

CAMBRIDGE LICENSE COMMISSION HEARING

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION GENERAL HEARING

LICENSE COMMISSION BOARD MEMBERS:

CHAIRMAN MICHAEL GARDNER
ROBERT HAAS, POLICE COMMISSIONER
GERALD REARDON, FIRE CHIEF

STAFF: ELIZABETH LINT, EXECUTIVE DIRECTOR

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

DATE: Tuesday, September 10, 2013
TIME: 6:00 p.m.

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CAMBRIDGE LICENSE BOARD HEARING

SEPTEMBER 10, 2013

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EXECUTIVE DIRECTOR ELIZABETH LINT: We would like to get started. If anyone has a cell phone on, we would appreciate it if you turned it off.

It's very difficult to hear with the blower, so we ask you to really keep it down.

That door has to remain open at all times.

The License Commission General Hearing, Tuesday, September 10, 2013, 6:05 p.m. We're in the Michael J. Lombardi Building, 831 Massachusetts Avenue, Basement Conference Room.

Before you are the Commissioners:
Chairman Michael Gardner and Fire Chief Gerald Reardon.

While we wait for Commissioner Haas to arrive, we're going to take care of some fast matters.

RATIFICATION: TIANEARN CORPORATION

D/B/A SPICE & NOODLE

EXECUTIVE DIRECTOR ELIZABETH LINT:

Ratification: Tianearn Corporation d/b/a Spice & Noodle, Nancy Jitjaruek, Manager, holder of a wine & malt beverages as a restaurant license (not yet issued) at 1678 Massachusetts Avenue has change their d/b/a to YOI.

CHAIRMAN MICHAEL GARDNER: Anybody here representing Spice & Noodle?

Chief, unless you have issues or questions, I'm not sure I see any reason why we can't approve the change.

FIRE CHIEF GERALD REARDON: No.

CHAIRMAN MICHAEL GARDNER: I make a motion to approve the designation for doing business for Spice & Noodle to YOI or Y-O-I capital letters. Is there a second?

FIRE CHIEF GERALD REARDON: Second.

CHAIRMAN MICHAEL GARDNER: Motion having been made and seconded -- before we vote, I'll ask if there's any public comments.

Anybody want to speak on this issue?

AUDIENCE MEMBER: We elderly would like you to speak up, we can't hear you.

CHAIRMAN MICHAEL GARDNER: Thank you for letting me know that.

We have a motion on the table for the agenda item on the last page of the agenda this evening to change the designation for doing business from Spice & Noodle to YOI.

All those in favor, signify by saying

"aye."

FIRE CHIEF GERALD REARDON: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

None opposed.

That motions passes.

APPLICATION: FAWAS ABU-RUBAYAH

D/B/A BEANTOWN TAQUERIA

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Fawaz Abu-Rubayah d/b/a Beantown Taqueria, Hugo Mendez, Proposed Manager, holder of an all alcoholic beverages as a restaurant license (pending ABCC approval) at 148-150 Western Avenue has applied to amend the application to appoint Fawaz Abu-Rubayah as manager.

CHAIRMAN MICHAEL GARDNER: Anybody here representing Beantown Taqueria?

ATTY. SEAN HOPE: Yes.

CHAIRMAN MICHAEL GARDNER: I ask each of you to state and spell your last names for the record.

Mr. Hope, tell us who you are.

ATTY. SEAN HOPE: Good evening, Mr. Chair, Members of the Commission.

For the record, Sean Hope, H-O-P-E, hope Legal Law Offices in Cambridge.

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

ATTY. SEAN HOPE: This is an application for an all alcohol license that was a free license that was granted by this Commission several months back. And as part of the ABCC approval process, it came to our attention that the license is not in the name of a corporation or an LLC, it's directly in Mr. Abu-Rubayah's

name.

There's a requirement that the licensee's whose name is on it, also the manager on the premises. In this case, Mr. Abu-Rubayah lives at the premises and wants to be appointed manager.

Mr. Mendes will be the director of operations. There will not be a change in this procedurally.

The correct way to do it would be to have Mr. Abu-Rubayah be appointed manager.

The applicant failed the initial application on its own. There was an issue of public outreach that needed to happen, but we were able to accomplish that, but now we're seeking to appoint Mr. Abu-Rubayah as the manager of the license.

CHAIRMAN MICHAEL GARDNER: So my memory is that this was a matter which was deliberated

at considerable length by the Commission, and in the end, we granted the application or request that you wished because we had confidence that in terms of the scope of the business, and your managerial control over the operation, you would end up being good neighbors to your neighbors on Western Ave.

My understanding is that you're saying there's no change besides the legal designation of the manager of record?

ATTY. SEAN HOPE: That's correct.

CHAIRMAN MICHAEL GARDNER: Which, of course, puts more even responsibility on you in a formal legal way to make sure you're operating a good, clean and appropriate facility.

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

AUDIENCE MEMBER: We don't have a clue

what you're saying.

AUDIENCE MEMBER: I'm going to repeat what I said before, we can't hear what you're saying.

CHAIRMAN MICHAEL GARDNER: I have no solution for you. I'm speaking pretty much as loud as I think is civil for me to do.

AUDIENCE MEMBER: Could people stand up or come to the side or something?

CHAIRMAN MICHAEL GARDNER: My advice is if this is a matter you're interested in and you want to hear it, you can come forward. We have space along the wall. I can't do anything other than that.

AUDIENCE MEMBER: We can't hear from the hallway here. People are talking outside here.

EXECUTIVE DIRECTOR ELIZABETH LINT:
Somebody can ask them to please be quiet outside.

AUDIENCE MEMBER: Good luck.

CHAIRMAN MICHAEL GARDNER: Is this your last piece of business here this evening, Mr. Hope?

ATTY. SEAN HOPE: I have one other matter.

CHAIRMAN MICHAEL GARDNER: All right. Okay.

Mr. Goldberg, would you be so kind as to make the request of the people in the hall to stop talking, they can go upstairs if they need to talk, but we need to be able to hear in the room.

Could you make that request from the Chair? Thank you.

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

Seeing none, I will make a motion that we approve the change of the manager of record as stated in the agenda.

FIRE CHIEF GERALD REARDON: Second.

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

FIRE CHIEF GERALD REARDON: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

None opposed.

So we have approved the change.

Again, we deliberated long and hard about this matter, and we're putting our faith in you that you're going to run a good shop.

MR. ABU-RUBAYAH: Yes, sir. Thank you.

ATTY. SEAN HOPE: Thank you very much.

APPLICATION: EUGENE F. LYNCH POST #30 UNITED

AMERICAN VETS, INC.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Eugene F. Lynch Post #30 United
American Vets, Inc., Robert Dustin, Manager,
holder of an all alcoholic beverages as a
veteran's club license at 1 Cedar Street has
applied for a change of premise description to
remove part of the basement from their premise.

CRAIG MURPHY: I'll be representing --

CHAIRMAN MICHAEL GARDNER: So just one
minute.

So this is --

Have a seat, please.

This is the item on the first page, the
last item on the first page involving the Eugene
Lynch Post No. 30 of the United American Vets.

If there's anybody who is interested in

participating in this issue and you can't hear,
please come forward.

Why don't you state and spell your last
name for the record?

CRAIG MURPHY: Murphy, M-U-R-P-H-Y.

CHAIRMAN MICHAEL GARDNER: Your first
name then?

CRAIG MURPHY: Craig, C-R-A-I-G.

CHAIRMAN MICHAEL GARDNER: And your
relationship to the application, please?

CRAIG MURPHY: I'm one of the managers
there.

CHAIRMAN MICHAEL GARDNER: Tell us what
the plan is.

CRAIG MURPHY: Down in the basement, they
are going to be creating a commercial kitchen.
And in order do that, the requirement was to
remove the license from that portion only, and

that's basically it.

CHAIRMAN MICHAEL GARDNER: Will the commercial kitchen be separate from the post?

CRAIG MURPHY: Correct. In terms of its function and -- there's multiple floors on this. I don't know if you have seen it, but there's a second floor -- there's a first floor which is the main and there's a bar there. There's an upstairs that has a hall and then there's a basement.

The basement we didn't really use that much, but we did turn it into a commercial kitchen. But one of the last requirements was really to remove the license from that portion.

CHAIRMAN MICHAEL GARDNER: So are you subletting that space to a different entity?

CRAIG MURPHY: Correct.

CHAIRMAN MICHAEL GARDNER: Do you have

any questions?

FIRE CHIEF GERALD REARDON: So that entity has not filed to do any work as of yet?

CRAIG MURPHY: They have and they have done -- they've gotten all the required inspections and, you know, there was a whole process that they went through.

All of that has been approved and affirmed. This is the last part that needs to be done.

CHAIRMAN MICHAEL GARDNER: Does that kitchen need to come before us?

EXECUTIVE DIRECTOR ELIZABETH LINT: No. Because they'll have a state paper's license.

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

Seeing none, I will make the motion to

approve the change of premises description to remove the basement from the license as stated in the application.

FIRE CHIEF GERALD REARDON: Second.

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

FIRE CHIEF GERALD REARDON: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

None opposed. So the change is approved.

CRAIG MURPHY: Thank you.

CHAIRMAN MICHAEL GARDNER: Good luck.

CRAIG MURPHY: Thank you very much, I appreciate it.

APPLICATION: HANARUM CORPORATION

D/B/A FIRST UNITED MARKET

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Hanarum Corporation d/b/a
First United Market, Sun H. Josey, Manager,
holder of a wine and malt beverages as a package
store license at 271 Brookline Street has applied
for a transfer of stock, change of
officers/directors, and a change of manager to
Kukyong Lee.

First United?

AUDIENCE MEMBER: I think he's out in the
hall.

CHAIRMAN MICHAEL GARDNER: I'll make a
notation for the record that Police Commissioner
Haas has arrived.

POLICE COMMISSIONER ROBERT HAAS: Are you
announcing that I'm late?

(Laughter.)

CHAIRMAN MICHAEL GARDNER: Your absence
was already officially noted.

I know you have spoken for the stenographer, but for the members of the audience, please state and spell your last names.

KUKYOUNG LEE: Oh, my lase name, L-E-E.

CHAIRMAN MICHAEL GARDNER: And your relationship to the application is, sir?

KUKYOUNG LEE: I'm the manager.

CHAIRMAN MICHAEL GARDNER: The what?

THE COURT REPORTER: The what?

KUKYOUNG LEE: The manager.

CHAIRMAN MICHAEL GARDNER: You're the person applying, the manager?

KUKYOUNG LEE: Yeah.

CHAIRMAN MICHAEL GARDNER: And, Mr. Kim, you are?

KUKYOUNG LEE: Lawyer.

ATTY. SONG KIM: Counsel. K-I-M.

Counsel to Mr. Lee who is purchasing stocks

internally and manager.

CHAIRMAN MICHAEL GARDNER: Thank you.

So this is the second item on the second page of the agenda involving First United Market in a transfer of stock and change of managers. If there's anybody here who wants to be heard on this matter or is interested, please come forward so you can hear.

Mr. Kim, why don't you go ahead with the plan?

ATTY. SONG KIM: Yes. The Hanarum Corporation has been there almost 28 years and Josey is the current owner of the stocks and the manager of corporation, and Mr. Lee who just got out of college from UMass Boston with a management major, he wants to purchase this stock as well as serving as the manager.

I brought the abutters' affidavit and the

return receipt.

EXECUTIVE DIRECTOR ELIZABETH LINT: Okay.

Thank you.

CHAIRMAN MICHAEL GARDNER: So, Mr. Lee, what experience do you have, if any, in an operation similar to this?

KUKYOUNG LEE: I used to work at the same store as a clerk four years.

CHAIRMAN MICHAEL GARDNER: As a clerk?

KUKYOUNG LEE: Store clerk.

CHAIRMAN MICHAEL GARDNER: As a clerk in the store?

KUKYOUNG LEE: Yes.

CHAIRMAN MICHAEL GARDNER: Do you have any relationship to the current owners?

KUKYOUNG LEE: I know personally.

CHAIRMAN MICHAEL GARDNER: You know them personally.

KUKYOUNG LEE: Yes.

ATTY. SONG KIM: They speak Korean, and they're like a family members, and he's been there as a part-timer in the last almost four years while in college. He was a part-timer there.

CHAIRMAN MICHAEL GARDNER: So what challenges, if any, do you see to taking over and running this operation with relatively little experience?

KUKYOUNG LEE: I don't know.

ATTY. SONG KIM: May I?

CHAIRMAN MICHAEL GARDNER: Go ahead, Mr. Kim.

ATTY. SONG KIM: Yes. I mean, he worked as a part-timer for such a long time, and I know it serves beer and wine, and I know they sell grocery items and 1500 square footage in a small

corner store without any infraction that I know.

So I think he's a good candidate as the manager of the store because he's graduating in May.

CHAIRMAN MICHAEL GARDNER: So one of our principal issues, of course, is sale to minors. Tell us how you will make sure that you don't make sales to minors.

KUKYOUNG LEE: Checking ID every time when I sell beer or wine or cigarettes any time.

CHAIRMAN MICHAEL GARDNER: And will you have staff in addition to yourself?

KUKYOUNG LEE: Maybe I'm going to look for other staff, but, first, I'm gonna try and work.

CHAIRMAN MICHAEL GARDNER: Well, if you have other staff, you understand it's your responsibility to train them to make sure they

follow procedures so there are zero errors with respect to underage sales.

KUKYOUNG LEE: Yes.

CHAIRMAN MICHAEL GARDNER: Do you understand that?

KUKYOUNG LEE: Yes. I totally understand.

CHAIRMAN MICHAEL GARDNER: Any other questions?

FIRE CHIEF GERALD REARDON: How much stock? Are we talking all the stock? Partial stock?

ATTY. SONG KIM: A hundred percent of the stock.

FIRE CHIEF GERALD REARDON: Okay. And you're going to be the sole operator with no help for right now.

What are the hours presently?

ATTY. SONG KIM: Good question.

KUKYOUNG LEE: Monday through Sunday and then we open 7:00 and close 9:00 till Monday through Saturday, and then Sunday is open 8:00 to 7:00.

ATTY. SONG KIM: 8:00 to 7:00.

FIRE CHIEF GERALD REARDON: You're going to work all of those hours yourself?

KUKYOUNG LEE: Maybe my family can help, my wife.

ATTY. SONG KIM: He has a wife and parents as well. Obviously he's responsible as a manager to check.

FIRE CHIEF GERALD REARDON: Those are a lot of long hours for one individual to do.

ATTY. SONG KIM: But he has wife as well as both parents, mother and father, right?

KUKYOUNG LEE: Yeah.

FIRE CHIEF GERALD REARDON: Ms. Lint, do you know if any training has been done?

EXECUTIVE DIRECTOR ELIZABETH LINT: I don't know, but that would be necessary.

ATTY. SONG KIM: Yes, 21 Proof as usual is required I know. So he's gonna complete it after passage of this stock transfer.

FIRE CHIEF GERALD REARDON: Do you have any idea when this -- if this is approved when this would happen?

ATTY. SONG KIM: You mean 21 Proof?

FIRE CHIEF GERALD REARDON: No, the stock transfer.

ATTY. SONG KIM: I would have to get approval from ABCC naturally. So I would say a couple months because normally that's the turn-around time.

CHAIRMAN MICHAEL GARDNER: Other

questions?

POLICE COMMISSIONER ROBERT HAAS: What is the status of the store now? What is the current status.

ATTY. SONG KIM: The current status?

POLICE COMMISSIONER ROBERT HAAS: Yeah. It is it open? Is it operating?

ATTY. SONG KIM: Yes, it's open.

POLICE COMMISSIONER ROBERT HAAS: Who is running it now?

ATTY. SONG KIM: Sun Josey.

POLICE COMMISSIONER ROBERT HAAS: So the owner who is he going to be transferring basically?

ATTY. SONG KIM: From Sun H. Josey to him.

POLICE COMMISSIONER ROBERT HAAS: That will remain in effect until such time it

transfers over to him?

ATTY. SONG KIM: Yeah, but she's the owner, of course, until ABCC approves it.

CHAIRMAN MICHAEL GARDNER: Will you be working there to get any training from her?

KUKYOUNG LEE: I working part-time already.

ATTY. SONG KIM: He's been there four years already.

CHAIRMAN MICHAEL GARDNER: Are you still there now?

KUKYOUNG LEE: Yeah.

CHAIRMAN MICHAEL GARDNER: So you're continuing to work there as an employee?

KUKYOUNG LEE: Yes.

CHAIRMAN MICHAEL GARDNER: Thank you.

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 transfer of stock, the change of owners and directors and the change of managers as listed in the agenda, subject to the completion of all of the training required by the License Commission for the sale of alcohol, and at the friendly suggestion of the police commissioner, I'll suggest a review period of six months to ask you to come back in and talk to the staff or the Commission, as they determine, as to what problems, if any, you have been having or what issues there have been.

FIRE CHIEF GERALD REARDON: Second.

CHAIRMAN 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.

CHAIRMAN MICHAEL GARDNER: Aye.

None opposed.

So your step here is completed.

ATTY. SONG KIM: Thank you.

CHAIRMAN MICHAEL GARDNER: So now that we have a full commission, we're going to take up the other matters on the agenda in the order in which they appear on the agenda.

APPLICATION: CAMBRIDGE CUISINE, LLC

D/B/A PURITAN AND CO.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Cambridge Cuisine, LLC
d/b/a Puritan and Co., William Gilson, Manager,
holder of a wine & malt beverages as a restaurant
license at 1166 Cambridge Street has applied to
upgrade said license to an all alcoholic
beverages license.

CHAIRMAN MICHAEL GARDNER: Good evening.

If you'd identify yourself again, Mr. Hope?

ATTY. SEAN HOPE: Good evening, Mr. Chair and Members of the Commission.

For the record, Attorney Sean Hope, Hope Legal Law Offices, last name H-O-P-E.

CHRIS YORTY: Chris Yorty, Y-O-R-T-Y.

WILLIAM GILSON: William Gilson,
G-I-L-S-O-N.

ATTY. SEAN HOPE: This is an application to upgrade an existing beer and wine license to an all alcohol license.

Just to refresh the Board, over a year ago in early summer, I think it was May of 2012, we had an application here and it was approved by this Commission for a beer and wine.

This location is at 1166 Cambridge Street. It was formerly the Bosphorus

Restaurant. That was a license granted by this Commission. We didn't purchase the license. The licensee turned in his license and we applied for a new one, but we buy all of the inventory and assets of the restaurant.

The licensee put a considerable amount of money into the build-out. So they have been open for greater than a year.

And in the initial hearing, we had neighborhood outreach. Part of the success over the last year has been from the neighborhood itself.

There's correspondence in the file from residents, the Inman Square Neighborhood Association and others that these licensees have been good operators.

One of the hallmarks of the restaurant is that the food is locally grown. I believe Chef

Gilson's father has a farm in Groton, Massachusetts where they get their produce from.

They have received several awards and accolades from different restaurants, magazines.

In terms of the operation, the liquor license, they have had no reports. This was an old social club. I don't recall the name. So there was issues with the back door and activities happening in the back alleyway. None of that has been part of the experience.

So the concerns that were once there when it did have a full alcohol when it wasn't a restaurant, but a social club, are not there and we have been cognizant of that.

I remember at the previous hearing one of the threshold criteria was for overwhelming neighborhood support, and as part of the application, we have submitted several emails to

to Ms. Lint. I also have here a copy of a petition which may not be in the file.

EXECUTIVE DIRECTOR ELIZABETH LINT: I have that.

ATTY. SEAN HOPE: You have that as well. Also, just quickly --

CHAIRMAN MICHAEL GARDNER: I'm not sure I've got that.

ATTY. SEAN HOPE: Just about Chef Gilson, he was a former chef at the Cellar Restaurant on Mass Ave, and he's taken many of his following to the new restaurant.

And just as an example of the success of the restaurant, we were only before the Commission several months about additional investors, and they were approved by the ABCC.

The restaurant is doing well in a very competitive environment in Cambridge, on

Cambridge Street. They have been good neighbors and got operators, and although they have been able to get other investors, they do need a full alcohol license really to fully complement their menu.

Also in comparison to the other restaurants on Cambridge Street, many of them have a full alcohol license.

It is the Commission's procedure to at least allow for a year before coming back, and I think I had told the licensee to check with Ms. Lint prior to filing this application just to make sure that we -- there weren't other comments or feedback from the neighborhood and they have all been positive, and so, this is an application for a full alcohol license.

CHAIRMAN MICHAEL GARDNER: So my memory is the prior restaurant made a request for a full

alcohol license at some point in the past. We declined to grant it. There was both, as I recall, some substantial community opposition and there were remaining issues with respect to the back door, I think.

My memory also is that the physical arrangement of the space included a very long bar.

Am I remembering that right?

ATTY. SEAN HOPE: Yes.

CHAIRMAN MICHAEL GARDNER: The notation that they said yes, you can't nod your heads.

ATTY. SEAN HOPE: Yes. Correct.

CHAIRMAN MICHAEL GARDNER: And in the renovation, did you change that layout or do you still have the same bar?

WILLIAM GILSON: The bar was made shorter from the first plans that were submitted to the

city. Where it stands right now, it has been dining. The actual structure has been more conducive to dining than anything else like that. It was not designed to be a bar per se, it has been designed for a restaurant.

CHAIRMAN MICHAEL GARDNER: One of the concerns, as I recall, was that going to all alcohol might, with the other operation, change it to more of a bar atmosphere as opposed to a restaurant with supplementary cocktails.

Tell us just a little bit more about how this will change your operations in terms of both how the restaurant might change or the emphasis between food and alcohol.

WILLIAM GILSON: We, as operators, have no intention of changing the atmosphere of the restaurant at all.

The interior of the restaurant will

remain the same. The spacing of the restaurant for us we don't want people being two or three deep at a bar per se.

For us, it's more about being able to offer a completed round package for the guests dining at the restaurant.

We've recently launched a brunch program being able to offer things that are more commonplace with the local establishments that are in the area and sort've across the board what beverages people are allowed to order during that time with a full alcoholic license, you know, things like Bloody Marys and whatnot. And then at nighttime just to be able to offer our guests when they ask for something not having to say no necessarily.

But for us, we're not looking to be able to turn it into a bar that's going to be, let's

just say slinging cocktails or anything like that.

