

CAMBRIDGE LICENSE COMMISSION HEARING  
CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION HEARING

LICENSE COMMISSION BOARD MEMBERS:

CHAIR NICOLE MURATI FERRER

FIRE CHIEF GERALD REARDON

POLICE COMMISSIONER BRENT B. LARRABEE

STAFF: EXECUTIVE DIRECTOR ELIZABETH LINT

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

DATE: January 11, 2017

TIME: 3:05 p.m.

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P R O C E E D I N G S

January 11, 2017, 3:05 p.m.

EXECUTIVE DIRECTOR ELIZABETH LINT: If anyone has a phone on, please put it on silent. Thank you.

Good afternoon. This is the License Commission hearing for Wednesday, January 11, 2017. It is 3:05. We are in the Michael J. Lombardi Building at 831 Mass. Ave conference room. Before you are the Commissioners, Chair Nicole Murati Ferrer, Fire Chief Gerald Reardon and Acting Police Commissioner Brent Larrabee.

CHAIR NICOLE MURATI FERRER: Who we welcome to the board. Thank you.

I'm going to take T.T.'s first.

We are being recorded.

EXECUTIVE DIRECTOR ELIZABETH LINT: I'm sorry. We are going to go a little out of order.

T.T. THE BEAR'S PLACE, INC.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Cancellation hearing. T.T. the Bear's Place, Inc., holder of a common victualler all alcohol license at 10 Brookline Street pursuant to General Law Chapter 138 Section 77 and General Law Chapter 140 Section 9.

CHAIR NICOLE MURATI FERRER: Good afternoon.

Please state and spell your names for the record.

ATTY ANDREW UPTON: Good afternoon, Madam Chair. Andrew Upton U-P-T-O-N representing the applicant.

With me is Bonney B-O-N-N-E-Y.  
B-O-U-L-E-Y, owner of the T.T. the Bear's.

CHAIR NICOLE MURATI FERRER: Thank you.

And last time we were here it was May of 2016 for an informational hearing. And at that

time I think, and correct me if I'm wrong, Counselor, you informed us that there had been a deal that had fallen through, is that correct?

ATTY ANDREW UPTON: That's correct.

The licensee was in negotiations with the landlord and with some other buyers, but due to a dramatic increase in the lease --

BONNEY BOULEY: The rent.

ATTY ANDREW UPTON: The rent on the lease, the buyers opted out of the deal.

CHAIR NICOLE MURATI FERRER: And when did this close again? 2015?

BONNEY BOULEY: Yes.

ATTY ANDREW UPTON: A year and a half ago.

BONNEY BOULEY: July 30, 2015.

ATTY ANDREW UPTON: Since that time, she has retained a broker. She has been actively marketing the license, but with very limited

interest and results.

There's not a lot of good market for license transfers and purchases.

CHAIR NICOLE MURATI FERRER: Is it in the back space of the Middle East?

BONNEY BOULEY: 10 Brookline Street.

ATTY ANDREW UPTON: It is behind the Middle East. It is a separate space.

CHAIR NICOLE MURATI FERRER: It is currently vacant?

BONNEY BOULEY: The landlord -- current landlord is Joseph Sater who has the rest the building and he bought the whole building and he's remodeling in there.

CHAIR NICOLE MURATI FERRER: Mr. Sollett is not here today?

BONNEY BOULEY: No. And he was supposed to be -- he was at a hearing and he said it was going to be an all-ages place with the name of it

going to be Sonya's, which is his sister. And that's all that I know about that. It is in the process of being built.

CHAIR NICOLE MURATI FERRER: When was the broker hired, do you know?

ATTY ANDREW UPTON: Do you know?

BONNEY BOULEY: Six months after I closed. Three months after I closed.

CHAIR NICOLE MURATI FERRER: So you have been actively looking for a buyer since 2015?

BONNEY BOULEY: Supposedly he has.

ATTY ANDREW UPTON: There's a gap between the closing and the hiring of the buyer (sic-broker) of some time.

CHAIR NICOLE MURATI FERRER: Who is the broker?

ATTY ANDREW UPTON: Daniel Newcomb of Atlantic License Brokers.

CHAIR NICOLE MURATI FERRER: Do we have

any update from Mr. Newcomb? Any like recent updates?

ATTY ANDREW UPTON: Yeah, I spoke to him yesterday.

CHAIR NICOLE MURATI FERRER: What did he say?

ATTY ANDREW UPTON: He said I'm having a hard time in getting any interest in a Cambridge license. And because of that Bonney has told me if we were granted an extension, even for a relatively brief period of time, she'll continue to retain the broker, because hopefully he has some excess of effort that he's gonna make.

But she was the owner/operator for 43 years and there were a lot of people in the business, and as things have gotten fairly desperate, she would like the opportunity to work on her contacts and work the market herself.

CHAIR NICOLE MURATI FERRER: I mean, what

concerns me about extending this is that you have a space that's being actively built out and then if anyone wants to get in there, they can't, with a liquor license, they can't until this license gets out of there.

ATTY ANDREW UPTON: I think that's accurate. However, we would be more than happy to transfer it to them at a very --

CHAIR NICOLE MURATI FERRER: I'm sure you would.

ATTY ANDREW UPTON: At a very, very reasonable rate.

CHAIR NICOLE MURATI FERRER: I'm sure you would.

BONNEY BOULEY: He has spoken with me about buying my license for about a year and a half.

ATTY ANDREW UPTON: If it pleases the board, Bonney would just like to make a brief

statement about her position and where we're at in her history so you understand where we're coming from.

BONNEY BOULEY: Well, I feel I have been in Cambridge 43 years.

And I certainly worked very, very hard to make T.T. the Bear's Place a very good club and I think it was that.

And I feel now that I'm in this position where I wasn't able to sell my business because of the circumstances of them not being able to negotiate a lease -- I didn't have a lease the last year and a half, and the former landlord that owned the building always assured me I would not be -- there would not be a problem. I would always be taken care of. That I could -- I was always able to sell T.T.'s and then when Nabil Sater and his brother bought the building, they said the same thing "there's nothing to worry

about. We love you. You are our sister. We can take care of you." And I took that with a grain of salt, but I also was sort of in a place of not being able to do anything about it until I got a lease, and so I did get a lease from them.

In getting the lease, they upped the rent \$3,000. So I was already paying \$8,500. So if you did the figures, it was -- you could not fit enough people in there to pay the lease and all the other payments that you had to run a business.

And so I had three very, very good buyers that had been in the business, that had worked with liquor, that had run businesses before and very willing to buy T.T.'s and they had a good reputation but when we tried negotiating with the Saters, there was no negotiation.

In the end, I sort of thought "Well, they are trying to get me out. They want me out."

They don't want to lease it to anybody other than themselves or they are going to try to do that," which it ended up being.

So I got stuck with not only not being able to sell my business but now I'm not able to sell my license because it is much easier to get one other ways.

So I would like the chance to be able to talk with people that I know in the restaurant business, not necessarily in Cambridge.

I actually just spoke with someone about an hour ago who is interested in buying it for, of course, very little money, but I would rather walk out -- have very, very little money than zero.

I've already put \$6,000 in fees in this holding the license for a year and a half. So even to gain that back would be a plus.

But I would, obviously, not be able to

sell it for much money. But I would like to have that opportunity.

CHAIR NICOLE MURATI FERRER: Okay.

Anything else?

ATTY ANDREW UPTON: No. We appreciate you listening to us and appreciate you letting us go first.

BONNEY BOULEY: Thank you very much. We appreciate that very much.

FIRE CHIEF GERALD REARDON: How many seats are on this license?

BONNEY BOULEY: 117.

FIRE CHIEF GERALD REARDON: Obviously, I mean, it's -- we have two problems, one of which it's slated to the property now so no one else can do anything until such time as it moves.

But 117 seems like it is more of a marketable number than some of the others we have had in the past that are 3 and 400 seats, which I

would think this is probably more in a sweet spot in terms of trying to get a number of different venues out there, and you had no takers on any -- it doesn't have to go in that location, of course. Someone could have a location now and look for it.

BONNEY BOULEY: Right. Exactly. I did have, as I said, I had three buyers that they wouldn't negotiate. The Sato brothers wouldn't negotiate a lease.

FIRE CHIEF GERALD REARDON: And they weren't willing to look at other alternative locations?

BONNEY BOULEY: Well, they started to.

But they always said there was always a block, some kind of block but I have somebody, as I said, that I just spoke to an hour ago and I will certainly do my best -- put it in the forefront of my life to go after people and try

to talk to them and network and see if there's any possibility of selling the license.

