not operate this without having the smaller patio open at the same time.

DAVID HADDEN: Also to your question about viewing, the host stand and all the windows in the front look right down on the patio. So a hundred percent of that patio can be viewed by employees and by the person who is the host.

COMMISSIONER MICHAEL GARDNER: Okay. Thank you.

Other questions?

SUPERINTENDENT CHRISTOPHER BURKE: What is the height of the wall, the barrier?

DAVID HADDEN: Down from the top?

SUPERINTENDENT CHRISTOPHER BURKE: The barrier that surrounds the patio.

ALEXIS GELBURD: We're seeing how today goes before we finalize all the plans and drawing it.

DAVID HADDEN: But there is a regulation as to how high it's supposed to be and we'll honor that height level, whatever that is, so people can't pass things across.

COMMISSIONER MICHAEL GARDNER: Other questions?

FIRE CHIEF GERALD REARDON: No.

COMMISSIONER MICHAEL GARDNER: Are there any members of the public who would like to be heard?

Seeing none, and it isn't that I don't want to know about the menu, but for our purposes

this evening, we have gone on quite a ways, so although I would love to hear more about the restaurant, I think in the interest of time, we would -- we have to have a vote yet.

I'll make a motion that the application to approve the second outdoor patio to be on private property with no change in the overall capacity and the outdoor patio with the capacity to serve 32 be approved.

SUPERINTENDENT CHRISTOPHER BURKE:

Second.

COMMISSIONER MICHAEL GARDNER: Motion have been made and seconded, all those in favor, signify by saying "aye."

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

COMMISSIONER MICHAEL GARDNER: Aye.

FIRE CHIEF GERALD REARDON: Aye.

COMMISSIONER MICHAEL GARDNER: None

opposed.

So good luck with the new plan.

ALEXIS GELBURD-KIMLER: Thank you.

**APPLICATION: AMERICAN REPERTORY THEATRE**

**COMPANY, INC.**

COREY PILZ: Application: American Repertory Theatre Company, Inc., Erin Wood, manager, holder of an all alcoholic beverages as a restaurant license at 2 Arrow Street has applied for a change of manager to Diane Borger Zampi.

COMMISSIONER MICHAEL GARDNER: So good evening. I'll ask both of you to state and spell your last names for the record and identify yourselves.

And I'm not sure if that summary accurately reflects what we're trying to do this evening based on the file review, but why don't



you -- if there's something that needs to be clarified, please clarify that.

DIANE ZAMPI: I'm Diane Zampi, Z-A-M-P-I. I'm the producer and managing director at the American Repertory Theatre.

TRACY KEENE: And I'm Tracy Keene, K-E-E-N-E, theatre and facility manager for the Loeb Drama Center American Repertory Theatre.

COMMISSIONER MICHAEL GARDNER: I think I see it right now. Erin Wood is the current manager and the application is for you to become the manager of record?

DIANE ZAMPI: It is because Erin is moving on.

COMMISSIONER MICHAEL GARDNER: Just briefly describe your experience here, which is relevant to taking on this role.

DIANE ZAMPI: I am currently the manager

on record for the Loeb. Since Erin is going, we decided it would make more sense for me to oversee both of the operations.

I ran a bar and restaurant in another theatre for seven years before I came to ART, but it was in a different city.

And I've done all the trainings that are required.

COMMISSIONER MICHAEL GARDNER: And the Loeb and this facility operate at the same time?

DIANE ZAMPI: Sometimes, but not always.

COMMISSIONER MICHAEL GARDNER: How will you split your time up or how will that occur?

DIANE ZAMPI: I have fantastic deputies. We'll hire a venue manager to replace Erin and perhaps eventually they may become the manager on record. But until we get somebody in and they have gone through probation, it seemed to us the

most sensible path would be for me to oversee both in the meantime.

COMMISSIONER MICHAEL GARDNER: What, if any, particular challenges are there in terms of serving alcohol in a setting like this?

DIANE ZAMPI: Making sure that people are over 21 years old is probably the top concerns that we all face. I seem to think that's the main one in the Loeb which is a pretty sedate clientele.

COMMISSIONER MICHAEL GARDNER: I'm sorry, pretty what?

DIANE ZAMPI: Sedated clientele in comparison. I think we have a good record on that, and I think that Erin set a high standard with her staff. So I feel confident that we'll continue that.

COMMISSIONER MICHAEL GARDNER: Thank you.

Other questions?

FIRE CHIEF GERALD REARDON: How long have you been the manager of record at the Loeb?

DIANE ZAMPI: A year, two years. Sorry, two years. It's just starting two years.

COMMISSIONER MICHAEL GARDNER: Anything else?

Are there any members of the public who would like to be heard on this matter?

Seeing none, I'll make the motion to approve the change in the manager of record for the ART at 2 Arrow Street to Diane Borger Zampi.

FIRE CHIEF GERALD REARDON: Second that motion.

COMMISSIONER MICHAEL GARDNER: Motion having made and seconded, all those in favor, signify by saying "aye."

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

FIRE CHIEF GERALD REARDON: Aye.

COMMISSIONER MICHAEL GARDNER: Aye.

None opposed.

Good luck in being in two places at once.

DIANE ZAMPI: Thank you.

**APPLICATION: DELTA KAPPA EPSILON, AN MIT**

**FRATERNITY**

COREY PILZ: Application: Delta Kappa Epsilon, an MIT fraternity, Zachary Thomas, Resident manager, holder of a lodging house license at 403 Memorial Drive has applied for a change of resident manager to Kevin Vogelsang.

COMMISSIONER MICHAEL GARDNER: Good evening. If you'd state and spell your last name for the record.

KEVIN VOGELSANG: Certainly. So my name is Kevin Voglesang, last name V-as in Victor-O-G-L-E-S-A-N-G. I'm the current resident

advisor manager at Delta Kappa Epsilon.

COMMISSIONER MICHAEL GARDNER: Tell us a little bit about your experience that qualifies you to be the resident manager.

KEVIN VOGELSANG: So I'm a graduate of MIT. I graduated in 2009. I graduated with a degree in bioengineering. I was also in a fraternity when I was at MIT, which is important for being a resident advisor there.

Since then, I have been involved in a variety of technology-related businesses. I currently work primarily as a software developer and that's a pretty good summary.

CHAIRMAN MICHAEL GARDNER: And what are the primary differences between being the resident manager and the resident advisor role that you have now?

KEVIN VOGELSANG: So as the resident

advisor, my role is primarily to look out for the well-being of the students. I act as a confident and source of support, and as they make their way through MIT, their life, in general.

And so, then as our resident manager, I would say I would act as a point of contact for the city.

So a resident advisor, I guess, I would also add is slightly different at MIT fraternities and other college campuses, it's not a policing role, it's looking out largely for the emotional well-being of the students.

COMMISSIONER MICHAEL GARDNER: So, where, if anywhere, is the policing role or in terms of making sure that it is a safe place, alcohol and other rules are complied with?

KEVIN VOGELSANG: Certainly. So, the -- MIT obviously is very involved in their whole

student department of student life as their policies and taking care of their programming efforts. Primarily it's a student-run organization as far as making sure that risk management policies are followed.

Then, of course, there's also the alumni corporation who are involved in making sure the house is managed and everything is taken care of.

So it comes primarily from the students and also with MIT support, and also, I'm there as well just to be sort've of the voice of reason to make sure everything is -- to help, also to support in other ways wherever I can.

COMMISSIONER MICHAEL GARDNER: Do you get training from MIT for this?

KEVIN VOGELSANG: Yes, I do.

COMMISSIONER MICHAEL GARDNER: You have completed all the training they offer?



KEVIN VOGELSANG: Correct.

COMMISSIONER MICHAEL GARDNER: Are you, in essence, an employee of the alumni corporation?

KEVIN VOGELSANG: I'm technically employed by the alumni corporation.

COMMISSIONER MICHAEL GARDNER: Do we have any information in the file about MIT's say on this? Was there any notation?

COREY PILZ: Yes. We did receive a call from Sarah Gallop who is the co-director of the MIT Office of Government and Community Relations stating MIT does support this application.

COMMISSIONER MICHAEL GARDNER: Thank you.

Any other questions?

FIRE CHIEF GERALD REARDON: I might be off on my numbers, but is 4031 one of the more most infamous locations down there in the past?

KEVIN VOGELSANG: Not that I know of.

FIRE CHIEF GERALD REARDON: I'm close, though. I'm warm; I know that.

We haven't had anything recently. I trust we won't in the future even, right?

KEVIN VOGELSANG: I certainly hope not.

COMMISSIONER MICHAEL GARDNER: MIT, I think our perception has worked hard with the city and within its own structures to try to improve substantially the controls and safety of the housing for students in the area and perhaps it's been so long that you don't remember.

Are there any members of the public who would like to be heard on this matter?

Please come forward, state and spell your last name for record.

MARLENA LOVE: Good evening,  
Mr. Chairman and members of the Board, my name is

Marlena Love, L-O-V-E. I serve as the assistant dean of fraternities, sororities and independent living groups at MIT.

I'm here on behalf of the institute to support Kevin's candidacy. I have had the opportunity to work with him almost six years ago now when Kevin was an undergraduate leader and president of his own fraternity.

He has fulfilled all the training or requirements for our office and serves as the primary contact, the adult supervisor in the facility, but for the emotional and physical well-being of the undergraduates that reside there.

COMMISSIONER MICHAEL GARDNER: Any other members of the public who would like to be heard?

Seeing none, I will make the motion to approve the change of the resident manager to

Kevin Vogelsang consistent with the application.

FIRE CHIEF GERALD REARDON: Second.

COMMISSIONER MICHAEL GARDNER: Motion  
having been made and seconded, all those in  
favor, signify by saying "aye."

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

FIRE CHIEF GERALD REARDON: Aye.

COMMISSIONER MICHAEL GARDNER: Aye.

None opposed.

One last question: Have you been really  
doing this job for a long time, or is this going  
to be a new position for you, the resident  
manager?

KEVIN VOGELSANG: The resident manager,  
so this -- I guess I really don't understand the  
question.

COMMISSIONER MICHAEL GARDNER: Have you  
been functioning in that role de facto this

student year or will this be a prospective issue?

KEVIN VOGELSANG: So I arrived at the fraternity in September and then got that the application in January, so here I am.

COMMISSIONER MICHAEL GARDNER: Thanks. Always we like the institutions who we have to work with all the time to be a little faster in terms of moving these things along.

Thank you.

APPLICATION: BARRY OUSMAN D/B/A SAFE

HEAVEN LIMO

COREY PILZ: Application: Barry Ousmane doing business as Safe Heaven Limo, has applied for a livery/limousine license at 808 Memorial Drive for one vehicle.

We'll move on.

APPLICATION: FAWAZ ABU-RUBAYAH D/B/A

BEANTOWN TAQUERIA

Application: Fawaz Abu-rubayah doing business as Beantown Taqueria, Hugo Mendez, manager, has applied for a new all alcoholic beverages as a restaurant license at 148-150 Western Avenue with a seating capacity of 18 and hours of operation from 10:00 a.m. to 11:00 p.m. seven days per week.

COMMISSIONER MICHAEL GARDNER: Good evening. If you'd be so kind as to state and spell your last names for the record and identify your affiliations?

ATTY. SEAN HOPE: Good evening, Mr. Chairman and members of the Commission, for the record, Attorney Sean Hope, Hope Legal Law Offices. First name S-E-A-N, last name H-O-P-E.

HUGO MENDEZ: Good afternoon. My name is Hugo Mendez. I'm the manager for Beantown Taqueria.

Hugo, H-U-G-O, Mendez, M-E-N-D-E-Z.

FAWAZ ABU-RUBAYAH: F-A-W-A-Z,  
A-B-U-R-U-B-A-Y-A-H.

CHAIRMAN MICHAEL GARDNER: You're the  
owner?

FAWAZ ABU-RUBAYAH: Yes, sir.

COMMISSIONER MICHAEL GARDNER: Thank you.  
Mr. Hope.

ATTY. SEAN HOPE: Mr. Chairman, this is  
an application, as I previously stated. There  
are three parts to this application. The first  
part is to amend the d/b/a.

Mr. Abu-rubayah has operated 245 Mass  
Ave, and that's an existing location, Beantown  
Taqueria. Mr. Hugo Mendez is the director of  
operations at that location.

Mr. Abu-rubayah has been there for 13  
years. He rents space from MIT. This proposed

location on Western Ave is going to be a second location that they're going to have.

Presently there's a restaurant there, so this is an active CV and so this application is to extend that CV one with the change of d/b/a, but also to add the element of alcohol to that location as well.

Before we get into the merits of Mr. Mendez who is the proposed manager as well as the alcohol license itself, I want to give a little background.

Fawaz came from Jordan in the '80s and he is an entrepreneur in Cambridge since he's moved there. Like I said, he has a restaurant on Mass Ave. He actually lives above the restaurant at 150 Western Ave.

The 150 Western Ave is a residential location. It was a year and a half ago that he



went before the Zoning Board, and there was a full hearing in which they allowed for retail uses, including the restaurant he had at that location.

Fawaz has been trying to rent that location since he bought it. He has had different offices, he's had check cashiers, phone places as well his own restaurant unsuccessfully.

Part of the reason why he's here today applying for it is that Mr. Mendez and Fawaz have been close friends for several years, and Mr. Mendez has taken over the 245 Mass Ave location, Beantown Taqueria, which has been very successful.

We have a series of letters of support. But this is an area that Fawaz has been and just couldn't make a restaurant work successfully there. And so, he wants to actually have a

second location at 150 Western Ave to be able to bring this concept of Beantown Taqueria to the neighborhood.

Part of what the application was for and this is before they retained counsel, their concept is to have a restaurant neighborhood which is different than any kind of a bar establishment.

One of the elements to Beantown Taqueria is to have margaritas along with the Mexican food, and part of the application they thought they could apply for was just for tequila and not have any alcohol. Recognizing after counsel that, one, they couldn't do that, they still would like to proceed with an alcohol license at that location.