For us, our plans are to be able to have beverages to complement the food that we already have there and maintain our relationship with our guests as we already have both the ones that dine with us and ones that are our neighbors as well, and make sure that everything inside the restaurant remains the same. We're just able to supplement that with a better beverage program.

CHAIRMAN MICHAEL GARDNER: Two more questions. What are the hours of operation currently and give us some sense about the price range of your meals.

WILLIAM GILSON: Sure. As far as price range goes, our menu right now as it stands, there are many items that are as low as \$3 on the menu, the highest being \$29 on the menu.

Our brunch is the highest, it's \$18 on the menu.

Most of our food falls in the category of somewhere between, I'd say \$14 and \$24, \$26 as far as the pricing goes.

And right now, our hours -- let me make sure I have those listed.

We have 5:00 to 11:00 p.m. on Monday through Thursday. Friday and Saturday it's 5:00 p.m. until 12:00 a.m., and on Sundays, it's from 10:00 a.m. till 11:00 p.m.

CHAIRMAN MICHAEL GARDNER: And you're making no request to change those hours?

WILLIAM GILSON: Correct.

CHAIRMAN MICHAEL GARDNER: Other questions?

FIRE CHIEF GERALD REARDON: Nope.

POLICE COMMISSIONER ROBERT HAAS: So this

is not a matter of you feeling that you need this license to survive, it's just expand the current success that you already have?

WILLIAM GILSON: I mean, as a business owner, we want to make sure that every avenue we have to be able to help our bottom line is we've explored and that we've been able to pursue.

POLICE COMMISSIONER ROBERT HAAS: And I recall the last applicant part of the dilemma they had was that they were really struggling, and felt that it was the alcohol license that was going to keep them solid.

I just want to make sure we're not finding ourselves in the same situation.

WILLIAM GILSON: No.

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

I ask you to please come forward. Why don't one of you give up a seat, if the person would like to sit, and just ask you to state and spell your name for the record, last name, and ask you to speak up given the sound issues I'm sure you've heard about.

SUSAN FLEISCHMANN: My name is Susan Fleischmann, F-L-E-I-S-C-H-M-A-N-N, and I live at 5 St. Mary Road not too far away from the establishment, and I have had the pleasure of eating there a few times which is great.

I want to support this petition. I find that the owners of this establishment are very responsible and responsive to the neighborhood, and I think it's a good thing to allow them to be competitive with other establishments along Cambridge Street. I think it's a good economic situation for Cambridge to bring this kind of

fine dining establishment here and support it.

CHAIRMAN MICHAEL GARDNER: Thank you very much.

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

Seeing none, I will say that I was impressed with the broad array of individuals and organizations which supported the change and the and complimentary descriptions they had of their experiences in your restaurant. Winning national awards or recognition is presumably a good thing for you.

WILLIAM GILSON: And for Cambridge.

CHAIRMAN MICHAEL GARDNER: Makes Cambridge feel good about it.

And I was impressed on the emails. They didn't appear to be boilerplate kind've, you know, generated by some surging mill that you all

put together, but actually seem to come from the heart.

WILLIAM GILSON: We hope to be there for quite awhile and that means making good neighbors as well.

CHAIRMAN MICHAEL GARDNER: What, if any, challenges are there for your upgrading or stepping up to all alcohol?

WILLIAM GILSON: I would say for us, you know, we don't want to necessarily rush into anything that we're not prepared to do.

We still make sure that our staff is trained with everything that we do from our alcohol service now being beer, wine and malt to be able to make sure that if any change in how we create menus, have offerings and how we're able to get that product to the guest, that our staff is well trained. They know the limitations and

the law as well as being able to make sure that there isn't anybody on staff that's not prepared to do so and abide by our rules as a house.

CHAIRMAN MICHAEL GARDNER: Thank you.

POLICE COMMISSIONER ROBERT HAAS: Have you experienced a lot of turnover with your staff?

WILLIAM GILSON: In the kitchen, yeah. Maybe not so much in the front of the house. We have great managers. I have Chris and our beverage director, Josh, is great. And we have a fantastic front house staff.

I think with any new restaurant opening that demands a lot from its staff, you do have a percentage of turnover which is to be expected.

POLICE COMMISSIONER ROBERT HAAS: Why the kitchen so much?

WILLIAM GILSON: Long hours. And I think

for a restaurant to be a successful, it needs to bring in a certain caliber of people out of the gate, and then it needs to be able to learn how to train greener, more hungrier people eventually overtime. It's kind've like my school right now.

CHAIRMAN MICHAEL GARDNER: Anything else?

FIRE CHIEF GERALD REARDON: All set.

POLICE COMMISSIONER ROBERT HAAS: All set.

CHAIRMAN MICHAEL GARDNER: So given the level of neighborhood support and the apparent successful track record for this location with the potential that it will, in fact, enhance the dining options and experience within the city, I will make the motion to approve an upgrade to an all alcoholic beverage license as stated in the application.

POLICE COMMISSIONER ROBERT HAAS: Second.

CHAIRMAN 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.

CHAIRMAN MICHAEL GARDNER: Aye.

None opposed.

So good luck with the rest of the process, and to the extent that the awards and the public recognition reflect success so far, continued good luck and efforts with that.

APPLICATION: THE JUST CRUST, LLC

D/B/A THE JUST CRUST PIZZERIA

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: The Just Crust, LLC d/b/a The Just Crust Pizzeria, Kevin Liss-Reardon, Manager, holder of a wine & malt beverages as a restaurant

license has applied for a change of their opening hour from 10:00am to 7:00am. Alcohol cannot be served before 8:00am Monday through Saturday and 10:00am on Sundays.

CHAIRMAN MICHAEL GARDNER: So this is the second item on the agenda on the first page. It's about The Just Crust.

If there's anyone in the audience who is particularly interested in this matter and you're having difficulty hearing, we encourage you to come forward closer to the desk.

Mr. Rafferty, if you'd be so kind as to state and spell your name for the record, and any others who will speak and to present the matter?

ATTY. JAMES RAFFERTY: Good evening, Mr. Chairman and Members of the Commission.

For the record, James Rafferty,
R-A-F-F-E-R-T-Y. I'm an attorney with offices at

130 Bishop Allen Drive in Cambridge appearing on behalf of the licensee.

Seated to my immediate left is Shannon Liss-Riordan, R-I-O-R-D-A-N and to Ms. Liss-Riordan's left is her husband, Kevin Liss-Riordan, who is the manager of record, L-I-S-S-dash-R-I-O-R-D-A-N.

The Commission may recall that The Just Crust Pizza found favor with the Commission this past spring and they opened up in the former upper crust location in Harvard Square. They have been operating since June of this year. And they are interested in expanding their menu and offerings to include breakfast items, including coffee, and believe it or not, a form of breakfast pizza, which they believe will be successful.

So this is a request to modify the CV

hours only so that could open earlier and provide a breakfast service at the location.

CHAIRMAN MICHAEL GARDNER: Does that mean that the wine and malt will not be served any earlier than the current license which I believe is 11:00?

ATTY. JAMES RAFFERTY: That's our understanding, yes.

CHAIRMAN MICHAEL GARDNER: I did at least understand that perhaps their hours have, in fact, changed or have been opened before coming before us this evening? I'm not sure if that information is correct or not.

ATTY. JAMES RAFFERTY: It's possible that may have occurred.

I did receive some inquires about the status of that. If that did occur, and I believe it may have for a short period of time, it has

not been the case for several weeks now since it was brought to their attention.

CHAIRMAN MICHAEL GARDNER: I mean, I think there was also an issue about whether they opened up before they actually picked up their licenses from the Commission way back whenever this was in June, which is a little disappointing to us in terms of, you know, we were excited, I think, about the sort've -- the bankruptcy and the sort've financial disarray that existed with the prior corporation, and it was nice to see people coming in who were interested in trying to salvage issues here, and I think, as I recall, attempt to approach it with a somewhat different perspective with respect at least labor relations.

But our hope is that everyone, including people who got great familiarity with the

requirements of law, will pay attention and make sure that, in fact, the Cambridge License Commission procedures are being followed.

So that's our express hope and expectation and I don't need to say any more about it myself.

ATTY. JAMES RAFFERTY: Mr. Chairman, might I be permitted to offer just a slight bit of perspective since you saw fit to raise in this hearing.

The applicant, as you may recall, hadn't been involved in licensing before. They had gone through a very procedure-driven process at the Building Department getting the special permit for fast food, received their CO and the certificate of inspection, got their food handlers license from the Health Department and were under the mistaken assumption that they had

received their license, and as soon as that was brought to their attention, I would put it in the category of ministerial, their error. It was rectified within hours of them being alerted of that fact.

CHAIRMAN MICHAEL GARDNER: Thank you for that perspective.

Are there any other questions?

POLICE COMMISSIONER ROBERT HAAS: Since you have only been relatively open for a short -- you did work in the prior establishment, right, so you took over?

ATTY. JAMES RAFFERTY: Right.

CHAIRMAN MICHAEL GARDNER: Again, if you're speaking, Mr. Rafferty, that's fine, but, Ms. Liss-Riordan, if you would like to speak, I'd just ask you to speak as opposed to nodding.

POLICE COMMISSIONER ROBERT HAAS: So you

weren't affiliated with the prior establishment,
so you actually took this as new owners and
operators, right?

LISA LISS-RIORDAN: We were not
affiliated.

POLICE COMMISSIONER ROBERT HAAS: SO what
has been your experience in that establishment?
It's a smaller place, isn't it, as I understand
it or remember it?

LISA LISS-RIORDAN: It's a Small place
and it's going well. We're really excited by the
responses we've already gotten from the
community. We're excited about the students
coming back in Harvard Square and we're getting
real good feedback. We're excited by it.

POLICE COMMISSIONER ROBERT HAAS: And you
think there's enough appetite for breakfast
services as well?

LISA LISS-RIORDAN: Yes, we do.

POLICE COMMISSIONER ROBERT HAAS: What does a breakfast pizza look like?

LISA LISS-RIORDAN: Well, there's the savory and they're sweet and egg-based pizza. We have an egg and prosciutto, whole fresh farm eggs and prosciutto, and then there's like apple put in there. It's sort've similar to our dessert pizza which have gone over nicely.

CHAIRMAN MICHAEL GARDNER: Any other questions?

FIRE CHIEF GERALD REARDON: No.

I would say obviously there's no change in the premises. Kitchen facilities to facilitate this to use everything that exists, right?

ATTY. JAMES RAFFERTY: Absolutely.

FIRE CHIEF GERALD REARDON: Thank you.

CHAIRMAN 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 change of opening hours from 10:00 a.m. to 7:00 a.m. for the service of food only. The alcohol remaining at -- is it 11:00?

ATTY. JAMES RAFFERTY: Yes, beer and wine.

FIRE CHIEF GERALD REARDON: Second.

CHAIRMAN MICHAEL GARDNER: Motion having been made and seconded, all those in favor --

POLICE COMMISSIONER ROBERT HAAS: Public comment?

AUDIENCE MEMBER: (Inaudible.)

CHAIRMAN MICHAEL GARDNER: Would you like to volunteer to stay here and communicate that information out to the hall?

AUDIENCE MEMBER: Yes, I would.

CHAIRMAN MICHAEL GARDNER: I will give one last opportunity for anybody in the audience, including those in the hall who would like to speak on The Just Crust Pizza application for change of hours.

AUDIENCE MEMBER: Being a neighborhood this is not going to be a matter of discussion. I have enjoyed my coffee there every morning. They allowed my dog to be tied up outside and they have actually served (inaudible) across the street.

CHAIRMAN MICHAEL GARDNER: If you would like your remarks on the record, sir, we will need your name.

PETER XAVIER SINCLAIR O'MALLEY: Peter Xavier Sinclair O'Malley.

CHAIRMAN MICHAEL GARDNER: O'Malley, is

that spelled in the traditional way?

Motion having been made and seconded and ample time given for public comment, all those in favor, signify saying "aye."

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

None opposed.

We're very glad to hear that you got a creative cuisine in mind, and the reception to the business so far has been such that you feel confident about expanding.

So, again, good luck and just ask you to pay attention.

KEVIN LISS-RIORDAN: I'll pick up the new license tomorrow.

CHAIRMAN MICHAEL GARDNER: Good luck.

Thank you.

APPLICATION: SURYA BINAYAK, INCORPORATED**D/B/A CITY LIQUORS**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Surya Binayak, Incorporated, d/b/a City Liquors, Binoj Pradhan, Manager, has applied to transfer the all alcoholic beverages as a package store license currently held by University Liquor Shop, Inc., Manuel Barros, Manager. Applicant is also applying for a change of location from 660 Cambridge Street to 616-620 Cambridge Street and to pledge said license.

CHAIRMAN MICHAEL GARDNER: So this is an application at the top of Page 2 of the agenda for City Liquors, a change of ownership and a change of location.

If somebody would be so kind as to let people in the hallway know that.

City Liquors.

Mr. Goldberg, if would you be so kind as to state and spell your last name for the record and introduce the applicant.

ATTY. WILLIAM GOLDBERG: William Goldberg, G-O-L-D-B-E-R-G. Goldberg Law Office, 620 Massachusetts Avenue, Cambridge 02139.

The president of the moving corporation is Binoj Pradhan, who is sitting to my right, and the seller is sitting to my second right.

CHAIRMAN MICHAEL GARDNER: Last name, please.

MANUEL BARROS: Manuel Barros, B-A-R-R-O-S.

ATTY. WILLIAM GOLDBERG: Do you want him to spell his name for the record?

CHAIRMAN MICHAEL GARDNER: Last name, please?

MANUEL BARROS: Barros, B-A-R-R-O-S.

CHAIRMAN MICHAEL GARDNER: Thank you.

And, sir?

BINOJ PRADHAN: My name is Binoj Pradhan.

My last name is P-R-A-D-H-A-N.

CHAIRMAN MICHAEL GARDNER: Mr. Goldberg,
this is a two-part application?

WILLIAM GOLDBERG: Yes.

One transfer of the all alcoholic package
store license to a location at 610 to 620
Cambridge Street, which is an address that is
close to where the license is situated, but the
building itself has not been available for
occupancy, and that's why we're seeking a
relocation of the license from that address.

CHAIRMAN MICHAEL GARDNER: Are both
requests dependent on each other?

WILLIAM GOLDBERG: Yes.

CHAIRMAN MICHAEL GARDNER: And is the

issue with 660 that the space is no longer available or will no longer be available at some point in the future?

WILLIAM GOLDBERG: I believe that's the case.

MANUEL BARROS: That's the case. The lease will expire. I sold the building and the rent's \$10,000 a month. It's no longer sustainable. The liquor license has been there since 1938. That's five years after prohibition. It's been there a long time.

And our goal is to transfer the license from me to him, and he is buying -- or in the process of acquiring the building at (inaudible) Furniture across from Mayflower Poultry on Cambridge Street and set up operation there. It's about 200 feet from the present location.

CHAIRMAN MICHAEL GARDNER: So you are the

owner the building and the holder of the license?

MANUEL BARROS: Yes.

CHAIRMAN MICHAEL GARDNER: And you have sold the building?

MANUEL BARROS: Yes.

CHAIRMAN MICHAEL GARDNER: And the relationship with the new owner is such that it appears not to be financially feasible to stay in that location?

MANUEL BARROS: Yes.

CHAIRMAN MICHAEL GARDNER: And you're interested in selling your interest in the license or the business to a new license holder who is interested in moving it. And about how many yards estimated --

BINOJ PRADHAN: 150 feet.

CHAIRMAN MICHAEL GARDNER: 150 feet?

BINOJ PRADHAN: Yep.

CHAIRMAN MICHAEL GARDNER: Are there other intervening buildings in between? What are the buildings between 660 and 618 and 620?

MANUEL BARROS: There's a mixed-use building with apartments above and the grocery store on the first floor. Then there's a fish store at the corner of Fulkerson and Cambridge and then there's the existing building.

CHAIRMAN MICHAEL GARDNER: This actually crosses an intersection?

MANUEL BARROS: Crosses what used to be 9th Street.

CHAIRMAN MICHAEL GARDNER: What are the differences in the both layout at 660 and the new location with respect to store size and also with respect to access for deliveries, trash, the general operation of such a business?

WILLIAM GOLDBERG: With regard to

deliveries, which apparently is a serious matter in the neighborhood and to the Commission, the applicant has obtained a letter addressed to you from a store across the street, which is the Mayflower, which in the letter -- would you hand this over, please?

EXECUTIVE DIRECTOR ELIZABETH LINT: Is that in the packet?

WILLIAM GOLDBERG: No. Which letter indicates that the applicant has the right to utilize the driveway of that store of Mayflower from the hours after 4:00 and Mr. Pradhan has made arrangements or will seek to make arrangements that the deliveries, which only will be two days a week, Tuesday and Thursday, will be made after 4:00 so that the truck that makes the deliveries will not interfere with any moving traffic or will not interfere with any loading

stations at all.

CHAIRMAN MICHAEL GARDNER: So is the plan that the truck goes into this driveway, I take it, after 4:00, two days a week, the truck driver or somebody takes the stock from the truck, puts it on-hand trucks --

WILLIAM GOLDBERG: That's correct.

CHAIRMAN MICHAEL GARDNER: -- goes up to the intersection and crosses at the intersection and comes down on the opposite side of the street or am I misunderstanding?

WILLIAM GOLDBERG: No, no, you're not misunderstanding, but the way you're characterizing it as being a pedestrian calamity --

CHAIRMAN MICHAEL GARDNER: No, I'm -- I want to visualize -- there were no pejoratives intended. I simply want to visualize what the

traffic flow would be, the pedestrian traffic flow.

WILLIAM GOLDBERG: As I indicated, he would unload either on the loading zone, which is adjacent to the Mayflower business or pull into the driveway, unload in the driveway, put it on a moving dolly across the street.

CHAIRMAN MICHAEL GARDNER: I think we want you to go to the intersection. We don't want you to cross the street in the middle of the intersection, am I right about that?

WILLIAM GOLDBERG: For safety purposes, we can do that. But I wanted to indicate to you that there's alternative places for loading and unloading so that that issue will not be an impediment or an objection to the neighbors that have made that clear.

CHAIRMAN MICHAEL GARDNER: The

alternatives are either the loading zone across the street or the driveway adjacent to the loading zone?

WILLIAM GOLDBERG: Exactly.

CHAIRMAN MICHAEL GARDNER: So for the new applicant, can we understand your experience in the alcohol liquor business?

BINOJ PRADHAN: Yes. I can give you my certification that I did back in 2002. On the second page, you might want to look at the second page also.

I currently own a restaurant with full liquor license in City of Somerville. It's been two years. And I've been dealing with alcohol since.

But from 2002, I used to work in a restaurant as a bartender, and you can see my certification, alcohol training classes on the

certificate that I have provided that I have kept until today from 2002 until 2013. So I have the oldest in my pocket, so I can provide that also. My experience has been since then.

CHAIRMAN MICHAEL GARDNER: So what do you see as the differences in operating a package store compared to operating a restaurant which serves alcohol?

BINOJ PRADHAN: The difference is basically in restaurant you have basically people sitting down eating and drinking, where in a package store, you have customers coming in as retail.

By the way, I have a convenience store right now in Union Square called Union Mart. I just got recently approved by the City of Somerville for beer and wine also. So I'm in the process of getting that.

And my experience with retail business has been I have been selling cigarettes, I have been selling cigarettes for almost five or six years. And I know with package store, you got to make sure that age -- you sell to no minors, you have to sell to 21, which I know from my bartender experience also. I have been in retail business for almost seven or eight years.

WILLIAM GOLDBERG: Are you going to purchase some mechanical device?

BINOJ PRADHAN: Oh yes. By the way, there are a couple of tools, they have scanners, they have magnifying glasses, they books referring to out-of-state licenses. So there were many other things that go on in the operation of the establishment. Those are going to be purchased while we operate the business.

WILLIAM GOLDBERG: If I may say and

supplement that, in addition, each one of his employees are going to take the TIPS course to be certified, and any new employee.

And in the packet that I prepared and submitted with regard to the sale of alcohol, there are matters, from my own experience, may be watchful and weary by the local License Commission and made a point of that, that that will be taken care of.

CHAIRMAN MICHAEL GARDNER: And, Ms. Lint, what, if any, history of problems or lack of problems have we had at the 660 location?

EXECUTIVE DIRECTOR ELIZABETH LINT: There has not been an issue there for quite a long time.

CHAIRMAN MICHAEL GARDNER: Thank you.

EXECUTIVE DIRECTOR ELIZABETH LINT:
Nothing that I can even think of.

CHAIRMAN MICHAEL GARDNER: So I'm looking at this packet. Mine happens to be a green folder about three pages in, the fourth page in, Rules and Regulations, City Liquors, liquor sales, check all customers, this is all in caps.

Will you just represent to us, Mr. Goldberg, what this is?

WILLIAM GOLDBERG: Well, that is from my experience in engaging with the License Commission in the various cities and towns in regard to the sale of alcohol to minors or to intoxicants, you have to be very careful with regard to identification.

And one, Mr. Pradhan has mentioned about getting the machinery to be able to check it. But there are other things here that in my experience there may be out of state licenses, they may be tampering with licenses, and that if

you find a suspicious or have dealt with regard to the customer to ask for an additional identification.

These are a little items that I wanted to highlight to the Commission and to my client, so that in the employment of persons to supplement his store that they will be mindful of these items.

CHAIRMAN MICHAEL GARDNER: So these represent some suggestions or guidelines that you have put together for your client?

WILLIAM GOLDBERG: Exactly. And I await any other further assistance the Commission may tell me.

CHAIRMAN MICHAEL GARDNER: We'll request Ms. Lint to review this very carefully.

Are there other questions?

FIRE CHIEF GERALD REARDON: So you're

gonna build this out from scratch then, the new location?

BINOJ PRADHAN: Yes. Well, the existing location needs some work because the building has not been taken care of, let's put it this way.

If you go in the basement, you barely can walk. There's a lot of humid, a lot of mold growing there, a lot of water in there.

The building has been negligent, and I went at the back of building before we even put an offer to the building, and we saw a lot of weeds growing, a lot of grass growing, not being taken care of, plus the ceiling was leaking when I first saw the place.

The tenant upstairs, they had central air and they had it overflowing from a pump. They didn't even know about it. So there was a lot of issues with the place.

Now, as a tenant -- as a landlord, I'm going in there and invest my money, try to fix up the place to make it look nice and bright and try bring customers to this place.

