

CAMBRIDGE LICENSE COMMISSION HEARING

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION GENERAL HEARING

LICENSE COMMISSION BOARD MEMBERS:

CHAIR ANDREA JACKSON

POLICE COMMISSIONER ROBERT C. HAAS

ASSISTANT FIRE CHIEF GERARD MAHONEY

STAFF: EXECUTIVE DIRECTOR ELIZABETH LINT

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

DATE: January 21, 2014

TIME: 6:10 p.m. - snowstorm

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P R O C E E D I N G S

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

This is the License Commission general  
hearing Tuesday, January 21, 2014. It's 6:10  
p.m.

We are in the Michael J. Lombardi  
Building, 831 Massachusetts Avenue, Basement  
Conference Room.

Before you are the commissioners, chair  
Andrea Jackson, Fire Chief Gerald Reardon and  
Police Commissioner Robert Haas.

DISCIPLINARY: THE WINDSOR INN

EXECUTIVE DIRECTOR ELIZABETH LINT:

The first matter is disciplinary  
continued from January 7.

Da-Ya Group, Inc. The Windsor Inn, Marc

Shulman, manager, due to a request from the Fire Department for violation that include missing and expired extinguishers, people living in basement with partitions set up using 6 foot picket fence, fire in trouble, missing CO detectors on all floors and excessive combustible storage in the basement.

CHAIR ANDREA JACKSON: Mr. Shulman?

EXECUTIVE DIRECTOR ELIZABETH LINT: If you don't mind, before we get started I have outstanding tax bills from the city and they all must be brought up to date.

MARK SHULMAN: Okay.

EXECUTIVE DIRECTOR ELIZABETH LINT: Quite a few.

CHAIR ANDREA JACKSON: Good evening.  
Could you please state your name for the record spelling your last name.

MARK SHULMAN: S-H-U-L-M-A-N.

CHAIR ANDREA JACKSON: Thank you.

We're here as a result of a continuation from our last hearing in which we found you in violation and we postponed the discipline portion pending your submittal of a plan.

And my understanding is that you have submitted the plan within the time frame supplied?

MARK SHULMAN: I went through it with Captain Cahill.

CHAIR ANDREA JACKSON: Director Lint, do I understand that Captain Cahill reviewed the plan and he was in favor of the plan?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

I think what he wanted to say he worked with Captain Cahill to understand what the issues were and come with up something that would be viable and safe.

CHAIR ANDREA JACKSON: Can you explain to

me, Mr. Shulman, what is going to be different this time around? Now that you have submitted this plan, what will be different?

MARK SHULMAN: I've managed to convince the other partners in the operation to leave. I have removed all the clutter at the property in the space. And the understanding going forward, as the innkeeper of the building, that they won't set foot back in the building with any of the possessions on their person while I'm innkeeper so I can run the business as it is supposed to be run.

I was able to implement a series of procedures that are scheduled out and that are indicated based on the fire codes to make sure that while they are not in the building that I can maintain order and control of the fire safety of the building.

So right now there's nobody else living

at the space that can have any influence on those procedures.

CHAIR ANDREA JACKSON: Okay.

MARK SHULMAN: Did you want me to go over each of the items?

CHAIR ANDREA JACKSON: Unless the Fire Chief feels it is necessary.

FIRE CHIEF GERALD REARDON: No.

MARK SHULMAN: Okay.

CHAIR ANDREA JACKSON: It is self-explanatory.

My concern is that you are really going to stick to the plan.

It is one thing to have the plan drafted which I think is a great start. But it's making sure you adhere to the plan is the next step.

MARK SHULMAN: I paid them to leave basically.

I paid the rest of them to leave the

premises so I could rent it out and operate the way it is supposed to be run.

The difficulty with having too many chefs in the kitchen is that, as indicated in the license, I'm the innkeeper and responsible for it and having too many voices coming in to voice different opinions, it is better to have one person running the operation.

I explained I wasn't willing to go forward as an innkeeper at the property unless I had full control and that was spelled out in an agreement and lease in the building that I would only continue on as innkeeper unless I had full control.

If I can't control it or take charge of the building, I won't stay. I don't want to be in charge of something I can't control.