We did discuss it and I told them there was normal protocol and that often the Commission

may approve beer and wine first and then you prove yourself as an establishment and potentially later move to all alcohol. But in this unique circumstance, what they're really trying to provide there for is for this margarita mix as part of the alcohol served at the location.

I would also like to point out that this portion of Western Ave and the city has spent great resources redoing the street and doing facade improvements of businesses along this area.

Part of the concept is this is going to be a neighborhood restaurant. Right now it's in a thoroughfare.

As I said, Fawaz has operated his own restaurant at this location for some time, and most of his draw is from the neighborhood. He

doesn't get a lot of people from Mass Ave, but it's usually most of the people from the neighborhood.

I would say that this stretch of Mass Ave is like the gateway to the other portion. So it's kind've of in a dead zone.

You have Spears Funeral Home. You have about three or four blocks from where Mass Ave is, the bus station, so you don't get a lot of people that would naturally come to this section of Western Ave.

And part of the thinking was if he was able to provide even beer and wine, we talked about as an option, that if he was able to provide a meal that would also cater to people who were looking to have a meal, maybe a glass of wine or beer, if he wasn't allowed to do his all alcohol, it would still allow him to compete with

some of the other restaurants on Mass Ave.

Even though he's operated his business on Mass Ave, 245, without alcohol, I think it's a different clientele. On 245 he's right by the bicycle shop. MIT has a fraternity upstairs. So he gets a lot of that draw.

I'd also like to note, as an operator, they have one of the few 4:00 a.m. licenses on Mass Ave, and they have operated without any records of discipline.

Also, additionally, they felt that they have a 4:09 a.m. license, people come from some of the bars and they come there for a burrito on the way home.

It didn't seem like it made sense to have an alcohol license at a place where lots of people were already having alcohol at other places.

They're not going to be a draw in terms of what they're going to provide.

This location is 650 square feet, 18 seats. So it really is like a mom and pop restaurant. It's more of a destination than their other location.

Mr. Mendez has successfully operated, as I said, Beantown Taqueria. They've opened their second location. The restaurant business has been -- and Mr. Mendez's family, his brother owns Jose's Mexican restaurant in North Cambridge on Sherman Street. So it's been in the family. He started there.

He's TIPS certified and has a proven track record with this location on Mass Ave.

I think you have an owner who owns the building, who has experience trying to lease out that location to several different types of uses,

and really feels like a restaurant use is the highest and best use, and you have an operator who has proven a concept that's gonna work on Mass Ave and is looking to extend into a residential area.

We actually have a copy of his resume and we actually have some letters of support. I would say, I think, we have close to 150 signatures on a petition. I would say about 30 of those are from the actual neighborhood. People will come and those who frequent the restaurant will come in support of the application.

So just -- we would like to have three things happen if the Commission approves this.

We recognize the change of d/b/a and the hours we would like to have voted on potentially separate and apart from the all alcohol license.

We want to get going right away on the d/b/a and also for the hours so they can begin operating once that's approved, and if there's specific questions to the all alcohol license, we want to have that separately.

COMMISSIONER MICHAEL GARDNER: Thank you, Mr. Hope.

So my memory is that you were here before, not too long ago, with respect to opening the restaurant, but that was a Mediterranean cuisine, is my memory correct?

FAWAZ ABU-RUBAYAH: Yes.

COMMISSIONER MICHAEL GARDNER: Is what -- Mr. Hope, did I understand you to say that essentially that concept hasn't really taken off or been vital, if my word's not wrong?

ATTY. SEAN HOPE: It hasn't been successful.



COMMISSIONER MICHAEL GARDNER: It hasn't been successful. Thank you.

How long ago was that opened?

FAWAZ ABU-RUBAYAH: A year ago.

COMMISSIONER MICHAEL GARDNER: A year ago.

FAWAZ ABU-RUBAYAH: Yes.

COMMISSIONER MICHAEL GARDNER: If I understand it right, you want to essentially replicate the success on Mass Ave on Western Ave, but with significantly a different aspect of having alcohol involved?

FAWAZ ABU-RUBAYAH: Yes.

COMMISSIONER MICHAEL GARDNER: Remind me, Mr. Hope, what is the change of hours that's proposed?

ATTY. SEAN HOPE: Right now it's 8:00 a.m. to 10:00 p.m., and they would like to change

it from 10:00 a.m. to 11:00 p.m. It's an hour later in the evening time and they're gonna open at 10:00 a.m.

COMMISSIONER MICHAEL GARDNER: Thank you. And the petition that you said you had, do we have that in the record?

ATTY. SEAN HOPE: I have a copy of it here.

COMMISSIONER MICHAEL GARDNER: And just briefly, how were those signatures solicited?

HUGO MENDEZ: They were solicited through 245 Mass Ave, all the clientele we have, all the traffic we have. And also, we did a shout out on Facebook, so a lot of our customers that didn't know that we were doing that petition came about and wanted to support us. Actually, we had a lot of requests to have beer and wine in that location, but, you know, we said we have a permit

till 4:00 in the morning Thursday, Friday and Saturday, which we get a lot of traffic from the bars, so we didn't think it was necessary for that. So a lot of the signatures come from 245 Mass Ave and a lot of them come from the neighborhood.

COMMISSIONER MICHAEL GARDNER: Okay. And if you become the manager of record for the Western Ave location, what will happen to the management at the Mass Ave location?

HUGO MENDEZ: The 245 Mass Ave location, it was struggling when I took over. And we did a different idea, Mexican food, which, like I said, my brother owns a Mexican restaurant on 131 Sherman Street in Cambridge, and also, one in Wayland, which I had all the experience working for him for around nine years.

So we brought the concept and it's worked

out really well. And so, we want to do this type of Mexican food at this location at 148-150 Western Ave.

COMMISSIONER MICHAEL GARDNER: I'm sorry, how long has the Beantown concept been in operation on Mass Ave?

HUGO MENDEZ: It's been in operation for a year now. Just a year, May 6th.

COMMISSIONER MICHAEL GARDNER: Who is going to manage the Mass Ave location?

HUGO MENDEZ: Right now, the system that we implemented is going smooth. I already have assistant managers. It's basically working by itself now. That's why we want to bring the same idea to Western Ave, you know, I thought it was a good idea seeing that we're pretty stable right now with the clientele we have in 145 Mass Ave.

I would be in the Western Ave location

most of the time and just overlooking the operation on the 145 location.

COMMISSIONER MICHAEL GARDNER: And is there no concern about over-saturation of the same market? I think you identified you think these are two separate markets, but, in fact, it's probably less than a mile walking distance, I would expect.

I'm just wondering about whether or not there's the support for a replication here.

ATTY. SEAN HOPE: I would only look to Chipotle who has a location in Kendall Square and one in Central Square to see that I think for the demand for certain types of food really becomes from the neighborhood.

I don't really think just because of the distance to public transportation, Western Ave really is its own neighborhood as opposed to

closer to MIT. So, I do think there's an opportunity, but it's really what the market will bear.

I think Fawaz has tried several different concepts in that location. And I do think there is no Mexican on Western Ave. I think right now you have Pasta Pasta and this would be -- you do have restaurants or more bars like River Gods around the corner, but, you know, they think really the quality of the food and the fact the service and location is something they feel they want to try.

I do feel your point, though, that to distinguish themselves were they to compete with other restaurants, they wanted to do something special. That's where the idea for the margaritas comes in.

This is not to have people to just come

in, but to have a special type of food that requires all alcohol, there's no separate category for just tequila. But I do think beer and wine would actually have the consistent flavor of a restaurant. And also there's corona that does go along with the food that they're offering here.

A part of it's just cultural, a part of it is really just trying to compete with other restaurants close to Mass Ave.

COMMISSIONER MICHAEL GARDNER: If we were accommodating and granting this license, could we be expecting a new application for an alcohol license on Mass Ave with some foreseeable time or is this not in your picture?

ATTY. SEAN HOPE: I want to add that Fawaz, he's a Muslim, so in terms of culture, he's not someone who is drinking in bars or bar

establishments. This is really a business decision. And when he met Hugo at the Beantown Taqueria, he said, "Okay. I'm going to forego my own cuisine and we're gonna look -- really this is a business decision. So I don't think there's an idea -- and I don't think the 4:00 a.m. license and the location probably wouldn't lend itself to have alcohol there just because of the nature of the use and the clientele that it serves.

COMMISSIONER MICHAEL GARDNER: Thank you. Did I interrupt you from saying something, sir?

HUGO MENDEZ: I just wanted to touch on the previous point about being really close together. It would work really well for us actually because the 245 Massachusetts Avenue location, it's a pretty small location. We were really getting big on caterings in the MIT area



and the Western Ave location plays really good as a base for all our caterings to go out to the dorms that we cater from MIT and the Boston area and also there's more space. There's storage space that we really need.

Right now we're renting a U-Haul location, and it would also save us money on that. Even though it's close, it really plays to our advantage.

COMMISSIONER MICHAEL GARDNER: You mentioned catering, is that the same as a takeout or do you actually have a different concept?

HUGO MENDEZ: Catering is delivering for large quantity, 30 people, 40 people. It's a small kitchen at 245 and small storage.

COMMISSIONER MICHAEL GARDNER: That is a portion of your business now?

HUGO MENDEZ: Yes. It's -- we do like

these for a month, so it's a good income.

COMMISSIONER MICHAEL GARDNER: Thank you.

Other questions?

FIRE CHIEF GERALD REARDON: So I guess the question is what is the renovation plan for this location if you were successful?

ATTY. SEAN HOPE: Yeah. I think that they're trying to take advantage of the actual seating. It's the same. The number of seats, the outdoor seats has been approved under the previous CV.

What I think they're planning on doing is a very basic facade change, nothing that requires zoning relief and it uses the same access and egresses.

I actually noted on the plan, and maybe you can speak to this. We're looking to put up the petition wall. I have a copy of the proposed

plan.

FIRE CHIEF GERALD REARDON: What about the kitchen facility?

HUGO MENDEZ: Yes. Well, we're -- basically we want to leave everything the same. We're just looking into just rearranging the kitchen so it works for Mexican food, and just separating the kitchen, which wasn't separated before, so the customers won't have to hear the cooks doing their food. That way it's going to be a little more private and they can have a better experience.

COMMISSIONER MICHAEL GARDNER: I'll ask the Chief's question: Do you have a Fryolator?

FAWAZ ABU-RUBAYAH: No.

COMMISSIONER MICHAEL GARDNER: Other questions?

SUPERINTENDENT CHRISTOPHER BURKE: No.

FIRE CHIEF GERALD REARDON: This was all done about a year ago when you did the work?

FAWAZ ABU-RUBAYAH: Yes.

FIRE CHIEF GERALD REARDON: So the plan is to just put up a petition wall and cut down some noise and privacy between the dining area?

HUGO MENDEZ: Yeah, it wouldn't be required to tear down anything, just a wall.

COMMISSIONER MICHAEL GARDNER: Anything else to add, Mr. Hope, before we open it up to the public?

ATTY. SEAN HOPE: No.

COMMISSIONER MICHAEL GARDNER: Are there members of the public who would like to be heard on this matter?

We have a number of people. So why don't I just ask the applicant and counsel to find a seat, and then why don't we have three people

come up at a time and you can just state your names and give us the views you would like to share with us.

I'd ask each of you to state and spell your last names and then you can give us your perspectives.

LAWRENCE ADKINS: Lawrence Adkins,  
A-D-K-I-N-S.

BARI BRODSKY: Bari Brodsky,  
B-R-O-D-S-K-Y.

JENNIFER BRILL: Jennifer Brill,  
B-R-I-L-L.

LAWRENCE ADKINS: I'm the president of the Riverside Neighborhood Association. Through our own networking, it was emailed to me that this was happening tonight.

You will hear this repeatedly tonight.  
There's a great number of people and this is the

first that they've heard of this venture.

As part of the Riverside Neighborhood Association, we always grant and welcome any businesses coming in any area. We have not been a membership of alcohol. We have a stand, period, on alcohol.

We right now have the Western Front on Western Ave. We have Whole Foods, who has its on activity with alcohol. We have River Street, who has its own activity with alcohol. We have down on Savin Hill before you come to the Basketball Court, alcohol.

We are not looking for another establishment to start with its source of alcohol.

Even with that, this entity has not introduced itself to the neighborhood. We don't know a thing about it. I have been in the

previous establishment, which was, I thought, a nice coffee shop and I had tea and it seem to have some nice pastries that I wished it well.

I, myself, have had a long history of mom and pop in the neighborhood for at least seven to nine years. My strive, and it's only a suggestion, was the food, the food was outstanding, the rest of it will come.

It seems to sound a little disheartening to me to have an establishment that establishes itself on an alcoholic content. It's plain stated tequila or margaritas. Now those are strong alcoholic content drinks. It seems puzzling to me that that's going to be a business. If you're going to do that, you might've as well have a liquor store and then you're gonna just flower it with food.

It seems as though it should be the other

way around, food first and then alcohol. I have seen your other attempts in Cambridge where it was food that was driven and the pleasure of sitting down in a mom and pop environment and then casually having a beer or a bottle -- not even a bottle, but a few glasses of wine.

We still have responsibility of people leaving and not being intoxicated.

Remember, this is still the same street, and even with the graciousness of having the Western Front, we still had a previous incident that went out of control, the Colorado young man whose parents had to come here. I believe today that that case is still not resolved.

One young man died and the court case seems to have stumbled, said he even took a little black eye because of the way he conducted himself.



Not to say that that's occurring, but it's still alcohol.

We have enough alcohol in Riverside. It has been trying to curl it back.

And there's nothing wrong with filling your stomach, and if you want to casually go down the Western Front or River Street or turn around and go to Central Square, again, these are only five blocks apart. We don't need to bring more into the area. We are a residential area. That is the heart of the residential area. Kids coming and going, school buses.

We're getting ready now to relandscape our little street. We even got the mileage down from 25 to 20. Put in a tourist bike lane. I'm certain that if this is permitted, this is what I really think, the area we're talking about sooner or later is going to be on the sidewalk, and,

wow, what a sight. It may not be Mass Ave, 18 seats. 18 seats is not enough to satisfy it.