FIRE CHIEF GERALD REARDON: You're going to take the whole space?

BINOJ PRADHAN: Yes, we're gonna take the whole space now.

The other thing is most of my storage is going to be in the back rather than in the basement due to the water, the problem in the basement. So most of my storage is going to be upstairs. And I would not want to put my product in the basement because the mold is growing. And I will be addressing these issues.

But I heard from my neighbors who think there's a problem with the water level. So I don't want my products to get wet.

FIRE CHIEF GERALD REARDON: You're going to keep the front of the store the sales and the back of the store your stock?

BINOJ PRADHAN: Yes. Front is going to be retail, it's going to be about 2400 square feet and the back there's going to be all storage.

FIRE CHIEF GERALD REARDON: How big is the entire parcel?

BINOJ PRADHAN: Well, you're looking at 35 to 3600 square feet. Around 4,000, I would say. But by the Building Department they require me only to have 2500 square feet.

Now, talking about Manny's place, it's bigger than my place. Only difference is when you look at the building, it's stretched longer. So the width, it's long, but the depth it's short. But Manny's is deeper and is wider, too.

CHAIRMAN MICHAEL GARDNER: I'm looking at one of the pictures and I see this must be 660, right?

BINOJ PRADHAN: No. The reason I put that picture is if you look on the left, there's a restaurant. That's my restaurant.

CHAIRMAN MICHAEL GARDNER: This is Somerville?

BINOJ PRADHAN: That's right. And next store is a liquor store. The reason I brought that picture over here is some of the neighbors concerned about loading and unloading.

Let me tell you one thing. My restaurant has a full bar and we do get loading and unloading.

And the other thing is we coordinate our loadings. I look around the neighborhood and I see a bar across the street, there's a beer and

wine store a couple, say, 50 feet away. I'm talking with Bert. I have been talking with him. I have been coming in contact with those people. I'm trying to do it in a way when my delivery comes, it comes together with the other local businesses.

CHAIRMAN MICHAEL GARDNER: I see a number -- in the green packet, a number of signatures that appear to be in support of the change?

BINOJ PRADHAN: I went around the neighborhood, I got those signatures within a period of a day, day and a half. And the only reason I got that is when I came to realize there were a couple of neighbors who were not satisfied with the movement, so I thought maybe I should get some help from my neighbors. So what I did was, I went around and talked to my neighbors.

I said, "Listen. I'm trying to do this,

I'm trying to move this license from here. I'm not trying to get another license, all I'm doing is going 150 feet.

The reason is, one thing, the landlord doesn't want me there. The way he's kicking me out is 'You got to pay \$10,000 rent and plus a triple net.'

POLICE COMMISSIONER ROBERT HAAS: Plus a what?

BINOJ PRADHAN: Triple net means I have to pay taxes, I have to pay all the things, and he's basically saying, "I don't want you here."

What I did was when I was looking in the market and I found that there was a property for sale right after two days there was a property for sale right on the same street. I went there and looked and I say, you know, it's zoned for retail. So I said, you know what, let me do

this. Let me buy the property and take care of the property. I will be the owner, I'll be the landlord, that way I can take care of the property and improve the property, let's put it that way. Rather than paying rent, I'd rather pay my mortgage.

MANUEL BARROS: He's ambitious.

CHAIRMAN MICHAEL GARDNER: Other questions?

POLICE COMMISSIONER ROBERT HAAS: I'm looking at Mr. Goldberg's suggestion. I mean, one of the things I want to be clear about is there are certain forms of identification you can take that are accepted in Massachusetts, and there are other forms of identification which you're accepting at risk.

I want to make sure you understand the distinction between the two.

BINOJ PRADHAN: There's that issue, like I said, there's a manual, there's a manual that gives you different stakes what license you can get approved for, what you can look for and what you can accept.

WILLIAM GOLDBERG: What are the things you look for when somebody comes to make a purchase at the store.

POLICE COMMISSIONER ROBERT HAAS: What I want to know is you understand the distinction between what forms of identification --

BINOJ PRADHAN: Oh yes, yes.

POLICE COMMISSIONER ROBERT HAAS: -- are accepted in Massachusetts versus what forms of identification you accept at your own risk. We've had applicants come in here and somehow don't understand there's a distinction between those two forms of identification, and what I

think we're saying to you is you need to bear greater scrutiny if you're going to accept those forms of identification which you're accepting at your own risk.

And the other thing I caution you about is your reliance on machines. I think Mr. Goldberg is familiar with that where we have had clients who the machine said it was valid that makes it okay, it doesn't make it okay.

BINOJ PRADHAN: Like I said, we're going to get the machine plus the book, and plus, we're going to go through the training course.

And not only that, I have the liquor store owner who is a friend of mine, he's my nice neighbor we did this together, and he actually taught me a couple things to look out for.

WILLIAM GOLDBERG: You know the difference between your acceptance of licenses

which you may be at risk versus licenses that you may have no problem with?

BINOJ PRADHAN: Yes.

POLICE COMMISSIONER ROBERT HAAS: Give me the list of licenses or forms of identification that --

BINOJ PRADHAN: That I can accept?

POLICE COMMISSIONER ROBERT HAAS: -- you can accept that don't have a risk associated with it.

BINOJ PRADHAN: Military ID, state ID, passports. Like when I said -- you accept the citizenship card. Now they've come up with a citizenship card. I don't know if I explained it correct about the citizenship card. They've come out with a passport card.

When it comes out to out-of-state IDs, what I'm going to refer to is my manual, plus I

have the machine. That's what I was trying to get at with the stuff. But, yes, in terms of Massachusetts, I'm less liable --

POLICE COMMISSIONER ROBERT HAAS: My only question to you is that when you accept those other forms of identification, you're accepting them at your risk.

BINOJ PRADHAN: I'm aware of that.

CHAIRMAN MICHAEL GARDNER: So, should the Commission act favorably now or in the future on this application, I would recommend to Mr. Goldberg or to you to be in touch with Ms. Lint, get the date of hearing that we had not so long ago where an issue about a disputed fake license came up, and we had an extended discussion with the operator of the package store before we imposed a pretty substantial business penalty on them for taking something that -- a

staff member taking something that ended up being at risk and wrong.

BINOJ PRADHAN: That's right. And I have seen that. I've been going around the neighborhood. I have seen Prospect Liquors get shut down. There are a couple of liquor stores in my neighborhood that got shut down. So I'm aware of the consequences for all those things.

CHAIRMAN MICHAEL GARDNER: Any other questions?

POLICE COMMISSIONER ROBERT HAAS: No other questions.

CHAIRMAN 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.

ROBERT KLUNIS: Robert Klunis,

K-L-U-N-I-S. I live in Cambridge for about 25 years. There's a big difference.

The issue here is that there's an incredible difference between were a building that was designed to be a package store that has the ramps for barrels and for handicap people is near the railroad tracks, and you have a big parking lot, and there's no problem parking in front. And where the gentleman wants to open his business, already there's a bed store, big trucks. Then we have Albert's Market, big trucks.

I have brought a couple photos to show you. Big trucks.

Now -- and there's also another business. Let's see, that one there, the other one and then there's Mayflower. Big trucks.

Conceivably you could have the perfect

storm for a fire tragedy. The Fire Department is down the street, they have to get through this. If those parking meters are taken, if these people do what they usually do, and like he said, like the attorney said, "I'm just gonna cross the street anywhere," okay? And that's what they're going to do. They will be double parking and you could have something like in South Boston, a tragedy that you will have to live with because you took the wrong road. That is a Cultuary, you've got (inaudible) on one side, across the street you have Mayflower, which is the last slaughter house from another era, you have a daycare center where the children walk up and down. On both sides of this place. And it would be absurd.

Also, he's not putting in just a liquor store. He wants a convenience store. Look at

his papers. It's right here. He wanted -- this guy is Surya Binayak, Incorporated, what's he want to say? To own and operate a convenience and liquor store. There's a distinction there. He's talking about the basement. We have a place right across from the Albert's Market, which is a pizza place, dirt basement.

The city cannot make the owner do anything with that basement. It's still a dirt basement. We have the Miller River rat infestation forever.

And the reality is the rats do run right across from where this place is. There's a dirt basement down there. He should not be allowed to do anything here until that thing is made into a cement basement. That's a public health hazard. Particularly since we don't know what he's going to have in there. He said he's going to use the

whole building. He has many businesses. Very nice guy. Aggressive, smart guy. Look at him. He's a gentleman. Everything is perfect about him.

But the road not taken, he could make an hystopia, a mess for that community, plus we have Miller River. I have my photos. You can all look. They don't go to like the officer says to the crosswalks. They walk right across the street.

We had two deaths, I believe there, in the last 20 years right at that stop sign where nobody stops there. It's right across from Albert's Market.

The reality is this is the only real estate that this is about is really a loading dock in front of Albert's Market. I can park there. We all can park there.

So he's going to be taking his things going down handicap ramps, up handicap ramps where the baby carriages are going and all this and that nonstop because I suspect he's going to have a blanch of mentality. That's what you're looking at.

So if you want to have an Allston/Brighton kind of business where you try to protect your community -- and I looked at another thing, too. I called East Cambridge planning lady today. I was sent there a woman named Peg, a very nice lady. She says -- she started accusing me of all kinds of stuff and about the parking space. I said, "No, I know the parking -- the unloading dock is for everybody." It's the only one around there. And that's what his business is going to be unloading at. And it's going to be a mess. It's going to be

potentially -- I have pictures -- I gave them to the police -- of a man that was run over there a year ago. I have pictures of a young man that was hit by -- on a bicycle where the fire hydrant is there on the corner of -- right across from Lambert Street and Cambridge Street.

This is a reality. So what we have here is -- I talked to East Cambridge planning lady who is in the Easton House, she knew everything about it. Does the Brattle Street School up the street know about it? Do the people --

CHAIRMAN MICHAEL GARDNER: Do you agree with the description that it's about 150 feet from one -- from the current building -- just a simple yes or no.

ROBERT KLUNIS: I disagree.

CHAIRMAN MICHAEL GARDNER: How far do you

think it is?

ROBERT KLUNIS: I'm not good at feet.

It's too think of a block. It sits in that block and that's a different block.

CHAIRMAN MICHAEL GARDNER: Tell us, if I understand your concerns, they are the principal difference in terms of the space is that 660 has a loading dock and this place doesn't, is that your contention, sir?

ROBERT KLUNIS: It doesn't have a loading dock. It has this. That's the picture. That's 660. They have a place on the side. They have nobody across the street from them really.

CHAIRMAN MICHAEL GARDNER: That's not a loading dock? Is it a loading zone? What is it?

ROBERT KLUNIS: He has a space just like Albert's has in front.

CHAIRMAN MICHAEL GARDNER: All right.

Thank you.

Very briefly, do you have anything else to add.

ROBERT KLUNIS: Yes, I do. See, here's a truck. This is a truck that's going over the loading zone in front of Albert's. That was today. That truck is gonna be with a truck on the other side perhaps blocking the street. Those guys are moving stuff. Here is another 660, that alley. Another one from there. Here's sort've an aerial view, but this little space right here is the loading zone. That's the only real estate that this is about. Because that's the real estate that is going to cause possibly deaths, if there's fires, people get run over, you name it.

We have a lot of very handicapped people from the project. We have other people living

there. We have a daycare center on either side of that. There's no daycare center on the side of his place. It's a whole different ball of wax. So I'm all for him saying there. It was there until 1938. He can stay there.

CHAIRMAN MICHAEL GARDNER: Thank you very much, sir.

Any other members of the public who would like to be heard? Please come forward and state and spell your name for the record.

ROBERT KLUNIS: One more thing --

CHAIRMAN MICHAEL GARDNER: I'm sorry, sir, you can submit anything to Ms. Lint that you want.

Thank you very much, sir.

I'd ask you to state and spell your name for the record.

JOHN BURNS: John Burns, B-U-R-N-S. I

have been an active real estate broker in the City of Cambridge for 50 years and eight months. I consider this transfer to be a smooth operation for the area.

Concerning the parking, Mr. Barros has a garage on the side in which they can do it. There's no reason that these people cannot schedule trucks to come in on a 15-minute basis and go. And he's talking about two days a week.

CHAIRMAN MICHAEL GARDNER: I just ask, do you have any financial involvement in this transaction?

JOHN BURNS: I'm the broker of record.

CHAIRMAN MICHAEL GARDNER: Thank you very much.

Anything else you want to say?

JOHN BURNS: I had been tremendously impressed by this gentleman. I have gone to his

places to see them. It's a hardship if it's not done because the present owner of the 660 Liquors wants \$10,000 plus taxes.

CHAIRMAN MICHAEL GARDNER: Okay. We've heard that part.

JOHN BURNS: But it would be a setback for Mr. Barros.

CHAIRMAN MICHAEL GARDNER: Thank you very much.

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

I's ask you to state and spell your name for the record and speak up, please.

HELENO DEPINA: Last name D-E-P-I-N-A.
First name, H-E-L-E-N-O.

And I'm an employee right now at 660. I have been working there four and a half years, and he's talking about the daycare right across

the street. Because there's the Miller River elderly place, that's the only -- you know when they have the lights, that's the only one when you press that it works all the time. You press so the elderly have no problem. A lot of times I get out and I press it, I make sure they pass safely. Same thing with the daycare. They always press it, and it turns green or red and then they cross and then they go -- they don't even go -- they just, you know, where you saw the picture of the loading dock by the liquor store usually most of the time it's empty because there's also a store parking, so we usually make sure it's empty and they go right back there, no problem.

And also, I think the guy that was speaking, I think he failed to also say he's Albert's brother-in-law and what he's -- where

his wife is also a partner of Albert's. So I don't think -- maybe there's something else he didn't say. He's probably (inaudible) the conversation where they will be facing.

Now, I have been working there a long time. A lot of these issues that he was talking about, and I never saw them, you know. And sometimes I'm working there all day long from 8:00 in the morning until 11:00, you know.

CHAIRMAN MICHAEL GARDNER: Okay. Thank you very much.

Any other members of the public who would like to be heard, I'd ask you to come forward and state and spell your last name for the record.

KATE EYRE: My name is Kate Eyre. I live at Miller River which is the elderly housing development in Cambridge.

I would like to say that one of the

things we love about having this liquor store, of all things across the street, that it makes us more secure. Because when problems arise there are people who are taking notice. And even if they move a few hundred yards down the street, there will still be people taking notice.

If that goes away, we'll lose a very valuable resource.

CHAIRMAN MICHAEL GARDNER: If I understand it, your view is that by having a liquor store in the neighborhood, it creates enough neighborhood activity or enough neighborhood eyes that it makes it safer for residents of your property.

KATE EYRE: Yes, indeed, it does.

CHAIRMAN MICHAEL GARDNER: Thank you very much. I appreciate it.

Please come forward, state and spell your

name for the record.

I apologize I didn't see her in my peripheral vision.

BARBARA BROUSSARD: Barbara Broussard,
B-R-O-U-S-S-A-R-D.

I'm president of the East Cambridge Planning Team. We haven't met all summer which is usual, and when Mr. Pradhan and Mr. Barros talked to me about this project or transfer, I strongly suggested they meet with the East Cambridge Business Association.

We couldn't say anything because our members -- the first meeting is tomorrow evening and I have, as you can imagine, a very full schedule, so I couldn't do anything, I couldn't bring it before the membership before this time.

I have no idea what they would think about it, but I will say one thing, eyes on the

street are very, very important. And I consider this gentleman and the other businesses that are there worthwhile. I think he's a serious businessman.

Thank you.

CHAIRMAN MICHAEL GARDNER: Thank you very much.

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

I'd ask you to state and spell your last name for the record.

FAWZI ABDULRAZAK: My name is Fawzi, F-A-W-Z-I. And the last name is Abdulrazak, A-B-D-U-L-R-A-Z-A-K.

My store would be next -- I'm the immediate abutter. I have been there for 20 years right now.

And I have taken care of my shop and some

of the neighborhood in terms of landscaping and putting flowers and so on. My shop an award winning place by the Historical Society. I do care about this community very much.

I worked at Harvard 28 plus years, but believe me if I have a choice another one I would choose East Cambridge. It's nice people to be with.

And I can see this young man, I can look at him and see a serious businessman and I look at him and I see a serious businessman.

And I look at him again as an owner of the place he's trying to buy. He will take good care of it. It's much better than having a vacant place.

And our area from the track towards me is almost like a dead zone in business. I think this introduction to the neighborhood should be a

plus.

As I've said, I have been there 20 years, I have never seen, not even once, a problem in the area in terms of parking, in terms of accidents, loading zone. We have always parking.

And I can see Bob's concern about Albert's place. Albert's a good businessman. He has been there a long time. I think he will find his work niche and probably compete with him.

If this gentleman makes the wrong move, by moving there to compete with Albert, it's at his own risk. We have no way to stop anyone as long as he's doing a legitimate business and for that we support him.

CHAIRMAN MICHAEL GARDNER: Thank you.

One question: Is the current space empty, sir?

FAWZI ABDULRAZAK: It's empty right now.

CHAIRMAN MICHAEL GARDNER: How long has it been empty?

FAWZI ABDULRAZAK: I would six months so far. And also in regard to the distance, I measured it by walking from the corner of Manny's place, 660, to Albert's. It's 28 steps.

And from the other side Albert's shop to the beginning of the place he wants to operate, it was 30. It's really -- you're moving --

CHAIRMAN MICHAEL GARDNER: About 60 paces?

FAWZI ABDULRAZAK: Something like that.

CHAIRMAN MICHAEL GARDNER: Thank you very much.

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

AL PACHECO: Yes, sir. Al Pacheco, P-A-C-H-E-C-O, owner of Pacheco Jewelers in

Cambridge.

So Cambridge Street parking from Inman Square to Lechmere, we always have problems parking. It doesn't matter where you go. That's Cambridge Street.

I have been in my business over 25 years. I have been on the street 50 years. I say live and let live.

We have to have -- that's an eyesore. I'm the one that sees that everyday. I'm across the street. And the (inaudible) furniture store was there over a hundred years. It was a beautiful place. Furniture and all that.

But this gentleman here, he seems like he's a very fine young gentleman. I met him one time at the coffee shop, and I think if he can get the parking from across the street for that driveway there, I mean, that's a great help,

that's one of the issues, but as far as anything else, I think it's a fine acquisition for over there.

CHAIRMAN MICHAEL GARDNER: Thank you very much. Appreciate it.

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

Please come and step forward. I ask you to state and spell your name for the record and speak up so other members of the audience can hear.

DAMIEN VASQUEZ: My name is Damien Vasquez. Last name is V-A-S-Q-U-E-Z. I'm Albert's son. I'll put that on the record. We're not -- it's not a concern of competition really because 660 has been there -- the license has been there for a very long time, much longer than ours and we have been doing fine.

We're not defending ourselves in those terms. We can compete with that. That's fine. We're still there right now. I don't know if you have seen the state of University Liquors. It's pretty dead. It's a dead storefront basically.

The main concern is safety and the loading zones, because I feel that I have experience with this. We received multiple deliveries every week, at least four a week. And sometimes the loading zone is not available for whatever reason. Someone may be parked there. And trucks tend to double park. We can tell them where -- they know where to go, but if they can't do that, they'll just double park somewhere. And this creates a lot of congestion.

CHAIRMAN MICHAEL GARDNER: You share the same loading zone or you would currently as is proposed here across from the Mayflower? I'm not

sure I understand.

DAMIEN VASQUEZ: We have our loading zone directly in front.

CHAIRMAN MICHAEL GARDNER: You have your own loading zone.

DAMIEN VASQUEZ: That loading zone is, like I said, more often than not, it's occupied for whatever reason. Someone may be parked there or they could -- I don't know. The trucks will come and double park.

CHAIRMAN MICHAEL GARDNER: What is enforcement like? You got double parking can you get a PCO or police officer to help you?

PCO is parking control officer.

DAMIEN VASQUEZ: To help me?

CHAIRMAN MICHAEL GARDNER: To help with congestion on the street.

DAMIEN VASQUEZ: I don't know if I can.

CHAIRMAN MICHAEL GARDNER: You don't try? You don't put in calls on congestion because it's trucks coming to your place that are double parked or other businesses that double parked?

DAMIEN VASQUEZ: It could be other businesses too because it's a loading zone there.

CHAIRMAN MICHAEL GARDNER: Is that available for this business as well that loading zone?

DAMIEN VASQUEZ: It would be. It's a loading zone. It's a public loading zoning.

CHAIRMAN MICHAEL GARDNER: Anything else you would like to add?

DAMIEN VASQUEZ: No.

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

KATE EYER: I'm Kate Eyer.

I don't consider that to be a loading zone, so perhaps somebody would enlighten me as to what is being referred to as a loading zone?

CHAIRMAN MICHAEL GARDNER: I'm not able to do that myself, ma'am, nor -- I'll indulge of the Commission as to whether we want to know that.

KATE EYRE: I throw the question out for an answer from someplace.

FAWZI ABDULRAZAK: There's meter parking right there in the front, there's loading zone.

CHAIRMAN MICHAEL GARDNER: So the three spaces include two metered spaces which are subject to anybody who wants to pay for it and the third space is for a business for loading?

FAWZI ABDULRAZAK: Exactly.

CHAIRMAN MICHAEL GARDNER: All right. Thank you very much. I hope that clarifies the

matter.

KATE EYRE: Thank you.

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

Mr. Goldberg, I would like to hear again from you other or the applicant with respect to a couple of issues. One is the feasibility and safety of the loading zone arrangement, including any commitment you're prepared to make to use the public walkway at the intersection.

Also, the issue of the status of the basement, whether it's dirt or not, and what the plans are about that. Also, the issue of any plans for -- in addition to the liquor store in the same space, convenient mart or food mart.

WILLIAM GOLDBERG: First, backwards there was a comment made by one of the citizens saying

that he showed a copy of the Articles of Organization of the corporation in which it says liquor store and convenience store.

There will not be the characterization of a convenience store is inappropriate for this business. It's going to be a liquor store and ancillary goods incidental to the sales of liquor, potato chips, cigarettes, popcorn.

There's not going to be any items for sale like milk or bread, et cetera. So the fact it's characterized as a convenience store, I'm informing the Commission that the only items other than the liquor will be incidental to the sale of alcohol.

CHAIRMAN MICHAEL GARDNER: Thank you for clarifying that. The other issues?

