

COMMONWEALTH OF MASSACHUSETTS

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION GENERAL HEARING

LICENSE COMMISSION BOARD MEMBERS:

Michael P. Gardner, Chairman
Robert Hass, Police Department
Gerald Reardon, Fire Chief

STAFF: Elizabeth Y. Lint, Executive Director

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

DATE: Tuesday, May 14, 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

EXECUTIVE DIRECTOR ELIZABETH LINT: If anyone has a cell phone on, we would appreciate it if you would turn it off.

FIRE CHIEF GERALD REARDON: We have two exits here to leave this room. Should there be a requirement to. We have to keep that door clear on the end at all times. If there's an air alarm we'll leave the building until it is cleared and return.

EXECUTIVE DIRECTOR ELIZABETH LINT:
License Commission general hearing, Tuesday,
May 14, 2013. It is 6:05 p.m., we are in the
Michael J. Lombardi Building, 831 Mass Ave,
Basement Conference Room.

Before you are the Commissioners,
Chairman Michael Gardner, Commissioner Robert
Hass and Chief Gerald Reardon.

APPLICATION: MARRIOTT HOTEL SERVICES, INC.

EXECUTIVE DIRECTOR ELIZABETH LINT: First matter we'll take up tonight is application of Marriott Hotel Services, Inc., doing business as Cambridge Center Marriott, James Kappel, manager, holder of an all alcoholic beverages as a hotel license at 2 Cambridge Center has applied for a change of manager to Alan Smith.

COMMISSIONER MICHAEL GARDNER: Good evening.

If you would be so kind as to state and spell your last name for the record, and just identify your affiliation with the applicant? You can have a seat if you'd like, sir.

ALAN SMITH: My name is Alan Smith, that's A-L-A-N, S-M-I-T-H and I'm the new general manager at the Cambridge Marriott.

COMMISSIONER MICHAEL GARDNER: Could you give us a rundown or summary of your

qualifications and experience, sir?

ALAN SMITH: I've been with Marriott for 31 years. I have been in the Boston area since 1994. I was a director of finance and accounting at the Copley Marriott from 1994 to 2000.

I was the resident manager at the Cambridge Marriott from 2000 to 2007. I was the general manager of the Courtyard Boston downtown from 2007 until 2012. And I came back to the Cambridge Marriott in November of 2012.

COMMISSIONER MICHAEL GARDNER: So you've been the manager of record for alcoholic beverages previously?

ALAN SMITH: I have in the City of Boston.

COMMISSIONER MICHAEL GARDNER: Right. Any particular challenges or differences between the Cambridge Center and its serving of alcohol and other of the locations where you've

worked?

ALAN SMITH: No.

COMMISSIONER MICHAEL GARDNER: Any particular challenges here?

ALAN SMITH: No. I have been at the hotel. This is my second tour of duty there and it's a great location.

COMMISSIONER MICHAEL GARDNER: Are you de facto serving as the manager of record now?

ALAN SMITH: I am.

COMMISSIONER MICHAEL GARDNER: For how long?

ALAN SMITH: Since 7 November.

COMMISSIONER MICHAEL GARDNER: Any particular reason it's taken so long to get before us?

ALAN SMITH: Just because my last name had to be changed on the license in Boston, and the turnover between general managers, it just

took some time to process. I couldn't be on two, to my knowledge.

COMMISSIONER MICHAEL GARDNER: Other questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

FIRE CHIEF GERALD REARDON: No questions.

COMMISSIONER MICHAEL GARDNER: Any 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 change of manager to Alan Smith.

FIRE CHIEF GERALD REARDON: Second.

EXECUTIVE DIRECTOR ELIZABETH LINT:
Mr. Chair, we do need the background check. We don't have it back then and the 21 Proof training.

COMMISSIONER MICHAEL GARDNER: Thank you.

So I'll amend my motion to say approval

subject to the conclusion -- the receipt of a satisfactory background check and a completion of the required training which -- you've never been a manager of record in Cambridge before?

ALAN SMITH: I have not. But do you need my TIPS card?

COMMISSIONER MICHAEL GARDNER: We have our own, it's called 21 Proof. Talk to the staff and they'll talk to you about when you can have the training.

ALAN SMITH: Okay.

EXECUTIVE DIRECTOR ELIZABETH LINT: We'll send out that information.

COMMISSIONER MICHAEL GARDNER: I have a second, do I?

FIRE CHIEF GERALD REARDON: Second.

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

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

COMMISSIONER MICHAEL GARDNER: Aye.

None opposed.

So welcome back to Cambridge. In the future we hope you can keep the paperwork a little more current than you have.

ALAN SMITH: Very good. Thank you very much.

CHAIRMAN MICHAEL GARDNER: Thank you.

APPLICATION: A.W. CHEN, INC. D/B/A ALL ASIA

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: A.W. Chen, Incorporated doing business as All Asia, Marc Shulman, manager, holder of an all alcoholic beverages as a restaurant license at 332-336 Massachusetts Avenue has applied for a change of location to 675 Massachusetts Avenue, a change of corporate name to Cantabridgean Hospitality, Inc.,

alteration of premise description, change of DBA to "Prospect," and change of officers/directors.

COMMISSIONER MICHAEL GARDNER: Good evening.

If you would so kind as to state and spell your last name names for the record and just identify your affiliation with the application.

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

For the record my name is James Rafferty, I'm an attorney with offices at 130 Bishop Allen Drive. I'm appearing this evening on behalf of the applicant. Seated to my right is Marc Shulman, M-A-R-C S-H-U-L-M-A-N. Mr. Shulman is a principal of the entity as well the manager.

COMMISSIONER MICHAEL GARDNER: Okay.

ATTY. JAMES RAFFERTY: Mr. Chairman, this

license is currently the license for the All Asia premises which is on Mass Avenue next to the Lafayette Square firehouse on the corner of Mass Ave and Blanche Street.

Mr. Shulman's landlord is Forest City and they're in the process of demolishing this block, and recently obtained zoning approval to construct a life science building at this location for Millennium Pharmaceuticals.

So as a result for some time now, Mr. Shulman has been looking for a new location within the Central Square area. And he has succeeded in obtaining a location at the building at 675 Mass Ave, although the front door on this premises is actually on Prospect Street approximately across from the field, if you know, it's the block of Prospect Street between Mass Ave and Bishop Allen Drive.

And it might be known to some members of

the Commission, formerly the space for many years was CCTV, the Cambridge Community Television space.

So, as part of the application, there's some restructuring of the corporation. Ownership interests are unchanged, but Mr. Shulman and his wife continue as the principal and sole shareholders. They're changing the floor plan obviously and a changed menu.

This venue will be called Prospect. It will have an emphasis on food. It will be a restaurant, and it will also seek an application for live entertainment.

They currently have live entertainment at the All Asia, and this would probably represent a shift in musical genres from what is currently at All Asia. And Mr. Shulman could go into the details of that.

But the proposal is to utilize the space

itself, and then a rear patio at the back of the space is proposed to be constructed.

All is depicted on the floor plans submitted with the application.

COMMISSIONER MICHAEL GARDNER: There's no reference in our agenda item for a patio, is that a problem?

EXECUTIVE DIRECTOR ELIZABETH LINT: Check the ad.

COMMISSIONER MICHAEL GARDNER: Why don't you go ahead, Mr. Shulman, and tell us a little bit about your plans in particular how the new space and operation will be different from All Asia?

MARC SHULMAN: Well, the old operation has been in existence for 13 years, and we have been known as an entryway for artists in the City of Boston and Cambridge, the first place people play in the city is All Asia.

The only problem with that is they don't have a very large following. The genres are random and disjunct and the crowds tend to be not consistent. So you never know what you're going to get each day is they come in.

The point of Prospect is to develop a space where people can arrive, a place where people that work in the building can have food and drinks after work, a place where people can plan events outside, a gathering spot for an older set. We're targeting a little bit older demographic. Previously we had a range of 18 to 30 average, now we're looking for 25 to 45.

The city needs a place for an older crowd to have an entertainment spot versus what's out there now is for kids.

We want to have a space where people can go and have a good time and have a drink and have some food. A little bit like the old night

stations they used to have years ago.

COMMISSIONER MICHAEL GARDNER: And what is your sense of what this older generation would want in entertainment that you're going to try to match?

MARC SHULMAN: They're my age.

COMMISSIONER MICHAEL GARDNER: A lot younger than mine.

ATTY. JAMES RAFFERTY: It's a relative term older.

MARC SHULMAN: People that want to go out and don't want to get spit on. The genre is a little bit more mainstream. We're envisioning brunch with a jazz and a blues brunch on Sundays. Maybe weddings parties in the afternoons on the weekends.

We imagine having more broad appeal, but a more narrow focus, more indie style versus the heavier stuff that goes down on down the street.

We're avoiding the heavier genres.

COMMISSIONER MICHAEL GARDNER: So All Asia all was metal than rock?

MARC SHULMAN: It's been indie the last five years, more indie rock and blue grass. But in the early years, we had a lot heavier genre and it took a wear and tear on me and the space and it has been going down. It's become used.

Prospect is a fresh start. It's a different demographic, a little higher offering in the food and drinks. My wife wants to come back and apply her executive chef training to the kitchen. She trained at the Culinary Institute in Taiwan two years ago, and she wants to apply her cuisine to the menu and she wants people to come for food as well, whereas previously they come for music and entertainment.

COMMISSIONER MICHAEL GARDNER: So will the menu be Asian or --

MARC SHULMAN: It will be more bistro style. International, small plates. A little emphasis on some Asian, about 30 percent. She's been known as the Asian chef on kitchensurfing.com. She's the local celebrity Asian chef, but she wants to bring in a western trained chef to do French-style cooking to be more diverse.

When we say "tapas," it doesn't mean necessarily one ethnicity, but the variety of the plates are not over-portioned and people can eat and drink and eat some more in increments.

COMMISSIONER MICHAEL GARDNER: Any disciplinary history of All Asia?

EXECUTIVE DIRECTOR ELIZABETH LINT: I know that there is some. There's not any within recent times. I would say easily within the last seven years.

POLICE COMMISSIONER ROBERT HAAS: More

recent than that.

EXECUTIVE DIRECTOR ELIZABETH LINT: Not disciplinary. There may have been calls, but there's no disciplinary action.

COMMISSIONER MICHAEL GARDNER: Has crowd control been an issue at All Asia in the past?

MARC SHULMAN: Not at all. We kept the shows to minimal capacity to avoid any potential incident. We kept things even below our capacity to avoid situations.

ATTY. JAMES RAFFERTY: I think in candor, though, there had been --- seven or eight years ago there had been a period of about 18 months where it may have had something to do with the nature of the hip-hop entertainment and that's when the disciplinary action occurred, but it has moved away from that.

The last disciplinary hearing occurred in 2004. So it was literally nine years ago.

COMMISSIONER MICHAEL GARDNER: Has the seating changed or the same or what is the capacity going to be?

MARC SHULMAN: The seated capacity is 100 and there's occupancy of 220.

ATTY. JAMES RAFFERTY: That's correct.

COMMISSIONER MICHAEL GARDNER: Is this a for value license currently?

ATTY. JAMES RAFFERTY: Oh, yes.

COMMISSIONER MICHAEL GARDNER: Is there a change in the number of seats on the license?

ATTY. JAMES RAFFERTY: Yes, there's an increase.

What is your current capacity?

MARC SHULMAN: 80 seats.

ATTY. JAMES RAFFERTY: It goes from 80 seats to 100 seats plus 40 outdoor -- 48 outdoors.

COMMISSIONER MICHAEL GARDNER: Does that

present us any problems?

EXECUTIVE DIRECTOR ELIZABETH LINT: I don't think so. We do have to advertise the outdoor seats. We did not.

COMMISSIONER MICHAEL GARDNER: So we can only approve the indoor seats this evening or we can only take action on the indoor seats?

EXECUTIVE DIRECTOR ELIZABETH LINT: We can also see if there's opposition. But I would -- nonetheless it's the appropriate thing to do.

COMMISSIONER MICHAEL GARDNER: Other questions?

POLICE COMMISSIONER ROBERT HAAS: 40 seats are from the inside total?

ATTY. JAMES RAFFERTY: No. It's 100 plus 48 outside.

FIRE CHIEF GERALD REARDON: So it will be 148 total for the seating.

ATTY. JAMES RAFFERTY: For the seating, yes, with the seasonal seating, and that's spelled out in the floor plan as well.

FIRE CHIEF GERALD REARDON: So, obviously, this is a complete new retrofit of the space.

ATTY. JAMES RAFFERTY: Oh, absolutely, right. It's never been a restaurant. It was a studio.

FIRE CHIEF GERALD REARDON: I'm pretty sure this place is already sprinklered.