FIRE CHIEF GERALD REARDON: And you understand now that you have written up this plan

and understand what your duties and responsibilities are, if you miss any of those benchmarks --

MARK SHULMAN: I've actually scheduled and set up a calendar under windsor@gmail.com and scheduled out each of these check-offs on a calendar reminder so that each time during the week when it is supposed to happen, or time of the month, I'm given a 30-minute notice or reminder to do it. It is scheduled out on my daily planner and it syncs with my other activities. There's no reason it will conflict. There will always be a schedule. For example, 9:30 on Monday morning is the walk-through, which goes over each of the fire zones indicated on Page 2.

So this is a system that I think is going to be effective going forward. It is not a written list. It is a digital list that comes

onto my phone or my calender and sounds an alarm and says it is time to do the walk through now. And the same thing for the monthly checks, I do the same thing.

FIRE CHIEF GERALD REARDON: If you stick to the plan, everything is up to speed you will be fine. However, the first time you miss this, it is not going to be good for you because I'm not going to go through this again.

MARK SHULMAN: I understand.

FIRE CHIEF GERALD REARDON: I'm just forewarning you the consequences will probably be my recommendation to revoke the license.

You have a plan, you have the impetus, you now, supposedly, have clear control, there should be no reason why you would fail.

MARK SHULMAN: I agree.

FIRE CHIEF GERALD REARDON: I want to make sure we are both --

MARK SHULMAN: It is a simple operation.

FIRE CHIEF GERALD REARDON: -- we're both on the same page now and you understand where I'm coming from.

So this is it. It is up to you now.

MARK SHULMAN: Okay.

POLICE COMMISSIONER ROBERT HAAS: Mr. Shulman, who is the owner of the property?

MARK SHULMAN: The owner is Mr. and Mrs. Chen, as indicated by the bills.

POLICE COMMISSIONER ROBERT HAAS: Are they relations to you?

MARK SHULMAN: My wife's parents.

POLICE COMMISSIONER ROBERT HAAS: And they agreed to leave the property? Are they the folks that you talked about that agreed to leave?

MARK SHULMAN: They agreed to leave it alone. And not bring any possessions or people

or anything in the property while I'm in control as the innkeeper.

I pay them a certain amount of money to cover whatever expenses are involved. That fee is based on the fact that I can control the entire establishment without any interference.

POLICE COMMISSIONER ROBERT HAAS: Are they living on the property?

MARK SHULMAN: No, they are in Quincy.

CHAIR ANDREA JACKSON: Any other questions?

FIRE CHIEF GERALD REARDON: I'm all set.

POLICE COMMISSIONER ROBERT HAAS: I'm all set.

CHAIR ANDREA JACKSON: So the issue before us tonight is a matter of imposing discipline. And my concern is that, as we discussed at the last hearing, the violations were serious, safety in nature, and I'm not sure

how my fellow Commission members feel about it.

But I would like to make the motion that we suspend him for two weeks to be place in abeyance for a period of six months.

If there's a safety violation within that six-month period, then he'll be brought immediately before the Commission again.

POLICE COMMISSIONER ROBERT HAAS:

Seconded.

FIRE CHIEF GERALD REARDON: I would amend to one year.

CHAIR ANDREA JACKSON: One year?

FIRE CHIEF GERALD REARDON: Yes.

CHAIR ANDREA JACKSON: I agree with that.

POLICE COMMISSIONER ROBERT HAAS:

Seconded.

CHAIR ANDREA JACKSON: All in favor signify by saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: You understand?

MARK SHULMAN: Yes.

CHAIR ANDREA JACKSON: Thank you.

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APPLICATION - MCCABE'S BAR & GRILL

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: McCabe's Porter, LLC d/b/a McCabe's Bar & Grill, Brian Manning, manager, has applied to transfer the all alcoholic beverages as a restaurant license held by 2046 Restaurant Corp., d/b/a The Dubliner Pub, Christopher Fitzsimmons, manager at 2046 Massachusetts Avenue. Said license, if transferred, has 84 seats inside the operating hours will be from 11:00 a.m. to 1:00 a.m. seven days per week. Applicant is also applying for an entertainment license to include music below at or above conversation level, juke box, and 6 TVs.

EXECUTIVE DIRECTOR ELIZABETH LINT: And we have the same situation with some outstanding water bills.

ATTORNEY JAMES RAFFERTY: That's for the current licensee.

Good evening, Madam Chair and Members of the Commission.

For the record, my name is James Rafferty. I'm appearing this evening on behalf the applicant.

Seated to my immediate right is Thomas Covert C-O-V-E-R-T. And to Mr. Covert's right is Brian Manning M-A-N-N-I-N-G. And seated next to Mr. Manning is Christopher Whitney W-H-I-T-N-E-Y.

