

CAMBRIDGE LICENSE COMMISSION HEARING

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION DECISION HEARING

LICENSE COMMISSION BOARD MEMBERS:

CHAIR ANDREA JACKSON

SUPERINTENDENT STEVE WILLIAMS, POLICE DEPT.

CAPTAIN TOM CAHILL, FIRE DEPT.

STAFF: EXECUTIVE DIRECTOR ELIZABETH LINT

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

DATE: August 28, 2014

TIME: 10:00 a.m.

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P R O C E E D I N G S

August 28, 2014

EXECUTIVE DIRECTOR ELIZABETH LINT: It is the License Commission Decision Making Hearing, Thursday, August 28, 2014. It is 10:04, we are in the Michael J. Lombardi Building, 831 Mass Ave, Basement Conference Room.

Before you are the Commissioners Chair Andrea Jackson, Superintendent Steve Williams and Captain Tom Cahill.

CHAIR ANDREA JACKSON: So I notice that there's a recorder on the table. Can someone identify whose recorder this?

KIM COURTNEY: It's mine.

CHAIR ANDREA JACKSON: Are you taping?

KIM COURTNEY: Yes.

CHAIR ANDREA JACKSON: Okay, so when did you start taping?

KIM COURTNEY: I put it there before you started.

CHAIR ANDREA JACKSON: So is it going now?

KIM COURTNEY: Yes.

CHAIR ANDREA JACKSON: So the meeting is being recorded.

EXECUTIVE DIRECTOR ELIZABETH LINT: Can it stay there? I think she needs to hold onto her own property.

CHAIR ANDREA JACKSON: We can let it sit. Go ahead.

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

BRIDGE

EXECUTIVE DIRECTOR ELIZABETH LINT:
Application Magg, LLC, d/b/a West Bridge, Alexis Gelburd-Kimler, manager, holder of an alcoholic beverages restaurant license at One Kendall

Square has applied for an alteration of premise to include an outdoor bar service station.

CHAIR ANDREA JACKSON: Please come forward.

CHAIR ANDREA JACKSON: Good morning.

ATTY WILLIAM FERULLO: Good morning. For the record, William Ferullo, F-E-R-U-L-L-O, McDermott, Quilty & Miller, 131 Oliver Street. Attorney representing Magg, LLC. Alexis Gelburd-Kimler is sitting to my right.

CHAIR ANDREA JACKSON: Can you spell her name or do you have it?

THE REPORTER: I do have it, Chair.

CHAIR ANDREA JACKSON: So we're here. This matter was continued from our last hearing as it related to questions that I had to on the menu for the outside point of service bar.

So I went back and checked, I know the outside patio, both the upper and lower, were

previously approved so the only issue was adding
in the point of service bar. Is that correct?

ATTY WILLIAM FERULLO: Correct.

CHAIR ANDREA JACKSON: I know that you
sent over menus.

ATTY WILLIAM FERULLO: Yes, we have.
Originals if you would like them.

CHAIR ANDREA JACKSON: And I believe I
forwarded it to the both of you.

My questions have really have been
answered in that the restaurant is opened at the
same time the point of service bar is open, and
if people want a meal, they can go inside.
There's a food available at the point of service
bar.

ATTY WILLIAM FERULLO: Yes.

CHAIR ANDREA JACKSON: So based on the
information that I have received, I'm fine with
it. I make a motion that we approve the point of

service bar outside for -- I had the name in front of me. Give me one second. I know it's Bridge. I call it Bridge. Magg, LCC, doing business as West Bridge at One Kendall Square. Is there second?

CAPTAIN TOM CAHILL: I'll second.

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

SUPERINTENDENT STEVE WILLIAMS: Aye.

CAPTAIN TOM CAHILL: Aye.

CHAIR ANDREA JACKSON: You are all set.

EXECUTIVE DIRECTOR ELIZABETH LINT: Can I just have a copy of the original menu?

ATTY WILLIAM FERULLO: Thank you.

CHAIR ANDREA JACKSON: Thank you.