MARC SHULMAN: Yes, already sprinklered.

FIRE CHIEF GERALD REARDON: You'll have a crowd manager like you do now? The sprinklers were very quiet, but they were already there so it just probably needs a retrofit.

COMMISSIONER MICHAEL GARDNER: Any members of the public -- I'm sorry, are you done?

FIRE CHIEF GERALD REARDON: Are you going

to do deep fryolators?

MARC SHULMAN: I think we have one Fryolator.

FIRE CHIEF GERALD REARDON: Has someone done an investigation how they vent that in that particular building?

MARC SHULMAN: We were doing that this morning actually.

ATTY. JAMES RAFFERTY: I have it on my list of things to do. Can't they go right outside?

FIRE CHIEF GERALD REARDON: They possibly can. I can't remember exactly what is in the back.

ATTY. JAMES RAFFERTY: There's actually a big, significant open space, a green space. It happens to -- my office overlooks this space, but there's -- this is almost a little hidden gem. There's a piece of green yard there. It's

opposite the YWCA on Temple Street, there's a brick wall there, and on the other side of the wall, between this space is a good, 2,000 square feet plus like a little pocket park almost.

CHAIRMAN MICHAEL GARDNER: So that must be why I've never seen it because there's a brick wall there.

ATTY. JAMES RAFFERTY: I don't think it's necessary to keep the likes of you out.

CHAIRMAN MICHAEL GARDNER: I was trying to visualize the space and I didn't remember any greenery.

ATTY. JAMES RAFFERTY: There are people that perhaps the landlord preferred -- doesn't find it -- do manage to find it, but it's largely a building amenity and people with -- office tenants in the building tend to sit out there. They used to have picnic tables, but they haven't in the last year or two, but it's --

actually it's got flowering trees so I think you
it could probably accommodate the ventilation
issues.

FIRE CHIEF GERALD REARDON: Something to
investigate.

ATTY. JAMES RAFFERTY: Yes, and I
appreciate the advice and I think it's always
educational to come and learn and for the
licensee to learn that these are issues that need
to be --

FIRE CHIEF GERALD REARDON: There is a
rear exit.

ATTY. JAMES RAFFERTY: Yes, there is.
There's seats to take advantage of that. There's
actually a pathway between -- there's -- the
building -- the complex involves two buildings,
the 130 Bishop Allen Drive building and then the
675 Mass Ave building and they're linked on the
second floor, but otherwise, they're separate

buildings. So between the two buildings, there's three means of egress out of the space all at the ground floor.

FIRE CHIEF GERALD REARDON: Thank you.

COMMISSIONER MICHAEL GARDNER: 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 of location to 675 Mass Ave, the change of corporate name, the alteration of the premise description, the change in officers and directors -- well, before I finish, could you just elaborate on what that change is because I -- I don't think we picked that up.

ATTY. JAMES RAFFERTY: I don't think there's -- I think we've added Ms. Chen as a director and she may not -- I think we discovered she was not a director in the current organization.

In the current corporation, Mr. Shulman holds all the offices. In this corporation his wife, Ms. Chen, will be serving as secretary, vice president and also as a director along with Mr. Shulman.

COMMISSIONER MICHAEL GARDNER: Thank you for that clarification.

But we'll set aside any action on the outdoor patio for clarification of notice and we need to hold a new hearing.

EXECUTIVE DIRECTOR ELIZABETH LINT:
Hours?

COMMISSIONER MICHAEL GARDNER: The hours in the application are they the same as currently?

ATTY. JAMES RAFFERTY: No. Currently it's a 1:00 a.m. license and the application seeks 2:00 a.m. on Thursday, Friday and Saturday.

COMMISSIONER MICHAEL GARDNER: I'm not --

was that part of the --

ATTY. JAMES RAFFERTY: Yes, that's in the advertisement.

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

COMMISSIONER MICHAEL GARDNER: With the hours as stated -- then I'll make my motion with the hours as stated in the application setting aside the patio seats for a moment.

ATTY. JAMES RAFFERTY: Mr. Chairman, I want to correct myself. It's in the application, but, once again, I don't see it -- it's not appearing in the agenda, I don't know if the agenda is a perfect match.

EXECUTIVE DIRECTOR ELIZABETH LINT: No, it's not.

ATTY. JAMES RAFFERTY: I think in the abutters notices -- bear with me one second.

COMMISSIONER MICHAEL GARDNER: Can I just ask when you plan on opening? It sounds like you

have a lot of work to do.

MARC SHULMAN: We have four and a half months the construction, so once we get clearance, the engineer will start working on the drawing to bid out the contracts, so we'll be looking at October, probably mid-October.

COMMISSIONER MICHAEL GARDNER: Okay.

ATTY. JAMES RAFFERTY: Good news, Mr. Chairman, here is the legal notice and it does include the reference to the patio.

EXECUTIVE DIRECTOR ELIZABETH LINT:
Excellent.

FIRE CHIEF GERALD REARDON: What about the entertainment, counsel?

ATTY. JAMES RAFFERTY: It has the entertainment. I'm looking for the reference to the hours. Do hours typically appear in the ad?

EXECUTIVE DIRECTOR ELIZABETH LINT: Not necessarily.

ATTY. JAMES RAFFERTY: There's no mention of hours in the legal notice, opening or closing. Might've to do with the fact that it's an existing license, I don't know.

EXECUTIVE DIRECTOR ELIZABETH LINT: I think that's what the anticipation was.

COMMISSIONER MICHAEL GARDNER: Then I'll -- I think I should only support the existing hours in terms of the notice issue and leave it to you to come back for a change to the 2:00, if that's what you want.

I mean, I'm -- you know, if the hours were posted in the agenda as 2:00, I would feel better. If it was in the notice, I would feel better. But if it's nowhere in the documents which are readily accessible to the public. It does seem to me that the prudent thing to do is deal with it as a transfer of license. With a 1:00 a.m. license, we transfer a 1:00 a.m.

license. And if you want to come back, and I don't particularly have an issue myself with it, other than the notice matter.

ATTY. JAMES RAFFERTY: Okay. I understand. I can see the appropriateness of that.

So the Commission could act upon this and the applicant could come back and notify the Commission and submit on the hours?

COMMISSIONER MICHAEL GARDNER: Right. Which is what I would have proposed about the patio space if it hadn't been noticed.

So that's the motion.

FIRE CHIEF GERALD REARDON: Second.

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

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

COMMISSIONER MICHAEL GARDNER: Aye.

None opposed.

Good luck with the new venue and your, I guess, recognition of the aging of the population.

ATTY. JAMES RAFFERTY: Thank you very much, gentlemen.

EXECUTIVE DIRECTOR ELIZABETH LINT: In keep going with our tradition in taking very active Club members, we have a very minor matter on the last page of the agenda.

COMMISSIONER MICHAEL GARDNER: Science Partners?

APPLICATION: SCIENCE PARTNERS, INC., D/B/A

MIDDLESEX LOUNGE

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

Application: Science Partners, Incorporated doing business as Middlesex Lounge, Chris Lutes, manager, holder of an all alcoholic beverages as

a restaurant license at 315 Massachusetts Avenue has applied to extend their closing hour from 1:00 a.m. to 2:00 a.m. on Sunday, May 19, 2013.

COMMISSIONER MICHAEL GARDNER: Good evening.

JAYNE HETHERINGTON: Hello.

CHAIRMAN MICHAEL GARDNER: Would you be so kind as to state and spell your last for the record and tell us your affiliation with the application?

JAYNE HETHERINGTON: Jayne Hetherington, H-E-T-H-E-R-I-N-G-T-O-N. I'm the communications manager for Tigers & Bears which is the restaurant group that owns Middlesex.

COMMISSIONER MICHAEL GARDNER: Is this an application to change hours for only one day only?

JAYNE HETHERINGTON: Single day.

COMMISSIONER MICHAEL GARDNER: The reason

or purpose for the change?

JAYNE HETHERINGTON: It's the final day of the Together Music Festival and the headquarters for the festival is across the street from Middlesex and they wanted to do their final night celebration at Middlesex, so they actually asked us if we could extend it.

COMMISSIONER MICHAEL GARDNER: Have you ever been open until 2:00 am before?

JAYNE HETHERINGTON: Yes. Saturday night, we're open until 3:00 a.m.

COMMISSIONER MICHAEL GARDNER: You're generally open until 2:00 on Saturdays. This is just an extension for one Sunday night.

JAYNE HETHERINGTON: We're typically closed on Sundays.

COMMISSIONER MICHAEL GARDNER: Do you anticipate any crowd issues? Noise issues? Neighborhood concerns?

JAYNE HETHERINGTON: We're staffed like it's a Saturday night, so...

COMMISSIONER MICHAEL GARDNER: Questions?

POLICE COMMISSIONER ROBERT HAAS: No 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 application to extend the closing hour from 1:00 a.m. to 2:00 a.m. on Sunday, May the 19th going into the 20th.

FIRE CHIEF GERALD REARDON: Second.

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

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

COMMISSIONER MICHAEL GARDNER: Aye.

Good luck with your event.

JAYNE HETHERINGTON: Thank you.

APPLICATION: LEGAL SEA FOODS, LLC

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Legal Seafoods, LLC, Joseph Deagle, manager, holder of an all alcoholic beverages as a restaurant license at 5 Cambridge Center has applied for an alteration of premises to reduce the total square feet from 9,416 to 9,346.

COMMISSIONER MICHAEL GARDNER: If you would so kind as to state and spell your last name for record and tell us your affiliation with Legal Sea Foods.

RICHARD HELLER: My name is Richard Heller, H-E-L-L-E-R, senior vice president and general counsel of Legal Seafoods.

CHAIRMAN MICHAEL GARDNER: Okay. Thank you.

RICHARD HELLER: This modification is a result of the work performed by Boston Properties in connection with creating the second floor connector for the Google premises, and so they needed to reconfigure the front entrance, the entryway in order to make it more economical for Boston Properties. They wanted to take a portion of a private dinning area and make it from a rectangular space to a square space, and the result was a loss of square footage, an insignificant amount of square footage. There was a loss of --

COMMISSIONER MICHAEL GARDNER: 70 square feet, I think.

RICHARD HELLER: Yeah, roughly 70 square feet. I have a copy of the plan here, an enlarged plan, if you want to see it.

COMMISSIONER MICHAEL GARDNER: Will this change seating capacity at all?

RICHARD HELLER: It will reduce the seating capacity. I have been told roughly from 45 to 40 in the private dining area, just in that room only.

COMMISSIONER MICHAEL GARDNER: Do we need to acknowledge that at all in the license?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yeah. We'll take it.

COMMISSIONER MICHAEL GARDNER: The change in the seating?

EXECUTIVE DIRECTOR ELIZABETH LINT:
Uh-huh.

RICHARD HELLER: Here is the affidavit.
COMMISSIONER MICHAEL GARDNER: Is this construction underway? Done?

RICHARD HELLER: It's completed. It was completed first week in May.

COMMISSIONER MICHAEL GARDNER: Is the dining space now operating at the 40 level?

RICHARD HELLER: Yes.

COMMISSIONER MICHAEL GARDNER: Any other questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

FIRE CHIEF GERALD REARDON: No.

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

Seeing none, I'll make the motion to approve the application for an alteration of premises to reduce the total square feet, as stated in the agenda, with the corresponding change in seating capacity.

FIRE CHIEF GERALD REARDON: Second.

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

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

COMMISSIONER MICHAEL GARDNER: Aye.

None opposed.

So good luck.

RICHARD HELLER: I appreciate that. It will make it easier to work being square as opposed to rectangular.

COMMISSIONER MICHAEL GARDNER: And your license will be square with your existing facility.

RICHARD HELLER: That's right.

APPLICATION: CAMBRIDGE CENTER WEST GARAGE, LLC

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Cambridge Center West Garage, LLC has applied for a flammables license at 75 Ames Street for 1,763 gallons of Class I; 16,000 gallons of Class II; 731 gallons of Class IIIA-B; 20 pounds of flammable solids; and 3,000 cubic feet of flammable gases.

COMMISSIONER MICHAEL GARDNER: Good evening. Again, if anybody who plans to speak, if you would please state and spell your last name for the record and just identify your affiliation with the application.

BILL TABER: My name is Bill Taber, T-A-B-E-R. I'm a professional engineer with the Vanasse Hangen Brustlin, VHB, and working for Boston Properties.

RICHARD MONOPOLI: My name is Richard Monopoli, vice president of development with Boston Properties.

COMMISSIONER MICHAEL GARDNER: Can you tell us about the plan?