These three gentlemen are equal shareholders in the entity or members in the LLC that is seeking the transfer of the existing license at this location. At 2046 Mass. Ave.

I'm sure the Commission is familiar with it.

It is a licensed establishment of longstanding for the past decade or so. It is operated under the ownership of Christopher Fitzsimmons, Mr. Fitzsimmons initially opened it as a transfer. It was the Porter Cafe for many years and he opened it as Spirit and then a year or two ago changed it to The Dubliner Pub.

Mr. Manning actually has worked at the premises in the past and he also, a few years ago, opened an establishment in Union Square in Somerville called Bull McCabe's.

This establishment will be renamed McCabe's Bar and Grill. And it is Mr. Manning's intention, and those of his fellow operators, to shift the emphasis to more of a restaurant venue.

It is currently a popular pub with

perhaps more of a sports orientation with televisions and pay-per-view activities.

It is the licensee's intention to move away from that.

The property is located in the business district that does not permit live entertainment, so there's no attempt to include live entertainment. And it is understood by the operators that, like many of the establishments along Mass. Ave, it is very proximate to residential dwellings. There's a CHA operated elderly housing that is proximate to the location.

It is a relationship that has been cultivated, frankly, by the establishment over the years. They have hosted different events for seniors and have had specials for them. And there are close residential streets nearby. And Manning is very mindful of that relationship and

intends to operate the premises in the same capacity and same hours, essentially the same floor plan.

He'll bring his expertise as manager of the establishment, his knowledge of liquor laws and their application from his ongoing experience in Somerville as well as his direct experience at this location for the years that he worked there.

As I said, there's an expectation -- at the moment, the premises is closed. Just recently closed. And there will be cosmetic improvements and changes which will be undertaken shortly, and the hope is that as soon as the transfer, if it is acted upon favorably by the Commission, that as soon as the ABCC approves it, it essentially could reopen under new ownership and new name and a new emphasis on dining.

POLICE COMMISSIONER ROBERT HAAS: What is

the timetable for that?

ATTORNEY JAMES RAFFERTY: I think the renovation work, I suspect, will be done quicker than the paperwork at the ABCC. We are probably looking at weeks in terms of what is needed to happen here.

EXECUTIVE DIRECTOR ELIZABETH LINT: Do you have green cards?

ATTORNEY JAMES RAFFERTY: I didn't see them, and I wonder if Mr. Conte delivered them.

EXECUTIVE DIRECTOR ELIZABETH LINT: I don't have them in here.

ATTORNEY JAMES RAFFERTY: I see copies of the letters, but I don't see the green cards themselves. We'll make certain that they arrive.

There's also a pledge of a license. It was a loan from the Cambridge Trust Company. It is in the application for a pledge, a loan for working capital and improvements.

FIRE CHIEF GERALD REARDON: So with the change in the food venue, is there a change in the kitchen operation?

ATTORNEY JAMES RAFFERTY: We were just discussing that with some neighbors that are here.

The kitchen itself is modest in size. But Mr. Manning was commenting and said there are a number of freezers in the kitchen now. They will have nothing frozen. They are taking out the freezers and have an emphasis on fresh products.

They hope to grow some produce on their own and they are emphasizing there will be a whole new kitchen staff and a chef hired.

None of the staff at the former establishment will remain there.

FIRE CHIEF GERALD REARDON: So the kitchen facility is going to be much of an

upgrade or --

BRIAN MANNING: It is merely -- in the actual kitchen, it comes down to maybe replacing one or two pieces of equipment that are freezers now and we'll change them to refrigeration.

Other than that, I know the Ansul system was upgraded and the equipment is in really good shape and it's a small kitchen but it is not a small kitchen to me because my kitchen at Bull McCabe's in Somerville is the size of this inside of this table. So we are thrilled with the size of the kitchen.

FIRE CHIEF GERALD REARDON: This is expansive?

BRIAN MANNING: Yes.

FIRE CHIEF GERALD REARDON: But in some retrospects, in some places it could seem to be small?

BRIAN MANNING: Yes.

CHAIR ANDREA JACKSON: And just to reiterate that's no live entertainment?

ATTORNEY JAMES RAFFERTY: There's not. It is not permitted. The entertainment is television and background music at conversation level. I think there had been a juke box historically.

BRIAN MANNING: I've already taken it out. It tends to make people a little rowdy and that's not what we're looking for.

CHAIR ANDREA JACKSON: No outdoor seating?