I also am putting it with two brokers. I never -- I wanted to take it down from the \$225,000 anyway. But they said "Let's keep it at that and then if we get buyers we'll negotiate afterwards."

My feeling is, I need to negotiate way, way before afterwards. I would like to get it way down so it is appealing to somebody.

FIRE CHIEF GERALD REARDON: Right, because right now it is quite obvious that -- they are not going to negotiate a lease at that location.

BONNEY BOULEY: Of course not.

FIRE CHIEF GERALD REARDON: So they have to move it to some other location?

BONNEY BOULEY: Exactly.

CHAIR NICOLE MURATI FERRER: Any other

questions?

Ready to vote?

FIRE CHIEF GERALD REARDON: Yes.

CHAIR NICOLE MURATI FERRER: So I think considering the amount of time that you've been closed but also considering the fact that the informational hearing was just had mid-last year, I would vote for a cancellation hearing in three months.

Does that work?

FIRE CHIEF GERALD REARDON: Obviously, this is going to be a finite thing.

Obviously, if you drive it hard in the next three months, I think that's a reasonable amount of time. Obviously, it has been extended and extended. So what is your feeling on --

BONNEY BOULEY: On three months?

FIRE CHIEF GERALD REARDON: Yes.

BONNEY BOULEY: I'm very grateful for

that.

FIRE CHIEF GERALD REARDON: I mean, that's in consideration of the 43 years you've been in the City of Cambridge and have very few issues at all, and obviously, I would agree with three months.

CHAIR NICOLE MURATI FERRER: So cancellation hearing in three months.

BONNEY BOULEY: Thank you very much.

ATTY ANDREW UPTON: Thank you.

APPLICATION: TRANSFER OF COMMON VICTUALLER ALL ALCOHOLIC BEVERAGES LICENSE FROM BOWERY TO FACILITY CONCESSION SERVICES, INC.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Transfer of common victualler all alcoholic beverages license from Bowery Cambridge, LLC, at 52 Church Street to Facility Concession Services, Inc., doing business as The

Sinclair at 52 Church Street, Jason Reed as proposed manager of record of a premise described as first floor has two exits and entrances, lounge, three bars, performance hall, stage, storage area, and restrooms. Second floor has dining room, two bars, kitchen, restrooms, mezzanine, and outdoor patio seating.

ATTY JAMES RAFFERTY: Good afternoon.

CHAIR NICOLE MURATI FERRER: Good afternoon.

Could you please state and spell your names for the record?

ATTY JAMES RAFFERTY: Good afternoon, Madam Chair. For the record, I'm James Rafferty. I'm an attorney with offices at 675 Massachusetts Avenue in Cambridge.

Appearing this evening -- this afternoon on behalf of the applicant, seated to my immediate right, is Jason Reed, R-E-E-D.

And Mr. Reed is the proposed manager for the new licensee.

And to Mr. Reed's right is Josh Bhatti B-H-A-T-T-I. Mr. Bhatti is the current licensee -- current manager on this license.

CHAIR NICOLE MURATI FERRER: Thank you.

Now, this is going from Bowery to a Facility Concessions, so basically from James Clancy to the Facility Concessions who has two interest holders, yes?

ATTY JAMES RAFFERTY: Correct.

The broader picture here is that the Facility Concession Services, which does business as the Spectrum, operates as a concessionaire in two other locations in Boston.

One at the Colonial Theatre, which you may be aware has been closed now for a year. And the other is the Charles Street Playhouse.

Mr. Bhatti's company has -- you will

recall the space contains a significant music venue as a music hall in the rear and a restaurant in the front.

The operation of the restaurant, the food and beverage work associated therewith is not the principal business of Bowery. They are primarily in the entertainment business, the music business, if you will.

They entered into a relationship with a concessionaire.

I would say it is akin to the food and beverage concession licensees at hotels that ordinarily engage in with concessionaire operators.

So the license would be transferred.

The consideration for the license is the assumption of the note, the existing note. There was a \$250,000 note funded by the landlord at the time of the acquisition and the transfer of the

license in 2011.

The filing here reflects the fact that Facility Concession Services will assume the payments under that note. And they will be responsible for the service and sale of alcohol.

All the employees involved in the preparation of food and service of alcohol will be employees of the licensee.

The entertainment license, however, will remain. It is proposed to remain with the Bowery.

So Mr. Bhatti will continue to have overall operational control as far as the music venue is concerned that includes the selling of tickets, the promotion of events, and the security associated with patrons in the music hall.

CHAIR NICOLE MURATI FERRER: So then,

unlike the other concessionaire agreement that we had seen before, so the license -- the liquor license will be held by the concessionaire in this case?

ATTY JAMES RAFFERTY: Yes.

CHAIR NICOLE MURATI FERRER: And all the -- so this is why we don't have a concessionaire agreement because basically all the employees would be employees --

ATTY JAMES RAFFERTY: That's correct.

CHAIR NICOLE MURATI FERRER: And Mr. Reed, you are an employee of the concessionaire?

JASON REED: Yes, ma'am.

ATTY JAMES RAFFERTY: He is currently serving as the manager on two other licenses that Spectrum has, the two licenses I referred to.

The one providing alcohol service at the Charles Playhouse and at the Colonial Theatre.

CHAIR NICOLE MURATI FERRER: And, Mr. Bhatti, the understanding is that Mr. Reed will be at the premises any time the venue is operating, is that correct?

JOSH BHATTI: With the management team, correct. It is a seven-day-a-week operation.

ATTY JAMES RAFFERTY: But Mr. Reed's focus will be food and alcohol. And the three elements of the operation, as you described them to me, were production -- on the entertainment side.

JOSH BHATTI: Producing the concert, security for the concert, ticket sales and box office operations.

CHAIR NICOLE MURATI FERRER: So, in theory, your employees will not be the -- handling or the service of alcohol?

JOSH BHATTI: Yes.

ATTY JAMES RAFFERTY: Yes.

Bowery employees will only be involved in the three tasks as described by Mr. Bhatti.

FIRE CHIEF GERALD REARDON: So under circumstances where there's a music venue, all the alcohol sales on the music side will be completely with the new concessionaire?

ATTY JAMES RAFFERTY: That's correct.

So the food is primarily in the restaurant.

The alcohol is in both portions of the premises, the restaurant side and performance side?

CHAIR NICOLE MURATI FERRER: And there's going to be a pledge of the license to 50 Church Street Realty Trust?

ATTY JAMES RAFFERTY: Right.

So that pledge is essentially reaffirmation of the underlying pledge, so the note that's being assumed has a pledge from the

current license holder, Bowery, to the lender.

In this case the lender wanted that pledge affirmed as the license is transferred and I think it was wise rather than to simply suggest that the prior pledge would transfer with the license.

I think it's questionable whether it would. And so the application here seeks an acknowledgment that the note as pledged previously will continue to -- the pledge will continue to exist as the security instrument for the note that's being assumed.

CHAIR NICOLE MURATI FERRER: Okay.

Mr. Reed, I note for the record that you have been the manager on a liquor license before and have had no disciplinary issues with the local board or the ABCC, is that correct?

JASON REED: Yes.

CHAIR NICOLE MURATI FERRER: Are you up

to date with the rules and regulations of this board, the ABCC, and the laws of the Commonwealth with regard to the sale and service of alcohol.

JASON REED: Yes.

CHAIR NICOLE MURATI FERRER: Do you understand that we expect you to stay updated with those rules, laws, and regulations?

JASON REED: Yes.

CHAIR NICOLE MURATI FERRER: Are you still a US citizen?

JASON REED: Yes.

CHAIR NICOLE MURATI FERRER: And Mr. Rafferty --

ATTY JAMES RAFFERTY: This is the fun part of the hearing.

CHAIR NICOLE MURATI FERRER: I think you may go back to your office and tell them they did it all right this time.

ATTY JAMES RAFFERTY: Commissioner

Larrabee, this is such a unique moment that it is worth noting. I am very appreciative of that determination.

CHAIR NICOLE MURATI FERRER: Everything else is staying the same in terms of the operation? The amount of seats, no alterations in terms of premises or anything of that nature?

ATTY JAMES RAFFERTY: Very good point.

Nothing changing. Hours of operation, capacity, physical premises, everything remains the same.

CHAIR NICOLE MURATI FERRER: As you may or may not know, the reason we sent out different renewal applications this year was to confirm that the information we had here was correct and when we switched to an electronic system, some hours were put in automatically in terms of opening hours.

Are you guys really open at 8 a.m.?