RICHARD MONOPOLI: We're here applying for the flammable fuel storage license for the new construction of what we're calling the Phase 2 of the Broad Institute. We commenced construction on this building, it's approximately

365,000 gross square feet, 12 occupied floors, three mechanical floors. We commenced construction in earnest in the fall of 2011. We anticipate substantial completion in January of '14. So next January. And occupancy in April of '14. It's primarily housing, research and development and lab space for the Broad Institute and their mission.

I'll hand it over to Bill at this point in time.

BILL TABER: We're basically putting in two 8,000 gallons, double wall, steel diesel fuel tanks in the basement to fuel two emergency power generators. And then the lab chemicals are pretty much -- it's a total from what the Broad Institute has determined they're going need to operate their laboratories.

I have copies of the notifications from the abutters.

FIRE CHIEF GERALD REARDON: There's garage space there as well?

BILL TABER: There's existing garage there that's presently permitted, and we're not making any changes to the existing garage and the numbers of cars that will be parked there.

COMMISSIONER MICHAEL GARDNER: So what is stated in the agenda, this is all additional capacity?

BILL TABER: Yes.

COMMISSIONER MICHAEL GARDNER: Over and above what exists on the current license for the garage?

BILL TABER: Correct.

FIRE CHIEF GERALD REARDON: The 1,763 gallons of Class 1, that's not the garage permit?

BILL TABER: That's not the garage permit. That's for the laboratory.

FIRE CHIEF GERALD REARDON: And your

diesel generators both have, I assume, day tanks on the roofs?

BILL TABER: Yes.

FIRE CHIEF GERALD REARDON: They have average 60 gallons?

BILL TABER: Yes.

FIRE CHIEF GERALD REARDON: And the flammable installers and all are throughout the location?

BILL TABER: Right. I'm assuming we're talking quarts, pints, maybe up to a gallon.

FIRE CHIEF GERALD REARDON: Those are all in --

BILL TABER: Flammable cabinets. And as part of obviously when we get to that -- once the license is approved, we have to pull a permit from the Fire Department to do the installation and a permit for storage. Also we'll have to have all our inspections by the Fire Department

to make sure everything is up to code prior to the actual storage.

FIRE CHIEF GERALD REARDON: Do you have a tenant there?

BILL TABER: It's Broad.

FIRE CHIEF GERALD REARDON: So we have a very good track record working with the Broad. So we're going to pretty much double the size or more than --

BILL TABER: More than double. The current road occupancy is 230 -- approximately 230 square feet.

EXECUTIVE DIRECTOR ELIZABETH LINT: We had a housekeeping issue on the application. The owner of the land is Boston Properties and the other says the owner of the land is Cambridge Center West Garage.

BILL TABER: The Cambridge Center West Garage is the owner.

BEGIN COMMISSIONER MICHAEL GARDNER: Is there anything about the work that is done in the labs, or the reason for -- that the labs need these fluids that raise any issues of additional hazard beyond storage?

BILL TABER: Specifically to the lab, we do have -

RICHARD MONOPOLI: We do have a representative from the Broad here.

COMMISSIONER MICHAEL GARDNER: Just come up and state and spell your last name for the record, please, and just tell us about the reasons the lab needs the capacity.

DAVID ERLANDSON: David Erlandson, E-R-L-A-N-D-S-O-N, director the facilities, planning and operations for the Broad. I've been with them 11 years.

This will be consistent with what you find if you walked through the floors of 230. We

do biological, neurological, biochemical research. We've got a number fume hoods and a certain amount of chemicals. A wide variety that we use in our synthetic energy program. Chemistry is generally down at the low level, but there's certain fennels and things like that you will find up through the rest of the construction.

We actually have a couple H2 labs up on the 8th floor, which is part of the current construction we're doing. We have a couple of H2 storage rooms on 9 and 10 because of the occupancy on the upper levels. We want to make sure that we have stringent distribution so we want to make sure that the lab folks are appropriately storing them.

We also have a storage room right on the first floor in the loading dock area so when new product comes in, they go there and we also have

a consolidation arrangement for our programs right now and that would continue. And so they go to all the local sites, bring them down and consolidate them, it's all a Class II arrangement, just like you find in Cambridge Center, and so the operations are very similar, just it's a larger building.

FIRE CHIEF GERALD REARDON: The waste area and clean air will be adjacent to each other or separated?

DAVID ERLANDSON: The H2 space is right off the loading dock. So that way they go -- once they're there, they go right out and Trident takes them right off the site.

COMMISSIONER MICHAEL GARDNER: Any other questions or issues?

FIRE CHIEF GERALD REARDON: No. Before they occupy the space, they have to give us the lab and safety arrangements inspected and so

forth. So there's a lot of inspections.

And safety areas that have to be covered before they're allowed to open.

COMMISSIONER MICHAEL GARDNER: The expectation is January of '14 to be operational?

RICHARD MONOPOLI: Substantial completion and then occupation of April '14.

COMMISSIONER MICHAEL GARDNER: Any other questions?

POLICE COMMISSIONER ROBERT HAAS: No other 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 flammables license for 75 Ames Street as listed in the agenda.

FIRE CHIEF GERALD REARDON: Second.

COMMISSIONER MICHAEL GARDNER: Motion

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

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

COMMISSIONER MICHAEL GARDNER: Aye.

None opposed.

I see you have a question, or I thought you had a question.

RICHARD MONOPOLI: I just wanted to thank you for your time.

CHAIRMAN MICHAEL GARDNER: Thank you.

APPLICATION: SLAWDOG, LLC

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: SlawDog, LLC, Alon Munzer, manager, has applied for an all alcoholic beverages as a restaurant license at One Kendall Square, Building 300. The proposed capacity is 143 seats inside and 48 seats on a seasonal outdoor patio. The hours of operation would be 7:00 a.m. to 2:00

a.m. seven days per week with alcohol sales starting after 8:00 a.m. Monday through Saturday and 10:00 a.m. on Sunday. Applicant is also applying for an entertainment license to include: Reading of poetry and other works; live music with amplification; audio tape machine/CD which may be played below, at or above conversation level; four TVs; radio; IPod; comedy shows; darts; DJ; karaoke; juke box; pool table; three video games, pinball machines or other automated device; shuffle board.

COMMISSIONER MICHAEL GARDNER: Good evening. If you would state and spell your last names for the record and identify your affiliation with the project.

DAVID LIPSHUTZ: I'm David Lipshutz from the law firm of Seegel, Lipshutz and Lo, 80 William Street, Wellesley, Massachusetts.

ALON MUNZER: My name is Alon Munzer,

M-U-N-Z-E-R. And I'm one of the partners.

DAVID LIPSHUTZ: I have the privilege of representing this organization. They're the current purveyors of Hungry Mother. They have been five years now in Cambridge and this is their new venture. I would like to -- here's a little reading material of what we're looking to do.

We're looking for an all alcohol license, a common victualer license and an entertainment license. The principals of the Hungry Mother are the same principals of this venture: Barry Maiden, executive chef, John Cassidy, Rachel Munzer and Eline Munzer, they're going to be located at one Kendall Square in Building 300.

Basically the concept is a Hungry Mother concept just with more casual dining with entertainment, games and the like.

ALON MUNZER: Right now, Hungry Mother is

a more fine dining restaurant on that end of the spectrum than State Park is proposed, so the name comes. Hungry Mother's name is a state park in Virginia, the restaurant is Hungry Mother and our casual restaurant is going to be called State Park. It's a continuation of Hungry Mother, where it's to be a little more casual. We'll be open for lunch where Hungry Mother isn't.

It's nice to be in the same neighborhood to be open for lunch, and it's a little more casual dining than Hungry Mother with similar stuff with a southern influence to it, but a little more casual and quicker.

COMMISSIONER MICHAEL GARDNER: What's Hungry Mother's capacity?

ALON MUNZER: 65.

COMMISSIONER MICHAEL GARDNER: Tell us how you would manage to sort've split your time or how it will be organized to get a new place

started while you're continuing to do Hungry Mother?

ALON MUNZER: It's really convenient that it's just across the street. We're on the corner of Cardinal Medeiros now. This is in a One Kendall Square complex. It's just a two-minute walk away, and between the four of us, we're the four partners of Hungry Mother, and we'll be the four partners here, and we'll be able to share our time between the two spaces.

COMMISSIONER MICHAEL GARDNER: What are the hours for Hungry Mother?

ALON MUNZER: We're open for dinner five days a week. I believe our license is -- we're open six days a week. I'm sorry. Our license, I believe, is seven days, but we're now closed on Mondays.

CHAIRMAN MICHAEL GARDNER: How late are you open or how late do you serve alcohol?

ALON MUNZER: Our license is to 1:00 until now at Hungry Mother, but we close -- we do last call at 12:00.

COMMISSIONER MICHAEL GARDNER: How long important is the 2:00 a.m. license to your operation?

ALON MUNZER: We felt it was important because us being in the restaurant business, we like to go out and have a drink after work and relax, and so with -- we have been in Kendall Square for a little over five years, and in that time there's been over a dozen restaurants within the area, as I'm sure you all know, and we felt it was great to have a have a space where all those restaurant employees when they're done with their long night of work where they can go and relax, have some food and have a drink. We wanted the option to have it open.

COMMISSIONER MICHAEL GARDNER: Will this

be one of the few or only restaurants with a 2:00 a.m. license?

EXECUTIVE DIRECTOR ELIZABETH LINT: Oh, no. Most of them are 2:00 a.m.

CHAIRMAN MICHAEL GARDNER: Other questions?

POLICE COMMISSIONER ROBERT HAAS: Why are you asking for an alcohol license so early in the morning?

ALON MUNZER: I don't know. We're planning on being open for lunch and for dinner.

POLICE COMMISSIONER ROBERT HAAS: You're not going to serve alcohol during breakfast?

ALON MUNZER: No, we weren't even planning on being open --

POLICE COMMISSIONER ROBERT HAAS: So do you want to modify the hours then for the alcohol license?

ALON MUNZER: I think we'd put it on just

for the possibility if we ever want to open an early brunch or be open for breakfast.

POLICE COMMISSIONER ROBERT HAAS: Go ahead.

COMMISSIONER MICHAEL GARDNER: So one of the problems we have is that when we approve a license that says a 7:00 a.m. start, we're supposed to be thinking about the needs of the public and approving 7:00 a.m., which means you're supposed to be open at 7:00 a.m.

Did I say that right, Mrs. Lint?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes, you did.

CHAIRMAN MICHAEL GARDNER: So that -- and we have a communication issue with a number of our operators around that. Apparently, even Hungry Mother, if you've got a seven-day license and you're only open six. And I think we understand some of the market realities around

this, but there's no reason for us to be as broad as saying 7:00 a.m. for eggs and 8:00 a.m. for alcohol if, in fact, you don't currently have plans to be open for breakfast.

If you want to come back later and amend, that's something that you can do.

ALON MUNZER: Would 10:00 be acceptable?

COMMISSIONER MICHAEL GARDNER: What are your plans for opening?

ALON MUNZER: That's fine. We were planning -- tentative hours were to be 11:00 we were planning on opening at 11:00, but if people want to come earlier, at 10:00 or 10:30 --

DAVID LIPSHUTZ: There may be a brunch business going on on the weekends.

ALON MUNZER: Yeah, 10:00 would be fine.

POLICE COMMISSIONER ROBERT HAAS: Would you want to modify your application to reflect you will start at 11:00, except for weekends when

you offer brunch?

ALON MUNZER: If you feel that's the best way.

POLICE COMMISSIONER ROBERT HAAS: It has to reflect what your business plan is.

ALON MUNZER: We were planning on being open for lunch at 11:00. But, like you said, maybe on the weekends if we find people are standing outside at 10:00 or 10:30 and wanting us to be open earlier --

POLICE COMMISSIONER ROBERT HAAS: So I suggest you tell us what your hours are going to be and then if you find you need to modify them you need to come back and let us know what your modified plan's going to be.

DAVID LIPSHUTZ: 10:00 a.m.

ALON MUNZER: We'll go 10:00 a.m.

POLICE COMMISSIONER ROBERT HAAS: So you're going to be open at 10:00 a.m., and you're

going to serve alcohol at 10:00 a.m. Monday through -- seven days a week?

DAVID LIPSHUTZ: I think --

FIRE CHIEF GERALD REARDON: Or you could say 10:00 a.m. on weekends and 11:00 weekdays.

ALON MUNZER: That would be --

DAVID LIPSHUTZ: From a practical perspective there will be a substantial lunch business in that area. So until the lunch business really starts going, they are not going to know what your hours are. The expectation is from the conversation is practically between 10:00 and 11:00 will be their opening hours, depending on the traffic in the area. So clearly if they're going to be doing a lunch business, a brunch business on the weekends, it's probably 10:00 and on the weekdays, I think it's more practical at 11:00, but it may start earlier.