BRIAN MANNING: We haven't filed for that. I think it is worthwhile to take a year or two and build a reputation before I ask for anything.

CHAIR ANDREA JACKSON: Are you done before I fire away with all my questions?

ATTORNEY JAMES RAFFERTY: I'm quite

accustomed to that. Your predecessor had a very thorough style.

CHAIR ANDREA JACKSON: So I know I received several emails from neighbors.

And I know that there's concern about that noise factor and I did go by and take look at the property.

As I understand it, the front glass opens up. So the concerns from the neighbors is the noise factor both not just from the neighbors who are on the side street but also across.

And my understanding is that the prior establishment had an agreement with the neighbors, so to speak, that there would be a certain time where those windows are shut so they are not effected. And I'm thinking you got families there with young children. That's got to be very loud for them.

Are you willing to still put that same

type of agreement in place with the neighbors?

BRIAN MANNING: I am as long as it is not noon. I think there's -- I don't want to disturb the neighborhood.

One of the biggest things is we are not a sports bar. You can come down and watch the game but our food is going to be good enough -- we are bringing people with the food and cocktails instead of bringing them in if there's a game on, so we won't have a rambunctious crowd down there.

We try not to go from mass appeal with people coming down to have ten beers and scream at a TV.

We want people to come down and have cocktails and enjoy the food.

ATTORNEY JAMES RAFFERTY: Not to interrupt.

Madam Chair, we touched briefly on this with some of the neighbors here tonight.

As you are probably aware, this is a condition along Mass. Ave with many venues where these types of windows have proven to be popular, almost as an alternative to sidewalk dining. It allows that type of experience. I think of Temple Bar. I think even Frank's Steakhouse may have added this element. Perhaps not.

But the point is, I think that the appeal of that is for dining. So I do think we talked about as the evening wears on, certainly post 11:00, is there a need to keep that open. If they prove to be problematic, there's a willingness on the part of the licensee to work with neighbors.

BRIAN MANNING: Absolutely.

ATTORNEY JAMES RAFFERTY: And close them after 11:00 if that's found objectionable.

It is a nice amenity in the warm weather.

I think there's a commitment here to be

responsive.

I mean the avenue generates a fair amount of noise.

As we discussed with the neighbors, particularly during sporting events, a sudden burst of the crowd if a home run is hit, gets heard, but I think the average coming and going in the restaurant is not particularly disruptive as it has been explained to me.

And I think if the emphasis from sports and more to dining is the licensees's expectation. And it won't be as dominant a sports environment.

The prior owner, or predecessor, they had pay-per-view events.

BRIAN MANNING: We don't want to do any of that. It scares off your regular crowd.

CHAIR ANDREA JACKSON: My understanding, and I could be wrong, the agreement with the

prior owner was that the windows close typically around 9 p.m.

BRIAN MANNING: Whatever agreement they had is --

ATTORNEY JAMES RAFFERTY: That's the first I've heard of that.

BRIAN MANNING: Was it 9?

I would like to push it a little later.

But again, I'm willing to come into the neighborhood. I'm the new guy on the block, so I want to build up a reputation before I ask for anything.

CHAIR ANDREA JACKSON: Is the prior owner still the landlord?

BRIAN MANNING: Yes.

CHAIR ANDREA JACKSON: Any questions?

FIRE CHIEF GERALD REARDON: No.

POLICE COMMISSIONER ROBERT HAAS: So you are willing to commit to 9:00 closing if that's

the prior agreement with the former owners?

ATTORNEY JAMES RAFFERTY: Can I just say, in fairness, I think this is a new operation with a new type of emphasis, and we're a few months away from the season where the windows would be open.

I would ask if we could have some latitude and suggest 11 p.m., and if it becomes problematic, we could ratchet it back.

But 9:00 strikes me, frankly, for the type of environment they are trying to create and the venues that they will be competing with that have a similar condition, it strikes me as rather early in the evening.

POLICE COMMISSIONER ROBERT HAAS: I get the fact they had a different operation.

But there was some reason why the former owners agreed to close the windows at 9:00. It sounds like it was arranged after they had been

open for a period of time and was probably due to noise concerns.

EXECUTIVE DIRECTOR ELIZABETH LINT: I could address that if you'd like.

It really was a sports, bar and it was very much -- I know from some of the phone calls I have taken from neighbors, that if there was a sporting event, and even more so than just if someone hit a home run, there would be say two opposing groups and they would be yelling at each other.