The other entity, the other competitive operator they made mention of, it's standing room only in there, and they do have alcohol and tacos, and it's standing room only for college campus group.

CHAIRMAN MICHAEL GARDNER: I'm sorry, I'm not exactly familiar with the place you're referring to.

LAWRENCE ADKINS: I'm trying to remember now, the other taco store or restaurant that they made mention to. It's very popular. I can't remember, but --

COMMISSIONER MICHAEL GARDNER: Chipotle?

LAWRENCE ADKINS: There you go.

FIRE CHIEF GERALD REARDON: Chipotle.

COMMISSIONER MICHAEL GARDNER: Chipotle.

Yeah, don't ever expect me to be sophisticated about that.

LAWRENCE ADKINS: All I do is get a chance to run by and I don't get in them because they're stacked to the heaven.

There's something wrong. It's not the area. We were the place, the space used to be to cut your hair, get your dentist and they were there a long time. I'm not trying to say what should be in the area. But there are other avenues, and if you're good, you will always have a full house. And I really say good luck.

COMMISSIONER MICHAEL GARDNER: I appreciate it.

Thank you.

BARI BRODSKY: So I live in the house next door on Kennard Street, and one of my big concerns is I just found out about this a few

days ago. So it's concerning to me that this is happening and the neighbors aren't finding out about it.

Originally, when this was first becoming a restaurant, we were notified. So I'm a little concerned that nobody is notifying us. That's my first issue.

I have two teenagers and I just -- I don't want an establishment with a full liquor license right next to my house open from 10:00 in the morning until 11:00 at night with outdoor seating. I'm concerned about how this is going to be managed with one manager at two sites.

The restaurant that they have at Mass Ave is very successful with no alcohol. I'm not sure why they need a restaurant with specifically Tequila and margaritas with outdoor seating.

Our street, Kennard, Western Ave is a

quiet area. The current restaurant they have is delightful. It's a lovely place that they had. It's quiet, it's a family restaurant.

I think changing that to a restaurant that is essentially serving margaritas outside, it's a different crowd that's going to be coming.

I just don't want people sitting outside next to my house drinking pitchers of margaritas where my kids are walking around outside. I think that really changes the neighborhood. I don't think that's what is going to enhance the neighborhood.

And I just have a lot of concerns about bringing another establishment with a full liquor license from 10:00 in the morning until 11:00 at night into the neighborhood. I think it will draw a crowd. People are going to be leaving intoxicated, boisterous, walking down the street

late at night. I think it's going to decrease the safety of the neighborhood.

COMMISSIONER MICHAEL GARDNER: Thank you.

Do you have experiences on Kennard Street with concerns about drunkenness or noise at the closing of River Gods?

BARI BRODSKY: Every now and then people will be walking down the street intoxicated. I don't know if they're intoxicated. There are every now and then people walking down street loud and noisy. I don't know where they're coming from. It's a college area.

I don't know if they're coming from the River Gods, but I do know there are people walking down the street late at night making noise.

I'm concerned if there is a full alcohol establishment next door to my house with outdoor

seating, specifically to serve pitchers of margaritas that is going to be noisy and that will lead to intoxication.

COMMISSIONER MICHAEL GARDNER: Thank you.

FIRE CHIEF GERALD REARDON: For the record, I don't see anything here about outdoor seating.

BARI BRODSKY: They have outdoor seating.

COMMISSIONER MICHAEL GARDNER: We'll get a clarification of that from Mr. Hope.

I don't see it in the application myself, but we'll find out.

BARI BRODSKY: My concern is that initially when the original restaurant was being started, the neighbors -- I'm sorry to jump in here.

When the original restaurant was being -- when there was the original application, all the

neighbors were informed, and suddenly, I found out from a neighbor like two days ago that this was happening. So, as a neighbor that's another one of my concerns that suddenly this is going to happen and, oh, maybe they're going to apply for outdoor seating if there isn't --

COMMISSIONER MICHAEL GARDNER: We'll address the abutter issue or notices with Mr. Hope.

JENNIFER BRILL: Jennifer Brill, I live at 138 Western, so we're literally right next door. And I live there with my husband and our two children. We bought the house in '94 when it was a longstanding barber shop in a quiet neighborhood place.

I guess I also just want to say, we, you know, have a lot of contact, we're close neighbors. We have been good neighbors. This is



not about trying to get in the way of them making a livelihood. I know they have been trying different establishments. It's really about my concern about the neighborhood and my family and what is going to be changing there.

The other thing that has been recently said is how close we are in terms of the renovations going on on Western Ave.

The company that works for the city was not supposed to, but cut all the branches off the tree in my front yard which used to provide some sort of physical block which would have been both a visible block and a sound block. That's gone. And that's another issue I have to take up with the company that the city contracted with.

So our primary concerns have to do with noise, crowd control, smoking, parking and just the character of the neighborhood. I think I

definitely want the clarification on both the number of seats in the outdoor seating because it seems like if you add in the outdoor seating, it has to be more than 18.

COMMISSIONER MICHAEL GARDNER: Okay.  
We'll inquire about that.

JENNIFER BRILL: And my other question, besides my comments, is whether there is going to be any added equipment. My son says it sounds like there is going to be actually more cooking going on in this place. I want to know if hearing compares to how many other cases in terms of venting and all of that. I want to know if there's something that is going to be appear right outside of our house.

So I'm concerned, you know, that there could be more noise, people congregating outside smoking. Our windows are sort've right there.

Again, I think as other people have said, also parking. Let me throw that in there.

There's very -- extremely limited parking on that side of the street, there's a funeral home and residential spots and commercial spots.

I'm very concerned about people coming in to drink and parking either because they are residents or parking illegally in residential spots, and I just want to know how that would be enforced so we wouldn't lose the one parking spot we have.

And just to reiterate what other people have said, you know, it's a quiet residential neighborhood. I would not characterize it as a dead zone as the attorney did.

It's a residential neighborhood where people are raising families. It actually has been really nice having a neighborhood gathering

place. I think that my concern is having sort've more of a fast food flavor and alcohol starting at 10:00 in the morning going to 11:00 at night is really going to change the character of the people coming into the place, issues with crowd control and will set a precedent for what is going to be happening in the neighborhood.

COMMISSIONER MICHAEL GARDNER: I think I have it.

Thank you.

Ma'am, please, just speak up. Spell your last name.

JOYCE PATTERSON: My name is Joyce Patterson, P-A-T-T-E-R-S-O-N. I live at 162 Western Ave. And this restaurant is going to be to doors down from my house. I didn't know anything about this. I just saw a sign in the window said that Beantown Taqueria and that's

all. The establishment that they had was quite quiet, you know, no alcohol was served. This is strictly a residential area. I lived there all my life. I was a little girl when I moved there. It's always been quiet. Very family oriented.

I'm concerned about another alcohol establishment being set up there. There's the Western Front further down, but these two blocks, the Kennard Street side and my block of Western Ave is strictly residential. There's never been any alcohol establishment ever in that area.

And I have -- I have a driveway, but still as it is people are always blocking my driveway. I have had to call the police to have cars towed, and that is going to be a major concern, I know. It seems as if there will be more foot traffic as well car traffic.

COMMISSIONER MICHAEL GARDNER: Thank you.

JOYCE PATTERSON: My sister is a diabetic and sometimes I have to rush her to the hospital, and sometimes it takes awhile for the car that is illegally parked in my driveway to be towed.

As I said, it always has been a residential area and I'm concerned about the noise as someone stated.

Sometimes we hear noise coming down the street, but it's not that often. And I'm concerned that with this establishment, it might attract a different crowd than we're used to.

COMMISSIONER MICHAEL GARDNER: Thank you very much.

Are there any other members of the public who would like to be heard?

I'd just ask you both to state and spell your last names for the record.

RICHARD PROBERT: My name is Richard

Probert. That's P-R-O-B-E-R-T. I live at 10  
Kennard Street.

Just to orient you to the geography that  
puts me about halfway down that short block  
between Kennard and Western Ave, so that makes  
me --

COMMISSIONER MICHAEL GARDNER: River Gods  
is at the other end, right?

RICHARD PROBERT: Exactly. I would be  
midway between the River Gods and  
Mr. Abu-rubayah's new establishment.

I want to say that I heard about this  
application last night from a neighbor. And I'll  
save time, I'll just say that I agree with most  
of the objections that ere raised by the direct  
abutters like Jennifer Brill and my other  
neighbors.

I would expect that if somebody wants to

open a drinking establishment 50 yards from my house, somebody ought to notify me or come and talk to me. That hasn't happened.

I have questions and they haven't been answered. So I'm afraid that I'm gonna have to oppose the granting of this liquor license application.

You know, one of my main questions is how are you going to do it? Frankly, I don't know if this is off the subject or not, but I don't understand how this business is even going to work. There's no place for a dumpster anywhere on Kennard Street on the corner or anywhere on Western Avenue. A restaurant/bar operation has to have some of kind of a dumpster or a way of securing and disposing of trash.

COMMISSIONER MICHAEL GARDNER: I'll ask you since it has operated in the past for a year



or perhaps less than a year as a Mediterranean style restaurant, have you noticed any issues with the operation of the business under the prior model?

RICHARD PROBERT: No, I haven't had any complaints.

COMMISSIONER MICHAEL GARDNER: Thank you.

Unless there's something else new that you want to add, I'll move on.

RICHARD PROBERT: I'll defer to my next-door neighbor, Kalman Glantz.

CHAIRMAN MICHAEL GARDNER: Thank you.

KALMAN GLANZ: Kalman Glanz, that's K-A-L-M-A-N, G-L-A-N-T-Z. And I am at 12 Kennard Street. So one house down from him. I don't want to repeat anything everybody else said.

I just would like to point out that it's not by accident that we weren't notified. These

people took the trouble to develop a petition to bring in a bar essentially, and they didn't ask us.

So I just want to point out this is not by accident. This was a little sign that says Taqueria. Taquerias generally don't come as bars, as far as I know.

So other than that, I just agree with the other people who talked about that situation.

COMMISSIONER MICHAEL GARDNER: Thank you very much.

Sir?

ARI GLANTZ: Ari Glantz, same last name. Also at 12 Kennard Street. I just want to briefly touch on a couple things. One, about the trash. There's no problems with trash because they don't have really customers which is why they're out of business.

Secondly, is looking around I'm junior by about 25 years or so, so I think I bring a little different perspective.

When you give 25-year-olds the choice between River Gods establishment which is kind've very upscale, has good gourmet food and seven or eight dollar beers or nothing, they're going to go with nothing. You give them the choice between seven and eight dollar beers and a business plan that is entirely based on serving universally accepted as cheap alcohol, it's going to fill up with drunk people really fast, and that much I can promise you as a 25-year-old. I probably won't drink there, but I know a lot of people who would.

COMMISSIONER MICHAEL GARDNER: Thank you.

Are there any other members of the public who would like to be heard?

Again, please come forward and state and spell your last names for the record.

CAROL GREENWOOD: Carol, C-A-R-O-L, Greenwood, G-R-E-E-N-W-O-O-D. I also live 10 Kennard Street. Halfway down the block. Midway between River and Western Ave.

Three or four things about this entire process have me troubled.

One, I did hear a lot of conversation from the applicant around neighborhood, but has been stated earlier, the neighborhood hasn't been consulted or even -- nobody even knocked on the door and said, "Hey, this is what we want to do."

COMMISSIONER MICHAEL GARDNER: Okay. I think we have that point. If there are other things you would like to add?

CAROL GREENWOOD: Yeah. There are two taco joints within walking distance of the

proposed establishment. One is Picante's, three blocks away. If you want a taco or a burrito or any other Mexican food, that's one place.

Chipotle's is about three blocks away down Mass Ave.

So, to the earlier consideration about market saturation for this particular kind've meal, there are plenty of options and they're very close by.

Thirdly, I don't know what public goodwill potentially will be served by adding another full alcohol license at the end of the block.

The owner -- the operators of the existing alcohol license on the River Street end of the block are, from my perspective, model pub owners.

And the noise that we hear from that end

of the street doesn't come from anywhere from the River Gods, it comes from the students that rent the house next door.

The outdoor seating is a concern, and potential trash is a concern and parking is a concern.

COMMISSIONER MICHAEL GARDNER: Thank you very much.

Could you please state and spell your last name for the record?

ANDREA SPEARS JACKSON: Andrea Spears Jackson, J-A-C-K-S-O-N, and for sake of brevity, I would just say I oppose the full liquor license.

CHAIRMAN MICHAEL GARDNER: Are there any other members of the public who would like to be heard?

Seeing none --

COREY PILZ: Mr. Chairman, before I proceed, I just have some correspondence received by the Commission that I would like to read into the record.

Emma Brooks of 55 Western Ave sends us correspondence supporting the application.

Roy Perlis of 8 Kennard sent us correspondence opposing the application.

We did receive additional correspondence from Carol Greenwood and Richard Probert opposing the application.

We received a correspondence from Judy Wilson supporting the application. And we received a correspondence from a Carolyn Shipley of the Vision Central Square requesting additional information because she was unaware of the hearing.

And we received a correspondence from Bob

and Mary Woodbury of 133 River Street, Unit 1  
requesting additional information because they  
were also unaware of the hearing.

COMMISSIONER MICHAEL GARDNER: Thank you.  
Mr. Hope, I would ask you to just come forward  
and address some of these issues with the  
applicant.

So, in particular, if you could advise us  
about the abutter notices and any community  
outreach that you've engaged in so far, and  
second, address this issue about outdoor seating,  
and third, address issues of parking, noise,  
trash and deliveries.

ATTY. SEAN HOPE: Regarding the notice  
and outreach, one of the things I always  
recommend is to save the Commission time and see  
what can be worked out for applicants to go ahead  
and reach out to their neighborhood group, at the



very least, the direct abutters.

Mr. Abu-rubayah has been living there for a very long time.

As counsel, I was retained as late as Friday. So, in terms of the abutter notices that were sent out as well as the outreach, many of the people live in very close proximity, that wasn't able to happen. And I don't know what outreach efforts had been made, but it seemed like they weren't effective either way to the neighborhood satisfaction.