POLICE COMMISSIONER ROBERT HAAS: My

point is if you do decide you want to open up earlier, then you can come back and modify those hours. I would suggest that you --

ALON MUNZER: Today can we say 11:00 during the week?

POLICE COMMISSIONER ROBERT HAAS:
Whatever your actual operation hours are going to be, you have to tell us.

DAVID LIPSHUTZ: Their actual plan is 11:00 a.m. Monday through Friday, 10:00 on the weekends.

ALON MUNZER: That sounds good.
COMMISSIONER MICHAEL GARDNER: That's your business plan, right?

ALON MUNZER: Yes.
COMMISSIONER MICHAEL GARDNER: Any questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

FIRE CHIEF GERALD REARDON: Whose space
is this formerly, do you know?

ALON MUNZER: Most recently it was Think
Tank. It's the lower level in One Kendall
Square.

FIRE CHIEF GERALD REARDON: This is
another full retrofit?

ALON MUNZER: No. Most things were in
place.

FIRE CHIEF GERALD REARDON: Did it have a
kitchen?

ALON MUNZER: They had a full kitchen.

FIRE CHIEF GERALD REARDON: Oh, they did?

ALON MUNZER: Yeah.

DAVID LIPSHUTZ: But it will be upgraded.

COMMISSIONER MICHAEL GARDNER: You heard
the fryolator question before? Where you have a
fryolator, it's all vented out?

ALON MUNZER: There's hoods, it's all

vented out, yeah.

COMMISSIONER MICHAEL GARDNER: It will be subject to inspection, right?

FIRE CHIEF GERALD REARDON: Everything is subject to inspection.

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

Is there anything else you would like to add?

DAVID LIPSHUTZ: The patio, we asked for 48 seats, but I understand there's a total seating capacity in that whole square, and basically, what we're looking for is 48 in the summer months, and then we're going to be reducing the interior space seating by 24 during the summer to keep the combined seating capacity, so it's not to cause any confusion with any of the other -- or limitations for any of the other

tenants in the complex.

EXECUTIVE DIRECTOR ELIZABETH LINT: There was a cap on that particular location, on the One Kendall location when it first went in. We increased it maybe three or four years ago, maybe five, to allow for another license because Popeo (phonetic) Mills had gone out and the property owners envisioned a space another restaurant. West Bridge then went in. So there's a cap on the number of seats for that whole area.

COMMISSIONER MICHAEL GARDNER: And what is the nature of the alcohol license here? Just no value? Is this a transfer?

EXECUTIVE DIRECTOR ELIZABETH LINT: No.

DAVID LIPSHUTZ: No value.

EXECUTIVE DIRECTOR ELIZABETH LINT: I don't think any of the restaurants at that location have -- they're part of the complex.

COMMISSIONER MICHAEL GARDNER: Would you

have any evidence of community support for this new concept?

EXECUTIVE DIRECTOR ELIZABETH LINT: I have a letter in support from the East Cambridge Business Association, from Jason Alf (phonetic) that said, "As owners of Hungry Mother Restaurant and members of the East Cambridge Business Association, Alon's partners are temporary business owners. If the application is approved, we feel that the Board can expect the operators to build upon their current reputation as responsible and involved business owners who care about the community in large."

And from Councilor Toomey who also writes in support that "Alon and his partners have established a proven track record of successfully and responsibly operating a restaurant with an all alcoholic license in Cambridge, and in support of their attempt to expand upon their

operations in Cambridge and feels this will be another welcome addition to the culinary scene."

FIRE CHIEF GERALD REARDON: Do you have any idea when the opening will be?

ALON MUNZER: We're looking for the fall, September, around that area.

FIRE CHIEF GERALD REARDON: Could both locations be separate as far as --or would you be sharing some of the cooking duties between the two?

ALON MUNZER: They're two separate corporations and two separate kitchens.

COMMISSIONER MICHAEL GARDNER: Should we worry that Hungry Mother's quality might suffer from your attention?

ALON MUNZER: Not at all. The chef will run back and forth between them. No, not at all. We have a great team at Hungry Mother now that give us flexibility to share our time.

DAVID LIPSHUTZ: The foods will be compatible with each other.

ALON MUNZER: Yeah, same quality.

COMMISSIONER MICHAEL GARDNER: Well, in the past, although not consistently, the Commission has often approved new applicants for a 1:00 license and asked them to come back after six months of operation or so for a 2:00 license.

I'd just ask you if you think that -- should we do that, that would put a significant dent in your plans or your expected cash flows, and I'll also ask the other Commissioners if they have a concern or interest around that.

ALON MUNZER: I think for us to -- like we're talking about opening at certain hours and having set hours, it's always very important to us to be open at the time we say we're going to open and close at the time we say we're going to close, not any later or not any earlier.

So if you were to grant us the license, then as soon as we open, everybody would know that what our hours -- what time our hours go until, whereas if we had the short amount of time until 1:00 and then we extended it, the word may or may not get out. So we prefer it, but --

COMMISSIONER MICHAEL GARDNER: It interferes with the launch.

ALON MUNZER: It would.

DAVID LIPSHUTZ: And also, part of the concept is, is to draw on the other wait staff and operators in the area, so with the chef like with Barry Maiden, the restaurant community will be drawn to the restaurant, and that's actually a nice way to continue to build your reputation in the community.

EXECUTIVE DIRECTOR ELIZABETH LINT: Mr. Chair, just a point of information. When the Commission has asked an establishment to wait the

six months to get a track record down, it hasn't been with an establishment that already has a track record in the city, it's with an unknown entity.

COMMISSIONER MICHAEL GARDNER: Pleasure of the Commission?

FIRE CHIEF GERALD REARDON: Make a motion to approve SlawDog, LLC at Kendall Square, Building 300, 143 seats inside, 48 seats outside with the provision of the 24 seats coming in for the summer month, hours of operation 11:00 a.m. to 2:00 a.m. seven days a week -- excuse me -- weekdays and then --

POLICE COMMISSIONER ROBERT HAAS: Not seven --

COMMISSIONER MICHAEL GARDNER: He said 11:00 a.m.

FIRE CHIEF GERALD REARDON: 11:00 a.m. I said seven days a week. It should be 11:00 to

2:00 a.m. weekdays and 10:00 a.m. to 2:00 a.m. on Saturday and Sunday.

COMMISSIONER MICHAEL GARDNER: The motion has been made. I do wonder, do you really intend to stay open -- need to stay open till 2:00 a.m. seven days a week or is this a weekend?

ALON MUNZER: Well, that's our intention. The restaurant business is seven days.

EXECUTIVE DIRECTOR ELIZABETH LINT: We don't have that category. We only have 2:00 a.m.'s Thursday, Friday and Saturday and the night before there's a legal holiday. There's no restaurant in the city that has that.

COMMISSIONER MICHAEL GARDNER: That amendment is acceptable to you?

DAVID LIPSHUTZ: It's .

COMMISSIONER MICHAEL GARDNER: Is that amendment acceptable to you, Chief?

FIRE CHIEF GERALD REARDON: I thought I

was saying that, but I didn't. Thanks for that clarification.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Thursday, Friday, Saturday and the night before a legal holiday you can be open until 2:00. But it's not a category that's ever been accepted in the city. There's no seven days 2:00 a.m.'s.

ALON MUNZER: Should we be the first?

EXECUTIVE DIRECTOR ELIZABETH LINT: We would have to have a public hearing to approve that.

COMMISSIONER MICHAEL GARDNER: In a word, no. So with that application as amended, I will second the motion.

Any further discussion?

POLICE COMMISSIONER ROBERT HAAS: No.

COMMISSIONER MICHAEL GARDNER: Are you comfortable that you can make a go of it with these guidelines?

ALON MUNZER: Yes.

COMMISSIONER MICHAEL GARDNER: All those
in favor, signify by saying "aye."

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

COMMISSIONER MICHAEL GARDNER: Aye.

None opposed.

So, good luck with the new venture.

ALON MUNZER: Thank you very much. I
appreciate it.

APPLICATION: ELIE ON MASS AVE CORP

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Elie on Mass Ave Corp., holder of a
flammables storage license at 1725 Massachusetts
Avenue currently licensed for 24,000 gallons of
Class I, 550 gallons of fuel oil and 550 gallons
of waste oil, has applied to amend said license
to include a total of 31,000 gallons of Class 1
in an UST, 5,000 gallons of Class 2 (diesel) in

an UST, 550 gallons of Class 2 (fuel oil) and 550 gallons of Class 3B (motor oil).

COMMISSIONER MICHAEL GARDNER: Good evening.

If you could be so kind as to state and spell your last name for the record and identify your affiliation with the application?

ANTHONY GUBA: Good evening. My name is Anthony Guba, G-U-B-A, with Ayoub Engineering. I'm a professional engineer employed by Ayoub Engineering and representing the owner of the property, Elie on Mass Ave.

We prepared the plans for proposed replacement of the underground storage tanks at the gas station. And I'm here representing him this evening.

COMMISSIONER MICHAEL GARDNER: Will this involve more pumps or adding diesel capacity or tell us how it's going to change?

ANTHONY GUBA: Basically the location was previously owned by Gulf Oil. And Gulf Oil elected to terminate the lease. Mr. Lakis (phonetic) has been operating the location for approximately 14 years. They notified him that they had gotten an offer for the property. He had a right of first refusal. They told him they were going to terminate his lease in December, and that if he wanted to stay there, he would have to buy the property, which he has done.

COMMISSIONER MICHAEL GARDNER: He operated the gas station?

ANTHONY GUBA: He's operated the gas station for the last 14 years. He hopes to continue to operate the station.

They told him that once -- he closed on the property approximately three weeks ago or so. They told him that they would not allow him to continue or they would -- part of the sale did

not include the underground tanks, and that they were going to remove the tanks once the sale closed.

So, at this point Gulf plans to come in and remove the tanks sometime in June.

So that required Mr. Lakis to also fund a tank replacement at the location.

He came to us. We have been -- Ayoub Engineering has been in this business for over 40 years. I have been doing this for over 30 years. In fact, my first job in the petroleum industry was with Gulf Oil, and asked us to put together a set of plans to make sure that the tanks going in were going to be state-of-the-art, met all the regulations and that were the best for the facility that he has there.

His intent is to keep the facility the way it is. He doesn't want to change it. It's a small gas station, it's operated well for him.

He would like to continue to operate the way it is. The bays aren't going to change, the building's not going to change, dispensing locations aren't going to change. The hours of operations aren't going to change. It's still going to be a full-serve station.

Basically what's going to change is that the tanks are going to be removed by Gulf and Mr. Lakis is going to put in new tanks.

The sign will eventually change also. He he's presently branded Gulf, and they allow him to keep the Gulf sign up as long as the tanks are there. Once they're coming down and during the construction, we put the new tanks in, he's going to rebrand the location as Junior's Automotive Service & Gas. It will be an independent gas station.

The tanks that we're proposing to put in, the existing tanks there, he's got three 8,000

gallon tanks. They're single wall fiberglass.

The new tanks going in will meet current regulations and will be double wall fiberglass.

In conjunction with that, he's going to replace the piping so that will also be double wall fiberglass.

He's going to install new sumps under the dispenser so that he will add sensor at the sumps to increase the protection to the environment underneath the dispensers. There will be new sumps on the tanks themselves with sensors at the submersible pumps.

He'll improve the spill prevention at the fills for the tank, the overfill protection that are on the tanks, and also the monitoring of the tanks with the interstitial monitoring of the wall as well as a tank gauge. So you will have belt and suspenders as far as the tanks from an environmental standpoint.

FIRE CHIEF GERALD REARDON: Obviously there's no interstitial monitoring going on?

ANTHONY GUBA: No, they're single wall tanks, so there's no interstitial monitoring at all and that will be added.

FIRE CHIEF GERALD REARDON: Approximately how old are those tanks now?

ANTHONY GUBA: I believe they were install in 1983.

FIRE CHIEF GERALD REARDON: Singer wall fiberglass?

ANTHONY GUBA: Correct. In addition, you will have sensors on these -- on the sumps at the piping of both ends. The piping will be double wall so that will be completely monitored also. There will be new leak detection that will be installed on the piping and the overfill protection will be improved. Presently it's just a ball float and it's going to go to a flapper

and an alarm.

Those things will be improved.

FIRE CHIEF GERALD REARDON: So the tanks will be put in the same footprint?

ANTHONY GUBA: Correct. The location of the tanks are basically in the same location as they're now. There's no change to the driveways or the layout of the property. So there's no impact to the traffic, either for the customers that are using the facility or for the tanker truck that is coming to make deliveries to the location. That's all going to stay the same.

The fills will be generally in the same position.