The agreement was to close the windows at 9:00 and at 8:00 if there was one of these events going on.

CHAIR ANDREA JACKSON: So could I ask then that perhaps you consider if there's a night where maybe -- I'm assuming you are still going to have TVs there?

ATTORNEY JAMES RAFFERTY: Yeah, but I

believe fewer -- is the big screen TV going to be there?

BRIAN MANNING: We will have two TVs and put a few projects for Sunday afternoon football.

CHAIR ANDREA JACKSON: If for some reason --

BRIAN MANNING: If there's anything.

ATTORNEY JAMES RAFFERTY: Let the Chairman speak.

CHAIR ANDREA JACKSON: If the noise level is elevated, that consideration is taken up with the neighbors. If it is loud, and we're talking -- and I'm just throwing it out there, although we are almost at the end of the season -- Sunday night football, perhaps shutting the windows and thinking, you know, it's loud, Not saying closing establishment, but at least shut the windows, would you at least take that into consideration?

ATTORNEY JAMES RAFFERTY: Without

question, yes.

I think what we were -- what I was asking the Commission to consider would be to allow the licensee to work with the neighbors on this issue and have a hard and fast rule for 11:00, and if the determination and the neighbors feel that's excessive and there's problems, we would ratchet it back to the 9:00.

CHAIR ANDREA JACKSON: Any questions?

POLICE COMMISSIONER ROBERT HAAS: No.

FIRE CHIEF GERALD REARDON: All set.

CHAIR ANDREA JACKSON: Anyone here from the public that would like to be heard on this matter?

If I can hear from them, counsel and I'll probably have you come back to the table. I'll probably have follow-up questions.

Good evening. Please state your name for the record spelling your last name.

JANET MALENFANT: My name is Janet Malenfant, M-A-L-E-N-F-A-N-T.

The have one comment I would like to make is that -- I'm sorry, I forget your name already.

BRIAN MANNING: Brian.

JANET MALENFANT: Brain was the manager at Spirit Bar. He knows the history of the noise issues that we had. So it is -- you know, for sure I spoke with him many times calling to have the windows closed. And even though there was an agreement to have it closed at night, there were many times when we would call at 11:00 at night or 10:00 at night. So I would just say that to consider that when you make your decision.

CHAIR ANDREA JACKSON: Okay.

JANET MALENFANT: But otherwise we are happy to have a good restaurant in the neighborhood. We definitely welcome that.

CHAIR ANDREA JACKSON: Thank you.

Anyone else here who would like to be heard on this matter?

Counsel come on back.

POLICE COMMISSIONER ROBERT HAAS: What is different -- you were the manager prior, and I want to figure out why the agreement wasn't upheld?

BRIAN MANNING: I don't know that was an agreement I made as a manager or that was an agreement that Chris Fitzsimmons, the former owner he made. I know there was an issue.

I haven't been there for over five years. Five and a half years.

If this is something that happened in the past few years, I had absolutely nothing to do with it.

But as the owner now, when I make an agreement, I can pass that onto my staff and I don't know whether or not Chris had done that.

ATTORNEY JAMES RAFFERTY: I think what is different, Chief, and Commissioners in response to your comment is the emphasis in focus on dining.

With all due respect to the prior operator, it was a small kitchen and it was very much operated in pub style, and while this will be a neighborhood establishment, I think what the licensee is representing, and we would like an opportunity to demonstrate both to the Commission and the neighborhood, is that he is going to have a focus on dining and away from a sports-themed establishment. And that there will be a different feel or vibe to the establishment given where they want to bring it.

We have talked about successful operations along the avenue, frankly, that they hope to emulate and Temple Bar is chief among them of places that has distinguished themselves

in dining, and this will be moving in that direction based on Mr. Manning's intentions and the people he intends to hire for the kitchen and the food.

And there's a strong belief on his part that Porter Square in this area will support a restaurant of the type he envisions.

FIRE CHIEF GERALD REARDON: I guess probably from my point of view, I would be willing to give the new ownership a chance to flourish in that location and not bring -- as long as we have an agreement that if it doesn't work, we are coming back here and working something out.

ATTORNEY JAMES RAFFERTY: I think with what I've heard Mr. Manning say, it may not even be necessary. If it becomes problematic to the point that the neighbors are voicing a complaint, I think what I'm hearing my client say is he

would act unilaterally. I mean, if he didn't, they would have remedies here. I wouldn't envision that it would get that far.