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APPLICATION: REINS INTERNATIONAL

MASSACHUSETTS, INC., D/B/A GYU KAKU RESTAURANT.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application Continued: Reins International
Massachusetts, Inc., d/b/a Gyu Kaku Restaurant,
Densathit Maneeuangfoo, manager, has applied to
transfer the wine and malt beverages restaurant
license held by Bertucci's Restaurant Corp.
Applicant is also applying for a change in
location from 21 Brattle Steet to 18 Eliot
Street.

Applicant is applying for 118 seats
inside, 12 patio, terrace, seats and operating
hours from 11 a.m. to 1 a.m. seven days per week.

CHAIR ANDREA JACKSON: Good morning. If I
can have each of you, starting at the end and
going down, identify yourself for the record both
speaking your name and spelling your first and
last name.

ATTY MATTHEW FOGELMAN: Sure. Attorney
Matthew Fogelman, F-O-G-E-L-M-A-N. I'm counsel
for Gyu Kaku, Reins International.

ATTY MARK CASHMAN: Attorney Mark

Cashman, M-A-R-K C-A-S-H-M-A-N. Also counsel
for Reins International, Gyu Kaku.

MARC HERSHMAN: I'm the architect, Marc
Hershman.

THE REPORTER: Marc, spell your last name
please.

MARC HERSHMAN: Sure. H-E-R-S-H-M-A-N.

THE REPORTER: M-A-N?

MARC HERSHMAN: Yes.

THE REPORTER: And your first name?

MARC HERSHMAN: Marc with a C.

JOHN MCGRATH: John McGrath. J-O-H-N
M-C-G-R-A-T-H. And I'm with Baystate Fire
Protection.

ATTY MATTHEW FOGELMAN: So thank you for
having us back. We've had some correspondence
with Mr. Cahill over the past couple of days
directly with Mr. Hershman, as well as, I think,

with Mr. Cashman to try to explain better exactly what will be happening at the restaurant and on the patio and to allay any concerns that the board has.

I think we have done that. I hope we have done that. If we haven't, we can do so further today.

Just to confirm, there's no open flame. I think that was a big concern of Lieutenant Cahill's.

CHAIR ANDREA JACKSON: Captain.

ATTY MATTHEW FOGELMAN: Sorry. Captain Cahill, forgive me. So there is no open flame.

There have been licenses in the past that Cambridge has issued to very similar businesses including Koreana and Bon Chon, I believe, if that's how you pronounce it, almost identical businesses, ways of preparing and cooking and serving food.

The only difference here being the patio. However, with no open flame, it is a contained electric roaster, probably the best -- griller.

MARC HERSHMAN: It is an electric unit.

ATTY MATTHEW FOGELMAN: Yeah, an electric unit that is not controlled by the customer. The customer doesn't play with any buttons or do anything.

The electric unit is an expensive unit purchased from the manufacturer and installed and it operates in the way it cooks the food. We can explain further how that actually works either Mr. Hershman or Mr. McGrath.

Mr. McGrath is very familiar with fire protection, that's his business, and he worked at our Brookline location, which is up and running, and has been up and running for over a year and there's been no issues whatsoever.

CHAIR ANDREA JACKSON: I mean, I can only

speaking for myself, and I think you can speak to it a lot better than I can, I think my concern is still the cooking outside. Even if it is not with an open flame, we're talking about a wood structure. It's a very tight area in terms of all the businesses that are right there. They are all right on top of each other in terms of wood structures.

I wouldn't necessarily be opposed to people -- to having a patio seating and people eating outside but I don't think I'm quiet there yet with the whole concept of cooking outside on the patio because of my concerns, it is a wood structure, everything is so close together, and just the potential for a problem, but I think that's probably more your area that you can speak to.

CAPTAIN TOM CAHILL: I agree. I appreciate Mr. Hershman getting me that

information. It did answer a lot of questions for me.

I went by a couple different times to look at this, and there's two concerns: First of all, you have this very narrow patio that appears that there's -- the egress is from the -- you have to go through the inside of the building to get out. Is there an egress coming off the back of that patio area?