JOSH BHATTI: We are not, no.

CHAIR NICOLE MURATI FERRER: Can you please tell me when you open?

JOSH BHATTI: So for brunch on weekends is 11 a.m., we open.

Weeknights we open at 5 p.m.

CHAIR NICOLE MURATI FERRER: Okay.

So Saturday and Sunday 11 a.m. opening.

And then any other -- Monday through Friday 5 p.m.?

JOSH BHATTI: Correct.

CHAIR NICOLE MURATI FERRER: Okay. All right. Thank you.

Any other questions?

FIRE CHIEF GERALD REARDON: No questions.

CHAIR NICOLE MURATI FERRER: Anyone in favor of this petition?

(No response.)

CHAIR NICOLE MURATI FERRER: Anyone in

opposition to this petition?

(No response.)

CHAIR NICOLE MURATI FERRER: I would vote to grant.

POLICE COMMISSIONER BRENT LARRABEE: Agree.

FIRE CHIEF GERALD REARDON: Agree.

CHAIR NICOLE MURATI FERRER: Granted.

APPLICATION: CILLSTIFIANN, INC.

D/B/A THE DRUID

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Cillstifiann, Inc., doing business as The Druid, holder of a common victualler all alcohol license at 1357 Cambridge Street has applied for a change of officers, directors, transfer of stock, and change of closing hour to 2 a.m., seven days per week.

CHAIR NICOLE MURATI FERRER: Good

afternoon.

Could you please state and spell your names for the record?

MICHAEL CRAWFORD: Martin Crawford.

THE REPORTER: Martin (sic), spell your last name again and speak up.

MICHAEL CRAWFORD: Crawford,  
C-R-A-W-F-O-R-D.

ATTY JAMES RAFFERTY: James Rafferty on behalf of the applicant.

CHAIR NICOLE MURATI FERRER: I need the corporate vote to have dates on it.

I also need the supplemental paperwork in terms of the changes of officers of the corporation. Have you filed that yet?

ATTY JAMES RAFFERTY: Yes. The change in the annual report now reflects the two new directors and removal of the former director.

CHAIR NICOLE MURATI FERRER: So Patrick

Sexton. You don't have a copy of that with you, do you?

ATTY JAMES RAFFERTY: Uhhhh ...

CHAIR NICOLE MURATI FERRER: If not, I'm sure we can print it. If it was filed, I am sure we can print it.

ATTY JAMES RAFFERTY: In fact, I confirmed with my office, it's already on-line.

We can produce it today or tomorrow or whatever.

Excuse me, would you want us to date this right now?

CHAIR NICOLE MURATI FERRER: Yeah, yeah. Go ahead. If you know the date when the meeting would happen, yes. If you don't, Counselor, then I would suggest you don't do so.

ATTY JAMES RAFFERTY: Something tells me that it is December 27 but we should confirm that.

CHAIR NICOLE MURATI FERRER: Yes.

Then basically what we are doing is we're removal Patrick Sexton, is that right?

ATTY JAMES RAFFERTY: Patrick Sexton and Mr. Crawford were each 50 percent shareholders for several years, and Mr. Crawford, for the record, has acquired Mr. Sexton's interest.

So he's, obviously, no longer a shareholder. He's no longer a director. And the application also seeks to add two additional directors, Bennett Sawyer and Dennis Morris (sic) and those filings have been made.

THE REPORTER: Can I have the spelling of Bennett's last name?

ATTY JAMES RAFFERTY: S-A-W-Y-E-R.

Morris, does it have two Rs?

MICHAEL CRAWFORD: M-O-R-S-E, Morse.

ATTY JAMES RAFFERTY: Oh, Morse

M-O-R-S-E.

CHAIR NICOLE MURATI FERRER: Mr. Crawford, you are staying as the manager of record?

ATTY JAMES RAFFERTY: Yes.

MICHAEL CRAWFORD: Yes.

EXECUTIVE DIRECTOR ELIZABETH LINT: Those backgrounds are fine.

CHAIR NICOLE MURATI FERRER: Mr. Rafferty, was your application one of the ones that couldn't be filed because the ABCC was down on-line?

ATTY JAMES RAFFERTY: Yes. We were scheduled for last month and something to do with the electronic system, we wound up coming now rather than December.

CHAIR NICOLE MURATI FERRER: Okay. Can you tell us what is the need for the changes in hours?

ATTY JAMES RAFFERTY: Well, I was

discussing it with Mr. Crawford. He's operated the establishment now for many years, since he was associated with the prior owner.

But the demand in the area has increased. There's an increasing number of restaurants in the Inman Square area and I'm informed by Mr. Crawford there's an increase in late night business, he intends to -- currently keeps the kitchen open until 11. If the approval were increased, he -- approved, he would extend the kitchen hours until 12.

And he would like to be able to service particularly the hospital population, which is nearby and frequents the establishment, as well as other people in the restaurant industry find this an appealing late night venue, so he finds he has late night food demand from servers in the restaurant community that don't stay open as late.

CHAIR NICOLE MURATI FERRER: Mr.

Crawford, are you really open at 8 a.m., seven days a week.

MICHAEL CRAWFORD: No.

CHAIR NICOLE MURATI FERRER: Can you tell me when you open please?

MICHAEL CRAWFORD: We open at 10 Tuesday, Wednesday, Thursday, Friday, Saturday.

And Sunday we open at 11.

CHAIR NICOLE MURATI FERRER: Thank you.

Any questions?

POLICE COMMISSIONER BRENT LARRABEE:

Yeah, obviously, I need a little information because I just got here. I would ask to postpone and I would like to look at the site, physically look at the site, just so I have a sense where exactly it is and what kind of neighborhood it is and all of that.

FIRE CHIEF GERALD REARDON: There's no

premises change?

ATTY JAMES RAFFERTY: No. This is --

FIRE CHIEF GERALD REARDON: The only differences in the -- is on the physical changes would be the request to stay open until 2 a.m. as opposed to the present which is now 1?

ATTY JAMES RAFFERTY: No, it is 2 a.m.

But this would allow the 2 a.m. on nights other than the Thursday, Friday, Saturday.

CHAIR NICOLE MURATI FERRER: They have --

ATTY JAMES RAFFERTY: It is currently 2 a.m.

POLICE COMMISSIONER BRENT LARRABEE: This would be Tuesday and Wednesday is what you are asking for?

CHAIR NICOLE MURATI FERRER: Sunday through Wednesday.

ATTY JAMES RAFFERTY: Yeah.

So essentially seven days.

POLICE COMMISSIONER BRENT LARRABEE: I thought you said -- I didn't hear you say you were open Monday.

MICHAEL CRAWFORD: Yeah, we were.

ATTY JAMES RAFFERTY: I think the starting time on Monday was a little different.

MICHAEL CRAWFORD: 10:00 Monday.

ATTY JAMES RAFFERTY: The -- and I understand the need to understand physically, but the -- they've enjoyed a 2 a.m. license for years without incident so this wouldn't be going from 1 to 2 on those nights. It would be consistent with --

FIRE CHIEF GERALD REARDON: I'm aware of that. I just want to make sure you state for the record what it is now. This is not -- not breaking new ground to a 2 a.m. that hasn't been issued to you. You have a 2 a.m. on selected nights.

ATTY JAMES RAFFERTY: This is the Socratic method that will be made in months from now in asking questions you already know the answers to, Chief. I appreciate --

FIRE CHIEF GERALD REARDON: It's my hallmark.

ATTY JAMES RAFFERTY: Yes, it definitely is acknowledged.

FIRE CHIEF GERALD REARDON: So just maybe we could articulate clearly what nights they are open until 2 a.m. right now.

ATTY JAMES RAFFERTY: Currently they have a 2 a.m. nights on Thursday, Friday, Saturday and Sundays before Monday holidays.

The amendment would extend the 2 a.m. license to the balance of the week.

FIRE CHIEF GERALD REARDON: I guess one question I asked was knowing the ebbs and flows of the restaurant business, is it absolutely

necessary on every night of the week as opposed to --

ATTY JAMES RAFFERTY: I think you acknowledged that it's unlikely on Sunday, isn't that fair to say?

MICHAEL CRAWFORD: Yeah, we have a lot of people that come from the hospital late at night, and from the local restaurants when they finish.

ATTY JAMES RAFFERTY: Might you consider modifying the request to only be Monday, Tuesday, Wednesday and not go the 2 a.m. on Sundays.

You suggested you didn't have a lot of business on Sunday.

MICHAEL CRAWFORD: If it is a holiday Monday we have --

ATTY JAMES RAFFERTY: That's protected already.