The reason we suggested to Mr. Lakis to increase the size of his tanks is that due to the fact that he's, one, going independent, he's going to have to manage deliveries himself, and being an independent dealer and having to shop

around for gas also, order 24 to 48 hours in advance to get the delivery in, the larger tanks gives him a little bit more flexibility on a delivery window to make sure he doesn't run out in between the time that he has to make an order and get a delivery in there.

Under the current regulations, tanks, you know, we say it's a 12,000 gallon tank, but with the overfill protection, the tank is actually going to be reduced in capacity to 90 to 95 percent depending on the overfill protection. So he doesn't have the full capacity of 12,000 gallons and you also don't have the bottom of the tanks because it's a submersible pump, doesn't pump out the bottom six inches of the tank. So the 12,000 gallon tank really only provides him about 10:00-1/2 thousands gallons of capacity.

So for those reasons, it made sense to increase his product mix, and also juggle them

around where he has equal amount of super and unleaded, and we're now making it so that his unloaded and super is reduced in order to better mix his product sales.

FIRE CHIEF GERALD REARDON: Does he have diesel right now?

ANTHONY GUBA: He does not have diesel right now. But one of his big customers is Harvard. A lot of their fleet has diesel vehicles. He has seen through particularly the repair business that he has, he's seen particularly in the German automobile market a lot more diesel vehicles coming out between Mercedes, BMW, Audi and Volkswagen, and he would like to be able to offer that to those customers and also to an existing customer that he has in Harvard.

He's not looking to make this a truck stop.

The dispenser that we're proposing to put in, would only be on the front island. His canopy is pretty low so it wouldn't allow taller trucks to go in. It would only be on the front island. It will be a slow delivery, a normal passenger vehicle type delivery, which is a 10 GPM as opposed to a truck stop which is usually 35 to 40 GPM.

So we would discourage any large types of deliveries, but we would like to see the small pickup trucks, the small passenger cars, high mileage passenger cars to be able to use his facility and purchase diesel.

FIRE CHIEF GERALD REARDON: So is the plan to convert one of the gasoline pumps for diesel purpose?

ANTHONY GUBA: Right now, his plan is to add a dispenser on the front island right next to the one. He's got two islands. The one closest

to the building has two dispensers on it, the one closest to the street has one dispenser on it, and he would like to add a separate dispenser just for the diesel.

Now, we recommended that he'd look at doing that. The contractor suggested that maybe just add a hose to the dispenser that's there to keep the three and just add a hose for the diesel.

We recommended that he look at having a separate diesel dispenser, one, it would save him cost on purchasing a whole new dispenser to be able to offer both gasoline and diesel, and the other reason would be that our experience with a lot of other customers is it tends to reduce the potential for misfueling and it only takes one high-end Mercedes to get gasoline put in there for you to say it was worth not having that potential.

So by having a separate dispenser, it makes it a lot easier for the attendant and for the person who's pulling up to separate and not get the wrong hose by mistake into a car.

A gasoline nozzle fights into a diesel car very easily, but not the other way around. So it's pretty easy to misfuel a diesel car and it can cause serious significant cost to repair the damage if you operate a diesel car that way.

COMMISSIONER MICHAEL GARDNER: Are these self-serve pumps?

ANTHONY GUBA: No, presently it's full serve. It will stay full serve. And like I said, the hours would stay the same. The canopy would stay the same. The islands would stay the same.

As far as the location, because we're changing the piping and we're adding sumps, the front island is planned to be removed and a new

island put in the same place. The back island we're actually gonna -- we're proposing to leave it to the way it is. It's a stainless steel island and just cut out where the dispensers are, put the new sumps in and then patch it.

COMMISSIONER MICHAEL GARDNER: I'm not sure how I understand if the footprint is going to be essentially the same as the existing tanks, you can increase the capacity by about 30 percent.

ANTHONY GUBA: I have a larger plan, if I can show that to you.

COMMISSIONER MICHAEL GARDNER: You can just explain it.

ANTHONY GUBA: The tanks are basically the same diameters. The tanks comes in basically two foot increments. The tanks that are there now are 8-foot diameter. The tanks that we're proposing are 8-foot diameter.

So the only thing that changes is the length. The tanks are sitting perpendicular to Mass Ave and the new tanks will go in in the same exact spot as the tanks that are there, as far as from the building towards Garfield Street, they will sit in the same location.

The back of the tanks were will probably be about the same place that they're now. But the front of the tanks will come a little bit closer to Mass Ave, by about ten feet.

COMMISSIONER MICHAEL GARDNER: Are there any safety issues with respect to being that much closer to the street?

ANTHONY GUBA: No. Under the regulations there's really no requirement for a setback from a property line. The normal guideline is use three or four feet and we're well -- more than that.

The installation of the tanks requires

that we put in shoring. During the installation of the shoring, we want to make sure that we're going to be at least 10 feet or so from any overhead power lines. So we've taken a look at that and made sure there's no issue with that.

And then, as far as the operation, the tanks will actually be no closer to Garfield than they are now, and that's -- that's probably half the distance than they will be from Mass Ave.

COMMISSIONER MICHAEL GARDNER: Thank you.

Other questions?

FIRE CHIEF GERALD REARDON: The tripod overhead system is that all up to date? Is there going to be an extinguishing system?

ANTHONY GUBA: There's no extinguishing system there present and there's no proposal to add one being a full-serve station.

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

heard on this matter?

Please come forward and ask you to state and spell your last name for the record.

RISHI REDDI: First name is spelled R-I-S-H-I, last name is spelled R-E-D-D-I. I'm a resident of Garfield Street. I love this gas station. It's my regular gas station. I visit there at least once a week. Me and members of my family are on a first-name basis with the folks who work there. And I wish them well. I'm only coming here to speak today because I was concerned about the amount of traffic that might be encouraged to enter Garfield and Mass Ave intersection. If there was an increase or if diesel fuel was now available. And I'm happy to hear that large vehicles will be discouraged from using the diesel dispensers. I just wanted to lodge this concern. There's many, many children and families that live on that street. There's a

lot of pedestrian crossing across Mass Ave. It's already a dangerous place to cross. There's one crosswalk across the street. I wanted to express a concern about how the gas station would be able to control an increase in traffic for diesel consumers.

I want to say I'm happy to hear about the increase in environmental controls with the new equipment. I'm an environmental lawyer. Heard about things and I'm happy about that.

COMMISSIONER MICHAEL GARDNER: Thank you very much.

POLICE COMMISSIONER ROBERT HAAS: So you're in support of the application?

RISHI REDDI: I'm in support of the application, they're a good neighbors. I just want to hear how the traffic would be controlled so there would not be an increase of vehicles that -- of large vehicles that use diesel coming

into that intersection.

COMMISSIONER MICHAEL GARDNER: I'll ask you, sir, if you've got, in terms of any of the analysis with respect to the recommendations about the new diesel capacity, whether you've got any estimates on increases in traffic flow or expectations with respect to the number of vehicles per day, per hour, however you might measure it, and any other comments you might want to make with respect to this resident's concerns?

ANTHONY GUBA: Unfortunately we expect after the dust settled, we're hoping all this work will happen this summer, and unfortunately, we expect it after the dust settles, traffic at the location will actually go down.

There may be an increase in diesel customers from zero to some number. Typically stations like this will sell somewhere between 3 or 400 gallons a day of diesel with the typical

vehicles holding 15 or 20 gallons and getting a delivery somewhere between 10:00 and 15. That's about 20 cars a day.

Where we are thinking that the volume of traffic at the location will go down will be to the fact that it's going from a known brand of Gulf to an independent. And in my experience, at least, the three drivers of traffic at a location are convenience to the customer, the price and the brand.

The convenience to the customer is obviously not changing, the price strategy will not change, it's the same operator that's been there 14 years. And so, the only thing that really would be changing is the brand and we believe that an independent brand will probably draw less customers than Gulf.

COMMISSIONER MICHAEL GARDNER: Thank you. Any other members of the public who would like to

be heard on this matter?

Seeing none, I will make --

EXECUTIVE DIRECTOR ELIZABETH LINT: I do have quite a few letters. I think I forwarded some emails to people who had some concerns about the increase in capacity.

COMMISSIONER MICHAEL GARDNER: My understanding of the increase in capacity -- you may comment on this, if you wish, sir, is that at least there's the potential for -- the need for fewer refills of the tanks per month by making the tanks bigger?

ANTHONY GUBA: Correct. From a safety standpoint right now -- and that's one of the reasons when I talked about flexibility of deliveries, one of the problems right now when you have smaller tanks is that the normal tanker trucks that comes in can transport close to 11,000 gallons of gas, motor fuel, depending on

the type of fuel being sent. And the smaller tanks, particularly the way they're configured now, are requiring him to have a lot of short loads.

And probably -- I mean, I've seen at this location -- it's not as bad at others -- I've seen locations where they were able to cut the deliveries in half. This location it won't be that kind of a number, but it significantly, instead of maybe getting five loads a month, he'll be able to get four loads a month, the same amount of gallons, but he won't be getting short loads.

So, it will reduce the number of trucks driving in and out, and all the pertinent hazards that are associated with a truck navigating through the city, empty on the way out is probably the biggest hazard as opposed to even a full coming in, and then the time that is spent

on the site.

COMMISSIONER MICHAEL GARDNER: So I'll continue to make the motion to approve the application to amend the license to change the capacity and the mix of fuels as it's listed in the agenda.

FIRE CHIEF GERALD REARDON: Second.

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

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

COMMISSIONER MICHAEL GARDNER: Aye.

None opposed.

So good luck to you and your further planning. I appreciate the clarity of your presentation this evening.

And I wish this long-time business owner good fortunate with respect to a major change and

I assume risk sharing.

FIRE CHIEF GERALD REARDON: It certainly will be a safer environment and environmentally a much safer operation than the way this installation presently exists.

ANTHONY GUBA: Thank you very much.

APPLICATION: HAYEK & SONS

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Hayek & Sons, Incorporated, doing business as Singabella Cafe, Mohamad Hayek, manager, has applied for a common victualer license to be exercised at 2401 Massachusetts Avenue. 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 hours of operation will be 7:00 a.m. to 11:00 p.m. seven days per week.

COMMISSIONER MICHAEL GARDNER: Good

evening, sir.

If you could be so kind as to state and spell your name for the record and identify your affiliation.

MOHAMAD HAYEK: Mohamad Hayek, H-A-Y-E-K.

I'm previous the owner of this operation. The building owned by Homeowner Rehab. This operation been there four years. The previous owner has another restaurant in Medford. And he was going to crazy between the two locations. I showed some interest, and we spoke to the Homeowner Rehab and the owner gives the lease to me about a month ago, maybe six weeks ago because we went back and forth negotiating the options that we had to exercise.

And I submit the papers to transfer the license from his name to my name.

COMMISSIONER MICHAEL GARDNER: So you're -- you have taken over a lease of an

operation which is closed.

MOHAMAD HAYEK: No, it's operating. It was open.

COMMISSIONER MICHAEL GARDNER: It was still open.

MOHAMAD HAYEK: It's still open.

COMMISSIONER MICHAEL GARDNER: Are you running it now?

MOHAMAD HAYEK: Yes. I took it over in February. We signed the lease beginning of April into my name.

COMMISSIONER MICHAEL GARDNER: How is the new operation different from the one that was there before?

MOHAMAD HAYEK: As far as the hours and the seatings and the set up, it's all the same. We're going introduce more Italian food in the location.

COMMISSIONER MICHAEL GARDNER: Tell us a

little bit about your experience in working in this business.

MOHAMAD HAYEK: I have been in this business 20 years. I established a restaurant called Revere's Restaurant on Salem Street in the North End, and I'm still there. It's run by my brother. I separated from my brother in 2006 to seek other interests, and now I'm coming back to this field with my own place.

COMMISSIONER MICHAEL GARDNER: And is the size of 20 big enough to be viable?

MOHAMAD HAYEK: That's a patio seating outside of 12 seats which existed before. I mentioned in the application I still need to use it.

COMMISSIONER MICHAEL GARDNER: Are those seats on city property or are they on private property?

MOHAMAD HAYEK: No, private property.

COMMISSIONER MICHAEL GARDNER: To do we have a technical difficulty with the application?

EXECUTIVE DIRECTOR ELIZABETH LINT:

There's not.

COMMISSIONER MICHAEL GARDNER: So it's the application is for seating capacity of 20 plus patio?

EXECUTIVE DIRECTOR ELIZABETH LINT:

Correct.

MOHAMAD HAYEK: I submitted an existing -- there was already one from the Public Work, the license -- that patio still exists.

EXECUTIVE DIRECTOR ELIZABETH LINT: Did you get the abutter notifications?

MOHAMAD HAYEK: No, I don't.