WILLIAM GOLDBERG: The other issues with regard to the safety involved in having parking

on the opposite side of the street. It's kind've difficult to be objective about it. It will be advisable to the delivery person to use the crosswalks because it's not that far from the entry to the proposed store.

We will have to adjust that so that we're not going to have a situation where there are characterization of accidents that are directly as a result of moving the goods from across the street to the front door.

The other aspect of it, traffic, was that an issue that the Commissioner brought up, traffic?

CHAIRMAN MICHAEL GARDNER: The question I asked you was the dirt basement or the basement issue.

WILLIAM GOLDBERG: Well, I understand it in talking with my client, there's going to be a

complete refurbishing of the basement. The proposal of keeping the basement as it is, as a basement, without storage is what his intention is to do, but with regard to the calamitous situation in the basement, the leaking, et cetera, it would be a matter of improvement, cleaning it up so it's presentable for the sale of alcohol or any other matter.

CHAIRMAN MICHAEL GARDNER: And what are the steps that will be taken with respect to control of trash to try to deal with any possible rodent infestation?

WILLIAM GOLDBERG: What we have in mind to do is put trash within the store itself for the purposes of providing refuse from the store itself to be collected that way.

And we'll have, if we can, outside would be a barrel, again, on wheels for people leaving

the store and putting their lottery tickets rather than on the sidewalk or surrounding areas.

There's a likelihood -- when a person goes out with a lottery ticket or goods, they may throw it on the sidewalk. The purpose of the owner is to indicate to his employees to pick up whatever is on the sidewalk as it's needed and on property that is not his that may be referable to sales of the liquor store.

CHAIRMAN MICHAEL GARDNER: Thank you.

Any other questions?

Mr. Barros, is there something you wanted to add?

MANUEL BARROS: I wanted to tell the Board that the consumer benefits by 660 or City Liquors continuing forward because of my business has decayed because of bad business decisions I made in a golf course up in Beverly, and he

resuscitates that business and the consumer being because since my business has decayed as it is now, the price of a competitor on a lot of his products has significantly gone up, and when he's in operation, the consumer will benefit with lower prices. That's it.

CHAIRMAN MICHAEL GARDNER: Thank you.

Other questions?

Ms. Lint?

EXECUTIVE DIRECTOR ELIZABETH LINT: I have a letter from Councilor Toomey that I would like to read into the record and it might be helpful.

He says "My concerns are focused on the transfer of the license to the new location. There are many instances on Cambridge Street where package stores have had a negative impact on the neighborhood and the community suffers.

I've heard from enough neighbors and abutters to be concerned about a variety of issues ranging from the overall experience of the building, products being carried, traffic and parking impacts and how many businesses will see operating in the space itself.

I suggest the best course of action would be for the License Commission to have an additional hearing after the applicant has had a chance to demonstrate his business plan and how he intends to operate. I would suggest the applicants have an open house on site and invite the general public to view the space and the business plan to clear up any confusion on how the new business will operate.

At that point it will be taken up by the License Commission again with further public comment:

CHAIRMAN MICHAEL GARDNER: Thank you for that.

So I note that the East Cambridge planning team spoke, but they've not had a chance to deliberate about the matter.

I wonder, Mr. Goldberg, through you to the applicant, are you prepared to engage in further public discussion or comment in the neighborhood either along the lines of Councilor Toomey suggested and/or by meeting with the East Cambridge Planning Council?

WILLIAM GOLDBERG: Well, there's usually no objection, especially when the motion comes from the Chair. But there are certain deadlines that we have to meet with regard to the transfer of the alcohol license.

As you're aware, if there was an approval by your board, it goes over to the ABCC. So

we're talking a limited -- a lot of time involved, plus the fact that the -- with regard to the real estate, application has been made for a loan, and they're going to meet -- and their approval or disapproval depends on the license being transferred.

Now, if we have a meeting at the East Cambridge, I would ask that the meeting be scheduled quickly, urgently, so their report would get back to the Commission so that you have an opportunity to make a decision.

And be mindful of the fact if you put it on hold for a motion for another meeting, there's still the Executive Committee that we have to attend, so it's a matter of time that we're concerned about.

CHAIRMAN MICHAEL GARDNER: So, we have a hearing scheduled for September 24th. We have a

decision hearing scheduled for later than that?

EXECUTIVE DIRECTOR ELIZABETH LINT:

October 3rd.

CHAIRMAN MICHAEL GARDNER: October the
3rd at 10:00 a.m.?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

CHAIRMAN MICHAEL GARDNER: So I think my
motion will be to defer this matter to the
decision hearing on October 3rd, encouraging the
applicant to do such outreach as they deem
appropriate or advisable between now and then.

The Commission typically does not hear
public comment at a decision hearing, although we
have made exceptions to that in the past when the
issue is one we felt complicated enough that we
needed to educate ourselves more.

But I would encourage both the applicant
and any interested citizens in the neighborhood

to meet. And then they can supply us with written comment prior to October 3rd, so we can get a sense of the level of community support and opposition.

POLICE COMMISSIONER ROBERT HAAS: Second.

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

FIRE CHIEF GERALD REARDON: Aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

None opposed.

I hope October 3rd meets your timetable.

WILLIAM GOLDBERG: One question I had was the meeting was supposed to take place at the site?

CHAIRMAN MICHAEL GARDNER: I didn't make a motion -- that was in Councilor Toomey's

letter. My motion was encouraging you to take appropriate steps to interact, meet with the neighborhood. I'm not dictating to you -- I'll leave that to your sound judgment.

WILLIAM GOLDBERG: Thank you.

CHAIRMAN MICHAEL GARDNER: So I would like to say to the people who spoke on this matter and to anybody else in the audience, I do feel this evening like I'm shouting which tends to, I think, change the tenor of my voice and I don't mean any disrespect by it.

I'm trying to take seriously the complaints of people who said they couldn't hear us and so I'm talking loudly.

Thank you. And I'm also trying to move the hearing along, if I can, taking note of the time, not very successfully.

Thank you.

APPLICATION: ANNAPURNA, INC.**D/B/A ANNAPURNA RESTAURANT (CONTINUED)**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Continued from July 9 and August 6, 2013. Annapurna, Inc. d/b/a Annapurna Restaurant, Tashi Lama Ngarba, Manager, holder of a wine & malt beverages as a restaurant license at 2088 Massachusetts Avenue has applied for a change of d/b/a to Third Eye Restaurant and an alteration of premise to include wine & malt beverages on their seasonal outdoor patio on the public sidewalk.

So the change of d/b/a has already been approved. They are approved for outdoor seasonal seating, but not with alcohol. So the question that remained at the last hearing was to meet with Public Works and determine if there was

enough space to put up the appropriate barriers.

CHAIRMAN MICHAEL GARDNER: I'm not in a position to visualize whether or not there's remains significant people in the hallway.

I would ask if somebody would be so kind as to let the people in the hall know both they need to keep their voices down and just let them know we're here on Annapurna.

So if anybody wants to be heard on Annapurna, they should come in the room and come close so they can hear.

So, I ask you, sir, to state and spell your last name for the record.

TASHI LAMA NGARBA: My last name is
L-A-M-A, N-G-A-R-B-A.

CHAIRMAN MICHAEL GARDNER: We met with you in July. We approved the change of name. We sent you back to work with Public Works on the

issue of whether or not you had enough space for the outdoor seating.

There was also an issue from the Disabilities Commission with respect to access to your location, and we asked you to work on that. Have you made any progress?

TASHA LAMA NGARBA: We already fixed everything.

CHAIRMAN MICHAEL GARDNER: You already fixed everything?

TASHA LAMA NGARBA: Yes.

CHAIRMAN MICHAEL GARDNER: What did you do about the handicap access?

TASHA LAMA NGARBA: We fixed handicap access (inaudible).

CHAIRMAN MICHAEL GARDNER: I'm sorry, you put what outside?

TASHA LAMA NGARBA: A bell.

CHAIRMAN MICHAEL GARDNER: A bell.

TASHA LAMA NGARBA: Yes.

CHAIRMAN MICHAEL GARDNER: To allow people to let you know when they needed to enter?

TASHA LAMA NGARBA: Yes.

CHAIRMAN MICHAEL GARDNER: And did the Disabilities Commission find that acceptable?

TASHA LAMA NGARBA: Yes.

CHAIRMAN MICHAEL GARDNER: Have you been to Public Works to get approval for outdoor seating with alcohol?

TASHA LAMA NGARBA: Yes. They already approve. And I have been there (inaudible). He told me you have to go. You already all set, but I have no idea, but I call him two times. I have been there two times. He told me all set. You have to go to city. I just spoke to him on the phone.

CHAIRMAN MICHAEL GARDNER: I'm sorry.

You spoke to whom -- on the phone?

TASHA LAMA NGARBA: Yes.

EXECUTIVE DIRECTOR ELIZABETH LINT: It's still the same problem. We know he has enough space for tables and chairs. We don't know if he has enough space for the appropriate barriers. So Mr. Best or Mr. Dwyer would have to go up to the location to investigate that.

CHAIRMAN MICHAEL GARDNER: As far as you know that hasn't happened?

EXECUTIVE DIRECTOR ELIZABETH LINT: As far as I know that has not happened.

CHAIRMAN MICHAEL GARDNER: I'm going to make the request, Ms. Lint, that you are the staff the Commission work with the Public Works Department to make sure that the appropriate staff is organized to have this inquiry.

So as best we can tell this evening, despite your phone conversation, we don't have the records from Public Works to determine that you have enough space to put up the barriers, which are required, if you're serving alcohol outdoors.

So, we're going to ask Ms. Lint and the Commission's staff to work with Public Works and then to work with you to make sure that actually the necessary things are put in place. So we find out whether we can act on your application.

TASHA LAMA NGARBA: Okay.

CHAIRMAN MICHAEL GARDNER: Did I state that correctly?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

CHAIRMAN MICHAEL GARDNER: Any other questions?

FIRE CHIEF GERALD REARDON: Defer to

October 3rd?

CHAIRMAN MICHAEL GARDNER: Yeah.

Any other questions?

POLICE COMMISSIONER ROBERT HAAS: No.

CHAIRMAN MICHAEL GARDNER: Are there are there any members of the public who want to be heard on this matter now that it's before us? We're not going to decide it this evening.

Seeing none, I will make the motion that we defer a decision on this to our decision hearing on October 3rd at 10:00 a.m. and hopefully in that time enough staff work will have been done so we're in a position to act.

FIRE CHIEF GERALD REARDON: Second.

CHAIRMAN 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.

CHAIRMAN MICHAEL GARDNER: Aye.

None opposed.

Do you understand what we've just done,
sir, with respect to we put this off until
October 3rd?

TASHA LAMA NGARBA: Yes, I understand.

But I come twice in my place he told me okay.
I'm all done.

CHAIRMAN MICHAEL GARDNER: We'll either
confirm that or we'll find out what else has to
happen.

TASHA LAMA NGARBA: I need to go back
again or no?

CHAIRMAN MICHAEL GARDNER: You wait for
her.

EXECUTIVE DIRECTOR ELIZABETH LINT: I'll
take care of it.

CHAIRMAN MICHAEL GARDNER: Wait to hear from her, Ms. Lint.

TASHI LAMA NGARBA: Okay.

CHAIRMAN MICHAEL GARDNER: Thank you very much.

Appreciate your patience.

In the meantime, you can change the name, you know.

TASHI LAMA NGARBA: All right. Thank you.

APPLICATION: 1071 CAMBRIDGE STREET, LLC

D/B/A ANGEL'S SHARE

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: 1071 Cambridge Street, LLC d/b/a Angel's Share, Keith Pooler, Manager, has applied for a new wine & malt beverages as a restaurant license at 1071 Cambridge Street. Applicant is

seeking operating hours of 11:00am to 1:00am
seven days per week and a seating capacity of 49.

COMMISSIONER MICHAEL GARDNER: Good evening. We're now on the next to the last item on the second page of the agenda. This is known as Angel's Share.

If there's anybody interested in this application who is having trouble hearing, please come forward and I would appreciate it if somebody would let anybody in the hall know that Angel's Share is now being considered.

ATTY. ANTHONY MCGUINNESS: Good evening, Mr. Chairman and Members the Commission.

My name is Anthony McGuinness,
M-C-G-U-I-N-N-E-S-S. And I'm at the law firm of
Sasson and Cymrot, which has offices at 84 State
Street in Boston, Massachusetts.

I have my senior partner here with me,

Louis Sasson, as well to make sure I don't mess up.

I represent 1071 Cambridge Street, LLC and the owners are here tonight, Mr. Keith Pooler, Mr. Servio Garcia and also Robert McKeon.

ROBERT McKEON: Robert McKeon,
M-C-K-E-O-N.

ATTY. ANTHONY MCGUINNESS: And 1071 Cambridge Street, LLC is applying for a new issue wine and malt liquor license for a restaurant that they plan to open at that location at 1071 Cambridge Street in Cambridge.

CHAIRMAN MICHAEL GARDNER: It's a no-value license?

ATTY. ANTHONY MCGUINNESS: This will be a no value and transferred license. They feel there's a need for a new license in this area. It's a beer and wine only. They're going to be

opening a restaurant there. They have a successful restaurant just over the border in Somerville called Bergamot, which is an award winning restaurant.

Since it opened, it's gained numerous awards every year. It's well-known, very well talked about. They run a great establishment there. They're local businessmen. They have been a friend to that neighborhood and they're hoping that they're going to move in here, into Cambridge and be great neighbors in this area as well.

What we handed out to you here is one, their business plan and executive summary. It gives you an overall idea of the concept of the restaurant, and I'll let Keith and Servio speak to that in a minute, if you have questions on it. But it's going to be an affordable restaurant,

but with great quality food. This is one of the things that they feel that there's a need in the area for this, and also along with the beer and wine program which they won awards at with their other restaurant, Bergamot.

Angel's Share will have -- we have the biography in here as well.

I'll go right to the neighborhood support for this. They've really reached out to the community for this new license. They have probably close to 20 letters of support here from business owners and residents of Cambridge. They have a letter of support from the mayor of Cambridge. They have a letter of support from other business owners in the area. We also have a list of residents and business people in the area probably close to 200 signatures in support of this restaurant and this new license in this

area.

CHAIRMAN MICHAEL GARDNER: Could I get some understanding about how those signatures were obtained?

ATTY. ANTHONY MCGUINNESS: Sure. I'll let Servio speak to that.

SERVIO GARCIA: Sure. My name is Servio, S-E-R-V-I-O, last name is Garcia, G-A-R-C-I-A.

So the way they obtained the signatures were I personally walked into some business owners, and I explained the concept of the restaurant and what we were planning to do. So I asked for their support. I brought a summary of the concept for the restaurant we're planning to do, and I just asked them if they were willing to show their support. I don't know how this exactly works. I told them that probably there might be contact from you as they did in

Somerville. And they verified and signed and that's how we pretty much obtained the majority of signatures.

KEITH POOLER: My name is Keith Pooler, P-O-O-L-E-R.

I dropped off a couple sheets to where I get fish on Cambridge Street to have his customers come in that live and are in the area to sign. And it happens to be right next door to the space that you guys were talking about in the previous -- two previous arguments.

CHAIRMAN MICHAEL GARDNER: Applications, not arguments.

KEITH POOLER: Applications, sorry.

So just to get an idea how the neighbors felt and the owner of that business is here today.

CHAIRMAN MICHAEL GARDNER: Okay. Thank

you.

Ms. Lint, do you have any issues here that we need to sort through?

EXECUTIVE DIRECTOR ELIZABETH LINT:

Actually, yes. This space is occupied by Clover. Clover premises description covers the entire premise.

The ABCC will not allow another license to be at that exact location unless Clover comes in and applies to amend their premise description.

ATTY. ANTHONY MCGUINNESS: They do not occupy that space. Clover has one side of it.

EXECUTIVE DIRECTOR ELIZABETH LINT: I understand that.

ATTY. ANTHONY MCGUINNESS: Clover will absolutely come in and amend their description to exclude that space.

CHAIRMAN MICHAEL GARDNER: So if you would just help us get a picture here. Clover currently is the leaseholder or owner of the entire space?

ATTY. ANTHONY MCGUINNESS: Clover is a leaseholder in that building. They would be subleasing space to Angel's Shares, and what it is, is their place would be on the corner. It's going to be split down the side, so Clover's on one side and Angel's Share will be on the other side. And I believe one piece is Grillo's Pickles is in the front there. There's a store in between.

CHAIRMAN MICHAEL GARDNER: There's a store in between?

ATTY. ANTHONY MCGUINNESS: Grillo's Pickles is between the two.

CHAIRMAN MICHAEL GARDNER: Separate entry

and exit points for both for the businesses?

KEITH POOLER: Yes.

ATTY. ANTHONY MCGUINNESS: Totally separated. Clover doesn't use that space.

SERVIO GARCIA: As far as I know there's a different address.

KEITH POOLER: Yeah. Clover is 1075 and we're at 1071.

CHAIRMAN MICHAEL GARDNER: So what you're representing to us is this is currently unoccupied space which Clover is the leaseholder to.

SERVIO GARCIA: Has master lease of the space, that's correct.

CHAIRMAN MICHAEL GARDNER: Just tell us a little bit more about your experience with both restaurant and alcohol business.

KEITH POOLER: I've been in the

restaurant business since I was 15 years old.

Graduated from Culinary Institute, trained in New York for eight years. Owned and operated Bergamot for four years. Was the executive chef of Harvest in Harvard Square where I met Servio. He was working at Casablanca.

I have been doing this whole my life and trained and went to so many classes that I don't know what to do with.

CHAIRMAN MICHAEL GARDNER: You would be the manager of record in this operation?

KEITH POOLER: Yes.

CHAIRMAN MICHAEL GARDNER: Have you previously been the manager of record?

KEITH POOLER: Yes, at Bergamot.

CHAIRMAN MICHAEL GARDNER: That was for four years?

KEITH POOLER: Yes. Going on four years.

CHAIRMAN MICHAEL GARDNER: Are you currently still there?

KEITH POOLER: Yes.

CHAIRMAN MICHAEL GARDNER: How will you split your time between the two or are you leaving that to come to this?

KEITH POOLER: I'll be splitting it probably about 40/60. Most of the time at Bergamot and Servio will be the exact opposite. And literally Bergamot is about five blocks away.

ATTY. ANTHONY MCGUINNESS: For the initial part, I believe we talked about, Keith is pretty much will be at this location almost all the time getting it open and ready. He's gonna be the manager there. As long as he's the manager there he's probably going to be there in excess of 40 hours a week, I'm sure.

KEITH POOLER: Yeah.

CHAIRMAN MICHAEL GARDNER: In what ways is the plan concept for this restaurant different than the Bergamot Restaurant?

KEITH POOLER: Well, it will be still influenced by the neighborhood. That was our biggest thing and that was our biggest accomplishment at Bergamot is we captured what the neighborhood wanted, and since we have been there, another restaurant has opened, and in this concept what we're looking for is small plates, accessible beer and wine programs so people can come and meet and have a social event that doesn't drive the price -- jack up ridiculously. A place where you can go after work. You can meet your friends or a first date kind've environment.

So basically at Bergamot, it's a prefixed menu, full liquor license, wrapped around quality

and execution.

CHAIRMAN MICHAEL GARDNER: And tell us about how trash will be handled, how deliveries will be handled, how you deal with the traffic problems we heard about on Cambridge Street.

SERVIO GARCIA: We have trash in that alley which is part of the building is pretty much designated to us. So we'll be working with staff which we currently work with. It's this company we pretty much have -- we have a compost system or a program where we recycle. We compost and we separate our trash, which is a little more expensive, but that's pretty much what we're planning to do that in the space. We have the space to do it in the alley next door. It has an independent access to it. And it's locked. So the company will have the key to that particular door to go and collect it, the trash.

About the deliveries and all that, we have or the building has a loading dock which is part of the club, so we will be able to use that and there's enough space for trucks to pull in and park without blocking the street.

And that's -- I don't remember the name of the street, but it's around the corner.

CHAIRMAN MICHAEL GARDNER: How do you handle rodent control?

SERVIO GARCIA: That's actually a good question. We have a longstanding relationship with a fantastic person who has his own company. We working for ten years probably with him. This is a person that takes care of Bergamot and the restaurants they've been working with in Cambridge. So that's a person that will come in, and what we do with him, he at least does one service a month, but if we have a problem, he

comes as many times as we need.

CHAIRMAN MICHAEL GARDNER: Other questions?

POLICE COMMISSIONER ROBERT HAAS: No.

FIRE CHIEF GERALD REARDON: So this space is not build out right now?

SERVIO GARCIA: No, this space is empty right now.

FIRE CHIEF GERALD REARDON: This is a part of the Clover they hadn't really used.

SERVIO GARCIA: Exactly.

FIRE CHIEF GERALD REARDON: So you obviously are going to be a complete fit out?

SERVIO GARCIA: This is going to be a complete build-out, yes.

FIRE CHIEF GERALD REARDON: Including kitchen and fryolators?

SERVIO GARCIA: Yes.

FIRE CHIEF GERALD REARDON: Okay.

SERVIO GARCIA: It's an empty space right now that we'll build out from the ground up.

FIRE CHIEF GERALD REARDON: Have you entertained or looked at the hood system, the new regulations on the hood system, and try to get access for venting this and all?

SERVIO GARCIA: Yes. We're working with a couple of kitchen consultants and also a contractor and the architect that will be pretty much --

FIRE CHIEF GERALD REARDON: You have gotten far enough along that they believe this is not going to be a major issue?

SERVIO GARCIA: Right.

KEITH POOLER: Considering it's a one story and we have access to the roof.

FIRE CHIEF GERALD REARDON: Okay. One of

our ideal situations in Cambridge is on the multi units, some of the hood regulations have changed in the past couple years.

KEITH POOLER: That's one of the attractive things to it.

FIRE CHIEF GERALD REARDON: Remember the hood regulations have changed in the past couple of years.

SERVIO GARCIA: This is going to be a complete new build-out and we have to be up to code.

KEITH POOLER: When the contractor walked through this building, he said it was an A location in the sense it would be easy to accommodate all codes and regulations.

FIRE CHIEF GERALD REARDON: All right.
All set.

CHAIRMAN MICHAEL GARDNER: Are there are

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

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

DAVID LAIBSTAIN: My name is David Laibstain, L-A-I-B-S-T-A-I-N.