MARC HERSHMAN: Not at this time.

CAPTAIN TOM CAHILL: Okay, so you are in this enclosed place. I estimated that it might be 12 to 13 feet wide before you get to the building. If you are looking at it from the left-hand side, there's a series of windows that are level with that patio. It's very limited to Fire Department access. I think it's probably an eight-to-ten foot, what we call, a parapet. Even if we were able to throw a ladder stick up that,

then you still have that eight-to-ten foot drop-down to access that area. I know there are two window cut-outs. I'm of the same mindset that I have no objection to patio seating and eating out there, even with all these safety precautions, but I'm skeptical just the way of the layout of the building and that particular area is an extremely dense area.

There's limited access for the Fire Department in the event of an incident, and the only egress off of this enclosed area is through the restaurant itself.

MARC HERSHMAN: I fully understand what you are talking about and the concerns. That's why we thoroughly went through the codes and the equipment and your ratings and these are units that are protected with Ansul protections, three nozzles, they go on automatically. We have that in Brookline.

The building on which this is situated is a steel-and-concrete building. So it is not a wood-frame building. The decking is not wood. And so, this has already been fully vetted in regard to life safety, egress, Fire Department, so, you know, we could always make things a little more safer. You know, it is also dangerous to have an open flame in a residence, you know, really. In a restaurant where you have a little glass candle, that's more hazardous than I believe what these are.

So I fully appreciate your concerns as the architect. I have been through the concerns we talk about, but this has been fully vetted. We are familiar with the UL rating, they are fully protected with the Ansul, the building is appropriate for it, codes support this installation.

And as the architect, I feel to be able

to be comfortable with it myself. But most importantly is we have -- the life safety of the units and the installation and the location of these has already been visited.

So, I mean, I appreciate our concerns. We could do some additional life safety concerns like additional fire extinguishers and things like that, but --

ATTY MATTHEW FOGELMAN: You mean -- yeah, there's only three tables. You're talking about to keep a couple fire extinguishers like outside?

MARC HERSHMAN: Yeah, part of their -- they will have a little serving station and they can keep that right there as well.

CAPTAIN TOM CAHILL: I don't have an objection to the units themselves. I understand they have been fully vetted, and I agree, I have seen the ones at Koreana. That's not my issue.

My issue is with the fact that their

location, it's a limited access, there's one egress, it's up against wood clapboard siding.

Very --

MARC HERSHMAN: No, it's not. I appreciate it. If it was, I would be concerned too. The building we're talking about is the new building that is fire protected. It's --

CAPTAIN TOM CAHILL: On the inside?

MARC HERSHMAN: It's a steel-and-concrete building. It is a steel-and-concrete building. And it's, like you said, like 12 feet plus to the other building across the way. We're talking about three tables that are, again, on -- situated on the fire-protected building.

CAPTAIN TOM CAHILL: Fire protected on the inside of the building? And you want to put fire extinguishers on the outside, so in the event of an incident, now you have somebody -- an untrained person potentially trying to extinguish

a fire in an area they can't -- they have one egress from. And that's my skepticism on having a heat-producing device on the second floor with very limited Fire Department access and one egress which isn't even directly next to the exterior. It's back inside the building.

MARC HERSHMAN: We went through the life safety and egress codes and, you know, I agree, we can always raise the ante of how much safer we can make a installation.

Personally I'm going back to the simple thing, in a home it is more hazardous having an open flame cooktop in a wood-frame home than it is to have these electric units that have three Ansul systems that -- nozzles that go off automatically in an unforeseen temperature rise.

ATTY MATTHEW FOGELMAN: Can you explain that further, Marc? I'm sure the Captain understands it, but just explain what happens.

What do you mean in terms of automatically?

Please explain how that works.

CAPTAIN TOM CAHILL: Before -- I'm sorry to interrupt. I don't want to make a comparison between a business and a residence. I mean, they are two entirely different entities we're dealing with. I don't like that comparison. I see what you are saying, but they are noncomparable at this point.