EXECUTIVE DIRECTOR ELIZABETH LINT: You need those.

COMMISSIONER MICHAEL GARDNER: Did you send out notices to the abutters?

EXECUTIVE DIRECTOR ELIZABETH LINT: Oh,
no, he didn't have to. It was the same hours.

MOHAMAD HAYEK: Same hours and same days.
As a matter of fact, he used to close on Mondays.
I'm open seven days a week. So I'm not changing
anything.

COMMISSIONER MICHAEL GARDNER: Are these
city patio seats?

EXECUTIVE DIRECTOR ELIZABETH LINT: No.
Private property.

COMMISSIONER MICHAEL GARDNER: Other
questions?

POLICE COMMISSIONER ROBERT HAAS: No
other questions.

FIRE CHIEF GERALD REARDON: No questions.

EXECUTIVE DIRECTOR ELIZABETH LINT:
There's one outstanding matter, though. The
current owner has an outstanding water and sewer
bill that needs to be satisfied before they grant

a license.

MOHAMAD HAYEK: No problem.

COMMISSIONER MICHAEL GARDNER: So I understand that you're operating, but we need you to get the paperwork straightened out with respect to the license application to let you stay in operation.

MOHAMAD HAYEK: We'll do that, sure.

COMMISSIONER MICHAEL GARDNER: 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 common victualer license for 2601 Mass Ave to Hayek & Sons, according to the description in the agenda subject to the paying of outstanding obligations to the city.

FIRE CHIEF GERALD REARDON: Second.

COMMISSIONER MICHAEL GARDNER: Motion having been made and seconded, all those in

favor, signify by saying "aye."

POLICE COMMISSIONER ROBERT HAAS: Aye.

COMMISSIONER MICHAEL GARDNER: Aye.

FIRE CHIEF GERALD REARDON: Aye.

COMMISSIONER MICHAEL GARDNER: None
opposed.

So good luck with your operation.

MOHAMAD HAYEK: Thank you.

APPLICATION: ABIR INVESTMENTS, LLC

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Abir Investments, LLC at 77 Hurley Street has applied for a garage license for seven parking spaces and 70 gallons of gasoline in the tanks of autos only.

COMMISSIONER MICHAEL GARDNER: Good evening.

If you would be so kind as to state and spell your last name for the record, Mr. Higley.

ATTORNEY RUSSELL HIGLEY: Attorney

Russell Higley, H-I-G-L-E-Y.

COMMISSIONER MICHAEL GARDNER: Identify anybody who is going to be speaking.

AHED KHALIL: Ahed, A-H-E-D, Khalil, K-H-A-L-I-L. This is Mary Adams, my office manager.

COMMISSIONER MICHAEL GARDNER: So, Mr. Higley, why don't you tell us a little bit about an application?

ATTORNEY RUSSELL HIGLEY: This is an application for a garage license, Dr. Khalil took a building that was a disaster, renovated it completely, a certificate of occupancy -- a use of occupancy was issued last year, in February of 2002. It's for his dental practice. The building is a first class office use right now. Beautiful. He did a wonderful job. Of course, it has a garage with seven parking spaces. So this is an application for seven parking spaces

and 70 gallons of gasoline in the tanks.

CHAIRMAN MICHAEL GARDNER: Is this an enclosed garage?

ATTORNEY RUSSELL HIGLEY: Yes, it's.

CHAIRMAN MICHAEL GARDNER: Underground? Aboveground?

ATTORNEY RUSSELL HIGLEY: Aboveground, on the same floor, back of the building and vented.

FIRE CHIEF GERALD REARDON: Grade level.

ATTORNEY RUSSELL HIGLEY: Yes.

COMMISSIONER MICHAEL GARDNER: Other questions?

FIRE CHIEF GERALD REARDON: I have no questions.

POLICE COMMISSIONER ROBERT HAAS: No questions.

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

Seeing none, I'll make the motion to approval the garage license for seven parking space and 70 gallons of gasoline in the tanks of autos only at 77 Hurley Street.

FIRE CHIEF GERALD REARDON: Second.

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

POLICE COMMISSIONER ROBERT HAAS: Aye.

COMMISSIONER MICHAEL GARDNER: Aye.

FIRE CHIEF GERALD REARDON: Aye.

COMMISSIONER MICHAEL GARDNER: None opposed. So you've got your garage space.

APPLICATION: BOURBON LESLEY, LLC D/B/A

BOURBON COFFEE

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Bourbon Lesley, LLC doing business as Bourbon Coffee, Tareq Yaghmour, manager, holder of a common victualer license at 1815

Massachusetts Avenue has applied for a season outdoor patio on the public sidewalk for 16 seats. Total seating capacity (indoor and outdoor) can never exceed 75.

COMMISSIONER MICHAEL GARDNER: Good evening.

If you would be so kind as to state and spell your last name for the record and identify your affiliation with the application.

TAREQ YAGHMOUR: Tareq Yaghmour, last name Y-A-G-H-M-O-U-R. I'm the store manager.

COMMISSIONER MICHAEL GARDNER: Tell us about the business.

TAREQ YAGHMOUR: It's a small company that started from Rwanda. We basically are a coffee shop that provides also pastries, some light food. We have been open since a year and a half now.

COMMISSIONER MICHAEL GARDNER: And the

outdoor patio is for the public sidewalk?

TAREQ YAGHMOUR: Yes.

COMMISSIONER MICHAEL GARDNER: In terms
of any compliance, Ms. Lint?

EXECUTIVE DIRECTOR ELIZABETH LINT: No
issues.

COMMISSIONER MICHAEL GARDNER: Has Public
Works been there?

TAREQ YAGHMOUR: Yes. I received the
permit from Public Works.

EXECUTIVE DIRECTOR ELIZABETH LINT: I
think that was the confusion. They were supposed
to be here for the last agenda, last hearing and
they didn't come in, and we hadn't emailed it,
and he thought when he had the Public Works
permit that he was all set.

TAREQ YAGHMOUR: Sorry about that.

COMMISSIONER MICHAEL GARDNER: It can be
complicated.

EXECUTIVE DIRECTOR ELIZABETH LINT: I do have an outstanding tax bill.

TAREQ YAGHMOUR: Okay.

CHAIRMAN MICHAEL GARDNER: Any questions?

EXECUTIVE DIRECTOR ELIZABETH LINT: We need prove it was satisfied before we allow the patio seating.

COMMISSIONER MICHAEL GARDNER: Any questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

FIRE CHIEF GERALD REARDON: No questions.

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

Seeing none, I'll make the motion to approve the application for the seasonal outdoor patio on the public sidewalk for 16 seats assuming compliance with all Public Works and any

other procedural regulations of the city and subject to the paying of the outstanding property tax obligation.

TAREQ YAGHMOUR: Thank you.

POLICE COMMISSIONER ROBERT HAAS: Second.

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

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

COMMISSIONER MICHAEL GARDNER: Aye.

None opposed. So you'll be open soon with the outdoors.

TAREQ YAGHMOUR: Hopefully.

CHAIRMAN MICHAEL GARDNER: Good luck.

APPLICATION: FAWAZ ABU-RUBAYAH DOING BUSINESS AS

BEANTOWN TAQUERIA

EXECUTIVE DIRECTOR ELIZABETH LINT: And last but not least.

Application: Continued from April 9, 2013, Fawaz Aburubieh, 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 name for the record and identify your affiliation.

ATTY. SEAN HOPE: Good evening, Mr. Chair and members of the Commission. For the record, Attorney Sean Hope, Hope Legal Law Offices in Cambridge. I'm also here with the owner.

FAWAZ ABURUBIEH: Fawaz, F-A-W-A-Z A-B-U-R-U-B-I-E-H.

ATTY. SEAN HOPE: I'd also like to

introduce the proposed manager, Hugo Mendez. Say and spell your name.

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

COMMISSIONER MICHAEL GARDNER: When we were last, Mr. Hope, we put the matter over to a decision hearing at the beginning of May. My understanding is the request was made by the applicant for us not to consider the matter that day, but to put it off and we rescheduled it for this evening. Is that your understanding of the procedural history?

ATTY. SEAN HOPE: Yes.

COMMISSIONER MICHAEL GARDNER: Tell us about what happened since the beginning of April and where you stand with the application.

ATTY. SEAN HOPE: Sure. I would like to thank the Commission for granting the extension. We actually had to two extensions at the previous

hearing. We still hadn't had a chance to meet with the neighbors and abutters. That was a big part of the previous hearing that we had in early April.

Since that last meeting, we actually had two public meetings and a third meeting at the restaurant for a soft opening.

The first meeting the applicant went to the neighborhood. We invited -- I think there was approximately 20 people from the neighborhood.

Part of the concern from the neighborhood initially, because we had to do the outreach, was this was going to be a bar or a type of place and the restaurant was going to be ancillary to the alcohol.

After meeting, Hugo Mendez who is managing the current restaurant on Mass Ave, and also Fawaz who's lived in the neighborhood and

also adjacent to the property and realized the focus was the food, the focus was the restaurant.

There was a meeting a week later, I believe, March 9. This was the Riverside Neighborhood Association.

COMMISSIONER MICHAEL GARDNER: March 9?

ATTY. SEAN HOPE: May 9, last Thursday.

There was a meeting that was held in the area. It wasn't specifically for the restaurant, but it was just a local meeting of people on Riverside. Mr. Lawrence Atkins invited us to that meeting. They, again, presented a restaurant concept.

Also it didn't say that we were going for an all alcohol but the focus really was on the food.

There were several neighbors and abutters there. I wasn't there myself, but Mr. Mendez can speak to it.

But the overall premise from both of those meetings was there was a positive reaction

to the restaurant. I think there was some issues about how the layout of the restaurant would be, was it going to be a bar.

As you see in the floor plans, there is no bar. There are actually just tables for food and seating. This was a previous restaurant. There's very little change to the restaurant except there was a demising wall where there was food served over a counter. Now we're doing actually food served by wait staff. So it's not less fast food, it's a restaurant sit-down style.

And also, in terms of the alcohol, part of the idea what was going to be the focus. There was some confusion at the last hearing. There are patio seats that were previously approved, but our application does not have alcohol on the patio.

So I think when neighbors and abutters were thinking about noise and traffic and what

could be given that it's Mexican food, I think a lot of those things were alleviated because the alcohol will be inside. Again, it's a restaurant focus.

Another aspect that came up at the neighborhood meeting, the first meeting, was just neighbors and abutters was about trash. It's kind of a tight lot. One of the suggestions that the applicant is willing to do is actually to remove the trash on a daily basis off site.

As I said, they have a restaurant that's currently open on Mass Ave near MIT in the 200 block. So right now they -- actually things like there are chips and fries that need a fryolator. There's no fryolator for a better term on site here, it's on the Mass Ave location. So they will bring the chips over and they're constantly preparing certain foods there and bringing them over to the Western Ave location.

So one of the solutions outside of putting a dumpster, which really didn't fit for the neighborhood and the space, was to be able to actually cart the trash and bring that back to the Mass Ave location where there are several dumpsters and it's an a more appropriate place to handle.

So good things came out of the meeting. I think there was a level of understanding of what was going to be proposed.

We encouraged people to write letters of support. I do believe some of them did go to the wrong location, but we have letters of support, and we asked certain people to come and speak tonight.

I feel like in the month since we have been here first, there's been the appropriate outreach that didn't happen at first. I think there's been an understanding.

They actually had a soft opening of the restaurant, as I said, on Monday where they offered free burritos and food to the neighbors who came by.

This was a soft opening to introduce themselves, but they really would like to really open when they have the full alcohol beverage package to really have the restaurant -- one of the things at the last hearing was just the fact that this was a tough stretch and a difficult building. They had a previous restaurant, they had commercial office retail. There were all very difficult for Mr. Aburubieh to have succeed. So he's a Muslim, so this is not something where he's into serving alcohol, but after his concept failed, he did partner with Hugo Mendez whose family owns Jose's Flying Burrito. There's a history of Mr. Mendez's family in Cambridge.

They have now taken Beantown Taqueria

concept to the Western Ave location, and we feel that the alcohol would be a good compliment as with a way to kinda compete with the other restaurants that are on Mass Ave.

COMMISSIONER MICHAEL GARDNER: And the hours of operation 10:00 a.m. to 11:00 p.m., seven days a week?

ATTY. SEAN HOPE: Yes. That was proposed. We -- if the Commission would let us we'd actually want to roll back the hours to start at 11:00.

COMMISSIONER MICHAEL GARDNER: 11:00 a.m.?

ATTY. SEAN HOPE: Excuse me, 11:00 a.m. One, I think hearing some of the feedback from the Commission to other applicants, I did a double check to make sure that they weren't going to open earlier than they would, and I think they realize that 11:00 a.m. would be appropriate for

the seven days a week, and I think that's -- they would want to adhere to what they would advertise, so a conservative view of 11:00 to 11:00 seven days a week would be more appropriate.