I'd just like to say I have known these gentlemen four years as a guest at their establishment in Somerville. I have been in Inman Square for over a decade now. I live doors down on Columbia Street, and I think they would be a wonderful addition to the neighborhood. Bergamot is an extraordinary restaurant. It's respectful there and I would love to see them in this location.

CHAIRMAN MICHAEL GARDNER: Thank you very much.

Are there any other members of the public

who would like to be heard?

Again, state and spell your name for the record.

CARL FANTASIA: First name Carl, C-A-R-L.
Last name Fantasia, F-A-N-T-A-S-I-A.

I am the owner of New Deal Fish Market, 622 Cambridge Street, I'm also on the Board of East Cambridge Business Association. We both support the whole team moving into our neck of the woods. They do a great job in Cambridge. I have known them since they opened their restaurant. I vouch for their credibility. They're upstanding business people who do a great job.

CHAIRMAN MICHAEL GARDNER: You're speaking on behalf of the business association as well as yourself?

CARL FANTASIA: I am as well, yes, sir.

CHAIRMAN MICHAEL GARDNER: Thank you very much.

CARL FANTASIA: Thank you.

EXECUTIVE DIRECTOR ELIZABETH LINT: And I do have a letter from them.

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

I'd ask you to state and spell your last name for the record, please.

SARI ABULJUBEIN: Sari Abuljubein,
A-B-U-L-J-U-B-E-I-N. S-A-R-I is the first name.

I've known these two gentlemen for many, many years, probably before they knew each other. Servio worked for me at Casablanca for several years during probably the highest most productive time in the history of Casablanca.

Keith, I have known him even before he went to work at the Harvest. So I know them very well. I know how they work and I know how well they work. I'm very proud of their current restaurant in Somerville where the concentration incidentally is more on the food, and the liquor program and wine program is just to complement the food.

So I'm very much in support of them. The only criticism I have about them is when one was working at Casablanca and the other one was working at the Harvest, clearly, they were conspiring to leave us. They're dear friends and I would be very, very happy to see them in Cambridge as well.

CHAIRMAN MICHAEL GARDNER: Thank you.

So are we talking about a restaurant that has ancillary alcohol service?

SERVIO GARCIA: What do you mean by that?

CHAIRMAN MICHAEL GARDNER: As opposed to being a bar.

SERVIO GARCIA: It definitely will be -- it wouldn't be a bar. Our focus is more on the food complemented with a fantastic hopefully wine and beer program.

ATTY. ANTHONY MCGUINNESS: That's how their existing restaurant is now. The real focus is on food, but they do have a bar there, of course, so the people enjoy the food even more.

POLICE COMMISSIONER ROBERT HAAS: You mentioned the other bar was all alcohol, though, right?

SERVIO GARCIA: We have a complete full liquor license.

POLICE COMMISSIONER ROBERT HAAS: Will you come back here and apply for an all alcohol

license or are you planning to stay with the beer and wine?

SERVIO GARCIA: Right now, we plan to stay with the beer and wine.

KEITH POOLER: Our intent is for a wine bar not for a full liquor bar.

ATTY. ANTHONY MCGUINNESS: There was thought they might upgrade to cordials at some point, but...

CHAIRMAN MICHAEL GARDNER: We don't have a cordials license.

ATTY. ANTHONY MCGUINNESS: Then we don't be doing that.

KEITH POOLER: I tried.

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

Seeing none, I will make the motion that

this matter --

EXECUTIVE DIRECTOR ELIZABETH LINT: I know some of these were mentioned, but I have a letter of support from Councilor Reeves, from the mayor, the gentleman who already spoke, Councilor Toomey and the business association.

CHAIRMAN MICHAEL GARDNER: Thank you. I'll make a motion that this matter be deferred until the October 3rd decision hearing in order give the applicant the opportunity to correct any legal technicalities or issues with respect to the Clover occupying the space under the current license, and you can make the representations to us at that point.

FIRE CHIEF GERALD REARDON: Second.

CHAIRMAN 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.

CHAIRMAN MICHAEL GARDNER: Aye.

None opposed.

So good luck in getting your matter
straightened out, and we'll consider it on the
3rd.

Hold on one second.

Would that mean if Clover wants to come
in and essentially forego or waive some component
of their -- of the space on their license, that
will take an action by us approving it as well?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

CHAIRMAN MICHAEL GARDNER: So if that
happens, we could be in a position to do that on
October 3, or do we need a public hearing notice?

EXECUTIVE DIRECTOR ELIZABETH LINT:

Public hearing notice.

CHAIRMAN MICHAEL GARDNER: Can you take care of that so that, in fact, the matter could be done on the 3rd?

EXECUTIVE DIRECTOR ELIZABETH LINT: I can try.

POLICE COMMISSIONER ROBERT HAAS: We have enough hearing between now and the 3rd, though, don't we?

CHAIRMAN MICHAEL GARDNER: We do.

EXECUTIVE DIRECTOR ELIZABETH LINT: That's not enough time.

ATTY. ANTHONY MCGUINNESS: I will mention there's two additional letters in this packet.

CHAIRMAN MICHAEL GARDNER: Good luck.

APPLICATION: SHAN DONG DUMPLING HOUSE, INC.

D/B/A DUMPLING HOUSE

EXECUTIVE DIRECTOR ELIZABETH LINT:
Application: Shan Dong Dumpling House, Inc d/b/a

Dumpling House, Yong P. Xie, Manager, has applied for a new common victualer license at 950 Massachusetts Avenue. Said license, if granted, would allow for food and nonalcoholic beverages to be sold, served, and consumed on said premise. The proposed hours of operation are 11:00am to 1:00am seven days per week with a seating capacity of 96.

CHAIRMAN MICHAEL GARDNER: I understand you have already stated and spelled your name for the record. I ask you to do so again, sir.

ATTY. PETER LIM: Attorney Peter Lim for the applicant.

CHAIRMAN MICHAEL GARDNER: Peter Lim, L-I-M, attorney for the applicant, is that right?

ATTY PETER LIM: Yes.

CHAIRMAN MICHAEL GARDNER: We had this matter before us previously, did we not, and the

reason we didn't act on it?

EXECUTIVE DIRECTOR ELIZABETH LINT: There were several things. At the time they were applying for an alcohol license, they also hadn't notified abutters.

CHAIRMAN MICHAEL GARDNER: Has this been changed so this is nonalcohol?

EXECUTIVE DIRECTOR ELIZABETH LINT: That's correct.

CHAIRMAN MICHAEL GARDNER: I take it all the abutters notices are in?

EXECUTIVE DIRECTOR ELIZABETH LINT: That's correct.

CHAIRMAN MICHAEL GARDNER: Any other information with respect to your plans beyond what was told to us at the last hearing?

ATTY PETER LIM: The hours amended. From Sunday to Thursday 10:00 p.m., not 1:00 and

Friday, Saturday 11:00 p.m. not 1:00.

CHAIRMAN MICHAEL GARDNER: So we're going to make a correction to the application and you understand that you intend to be open until 10:00 a.m. Sunday through Thursday, and Friday, Saturday 11:00.

ATTY PETER LIM: Right. P.m.

CHAIRMAN MICHAEL GARDNER: This is the previous space occupied by the Buddhist Meditation Center.

ATTY PETER LIM: And Tea House.

CHAIRMAN MICHAEL GARDNER: And Tea House, right.

Other questions?

POLICE COMMISSIONER ROBERT HAAS: I'm trying -- so on the prior occasion, you applied for a liquor license. What made you change your mind?

ATTY PETER LIM: Not enough experience.

CHAIRMAN MICHAEL GARDNER: Not enough
experience.

POLICE COMMISSIONER ROBERT HAAS: Is it
your plan to come back to us at some later date
and apply for a liquor license?

ATTY PETER LIM: Maybe six months or
after.

CHAIRMAN MICHAEL GARDNER: After six
months maybe?

ATTY PETER LIM: Yes, maybe.

CHAIRMAN MICHAEL GARDNER: Well, now,
we're acting on a nonalcohol application.

The experience you've had in running a
restaurant?

QI MING BING: I used to work in a
Chinese restaurant in Chinatown for five years,
and two of our partners are currently running a

restaurant in Chinatown, very successful dumpling house and we have experience and we have confidence to do this business well.

CHAIRMAN MICHAEL GARDNER: Will you be occupying the whole space that was previously occupied by the center?

QI MING BING: Just the Tea House.

CHAIRMAN MICHAEL GARDNER: Just the Tea House.

Other questions?

FIRE CHIEF GERALD REARDON: I think I asked them at the last hearing.

CHAIRMAN MICHAEL GARDNER: Are there any members of the public who would like to be heard on this matter of the Shan Dong Dumpling House?

I ask you to please come forward, state and spell your last name for the record.

JESSICA YE: My name is Jessica Yes, Y-E.

I am business owner across the street, 955 Massachusetts Avenue. I've known Adam and the operators of this business for the last two years. They operate a successful business in Chinatown and have really, really great and high reviews. We're excited to them across the street from us and we're in full support of that.

CHAIRMAN MICHAEL GARDNER: Thank you very much.

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

Please ask you to step forward and I'll take you, sir, first and then I'll take the lady if she would like to speak and then the gentleman behind.

MEL MEISTER: I'm Mel Meister, M-E-I-S-T-E-R, and I'm a resident at 950 -- where they propose to have an expanded restaurant.

They're expanding to approximately 90 tables, is that correct?

ATTY PETER LIM: Yes.

MEL MEISTER: That's quite a crowd coming into a restaurant.

FIRE CHIEF GERALD REARDON: 96 seats, not 90 tables.

MEL MEISTER: Okay. It seems to me that will attract quite a crowd.

And I gather that you're saying that you're not applying for a liquor license.

CHAIRMAN MICHAEL GARDNER: Correct.

MEL MEISTER: And I find that difficult to own -- to have a large restaurant and not have a liquor license. I think that's a backdoor approach to getting a liquor license in that they open a restaurant and then apply for it later.

And also there's a possibility of an

extreme noise level from that restaurant. People coming in and out and parking in the front is limited. So I don't know where we stand with that. I mean, there's not enough parking to begin with.

So there are a couple of issues which is the issue of serving liquor which is going to occur eventually and the issue of loud noise. The residents in the surrounding area -- my apartment is on the third floor, but I'm not too far from that site, and I would object to it.

CHAIRMAN MICHAEL GARDNER: Thank you very much. Do we know how many seats the Tea House had?

EXECUTIVE DIRECTOR ELIZABETH LINT: I don't know.

CHAIRMAN MICHAEL GARDNER: Anybody know?

QI MING BING: 80-something. More than

that.

CHAIRMAN MICHAEL GARDNER: It will be a matter of record for the License Commission.

Ma'am, would you like to speak?

PAM WEISS: My name is Pam Weiss, W-E-I-S-S. I have lived in the building for over 20 years. I have a child and family in the building. There are units right above where this is going to be. I am very against this idea. I don't personally believe in six months or later or sooner you're not going to turn around and want a liquor license. If you want a liquor license, that's where the problems will occur. You're gonna have an excess amount of noise, you will have people releasing themselves on our space. This is a residential neighborhood. We have a lot of families that live here and we have people that live right above on the area.

Rodents, cockroaches, the traffic. We have the same problem as Cambridge Street. We have a limited amount of parking, which means people are going to come in, double park, cause congestion running in to get food.

And I'm concerned about the trash. You know, we have had people coming in and out of these buildings because they can't deal with what needs to be done properly, and I don't personally believe that if and when you do start your business, you cannot survive in a restaurant without some type of a liquor license.

So I want it to be noted that I don't approve of a liquor license, and if there has to be, there has to be a specific limits of what time it has to be over.

CHAIRMAN MICHAEL GARDNER: Thank you very much.

Sir.

OKTOR SKJAERVO: My name is Oktor,
O-K-T-O-R, my last name is S-K-J-A-E-R-V-O.

The -- I have a couple questions. What
does it mean he's only gonna use the Tea Room?
Is the space going to be divided and is it going
to be building?

QI MING BING: Not divided.

CHAIRMAN MICHAEL GARDNER: I would ask
you not to ask questions of him. You can state
your concerns to us and we'll then follow
through.

GREGORY DEMARKIS: There's something that
we didn't know about, I don't think, that they
were only gonna use part of it. And we don't
know anything about what the ensuing consequences
would be.

I also don't understand why they want to

have this going till so late at night. Nobody else in the area has restaurants open that late at night.

It's a residential building, and this is one of several commercial spaces. The only other commercial space, which is now occupied, is completely silent. It's a sperm bank. No noise.

The part of the building that goes out which faces Mass Ave, has from the second to the fifth floor has 15 apartments which will be straight above the entrance to the restaurant and above the restaurant itself.

The entrance is, in fact, just blow my bedroom. I'm on the fifth floor. This lady is on the second floor, and is now already bothered by the noises from the Buddhist Center.

We're concerned about the noise that will be made by guests to the restaurant coming in

especially so late. I don't understand that they can have a restaurant open that late in the residential building, but that's just a question I have for myself.

We're concerned -- definitely if there were to be a liquor license there would be people in high spirits coming out under our bedrooms. We have two bedrooms in our part of the building, which are both over the restaurants where the windows are to the restaurants.

So we're very concerned about the noise made by people coming into the restaurant and especially leaving the restaurant, but also by people assembling outside the restaurant to have a smoke, talking and laughing, and making noise at this late hour.

This lady has a girl who goes to school and goes to bed at 9:00. So there are problems

of the smoke, cigarette smoke and other smoke that rises. We have had that problem before on the other side of my apartment where people used a space to smoke where the grocery store used to be, if you know, where the smoke comes directly into my apartment on the other side of the apartment.

And the noise made from people is much more disturbing than the noise made from cars, for instance, enough to notice when people come from Harvard Square, for instance, late at night are in high spirits. Noise from cars is much less disturbing than the noise from people. And we would have this going the entire evening until late at night. If people leave there in spirits at 1:00 at night, you can imagine.

We just don't feel that space is suitable for a restaurant.

CHAIRMAN MICHAEL GARDNER: Thank you very much.

Are there any other members of the public who would like to be heard who haven't been heard?

JULIET JACOBSEN: I'm Juliet Jacobsen, J-A-C-O-B-S-E-N, J-U-L-I-E-T.

And I'm a resident in the building. I'm a member of the condo board and I'm speaking tonight on behalf of the board and myself.

The Board up to date hasn't voted either for or against the restaurant. I believe that's part of the process. I think that process has yet to happen.

We did vote that I would speak to tonight in support of our residents here who have concerns about the noise and about the late night hours and really about a kind've change in the

character of this densely populated residential building, which, you know, formally had this small Tea House that was open until 7:00 at night. That had a very kind've quiet feel to it, and I think that the real concern that this is going to change the flavor of our neighborhood and our community where I'm raising my children and other parents here who are raising their children there as well.

CHAIRMAN MICHAEL GARDNER: Thank you very, very much.

Questions?

FIRE CHIEF GERALD REARDON: Does the condo board control the space as well? The same ownership or is the condo separate of the same building?

JULIET JACOBSEN: I don't understand the question.

FIRE CHIEF GERALD REARDON: It's one building, is it one owner for the entire building?

JULIET JACOBSEN: It's separate owners and we have a board of owners that helps.

FIRE CHIEF GERALD REARDON: The commercial space on the first floor, is that the same building owner that owns the condos?

ADAM JANKAUSKAS: The condos are individually owned and I believe the commercial space is individually owned as well.

POLICE COMMISSIONER ROBERT HAAS: Is there any convenance in the lease for the space that requires the condo board to approve the use the space.

JULIET JACOBSEN: I believe there is.

CHAIRMAN MICHAEL GARDNER: Mr. Panico is here. State your name for the record and spell

it.

ATTY. VINCENT PANICO: Vincent Panico,
P-A-N-I-C-O, an attorney, 2343 Mass Ave in
Cambridge.

CHAIRMAN MICHAEL GARDNER: Do you have a
relationship to this applicant or the condo
board?

ATTY. VINCENT PANICO: I do not. I
represent the unit owner right above the
restaurant, Deborah Koplow.

And the Commission's inquiry about are
there any regulations concerning the use of these
premises for commercial space; yes, there are.
And unless the petitioner obtains the approval of
the Board, there can't be commercial activities
there.

CHAIRMAN MICHAEL GARDNER: And your level
of certainty with respect to that is how high?

ATTY VINCENT PANICO: I read the regulations.

CHAIRMAN MICHAEL GARDNER: A hundred percent? I'm just asking you to -- advise us about how certain you are of that representation.

ATTY. VINCENT PANICO: I'm certain unless I'm losing my eyesight which hasn't happened yet.

CHAIRMAN MICHAEL GARDNER: Thank you.

ATTY. VINCENT PANICO: Now, I would like to pass some photographs in, which I have drawn some blue lines around, and the blue lines in the photographs represent my client's apartment, which you will see is right over the restaurant.

I'm going to pass in a letter, an email letter from Dr. William Welch, a physician who is on-call tonight and who couldn't be here and he asked me if I would read the letter. And he says "Sir, I received a copy of your letter -- I had

sent a letter out -- pursuant to your representation of Debbie, my client, in Unit 209. I am in agreement with a hundred percent of the points you and she raise. I own Unit 520. My unit does not front on Mass Ave, but it does look over the entry area. I am often disturbed by people leaving the bars late at night and I am bothered by smoke wafting up into my windows when people smoke on the property. These issues would be exacerbated with a restaurant at 950.

I'm strongly opposed to the closing hours of 1:00 a.m. It's insane for a residential building to have to put up with all this will bring. My wife and I have discussed the possibility of moving. Unfortunately, I will not be able to attend the meeting this evening because I'm on call at the hospital. Please take this as email as permission to include my name in

support of the positions you will state at the meeting.

CHAIRMAN MICHAEL GARDNER: Thank you very much.

Will you make a copy of that available to Ms. Lint to be made part of the record.

ATTY. VINCENT PANICO: That's William R. Welch.

EXECUTIVE DIRECTOR ELIZABETH LINT: I have a copy of that.

CHAIRMAN MICHAEL GARDNER: Your client is, sir, for the record?

ATTY VINCENT PANICO: My client is Debbie Koplow, sitting right here.

DEBBIE KOPLOW: K-O-P, like in Paul, L-O-W.

CHAIRMAN MICHAEL GARDNER: Anything else, Mr. Panico?

ATTY VINCENT PANICO: I'll be brief, I promise. This is a residential building. And the activity in there right now, the Buddhist restaurant, which is a vegetarian restaurant, they close at 7:00. The proposed restaurant is gonna deal with fish and meats and typically that's a much, much stronger smell.

Now, as hard they might try, people coming out of the restaurant late at night, they can't be quiet. They're happy. They're wide awake and they're gonna make noise, and they're gonna wake up the people in the building.

And as for the smoking, it will be probably be three or four times as much smoking and it's right under these windows. And as the doctor pointed out, that smoking goes right into his unit.

The petitioners themselves have said,

have acknowledged they're coming in for a liquor license within six months or an application for a liquor license and that's really gonna be a problem in this building.

I just have to stress that my client is concerned about the noise. The Buddhists are a quiet operation. She hears them in her unit right now. She's gonna hear that restaurant, and whatever you do, I would urge you not to approve it, but if you approve it, I would ask that you impose rigid conditions, maybe even to have Andrea Boyer, our inspector, come out and test the sound. If the sound doesn't work, they can't open. Same with the venting system. If this is going to emit odors throughout the building, they shouldn't be allowed to operate.

I would ask that these be conditions imposed on any decision you make.

CHAIRMAN MICHAEL GARDNER: Thank you very much.

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

DEBORAH KOPLow: I would like to say something.

CHAIRMAN MICHAEL GARDNER: Since we already heard at length from your counsel, please, very briefly.

DEBORAH KOPLow: My name is Debbie Koplow, my unit is very effected by this whole operation. I had no idea in all the times that I've complained about the noise coming up, like it radiates all throughout my apartment. My daughter's bedroom and my bedroom are right above their front entrance on the second floor. Most of the times we sleep with our windows open. Because it's like -- so if people -- it's a

non-smoking building, so the place where people would smoke would be right outside my windows.

And the noise would radiate right up.

As it is we have had problems. No one ever informed me with the recent problems that we have been having with the noise coming up from the Buddhist Center of the -- that I could call Andrea, but I didn't know I could do that.

CHAIRMAN MICHAEL GARDNER: I'm glad you know it now, so that's available, and unless you got something new to add, I'd ask you to.

DEBORAH KOBLOW: I'm very concerned that -- I have a child who is in seventh grade who wakes up at 6:00 in the morning, I'm very concerned about that she's laying in bed at 9:00 and the noise will radiate up and that she won't get to sleep, you know, that we won't get to sleep.

CHAIRMAN MICHAEL GARDNER: All right.

Thank you very much.

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

Sir, state and spell your last name for the record.

BRETT RANDOLPH: My name is Brett Randolph, B-R-E-T-T, last name R-A-N-D-O-L-P-H.

And just briefly, I'm here to support Debbie and the other people who are concerned about that noise.

Two things: One is, in addition to the operation of the restaurant, I think probably this type of restaurant, as we know them, is probably gonna have a lot of take-out delivery, which will create other potential problems. Maybe, maybe not.

But beyond that, I know you have some

questions about what the condominium trustees might be able to do, and I own both a residence and business in the building, and I'm not -- I believe that I disagree with Vincent that the condominium board really can't do very much, so we're looking to you, folks, to see what you can do.

I mean, my understanding of the condo documents is any rules are that there are four commercial spaces that you can't really do much about in terms of taking away people's rights to use that property on a business basis. And there was a restaurant in this location before.

I think we need to look to the Board to help us as much as possible to try to do things that will mitigate this noise and other issues.

CHAIRMAN MICHAEL GARDNER: Thank you.

Are there any other members of the public

who would like to be heard who I haven't heard from?

So I want to ask you a couple follow-up questions. One is, if you have -- I understand your representation that you're only going to be occupying a portion of the space, what I understand it to be the portion that was reserved for the Tea House previously, and the rest of the space for the meditation center or whatever other business was conducted, you will not be occupying, is that correct?

QI MING BING: That's correct.

CHAIRMAN MICHAEL GARDNER: Do you have any information about what is happening to that space?

Is the meditation center staying there?

QI MING BING: Yes, staying there.