MARC HERSHMAN: I agree, but on that level we fully investigated the code requirements for these units. They do not need clearances. They are not like gas units. This is a safe code compliant -- code compliant installation.

CAPTAIN TOM CAHILL: Correct. It is the location, that's why we're here.

MARC HERSHMAN: That's part of the code evaluation. So we meet all egress code requirements. We have three tables, the number

of people exiting is fine to a fire-protected building within distance. It meets the requirements of what we need to meet in regard to life safety.

So, as a citizen to say, I would like to raise the bar on code requirements, that's why we have the processes in the building code. We have a building permit. So, I agree, everything could be safer. But why are we comparing it to the residential? Because I'm an architect. I deal with residential too and so the code requirements, you can have a stove, gas stove, an open flame without any fire protection in a residential wood structure, we trust that people will be safe enough for that and you can burn down neighborhoods. You know that.

This is significantly safer and we are meeting the codes.

Can you explain how Ansuls go off?

JOHN MCGRATH: Yeah, I mean, I think we both know how the Ansul systems works. The temperature is set at 450 degree Farenheit for these electric heaters -- electric cookers.

ATTY MATTHEW FOGELMAN: But what happens though, John, just step-by-step, if it gets to a certain point it shuts down? It automatically shuts off?

JOHN MCGRATH: You know, the heat detectors -- the fusible link heat detectors, basically a piece of solder that will melt at 450 degrees Farenheit, which will operate the system, which will shut down the power to the unit itself, spray the plenum area, or the filtering boxes. These systems have a filtering system that's basically like a ventless hood. So it is all these filtering systems which don't produce any scent or fumes or whatever, so you are not --

ATTY MATTHEW FOGELMAN: You are not

smelling it.

JOHN MCGRATH: Yeah, you don't smell anything. It is all these filtering systems for it, which the system is designed and listed for putting the fire out in these things in all areas.

But the fusible link detection defects the fire, fusible melts, suppression system sprays, kills the fuel to the hazard, which would be the electricity, and sprays and put the fire out.

CAPTAIN TOM CAHILL: What is the patio constructed of?

MARC HERSHMAN: Concrete patio. Concrete construction, steel frame below, and it is not your typical roof deck. It is like a steel-frame building which has metal decking. It is a concrete slab. So I'm very conservative in regard to life safety and I have been practicing

for 30 years and I actually am the architect for the building at 16-18 Eliot Street. I personally know how this building was put together. I have the original drawings. I drew the original drawings.

CAPTAIN TOM CAHILL: Do you have any drawings of the exterior of the building?

MARC HERSHMAN: Yeah. It's a stucco finish on the plaster. So this was an original concept when we had permit in 1992. And it's a stucco finish, which is on a cement board, not on insulation board. This is on a concrete material.

CAPTAIN TOM CAHILL: What is on the first floor?

MARC HERSHMAN: That's the restaurant pancake house.

CHAIR ANDREA JACKSON: IHOP?

MARC HERSHMAN: Yes. Right.

CAPTAIN TOM CAHILL: We're talking in that area directly above the IHOP where with the two access windows?

MARC HERSHMAN: Correct. Correct. And originally when we designed it we were concerned someone couldn't necessarily get through those apertures.

CHAIR ANDREA JACKSON: I'm assuming, I think this is the picture that I showed at the last hearing. This is the space right here, correct, above the IHOP?

MARC HERSHMAN: That's where the restaurant is going.

CAPTAIN TOM CAHILL: That's the interior.

CHAIR ANDREA JACKSON: Right. I took the picture of the exterior.

CAPTAIN TOM CAHILL: So the exterior is between these two buildings right here.

CHAIR ANDREA JACKSON: Is it on this

level because I went to the building yesterday. I couldn't get access to the second floor of this building. I could get access to the third floor. But looking from the third floor down I wasn't able to see the patio.

CAPTAIN TOM CAHILL: If I'm looking at this correctly, there's an alley right here between these two buildings.