CHAIR ANDREA JACKSON: And if there is an issue with the noise, I would certainly encourage Ms. Malenfant and the other neighbors to both contact not only them but I think you have been in contact before with Andrea Boyer, who is our investigator, who can certainly work with you.

FIRE CHIEF GERALD REARDON: I make a motion to approve the transfer of 2046 Mass. Ave, 84 seats inside, and operating hours 11 a.m. to 1 a.m. seven days a week. Form of entertainment will include background music below at or above conversation level. Juke box and -- are you going to amend that?

BRIAN MANNING: It's a juke box. We already had it taken out.

FIRE CHIEF GERALD REARDON: What the

about the TVs?

BRIAN MANNING: We'll have two. We will have a few projectors. I'm not sure how many. It wouldn't be like walking into a Best Buy where you are just surrounded.

POLICE COMMISSIONER ROBERT HAAS: Have you done 21 Proof training?

BRIAN MANNING: I'm not sure.

POLICE COMMISSIONER ROBERT HAAS: You should do it.

ATTORNEY JAMES RAFFERTY: That's a requirement.

BRIAN MANNING: Anything that's necessary. I have taken a few classes in accordance with my other establishments.

EXECUTIVE DIRECTOR ELIZABETH LINT: And he's subject to the satisfactory background check.

ATTORNEY JAMES RAFFERTY: We wouldn't

have to wait for a further vote? The vote can be conditioned on --

EXECUTIVE DIRECTOR ELIZABETH LINT: Yeah.

FIRE CHIEF GERALD REARDON: That would be conditioned upon the successful 21 Proof and background check.

CHAIR ANDREA JACKSON: Second.

All those in favor signify by saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: None opposed.

ATTORNEY JAMES RAFFERTY: Thank you very much.

CHAIR ANDREA JACKSON: I encourage you would work well with your neighbors.

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APPLICATION - BMR

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: BMR, Rogers Street, LLC holder of a flammables license at 320 Bent Street has applied to amend their existing flammables license by adding 240 gallons of class 1:45 gallons of class 2:20 gallons of gas 3A, 3B; and 5 lbs of flammable solids.

CHAIR ANDREA JACKSON: Good evening.

Could you state your name for the record spelling your last name, please.

KAITLYN GAMACHE: Sure. Kailyn Gamache G-A-M-A-C-H-E.

TOM SVIRSKY: Tom Svirsky S-V-I-R-S-K-Y.

KAITLYN GAMACHE: Tom and I work for Cosentini.

CHAIR ANDREA JACKSON: Where?

KAITLYN GAMACHE: C-O-S-E-N-T-I-N-I. And with we're representing by Biomed Realty. They are the owner of the building. It is a four-story building for 20 Bent Street.

The third floor is currently vacant and a new tenant is moving in. It is Mode RNA.

CHAIR ANDREA JACKSON: What is that?

KAITLYN GAMACHE: Mode RNA, and they will be storing the class 1 flammables and combustible liquids. So we are asking to amend the current license, which is valid through April of this year.

The third floor is currently vacant, so they are the only increase to the license.

FIRE CHIEF GERALD REARDON: So they are not moving?

KAITLYN GAMACHE: That's correct.

FIRE CHIEF GERALD REARDON: And they are taking the proper precautions on the storage of all --

KAITLYN GAMACHE: The control areas, yes.

FIRE CHIEF GERALD REARDON: And they also have a -- they'll have in place a remediation

company --

KAITLYN GAMACHE: Yes.

FIRE CHIEF GERALD REARDON: -- for  
spills? And then also something, a contract for  
the person to take way the hazardous material?

KAITLYN GAMACHE: (Nodding).

CHAIR ANDREA JACKSON: Can I get you to  
speak up.

You can't just nod.

FIRE CHIEF GERALD REARDON: Do you know  
if they are using a common area for the waste  
material?

KAITLYN GAMACHE: For the storage, this  
tenant I believe is not.

FIRE CHIEF GERALD REARDON: Okay.

KAITLYN GAMACHE: That's what we have  
been told.

FIRE CHIEF GERALD REARDON: What about  
that hazardous waste, is that a common storage

in the building or does each tenant has their own?

KAITLYN GAMACHE: Each tenant has their own.

EXECUTIVE DIRECTOR ELIZABETH LINT: Do you have the green cards?

KAITLYN GAMACHE: I do. There's five abutters. I only have four. The fifth is the same owner.

CHAIR ANDREA JACKSON: You are one of the abutters.

POLICE COMMISSIONER ROBERT HAAS: Did we sign?