CHAIRMAN MICHAEL GARDNER: Are you

subletting from them, or are you purchasing that portion of the building which is now the Tea House or just describe what that ownership structure will be.

QI MING BING: The landlord decided to divide these into two spaces and rent the Tea House to us.

CHAIRMAN MICHAEL GARDNER: The landlord?

QI MING BING: The landlord, yes.

CHAIRMAN MICHAEL GARDNER: So there's a landlord that owns all that space, the Buddhist Center is going to keep a portion of it, potentially half, and the other portion will be to continue a restaurant function, a somewhat different kind of restaurant with different hours?

QI MING BING: Yes.

CHAIRMAN MICHAEL GARDNER: As I

understand it, you have amended your application to say you want Sunday through Thursday 10:00 p.m. and Friday, Saturday 11:00 p.m.?

QI MING BING: Yes.

CHAIRMAN MICHAEL GARDNER: What are your thoughts about how to deal with the fact that you are in a largely residential building with tenants or owners who are entitled to their peace and, quiet and hopefully, a smoke-free environment as they can have, and what kinds of mitigation, if any, have you thought about as ways to reduce your footprint or impact on your residential neighbors?

QI MING BING: First of all, we won't do delivery.

CHAIRMAN MICHAEL GARDNER: You mean you won't do take-out?

QI MING BING: We'll do take-out, but

won't do delivery.

CHAIRMAN MICHAEL GARDNER: Meaning people can walk in to get take-out, but you will not be delivering?

QI MING BING: Yes.

Second of all, we may get liquor license, but may not 'cuz currently the Chinese restaurant in Chinatown the first year we didn't get any liquor license, but business still went well. So probably we won't get liquor license if they complain too much about that.

CHAIRMAN MICHAEL GARDNER: What about noise just from operating a restaurant as late as 11:00 p.m.?

QI MING BING: We'll try to close at 10:00 Saturday and Sunday. Friday and Saturday as well. So Monday start from 11:00 a.m. to 10:00 p.m.

CHAIRMAN MICHAEL GARDNER: So do I understand you to making sort've on the fly here or quickly a further amendment to your application to close at 10:00?

QI MING BING: Close at 10:00, yes.

CHAIRMAN MICHAEL GARDNER: All seven days?

QI MING BING: Yes, all seven days.

CHAIRMAN MICHAEL GARDNER: All right. Any other questions?

FIRE CHIEF GERALD REARDON: No.

CHAIRMAN MICHAEL GARDNER: Tell us about how deliveries will be handled and how trash is handled. If I asked you before, I apologize, I've forgotten.

How are you going to get deliveries and how will you handle trash?

QI MING BING: There's loading area over

there.

CHAIRMAN MICHAEL GARDNER: Loading area over there. Where is over there?

QI MING BING: The trash, put trash in there.

CHAIRMAN MICHAEL GARDNER: In the back along the side? I'm not sure where you mean by "over there."

QI MING BING: Yeah.

CHAIRMAN MICHAEL GARDNER: Is there an alleyway?

QI MING BING: Yes.

CHAIRMAN MICHAEL GARDNER: There's an alley for exit and egress for both deliveries and trash in the back of the building?

QI MING BING: In the back of the building, yes.

CHAIRMAN MICHAEL GARDNER: Thank you.

Any other questions?

FIRE CHIEF GERALD REARDON: No.

CHAIRMAN MICHAEL GARDNER: All right. I see I got a member of the audience who has already spoken. I'm going to indulge one person who's already spoken. You can decide among yourselves to very briefly ask your question or make your statement because we generally don't engage in debates here.

Ma'am.

PAM WEISS: Pam Weiss. Where you're talking about where you're going to put the trash is not where trash is kept. That area, the super who works all the time, makes sure that area is cleaned every single time, and I think putting the trash there, we'll have rodents and, you know, you're kinda talking on the fly.

You need to have a better plan.

CHAIRMAN MICHAEL GARDNER: Thank you for your comment. That's helpful to us.

Where do you plan to keep your trash?

QI MING BING: In the back.

CHAIRMAN MICHAEL GARDNER: In the back. In the street?

QI MING BING: Not in the street. In the area there's two trash bins.

CHAIRMAN MICHAEL GARDNER: Is that where the Tea House keeps their trash now?

QI MING BING: Yes.

CHAIRMAN MICHAEL GARDNER: You don't plan any change in terms of the trash control from what the Tea House does?

QI MING BING: We try to make everything clean just 'cuz the landlord told us already. So if you want to run the restaurant, you have to make everything clean. So we just keep

everything in good order and everything's clean.

CHAIRMAN MICHAEL GARDNER: We've had some contrary information with respect to whether or not the condo association has any capacity to control the nature of the business that goes into the space, that is, whatever business the landlord choices to lease the premises to.

Do you, Mr. Lim, do you have an opinion about that?

ATTY. PETER LIM: I haven't read the bylaws. I don't know.

CHAIRMAN MICHAEL GARDNER: I'm sorry, I didn't quite understand.

ATTY. PETER LIM: I didn't read the bylaws.

CHAIRMAN MICHAEL GARDNER: You have not read the bylaws.

ATTY. PETER LIM: No.

CHAIRMAN MICHAEL GARDNER: Are there any further questions or comments?

POLICE COMMISSIONER ROBERT HAAS: Is this an area already outfitted for your cooking space or do you have to build that out?

QI MING BING: No. We just keep it. We won't build it out.

POLICE COMMISSIONER ROBERT HAAS: There's already a kitchen space that exists in that building?

QI MING BING: Yes.

POLICE COMMISSIONER ROBERT HAAS: It meets all the codes?

QI MING BING: We'll keep everything there.

POLICE COMMISSIONER ROBERT HAAS: So I'm trying to figure out, why would they have cooking area -- this was never used as a restaurant

before, right?

QI MING BING: Tea House. It was a restaurant.

POLICE COMMISSIONER ROBERT HAAS: All right.

CHAIRMAN MICHAEL GARDNER: Quite good food, as I recall.

Anything else?

FIRE CHIEF GERALD REARDON: So you don't plan on needing to make major changes to the restaurant facility that's in the building already?

QI MING BING: No.

FIRE CHIEF GERALD REARDON: Okay.

CHAIRMAN MICHAEL GARDNER: So I'll make the motion to defer this matter to the October 3rd decision hearing. I would look to any of the interested parties to give us their

opinion with respect to the condo association's role, but I would also encourage, if time permits, to have a dialogue between the condo association and the applicant or the applicant or landlord or whoever the appropriate parties are in particular to address any of the concerns that were voiced this evening by residents of the building or representative of the condo association to try to understand whether there can be any meeting of the minds or further mitigation, which I understand you've gone so far as to amend your application to a 10:00 closing time. So that's the motion.

FIRE CHIEF GERALD REARDON: Second.

CHAIRMAN 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.

CHAIRMAN MICHAEL GARDNER: Aye.

None opposed.

So we'll defer this matter to the 3rd.

For people in the room who have expressed a concern about that this is a stalking horse for an alcohol license, I just want to assure everyone that those are separate matters.

Whether or not there's a common victualer license is decided on the merits of whether there's a common victualer's license, whether or not there would be an alcohol license is subject to the same kind of public process and discussion and potentially negotiation as existed tonight, and no one should presume that one follows the other.

Thank you very much.

APPLICATION: FATIMA MILLER**D/B/A METAPHYSIC WORKSHOP**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Fatima Miller d/b/a Metaphysic Workshop, has applied for a fortune teller's license at One Brattle Square, First Floor.

CHAIRMAN MICHAEL GARDNER: I ask you to again to keep the conversation down until you're out in the hall. If somebody is out -- will you just check to see if the fortune teller applicant might be in the hall to give that person notice.

Seeing the applicant is not making an appearance, what would you suggest? We just simply defer the matter for administrative review in terms of asking if someone wants to re-reply?

EXECUTIVE DIRECTOR ELIZABETH LINT: We'll take care of it.

POLICE COMMISSIONER ROBERT HAAS: Can we

just verify also that they're not operating at that location?

EXECUTIVE DIRECTOR ELIZABETH LINT:

They're operating at this location.

POLICE COMMISSIONER ROBERT HAAS: Oh they are.

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

I had received a complaint. Ms. Boyer went and investigated. She determined this place was in operation, gave them an application, they filed the application.

CHAIRMAN MICHAEL GARDNER: So do we have the authority to issue a cease and desist?

EXECUTIVE DIRECTOR ELIZABETH LINT: We can issue a cease and desist.

CHAIRMAN MICHAEL GARDNER: So, I think I'm inclined to make the motion that the applicant be notified by letter, that the

Commission will consider at our next hearing -- I don't know if we have time for that.

EXECUTIVE DIRECTOR ELIZABETH LINT: We can do that.

CHAIRMAN MICHAEL GARDNER: At our next hearing whether or not to issue a cease and desist order or to hear cause from the applicant as to why the applicant should be allowed to operate such a business.

Does that make sense in terms of your --

EXECUTIVE DIRECTOR ELIZABETH LINT: I got it. I know what you're saying.

CHAIRMAN MICHAEL GARDNER: That's the motion.

I'm waiting for a second to see if I've gotten one.

POLICE COMMISSIONER ROBERT HAAS: Second.

CHAIRMAN MICHAEL GARDNER: Motion's made

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

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

None opposed. If you would word the appropriate -- the letter appropriately worded.

EXECUTIVE DIRECTOR ELIZABETH LINT: I got it.

CHAIRMAN MICHAEL GARDNER: Thank you.

EXECUTIVE DIRECTOR ELIZABETH LINT: We need Mr. Galluccio for the next matter.

CHAIRMAN MICHAEL GARDNER: He's here.

EXECUTIVE DIRECTOR ELIZABETH LINT: Oh, there he is.

APPLICATION: TASTY BURGER 2, LLC**D/B/A TASTY BURGER**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Tasty Burger 2, LLC d/b/a Tasty Burger, Elizabeth Miller, Manager, holder of a wine & malt beverages as a restaurant license and entertainment license at 40 JFK Street has applied to amend their entertainment license to include live musical instruments and/or vocalists with amplification.

CHAIRMAN MICHAEL GARDNER: Good evening.

If you'd be so kind as to state and spell your last name for the record and the persons with you, please.

ATTY. ANTHONY GALLUCCIO: Good evening, Mr. Chair, and honorable members. My name is Anthony Galluccio. I'm a partner with Galluccio and Watson. It's G-A-L-L-U-C-C-I-O. And our

firm is at 1498 Cambridge Street in Cambridge,
Massachusetts.

To my right is David Dubois.

DAVID DUBOIS: David Dubois, D-U-B-O-I-S,
owner of Tasty Burger.

ELIZABETH MILLER: Elizabeth Miller,
M-I-L-L-E-R, manager of record.

CHAIRMAN MICHAEL GARDNER: Thank you.

Mr. Galluccio, would you briefly summarize the
purpose of the application and describe the kinds
of activities going on in the restaurant now and
how this will change, and what the expected hours
of operation of any live entertainment might be?

ATTY. ANTHONY GALLUCCIO: I will. And
Mr. Chair, if I could, I would like to just
submit the abutters' notification along with the
registered receipts for the entertainment
application for 40 JFK Street. And just to

reiterate for clarity, because we had a little confusion with the public because we had an advertisement for both JFK Street for entertainment and Prospect Street for a new common victualer's and a beer and wine.

This is a specific application for entertainment for the downstairs portion of Tasty Burger at 40 JFK Street in Harvard Square.

Mr. Chairman, as you know, the Board was good enough to grant a common victualer license to this Tasty Burger location, which was the first location for Tasty Burger in Cambridge at 40 JFK Street.

The Board also issued a beer and wine license to that location. They currently have a common victualer license which operates to 4:00 a.m., and again, a beer and wine license, which operates to 2:00 a.m. on Thursday, Friday and

Saturday, and until 1:00 on Sunday and weekdays.

Mr. Chair, at the time of the application, we indicated that there was an opportunity somewhat unique to the Harvard Square location because of the downstairs location where at the time we applied for a pool table and there was also a free-standing bar.

I would ask the owner, David Dubois, now to just give you an update on how that space has been utilized to date. Some of the things that have gone on there and what his vision is for the entertainment license, which is one for live music seven days a week. I think in accord with -- actually, no, till 1:00 a.m. on weekdays and I believe 2:00 on weekends.

DAVID DUBOIS: So basically once we got settled into Harvard Square, we started to -- the downstairs and the upstairs started to divide in

terms of what their usage was, and the downstairs became pretty useful to us for like serving large parties and big events. But it doesn't necessarily get busy other than the other two times which is right around lunchtime and dinner.

And outside of that, you know, because it's a beer and wine license, it's pretty tame down there, in general.

And then we noticed that the idea that originally sparked this application was that we wanted to have a country music night down there on Monday or Tuesday, which would help to generate some business to that downstairs area, which seems to be lost in people's psyche. They think it's all upstairs.

No matter what the signage is, it doesn't seem to draw people down as well as it should.

Anyhow, we started to notice some of the

other places like Fire & Ice and Charlie's and the Printer and places like that have music nights, it seems to be drawing a crowd on those nights. Not that it's -- there's still Monday and Tuesday nights, but it draws a little bit of impact down there. Since that's 4,000 square feet down there, 3800 square feet, it has the space to do it.

In terms of what we change down there, there would still be table service, and the bar would remain the same size. Everything would be the same size. The pool table still down there. That's pretty much the idea.

CHAIRMAN MICHAEL GARDNER: Do you have a stage planned or how would the music be presented?

DAVID DUBOIS: We wouldn't have a stage. I think what we would do is basically clear an

area that we have because we wouldn't want any kind of a big band there. Because people are coming and going and eating down there as well for dinner if they want table service.

In other words, if they don't want to go upstairs and walk through the line, they'll come downstairs and they'll sit and get a waiter.

So what we were thinking is in the far back corner against where the mural is, and just having an area put aside in the same way that they do, for instance, like at the Plow & Star.

CHAIRMAN MICHAEL GARDNER: In terms of your --

DAVID DUBOIS: It's three tables.

CHAIRMAN MICHAEL GARDNER: I take it from the sound of it, no piano?

DAVID DUBOIS: No piano.

CHAIRMAN MICHAEL GARDNER: Drums,

guitars, horns, what is the -- I mean, you mentioned country music early in the week, so I'm sort've of imagining that means guitars, but I'm not sure what else it means.

DAVID DUBOIS: We're thinking more like acoustics and vocals and that going. We're not really thinking about loud music, crazy loud music down there. Because that would -- what would happen if we did that is we would get ourselves into a situation where nobody would want to come down there to eat, and that's the only other tables that we have that have table service.

CHAIRMAN MICHAEL GARDNER: So I'm not sure if you've had a chance to review all of the records and correspondence we've gotten virtually all of it directed to the second application that we'll be considered tonight. But we did have one

or two reports of people went to the JFK Street area and described it as a -- I'm only reporting what was described -- a loud sports bar-type atmosphere with televisions of sports events on it and talking and yelling over the sports events.

I'm not hearing from you the sort of same ambience downstairs with respect to how the -- how your televisions work and how you would blend whatever current atmosphere you got with respect to television and/or sports with this music.

ATTY. ANTHONY GALLUCCIO: Can I speak to that? I did read all the letters. I'm familiar with the correspondence and it speaks for itself, but I would say that I think that the context for some of those comments were at the Prospect Street meetings. We were really clear that the Prospect Street location was smaller, it's one

level, it's all table service in the area, and that it was not the same concept, certainly not the same concept as the downstairs in Harvard Square.

And people did say good because we don't want it to become that. So I think --

CHAIRMAN MICHAEL GARDNER: But my question is: What is the downstairs in Harvard Square?

DAVID DUBOIS: I think if you were to go down there for seven days a week, I'm sure it's possible that people go down there, and if it's busy, and it's noisy, it is a basement, you know, and the TVs are on, and there's -- the sports bar analogy is little off to me because, yes, there's sports, but there's also movies and cartoons and all that stuff that play down there, but I would say it's more empty than it's full in general.

CHAIRMAN MICHAEL GARDNER: Okay.

DAVID DUBOIS: I think if this Board were to go down there everyday, every night for a week, if you were to go down there tonight, I'm sure probably there's 15 people down there.

CHAIRMAN MICHAEL GARDNER: What is your business like after 2:00 a.m.?

DAVID DUBOIS: Well, that's all upstairs anyhow. There's nothing downstairs.

CHAIRMAN MICHAEL GARDNER: So what is the business like after 2:00 a.m.?

DAVID DUBOIS: What is the business like after 2:00 a.m.? I'd say it's --

ELIZABETH MILLER: It can be busy and controlled. It definitely comes in waves.

DAVID DUBOIS: Waves, that's a good way to put it.

ELIZABETH MILLER: And I would say

generally speaking after 3:00 to 3:15 in the morning, there's a steady trickle of people in the upstairs ordering food to take home with them, but nothing crazy.

CHAIRMAN MICHAEL GARDNER: Beer and wine sold both upstairs and downstairs?

ELIZABETH MILLER: No, just downstairs.

CHAIRMAN MICHAEL GARDNER: And that's across all hours of operation?

ELIZABETH MILLER: Yes.

DAVID DUBOIS: We installed it upstairs, but we never used it.

CHAIRMAN MICHAEL GARDNER: You're licensed for it?

DAVID DUBOIS: That's correct. We have the tap system there, but we decided not to pour beer out there just because we kind've saw early in the game that first couple weeks we were there

that is not a controllable scenario for us.

CHAIRMAN MICHAEL GARDNER: Could you elaborate on that a little bit?

DAVID DUBOIS: Yeah. If you're serving a beer to somebody upstairs, you don't have a waiter. We like our waiters to watch beers or wine, glasses of wine that are going out.

CHAIRMAN MICHAEL GARDNER: Mr. Galluccio?

ATTY. ANTHONY GALLUCCIO: I just wanted to clarify because the advertisement says until 2:00 a.m. seven nights a week. We're asking for what we requested in the actual application, which is 2:00 a.m. on the weekends and 1:00 a.m. on weekdays because it follows the alcohol license which is only being used downstairs.

DAVID DUBOIS: That's how we close the downstairs.

CHAIRMAN MICHAEL GARDNER: So if our

agenda misstates it, in fact, the application for the entertainment license for amplified music is 1:00 a.m. Sunday through Wednesday, and Thursday through Saturday 2:00 a.m.?

ATTY. ANTHONY GALLUCCIO: Correct.

CHAIRMAN MICHAEL GARDNER: Thank you for clarifying that.

EXECUTIVE DIRECTOR ELIZABETH LINT: Actually, the agenda did not specify the hours.

CHAIRMAN MICHAEL GARDNER: Okay. But the -- you understand that is the application and that can be what we're working off of, Ms. Lint?

ATTY. ANTHONY GALLUCCIO: You're right, it's generic.

EXECUTIVE DIRECTOR ELIZABETH LINT: The ad did not say the hours either.

CHAIRMAN MICHAEL GARDNER: Is that a problem?

EXECUTIVE DIRECTOR ELIZABETH LINT: No.

CHAIRMAN MICHAEL GARDNER: Do we have any history of complaints, noise or otherwise with respect to this location?

EXECUTIVE DIRECTOR ELIZABETH LINT: Not at all.

CHAIRMAN MICHAEL GARDNER: Other questions?

POLICE COMMISSIONER ROBERT HAAS: Your operation for the basement area would remain unchanged the way you have it set up right now, because it seems to be working pretty well in terms of shutting off your basement after 2:00 a.m. We were really concerned early on that we'd have problems downstairs if you allowed patrons to continue going downstairs. So you will continue to maintain that current operation?

DAVID DUBOIS: Yeah, that works really

well.

FIRE CHIEF GERALD REARDON: How many seats are downstairs again?

DAVID DUBOIS: I think the license is 186.

ATTY. ANTHONY GALLUCCIO: I have it right here. Less.

DAVID DUBOIS: That's the occupancy. About 100 seats.

CHAIRMAN MICHAEL GARDNER: And upstairs?

DAVID DUBOIS: 50. 40 or 50.

CHAIRMAN MICHAEL GARDNER: Other questions?

You're cognizant of the noise ordinance, understand that if your amplification is too loud and you're in breach, you're subject to being tested and subject to a complaint and hearing?

DAVID DUBOIS: Sure, yep.

CHAIRMAN MICHAEL GARDNER: Do you have any plans for making sure you're in compliance with the noise ordinance or making sure that your sound levels don't reach the street at an unacceptable decibel level?

DAVID DUBOIS: Yeah. What the discussions have been so far with, you know, some of the people that we would try and bring in 'cuz our idea would be to bring in not multiple people, but get one group that would come in and do every Tuesday night-type of thing. I've worked with this before in my restaurant up in Gloucester, Mass. We have had live jazz there, and it's the same thing, even with jazz there's certain players that can play to the room and certain -- that just make the room uncomfortable. That's our thing. We want people to be able to still come down there and get table service and

take the money out of the pocket of the servers that are down there.

So that's our plan, to make sure the music that's there is not uncomfortable for people to stand down there.

CHAIRMAN MICHAEL GARDNER: So does that mean it's more background or ambience?

DAVID DUBOIS: I wouldn't --

CHAIRMAN MICHAEL GARDNER: It's performance music?

DAVID DUBOIS: It's definitely performance music. I wouldn't say it's background. It's just that it can't be static, screeching guitars or else it will scare everybody out from under there and turn it into OM.

CHAIRMAN MICHAEL GARDNER: When would you typically plan to start live entertainment?

Understanding it's ending at 1:00 or 2:00, what is the typically beginning of the performance?

DAVID DUBOIS: I would say, you know, the show would probably go for about two, two and a half hours.

CHAIRMAN MICHAEL GARDNER: It's a late night.

DAVID DUBOIS: Something to draw on those nights for people that are coming out -- like we went out around to all the different locations in Harvard Square and started listening to their music. It also might go the other direction, it might start at 9:00 and end at 11:00. It depends how you would organize that with the band. I would like to avoid the dead dinner hour because the dinner hour is when that downstairs does serve a purpose for the restaurant, and we have been doing a lot of catering business. I mean,

not catering per se, but large parties
downstairs.

CHAIRMAN MICHAEL GARDNER: When you say
"the dead dinner hour," are you talking about
like 6:00 to 8:00 or 5:00 to 9:00?