CHAIR ANDREA JACKSON: Yes.

CAPTAIN TOM CAHILL: You go down that alley, and if you look up, you will see a parapet. It is a facade, the second-floor facade, two window panes on either side of the --

MARC HERSHMAN: We can pass this. Here is a copy of the floor plan.

We're only doing three tables. It is against the new building, and that's it, where there's the greatest clearance.

CAPTAIN TOM CAHILL: What's on the

exterior of the building in that patio area?

What is the finish?

MARC HERSHMAN: It's cement board on the wall with a thin stucco finish. It is called Durarock, and there's a concrete slab construction on the floor.

CAPTAIN TOM CAHILL: And there's no wood clapboard on that building?

MARC HERSHMAN: No, not on 16-18 Eliot Street. Not on that facade. On the street facade, back in the day, I worked with Dave Burns (phonetic) when he was a youngster, we both were younger, we put an additional fire protection behind the clapboards. I didn't particularly care at the time. That was a special permit to make it look a little more in keeping with the neighborhood and the buildings next door. So there's only wood clapboard that's disengaged from the facade with more fire protection at the

front of the building, which is not in any way near where we're talking about.

CAPTAIN TOM CAHILL: On the -- all of the wood is on the Eliot Street side?

MARC HERSHMAN: That's it.

CAPTAIN TOM CAHILL: Facing the street?

MARC HERSHMAN: Correct.

It returns like ten feet.

CAPTAIN TOM CAHILL: It goes at least to --

MARC HERSHMAN: Two windows from what I recall, yep. Yes.

CAPTAIN TOM CAHILL: What do you mean "two windows"? Because you have two windows, are you saying "two" as in the No. 2?

MARC HERSHMAN: Like a window. It returns a window or so.

CHAIR ANDREA JACKSON: So it's -- the wood is not just on the Eliot Street side, is

that correct?

MARC HERSHMAN: Correct. Correct. We
needed --

ATTY MATTHEW FOGELMAN: But it is not
connected.

ATTY MARK CASHMAN: Does it wrap around?

MARC HERSHMAN: It is not any way
connected.

ATTY MATTHEW FOGELMAN: I think maybe the
point is, it doesn't touch the patio area.
There's a break.

CAPTAIN TOM CAHILL: I'm not sure I agree
with that.

MARC HERSHMAN: I appreciate this
discussion, but this is life safety fire
protection stuff that we went through code
studies for the original building, fire
protected. This building is not at risk. That's
what we've done. We went through -- we have a

building permit for the installation. But I thoroughly appreciate to anticipate that we want to keep this safe.

When we have three Ansul nozzles, which are like a big hood installation for each little cooktop, that's, as they say, really overkill.

These things are rated to be in these type of situations on wood patios, if need be, and they are in other outdoor installations.

CHAIR ANDREA JACKSON: Captain, if there was, worse case scenario, a fire out here on the patio, how would the department access the patio?.

CAPTAIN TOM CAHILL: The only access you have is up over this facade, which is probably 20 feet off the ground.

CHAIR ANDREA JACKSON: There's no access over this? And just so you can see where I'm pointing at, when I'm asking, Is there any back

access, back where the tables are at, where the Captain is pointing to, toward the front of the patio more towards the Eliot Street side.

MARC HERSHMAN: Yes. You can get up there with a ladder.

CAPTAIN TOM CAHILL: Where would you enter from?

MARC HERSHMAN: I'm sorry?

CAPTAIN TOM CAHILL: Where would you enter from?

MARC HERSHMAN: The alley, between the building and the wall.

CAPTAIN TOM CAHILL: How wide is that alley?

CHAIR ANDREA JACKSON: And you are referring to that back part?

MARC HERSHMAN: Yeah, I don't recall. But for the original design of the building --

CAPTAIN TOM CAHILL: Approximately how

wide?

MARC HERSHMAN: At least 12 feet.

CAPTAIN TOM CAHILL: And what's in it right now, the alleyway?