CHAIR NICOLE MURATI FERRER: Well, anyways we have to wait for the --

ATTY JAMES RAFFERTY: The --

CHAIR NICOLE MURATI FERRER: -- the  
corporate vote.

ATTY JAMES RAFFERTY: The corporate vote  
and the -- -

CHAIR NICOLE MURATI FERRER: Since we are  
waiting for the corporate vote --

ATTY JAMES RAFFERTY: And the annual  
report.

CHAIR NICOLE MURATI FERRER: And you will  
give me the new annual report.

ATTY JAMES RAFFERTY: Oh, no, I think  
this is not one of those we need it in a real big  
hurry. So I understand Commissioner's desire to  
take a look at it.

CHAIR NICOLE MURATI FERRER: And if  
between now and then -- I mean this would be  
deferred to our next meeting, which I think is  
February 25 -- January 25, I'm sorry.

And so if anything changes in terms of your request between now and then, please let us know, otherwise, we'll vote it on January 25 bearing any other questions that the Commissioners may have, and in that case, we'll reach out to counsel, so you can come back with your client and answer those questions.

ATTY JAMES RAFFERTY: We'll plan on attending on the 25th anyhow.

CHAIR NICOLE MURATI FERRER: If you want. You don't have to. You are more than welcome to. It is an open meeting.

Is anyone in favor of this petition?

(No response.)

CHAIR NICOLE MURATI FERRER: And I will state for the record that the East Cambridge Business Association did submit to us a letter in support of 2 a.m. closing for the rest of the week.

And we also got a letter from the Councillor Toomey also going on the record in support of the 2 a.m. extension for the rest of the week.

Anyone in opposition to this petition?

(No response.)

CHAIR NICOLE MURATI FERRER: The matter it deferred.

FIRE CHIEF GERALD REARDON: Can I just suggest that the sooner you make a decision, the sooner the better as opposed to the morning thereof, if you are making a change.

ATTY JAMES RAFFERTY: In terms of the modification?

FIRE CHIEF GERALD REARDON: Yes.

ATTY JAMES RAFFERTY: Oh, definitely. Right.

To be candid, we had discussed it and then when you raised the question, I thought it

might be --

FIRE CHIEF GERALD REARDON: I'm glad I raised the question.

ATTY JAMES RAFFERTY: Thank you once again.

APPLICATION: DEANTA CORPORATION

D/B/A PHOENIX LANDING.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Deanta Corporation doing business as Phoenix Landing, holder of a common victualler all alcohol license at 512 Mass Ave has applied for a change of hours to close at 2 a.m., seven days per week.

CHAIR NICOLE MURATI FERRER: Good afternoon.

Please state and spell your name for the record.

JOSEPH THOMAS McCABE: I'm Joseph Thomas McCabe, C-A-B-E (sic). M-C-C-A-B-E.

THE REPORTER: Hold on. Spell your whole name for me.

JOSEPH THOMAS McCABE: Joseph Thomas McCabe.

THE REPORTER: J-O-S-E-P-H? T-H-O-M-A-S?

JOSEPH THOMAS McCABE: Yup. M-C-C-A-B-E.

THE REPORTER: Thank you.

KEVIN TREANOR: Kevin Treanor, K-E-V-I-N T-R-E-A-N-O-R.

CHAIR NICOLE MURATI FERRER: Thank you.

Good afternoon.

Same question as the other people. Are you guys really open at 8 a.m.?

KEVIN TREANOR: Sometimes.

CHAIR NICOLE MURATI FERRER: Oh. Okay.

JOSEPH THOMAS McCABE: National sports events and sometimes they come in 8:00 in the morning.

KEVIN TREANOR: Usually the weekend, but

sometimes.

CHAIR NICOLE MURATI FERRER: Okay.

Thank you.

Can you tell us what the public need for the extension to 2 a.m.?

And just to be clear this would also just be Sunday through Wednesday since you already have a 2 a.m. Thursday through Saturday.

KEVIN TREANOR: We found on those Monday, Tuesday and Wednesday we lost a lot of people to the Charles Hotel or to Boston.

And we get a lot of hospitality people from the other restaurants in the neighborhoods and they always complain they have to leave at 1:00 especially during the week when they want to have a few beers.

CHAIR NICOLE MURATI FERRER: And for our new Commissioner's benefit, can you tell us how long you have been at this location and how long

you have been operating since then?

KEVIN TREANOR: The Phoenix Landing has been open 21 years. We have been part of the city for over 26, 27 years. Joe lives in Cambridge. We started The Druid, actually that's where we met.

JOSEPH THOMAS McCABE: We helped open The Druid with the original owner and then we moved to Central Square.

FIRE CHIEF GERALD REARDON: I have the same question, do you believe Sunday night is a 2 a.m. license as well?

JOSEPH THOMAS McCABE: Sometimes. Certain times of the year, it is better to have it than not have it. Not that we use 52 weeks a year but we would rather have it than -- make it a seven day, 2:00 rather than confuse anybody.

People from outside Cambridge will stay around and then at twenty of one, they started to

see action and what's going on, dah-dah-dah, and they go straight over to the bridge. That's been going on since -- since we got here. Especially the smaller towns like Inman and Porter, they -- you are there. They are not going to go to Boston from there. But Cambridge, it is straight across the bridge.

KEVIN TREANOR: They have the option. I notice a lot of people will leave 12:30, 12:45 and head up to the Charles Hotel because it is open until 2:00 every night. We would like to have people in our restaurant until then.

JOSEPH THOMAS McCABE: There's a lot more restaurants and people in Central Square than -- seven years ago we wouldn't be thought this way, but the last seven, eight, nine years.

FIRE CHIEF GERALD REARDON: I guess I was referring to the Sunday night as a regular --

CHAIR NICOLE MURATI FERRER: Anyone in

favor of this petition?

(No response.)

CHAIR NICOLE MURATI FERRER: Anyone in opposition to this petition?

(No response.)

CHAIR NICOLE MURATI FERRER: Again, we are going to defer this to January 25 and that will give us an opportunity and certainly the new commissioner to get up to speed.

Thank you.

KEVIN TREANOR: Thank you very much.

JOSEPH THOMAS McCABE: Thank you very much. Appreciate it.

CHAIR NICOLE MURATI FERRER: Cosco Landscape.

(No response.)

Okay. Second call.

CHAIR NICOLE MURATI FERRER: Again, John's Landscape was continued.

EXECUTIVE DIRECTOR ELIZABETH LINT: To  
February 8.

VIOLATION: LESLEY UNIVERSITY

EXECUTIVE DIRECTOR ELIZABETH LINT:

Violation: Lesley University, holder of leaf  
blower permit #10011 for alleged violation of  
Cambridge Municipal Ordinance 8.16.081.2(e)  
operating leaf blower. Specifically it is  
alleged that on November 21, 2016 you were in  
violation of the ordinance.

CHAIR NICOLE MURATI FERRER: Good  
afternoon.

Could you please state and spell your  
names for the record?

ANDY FAULKNER: Andy Faulkner A-N-D-Y.  
F-A-U-L-K-N-E-R.

THE REPORTER: Say it a little slower.

F-A --

ANDY FAULKNER: F-A-U-L-K-N-E-R.

CHAIR NICOLE MURATI FERRER: Your name,  
sir?

MATTHEW KUKULKA: Matthew Kukulka.  
K-U-K-U-L-K-A.

THE REPORTER: Matthew, can you spell  
your name again and slower?

MATTHEW KUKULKA: K-U-K-U-L-K-A.

THE REPORTER: K-U-L-K-A. Thank you.

ANDREA BOYER: Andrea Boyer, B-O-Y-E-R.  
Chief investigator, License Commission.

CHAIR NICOLE MURATI FERRER: Ms. Lint,  
could you swear them in.

(Individuals sworn).

CHAIR NICOLE MURATI FERRER: Is Jo  
Sollett here?

(No response.)

CHAIR NICOLE MURATI FERRER: Ms. Boyer?

ANDREA BOYER: We got a report that two  
leaf blowers were being used side by side on

November 21, 2016 and using a noncompliant push blower.

Here are some pictures.

I don't know if you want them in color.

The previous history is that on April 7, 2016, a cease and desist order was sent to Lesley University for notice of violation and warning of improper use of leaf blowers and need for permitting, specifically two individuals using a leaf blower simultaneously less than 10,000 feet apart, square feet apart.

The second letter on April 19, 2016 states that the April 7 letter may not have reached the appropriate people. Therefore, a hearing was not set.