I do think Beantown Taqueria being located on Mass Ave, as I said, a lot of the letters of support were primarily from that area. So to that point, I think there's some conversations that could be had.

But I do think what I did hear was the idea of they don't want another bar on Western

Ave, and they talked about that Western Front, which has different stages of life, maybe 15 years ago, it was more a jazz place and then it become different things. But I just categorically reject the comparison.

This is not trying to establish a bar, this is not trying to establish a tequila joint.

This is really trying to establish a restaurant. And the model that we based it on was based on a model that didn't have alcohol.

As I said at the outset, my recommendation when I saw this application was maybe we want to start with a beer and wine. I think it's an important distinction from our point of view of what we were trying to establish.

I do think that there was obviously the neighborhood's concerns and you heard some of

that, maybe their impressions or concerns about what the space would be might've been alleviated.

To the outdoor seating aspect and the seating, in general, this is taking an existing CV and we're just trying to change a d/b/a.

So from my understanding what is in the application, the existing CV, has 20 seats inside and seasonal outdoor seating. So it's only used from November to -- or not used from November to March.

So this is part of the outdoor seating. We're not seeking to increase any additional seating, only what we've already been approved under the previous restaurant.

COMMISSIONER MICHAEL GARDNER: Is that outdoor seating on private property or is that...?

FAWAZ ABU-RUBAYAH: Right.

COMMISSIONER MICHAEL GARDNER: You said  
20. I have in my notations 18.

ATTY. SEAN HOPE: Excuse me. 18 inside  
and 18 outside. But the proposal is to keep what  
was already approved. We're not seeking anything  
else.

Just in terms of the use, as I said  
previously, this was a space that went through a  
full zoning hearing. I'm sure many people you've  
heard from today were probably at the hearing and  
expressed their concern. There was a space in  
the residential neighborhood that was allowed to  
have nonresidential uses, one of which was an  
allowed use which was a restaurant use.

COMMISSIONER MICHAEL GARDNER: Okay. And  
is there by the nature of the cooking going to be  
any additional noise, odors, volume of  
deliveries, volume of trash?

FAWAZ ABU-RUBAYAH: We have the big case from 245 Mass Ave, the 150 Western Ave we have more storage area in the basement and we have just for 18 in the sitting area. There's not more cooking in the top. Kitchen is not like deep fried there. We have just electric grill. We have steam table. Everything electric. We don't have --

ATTY. SEAN HOPE: I think a lot of the concerns that you heard at other restaurants, at a pizza shop and fryolators are things that have odors that go into neighborhoods. You're not going to have the same -- but this is a restaurant. It's a restaurant. It's an allowed use. I don't want to pretend it's going to be the same odor as a residential use.

I think it's one of the -- in the testimony, they said, "Oh, well, there's no trash

issue because there's nobody there."

I think it speaks to the need for something that's going to work.

Again, I just want to express to the Commission, this is not an alcohol-driven concept. I know that is the worst case fear of the neighbors, and I think we can do a better job of explaining what we're trying to do.

But to that point if the Commission thought it was appropriate to do a beer and wine, to allow us to have the same basic services as Picante -- Picante has beer and wine -- and they serve beer as part of their Mexican foods.

I would also say in terms of proximity, I think it is very different to say what is on Mass Ave which is competing with a whole different segment than Western Ave, even though it is three blocks away. It's not serviced by public

transportation in the exact same way.

And I think part of -- you know, Fawaz has tried several concepts there.

So this restaurant concept is something that he really wants to try. And he really would like the support of his neighbors. This is not something that he feels that these same people here who are maybe opposing all alcohol, they would support beer and wine.

Of course, I think they're going to be essential to the success of this restaurant.

COMMISSIONER MICHAEL GARDNER: Well, that's my perhaps last question. Is the concept viable with no alcohol, like the establishment on Western Ave -- I'm sorry -- on Mass Ave?

ATTY. SEAN HOPE: I would say it would be very challenging. I wouldn't want to say impossible. There is quality food there. But I

would say it's very challenging simply because you're not going to have the same volume, you don't have a fraternity living above it. You don't have people walking down from Novitas. This has become an egregious thoroughfare for the lab and biotech industry as well as Middlesex.

There's several different restaurants that allow people to travel back and forth. Part of, I think, the struggle with some of the places on Western Avenue, you would have to tap into the neighborhoods to make that work. I think that was the concept.

COMMISSIONER MICHAEL GARDNER: How's the parking challenge to be handled?

ATTY. SEAN HOPE: I would only say that the parking was controlled by zoning. It's based -- parking is controlled by the number of seats. 600 square feet. It's already been --



part of the application for zoning was a Special Permit to allow waiver of parking. But under the rules of an existing structure, the first four parking spaces are waived, but I believe I wasn't the attorney on that application, but I believe that was part of it.

So 18 seats is one per five. So this would require two or three parking spaces and the first four are waived.

COMMISSIONER MICHAEL GARDNER: But is it 18 plus 18 seasonal? I'm not sure that I got that.

ATTY. SEAN HOPE: Seasonal seats are not counted in the overall count so they're all seasonal. The 18 is what you have to satisfy for the parking requirements.

COMMISSIONER MICHAEL GARDNER: Thank you.

Other questions?

FIRE CHIEF GERALD REARDON: Clarification on the seats. The seasonal seats come from the inside total, so seasonal seats you don't have 36, 18.

ATTY. SEAN HOPE: Yeah.

FIRE CHIEF GERALD REARDON: They come from the inside.

ATTY. SEAN HOPE: When you say "come from the inside" --

FIRE CHIEF GERALD REARDON: Well, I mean, if you're using the outdoor patio, you can't have 18 inside and 18 outside. That's what I'm trying to get clarification on. Generally, your seat capacity is your seat capacity, and if you had ten seats outside, you could only use eight inside.

ATTY. SEAN HOPE: My understanding for this specific location is that we have the 18

inside and that there are additional 18 approved for the patio and not that we have to move them.

FIRE CHIEF GERALD REARDON: That's what I would like to get clarified.

COMMISSIONER MICHAEL GARDNER: I take it you're seeking a no-value license?

ATTY. SEAN HOPE: Yes.

COMMISSIONER MICHAEL GARDNER: And tell us what, if any, efforts you've made to find out if there's an appropriate license for sale.

ATTY. SEAN HOPE: Part of me being retained on Friday, as far as I'm concerned, I didn't get a full exhaustive search of what available licenses there were.

From my experience, I know there are some licenses, all alcohol licenses for sale.

When I talked to the applicant about the average price between 100,000 and 150,000 for

these licenses that have been on sale for quite a while for many of them, they were really priced out of that market, and then traditionally, you don't see as many beer licenses and wine licenses or wine and malt licenses for sale.

If they were forced to buy an all alcohol license, I think at this point, he really would be priced out of that market.

As I said, they're not planning of deriving their income from alcohol sales.

COMMISSIONER MICHAEL GARDNER: 18 seats is pretty small to be viable at all, isn't it?

ATTY. SEAN HOPE: I also think it's a matter of your overhead, right? If you own the building and you're not paying rent, I think you can be viable.

COMMISSIONER MICHAEL GARDNER: I think at least from my point of view, I'm not at all

prepared to vote on an alcohol license this evening.

I do think it behooves the applicant to have further conversations in the neighborhood.

But I am wondering about either the desirability or need or appropriateness for us to bifurcate the application and deal with the change in hours and the change of identity of doing business as this evening and separate the alcohol out, or if in terms of your business plan, you really need to have a full decision of the Commission before you go forward.

ATTY. SEAN HOPE: Part of the concern was they wanted to be able to start operating and going sooner rather than later, so with the idea that the alcohol may take some neighborhood meetings and more time. From what I understand the change of d/b/a could be done

administratively without coming before a hearing or need to be advertised.

What does need to be advertised is the change in hours regardless if the Commission rejected alcohol, they could still change the hours for operation, and because they do want to start operating, if the Commission decided to bifurcate, this would allow them to really begin operating in the manner that they want to.

I guess part of it also is a function of when they could be heard again. There is some time going to ISD and getting the appropriate signoff. So, I guess they don't want to delay that if they couldn't be heard again before the Commission for over a month if that's when the Commission was available.

COMMISSIONER MICHAEL GARDNER: I'm not sure what else needs to be done at ISD.

ATTY. SEAN HOPE: There's -- I guess there's a license inspection approval form that you have to have.

I guess what they were doing in terms of the renovations may or may not be -- I guess it wouldn't require a building permit.

I guess to your point, I don't think there would be much to do, and this is probably why they want to move forward with the hours so that they could essentially change the name and begin operating under their existing CV without alcohol until the Commission approved it.

COMMISSIONER MICHAEL GARDNER: So I'll ask the pleasure of the Commissioners. I guess I am inclined to defer any decision on the alcohol until the May 2nd meeting with the same proviso that although we don't take testimony there, we could take written reports of any progress in

conversations within the neighborhood or with neighborhood associations.

But I think I have the picture that there is an existing CV license for a business with a restaurant plan which has not taken in the neighborhood particularly well and the owners/operators to change to a different style with the change of hours.

I'm not sure I've heard anything this evening from the -- concerns of the neighborhood or from the responses to our questions which would make me feel we needed to delay that action on that, but I will ask for the thoughts of the Commission.

FIRE CHIEF GERALD REARDON: Well, obviously, we have an existing location that is a restaurant that's been set up as such, has kitchen facilities, it's been operating and zoned



as such.

So I guess I'm inclined to turn around and approve the operation to the new d/b/a, obviously, without the alcohol at this point in time. So obviously that is the big issue in the neighborhood to deal with.

COMMISSIONER MICHAEL GARDNER: Any other thoughts? Superintendent?

SUPERINTENDENT CHRISTOPHER BURKE: Well, I think I would agree with the Chief's assessment.

COMMISSIONER MICHAEL GARDNER: Okay. I just want to put the caveat out there in terms of whatever additional capital, legal or other expenses that the applicant might encounter is our voting on the change in hours and the d/b/a this evening by no means assures any action at all with respect to an alcohol license, whether

it be full alcohol, beer and malt or nothing.

ATTY. SEAN HOPE: Understood.

COMMISSIONER MICHAEL GARDNER: I think the applicant should be aware of that.

So I'll make the motion to approve the change of hours and to change the d/b/a designation to Beantown Taqueria with the further proviso that the Commission would consider the application for an alcohol license at its decision hearing on May the 2nd with the understanding we would not be -- most likely be taking testimony that day, but would consider any written submissions that we might receive prior to that date. That's the motion.

FIRE CHIEF GERALD REARDON: Also, I want Mr. Mendez as the manager, too, just for the record.

COMMISSIONER MICHAEL GARDNER: Yes.

Right. Thank you.

The chief rightly says we need to approve Mr. Mendez as the manager for the location, and I would amend my motion to that effect.

Is there a second?

FIRE CHIEF GERALD REARDON: Second.

COMMISSIONER MICHAEL GARDNER: Motion having been made and seconded, Mr. Hope, or your applicant, do you have any questions?

ATTY. SEAN HOPE: No. I think if we come forward, I'll get some clarity with the Commission or for the fire chief regarding the outdoor seating. I think that's important to figure out.

COMMISSIONER MICHAEL GARDNER: Make sure that you haven't run afoul of ISD in any of the renovations that are going on. It makes us nervous to say you don't think you need a

building permit. Maybe you don't, but you better make sure.

FIRE CHIEF GERALD REARDON: Any time you're going to subdivide an area that has protection, whether it's the building issue, or fire protection or egress and stuff, it's going to trigger something, so...

ATTY. SEAN HOPE: We'll check.

FIRE CHIEF GERALD REARDON: Move forward at your own peril.

COMMISSIONER MICHAEL GARDNER: Motion having been made and seconded, all those in favor, signify by saying "aye."

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

COMMISSIONER MICHAEL GARDNER: Aye.

FIRE CHIEF GERALD REARDON: Aye.

COMMISSIONER MICHAEL GARDNER: None opposed.

Thank you for the application. Good luck with the new concept however modified.

And thank you to the neighborhood for expression your concerns.

**APPLICATION: SOUTH END CHEF, LLC**

COREY PILZ: South End Chef, LLC, Erynn O'Neil, manager, has applied for a vendor/peddler license to operate a mobile food truck on private property at 1 Oxford Street. Applicant would be permitted to be on said property from 11:30 a.m. to 9:00 p.m. seven days per week.

COMMISSIONER MICHAEL GARDNER: Is there anybody here for this application?

Move along, Mr. Pilz.

**APPLICATION: FTN LEASING, LLC D/B/A**

**LOBSTA LOVE**

COREY PILZ: Yes. Application: FTN Leasing, LLC doing business as Lobsta Love, Todd

Saunders, manager, has applied for a vendor/peddler license to operate a mobile food truck on private property at 1 Oxford Street. Applicant would be permitted to be on said property from 11:30 a.m. to 9:00 p.m. seven days per week.

COMMISSIONER MICHAEL GARDNER: Good evening.

If you would both please state and spell your last names for the record and identify your affiliations.

TODD SAUNDERS: Todd Saunders, S-A-U-N-D-E-R-S. I'm the owner and basically managing member of FTN Leasing, LLC and own and operate both Lobsta Love as well Grill Cheese National.

CHAIRMAN MICHAEL GARDNER: Thank you.

MICHAEL PAPPAS: Mike Pappas,

P-A-P-P-A-S, director of operations.

COMMISSIONER MICHAEL GARDNER: Thank you.

So tell us about the 1 Oxford Street location, how you envision what you're going to be doing there?

TODD SAUNDERS: We've actually been there since September of 2011, both with Lobsta Love and Grilled Cheese Nation. Previously it had been daily permits that were required of us, and we would go in as part of the pilot program that Harvard did, we were the first ones -- some of the first ones, but certainly two of the three or four that first started there.

We have been there continually until this past -- through last October 2012, but have been dealing with all the construction that's taking place on the plaza and been moved onto a parking spot on Oxford Street, which was not quite as

viable.