MARC HERSHMAN: It's empty. It is an access way.

CAPTAIN TOM CAHILL: That alley is never empty.

MARC HERSHMAN: It is supposed to be empty. I have been there. I mean --

CAPTAIN TOM CAHILL: I have been there a number of times. It is a problematic alley. The access is always limited to that. There's very limited access to this area that you are talking about. The only reasonable access that we have is with the ladder truck from here going up 20 or so feet, when you get to that point, then it is dropping, you know, like a ten- or 12-foot ladder hanging it over to drop in the alley. I don't

like the idea of it.

CHAIR ANDREA JACKSON: Speak up because I want to make sure Jill gets it all on the record.

CAPTAIN TOM CAHILL: I'm sorry. I'm skeptical of adding fire extinguishers because adding fire extinguishers is going to give --

CHAIR ANDREA JACKSON: A false sense of security?

CAPTAIN TOM CAHILL: Exactly. And I understand it is a fire-protected building. It is not fire protected on the -- there's no fire protection on the outside, and this is where -- this is where all of this is taking place. I disagree. You had originally said the only wood siding was on Eliot Street. I know that wood siding returns back, at the very least, to this parapet wall.

MARC HERSHMAN: Yes.

CAPTAIN TOM CAHILL: Which originally you

hadn't said. And I'm skeptical of -- I do not believe there's adequate Fire Department access in the event of an incident. And I am very concerned about the false sense of security that fire extinguishers might provide considering that you only have one means of egress off the top of that rooftop.

I have no objection at all to a dining area. I understand they are fully vetted. This is a very unique application. It's unique from Brookline. It's unique from any application in Cambridge, and I -- but those are my feelings on it.

ATTY MATTHEW FOGELMAN: Can I ask a process question, Captain and Madam Chair?

In terms of the fact that this has already been through the proper process, to use that word again, through the code, and has met the code, gotten the sign-off, gotten the

building permit, isn't that sufficient?

In other words, isn't that -- we have done what we are supposed to do, and it's been given the okay.

Why at this juncture -- and is it proper process, if you will, I'm trying to think of a better word than that, to say this point say, well, no, even though it meets code, even though you have been approved, even though you have the permitting, even though the unit meets all fire protection safety, and has the automatic shut-off, et cetera, et cetera, even though all of those things, we're going to say no to that.

CAPTAIN TOM CAHILL: Well, you had a plan review with Captain Morrissey. Captain Morrissey said he wasn't aware of the outdoor cooking area.

So you have followed all the steps you are supposed to follow and this the last step. I'm not disputing the fact that these are fully

vetted systems. I understand the safety of them.

But on an outdoor application in this particular location, particularly this part of Cambridge, if you stand back at this last table and look at what is going on behind you, it is an extremely volatile part of the city. Nothing close to it in the city. They -- you know, if you want to compare it to Koreana or other places, it is a very unique situation, and I understand all the safety precautions that are in place. I don't agree with this particular application. And this is part of that process. You have been granted permits to do these things. Fire Prevention was not aware of the outdoor cooking and this is just another one of those steps that you take.

ATTY MATTHEW FOGELMAN: What else could we do from an architectural or design perspective to allay any concerns that you still have? What

else could be done in your mind?

We are willing to explore?

CAPTAIN TOM CAHILL: You can have fire suppression on the exterior of the building. You can have hoods installed. I mean there's a number of different things that you can do. As free-standing units in this particular location, I don't support them.

CHAIR ANDREA JACKSON: And to follow-up on what the Captain just said, I think my concern, again, really is the location of it.

It is just such a dense area with all the structures that are right there and access for the Fire Department if something goes wrong. It is a very different area.

I think if you took the whole concept and moved it to a different area, I think we would have a very different conversation than what we are having right now.

CAPTAIN TOM CAHILL: I don't want to be -- I don't want any of us to be naive in thinking that, you know, there's a fire lane, so it remains an a fire lane. We all understand how that work. That alleyway is rarely accessible. It's always blocked. It's a very problematic alleyway which now limits us to one way to get into this building.