COMMISSIONER MICHAEL GARDNER: What is your sense about whether or not it would be viable as beer and wine only?

ATTY. SEAN HOPE: I think it could be viable. I thin, as I said earlier, just to be candid with the Commission, part of something of the Mexican culture was having some margaritas with the food. You can't do that with the beer and wine. I think if there was a license that was more limiting, they would like it if they had cordials, if the Commission had that type of license, which they don't, and this is not a bar, so I think there's some concern from either maybe local bars that they're trying to compete with

their clientele which they're not. I just think the all alcohol would give them the flexibility to be able to do margaritas and do the Coronas and the certain beers that do go with the Mexican food and culture.

So, the all alcohol would give us the wide range to be able to really try to be successful in a tough stretch of Mass Ave.

But to your question, if the Commission thought the beer and wine was more appropriate, I think we could survive, although I think we're requesting what we really feel would give us the best use.

COMMISSIONER MICHAEL GARDNER: We'll just talk out loud now.

We have encountered the issue about people wanting to really only serve specialized spirits, but they're not being licensed for that, you know, we had to say all alcohol.

But I just wonder whether there would be either an enforceable or possibility of an understood agreement or exchange of letters with respect to an applicant advising us with respect to what -- if there was only going to be a limited selection of spirits what that would be.

So I'll of the people who are involved in that actually have to enforce these things.

EXECUTIVE DIRECTOR ELIZABETH LINT: I think it would be very difficult to enforce, first of all, but besides that, if you obtain an all alcoholic seven-day license, you're paying a huge licensing fee to the city.

I don't think it would be economically viable for anyone to say "Okay, I'm just going to serve margaritas, which would comprise probably two or three different liquors and that's it." You would be --

COMMISSIONER MICHAEL GARDNER: But you

see part of it I understand that's sort've of the representation we're hearing here that that's the business model.

ATTY. SEAN HOPE: And the applicant actually applied without counsel. But our representation last time that was the thought process. They're not going to be a bar. In order to serve margaritas, they may also serve beers and other things.

But I think to Ms. Lint's point, the fees and I'm not sure how sure the applicant is aware what those fees might be, and I would -- do you want to speak to that in terms of the cost of an all alcohol license if they were to limit to just margaritas?

HUGO MENDEZ: Can you repeat it?

EXECUTIVE DIRECTOR ELIZABETH LINT: The fees for a no value, all alcohol license seven days is between 6 and \$7,000 annually.

COMMISSIONER MICHAEL GARDNER: The question, Mr. Mendez, was if you really are only -- are you really only going to serve margaritas, and if you really are only going to serve margaritas, could we have some understanding or representation from the applicant that that was their intention?

And the question which Lint raised was whether or not that's economically viable. And my question back is, well, if that's the representation, is that, in fact, the plan?

HUGO MENDEZ: Well, we did apply for the license without Mr. Hope here. After we hire him, after we applied so we could educate ourself a little more. It's our first business other than the 245 location we're managing and we're trying to make it so -- on the other location at 245 we're actually drawing enough income to try to -- we're staying afloat on that. We're hoping

this one can have the same effect once we open and hoping that having the license would actually generate enough income to pay for the -- for a yearly fee of \$6,000, which it's high, but I think with all the positive feedback from the neighbors, all the reaction that we gotten, we are really positive that we can take care of that.

COMMISSIONER MICHAEL GARDNER: In terms of the economic viability, is it fair to say that you would experience more foot traffic on Mass Ave than you can expect on Western Ave at the second location in terms of just sort've pedestrians walking by?

HUGO MENDEZ: Well, we already have like a really busy seven days a week operation.

COMMISSIONER MICHAEL GARDNER: On Mass Ave, you mean?

HUGO MENDEZ: On Mass Ave, yes. And a

lot of the customers actually on our first location are asking when are we going to open on the other location, and we're hoping to draw some of that flow to our Western Ave location, and most of the customers that would come into our Western Ave location, it seems like it's more foot traffic than people coming from far away in cars.

COMMISSIONER MICHAEL GARDNER: Other questions?

FIRE CHIEF GERALD REARDON: It seems like we've got an awful lot of support letters recently, so do we know how many of those people might've been opposed before?

ATTY. SEAN HOPE: That was the question -- I can't speak for everybody but a lot of the neighbors, part of the problem was there was no outreach. You hear all alcohol, you hear about a place that's not open yet. You think

this could be another neighborhood bar.

But a large amount of people were more comfortable when they recognized that the focus and layout was food.

And I think also understanding that there wasn't going to be this alcohol patio, which can drive a whole other side of the business is, I think, comforting.

The idea though eventually that we prove to the Commission that this is a viable restaurant, we didn't apply for it, but if there was an application to the Commission, I think that would also have to be part of an outreach again to the community, but it will be a time when we have proven ourselves that if we're running that type of business, but I think initially there was some concern about what this business is going mean for us on a daily basis and I think and we alleviated a lot of those

concerns.

FIRE CHIEF GERALD REARDON: Am I correct in saying in the full layout, there is no actual bar in the restaurant, it just consists of tables inside?

ATTY. SEAN HOPE: That's right.

COMMISSIONER MICHAEL GARDNER: Anything else you would like to add before we open it up for public comment?

POLICE COMMISSIONER ROBERT HAAS: No other questions.

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

Why don't you come forward. But I'll give Mr. Mendez an opportunity. You raised your hand. Is there anything you want to add before we open it up to comment, sir?

HUGO MENDEZ: Just we're being successful

with the type of food we're serving at the 245 Mass Ave location. That's our focus. And we're hoping to make it really successful on the food oriented side serving the food on the outside patio and just complimented with some type of alcohol to help us.

COMMISSIONER MICHAEL GARDNER: Thank you, sir.

Members of the public who would like to comment, why don't you just give people an opportunity to sit, Mr. Hope, or perhaps just bring a chair up.

Please come forward.

If you would, sir, please state and spell your last name for the record?

ROBERTO MELENDEZ: Melendez,
M-E-L-E-N-D-E-Z, Roberto, R-O-B-E-R-T-O. Hi.
I'm a resident of 101 Western Ave. I'm also a graduate student at MIT down the street. I got

to know the managers and owners of Beantown Taqueria through the Mass Ave location being my lab is really close to there. And I love their food. It was a great impact last year to have such a good place for lunch and dinner close by.

I was very happy to hear when they decided to open up in the new location. And I also wanted to voice my support for their liquor license application, given that I got a lot of family in Mexico, and from my understanding is that the management and the ownership are trying to bring a lot of very classical dishes as opposed to like the more fast food dishes that they serve in the Mass Ave location. And these are normally served with alcohol. So I think it's very appropriate for them to have the alcohol license that they're requesting.

And I also -- they requested -- with respect to the foot traffic, I think it's going

to be a different clientele. I know a lot of people go there for fast food. It's one of the only places open at 3:00 a.m. and they go for fast food.

Well, this is a more sit-down place, more gourmet, if you will, and a lot of the people, for example, I go a lot to the Mass Ave location, but I live in 101 Western Ave so I go most on weekdays I would visit Beantown Taqueria Mass Ave and then the new Beantown Taqueria is more for the residential area as opposed the university area.

I just wanted to voice my support for the owners and managers of Beantown Taqueria.

COMMISSIONER MICHAEL GARDNER: Thank you very much.

Other members of the public who would like to be heard?

Yes, sir.

LAWRENCE ADKINS: Hi.

COMMISSIONER MICHAEL GARDNER: If you could just state and spell your last name for the record.

LAWRENCE ADKINS: Certainly. Lawrence Adkins, A-D-K-I-N-S. I'm here probably in a dual status this evening. The owners or manager has made his presence known at one of our Riverside Neighbor Association meetings and made himself known that they're opening their business, and as I explained to owner of the neighborhood association always ask the direct abutters and the conversation opened across the Board.

There was some issues as far as, of course, with the alcohol itself. And then with the food everybody, of course, always wants an establishment to have such illustrious food that they line up around the building which they're all anticipating.

The concerns are still not just about the alcohol. It's a residential area.

We're preparing to embark upon a massive construction project both with the local school and with the local Western Ave itself sidewalk and probably the bridge. So we're looking probably at between two or three years worth of backup traffic.

So the idea that the grouping, the logically of having other sets of restaurants associated with this and we already -- there is no parking on Western Ave or Riverside or on the side street, so logically it doesn't seem as though, again, with this has been worked out and the last thing we want to do is have any further clogging up of the area either.

Not to make this an impossible range, but it seems as though this process has taken on light speed without really having all the

logistics laid out for everybody to be able to be satisfied with them.

I know to be in the business you want to get going as fast as you can. But somehow with all that's on the table, it seems as though refrain would probably be the best way to go about this.

So ourselves thinking out loud, as you all did, we'd probably hold off on the alcohol, and allow for the food, which no matter what, that's gonna be the main attraction, anything else would be frosting on the cake and add a few candles that are just succeeded further along.

But as a person who is a lifelong member, I'm protective of it first. Knowing the process that you all have go through is not one of blowing out the candle and pulling it back and thinking of the neighborhood first and, of course, the guests who come around would probably

be best off having much success with food and refrain from the alcohol.

COMMISSIONER MICHAEL GARDNER: So my understanding, sir, is that the Riverside Association is opposed to the alcohol?

LAWRENCE ADKINS: We will always back the abutters knowing Cambridge how it does it. It only takes one. I have heard for more than one that they have really not in favor of the alcohol. They have no problem with food. But unanimously, it's not unanimous as far as alcohol content for this address. They're still -- well you lived here long enough to know the area had its past dark component with alcohol. They're proud of the fact they have turned into a residential area and now are very protective of it. I'm in favor of that myself.

Alcohol only adds to a wonderful thing as long as it's done properly, and it appears as

though there are a host of things that have this operation other than just wanting to have alcohol at a place where you're gonna have 18 seats on the inside and 18 seats on the outside. You say you have to monitor one way or the other. Who is going to monitor it? All you need is one person to make something that's ugly and it will shut down the whole entire thing, or we'll ask for it to be shut down because it makes no sense to be moving that fast. And it's, this process is like it's less than 60 days when I first came here and wanting the change of name and change of hours and the alcohol which was a lesson for themselves. They still are learning lessons along this way which is what business does, but let's not overburden it for it not to be expertly handled. Right now, kinda of a junky basket. So let's tighten up the basket because it's a tight spot. It's a very tight spot. There's no space

for double parking. When it comes 7:00 in the morning to 9:00, we're jammed. From 3:00 to 6:00, we're jammed.

For that site to be having the business that they're talking about, and I hope everybody can walk and go home, but I have a strange suspicion it's not just going to be people walking on foot and they, themselves, having take out, I'm certain they're not just going to have food eaten by 18 people eating in the place.

So I think the whole entire process is going to be a lesson to them to adapt along the ways. I think it's going to be where the Board's going to have to intervene and help them learn to get a better accessibility in running it themselves in the neighborhood.

Why add another cube in this that will make it even an accident more probable because now we're talking about an individual, and we all

know it only takes one who can either be
inebriated before arrival or accidentally get
inebriated there and it will turn ugly. Why
add -- like I said, this is a process that has a
whole lot to it, and for a crew that came in and
has learnt at each interval they have come here.
It hasn't been straight presentation and
knowledgeable. It has been a learning lesson and
that they have adapted along the way. So let's
continue to adapt, but leave the time for the
education to go along its way and the liquor can
only add to an illustrious program that they will
earn their way.

And I just think it's a smart thing to do
with Western Ave. If you want to call me the
overburden momma over the child, so be it. I
would rather be that way than go the other way
and have whatever long process it is to withdraw
it. They will like it in the final end and they

will have earned it and in the same process you will all be glad to given it to them in that fashion. Thanks for the time.

COMMISSIONER MICHAEL GARDNER: Thank you very much, sir.

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

Again, please state and spell your last name for the record.

RICHARD PROBERT: Richard Probert, P-R-O-B-E-R-T. I would like to speak to the abutters most of whom couldn't make it here tonight. Our feeling is that we're still opposed to the notion of an alcohol serving establishment in that location. I know that Mrs. Hurl and Mrs. Spears from the funeral home and a number of the other abutters have sent letters and emails to the committee saying this. You should have it before you.

I would like to say, however, Mr. Aburubieh has reached out to the neighborhood and our impressions of him of are favorable impressions, and we wish him luck with his food venture.

We all look forward to eating at his taco restaurant, but we're still opposed to the notion of an alcoholic establishment.

COMMISSIONER MICHAEL GARDNER: Thank you very much.