And we took the winter off, as we did with all of our Boston locations. And as of -- basically they're reopening the plaza. I believe there's opening event on April 19th, but April 23rd is the date that they would like us to be back on campus.

I haven't actually seen the renovated space, but I heard it's much improved and much more amenable for both the food truck operations as well as becoming a focal point for the campus.

COMMISSIONER MICHAEL GARDNER: You have all of the Harvard cooperation? You're their partner?

TODD SAUNDERS: Yes. There was a letter, I believe, that was submitted. I know it was submitted, I don't have a copy of it, but I was told that it's in your presence, your files, from



the university.

CHAIRMAN MICHAEL GARDNER: Will your business plan or model of your mode of operation change in any ways from what you were doing previously?

TODD SAUNDERS: No. The menu might get tweaked a little bit.

COMMISSIONER MICHAEL GARDNER: But essentially you're just moving back to a space you were in before that's after the renovation?

TODD SAUNDERS: Exactly. And we were requested to get an annual permit instead of daily permit.

COMMISSIONER MICHAEL GARDNER: Right.

Other questions?

FIRE CHIEF GERALD REARDON: No. I'm familiar with the location and the trucks involved. I guess for purposes we could probably

do both of these at the same time since  
Mr. Saunders has both trucks.

COMMISSIONER MICHAEL GARDNER: I see  
there are actually two applications here  
sequentially on our agenda.

Are there members of the public who want  
to be heard on this matter?

COREY PILZ: Mr. Chairman, I will just  
read into the record the letter received from  
Madeline Meehan of Harvard University supporting  
both applications.

COMMISSIONER MICHAEL GARDNER: I'll make  
the motion to approve the vendor/peddler licenses  
for Lobsta Love and Grill Cheese Nation as stated  
in the agenda and is further reflected in the  
application.

Motion having been made and seconded, all  
in those favor, signify by saying "aye."

FIRE CHIEF GERALD REARDON: Aye.

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

COMMISSIONER MICHAEL GARDNER: Aye.

None opposed.

Welcome back April 19, 23rd, whatever it is.

TODD SAUNDERS: Please come have a lobster roll or a grilled cheese. We'd love to have you sample our wares.

FIRE CHIEF GERALD REARDON: I'm more of a grilled cheese person over there, but...

CHAIRMAN MICHAEL GARDNER: Thank you very much.

TODD SAUNDERS: Thank you very much.

**APPLICATION: BOSTON TACO, LLC D/B/A**

**THE TACO TRUCK**

COREY PILZ: Application: Boston Taco, LLC doing business as The Taco Truck, Gregory

Vasey, manager, has applied for a vendor/peddler license to operate a mobile food truck on private property at 1 Oxford Street. Applicant would be permitted to be on said property from 11:30 a.m. to 9:00 p.m. seven days per week.

COMMISSIONER MICHAEL GARDNER: Good evening. If you'd just state and spell your last name for the record?

GREG VASEY: It's Greg, G-R-E-G, V-A-S-E-Y.

COMMISSIONER MICHAEL GARDNER: And I take that you were here for the last applicant's presentation?

GREG VASEY: I know him well.

COMMISSIONER MICHAEL GARDNER: Is there anything substantially different about your application and the process here than was referred to with the previous two applicants?

GREG VASEY: No. Different cuisine, different trucks, same location, same endorsements, presumably.

COMMISSIONER MICHAEL GARDNER: Have you operated there in the past?

GREG VASEY: Not there, no. But we have been permitted and we've been operating all through 2012 on Memorial Drive. They did a pilot program and they were shutting down part of it to have pedestrian traffic, and they brought in food trucks and so we participated in that.

We have been permitted by ISD and everybody. We got a history with Cambridge and it's gone very well.

COMMISSIONER MICHAEL GARDNER: When I looked in the file, I saw something in the logo that seemed to indicate that you were affiliated with Five Guys.

GREG VASEY: That's my email signature.  
I'm a Five Guys franchisee also.

COMMISSIONER MICHAEL GARDNER: But this  
has got nothing to do -- there's no Five Guys  
coming in here?

GREG VASEY: No co-ownership.

COMMISSIONER MICHAEL GARDNER: This is a  
completely different operation?

GREG VASEY: Yes.

COMMISSIONER MICHAEL GARDNER: Other  
questions?

FIRE CHIEF GERALD REARDON: Nothing.

COMMISSIONER MICHAEL GARDNER: Any there  
any members of the public who would like to be  
heard on this matter?

COREY PILZ: Mr. Chairman, just to read  
into the record, we also received a letter from  
Madeline Meehan of the office the Harvard

University supporting this application.

COMMISSIONER MICHAEL GARDNER: Okay. All those in favor -- well, I'll make the motion to approve the vendor/peddler license for The Taco Truck as described in the agenda and in the application documents.

SUPERINTENDENT CHRISTOPHER BURKE: Second that.

COMMISSIONER MICHAEL GARDNER: Motion having been made and seconded, all those in favor, signify by saying "aye."

Aye.

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

FIRE CHIEF GERALD REARDON: Aye.

COMMISSIONER MICHAEL GARDNER: None opposed.

So I guess welcome to Oxford Street.

GREG VASEY: Thank you very much.

COMMISSIONER MICHAEL GARDNER: Good luck.

**APPLICATION: JAAS MEDIA, INC. D/B/A**

**APPLE MEDIA**

COREY PILZ: Application: JAAS Media, Inc., doing business as Apple Media, Jegan Gomangalam, manager, has applied for an entertainment license at 168 Alewife Brook Parkway to include: 10 cinema screens; exhibition of movies and kids' parties; audio tape machine/CD playing music below, at or above conversation level; TV; radio; and 12 video games, pinball machines, or other automated amusement devices.

COMMISSIONER MICHAEL GARDNER: I'D ask you to state and spell your last names for the record.

JEGAN GOMANGALAM: I'm Jegan Gomangalam,  
G-O-M-A-N-G-A-L-A-M.



COMMISSIONER MICHAEL GARDNER: And your role here -- I'll just take your -- if you're going to speak, sir?

MR. SHANMUGASUNDARAM: My last name is spelled S-H-A-N-M-U-G-A-S-U-N-D-A-R-A-M.

COMMISSIONER MICHAEL GARDNER: And just tell us your different roles in this application.

JEGAN GOMANGALAM: Sure I'm the president and director of JAAS Media doing business as Apple Cinemas.

MR. SHANMUGALUNDARAM: I'm the director of JAAS Media doing business as Apple Cinemas.

COMMISSIONER MICHAEL GARDNER: Tell us a little bit about JAAS Media and how it is that you come to be wanting to operate this cinema complex, which, as I understand it, is the one which has been near the shopping center for a long time.

JEGAN GOMANGALAM: Sure. JAAS Media was started in 2010, and our main operation was to screen foreign movies.

We have leased one screen for foreign movies, so we know that place and we have very much been associated with the theatre owners and the theatre operation for six years.

COMMISSIONER MICHAEL GARDNER: Do I understand it right that you have -- you have this company which was screening essentially foreign language or foreign films within the complex that now you're proposing to take over in its entirety?

JEGAN GOMANGALAM: Yeah, right. That's exactly correct. We're doing the same thing. We'll be showing the foreign movies. We'll show all the mainstream movies. We have negotiated a lease with the new owner.

COMMISSIONER MICHAEL GARDNER: So the prior operator was Entertainment Cinema?

JEGAN GOMANGALAM: Yes.

COMMISSIONER MICHAEL GARDNER: Have they gone out of business or they've given up this location or what's happened with that?

JEGAN GOMANGALAM: They have given up this location.

COMMISSIONER MICHAEL GARDNER: You have bought it or made arrangements to become the licensee?

JEGAN GOMANGALAM: Yes.

COMMISSIONER MICHAEL GARDNER: And what has been your experience in operating cinemas or film houses besides this since 1910 -- I'm sorry -- since 2010?

JEGAN GOMANGALAM: Our main experience was in the screening foundation films. We have a

theatre in Entertainment Cinema. We have one screen in Connecticut. And we have one more screen in Rhode Island. So we have three screens. Almost like go to the theatre -- we do the foreign movies in that location. I'm not on top of it. As a manager, I have proper management experience. I have managed a lot of projects. I come from a management background of programs and projects.

COMMISSIONER MICHAEL GARDNER: What about experience with the sort of ancillary businesses, kids' parties, the video games or different entertainment things?

JEGAN GOMANGALAM: I have a four-year-old and one-year-old, so we take them to all the parties, and we have been going to the birthday parties. What we think this theatre can do better is make it more kid friendly, and we are

trying to get small screen for birthday parties where they bring their own DVDs to watch their movies. We have a lot of programs combined to hopefully bring in more business.

CHAIRMAN MICHAEL GARDENER: Do you envision any renovation or is the physical structure inside going to be the same?

JEGAN GOMANGALAM: Yes. The physical structure is going to be the same. But we have an interesting renovation plan. Currently the theatre uses the old projectors. We have plans to convert all the 10 screens to digital projectors. We're going to upgrade the sound system. We're going upgrade seats. We're going to clean up the carpets and make it really good.

We're currently operating on a daily license basis, and we would like the Commission to grant us a license, if possible.

COMMISSIONER MICHAEL GARDNER: How long have you been doing daily licenses?

JEGAN GOMANGALAM: From April 5th.

COMMISSIONER MICHAEL GARDNER: Just last week or this week?

JEGAN GOMANGALAM: Yes.

COMMISSIONER MICHAEL GARDNER: Your capitalization plan, I mean, it sounds like a pretty big investment here. Where is the capital coming from?

JEGAN GOMANGALAM: It's coming from me and my partner, both my wife and all of us working, all four of us working full-time jobs and we have enough capital stored. We're also going with a leasing programs, companies and other companies like we have started up.

COMMISSIONER MICHAEL GARDNER: Other questions?

FIRE CHIEF GERALD REARDON: So have you been in the day-to-day operations with the one screen yourself? Do you operate or just simply rent that particular one, so your camera operator stuff was from the other company generally?

JEGAN GOMANGALAM: We lease and they operate.

FIRE CHIEF GERALD REARDON: So you'd be taking a lot of the employees that worked on the previous --

JEGAN GOMANGALAM: All the employees we're taking over. In fact, we're going to hire a manager, current manager, who has been in the theatre for about ten years and help us. Really the transition plan is very smooth. So we have planned other things.

We're going to move -- we're working to buy the movies and they're all approved.

FIRE CHIEF GERALD REARDON: Thank you.

CHAIRMAN MICHAEL GARDNER: Are there any members of the public who would like to be heard in this matter?

Will the offering of films be changed in any particular way, the mix of what you exhibit?

MR. SHANMUGALUNDARAM: No, we have not planned to change any of that. We'll be mainly showing Hollywood movies, and one or two screens might show like foreign movies, but we're not changing any of this.

COMMISSIONER MICHAEL GARDNER: I'll make the motion to approve the entertainment license for 168 Alewife Brook Parkway for JAAS Media doing business as Apple Media as described on the agenda and in the application, including the entertainment licenses as specified.

JEGAN GOMANGALAM: It's actually Apple



Cinemas.

COMMISSIONER MICHAEL GARDNER: Okay.

It's Apple Cinemas.

Did you make a note of that?

COREY PILZ: Correction noted.

COMMISSIONER MICHAEL GARDNER: Thank you.

That's the motion.

SUPERINTENDENT CHRISTOPHER BURKE:

Second.

COMMISSIONER MICHAEL GARDNER: Motion  
having been made and seconded, all in favor,  
signify by saying "aye."

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

FIRE CHIEF GERALD REARDON: Aye.

COMMISSIONER MICHAEL GARDNER: Aye.

None opposed. We have approved it.

Do you have something to add, sir?

MR. SHANMUGALUNDARAM: No. Thank you

very much.

CHAIRMAN MICHAEL GARDNER: You're  
welcome. Good luck.

**APPLICATION: VOLTMETER, LLD D/B/A**

**VOLTAGE COFFEE & ART**

COREY PILZ: Application: Voltmeter, LLC  
doing business as Voltage Coffee & Art, Lucy  
Valena, manager, holder of a wine and malt  
beverages as a restaurant license at 295 Third  
Street has applied for a one-day extension of  
their closing hour to close at 11:00 p.m. on  
April 11, 2013 for food and alcohol service.

CHAIRMAN MICHAEL GARDNER: Good evening.  
If you'd state and spell your last name for the  
record and tell us what the application is all  
about.

LUCY VALENA: Hi. My name is a Lucy  
Valena, V-A-L-E-N-A. I'm the manager of record

at Voltage Coffee & Art. We have been open for about two and a half years. And we have an event that we would like to stay open for an extra two hours. The event is a coffee competition. I don't know if you guys are familiar with latte art, but it's something that's practiced by baristas all over the country and the world.

And I'm not going explain it to you right now, but it's making patterns in coffee.

COMMISSIONER MICHAEL GARDNER: These are like the pictures on the wall at the 1369?

LUCY VALENA: Exactly. People get very excited about this and a little bit competitive and there's a trend that has been huge throughout the country for the past couple of years called Thursday night throw-downs, which major cities have a pretty amazing scene for. And we have a great one here in Boston every --

COMMISSIONER MICHAEL GARDNER: This is Cambridge, though.

LUCY VALENA: Excuse me. Greater Boston area. Basically every month a different coffee hosts this event. It's really fun and basically a time for the coffee community to come together and talk and kind've show off what they can do pouring coffee.

The reason why this one on Thursday is so special and why we want to stay open an extra couple hours is because the Specialty Coffee Association is hosting a huge exposition in Boston this weekend, and there's just coffee people from all over the country here.

You're going to see a lot of hipsters in town over the next week. And it would basically be a -- we want to host this event so we can provide a time for all of these baristas all over

the country to talk to each other and socialize.

COMMISSIONER MICHAEL GARDNER: Your space is big enough to handle this?

LUCY VALENA: Yeah.

COMMISSIONER MICHAEL GARDNER: And you currently close at 9:00, is that right?