MARC HERSHMAN: The one other thing in regard to the apertures in the front, there are two big apertures, they meet the standard egress requirements of apertures. It's approaching probably two six by two seven, so it is really one story open and that would be your normal aperture access for that.

CAPTAIN TOM CAHILL: Well, let's not call it an "egress," right, that's about a 15-foot drop.

MARC HERSHMAN: I understand, but

emergency egress like as you would have a window in a building where to get fire access. I'm just trying explain what -- you know, trying to allay the fears that you have. I'm as concerned.

These units, I have to reiterate, that in regard to fire protection for the units, that the idea of an Ansul popped down over this little electric cooking thing is the equivalent of having outdoor fire protection.

We would be glad to put additional sprinkler heads on the side of the building if that would really help matters. We could do something like that. I know from Fire Prevention that the Ansul is really the best protection and we have three nozzles on each table, so it has the safety conditions for it.

JOHN MCGRATH: For the table itself, I'm not trying to open up a can of worms, your main concern is the building as far as from the unit

itself to causing spreading a fire to the building itself and/or mainly just access from the street to the terrace area?

CAPTAIN TOM CAHILL: My biggest concern is the location. And a lot of things that are out of your control.

For instance, the building construction of all the buildings that surround this, the access to this. Those are my biggest concerns.

Like I said, I'm not doubting the fact -- I'm not doubting the safety of these units. I know they have been fully vetted, and I read all the literature that you sent. And if you were to take this and put it in Cambridge Common, then I have no issue with it. This particular location is a precarious location for Fire Department access.

ATTY MATTHEW FOGELMAN: So the fire would -- I'm sorry, you know. I'm not an

architect, I'm not a fireman. You mentioned fire suppression. I'm just trying to think of a solution that we can all be happy -- something that is practice for us to do and something that will assuage your concern.

You mentioned additional fire suppression on the exterior. Would sprinklers meet -- would that help what Marc suggested?

CAPTAIN TOM CAHILL: Can I make a suggestion?

CHAIR ANDREA JACKSON: Sure.

ATTY MATTHEW FOGELMAN: To me you can. I want to try to figure this out.

CAPTAIN TOM CAHILL: My suggestion is that you meet with Fire Prevention, physically go down there and I would be there, if that will make you happy. Let's look at what we have because what what I saw yesterday and what you say is there, are two difference things. So I

want -- there's already confusion based on that. I know that that wood siding returns at least to that facade.

MARC HERSHMAN: Yes, you are right.

CAPTAIN TOM CAHILL: That's my suggestion, is that you get in touch with Fire Prevention, you go down there, you look at it, and then discuss the different options. As it stands right now, I'm not comfortable with what is proposed. I wouldn't approve it.

MARC HERSHMAN: If I can suggest --

JOHN MCGRATH: We should talk with someone at Fire Prevention before bringing it out. I just want to ask you these questions.

CAPTAIN TOM CAHILL: I agree.

JOHN MCGRATH: You and I should talk and then go see someone from Fire Prevention to inspect it before they're brought up.

MARC HERSHMAN: I think that's

reasonable. I think in regard to -- I think the key thing was to get some licensing with regard to liquor licensing and I think it's great that these things get re-looked at from other people in the department, and I don't have a problem with that.

ATTY MATTHEW FOGELMAN: May I ask something as well? Is it possible to get approval for the inside so that we can move forward and we will revisit the patio issue? You don't have to deny it. You can --

CHAIR ANDREA JACKSON: We have done that with other applications, that's fine.

MARC HERSHMAN: To be clear, part of the business model is the patio, that's why they had picked this location and their Brookline location as well.

So as we agreed, the dining out on the patio is fine, we'll just be looking at perhaps

additional safety things in regard to how to make the cooktop, if we all reach that point, to accommodate everybody's concern.

So my thought is that the plans have been approved by building and that there's further investigation on whether or how we do the cooktops out there or not.