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

KATHERINE BENNETT: Hi, Catherine Bennett.

COMMISSIONER MICHAEL GARDNER: Spell your last name.

KATHERINE BENNETT: B-E-N-N-E-T-T. I live off Pleasant Street in Cambridge. My husband and I are lifelong Cambridge residents.

We were both born and raised here.

I never thought I would be here. But I just wanted to bring to the Commission's attention that currently in our neighborhood there's only one place that has a liquor license. I think a lot of this boils down to stifling competition, and I just want to make sure that the Board is aware of that.

And that I think the diversity of having a restaurant and not a bar, he's looking at -- I didn't know him from Adam until he went around to the neighborhood. And I met him and had a conversation with him, and I was one of those that was concerned about alcohol because in the spring and summer my husband and I cannot leave our bedroom windows open at night because of people that come out from having drinks. And that's at 2:00 or 1:00 in the morning.

This guy is looking to be a very good

neighbor. I think he really wants to be helpful to the community. And he's only looking to be open until 11:00 and I think there would be a spillover of anybody drinking. He decided not to have alcohol in the patio. And frankly, it's a sit-down restaurant, not a talk-out restaurant and for all those reasons, I don't want to go to a sit-down restaurant especially a Mexican one and not be able to have a margarita.

I'm not going to say I speak for all the neighbors. I live in Riverside. I can tell you the squeaky wheel gets the grease.

If I'm going to complain, people that don't mind aren't going to come and speak.

For me, we came at 6:00 and waited just so we could speak in support of it. I did send some emails. I just think that he needs to be able to make a go of it, and I think for a sit-down restaurant, not a bar serving food, but

a restaurant serving alcohol, it's gonna be tough for him to make a go of it if he can't.

I don't know him from anyone. But I just think that the diversity and the competition is good for the neighborhood.

COMMISSIONER MICHAEL GARDNER: Thank you very much.

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

Please come forward. Can you state and spell your last name for the record?

MARY WOODBURY: Mary Woodbury, W-O-O-D-B-U-R-Y. I live at 133 River Street. So I'm not immediately an abutter. I also -- the previous speaker was not an immediate abutter. And I do support the idea of the new restaurant. But I do not support the liquor license, especially not a full liquor license.

And the reason I wanted to speak was I

was asked by some neighbors who live on Western Ave to sign a statement, people who are strongly opposed to the liquor license and I want to make sure you got that.

COMMISSIONER MICHAEL GARDNER: We have -- are you referring to a letter which refers to Jennifer Brill, Lawrence Wheel, H.A. Spears Funeral Home, Mary Brodsky?

MARY WOODBURY: Yeah, there were four or five people's names. We got the letter late and I signed it and I don't know --

COMMISSIONER MICHAEL GARDNER: We have a letter with your signature on it.

MARY WOODBURY: I just wanted to make sure. Because the understanding was after the last meeting that there would be no comment from the public and I think that's why there are not more people here tonight.

COMMISSIONER MICHAEL GARDNER:

Procedurally when we were going to do this at the decision hearing in early May, we don't take testimony again because we moved it to open meeting, and we got so much more communication, we decided to accept more information.

Thank you very much.

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

EXECUTIVE DIRECTOR ELIZABETH LINT: If may put on record it might be helpful for the people that are here. We received numerous emails and all of them are here in the record and they are also with the Commissioners.

DRAGICA MILOSAVLJEVIC: Dragica Milosavljevic, D-R-A-G-I-C-A, M-I-L-O-S-A-V-L-J-E-V-I-C.

I live at 39 Pleasant Street and I'm also requesting that you consider the application in support of the liquor license.

Mr. Mendez has made a tremendous effort to reach out to the neighbors and neighborhood.

In speaking with him, I really feel that he's hoping greatly to become a part of the fabric of the community and not to open just an establishment where people can come and eat.

Because of the traffic concerns, there's no parking in that neighborhood. Because the resident parking, you really only have neighbors who will be walking in. People will parking down by Mass Ave or wherever they have to go. So it really won't be impacting traffic or parking because there's none to begin with.

And notwithstanding the construction that will be going on that really doesn't seem to bear great influence on whether or not he should be able to offer margaritas which appear to be the big drink within the establishment.

I feel we should give him a fair shot.

This is the land of opportunity. I think we need to give him an opportunity as well and not be considering the competition, and I'm not sure what is going on in the neighborhood there, but he has made great attempts to be a good neighbor, to include the community and to get their input and to address all the concerns that I believe he has done that.

So I would request that you consider his application for a liquor license as well.

COMMISSIONER MICHAEL GARDNER: Thank you very much.

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

Any further comment?

FIRE CHIEF GERALD REARDON: No.

POLICE COMMISSIONER ROBERT HAAS: No.

COMMISSIONER MICHAEL GARDNER: Anything else, Mr. Hope, you would like to add on behalf

of the applicant?

ATTY. SEAN HOPE: I would just like to underscore the difficulty of the location. This is a location for almost a decade has really tried to find a viable use.

I think the idea of food alone would be able to satisfy is probably not consistent with the most of the restauranteurs that you have before you who come here in order to have a sit-down restaurant as opposed to a Chipotle or a place where you're supposed to come in and leave, that part of the culturals for individuals to want to have a beverage with a meal, I think that part of the reason why today is that Mr. Aburubieh really has tried several different concepts, and we do feel it's important to have -- to be able to compete with the restaurants as opposed to just the food places in the area, and we also do want to hopefully

attract some people from Central Square.

I would also like to say in terms of the concerns of the worst case scenario, I think that we have a very active neighborhood, a very active neighborhood association, so if there was activity there, there wasn't appropriate, the License Commission does have a remedy for that.

You know, this would be a free -- and all alcohol -- free alcohol license, whether it's beer and wine or all alcohol and that could also be taken back from the Commission. This is not a one stop. Once you granted this, there wouldn't -- there wouldn't be limitless -- you would be able to control some of the activities.

I would like to say that on the Mass Ave location, this is one of the few 4:00 a.m. licenses that's open that late. They haven't had a complaint. They don't have alcohol. But they haven't had a complaint just in terms of

managing. They actually probably have a lot people who have had alcohol that would come into the restaurant.

I think they have proven themselves as a quality establishment in terms of management. We just would like the Commission to give us an opportunity to prove ourselves.

COMMISSIONER MICHAEL GARDNER: Thank you. Could you remind us of Mr. Mendez's experience with alcohol before either as a manager or record or involved in operations?

ATTY. SEAN HOPE: I think as part of the first hearing we didn't talk about his resume. He doesn't have experience in managing, but his bother's restaurant --

HUGO MENDEZ: Actually, I started working for my bother since I was a senior in high school and he brought Jose Mexican Restaurant at 131 Sherman Street in North Cambridge, and I got TIPS

certified, which is required to serve alcohol, you're educated how to handle situations so I'm TIPS certified. I'm Safe Serve certified. In my bother's restaurant I actually started as a busboy and worked my way up all the way to become a manager and then a general manager right before I ventured it buying a project which we have been able to turn around from zero employees to 14 on Mass Ave location, and on this one, you know, we felt we're going to be able to manage it right seeing that I have actually around nine years of experience on a restaurant that serves full liquor license and it's open until 12:00 on the weekends in residential area, and we never had any problems in the nine years that I worked there or any complaints.

My bother also has a patio and he does serves alcohol on the patio. I was a waiter there, too, and we never had any problems with

any disturbances or anything like that. So my experience is nine years experience of a restaurant that holds 96 people. It's two floors. And we were able to manage it right.

COMMISSIONER MICHAEL GARDNER: Thank you. Pleasure of the Commission?

POLICE COMMISSIONER ROBERT HAAS: I'd like to make a motion to -- I can't think right now -- defer the matter to the next decision meeting. I need a chance to talk to Superintendent Burke. I wasn't hear for the entire hearing, and I know Superintendent Burke had an opportunity to listen to some of the testimony as well.

COMMISSIONER MICHAEL GARDNER: So the next decision hearing is June the 6th, is that right, Ms. Lint?

EXECUTIVE DIRECTOR ELIZABETH LINT:
Correct.

COMMISSIONER MICHAEL GARDNER: You mentioned, Mr. Hope, that the restaurant had had a soft opening. I didn't follow up with you to ask you what that meant.

Are they, in fact, now open for business selling food only, or was this a promotional event for the neighborhood?

HUGO MENDEZ: Yeah, actually in my experience doing a soft opening means that you're open for business, you don't really advertise, you just take in all the traffic that you get and you work out any issues, structuring the system that you're going to structure, training the wait staff, training the cooks, getting used to the place. So when we do the grand opening, hopefully a month from now, like we start operating and we are serving food starting yesterday and on.

We're hoping by the time we do the grand

opening a month from now, it will give us a month's window to train everyone right, and once we do the grand opening, people are going to be expecting a good service, a swift service and that's we're shooting for. That's what a soft opening actually means.

COMMISSIONER MICHAEL GARDNER: I'm going to interpret that, and you correct me if I'm wrong, to say if you're not planning a grand opening in until a month from now or mid-June that the Commission's delaying a decision on the alcohol is not an overwhelming barrier to you, is that a fair summary?

HUGO MENDEZ: Well, when we took over managing the 245 location, we did the same thing. Just for the fact that in my experience when my brother opened his other location with a full service staff in Wayland, and also with a full liquor license, he did the grand opening without

having a soft opening and there was a lot of --
there was a little bit of chaos the first week.

COMMISSIONER MICHAEL GARDNER: So this is
sort've a shake-down period for you?

HUGO MENDEZ: Yes. For just everybody to
get trained right. Because when you go to a
grand opening actually you're expecting to get
like --

ATTY. SEAN HOPE: I think the
commissioner was asking if they delayed a
decision to June 6, would it be a severe burden
for the restaurant?

HUGO MENDEZ: No, no. We're focusing on
the food. So we want -- we were ready to open
until Monday because we wanted to get everything
right. And it's not delaying in any way our
service. We just want to serve it right. And
whatever decision the Board takes, we hope to be
serving food as best as possible in that

location.

COMMISSIONER MICHAEL GARDNER: So now both Ms. Lint and Mr. Hope still all preliminary to whether or not there's a second for the commissioner's motion. My memory is that when we were here in April, I could be wrong, we were dealing with both the change of designation of the restaurant, the name and operation as well as the liquor license.

Now I'm not persuaded that, in fact, we've voted to the approve the change of the name to Beantown Taqueria, and if somebody could enlighten me on that.

EXECUTIVE DIRECTOR ELIZABETH LINT: I wasn't here for that hearing. However, that question came up and we pulled the transcript, in fact, it was approved, the change of name and the designation.

COMMISSIONER MICHAEL GARDNER: We did

what we should have done. We separated it out, we made the vote to change the common victualer license and deferred the alcohol decision.

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

COMMISSIONER MICHAEL GARDNER: I'll second the motion to defer the matter to June 6th decision hearing where we won't take testimony.

Any further comment?

POLICE COMMISSIONER ROBERT HAAS: No.

FIRE CHIEF GERALD REARDON: No.

COMMISSIONER MICHAEL GARDNER: All those in favor, signify by saying "aye."

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

COMMISSIONER MICHAEL GARDNER: Aye.

None opposed. So we will again defer this matter to June 6. I appreciate everybody's patience for waiting. The big crowd this evening for the very last on the item on the agenda. We

did hope we would be able to rush through --

EXECUTIVE DIRECTOR ELIZABETH LINT: We
should say it's 10:00 a.m.

COMMISSIONER MICHAEL GARDNER: It's a
10:00 a.m. meeting on June 6th. It should be in
this room, but testimony will not be taken.

So, again, thanks to everybody for your
patience and perseverance and I will just make
the comment that I appreciate sort've the
democratic way in which this has evolved in terms
of efforts on both of the applicant and of
neighbors and community organizations to try to
make their feelings known.

ATTY. SEAN HOPE: Thank you.

COMMISSIONER MICHAEL GARDNER: Thank you.

Do we have any other business before us?

EXECUTIVE DIRECTOR ELIZABETH LINT: I do
not.

COMMISSIONER MICHAEL GARDNER: Motion to

adjourn is always in order.

POLICE COMMISSIONER ROBERT HAAS: I make the motion to adjourn.

COMMISSIONER MICHAEL GARDNER: Motion to adjourn has been made. All in favor, signify by saying "aye."

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

COMMISSIONER MICHAEL GARDNER: Aye.

None opposed.

So we're adjourned at 8:10 in the evening.

(Whereupon the hearing was concluded at 8:12 p.m.)

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.

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 20th day of May 2013.

Jill Kourafas
Certified Shorthand Reporter
License No. 14903
Notary Public
My Commission expires:
February 2, 2017

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