LUCY VALENA: We usually close at 7:00. If we have events, we have been closing at ten of nine.

COMMISSIONER MICHAEL GARDNER: What's the -- you don't have an alcohol license now, do you?

LUCY VALENA: We have a beer and wine license.

COMMISSIONER MICHAEL GARDNER: You have a beer and wine license. Will this be the same? You're just asking for beer and wine to be extended for two hours?

LUCY VALENA: Just on this Thursday.

COMMISSIONER MICHAEL GARDNER: Was there any neighborhood notice required or done, Mr. Pilz?

COREY PILZ: There was not.

CHAIRMAN MICHAEL GARDNER: There were no abutter notices?

COREY PILZ: No. No abutter notices.

COMMISSIONER MICHAEL GARDNER: None required?

COREY PILZ: None required.

COMMISSIONER MICHAEL GARDNER: Are there any members of the public who would like to be heard on this matter?

Do you anticipate any neighborhood problems, issues about being later? How you will control the noise?

LUCY VALENA: The only problem we have

had is live music, we haven't done that for a long time to keep them happy. We'll keep the noise down. I'll be on site and all my managers will be on site. They're all certified crowd managers. We'll be keeping count. I'll be making sure that people are not congregating outside and smoking, all the problems that could happen, I will make sure don't happen.

COMMISSIONER MICHAEL GARDNER: Any other questions?

SUPERINTENDENT CHRISTOPHER BURKE: Does the throw-down require an intensive security plan?

LUCY VALENA: No.

SUPERINTENDENT CHRISTOPHER BURKE: No.

LUCY VALENA: It's not a guy wrestling match if that's what you mean. But it's a great question. Aggressive strutting around.

COMMISSIONER MICHAEL GARDNER: So I'll make a motion to approve a one-day extension of the closing hour to close at 11:00 p.m. on April 11, 2013 for alcohol and food service.

SUPERINTENDENT CHRISTOPHER BURKE:  
Second.

COMMISSIONER MICHAEL GARDNER: Motion have been made and second, all those in favor, signify by saying "aye."

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

LUCY VALENA: Thank you so much.

COMMISSIONER MICHAEL GARDNER: Good luck.  
This is not a third Thursday, right? This is throw-down Thursday?

Good luck with the event.

LUCY VALENA: Thank you. Should I pick



up a -- do I need a special event license for this to have on site?

COREY PILZ: Contact us tomorrow, we'll take care of that.

LUCY VALENA: Great.

CHAIRMAN MICHAEL GARDNER: Good luck.

**APPLICATION: COMPASS GROUP USA, INC., D/B/A**

**EUREST DINING SERVICES**

COREY PILZ: Application: Compass Group USA, Inc., doing business as Eurest Dining Services, Kevin Dagesse, manager, has applied for a common victualer license to be exercised at 360 Binney Street. Said license, if granted, would allow food and non-alcoholic beverages to be sold, served and consumed on said premises with a seating capacity of 20. The proposed hours of operation are 8:30 a.m. to 2:30 p.m. Monday through Friday.

COMMISSIONER MICHAEL GARDNER: Good evening. If you'd be so kind as to state and spell your last names for the record and identify your affiliation.

JERRY NEVERMAN: Jerry Neverman, N-E-V-E-R-M-A-N, first name Jerry with a J. District manager for the Compass Group, managing food service contracts in Cambridge area and also across the United States.

KEVIN DAGESSE: Kevin Dagesse, last name D-A-G-E-S-S-E. I'm the unit manager.

COMMISSIONER MICHAEL GARDNER: Tell us about what Eurest Dining Services does and what your plan is at Binney Street.

JERRY NEVERMAN: Eurest Dining is a sector of the Compass Group. We are the largest food service management company globally. We manage contracts in the Cambridge area. We run

-- actually we're here twice in the last year and a half with Pfizer over at Cambridge north, Building 35 and 200. Pfizer bought a mile down the road at building 600. 620 Memorial Drive and also a new building going up at 610. This application is for Amgen, which is on 360 Binney Street. We're talking over from Sodexo, the incumbent. The physical space is a small kiosk, if you will, serving coffee, third-party grab-and-go type salads and sandwiches, little cups of humus and retail items. And we're transitioning on April 19 and opening up on the 22nd.

Same services are rendered and no changes to hours of operation and no changes to what we're serving, which is basically a transition --

COMMISSIONER MICHAEL GARDNER: You're taking over an existing business, you're

replacing a prior vendor with bringing yourselves in and essentially running in the facility essentially the same kind of operation, is that fair?

JERRY NEVERMAN: That's accurate.

COMMISSIONER MICHAEL GARDNER: This is not full cafeteria service or a dining plan, it's grab and go --

JERRY NEVERMAN: Exactly. We're opening like 15 across the nation this weekend, and this is a small little like a basic kiosk on the seventh floor of the Amgen building, and I think it has 16 seats, 15 or 16 seats. It's also a kitchenette where people come down to get their coffee supplied by one of our companies on canteen vending.

COMMISSIONER MICHAEL GARDNER: It's oriented for employee food, is that the idea?

JERRY NEVERMAN: Right. It's not open to the public, just Amgen.

COMMISSIONER MICHAEL GARDNER: Other questions?

FIRE CHIEF GERALD REARDON: No questions.

COMMISSIONER MICHAEL GARDNER: Are there any members of the public who would like to be heard on this matter?

Seeing none, I will make the motion to approve the common victualer license to be exercised at 360 Binney Street by Compass Group USA as described in the application and the agenda.

FIRE CHIEF GERALD REARDON: Second.

COMMISSIONER MICHAEL GARDNER: Motion having been made and seconded, all those in favor, signify by saying "aye."

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

COMMISSIONER MICHAEL GARDNER: Aye.

FIRE CHIEF GERALD REARDON: Aye.

COMMISSIONER MICHAEL GARDNER: None

opposed.

Welcome to another location in Cambridge.

Good luck.

KEVIN DAGESSE: Thank you.

**APPLICATION: CAMBRIDGE RADIO DISPATCH**

**D/B/A AMBASSADOR BRATTLE CAB**

COREY PILZ: Application: Cambridge  
Radio Dispatch, doing business as Ambassador  
Brattle Cab, George Fiorzena, manager, has  
applied for a Taxicab Dispatch Association Permit  
to be exercised at 76 Hampshire Street.

CHAIRMAN MICHAEL GARDNER: Good evening.

If you'd be so kind as to state and spell your  
last names for the record and identify your  
affiliations.

GEORGE FIORENZA: Sure. George Fiorenza  
F-I-O-R-E-N-Z-A, I'm the owner of Cambridge Radio  
Dispatch.

JOSEPH SILVA: Joseph Silva, S-I-L-V-A,  
director of operations.

COMMISSIONER MICHAEL GARDNER: So I take  
it you're now applying because we have new  
regulations for dispatch operations to be  
licensed in the city?

GEORGE FIORENZA: Yes.

COMMISSIONER MICHAEL GARDNER: Mr. Pilz,  
do you want to set the stage a little bit for us?

COREY PILZ: Yes, Mr. Chairman. At its  
regularly scheduled hearing on November 20, 2012,  
the Board of License Commissioners voted to amend  
the Cambridge Taxicab Rules and Regulations to  
adopt a permit system for dispatch associations.

The dispatch associations are permitted

by the City of Cambridge to ensure the general public maintains adequate access to Cambridge licensed taxicabs.

The definition of a dispatch association adopted by this Board incorporates all businesses that dispatch a Cambridge licensed taxicab, regardless of the means and manner in which contact is initiated with a Cambridge licensed taxicab or a dispatch association itself.

Thus, businesses operating via website, mobile phone application, SMS text messaging service or similar means must obtain a permit from the License Commission prior to dispatching any Cambridge licensed taxicab.

And just for background, the reason why we chose to permit the dispatch associations were generally for three reasons: (1) To ensure all the different types of means of dispatch that was



occurring in the city was put on an equal level playing field so that everybody knew which rules to abide by, and there were no gray areas in terms of operations.

We also want to build an additional consumer protections in terms of a service standard, and making sure that drivers were knowledgeable.

We also built in several requirements for reporting, including submitting annual reports to the Commission so that you all had appropriate information to ensure adequate regulation of the industry.

COMMISSIONER MICHAEL GARDNER: Thank you. And I take it that Ambassador Brattle has been doing dispatch for some time in the city, would that be a fair --

GEORGE FIORENZA: That would be a fair

statement, Mr. Chairman.

COMMISSIONER MICHAEL GARDNER: Are there any changes to your business model or operations that you envision as a result of the coming license?

GEORGE FIORENZA: No changes, no.

COMMISSIONER MICHAEL GARDNER: So one of the things that we dealt with in drafting these regulations was, as Mr. Pilz said, we were interested in being able to obtain more data from the industry so we could better understand the industry, its implications both for medallion owners, for Hackney licensed operators and the general public.

And so, there are a number of data demands, requirements, put to you in the regulations.

And the question I have is: Do you have

any concerns or issues about your capacity to provide that information on a regular basis?

GEORGE FIORENZA: None whatsoever.

COMMISSIONER MICHAEL GARDNER: If you've been readers of the Boston Globe within the last couple weeks, you might've noticed a fair amount of publicity about the taxi industry in Boston. At least one of the lead concerns there was the idea that particularly, as I understood it, newly licensed Hackney operators may had to, in fact, pay to play in terms of getting particular cabs or assignments.

I don't recall that series of stories addressed the issue of dispatch services, but it's at least certainly occurred to us that one of the concerns that potentially exist in the industry is whether or not there's any favoritism or ways in which certain operators get better

calls or get more dispatch calls or not, and I just wonder if you could give us a brief summary of how you operate the business in terms of who you dispatch to and so how it really works.

GEORGE FIORENZA: Unlike some of the other taxi dispatch companies, we're all computer based. Meaning every taxicab subscribed to our service has a mobile data terminal that determines where you are by GPS, who the closest cab is to that job and the system automatically assigns the job.

So even though we have three operators and dispatcher at all times in our dispatch office, no operator or dispatcher physically assigns a job. It's automatically assigned. So that takes away any of that feeding that you had in the old days, but it did happen. In the old days it did. But so us implementing the system

which we've had since 1999 has allowed us to have that issue go away.

Also, our mobile data terminals accept credit cards. So one of the biggest issues we have in the City of Cambridge right now is this whole credit card issue. So since 1999, we have had that as well. So we're also affiliated with some of the apps out there, Taxi Manager where someone on their phone automatically enters their address where they are and automatically sends it to our computer system which automatically dispatches the driver.

COMMISSIONER MICHAEL GARDNER: You work with some apps, phone apps now?

GEORGE FIORENZA: Exactly. That integrate with the software that we have. If we can't get integrated, we don't support it. We try to be hands free as much as possible.

COMMISSIONER MICHAEL GARDNER: Thank you.

Other questions?

FIRE CHIEF GERALD REARDON: So whose service are you using for the -- whose equipment are you using for the mobile?

GEORGE FIORENZA: We use Mobile Knowledge out of Canada.

FIRE CHIEF GERALD REARDON: Whose service is that running on?

GEORGE FIORENZA: Server?

FIRE CHIEF GERALD REARDON: Service. Obviously it's a radio service or it's a cellular service.

GEORGE FIORENZA: We use a Sprint card that's attached to it.

FIRE CHIEF GERALD REARDON: Do you do any what they call RF, regular radio transmissions, anymore for anything, or everything is the --

GEORGE FIORENZA: The only transmission we have, there are radios in the cab that only allow to speak to the dispatcher for calling the customer. There's no -- what happens is the cab driver will request a voice, the voice is then granted by the dispatcher which allows the radio to be open to talk to the dispatcher.

CHAIRMAN MICHAEL GARDNER: But the dispatch is done through the MDT?

GEORGE FIORENZA: Through the MDT.

FIRE CHIEF GERALD REARDON: Mobile data terminal.

So you still maintain the radio service in the cabs, then, the old two-way radios?

GEORGE FIORENZA: Two-way radios, yes.

FIRE CHIEF GERALD REARDON: And you transmit off the building there itself or do you use a repeater system?

GEORGE FIORENZA: We have a repeater there which is off the building.

CHAIRMAN MICHAEL GARDNER: Any issues with this application, Mr. Pilz?

COREY PILZ: Not that we can see. They have addressed all of our concerns in terms of the emergency response plan, accommodating people with disabilities and also employee training.

Do you have a copy of your FCC license?

GEORGE FIORENZA: Yes.

FIRE CHIEF GERALD REARDON: The number that's on here is actually your FRA and your federal registration number not the license number.

COMMISSIONER MICHAEL GARDNER: Is this a copy for our files?

GEORGE FIORENZA: Yes.

COMMISSIONER MICHAEL GARDNER: Any other



questions?

FIRE CHIEF GERALD REARDON: Did you get an updated license recently?

GEORGE FIORENZA: That is right there, sir. That expires '20-something.

FIRE CHIEF GERALD REARDON: The problem is your emission designators or wideband, that you're illegal as of January 1st this year at 20KOF3 has to be changed. All your equipment has to be narrow-banded.

JOSEPH SILVA: Yeah, we have All Com that is working on adjusting our base station.

FIRE CHIEF GERALD REARDON: The other thing is that you may get a cease and desist because anything that wasn't done with the emission designator will get purged, so even though it's not expired, it's invalid technically. So, you may want to look at that.

GEORGE FIORENZA: Okay. That's why we use the computers more often.

FIRE CHIEF GERALD REARDON: Because you also have to do all the mobile equipment as well, too. Depending how old it is, it gets costly.

JOE SILVA: We got some letters a little awhile ago, but they weren't from the FCC, they were from --

FIRE CHIEF GERALD REARDON: FCC business --

JOE SILVA: It was a weird. They told us not to worry about it, and then after we spoke to them, they were in the middle of updating our base station and we have to find out what radio to work with the narrow banding.

GEORGE FIORENZA: That's why also we switched over to Sprint. We don't have to use the radio to communicate.

FIRE CHIEF GERALD REARDON: You don't have to maintain at all. When they break, they just give you another one and that's it.