In that same letter, another complaint made on April 16, 2016, notes that two leaf blowers were being used within a few feet of one another, 81 Oxford Street, and that permitting

still had not been applied for.

CW Services was applied and was approved on April 20, 2016.

June 30, 2016, CW's permit was cancelled per request of Lesley University's representative, Robert Baker. Mr. Baker also left his position at Lesley.

September 17, 2016, Lesley University was informed that they must reapply and cease and desist use until another application is filled out.

On October 4, 2016, Lesley University applied marking that they had read and understood the rules and regulations and were issued a new permit on October 5.

The permit granted approval to use two Echo PD-670 LM leaf blowers.

It was also noted that Jo Sollett, that the gentleman that replaced Mr. Baker was Andy

Faulkner who came to the workplace of said location with and discussed options going forward.

CHAIR NICOLE MURATI FERRER: With Mr. Sollett?

ANDREA BOYER: Yes.

Those letters and cease and desist are here as well if you need copies.

CHAIR NICOLE MURATI FERRER: So basically what we are here for is the November 21, they used the -- both of these leaf blowers side by side and then the push leaf blower, is that correct?

ANDREA BOYER: Yes.

CHAIR NICOLE MURATI FERRER: Mr. Faulkner?

ANDY FAULKNER: On the violation I do believe it says the address of 9, 13 and 15 Wendell Street, which is not the property of

Lesley University.

CHAIR NICOLE MURATI FERRER: Are you looking at the December 28 or the December 16?

ANDY FAULKNER: December 16.

CHAIR NICOLE MURATI FERRER: Then that was the amended December 28, correct?

Do you have the copy of the amended notice?

ANDY FAULKNER: I do have the copy here, yes.

CHAIR NICOLE MURATI FERRER: And that one does not have --

ANDY FAULKNER: Addresses.

CHAIR NICOLE MURATI FERRER: Does not have the incorrect date or incorrect address, is that correct?

ANDY FAULKNER: Correct.

CHAIR NICOLE MURATI FERRER: Okay. So you do understand that we're here for the

November 21 incident, and not for the incident that was clearly, unfortunately, sent to you by mistake but was --

ANDY FAULKNER: The only incident that I was involved with landscaping equipment was December 1 at St. Johns Road. That's the only one I was involved with since I've come onboard at Lesley University.

CHAIR NICOLE MURATI FERRER: So you never received notice of this (indicating)?

ANDY FAULKNER: The one in question with the pictures is at St. Johns Road when I received a call from one of my plant guys over there to say that a lady was complaining regarding the noise. At which stage I left and went straight over and I spoke to a lady who was there; Virginia.

CHAIR NICOLE MURATI FERRER: Do we have any record of that? I'm sorry.

ANDREA BOYER: This is the email from her for the November 21 that says the backpack and one push blower.

CHAIR NICOLE MURATI FERRER: But this is from Jo Sollett?

ANDREA BOYER: She forwarded it. She's kind of helping Miss Coleman.

CHAIR NICOLE MURATI FERRER: Let me get this straight.

So what you are saying is that the date that you spoke to these two -- at least one of these women was some time in December and not November 21?

ANDY FAULKNER: Yes.

CHAIR NICOLE MURATI FERRER: And when you went on December 1, were your employees using side by side blowers?

ANDY FAULKNER: No, they were not. We had outsourced the landscaping to Greenscapes.

And it was their equipment being used.

When I arrived on site and spoke to Virginia, I heard the equipment myself and I automatically shut them down.

CHAIR NICOLE MURATI FERRER: What equipment were you using, sir?

MATTHEW KUKULKA: On which day?

CHAIR NICOLE MURATI FERRER: Well, I would assume the first incident here since we have no one to testify as to the 21st.

MATTHEW KUKULKA: We were just using our typical leaf removal set-up.

CHAIR NICOLE MURATI FERRER: Which is?

MATTHEW KUKULKA: Two blowers and a vacuum truck.

CHAIR NICOLE MURATI FERRER: Okay.

And the blowers that you used, are these portable blowers?

MATTHEW KUKULKA: Yes.

CHAIR NICOLE MURATI FERRER: Do they comply with our ordinance?

MATTHEW KUKULKA: As far as I know, they do.

CHAIR NICOLE MURATI FERRER: Were your employees -- were you there that day?

MATTHEW KUKULKA: Yes, I was.

CHAIR NICOLE MURATI FERRER: Were your employees using them side by side?

MATTHEW KUKULKA: I don't know. I got there after I received the complaint.

CHAIR NICOLE MURATI FERRER: And when you were there, Mr. Faulkner, you only saw -- you didn't see them using them side by side?

ANDY FAULKNER: They were a little distance apart.

CHAIR NICOLE MURATI FERRER: Were they more than 10,000 square feet apart from each other?

ANDY FAULKNER: I would have to say they were not more than 10,000 square feet apart.

CHAIR NICOLE MURATI FERRER: Okay.

Now -- I'm sorry. You called it the blowers and then you said something else.

MATTHEW KUKULKA: The vacuum truck.

CHAIR NICOLE MURATI FERRER: And the vacuum truck is not that push blower that we see here?

MATTHEW KUKULKA: That's on the 21st. That's a push blower.

CHAIR NICOLE MURATI FERRER: This wasn't there on the 1st?

ANDY FAULKNER: I saw two backpack blowers on the 21st, along with the leaf vacuum.

CHAIR NICOLE MURATI FERRER: What equipment did you ask them to shut down?

ANDY FAULKNER: Everything until I was able to talk to Virginia, and tell her that we

would, in fact, speak to Greenscapes and make sure this does not happen again.

CHAIR NICOLE MURATI FERRER: Okay.

ANDY FAULKNER: At that point they shut everything down and started doing everything by hand.

CHAIR NICOLE MURATI FERRER: Are you aware that the blowers can't be used less than 10,000 square feet apart from each other?

MATTHEW KUKULKA: Yes.

CHAIR NICOLE MURATI FERRER: Are your employees aware of that?

MATTHEW KUKULKA: They should be. But they weren't in this case.

CHAIR NICOLE MURATI FERRER: What have you done to make them aware of it?

MATTHEW KUKULKA: We have cleared that up, most absolutely.

CHAIR NICOLE MURATI FERRER: You know

that we have kind of one-pager cheat sheets for employees with regard to all the ordinances, is that correct?

MATTHEW KUKULKA: Yes.

CHAIR NICOLE MURATI FERRER: Anything else?

ANDY FAULKNER: I just want to follow the rules and regulations of the Cambridge board and which I will make happen going forward.

CHAIR NICOLE MURATI FERRER: So this is what I would -- are we ready? I'm sorry. Do you guys have any questions?

FIRE CHIEF GERALD REARDON: No.

POLICE COMMISSIONER BRENT LARRABEE: No.

CHAIR NICOLE MURATI FERRER: So I would not find a violation with regard to the November 21st incident since we don't have anyone to testify to that.

I would find a violation for the December

1st incident.

And I would issue a fine of \$300 for it for using the blowers within less than 10,000 square feet apart.

FIRE CHIEF GERALD REARDON: Were both blowers in operation when you saw them?

ANDY FAULKNER: I believe they were.

I was more hearing the noise of the leaf vacuum more than I was hearing the backpack blowers. Honestly, they probably were. In my opinion they were but I was more focused --

FIRE CHIEF GERALD REARDON: The backpack blowers could be at idle versus being used.

ANDY FAULKNER: Right. I was more focused in on the leaf vacuum, which was making the most noise.

FIRE CHIEF GERALD REARDON: I would tend to go with a warning on this.

I don't think all this evidence is

conclusive.

CHAIR NICOLE MURATI FERRER: I mean, I think it is conclusive in terms of them admitting to it, which I appreciate, but you know, it is not like this is a new ordinance.

This ordinance has been around for a while. It is not like Lesley is not aware of the issue.

ANDY FAULKNER: Just in my defense, I'd just come onboard, I wasn't aware of the ordinance, which I am now. And I intend to adhere to that. Be it our own people or be it an outside contractor, that will be adhered.

POLICE COMMISSIONER BRENT LARRABEE: The question was, can we put it on hold and if they come back with another violation, then we would impose a fine at that time as well as deal with the next violation.

FIRE CHIEF GERALD REARDON: I would be

amenable to that.

CHAIR NICOLE MURATI FERRER: We would issue a violation with a fine of \$300 that would be stayed for a period of six months provided that there are no other violations, and if there are other violations, then they would pay the \$300 and whatever else we issue at that time.