ATTY MATTHEW FOGELMAN: We're saying the same thing. But they are not going to vote to approve cooking on the outdoor.

MARC HERSHMAN: Right. Just the issue of cooking on the deck. There should be no problem in having the dining.

ATTY MATTHEW FOGELMAN: Right. I think the Captain said that.

CAPTAIN TOM CAHILL: I don't have a problem with the dining. I wouldn't entertain approving anything that references cooking on the exterior until that has been dealt with.

MARC HERSHMAN: I think that's clear.

CHAIR ANDREA JACKSON: So what I would prefer to do then is to break it up into two separate motions in terms of voting to approve the inside, the alcohol, the hours, the manager, and then as a separate motion, the terrace piece.

ATTY MATTHEW FOGELMAN: Can we also approve dining on the outdoor for now without cooking?

In other words, let's approve -- I don't want to tell you what to approve. If you are willing to, if you are onboard, let's approve the most we can and let's just punt on the least that we can.

CHAIR ANDREA JACKSON: Sure.

So based on the conversations, I make a motion that we approve Reins International Massachusetts, Inc., doing business as Gyu Kaku Restaurant. I'm not even going to profess to try

this. I'm going to go with Dennis --

ATTY MATTHEW FOGELMAN: That's what we
all do.

CHAIR ANDREA JACKSON: -- Maneefuangfoo,
manager, the transfer for wine and malt beverages
restaurant held by Bertucci's' restaurant, for
the change of location for 21 Brattle Street to
18 Eliot Street, 118 seats inside, 12 patio
terrace seats, allowed for seating and eating
only. No cooking allowed on the terrace, and
operating hours from 11 a.m. to 1 a.m. seven days
per week with the requirement that Dennis and any
other management staff attend 21 Proof training
as required by Cambridge. And we can revisit the
issue of whether or not there will be cooking on
the patio at a later date and time to be
established.

Is there a second.

CAPTAIN TOM CAHILL: Can I make a

friendly amendment?

CHAIR ANDREA JACKSON: Yes.

CAPTAIN TOM CAHILL: A friendly amendment to that, where you are over the 100 occupancy and you are serving alcohol, you still need to be aware of your crowd management requirements.

CHAIR ANDREA JACKSON: With the motion, the friendly amendment, is there a second?

SUPERINTENDENT STEVE WILLIAMS: I'll second.

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

SUPERINTENDENT STEVE WILLIAMS: Aye.

CAPTAIN TOM CAHILL: Aye.

ATTY MATTHEW FOGELMAN: So we will be in touch, we'll be in touch with Fire Prevention. We'll talk internally and we'll talk with Fire Prevention and set up some sort of joint meeting.

CAPTAIN TOM CAHILL: Sure. I'll let them

know this is coming and I would be happy to meet you down there.

ATTY MATTHEW FOGELMAN: I think that would be great if you could.

CHAIR ANDREA JACKSON: Depending on the date and time, I may like to come along too. Actually, am I able to go?

EXECUTIVE DIRECTOR ELIZABETH LINT: You can go.

CHAIR ANDREA JACKSON: Or do I have to go at a separate time, or I can go and I just can't talk?

EXECUTIVE DIRECTOR ELIZABETH LINT: Can't discuss.

CHAIR ANDREA JACKSON: I can't discuss, okay. I can go and I can't talk.

ATTY MATTHEW FOGELMAN: We'll wave to you.

CHAIR ANDREA JACKSON: Thank you.

I make a motion too adjourn. All in favor signify by saying aye.

SUPERINTENDENT STEVE WILLIAMS: Aye.

CAPTAIN TOM CAHILL: Aye.

CHAIR ANDREA JACKSON: All right. Thank you.

(The meeting was adjourned.)

ERRATA SHEET

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

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

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I, Jill Kourafas, Certified Shorthand Reporter, 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 with the exception that some statements may not appear due to heavy accents, unclear speaking, rapid and overlapping speaking, private conversations, those speaking too softly or incoherently, not identifying themselves and proper names/places will be spelled phonetically if not spelled while on the record.

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