GEORGE FIORENZA: We use that.

COMMISSIONER MICHAEL GARDNER: Are there any members of the public who want to be heard on this application?

Seeing none, I'll make the motion to approve the taxicab dispatch association permit for Cambridge Radio Dispatch doing business as Ambassador Brattle Cab as stated in application.

FIRE CHIEF GERALD REARDON: Second.

COMMISSIONER MICHAEL GARDNER: Motion have been made and seconded, all those in favor, signify by saying "aye."

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

FIRE CHIEF GERALD REARDON: Aye.

COMMISSIONER MICHAEL GARDNER: Aye.

Thank you very much. This is a new effort that the Commission is undertaking and it's going to be successful if we get good cooperation from organizations like yours, and we appreciate your work on the behalf of all us.

**APPLICATION: CAMBRIDGE CAB COMPANY**

COREY PILZ: Application: Cambridge Cab Company, Hisham Hegazy, manager, has applied for a Taxicab Dispatch Association Permit to be exercised at 286 Broadway.

And just for the convenience of Commission, Cambridge Cab dispatches via telephone, website and also facsimile.

COMMISSIONER MICHAEL GARDNER: Facsimile.

If you would just state and spell your last name for the record, sir?

HISHAM HEGAZY: Good evening. My name is Hisham, H-E-G-A-Z-Y.

COMMISSIONER MICHAEL GARDNER: So you were here for the last applicant, I believe, and you heard Mr. Pilz introduce the matter in terms of why we have the new regulations, and you heard some of my questions to them.

We'd just appreciate it if you could briefly talk a little bit about how your service works and also address this issue of how you control favoritism or steerage or feeding of assignments.

HISHAM HEGAZY: Okay. I started this company since 1998. And basically, I was working, helping the City of Cambridge and serving the regular public transportation for in and out of the city like airport and everywhere else. I operate -- my office right now is at 286 Broadway, and we have like a regular individual drivers all with medallions, and I dispatch to

them the jobs. When I receive a call from the customer, and if it's (inaudible) call, I give it away, and if it's a call right away right now, do you want it right now, I dispatch it through the phone line or through the text message or -- mostly phone line and text message.

I have a website and my website it has the reservation on-line. And also, we serve packaging service, delivery. And we do -- the most of the service is related to the taxi more than anything else. This is basic operation.

COMMISSIONER MICHAEL GARDNER: How many employees do you have and how many medallion owners or operators do you work with?

HISHAM HEGAZY: I'm the only one operating, plus my wife. She help me, and we have medallion operators around between ten to 15 drivers. They have their own cars, their own

medallions, and this is it.

COMMISSIONER MICHAEL GARDNER: Any questions?

FIRE CHIEF GERALD REARDON: So you're basically using cell phones and text messages for those drivers primarily?

HISHAM HEGAZY: Yes. And I have regular phone, like land phone, but sometimes when I'm busy, I transfer the line to my cell phone, like call forward. The line. And basically that helps a lot in order to eliminate any calls, drop down calls. I want the customer to call me so he can find me. So I have several lines, mobile lines, if one line is not answering, that line can go to another line.

So in this case if the customer call me on that phone, and it doesn't answer, the call goes to another line and I receive it also on

another line. This way I don't miss the call.

It helps the customer not to lose.

For example, like we have an emergency or somebody need an emergency call or his wife go to the hospital or it's like any emergency, so this way you can have other help.

FIRE CHIEF GERALD REARDON: So you don't actually have any traditional two-way radios in that fleet at all?

HISHAM HEGAZY: No. We don't have --

FIRE CHIEF GERALD REARDON: You don't have a radio transmitter?

HISHAM HEGAZY: We used to have it, but it's not really helpful very much.

COMMISSIONER MICHAEL GARDNER: Cell phones work as well for you as radios used to, is that the summary?

HISHAM HEGAZY: We have iPhone and cell



phones. iPhone we can do texting and also email. Like we receive a call by email and we send all my email to the drivers sometimes and by text message.

COMMISSIONER MICHAEL GARDNER: That doesn't sound very save to me for you to be texting drivers. They're not supposed to be reading texts while they're driving.

HISHAM HEGAZY: No. Not while we're driving, we're doing in the office. We don't do text while driving at all. It's illegal. It's the law not to text while you drive.

COMMISSIONER MICHAEL GARDNER: But are you texting to drivers who are out on the road?

HISHAM HEGAZY: No. No. Previously if the time call, we do that. We call them and tell them we're going to text them the message for the job, like 10:00, for example, and 7:00 now.

COMMISSIONER MICHAEL GARDNER: I see. So prearranged times.

HISHAM HEGAZY: Prearranged, yes. But if it's a call like right away, the driver is ready and he's ready to take the call, so he answers the call and then we give him the job, and then he take it and he goes ahead and do it.

FIRE CHIEF GERALD REARDON: So I guess the -- do all the drivers -- obviously, they own their medallions?

HISHAM HEGAZY: Some drivers, they lease them. They lease them from the owners.

FIRE CHIEF GERALD REARDON: Does the owner provide them the cell phone or does each driver respond --

HISHAM HEGAZY: Has his own phone.

FIRE CHIEF GERALD REARDON: So you get a list of the driver's to know who is working that

day?

HISHAM HEGAZY: Yes. We use credit card also for providing services to people, no cash only.

FIRE CHIEF GERALD REARDON: The credit card, does it go through the phone or do you have a separate device?

HISHAM HEGAZY: Separate device. We have all options through the phones.

FIRE CHIEF GERALD REARDON: You use a smart phone, though, for a credit card versus a standard phone. Okay.

HISHAM HEGAZY: Also like wireless machine. You swipe it and get the receipt, two copies, copy for the customer and copy for the company.

COMMISSIONER MICHAEL GARDNER: You heard us say that one of the purposes of the

regulations is to require the dispatch organizations to provide us with certain information or data so we can understand the industry better to better serve the public.

You'll be able to provide that data and you'll cooperate?

HISHAM HEGAZY: Yes.

COMMISSIONER MICHAEL GARDNER: Thank you.

HISHAM HEGAZY: In the future, the next time or any time like next month or months after, you want to do monthly basis, I don't mind, I can do that, but if you want to do it like in six months --

COMMISSIONER MICHAEL GARDNER: We'll work it with Mr. Pilz according to the organization.

HISHAM HEGAZY: I don't want to keep you busy, you're busy already.

COMMISSIONER MICHAEL GARDNER: Are there

any members of the public who would like to be heard on this application?

Seeing none, I'll make the motion to approve Cambridge Cab Company as one of the Taxicab Dispatch Association Permit holders.

HISHAM HEGAZY: Thank you.

FIRE CHIEF GERALD REARDON: Second.

COMMISSIONER MICHAEL GARDNER: Motion having been made and seconded, all those in favor, signify by saying "aye."

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

FIRE CHIEF GERALD REARDON: Aye.

COMMISSIONER MICHAEL GARDNER: Aye.

None opposed.

Good luck with your continued business, sir.

HISHAM HEGAZY: Thank you.

**APPLICATION: CLASSIC CAB, LLC D/B/A CLASSIC CAB**

COREY PILZ: Classic Cab, LLC doing business as Classic Cab, Jean Charles, manager, has applied for a Taxicab Dispatch Association Permit to be exercised at 2380 Massachusetts Avenue, Suite 108.

COMMISSIONER MICHAEL GARDNER: Good evening.

I'll just ask you to state and spell your last name for ford and then talk a little bit about your business.

JEAN CHARLES: Name is Jean Charles. Last name Charles, C-H-A-R-L-E-S. I'm owner of the Classic Cab. I opened Classic Cab in 2006.

COMMISSIONER MICHAEL GARDNER: You have been in operation since 2006?

JEAN CHARLES: 2006. Offices used to be at 146 Western Ave.

COMMISSIONER MICHAEL GARDNER: You used

to be at 146 Western Ave?

JEAN CHARLES: Yeah.

CHAIRMAN MICHAEL GARDNER: Now you've  
moved --

JEAN CHARLES: Now I'm moving to 2380  
Mass Ave.

FIRE CHIEF GERALD REARDON: Is that at  
the corner of Tyler Court?

JEAN CHARLES: Yes. And we have -- we  
were using two-way radio system. And right now,  
I'm planning to change it to Verizon.

COMMISSIONER MICHAEL GARDNER: To an  
iPhone system?

JEAN CHARLES: Verizon.

COMMISSIONER MICHAEL GARDNER: Verizon.  
I'm sorry.

JEAN CHARLES: We change it soon. We're  
working on it.

JEAN CHARLES: We have package delivery and we have like 15 cabs.

COMMISSIONER MICHAEL GARDNER: So you work with about 15 cabs?

JEAN CHARLES: Yes.

COMMISSIONER MICHAEL GARDNER: How many employees do you have?

JEAN CHARLES: Right now, I don't have employees. I have my son, my daughter and my brother help me with the phone calls.

COMMISSIONER MICHAEL GARDNER: It's a family business since 2006?

JEAN CHARLES: Before I was driving prior. I was in Western Ave. So after I moved to Mass Ave I don't have drivers. I have my son my daughter and my family. My family help me answer the phone and dispatch.

COMMISSIONER MICHAEL GARDNER: How do you



generate business? How do you get the calls?

JEAN CHARLES: I have website and advertising and, you know, when people go to the market they get the receipt, you can see Classic Cab on it. And Google. If you Google, you can find my company. I have advertising on electronic system.

COMMISSIONER MICHAEL GARDNER: Cell phones.

So in the regulations we have asked that all the permit holders supply with us data on a regular basis. Is it annual, Mr. Pilz?

COREY PILZ: Yes, it is.

COMMISSIONER MICHAEL GARDNER: So annually you will give us statistical information about your activities.

You'll be able to comply with that?

JEAN CHARLES: Yes.

COMMISSIONER MICHAEL GARDNER: Other questions?

FIRE CHIEF GERALD REARDON: So right now you're using -- you're renting a radio system?

JEAN CHARLES: No.

FIRE CHIEF GERALD REARDON: Two-way radio system.

JEAN CHARLES: I have mine on John Hancock towers. And we have the --

FIRE CHIEF GERALD REARDON: Who is that through? Is that through All Com?

JEAN CHARLES: No. John Hancock towers.

FIRE CHIEF GERALD REARDON: Right. Whose radio system do you use?

JEAN CHARLES: UHV.

FIRE CHIEF GERALD REARDON: Right. But whose is it? It's not yours, right?

JEAN CHARLES: My own system.

FIRE CHIEF GERALD REARDON: You have that whole system yourself. Okay.

JEAN CHARLES: I buy since 2006. I would like to change it to Verizon.

FIRE CHIEF GERALD REARDON: That's expensive up there.

JEAN CHARLES: I know.

FIRE CHIEF GERALD REARDON: Okay. Usually people rent other people's equipment, not own it.

JEAN CHARLES: I'm going to own it.

FIRE CHIEF GERALD REARDON: So everyone has a two-way radio in those cabs that you service?

JEAN CHARLES: Yes, in the cars.

FIRE CHIEF GERALD REARDON: What do you use to contact that, a mobile unit from your apartment to talk to the repeater? Just a

portable or --

JEAN CHARLES: A controller.

FIRE CHIEF GERALD REARDON: So should  
have a license for that, correct?

JEAN CHARLES: I have a license. I have  
a license for UHF.

FIRE CHIEF GERALD REARDON: Submit the  
license.

JEAN CHARLES: I can drop it off first  
thing in the morning. I have a license for ten  
years.

COMMISSIONER MICHAEL GARDNER: So are  
there any members of the public who like to be  
heard on this application?

Seeing none.

COREY PILZ: Mr. Chairman, I have  
received a correspondence from Office of the  
Collector of Taxes, that if you were to approve

the dispatch permit, you approve it with the condition that he pays his unpaid taxes, which he does have outstanding, unpaid personal property taxes.

COMMISSIONER MICHAEL GARDNER: These are personal property taxes?

COREY PILZ: Yes, tied to the corporation.

COMMISSIONER MICHAEL GARDNER: Are you aware of your outstanding tax liability, sir?

JEAN CHARLES: Yes.

COMMISSIONER MICHAEL GARDNER: You need to straighten that out.

JEAN CHARLES: Yeah, I know.

COMMISSIONER MICHAEL GARDNER: You're a debtor to the city. If we're gonna license you to operate this business in the city, you need to have met your financial obligations to the city.

JEAN CHARLES: Yes.

COMMISSIONER MICHAEL GARDNER: So I'll make the motion to approve the application for Classic Cab, LLC for its dispatch application association permit conditional on satisfactory resolution of the outstanding tax liability debt which might include a payment plan, but it's conditional on your being in touch with them and getting that straightened out.

JEAN CHARLES: Yes.

FIRE CHIEF GERALD REARDON: Also, Mr. Chair, if you could, his providing the FCC license as well.

COMMISSIONER MICHAEL GARDNER: Yes. And conditional on the submitting the proof of the FCC license.

JEAN CHARLES: I'll drop it off tomorrow morning.

COMMISSIONER MICHAEL GARDNER: Thank you  
for that, chief.

So that's the motion as amended.

FIRE CHIEF GERALD REARDON: Second.

CHAIRMAN MICHAEL GARDNER: Motion having  
been made and seconded, all those in favor,  
signify by saying "aye."

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

CHRISTOPHER BURKE: Aye.

COMMISSIONER MICHAEL GARDNER: Aye.

None opposed.

So, thank you, Mr. Charles, but please  
take care of these issues.

JEAN CHARLES: Thank you.

**APPLICATION: UTS**

COREY PILZ: Application: UTS, Rene  
Frenel, manager, has applied for a Taxicab  
Dispatch Association Permit to be exercised at

2464 Massachusetts Avenue, Suite 440-314A.

COMMISSIONER MICHAEL GARDNER: Good evening. If you would please state and spell your last names for the record and just identify your affiliation.

FRENEL RENE: I am Frenel, F-R-E-N-E-L, Rene, R-E-N-E.

COMMISSIONER MICHAEL GARDNER: Sir, is your last name R-E-N-E?