DAVID DUBOIS: I'm saying the dinner --
like, in other words, if we started the band at
8:00, I think it would effect our dinner hour,
which is around that time, 6:30 to 9:00 is when
that place does pretty well with the exception of
Monday and Tuesday night it's a little slow down
there.

ATTY. ANTHONY GALLUCCIO: Mr. Chair, just
for the record, I have 189 for both seats,
including booths for Harvard Square.

CHAIRMAN MICHAEL GARDNER: That's
upstairs and downstairs?

ATTY. ANTHONY GALLUCCIO: Correct.

CHAIRMAN MICHAEL GARDNER: I assume they're probably not split in terms of the license?

EXECUTIVE DIRECTOR ELIZABETH LINT: Correct.

CHAIRMAN MICHAEL GARDNER: Other questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

CHAIRMAN MICHAEL GARDNER: Are there members of the --

EXECUTIVE DIRECTOR ELIZABETH LINT: Just a letter of support from Ms. Jillson and the Harvard Square Business Association.

CHAIRMAN MICHAEL GARDNER: Thank you. Are there members of the public who would like to be heard on the matter of the entertainment license for 40 JFK Street? This is not about

Prospect Street, this is about an entertainment license for an existing establishment at 40 JFK Street?

Anybody who would like to be heard on that matter?

Seeing none, anything else you would like to add, Mr. Galluccio or the applicant?

ATTY. ANTHONY GALLUCCIO: No.

CHAIRMAN MICHAEL GARDNER: I make the motion to approve an entertainment -- an amendment to the entertainment license to include live musical instruments and/or vocalists with amplification according to the hours as clarified by counsel and in the record this evening.

FIRE CHIEF GERALD REARDON: Second.

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

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIRMAN MICHAEL GARDNER: None opened.

So good luck with the plan.

APPLICATION: TASTY BURGER 4, LLC**D/B/A TASTY BURGER**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Tasty Burger 4, LLC d/b/a Tasty Burger, Christopher Gotreau, Manager, has applied for a new wine & malt beverages as a restaurant license at 74 Prospect Street. Applicant is seeking operating hours of 10:00am to 2:00am seven days per week and a seating capacity of 49 inside and 20 outdoor seasonal patio seats. Applicant is also applying for an entertainment license to include music being played below, at, or above conversation level and three TV's.

CHAIRMAN MICHAEL GARDNER: Because some of the people on this application are the same as the last application, but the record won't necessarily show that, I will ask each of you to state and spell your names for the record again

and identify your role with the application and on this.

ATTY. ANTHONY GALLUCCIO: Attorney

Anthony Galluccio, G-A-L-L-U-C-C-I-O, a partner of Watson and Galluccio. Our firm is at 1498 Cambridge Street, Cambridge, Massachusetts.

DAVID DUBOIS: David Dubois, D-U-B-O-I-S,

owner of Tasty Burger.

CHRISTOPHER GOTREAU: Christopher

Gotreau, G-O-T-R-E-A-U, director of operations with Tasty Burger.

CHAIRMAN MICHAEL GARDNER: Mr. Gotreau, I

heard you say that you were director of operations. In our application, we have you listed as manager.

Is that the proposed manager of record under your understanding, Ms. Lint?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

CHAIRMAN MICHAEL GARDNER: So you understand that from the application, not director of operations in our terms, but the manager of record?

CHRISTOPHER GOTREAU: Yes.

CHAIRMAN MICHAEL GARDNER: Thank you.

Mr. Galluccio?

ATTY. ANTHONY GALLUCCIO: Thank you, Mr. Chair. I'm gonna try to be brief because there's members of the public that wish to comment and have waited.

First, if I could submit our notices and affidavit to the executive director for the record. Thank you, Mr. Chair.

This is an application for both common victualer and a beer and wine license for the location at 74 Prospect Street, known to many as originally Carberry's and more recently

Lyndell's.

The applicant is seeking a common victualer's license until 2:00 a.m. and a beer and wine license until 2:00 a.m. on Friday, Saturday and Sunday -- excuse me -- Thursday, Friday and Saturday, and Sunday to Wednesday until 1:00 a.m.

The location is located on Prospect Street. The seating follows the seating that has been part of that location for many years now. There are 49 seats inside with 20 outdoor seats.

I would say, Mr. Chair, and I want to thank members of the Prospect Street neighborhood for being so participatory. We have had two meetings. One meeting was back -- at the beginning of August which we actually met on Essex Street with the help of the Essex Street Neighborhood Group. There was no formal notice

for that other than through the Google group that they have emails. It was probably attended by, I don't know, 15 or 20 people.

It was a good first opportunity to talk to some of the folks that are most -- that are closest to the location, and we got a lot of history from the neighbors about that location, why there was a wall there and some of the noise that emanated from the roof and some of the concerns about outdoor noise.

We thought it would be a good idea to do another meeting after Labor Day. Unfortunately, the meeting fell during Rosh Hashanah. We didn't have time to do a meeting other than that week to get a meeting in after Labor Day. So I apologize for the scheduling of that because of the religious conflict.

We did have a pretty well attended

meeting on site inside the location and again a lot of good history on the location. Got a lot of feedback from folks and I'm not going to reiterate because some of those folks are here, but I would say a lot of sentiments about that location as a meeting place where people were able to meet and socialize for many years because of its standing as a bakery, people not being rushed along and really being able to have it become a neighborhood gathering place.

My hope is that folks have been more comfortable at least with that this is a restaurant first, not an alcohol establishment. I think David was really clear at his locations his alcohol runs far less than 20 percent as part of the gross, and that particularly with a smaller location it's really focused on table service and seating. The plan, unlike the Fenway

Park location, which has an outdoor take-out, actually brought the take-out window inside the restaurant, so that anyone taking food out has to order and wait inside the restaurant.

CHAIRMAN MICHAEL GARDNER: For clarification, you said the plan, you mean the plan for Prospect Street would bring the take-out inside?

ATTY. ANTHONY GALLUCCIO: Yeah. In contrast to his other location at Fenway Park.

CHAIRMAN MICHAEL GARDNER: Thanks for the clarification.

ATTY. ANTHONY GALLUCCIO: That was something that was as well received.

Again, I think that we've gotten a lot of feedback, and hopefully, have gotten to know the neighbors in a way that they understand the concept in a way that has been positive. I think

clearly this is a complicated location. It sits on one side on a real busy stretch of Prospect Street, and then as you move interior to the neighborhood, it's very close to homes along Essex Street and we recognize that. And we saw that as we met literally in the backyard of, I think, one of the closest abutters.

We have tried to address and think about a number of the issues that were raised during the course of those meetings.

The first thing I would say is the outdoor seating was raised as a potential for people being able to order food, congregate, loiter, hang out and make that parking lot come alive in a way that would be adverse to the neighborhood.

First thing, I would say is we would agree to a condition that the outdoor seating be

stopped at 10:00 p.m. and be broken down and not be utilized past 10:00 p.m.

The other piece of that is we would -- the management would agree to move people off the property at that time.

So you can't create a make shift outdoor eating area by congregating and eating on the back of your car or whatever ways people would create a way to utilize that enclave for a congregation area.

There's clearly a noise issue. Noise emanates up and the closer you get to the horseshoe, the neighbors would be affected by the noise. So that's something we're really cognizant of.

One point of interest I would mention from the zoning standpoint, the previous -- Carbury owns the building and when they initially

put the bakery in, ten feet of this location goes into a Res-B District. From ten feet going forward towards Prospect Street, there's -- it's a business district.

CHAIRMAN MICHAEL GARDNER: Is it ten feet from the lot line towards Prospect Street on that access?

DAVID DUBOIS: All the way on the back of the building.

ATTY. ANTHONY GALLUCCIO: If you line up Prospect Street, it runs literally parallel to Prospect Street, and along the neighborhood edge.

CHAIRMAN MICHAEL GARDNER: And it's ten feet in?

ATTY. ANTHONY GALLUCCIO: Correct. It's very interesting. So Carbury's initially applied and was granted a variance to operate a restaurant, a not allowed use in that approved

for a use variance to operate within those ten feet, a bakery.

I reviewed the variance. It was clearly restricted to a bakery. Tasty Burger is not bakery. I brought the issue to David, said, you know, "You obviously can apply for a use variance as well." And David's response was "I think a buffer of ten feet is helpful to give the neighborhood more cushion from the restaurant.

So the lease space ends in terms of restaurant use ten feet in and it will be walled off not to be used for purposes of a restaurant which is their proposed use.

CHAIRMAN MICHAEL GARDNER: Currently, the building runs to the lot line or virtually?

ATTY. ANTHONY GALLUCCIO: It runs -- well, it's not to the lot line. The lot is zoned in both a Res-B and a Business District.

CHAIRMAN MICHAEL GARDNER: I understand. But I'm trying to understand -- is the variance currently that apply, are those ten feet part of the building?

ATTY. ANTHONY GALLUCCIO: Yes.

CHAIRMAN MICHAEL GARDNER: So your proposal is to wall off the -- create a new wall in the building, an internal wall which loses to you ten feet of space within the existing footprint of the building?

DAVID DUBOIS: I would say 600 square feet. It's a strangest thing I ever heard when he brought it to me. I never heard anything like it before. I wasn't even sure how that was possible to have two different designations.

But in this particular case after I got to sleep on it, I realized that A, we've always been a little concerned with the size of the

building, in general, because it's more space than we need. Same sort of thing happened to us in Harvard Square as well.

But in this particular case, especially with the Fenway location being closer to the model than the Harvard Square location, with table service and a take-out window, we don't need that much space. It didn't bother me that we lost the space, and then the more I thought of it, the more I thought that's kind've good because it gives you ten more feet before any noise like starts to happen and how we treat that ten feet can act like a buffer.

CHAIRMAN MICHAEL GARDNER: Is it ten feet plus an additional sound barrier wall or at least a solid wall?

DAVID DUBOIS: A solid wall all the way across that I would insulate.

CHAIRMAN MICHAEL GARDNER: There's two walls, there's the rear of the building, and then this new internal wall?

DAVID DUBOIS: That's correct. That's where our kitchen would start. So it's not a public space.

CHAIRMAN MICHAEL GARDNER: But loss of that space, do you change the mix with respect to the number of seats you can have from an occupancy point of view?

DAVID DUBOIS: No. As far as the architect's concerned, no. The thing you lose is -- he has bathrooms in there and an office and the walk-ins. And that's what he's got back there right now.

ATTY. ANTHONY GALLUCCIO: It's a nonissue other than I wanted to raise it because it creates -- again, the neighbors have legitimate

issues and we respect their opinion and we have gotten to know them. They live there. I'm only noting it because it's very unique to this application to have a ten-foot buffer on the neighborhood side of the building.

I think the residents have focused more on outdoor noise, restaurant, typical restaurant-type issues especially as you go into the evening. I don't want to spend too much time on -- again, I want to let the residents speak because they've waited a long time.

We have a number of ways in which we propose to patrol both trash, loitering, number of measures that Tasty Burger takes in other locations. They have a three-block walk three times a day where they pick up trash, monitor and pick up. Again, moving people off the property. I'm sure that the Board will have suggestions as

to operational issues, but to me those issues become secondary to the hours of operation. I don't want to prolong that conversation because I want to allow the Board to hear from the community and allow you to deliberate.

The issue here is Tasty Burger has a model. David is a late night food operator. The Franklin Restaurant Group, Tasty Burger, that's what they do.

There's some conflict there. And we've tried to work through some of it. Some of it's somewhat unavoidable and we'll look to the Board for leadership around those issues.

CHAIRMAN MICHAEL GARDNER: Before we ask Mr. Gotreau about his qualifications, please tell us whether or not this concept can survive without an alcohol license.

DAVID DUBOIS: I feel like it can't in

that location. And it's not that the percentage of alcohol is so high. It changes -- it narrows the demographic.

CHAIRMAN MICHAEL GARDNER: Mr. Gotreau, tell us about your --

ATTY. ANTHONY GALLUCCIO: Can I just -- not too much inside baseball, but I know the Board has always been supportive of good businesses being able to survive and flourish. I think there are a couple of things about this location. One is this particular concept requires a significant investment in the property. So that obviously goes somewhere into the formula. It's been a bakery. And it's been awhile since there's been much work there.

I don't want to debate as to whether a bakery could survive in that location because I'm not an expert.

CHAIRMAN MICHAEL GARDNER: A bakery?

ATTY. ANTHONY GALLUCCIO: Whether a bakery could come back to that location. All I would say is that the owner that operated a bakery survived for some time. The next bakery that closed to date didn't survive. Does that mean a Dunkin' Donuts or another chain or someone that does a lot of volume couldn't go in and make a bakery work? Maybe they could. I don't know what hours --

CHAIRMAN MICHAEL GARDNER: My question wasn't about alternative uses.

ATTY. ANTHONY GALLUCCIO: I'm just sort've pointing out the history of the space because when David talks about what his model is, it's to mean no disrespect to the Board at all. It's just math and numbers and business.

The Board has obviously been very

supportive of Tasty Burger and listened and so forth. But there's some realities about the concept that we need some -- we need to resolve with some of the neighborhood issues.

CHAIRMAN MICHAEL GARDNER: Okay. Could we have an understanding, Mr. Gotreau, of your prior experience in both restaurant and alcohol operations, whether you have ever been the manager of record before, give us a summary of your experience.

CHRISTOPHER GOTREAU: I have been in the restaurant industry for about 17 years now, graduated from Culinary Institute of America. Started off there. Worked in a few hotels in the city, Boston Harbor Hotel, Four Season Hotel for many, many years. Also went on from there to work at Legal Sea Foods for three and a half years as one of their training managers on duty

for three different locations. And then up until recently I have been employed with Tasty Burger for two years now. And have started with these guys over at the Fenway property as their manager on duty, both front and back of the house. Helped to open both their L Street location and their Harvard Square location, and right now, currently, I'm been involved in all three locations.

CHAIRMAN MICHAEL GARDNER: I'm not sure what a training manager at Legal Seafoods does.

CHRISTOPHER GOTREAU: Pretty much any new manager that comes in they go through an 18-week --

CHAIRMAN MICHAEL GARDNER: You're a trainer.

CHRISTOPHER GOTREAU: Yes.

CHAIRMAN MICHAEL GARDNER: As opposed to

being trained?

CHRISTOPHER GOTREAU: Yes.

CHAIRMAN MICHAEL GARDNER: Have you ever been a manager of record?

CHRISTOPHER GOTREAU: No.

CHAIRMAN MICHAEL GARDNER: Thank you.

Other questions?

POLICE COMMISSIONER ROBERT HAAS: No.

CHAIRMAN MICHAEL GARDNER: Why don't I ask the three of you to find a seat someplace else. And I will invite -- are there any members of the public who would like to be heard on this matter to sort've regulate yourselves and come up in groups of three.

I'll ask and I'll try not to repeat it each time ask anybody who wants to speak state and spell your name, spell your last name for the record. Give us some sense about your -- the

reason you're here, if you're a neighbor or resident in the area, et cetera. Ask people not to repeat concerns which have been stated before at any length, but simply note them, and I'll try it by letting people come forward as opposed pointing out hands which I sometimes do. I'd ask everyone to be concise and brief.

Sir?

JOHN CAPELLO: Thank you. My name is John Capello, C-A-P-E-L-L-O. I do have a letter. May I submit it to the Commission?

CHAIRMAN MICHAEL GARDNER: You may.

JOHN CAPELLO: I'll read from the letter and then I may just expand briefly on it. I know we're running late.

"My wife and I live with our two young children, ten and eight, at 96 Prospect Street, two doors down to the proposed location, and

everything we have learned so far about the proposal and Tasty Burger as an organization leads us to believe that they will not be the respectful neighbors that I know you would want in our Cambridge neighborhoods.

We don't come to this conclusion rashly or lightly. We had hoped that with the closure of Lyndell's, we would see not just a vibrant, young establishment enter that space but one that respects the neighbors and strives to be members of our community. Tasty Burger has not proven to be that.

First, it has a very questionable track record when it comes to getting along with its neighbors. An article from the Boston Globe's Patrick Rosso, dated September 18, 2012, describes the traffic problems that have arisen at its South Boston location, the failure to

honor a request to limit outdoor seating, and a continuous effort to expand hours of operation to late into the night. This is only made worse by the failure to design an adequate ventilation system which resulted in a hazardous situation for many of its residents. As one, Marie Madden, noted: 'My throat hurt, my eyes burned, I can't live like this.' Residents have complained in other venues of: 'Increased trash from Tasty Burger bags and cups littering the area, increased adolescent foot traffic with its accompanying noise and rowdy behavior.'

But more important, they have failed to reach out to us. We're the first neighbors that patrons will encounter as they walk away from Tasty Burger and up Prospect Street. Yet, we have heard nothing from Tasty Burger. No representative has ever knocked on our door to

introduce himself. No phone call or voicemail despite our publicly listed number. No warm letter introducing themselves to our neighborhood."

Just as a little aside here, I actually like Tasty Burger. I mean, we go to the Tasty Burger in Harvard Square quite a bit with my kids. Actually it's a pretty good place.

"When my wife and I moved here more than a decade ago, we made an effort to get to know each and every one of our neighbors. We baked pies for our next door neighbor and took the time to get to know the businesses on our street, and they reached out to us. And today our children know Tom at Out of the Blue Gallery or Eric at the Bed and Breakfast" -- who I believe is here today -- "Kevork at Custom Eyes or Jerry at The Field. These are models for how great businesses

can be great neighbors.

As one resident described in an editorial, 'Tasty Burger has failed in its commitments to the area residents on the existing operational commitments and should not be rewarded for the failures.' Why should Cambridge residents reward them for this bad behavior?"

Let me be really clear about this. There's a 10-year-old and an eight-year-old who have bedrooms right on Prospect Street. And if you allow for a business to be open until 2:00 in the morning, it's going to be really hard for them to wake up the right time to go to school, especially on a Thursday night.

I really want you to understand this. You can walk by my place. I wish someone from Tasty Burger had actually done that. I wish someone should have reached out and said, "Maybe

we should talk to the people who will be directly affected. We're the ones who are directly affected and I hope you really understand this.

CHAIRMAN MICHAEL GARDNER: In the last paragraph of your letter, there's the quotation that says from an editorial, is this about Tasty Burger in South Boston?

JOHN CAPELLO: Yes.

CHAIRMAN MICHAEL GARDNER: Thank you very much.

JOHN CAPELLO: Thank you.

CHAIRMAN MICHAEL GARDNER: Sir?

PAUL RAJCOK: I'm sorry. My name is Paul Rajcok, R-A-J-C-O-K. I live at 5 St. Paul Street in Cambridge. I've lived there for 20 years and I'm a homeowner there. I wrote a couple letters to the Board. I first intended to read this letter so it could be on the public record as a

record, but it's too long.

CHAIRMAN MICHAEL GARDNER: If you submit it, it will be part of the public record.

EXECUTIVE DIRECTOR ELIZABETH LINT: It's in the record.

CHAIRMAN MICHAEL GARDNER: We have reviewed all these letters or we will.

PAUL RAJCOK: I want people to hear it, so I'll read selected paragraphs.

CHAIRMAN MICHAEL GARDNER: I just ask you to be brief.

PAUL RAJCOK: I will be brief. That is why I'm taking two paragraphs.

This is not just any wine and beer serving restaurant, say like Corianna which closes at 10:30 on weekends and midnight on weekends. It's being proposed what Tasty Burger wants to provide for our neighborhood until

2:00 a.m. every night is a "hamburger restaurant" mostly for youth demographic which frequently may turn into a sports bar, which I describe below. But which most detrimentally -- this is my main point -- will always serve as a last call attraction with its cheap eats and more alcohol from all the other drinking establishments in Central Square or even beyond and with all the end of the night noise, parking and personal conduct problems that attend such an attraction.

I would like to point out that we're not Harvard Square, and we're not Boylston Street. I visited both of them on two occasions. The Harvard Square one is fine by me. The main venue is in the basement.

They can do anything there. I think it's great they will have music. It will be an improvement over when I went there the two times.

The first time --

CHAIRMAN MICHAEL GARDNER: Okay. Just I think that's in your letter, I believe.

PAUL RAJCOK: That's in my letter. I'm the sports bar observation. It's true. You can go there. Maybe it will change.

But it's important for us to understand what is Boylston Street is like. Boylston Street being one level will more be like what is coming to Prospect Street. Boylston Street is a converted garage gas station with pull down wooden doors with windows.

On Prospect Street we have all glass. The wall they're talking about putting up, I think sounds like it's at the back of the building so it will stock sound going out the back to Essex Street. That never even struck me as being a problem. The building is a glass

shell and it's surrounded by empty parking lots, an empty parking lot across the street on Prospect Street and one down at Bishop Allen. And sound reverberates in a tunneling effect all through the neighborhood because of those parking lots reaching Austin Place, rickshaying back to Essex, coming down St. Paul Street in an unbelievable fashion and down the church alley there too.

So I'm afraid that their restaurant open as it will be, open at all with a beer and wine license, even if it's not open until 2:00 will attract on certain days when various sports teams play, as it did in Harvard Square and I witnessed very loud crowds, coming to eat a burger and stay there for the duration drinking beer, and now their sports games on until midnight almost everyday.

CHAIRMAN MICHAEL GARDNER: I got it.

PAUL RAJCOK: So the final thing I would like to say -- my last point is from my last paragraph. This is about the tradition of the place. I think it was disingenuous of them to present that Lyndell's somehow went out of business. When I went to talk to them, they said they lost their lease because someone wanted it. They were ready to carry on and resign their lease. The bakery was still a viable operation. They were not as good as Carbury's, but they were great for our neighborhood. Everyone loved it. They could've stayed there. But they were essentially, I think, bid out.

CHAIRMAN MICHAEL GARDNER: Okay.

PAUL RAJCOK: This is my very last point. It's different. All of the businesses in our immediate neighborhood from Bishop Allen to

Broadway closed by 10:30 p.m. Even the Broadway gas station on Broadway only stays open until 10:00 p.m. The sole exception to this is Corianna Restaurant which closes at midnight on weekends. Closes 10:30 otherwise.

Instead of the bakery that was long occupied on Prospect Street to suddenly introduce what is generally an overly loud alcohol serving establishment into this primarily residential neighborhood would be a great disservice to us.

All in and all such a late night bar restaurant would add an intolerable health, safety and quality of life burden to residents, especially because of its attractiveness to those who have been drinking on Mass Ave and then opt for a late night meal with another drink or two nearby.