POLICE COMMISSIONER BRENT LARRABEE:  
That's correct.

FIRE CHIEF GERALD REARDON: Yes.

CHAIR NICOLE MURATI FERRER: Okay.

POLICE COMMISSIONER BRENT LARRABEE: Give Mr. Faulkner a pass and give him an opportunity to --

ANDREA BOYER: You can't use them right now for the next few months anyhow.

POLICE COMMISSIONER BRENT LARRABEE:  
Right. So they should be in good shape.

CHAIR NICOLE MURATI FERRER: That's why I

said six months because the season will start in March and go through summer.

So violation for December 1, 2016 for using two blowers.

POLICE COMMISSIONER BRENT LARRABEE: I want assurances that have corrected that with your employees?

MATTHEW KUKULKA: I'm sorry?

POLICE COMMISSIONER BRENT LARRABEE: I want assurances that your employees are fully aware of the ordinance. Can you get me some assurance of that?

MATTHEW KUKULKA: We'll have a meeting and I'll send the minutes.

POLICE COMMISSIONER BRENT LARRABEE: I would appreciate that.

CANCELLATION: CDM INTERNATIONAL ENTERPRISES  
D/B/A O SUSHI

EXECUTIVE DIRECTOR ELIZABETH LINT:

Cancellation hearing of nonuse CDM International Enterprises, Inc., doing business as O Sushi, holder of a common victualler all alcohol license at 104 Mount Auburn Street pursuant to General Laws Chapter 138 Section 77 and General Laws Chapter 140, Section 9.

CHAIR NICOLE MURATI FERRER: Good afternoon.

Please state and spell your name for the record. You can sit down.

EMMANUEL LINOXILAKIS: Emmanuel  
E-M-M-A-N-U-E-L. Last name  
L-I-N-O-X-I-L-A-K-I-S.

CHAIR NICOLE MURATI FERRER: Good afternoon, Mr. Linoxilakis.

Okay, so last time we were here, we had an informational hearing for nonuse in July of 2016.

At that time it was noted that you guys

were trying to sell the license.

I do note for the record that we did receive a tax lien from the IRS as well on this license, is that correct?

EMMANUEL LINOXILAKIS: Yes.

CHAIR NICOLE MURATI FERRER: Are you still in the process of trying to sell the license?

EMMANUEL LINOXILAKIS: Yes. We are trying to sell the license but we haven't been very likely yet. And we had a deal with Mr. Chen from Boston but it didn't come through.

And right now, we have hired Atlantic Brokers and they are in charge of selling the license at this point.

CHAIR NICOLE MURATI FERRER: I also note that we have a letter from your partner Mr. Mueller (phonetic) with regard to your efforts to basically sell the license and you are asking for

another six months, is that correct?

EMMANUEL LINOXILAKIS: That's right.

FIRE CHIEF GERALD REARDON: How long has that been inactive?

CHAIR NICOLE MURATI FERRER: So they closed in July.

EMMANUEL LINOXILAKIS: We closed in July, yes.

CHAIR NICOLE MURATI FERRER: Questions?

FIRE CHIEF GERALD REARDON: No questions.

CHAIR NICOLE MURATI FERRER: So I think considering that we just had the informational hearing, that you just closed, and the efforts to move the license and also the tax lien we received from the IRS, I think a cancellation hearing in six months would be appropriate and hopefully that will give you enough time for you guys to sell the license, pay at least the government, and move forward.

FIRE CHIEF GERALD REARDON: Agreed.

CHAIR NICOLE MURATI FERRER: Good?

POLICE COMMISSIONER BRENT LARRABEE: Just because I'm new to the board, how many times do we have cancellation hearings?

CHAIR NICOLE MURATI FERRER: It depends. It depends on the specific facts of a particular situation.

POLICE COMMISSIONER BRENT LARRABEE: Okay.

CHAIR NICOLE MURATI FERRER: So it depends -- it is on a case-by-case basis.

POLICE COMMISSIONER BRENT LARRABEE: I agree.

CHAIR NICOLE MURATI FERRER: Okay. There will be a cancellation hearing in six months.

EMMANUEL LINOXILAKIS: Thank you so much.

INFORMATIONAL: HUAMULAN RESTAURANT, INC.

D/B/A MULAN TAIWANESE RESTAURANT

EXECUTIVE DIRECTOR ELIZABETH LINT:

Informational hearing for Huamulan Restaurant  
Incorporated doing business as Mulan Taiwanese  
Restaurant holder of a common victualler wine and  
malt license at 228 Broadway pursuant to General  
Laws Chapter 138 Section 77 and General Laws  
Chapter 140 Section 9.

CHAIR NICOLE MURATI FERRER: Good  
afternoon.

Could you please state and spell your  
names for the record?

ATTY WEI JIA: My name is Wei Jia. W-E-I  
J-I-A.

THE REPORTER: Hold on. Say your name  
again.

ATTY WEI JAI: W-E-I J-I-A.

THE REPORTER: Is that your first name or  
last name?

ATTY WEI JAI: W-E-I first name.

THE REPORTER: W-E-I is your first name.

Last name?

ATTY WEI JAI: J-A-I is last name.

THE REPORTER: Are you counsel?

ATTY WEI JAI: Counsel, yes. Counsel for  
Huamulan.

THE REPORTER: Counsel for?

ATTY WEI JAI: Huamulan. H-U-A-M-U-L-A-N  
Restaurant, Inc.

THE REPORTER: Speak a little slower,  
counsel, that would be good.

CHAIR NICOLE MURATI FERRER: With you,  
counselor?

ATTY WEI JAI: Mr. -- the owner Shuihuang  
Hua. S-H-U-I-H-U-A-N-G.

THE REPORTER: Is that the first name,  
S-H-U-I?

ATTY WEI JAI: S-H-U-I-H-U-A-N-G, first  
name. And last name H-U-A.

CHAIR NICOLE MURATI FERRER: And last time we were -- the last update we received on this license was in February of 2016 when, counselor, I think you sent us a letter saying that your client expected to reopen in three months, is that --

ATTY WEI JIA: Yes, I did send a letter.

This is what happened to update the board. The landlord -- because there was a fire in December of 2014.

And the landlord finally completed the restoration of the roof in November -- October 2016.

Because my client has also acquired the next door space, which used to be a pizza place to expand the premises. So they signed a lease. The lease was signed on November 23. A new lease. Covering both spaces.

FIRE CHIEF GERALD REARDON: Was that

Beauty's?

ATTY WEI JIA: Yes.

And they are in the process of starting to construct a new space to make it bigger.

And we are in the process of getting application ready to submit to the city and ABCC.

CHAIR NICOLE MURATI FERRER: Because you will be doing an alteration of premises?

ATTY WEI JIA: Yes. It is estimated that the restaurant will be open in April.

CHAIR NICOLE MURATI FERRER: So when do you -- when are you thinking of submitting that application?

ATTY WEI JIA: Next week.

CHAIR NICOLE MURATI FERRER: Okay. Because you know it can take a while for both approvals to get through.

ATTY WEI JIA: Yes, yes.

CHAIR NICOLE MURATI FERRER: Any questions?

POLICE COMMISSIONER BRENT LARRABEE: No questions.

FIRE CHIEF GERALD REARDON: No further questions.

CHAIR NICOLE MURATI FERRER: So I think consistent with what we've done after an informational hearing, I say we schedule a cancellation hearing for nonuse in six months provided you haven't opened. If you have opened, obviously that hearing wouldn't go forward.

So cancellation hearing in six months.  
Thank you.

ATTY WEI JIA: Thank you.

CANCELLATION: DIP DOG, INC.

D/B/A HUNGRY MOTHER

EXECUTIVE DIRECTOR ELIZABETH LINT:

Cancellation for nonuse Dip Dog, Incorporated

doing business as Hungry Mother, holder of a common victualler all alcohol license at 233 Cardinal Medeiros Ave pursuant to General Laws Chapter 138 Section 77 and General Laws Chapter 140 Section 9.

CHAIR NICOLE MURATI FERRER: Please state and spell your names for the record.

JOHN KESSEN: John Kessen, J-O-H-N K-E-S-S-E-N.

ATTY DAVID LIPSHUTZ: David Lipshutz. Seegel Lipshutz & Lo.

THE REPORTER: David, spell your last name for me.

ATTY DAVID LIPSHUTZ: L-I-P-S-H-U-T-Z.

RACHEL MILLER MUNZER: Rachel Miller. Munzer. M-I-L-L-E-R M-U-N-Z-E-R.

CHAIR NICOLE MURATI FERRER: Thank you.