EXECUTIVE DIRECTOR ELIZABETH LINT: Somebody did.

CHAIR ANDREA JACKSON: Do you have any questions or concerns?

POLICE COMMISSIONER ROBERT HAAS: With Fire Chief's concerns, I'm satisfied.

FIRE CHIEF GERALD REARDON: So the applicant understands this is the max on location at any time?

KAITLYN GAMACHE: That's correct.

FIRE CHIEF GERALD REARDON: So at any time there should be probably less, but this is enough to have a -- both the incoming and the hazardous waste that's still sitting on the property, they don't get crossed up?

KAITLYN GAMACHE: Yes.

FIRE CHIEF GERALD REARDON: I make a motion to approve.

CHAIR ANDREA JACKSON: Is there anyone from the public who wishes to be heard on this matter?

FIRE CHIEF GERALD REARDON: I make a motion to approve the license, BMR, Rogers Street, LLC for 20 Bent Street for the following amounts indicated in the application. Again,

this will be subject, obviously, the build-out and inspection and the safety and all the other appurtenances.

KAITLYN GAMACHE: That's correct.

CHAIR ANDREA JACKSON: Seconded.

All in favor signify by saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: Aye.

Thank you.

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RATIFICATION: CAMBRIDGE DELI AND GRILL

EXECUTIVE DIRECTOR ELIZABETH LINT:

Ratification: Cambridge Deli and Grill

Incorporated doing business as Cambridge Deli and Grill, David Constantino, manager, holder of a common victualer license at 90 River Street has requested to change his corporation to Cambridge Deli and Grill, LLC.

DAVID CONSTANTINO: David Constantino,  
C-O-N-S-T-A-N-T-I-N-O.

CHAIR ANDREA JACKSON: You are the  
manager?

DAVID CONSTANTINO: Yes.

CHAIR ANDREA JACKSON: And why the  
change.

DAVID CONSTANTINO: It was more practical  
for a small business like myself to be a LLC than  
be a corporation. I have been there 27 years. I  
think it would be in my best interest to do the  
LLC. That's about the only reason.

Nothing's changed. I'm still manager  
there. Venue is the same. Everything is the  
same.

CHAIR ANDREA JACKSON: How long have you  
been there?

DAVID CONSTANTINO: 27, almost 28 years.

EXECUTIVE DIRECTOR ELIZABETH LINT: We

did not have to advertise this, so you get this back. (Forwarding check.)

DAVID CONSTANTINO: Thanks.

CHAIR ANDREA JACKSON: Any questions?

FIRE CHIEF GERALD REARDON: No.

POLICE COMMISSIONER ROBERT HAAS: No questions.

CHAIR ANDREA JACKSON: Anybody from the public who wishes to be heard on this matter?

I make a motion to approve the change in corporation to Cambridge Deli and Grill, LLC. Is there a second?

FIRE CHIEF GERALD REARDON: Second.

CHAIR ANDREA JACKSON: All in favor signify saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: You are all set.

Thank you very much.

DAVID CONSTANTINO: Thank you for your time. Have a good night.

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APPLICATION: EURO-TECH AUTO BODY

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Euro-Tech Auto Body has applied for a class II used car dealer license at 53 Smith Place.

CHAIR ANDREA JACKSON: Good evening. Please state your name for the record spelling your last name.

JULIO MADRID: Julio J-U-L-I-O Madrid  
M-A-D-R-I-D.

NERY LEAL: N-E-R-Y. Last name L-E-A-L.

CHAIR ANDREA JACKSON: And if you can tell me your relationship to the applicant? Is that you?

JULIO MADRID: I'm the applicant. He's my brother-in-law.

NERY LEAL: We own Euro-Tech Auto Body.

The application is in order to transfer the license that we already have to a new address. 53 Smith Place. We would like to transfer.

FIRE CHIEF GERALD REARDON: Where is it presently licensed to?

NERY LEAL: 45 New N-E-W Street.

CHAIR ANDREA JACKSON: So you are just transferring it? You already have the used car dealer license?

NERY LEAL: Yes, we already have. We like to transfer to the new address.

FIRE CHIEF GERALD REARDON: You don't commonly have any cars there or anything?

NERY LEAL: No.

FIRE CHIEF GERALD REARDON: You have cars you fix and wind up reselling?

NERY LEAL: Yes. And there's no signs

for cars for sale. No signs with any kind --

POLICE COMMISSIONER ROBERT HAAS: So you don't plan on storing any cars there or showing any cars there for sale beyond what you are doing now?