FRENEL RENE: Rene.

COMMISSIONER MICHAEL GARDNER: You, sir?

JEAN MARC GERARD: My name is Jean Marc Gerard, G-E-R-A-R-D. J-E-A-N, M-A-R-C.

COMMISSIONER MICHAEL GARDNER: Thank you. You're the manager, Mr. Rene?

FRENEL RENE: Yes, I am the manager, and he's vice president.

COMMISSIONER MICHAEL GARDNER: Vice



president.

Tell us a little bit about UTS.

FRENEL RENE: Marc and I have been recently hired by the Board of the company to represent the company.

COMMISSIONER MICHAEL GARDNER: Represent.

FRENEL RENE: To represent.

JEAN MARC GERARD: See, we been open from 1988. That was the first formation of Union Taxi and then we have been under the FCC license and the license of Cambridge.

COMMISSIONER MICHAEL GARDNER: So have you been operating in Cambridge since 1988?

JEAN MARC GERARD: We have been open since 1988. After that we restructure the company in 1994. We come back and change the name to UTS, which means Union Transportation Services. That's what that stands for now.

And then we've been operating since then.

COMMISSIONER MICHAEL GARDNER: So how do you dispatch and how many cabs or medallion owners do you work with?

JEAN MARC GERARD: We used to have like when we start, we start with 40. After -- after September 11, we come down, we fall the lease, we come down by 20 about. Since then the owners keep on sale, lease and then we operate now by 13.

COMMISSIONER MICHAEL GARDNER: So you're working now with about 13 different cabs?

JEAN MARC GERARD: Yes.

COMMISSIONER MICHAEL GARDNER: How many employees do you have?

JEAN MARC GERARD: We do actually -- we do not have employees. We do self -- like we do the in and out.

COMMISSIONER MICHAEL GARDNER: It's the two of you who do the work?

JEAN MARC GERARD: Yes. Three of us.

CHAIRMAN MICHAEL GARDNER: Three of you do this work?

JEAN MARC GERARD: Yes.

COMMISSIONER MICHAEL GARDNER: You work with about 13 cabs?

JEAN MARC GERARD: About that, yeah.

COMMISSIONER MICHAEL GARDNER: And how does the business come to you? How do you learn that somebody needs the service and how do you communicate with the cabs?

JEAN MARC GERARD: So most of them -- sometime we have to operate by phone sometimes. We don't reach -- we find a car 25 miles. So somebody go all the way from Worcester -- we have them by phone.

COMMISSIONER MICHAEL GARDNER: So you communicate with operators of the cabs by phones?

JEAN MARC GERARD: By phone also.

COMMISSIONER MICHAEL GARDNER: Do you do any radio dispatch?

JEAN MARC GERARD: We do radio dispatch, but from the city, it must be on from the city.

COMMISSIONER MICHAEL GARDNER: Chief, questions?

FIRE CHIEF GERALD REARDON: You don't have an FCC license. You have a number there, but it's not a valid number?

JEAN MARC GERARD: We do have it.

FIRE CHIEF GERALD REARDON: You need to get us a copy of FCC license itself.

JEAN MARC GERARD: The first manager, Eugene who has -- before me. We got everything before that.

FIRE CHIEF GERALD REARDON: So you have the radio at 2464 Mass Ave? I know there's an antenna in that building.

JEAN MARC GERARD: Yeah. It still there. We most open -- we have about -- we have best prevention of employees and since then we have to move out. We still -- the equipment still there. But we operate like street something like that. We have -- we still use the radio frequency.

FIRE CHIEF GERALD REARDON: You rent space there for the antenna still at 2464?

JEAN MARC GERARD: Yes.

FIRE CHIEF GERALD REARDON: How many cabs still have radios in them?

JEAN MARC GERARD: We have about ten.

FRENEL RENE: About ten. It seems those who were responsible to pay rent, have made bad decision. But when this guy and I came over, we

started something with the owner of the place.

But he told us, he really gave us answer.

Maybe this month or the next month.

COMMISSIONER MICHAEL GARDNER: So you're in negotiations about the rent for the space that you rent?

FRENEL RENE: Yes. We didn't come with the address of the place now because we didn't -- you got it. If you did I didn't know. But I'm still waiting for the lease from the owner of the place.

COMMISSIONER MICHAEL GARDNER: That's the landlord?

FRENEL RENE: The landlord. Because who in charge -- explain that, I don't know. Maybe you know something else.

JEAN MARC GERARD: What he try to say, we actually got a physical like a business like this

one, like a space.

COMMISSIONER MICHAEL GARDNER: You have some space?

JEAN MARC GERARD: Yes, but we're in the process to get 100 square feet.

COMMISSIONER MICHAEL GARDNER: So you're in negotiations to try to get new space?

JEAN MARC GERARD: Yes.

FIRE CHIEF GERALD REARDON: That's still at 2464 Mass Ave?

JEAN MARC GERARD: Yes. We still have everything. But we don't have like a big space. We have a little space. Like one or two people probably gonna be. That's why we're looking for a bigger place.

COMMISSIONER MICHAEL GARDNER: So how do people know to contact you for dispatch service how do they get in touch with you?

JEAN MARC GERARD: We use the radio. We still use the radio. We use the phone.

COMMISSIONER MICHAEL GARDNER: You use the phone and the radio?

JEAN MARC GERARD: Yes.

COMMISSIONER MICHAEL GARDNER: People call you and request for a cabs?

JEAN MARC GERARD: Yes. Easy. And then when it's very busy, we move -- like when I receive a call and I call all over the city as much as I can.

COMMISSIONER MICHAEL GARDNER: Do you dispatch both within Cambridge and outside of Cambridge? You mentioned Worcester, so...

JEAN MARC GERARD: Not Worcester, no, no. I said if the radio doesn't go farther than Worcester, so someone has to call. We call that by phone.



FIRE CHIEF GERALD REARDON: Their radio only has a limited range, therefore, it doesn't cover.

COMMISSIONER MICHAEL GARDNER: Our regulations say you're supposed to supply us with data information about statistics about your volumes of work in various ways?

You can do that for us?

JEAN MARC GERARD: Yeah, we'll do that. Like we used to before. There's so many phone call like -- we do as much call as we used to have.

COMMISSIONER MICHAEL GARDNER: Your business is down from previously?

JEAN MARC GERARD: Completely down.

COMMISSIONER MICHAEL GARDNER: How can you continue to make it viable, I guess.

JEAN MARC GERARD: That's why we -- like

we used to have eight guys working with us and we couldn't make it. And we have to go on the street to pick up the calls and we take it over to. We have to have somebody in the office. That's why we're in the building. 8,000 square feet. They have one that's gonna come, the next one.

COMMISSIONER MICHAEL GARDNER: How long have you -- the two of you actually been working with UTS doing this work?

JEAN MARC GERARD: Since 1994 and after September 11, we work together.

COMMISSIONER MICHAEL GARDNER: You have been with him a long time.

JEAN MARC GERARD: Yeah, long time.

COMMISSIONER MICHAEL GARDNER: Any other questions?

SUPERINTENDENT CHRISTOPHER BURKE: None.

COMMISSIONER MICHAEL GARDNER: Any members of the public who would like to be heard on this application?

Seeing none.

COREY PILZ: Mr. Chairman, if I may, just to clarify or shed some light on this issue. The people that used to run UTS did leave it in a very terrible financial situation, and they're trying to recover from that currently because of these two gentlemen right here.

I just do have a few questions about your application. Number one, were you able to get your telephone lines back up and running?

JEAN MARC GERARD: It's back up now.

COREY PILZ: There was an issue where their telephone was disconnected by Verizon.

Number two, we did receive a correspondence from the Office of the Collector

of Taxes that did ask if you were to approve their Dispatch Association Permit tonight, we did make it conditional they did satisfy their outstanding personal property taxes that are tied to this corporation. So we do have that issue to deal with.

I think my last question for you all is, how do you plan to really keep track of the data requirements that we've established? For example, for our reporting what we require you to do is report which cab you have dispatched for each fare, how do you plan to do that?

JEAN MARC GERARD: We do that.

COREY PILZ: Talk to me. Tell me what system you're going to use? Are you going do it by hand or a computer?

JEAN MARC GERARD: We do it by hand.

COREY PILZ: You're going to do it by

hand.

COMMISSIONER MICHAEL GARDNER: That's a big job, every dispatch you have to keep a record of, and then you have to be able to go back and understand and interpret those records to give him summary data.

JEAN MARC GERARD: When we started, I was doing pretty well with that. I know I'll have to change it. I know time has changed and technology is different. We'll take time to sort out everything.

COMMISSIONER MICHAEL GARDNER: You understand that you owe some personal property tax on the corporation that you need to pay off?

JEAN MARC GERARD: Yeah. I didn't know about that. I will do it.

COMMISSIONER MICHAEL GARDNER: So we're going to make the approval of have your

application for the permit to be conditional on your making satisfactory progress to deal with that obligation.

JEAN MARC GERARD: Yeah, we will.

COMMISSIONER MICHAEL GARDNER: Is there an FCC?

FIRE CHIEF GERALD REARDON: They need a valid copy.

COMMISSIONER MICHAEL GARDNER: You need to supply a valid copy of a current FCC license so that we have that in the record.

JEAN MARC GERARD: Okay.

COMMISSIONER MICHAEL GARDNER: So subject to those conditions, as outlined by the chief, and I just now, I'll make the motion that we approve UTS for the Taxicab Dispatch Association Permit.

FIRE CHIEF GERALD REARDON: Second.

JEAN MARC GERARD: Thank you.

COMMISSIONER MICHAEL GARDNER: Motion  
having been made and second, all those in favor,  
signify by saying "aye."

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

None opposed.

So it sounds like you have some  
challenges going forward, but we wish you well  
with them and that you can continue to supply  
good services.

JEAN MARC GERARD: Thank you very much.  
Appreciate that.

COMMISSIONER MICHAEL GARDNER: Mr. Pilz,  
do we have any other business before the  
Commission this evening?

RATIFICATION: CAMBRIDGE PEDICAB

COREY PILZ: Yes, just a few things. We do have a ratification. Cambridge Pedicab, holder of a Pedicab Business Operating Permit has changed their business name to Charles River Pedicab.

Briefly we had a trademark issue with the two companies when we went ahead and awarded their licenses, and as a result the USA Pedicab of Boston Pedicab would like to change their name to Charles River Pedicab. It's just a ratification as to that effect.

COMMISSIONER MICHAEL GARDNER: Do we need to vote that we have to accept the actions of the executive director in approving that?

COREY PILZ: Yes.

COMMISSIONER MICHAEL GARDNER: So moved.

FIRE CHIEF GERALD REARDON: Second.

CHAIRMAN MICHAEL GARDNER: Motion having



been made and seconded, all those in favor,  
signify by saying "aye."

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

FIRE CHIEF GERALD REARDON: Aye.

COMMISSIONER MICHAEL GARDNER: Aye.

None opposed.

COREY PILZ: We do have a few  
ratifications approved by the executive director,  
Medallion 157 for refinance, Medallion 67 for a  
finance, Medallion 87 for a refinance, Medallion  
129 for a refinance, Medallion 252 for a sale and  
transfer, Medallion No. 252 for a finance.

COMMISSIONER MICHAEL GARDNER: Do we have  
any record -- I'm sorry -- any information in the  
files as to what the sale price was of the  
Medallion 252?

COREY PILZ: I don't have that available,  
but I can get that information for you.

COMMISSIONER MICHAEL GARDNER: Would you obtain that information and pass it on to the three Commissioners?

COREY PILZ: Yes, I will.

COMMISSIONER MICHAEL GARDNER: I make a motion to accept the ratifications approved by the executive director as listed herein.

SUPERINTENDENT CHRISTOPHER BURKE: I second that motion.

COMMISSIONER MICHAEL GARDNER: Motion having been made and seconded, all those in favor, signify by saying "aye."

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

COMMISSIONER MICHAEL GARDNER: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIRMAN MICHAEL GARDNER: Do we have any other business before us, sir?

COREY PILZ: There is no business.

COMMISSIONER MICHAEL GARDNER: I think by email I did make the request of the executive director that at some point in the future we schedule as part of the business of a regular meeting more of an update on technological changes in the Hackney industry, and I just think that we would like the staff to work with us and the industry as to have it at a time which is in the reasonably near future, but make sure that you're ready with the presentation.

COREY PILZ: That shouldn't be an issue.

COMMISSIONER MICHAEL GARDNER: Thanks.

Motion to adjourn is always in order.

SUPERINTENDENT CHRISTOPHER BURKE:

Seconded.

COMMISSIONER MICHAEL GARDNER: Okay.

Well, I --

FIRE CHIEF GERALD REARDON: I'll make the

motion to adjourn.

SUPERINTENDENT CHRISTOPHER BURKE:

Seconded.

COMMISSIONER MICHAEL GARDNER: And he seconded it. That's because they knew I just wanted to keep talking.

So motion to adjourn having been made and seconded, all those in favor, signify by saying "aye."

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

FIRE CHIEF GERALD REARDON: Aye.

COMMISSIONER MICHAEL GARDNER: Aye.

None opposed.

It looks like we're adjourned at about 9:30.

ERRATA SHEET

INSTRUCTIONS: After reading the transcript of this hearing, note any change or correction to and the reason therefor on this sheet. DO NOT make any marks or notations on the transcript volume itself. Sign and date this errata sheet (before a Notary Public, if required).

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I have read the foregoing transcript of the hearing, and except for any corrections or changes noted above, I hereby subscribe the transcript as an accurate record by me.

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CERTIFICATE

Commonwealth of Massachusetts

Norfolk, ss.

I, Jill Kourafas, a Notary Public in and  
for the Commonwealth of Massachusetts, do hereby  
certify:

That the hearing herein before set forth  
is a true and accurate record of the proceedings.

IN WITNESS WHEREOF, I have hereunto set  
my hand this 16th day of April 2013.

-----  
Jill Kourafas  
Certified Shorthand Reporter  
License No. 14903  
Notary Public  
My Commission expires:  
February 2, 2017

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