Last time we were here was May of 2016 where we had an informational hearing and we were

informed that you guys had been inactive since November of 2015 although you had closed in July of 2015. And then we gave you six months as of May.

And what has been going on since?

JOHN KESSEN: We have been working with consultants and architects to assess what can be done for accessibility in the space. It has taken a considerable amount of time. We reached a point where we are currently filed with the MAAB for variances.

The added new information is that the plumbing board wanted us to add a third bathroom to the space based on the occupancy, and we went through the state plumbing board and they granted us the variance to maintain two bathrooms in the space. So that was an unexpected hurdle that we thankfully surpassed.

CHAIR NICOLE MURATI FERRER: The

remaining issues are with regard to accessibility and you are currently -- are you already in the pipeline for that hearing?

JOHN KESSEN: We have basically been approved. The MAAB wanted a written denial from the building code to use a lift on the internal stairs.

CHAIR NICOLE MURATI FERRER: Okay.

JOHN KESSEN: Because that would block egress for others. So we have that written approval that's going to the MAAB. Once that's signed off, we are ready to proceed with our contractor and get the space open because the other issue, which is even greater than the license, is the zoning issue of being a restaurant in a residential area and that is a two-year limit ending on July 3. So that's ultimately what is driving us to open.

CHAIR NICOLE MURATI FERRER: So the hope

would be that you open before July 3, correct?

JOHN KESSEN: Yes.

ATTY DAVID LIPSHUTZ: More than the hope.

CHAIR NICOLE MURATI FERRER: I do note for the record we received letters from the East Cambridge Business Association as well as Councillor Toomey with regard to the hurdles that you have encountered and going on the record pleading on your behalf for us to provide you guys more time.

ATTY DAVID LIPSHUTZ: You would have also received a letter from the landlord as well as to where we are in the process.

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

CHAIR NICOLE MURATI FERRER: Oh, Stephen Singer is the landlord's attorney, yes.

ATTY DAVID LIPSHUTZ: Right.

CHAIR NICOLE MURATI FERRER: You are right, we did receive a letter from him.

Questions?

FIRE CHIEF GERALD REARDON: So July 30 is your drop dead time?

JOHN KESSEN: July 3rd.

FIRE CHIEF GERALD REARDON: 3rd?

JOHN KESSEN: Yes.

CHAIR NICOLE MURATI FERRER: So I would say we have a cancellation hearing in July if you haven't opened, which, obviously, we all hope you get everything squared away before then. Okay?

POLICE COMMISSIONER BRENT LARRABEE: Yes.

CHAIR NICOLE MURATI FERRER: Cancellation hearing in July of 2017 unless you open before then.

BUCKINGHAM, BROWNE AND NICHOLS

EXECUTIVE DIRECTOR ELIZABETH LINT:

Violation. Belmont Landscaping alleged violation of Cambridge Municipality Ordinance 8.16.801.2(c) for operating leaf blowers on a parcel greater

than two acres. Specifically it is alleged that on November 19, 2016 at 11:30 a.m. at Santa Maria Hospital you were in violation of this ordinance.

DOUG ARBEELY: Doug Arbeely,  
A-R-B-E-E-L-Y.

ANDREA BOYER: Andrea Boyer.

CHAIR NICOLE MURATI FERRER: Swear them  
in.

(Party sworn).

CHAIR NICOLE MURATI FERRER: Ms. Boyer,  
would you like to start.

ANDREA BOYER: Thank you.

The violation at this time is that they were using leaf blowers on November 19, 11:30 at St. Luke's Hospital. Belmont Landscaping is not permitted to using leaf blowers in Cambridge.

A letter was sent to Belmont Landscaping informing them the leaf blower permit application must be filled out and submitted. No application

was received.

Yearly reminder letters to apply for leaf blowers were sent to Belmont Landscaping.

They applied and were approved for 2008 and 2010.

CHAIR NICOLE MURATI FERRER: So when were they sent the letter informing them that they needed a permit?

ANDREA BOYER: When we sent out the whole batch on February 19, 2016.

CHAIR NICOLE MURATI FERRER: Mr. Arbeely?

DOUG ARBEELY: Yes.

CHAIR NICOLE MURATI FERRER: What is going on?

DOUG ARBEELY: On the day in question, we were using a truckloader with rakes.

CHAIR NICOLE MURATI FERRER: You were using -- were you using blowers that day?

DOUG ARBEELY: No.

CHAIR NICOLE MURATI FERRER: No?

DOUG ARBEELY: No.

CHAIR NICOLE MURATI FERRER: And Mr.

Abrams -- is Mr. Abrams here?

FIRE CHIEF GERALD REARDON: You were using a power truck blower to load the truck manually?

DOUG ARBEELY: Truckloader, yes.

FIRE CHIEF GERALD REARDON: Manually using rakes to feed the --

DOUG ARBEELY: Along the parking lot.

CHAIR NICOLE MURATI FERRER: You are denying that your crews was using two leaf blowers November 19?

DOUG ARBEELY: Correct.

CHAIR NICOLE MURATI FERRER: Seeing how there's no live testimony, I would vote a no violation on this matter.

FIRE CHIEF GERALD REARDON: I believe I

witnessed it that day, and I have to agree with his testimony.

CHAIR NICOLE MURATI FERRER: There were two leaf blowers?

FIRE CHIEF GERALD REARDON: That there were not two leaf blowers.

CHAIR NICOLE MURATI FERRER: Oh, that there were not.

FIRE CHIEF GERALD REARDON: No.

CHAIR NICOLE MURATI FERRER: So you are agreeing with Mr. Arbeely?

FIRE CHIEF GERALD REARDON: Yes.

CHAIR NICOLE MURATI FERRER: Oh, I thought you were agreeing with Mr. Abrams.

FIRE CHIEF GERALD REARDON: No.

CHAIR NICOLE MURATI FERRER: Oh. Okay. Okay. I would vote a no violation.

POLICE COMMISSIONER BRENT LARRABEE: I agree.

CHAIR NICOLE MURATI FERRER: No  
violation.

EXECUTIVE DIRECTOR ELIZABETH LINT:  
Violation. Buckingham, Browne and Nichols.

CHAIR NICOLE MURATI FERRER: Buckingham  
Browne and Nichols?

Second call.

EXECUTIVE DIRECTOR ELIZABETH LINT:  
Coffeeshop, LLC doing business as UpperWest,  
holder of a general on premise all alcohol  
license at 1 Cedar Street, B, has applied for a  
change of hours to close at 2 a.m., seven days  
per week.

CHAIR NICOLE MURATI FERRER: Second call.  
Elm Street, LLC was removed and filed  
without a hearing.

APPLICATION: CLOVER FAST FOOD, INC  
D/B/A CLOVER FOOD LAB

EXECUTIVE DIRECTOR ELIZABETH LINT:

Clover Fast Food, Incorporated doing business as Clover Food Lab, holder of a common victualler license at 496 Mass Ave has applied for a new common victualler malt only beverages license to be exercised at 496 Mass Ave with proposed hours of 11 a.m. to 2 a.m., seven days a week with seating for 49 inside and 24 patio seats on the public sidewalk. Robert Christensen, as proposed manager of record of a premise described as 1490 square foot ground floor space with two entrances/exits, 250 square foot patio on the public sidewalk with 24 seats.

CHAIR NICOLE MURATI FERRER: Good afternoon.

Please state and spell your names for the record.

JOE SALSICH: Joe Salsich, S-A-L-S-I-C-H.

ROBERT CHRISTENSEN: Robert Christensen  
C-H-R-I-S-T-E-N-S-E-N.

MICHAEL MINICHELLO: Michael Minichello  
M-I-C-H-A-E-L M-I-N-I-C-H-E-L-L-O.

CHAIR NICOLE MURATI FERRER: Thank you.  
Who can tell me what the public need is  
for this license at this location?

ROBERT CHRISTENSEN: So at Clover we look  
at our current locations that have malt licenses  
both in Cambridge and Boston.

We look at being able to serve beers as  
an amenity to our current customers.

We don't look at it as a giant revenue  
stream for us. It isn't. It is a very small  
percentage of our sales.

But we do feel it enhances our offerings  
and makes our locations more of a social  
gathering spot than just a quick jump in get a  
sandwich and leave.

We also work very closely with local  
brewers. And we try to tie that just like we

work with our food is all local farmers and we try to support the local beer industry and provide this service to our guests.

CHAIR NICOLE MURATI FERRER: Is your intent to also offer this service in the patio?