NERY LEAL: No signs for the cars, no.

POLICE COMMISSIONER ROBERT HAAS: You are not going to have a parking lot of used cars for sale?

JULIO MADRID: We have a spot, like two or three cars, four cars, but normally we get a car and if somebody don't want it anymore, so we get it and resell it.

NERY LEAL: Fix it.

FIRE CHIEF GERALD REARDON: And turn it over quick?

JULIO MADRID: Exactly.

CHAIR ANDREA JACKSON: I drove by and I noticed there was a small area and I couldn't

figure out where the cars would be at. I know you are on that end spot, I believe.

JULIO MADRID: Yes.

CHAIR ANDREA JACKSON: Are you doing the car like along the back side of it?

JULIO MADRID: Yep.

CHAIR ANDREA JACKSON: And what about in the front?

JULIO MADRID: In the front that's where we park for repairs.

CHAIR ANDREA JACKSON: Okay.

EXECUTIVE DIRECTOR ELIZABETH LINT: We also have some outstanding tax bills.

CHAIR ANDREA JACKSON: Are you changing your hours of operation or any of that?

JULIO MADRID: Same hours.

CHAIR ANDREA JACKSON: What time are you open until?

JULIO MADRID: 6:00. 8:00 to 6:00.

NERY LEAL: Saturday 8:00 to 12:00.

CHAIR ANDREA JACKSON: Any questions?

FIRE CHIEF GERALD REARDON: No questions.

CHAIR ANDREA JACKSON: Any questions?

POLICE COMMISSIONER ROBERT HAAS: No  
questions.

CHAIR ANDREA JACKSON: Anyone here from  
the public who wishes to be heard on it. Asking  
anyway.

Seeing none, I make a motion to approve  
you are Euro-Tech Auto Body for a class II used  
car dealership license at 53 Smith Place.

FIRE CHIEF GERALD REARDON: Seconded.

CHAIR ANDREA JACKSON: All in favor  
signify by saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

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APPLICATION TOMMY DOYLE'S

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application Tommy Doyle Restaurant and Pub, LLC  
d/b/a Tommy Doyle's Garrett Tingle manager,  
holder of an all alcoholic beverages as a  
restaurant license as 96 Winthrop Street has  
applied to close and hold their alcohol license  
as inactive.

They are already closed. They closed on  
December 23. I believe, but I'm not positive  
that there is an application for that location.  
I'm not 100 percent certain.

POLICE COMMISSIONER ROBERT HAAS: That  
would include the purchase of any liquor license?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

CHAIR ANDREA JACKSON: Anyone here from  
the public wishing to be heard?

FIRE CHIEF GERALD REARDON: Make a motion  
to hold the license inactive currently at 96  
Winthrop Street not to exceed six months unless

they come back for a renewal.

CHAIR ANDREA JACKSON: Second.

All in favor signify by saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

RATIFICATIONS

EXECUTIVE DIRECTOR ELIZABETH LINT:

Ratifications. Medallion 104, 210, 256A, 40,

215, 161, 07, 47, 47, 247, 173 and 217.

Paperwork was all in order and they were  
approved.

POLICE COMMISSIONER ROBERT HAAS: Motion  
to accept.

FIRE CHIEF GERALD REARDON: Seconded.

CHAIR ANDREA JACKSON: All in favor  
signify saying aye.

FIRE CHIEF GERALD REARDON: Aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHAIR ANDREA JACKSON: Make a motion  
adjourn.

FIRE CHIEF GERALD REARDON: Second.

CHAIR ANDREA JACKSON: All in favor  
signify by saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

(Whereupon the meeting was adjourned.)

## ERRATA SHEET

INSTRUCTIONS: After reading the transcript of this hearing, note any change or correction to and the reason therefor on this sheet. DO NOT make any marks or notations on the transcript volume itself. Sign and date this errata sheet (before a Notary Public, if required).

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I have read the foregoing transcript of the hearing, and except for any corrections or changes noted above, I hereby subscribe the transcript as an accurate record by me.

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CERTIFICATE

Commonwealth of Massachusetts

Norfolk, ss.

I, Jill Kourafas, a Notary Public in and  
for the Commonwealth of Massachusetts, do hereby  
certify:

That the hearing herein before set forth  
is a true and accurate record of the proceedings.

IN WITNESS WHEREOF, I have hereunto set  
my hand this 24th day of January 2014.

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

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