In enclosing, my last sentence, I must --

FIRE CHIEF GERALD REARDON: This is your third closing, sir.

PAUL RAJCOK: I must emphasize that even without a 2:00 a.m. closing time, the loudness of frequent sports bar-type attractions on the TVs as well the other overly loud music and conversation at other times that leaks out of the building, all of these occurring any time of any day are another legitimate objection to any license for beer and wine being issued at Tasty Burger at this location.

CHAIRMAN MICHAEL GARDNER: Okay.

PAUL RAJCOK: The Cambridge License Commissioners should protect us from such a potential erosion from the neighborhood's already tenuous peace and quiet.

CHAIRMAN MICHAEL GARDNER: Thank you. I am going to make a ruling from the chair that if

somebody has submitted a letter to us already, be assured we'll read the letter or we've already read the letter. I won't deal with having anybody else read into the record something that we've already got in the record in terms of trying to be respectful of everybody's time.

If you got a letter, you haven't submitted yet, you can submit it, but we don't want you to read that into the record either.

So I think I will ask you to leave if there's some other people that want to come up. I understand a City Councilor has entered the room. I would offer if the councilor is interested in making a public statement to invite her up to do so after we hear from the gentleman who has been waiting.

MARK NAHABEDIAN: Mark Nahabedian, Mark with a K. Last name N-A-H-A-B-E-D-I-A-N. I did

submit an email which I won't touch upon. I wanted to comment after hearing Mr. Galluccio. I live directly next door at 66 Prospect Street, and the very first thing I heard from him as an immediate neighbor was his certified letter that was mandated to send. So I find his comments about neighborhood outreach to be disingenuous.

CHAIRMAN MICHAEL GARDNER: Councilor?

MINKA VANBEUZEKOM: I'm sorry that I didn't have the opportunity to hear the presentation.

CHAIRMAN MICHAEL GARDNER: I'll ask you, as I have everybody else, to identify yourself for the record and including spelling your name.

MINKA VANBEUZEKOM: My first name is Minka, M-I-N-K-A, and my last name Vanbeuzekom, V-A-N-B-E-U-Z-E-K-O-M.

CHAIRMAN MICHAEL GARDNER: Thank you,

ma'am. You're free to sit if you'd like or stand.

MINKA VANBEUZEKOM: So, again, I'm sorry that I didn't hear what was said. But I live on Essex Street, and Essex Street is the backside of Tasty Burger. And we're -- we have the benefit of having a pretty active neighborhood group, an email list. Amongst ourselves we have discussed this quite a bit. And we've also been in touch twice with Mr. Galluccio and the team from Tasty Burger. So there's been a lot of communication between our group on Essex Street and his group.

I just want to correct the misinterpretation that he has reached out to some people, but maybe not everybody.

With that being said, we do think of this as a residential part of Prospect Street, even though it does seem like a commercial street with

the fast cars going on Prospect Street. And a 2:00 a.m. license, while there's been talk of making sure that the patrons are ruleley and the noise is kept to a minimum and people aren't drinking out in the parking lot and the trash is -- I mean, all the things that I assume that you've heard, there's still a concern that this is a residential area, and things don't usually go until 2:00 a.m., and as a neighborhood we would be much more comfortable if it went until 12:00 -- if alcohol license only went to 12:00 more in keeping with the residential neighborhood.

Others might've said, no, 10:00 a.m. license or I'm not sure what was said before. But a 2:00 a.m. does seem out of character with what goes on in that part of Prospect Street. I also now am moving myself from being a neighbor

of this property saying I think this location for a Tasty Burger is superb, and what we're missing in Central Square is food that's inexpensive where you can take a family, you can have a pre -- we had a fabulous meal, the burgers are great and so we want to encourage a place like this to come here, but the 2:00 a.m. license isn't really in keeping with the residential character.

I'm now going to put my City Council hat on and I'm going to say I do hope and I know you will pay attention to the direct abutters in the neighborhood and take their concerns completely into account as you make your decision.

CHAIRMAN MICHAEL GARDNER: Thank you very much.

I invite two more people to come up and occupy a seat, we'll ask you, sir, to state your name for the record and please briefly state any

issues you would like to raise.

RICHARD COLE: My name is Richard Cole, C-O-L-E. And I live at 100 Prospect Street. I'm a native of Cambridge. And a property owner. And I am completely opposed to any non-conforming uses of the property in question. I'm opposed to the beer and wine license also the extension to late night hours of 1:00 and 2:00 in the morning.

And I would like to comment to correct the councilor on something. The block she's talking about where this Tasty Burger restaurant would go is really not part of Central Square. Central Square essentially is Massachusetts Avenue and the intersection of Prospect Street. We already have the field halfway down the block on Prospect Street. You have the Cantab, you have the Middle East. You have plenty of places to go and drink. You don't need anymore.

Alcohol and noise can turn into violence. We don't need noise after 11:00 p.m. We don't need more intoxicated people. I remember 20 years ago, I thought people were going crazy in the City of Cambridge because they would be walking down the street talking to themselves. Then I realized it's cell phones.

CHAIRMAN MICHAEL GARDNER: Okay.

RICHARD COLE: You have people smoking and drinking and all kinds of things and they'll keep people up. And I live in a house where there are two houses on either side. And mine is in the back. I'm there, the Whole Foods Restaurant and when they come along with the truck, if they stop the truck right in front of my house, the two buildings on either side amplify the sound and you can even feel vibration in the house. I had to call the city -- the

Police Department a couple years ago and the woman said, "We'll have an officer go over to Whole Foods and talk to them so they don't park directly in front of your property." And they did that. So for that I say thank you. But the point being did you look at the shape of the property in question? It used to be a Cadillac automobile dealership back in the '50s. It's curved in the front like this. And the back that's where the repair stalls used to be. There were three of them. And then you have another building here which is currently the Cambridge Community College. Any sound generated in there will be amplified and shot out directly.

CHAIRMAN MICHAEL GARDNER: Okay. I think I got the point.

RICHARD COLE: Another thing is trash. They may call themselves Tasty Burger, but if

they have takeout at all, trash goes with the takeout order because I have found in my front yard, believe it or not, from McDonald's and that's a number blocks away from me. I remember one night --

CHAIRMAN MICHAEL GARDNER: All right. I understand you have concerns about trash and rodents.

RICHARD COLE: Rodents, and they will tell you -- Mr. Dubois will tell you if you complain about trash being thrown on your property, "Well, I can't do anything about it. I just sell the meals and I can't send somebody out to follow each patron."

CHAIRMAN MICHAEL GARDNER: I think we have that point.

RICHARD COLE: What I'm trying to say is I'm completely opposed to this and I hope

Mr. Dubois finds another place to put his restaurant.

CHAIRMAN MICHAEL GARDNER: Thank you. Appreciate it.

Ma'am?

NANCY RYAN: My name is Nancy Ryan, R-Y-A-N. I live at 4 Ashburton Place which is a dead end off Prospect Street. I'm not speaking to them, I'm speaking for myself, but we had a lot of conversation about this.

I don't think that a late night burger restaurant fits into the neighborhood situation that we have which is very tight. I want to speak particularly and I know this gentleman said something about the trash. We have a tremendous trash problem and tremendous rat problem. The rat people from DPW have come often. They have been in our homes and all down the street, you

see them running around at night. I agree with the gentleman the takeout situation being proposed can only generate trash. I would love to leave a three-block cleanup several times a day would actually happen and work. But I don't feel like we can rely on it because of the late night situation and the inability -- I respect the Tasty Burger people. I appreciate Mr. Gotreau and Mr. Dubois coming to at least Essex Street because we reached out to them listening to us. But we can't -- they can't control the demographic that they will have and because of the nature of Tasty Burger, we think it's a magnet for noise and trash and we're concerned about that public health aspect of that neighborhood. The other piece of Prospect Street is unbearable. And when people trying to get into that parking lot and out of that parking lot

at night or parking on Essex Street because they can't get into parking lot, we feel that's going to create a little bit of chaos in the neighborhood.

CHAIRMAN MICHAEL GARDNER: So given your status with the association, I understand you're not speaking for them. I would like to ask you a question about is there any configuration of hours and/or alcohol or anything else which you believe would, like the councilor intimated, add some appropriate diversity to the meal selection in the area or any way in which you can see Tasty Burger would be an appropriate neighbor?

NANCY RYAN: A much earlier closing. Seven days a week at 2:00 a.m. is really not appropriate.

CHAIRMAN MICHAEL GARDNER: It's actually 1:00 a.m. Sunday through Wednesday.

NANCY RYAN: But 2:00 a.m. is difficult. Beer and wine, if it's secondary to a burger isn't necessarily a problem, but that's my own perspective and this gentleman had a different one. I really can't speak for the neighborhood. We're feeling that it's not the right fit for being so close. Ten feet is not a buffer. It backs right up. As a matter of fact, it backs up to a home that got sold for \$800,000, they put half a million into and put a beautiful deck on the back of house that backs up to the Tasty Burger's potential parking lot.

CHAIRMAN MICHAEL GARDNER: Thank you very much.

Ma'am?

JUDY HOUSMAN: My name is Judy Houseman, H-O-U-S-M-A-N. I've lived in Cambridge 42 years and about 36 of them in Central Square. I live

at St. Paul Street which is kitty corner to where Tasty Burger would be.

Everybody knows that it takes awhile for noise to settle out. Everybody knows once somebody breaks up their party, it's another half-hour for the noise to settle down. I think any closing later than 10:00 or 10:30 will not make it possible for those of us who have to get up and go to work in the morning and children who have to get up and go to school in the morning or do sports on the weekends or take the SAT on the weekend for that matter.

I'm sort've surprised people can't find cheap eats in Central Square area. There's that little place.

CHAIRMAN MICHAEL GARDNER: Okay. I got the point.

JUDY HOUSMAN: There's many place that

have cheap eats in the Central Square area. I do feel -- I have a couple quotes I would like to tell you. One is you have no control once you -- once you attract a certain clientele, you can't say this is going to be different from the Harvard Square location. I just want to say this is the notice that went out about -- what Boston Globe says about Tasty Burger -- I won't read the whole thing -- could be the perfect burger and the perfect place. It's a prime burger location for the Burger Shack given its way to (inaudible) especially delicious after a few late night beers. The only downside is this out post closes at 2:00 a.m. as opposed to Harvard Square's 4:00 a.m. closing time. On the plus side, a patio, which where the noise is going to be carry straight across Out of the blue when they have a drumming session.

The last thing I want to say is just to make sure people understand that our impression of the Harvard Square location is not subjective, I went onto Yelp, which is the on-line review, and I looked at the first 25 reviews of the Harvard Square location and here are just couple samples from the first 25, serves its purpose, well, simply put, it's open until 4:00 a.m. for a reason to accommodate all culinary needs of a night of drunken stooper. I give 5 stars, but the bouncer stared me down as I ate French fries. Yes, this burger joint has a bouncer.

CHAIRMAN MICHAEL GARDNER: Okay. Let ask you. If you've got that and you can either submit a copy to Ms. Lint now or you can make a copy and have it submitted.

JUDY HOUSMAN: Okay. I'm trying to say it's primarily at the Harvard Square location a

bar. It's going to be seen by people as a bar that serves food. Please understand that. You cannot control how it's seen once you have the bar, the liquor and the late night hours. I would submit there's -- their South Boston has no liquor license and open to 10:30. Boston knows it's smart enough to know what a residential neighborhood is and what the parameters you should have in a residential neighborhood. I hope Cambridge is just as intelligent.

CHAIRMAN MICHAEL GARDNER: I will invite anybody up to speak in favor of the applicant, if there's anybody.

Anybody else who would like to speak pro or con?

Please come forward.

State and spell your name for the record.

TOM CAMERON: Tom Cameron, C-A-M-E-R-O-N.

My family and I live on process -- St. Paul street very close to many of the people who already talked. I'll be brief. I reaffirm our support for many of the things that have been said. 2:00 a.m. is late for us. It's closer to when my daughters wake up than when they go to bed. I think as Minka said, it's just not consistent with the residential tone.

CHAIRMAN MICHAEL GARDNER: Thank you very much.

Ma'am?

FRAN SNIDER: Fran Snider, S-N-I-D-E-R. St. Paul Street, resident and owner. And I was gonna say exactly what he just said.

CHAIRMAN MICHAEL GARDNER: Thank you very much. Thank you for your brevity.

Anyone else from the public that would like to speak?

Seeing none, Mr. Galluccio, do you have any closing comments?

ATTY. ANTHONY GALLUCCIO: Mr. Chair, I want to apologize to members of the public that did not receive notice, there's the one piece that I had mostly confidence about in this process that we had processed this to a level we were able to get a lot of feedback. I appreciate Ms. Ryan's comments. There's no signs to the notices other than we had our legal notice requirement which we obviously executed, but we also asked for abutters and residents within 300 feet which is one of the standards that people use. My guess is, I take the folks at good faith, maybe that didn't reach across to St. Paul. Why it wouldn't reach to the neighbors on Prospect Street, I don't know. I apologize because we -- the one thing we wanted to avoid

was not having people able to weigh in. The comments they made are not unlike some of the other things we heard. I think we've tried to respond. There are some conflicts in model here that are not an insult to anybody and they're reality. I wanted to clarify. I was stating the fact that the bakery not owned by the owner of the property is not in business. I assume it's a matter of numbers because property owners drive rents and that drive retails. I was stating the fact. I don't want to hypothecate whether or not a bakery could or could not go there in a future. A restaurant is allowed use at that location notwithstanding the ten feet which moves into a Res B District. Alcohol is an allowed use in that district. So it's not out of the realm of possibilities that this neighborhood will confront a similar common victualer license

request in the future whether or not it's Tasty
Burger.

CHAIRMAN MICHAEL GARDNER: So, thank you.
I may have a couple other questions I want to ask
Ms. Lint. I understand this is not in a cap
zone.

EXECUTIVE DIRECTOR ELIZABETH LINT:
That's correct.

CHAIRMAN MICHAEL GARDNER: But the
application is for a no-value nontransferable
license as I understand it. Do you know if there
are beer and wine licenses available for sale?
Would you just review for us the typical standard
we HAVE used, although most is in capped areas
when we review an application for nontransferable
no-value license?

EXECUTIVE DIRECTOR ELIZABETH LINT: I
have been informed there are licenses for sale

throughout the city. I think possibly two.

On any license application of this sort, the basic standard is public need and public good. And we have always -- that's per the statute. Public need and public good.

It's whether or not this neighborhood needs another license. If this will serve it appropriately. And the Commission has always looked at overwhelming neighborhood support in order to grant the free license.

CHAIRMAN MICHAEL GARDNER: Thank you.

ATTY. ANTHONY GALLUCCIO: Can I speak to that? And I failed in my obligation to speak to that. The only license I was aware of that was available or out there was Tamron Bay and that's under agreement. If there's other beer and wine licenses out there, I wasn't aware of them.

CHAIRMAN MICHAEL GARDNER: That's my

sense is we're not going to decide this this evening.

ATTY. ANTHONY GALLUCCIO: And I'm not sure it changes the dynamic around the hours. And those are foundational issues important to both of us anyway.

CHAIRMAN MICHAEL GARDNER: You may want to inquire of the Commission staff with respect to whether or not there's anything else out there.

I will just advice that at least from my point of view this is exactly the kind of issue where we should -- we, as a Commission, should deliberate on it. That's why we have the decision hearing set up.

I'll make a motion that we defer this matter until the October 3rd decision hearing at 10:00 a.m., which will most likely be held in

this room. We generally don't take public comment at that time. Occasionally we'll ask an applicant for follow-up information. We'll make a couple observations for everybody's consideration. The space because it had such a unique or at least sort've signature history for a long time as a series of bakeries has a history which at least appears to me to make the potential change in use seem even more jarring than it might otherwise be, which may or may not have much of a role in our decision-making. That is, what was there before is relevant, but it's not dispositive, it doesn't control our role with respect to deciding what is there in the future.

It also seems to me that this location off Central Square is not an entertainment area like Central Square. It's not Harvard Square. It's got a unique -- unique is over used. It's

got residential character to it that we have to take into account.

I think we have heard the residents' concerns with respect to late night hours. I originally opposed the 4:00 a.m. close for the originally Tasty Burger in Harvard Square.

And I remain concerned about late hour operations even more particularly in congested residential areas in the city.

So I would ask the applicant to the extent you see it in your interest to continue a dialogue with the neighborhood, reach out and also to see whether or not there's a -- either a business model close to the South Boston area or a business model with early closings that works for you.

And, obviously, you're always free to communicate with the Commission about that.

We'll take the application as we see it on
October 3rd.

The final thing I should say is my wife
actually works for Cambridge College at the
Prospect Street location two evenings a week. I
feel confident that that connection to the
geography of this location will not interfere
with my capacity to make a decision on this
matter. For disclosure purposes, I'll let
everybody know that.

Any other comments?

POLICE COMMISSIONER ROBERT HAAS: I have
a couple questions.

So is it true that your Boston operation
does, in fact, open to 10:00 a.m. and doesn't
serve alcohol?

DAVID DUBOIS: With the L Street
location.

POLICE COMMISSIONER ROBERT HAAS:

Whichever one.

DAVID DUBOIS: It's a 240 square foot walk up stand with no indoor seating. It's a like a Pipco.

POLICE COMMISSIONER ROBERT HAAS: I'm curious why you chose to adopt that model for that neighborhood and don't see it applicable for this neighborhood.

DAVID DUBOIS: Because that particular model is embedded and surrounded by residential on all sides and it was a walk-up stand. It used to be the Boathouse Ice Cream stand, and we a designed it on a stand. We originally wanted to go in for 2:00 a.m. and again had neighborhood meetings and the model with indoor seatings, it won't work -- if it was a stand that you walked up to, it might. But again, that's not what

we're trying to open after the L Street one.

POLICE COMMISSIONER ROBERT HAAS: Okay.

CHAIRMAN MICHAEL GARDNER: Any other questions?

POLICE COMMISSIONER ROBERT HAAS: No other questions.

CHAIRMAN MICHAEL GARDNER: If the Commissioners have no other statements --

ATTY. ANTHONY GALLUCCIO: Can I add again, Mr. Chair, the applicant is not trying to be stubborn in any way. A lot of this is math. What the landlord is asking for rent, what the build-out is, at what point does it not make sense. The neighbors has been great. Everybody has had honest dialogue. Someone who lives on Trowbridge Street and visits Harvard Square a lot. I have not visited the downstairs. I go to the upstairs quite often, have gone there with

kids, go there after Little League. I have never seen alcohol and it really is a nice environment in the upstairs and I love the food. Again, I don't want some things -- I'm not a big fan of anonymous postings for many reasons. I wanted to add that. I don't want Harvard Square to get besmirched with this because I think it had been a great outlet for good quality food for a lot of folks.

CHAIRMAN MICHAEL GARDNER: When I propose a change to an application, it's without a judgment value with respect to what is right understanding this is a marketplace and rents drive use and location drives rents, there's no inappropriate answer. It's a matter of what works, what works for the applicant, an entrepreneur who is making a large financial investment and/or risk, gamble and a neighborhood

which as to live with the consequences of our decisions.

POLICE COMMISSIONER ROBERT HAAS: I think to respond to Attorney Galluccio's comments, I understand why you decided to go with the model you have gone with, but I think the overriding issue for me how it fits within the area that you're proposing to place this establishment, and I agree with the Chairman, given its prior use, it's a dramatic change, and I think that will have an impact on the neighborhood and it's evident by the comments we heard tonight. Fit is going to be a big factor for me.

ATTY. ANTHONY GALLUCCIO: It's a challenging location. We're not making the case it's Central Square. It abuts residential. All I would say is I don't think it will be the last time that the Commission confronts a restaurant.

And so it's one that is going to be part of an ongoing dialogue. I would say there's good news. I haven't been doing licensing for that long, but I have never processed an application the way we have this one. We mailed 94 notices for the second open house, we have been on an email chain. There are some neighbors who feel strong. There's a whole bunch of people that have come to the meeting, eaten the food and listened to us and are without objection. I take a different approach not to the very specific concerns about hours, but to the general concerns, there's a whole a lot of folks who are very well aware of the proposal and who are not hear objecting. There's -- there are some folks that generally believe this would be a good opportunity for affordable good quality food. Again, not notwithstanding folks that have specific concerns

about the hours. We also -- we didn't push -- I don't like to have folks in neighbors' faces. We didn't push folks.

People obvious have legitimate concerns. I'm not out to convince them that they're wrong. It's legitimate. But there are a lot of folks out there who you're aware who have not weighed in with objection and there are a few that emailed in with temporary views.

CHAIRMAN MICHAEL GARDNER: Thank you very much.

FIRE CHIEF GERALD REARDON: I would say as one who supported the Harvard Square operation, it's a dynamic in Harvard Square than where it is here. And it's all zoned as such, but it's right on the peripheral -- you have to make business decisions. You, as the potential lessee, don't want to spend a lot of money here

and not have it work and neither does this neighborhood. I guess it's back and forth.

2:00 a.m. is kind've of aggressive in that particular neighborhood seeing it's not exactly in the same dynamic as some of the other locations.

CHAIRMAN MICHAEL GARDNER: Thank you, Chief. So I just want to say to the members of the audience who are still here -- and I just saw a stifled yawn -- I appreciate your patience and forbearance. We had a long agenda tonight and it turned out to be a more complicated one than we originally anticipated.

To the extent I sounded like I was yelling at people, I was trying to shout out given the initial complaints of the lack of ability to hear. I hope no one takes offense at that. And I do again appreciate your patience,

forbearance and willingness to share your views with us.

I'll make a motion that we defer this matter to the October 3rd decision hearing at 10:00 a.m. currently scheduled for this room.

POLICE COMMISSIONER ROBERT HAAS: Second.

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

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

None opposed. Motion carries.

Any other business, Ms. Lint?

EXECUTIVE DIRECTOR ELIZABETH LINT: No.

CHAIRMAN MICHAEL GARDNER: I make a motion to adjourn.

POLICE COMMISSIONER ROBERT HAAS: I

second it.

CHAIRMAN MICHAEL GARDNER: Motion to
adjourn made and seconded. All those in favor,
signify by saying "aye."

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

(Meeting was adjourned.)

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Commonwealth of Massachusetts

Norfolk, ss.

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certify:

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

IN WITNESS WHEREOF, I have hereunto set
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Jill Kourafas
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