ROBERT CHRISTENSEN: Yes. We currently possess an enclosed area that we'll set out once patio season and we'll promptly apply for the sidewalk permit once the process begins.

CHAIR NICOLE MURATI FERRER: Well, if you are granted a liquor license, the patio agreement changes significantly with regard to the sale and service of alcohol.

It has to go through City Council and then city manager and all that stuff.

But would your intent be to keep the hours of operation on the patio as it is currently which is 10 a.m. to 11 p.m.?

ROBERT CHRISTENSEN: We would like to

shut the patio down at those hours and then just focus our attention inside the establishment.

CHAIR NICOLE MURATI FERRER: And your current CV there, what are the hours?

ROBERT CHRISTENSEN: 24 hours a day, seven days a week.

CHAIR NICOLE MURATI FERRER: Mr. Christensen, are you the manager of the other liquor licenses at Clover?

ROBERT CHRISTENSEN: I'm not on Cambridge liquor licenses, no.

CHAIR NICOLE MURATI FERRER: You have been the manager with no disciplinary issues?

ROBERT CHRISTENSEN: I have in Foxboro and Boston.

CHAIR NICOLE MURATI FERRER: And currently there's -- I have the application, I see a fourth license listed here with regard to Clover as a liquor license, is that the Boston

license.

ROBERT CHRISTENSEN: 27 School Street in Boston and then we have one that we're looking to transfer on Holyoke Street to Mass. Ave.

CHAIR NICOLE MURATI FERRER: You have three here.

ROBERT CHRISTENSEN: Three in Cambridge. This would be the fourth.

CHAIR NICOLE MURATI FERRER: But you only have four liquor licenses in the state and the fourth one being in Boston.

ROBERT CHRISTENSEN: Yes. Foxboro is with another company.

CHAIR NICOLE MURATI FERRER: I was wondering because the new application we can't see the all the details that you put in, so it is kind of hard for us when we are reviewing this.

ROBERT CHRISTENSEN: Happy to answer. Sure.

CHAIR NICOLE MURATI FERRER: I do have a beef in Clover has not paid its fines due to us with regard to the noise violation that we issued to Clover. Not this location but the other location.

But since you're all the same ownership, so I would be inclined to defer my vote on this application for two reasons: One, again, as we have been doing tonight, so that we can allow the new commissioner to learn the lay of the land and kind of take a look at these places, where they are located before we vote; and also in my opinion I think we shouldn't really be voting on this until you settle your arrears with the city.

ROBERT CHRISTENSEN: I'm aware of that status, of that issue. I can understand that. And I plan to get that taken care of in the absolute immediate future.

CHAIR NICOLE MURATI FERRER: Mr.

Christensen, are you up to date with the rules and regulations of this board, the ABCC and the laws of the Commonwealth of Massachusetts with regard to sale and service of alcohol?

ROBERT CHRISTENSEN: I am.

CHAIR NICOLE MURATI FERRER: Do you understand we expect you to stay up to date with the rules?

ROBERT CHRISTENSEN: Yes.

CHAIR NICOLE MURATI FERRER: Are you still a US citizen?

ROBERT CHRISTENSEN: I am.

If it pleases the board we have a petition with the local residents and business owners who signed in favor, including a City Councillor, and these are the notices I sent out to the abutters. I don't know why only two came back.

CHAIR NICOLE MURATI FERRER: Do you guys

have any questions?

POLICE COMMISSIONER BRENT LARRABEE: I  
have none.

CHAIR NICOLE MURATI FERRER: Any  
questions?

FIRE CHIEF GERALD REARDON: No.

CHAIR NICOLE MURATI FERRER: Anyone in  
favor of this petition?

Sir, please come up and state and spell  
your name for the record. If you are a resident,  
kindly tell us.

MICHAEL SIMON: My name is Michael Simon  
S-I-M-O-N. And I'm the manager of Central  
Property Management, LLC, which is the entity  
that owns and manages the building that Clover is  
in, in that location.

And I just wanted to say that I found  
Clover to be highly respectable and very  
community conscious.

They are there and they are not just operating a restaurant. They are looking. They are paying attention. They are very responsive if there's any issues that come up, which very seldom do.

But I consider them to be a real positive for that location because of their caring about the community.

And I also found -- not only do I find the Clover organization to be exemplary, but the staff that works at the Clover in Central Square is very high quality.

And I think that whatever they do with adding alcohol will only be an enhancement to their offerings. It would not be a stand-alone thing.

They have wonderful products, coffee, vegetarian items and I can only say -- I can only give them the highest compliments for what they

have done.

And my family has been involved and owned that property for more than 60 years. I do have a reputation of being very, very fastidious about safety and about caring about the community and I want to say that Clover is a model of this.

CHAIR NICOLE MURATI FERRER: Anyone in favor of this petition?

(No response.)

CHAIR NICOLE MURATI FERRER: Anyone in opposition to this petition?

(No response.)

CHAIR NICOLE MURATI FERRER: We'll defer the matter to January 25.

EXECUTIVE DIRECTOR ELIZABETH LINT: Do you want to do second calls?

CHAIR NICOLE MURATI FERRER: Let's do the administrative matters and then do the second calls.

## ADMINISTRATIVE MATTERS

EXECUTIVE DIRECTOR ELIZABETH LINT:

Clover Fast Food Incorporated located at 485 Mass. Ave has applied for an entertainment license for an audio tape machine, CD, computerized digital media playing music below conversation level.

CHAIR NICOLE MURATI FERRER: Granted.

You know what, I would hold off on all the Clover ones until we get them all paid up but that would be my vote.

FIRE CHIEF GERALD REARDON: I agree. I second that.

CHAIR NICOLE MURATI FERRER: So deferred.

POLICE COMMISSIONER BRENT LARRABEE: And that will give me time to take a look at it.

SUMIAO XIANG RESTAURANT, LLC

EXECUTIVE DIRECTOR ELIZABETH LINT:

Sumiao Xiang Restaurant, LLC has informed the

License Commission that they are under construction and plan to operate by mid-April 2017.

CHAIR NICOLE MURATI FERRER: This one has been approved.

It was approved on August and we sent them a letter asking them what their status was.

EXECUTIVE DIRECTOR ELIZABETH LINT: That's correct. It is just a complete new build.

FIRE CHIEF GERALD REARDON: What location is this?

EXECUTIVE DIRECTOR ELIZABETH LINT: I forget where it is.

CHAIR NICOLE MURATI FERRER: Board acknowledges.

SUMIAO XIANG RESTAURANT, LLC

EXECUTIVE DIRECTOR ELIZABETH LINT: Sumiao Xiang Restaurant, LLC has applied for an entertainment license for media playing music

above conversational level and a phonograph record machine, TV, video screen and film projector.

I think it is below conversational level and it got crossed out.

CHAIR NICOLE MURATI FERRER: Do we have ISD stuff on this?

EXECUTIVE DIRECTOR ELIZABETH LINT: Not yet.

CHAIR NICOLE MURATI FERRER: I would hold off on this. Defer on this as well. It is not like in any hurry.

KAYA-KA, INC.

EXECUTIVE DIRECTOR ELIZABETH LINT:  
Kaya-Ka Incorporated doing business as Porterhouse Grill, has informed the Commission that they will open the restaurant as soon as they hire a chef.

Same situation. I sent a letter

requesting their status.

CHAIR NICOLE MURATI FERRER: But this is the one that went into the hotel?

EXECUTIVE DIRECTOR ELIZABETH LINT:  
That's correct.

CHAIR NICOLE MURATI FERRER: And the hotel is currently operating.

EXECUTIVE DIRECTOR ELIZABETH LINT: It is open.

CHAIR NICOLE MURATI FERRER: I would say the board acknowledges. The board acknowledges.

PHI BETA EPSILON

EXECUTIVE DIRECTOR ELIZABETH LINT: Phi Beta Epsilon, 400 Memorial Drive, holder of license No. LIN10077, is requesting a change of manager from Matthew Angle to Roy Russell.

CHAIR NICOLE MURATI FERRER: Did we run the CORI on this?

EXECUTIVE DIRECTOR ELIZABETH LINT: No.

We don't usually on the MIT's.

CHAIR NICOLE MURATI FERRER: Yes.

EXECUTIVE DIRECTOR ELIZABETH LINT: I don't think we have the information.

CHAIR NICOLE MURATI FERRER: We can get it from him.

POLICE COMMISSIONER BRENT LARRABEE: Defer on that one?

CHAIR NICOLE MURATI FERRER: Yeah.

POLICE COMMISSIONER BRENT LARRABEE: To get information?

CHAIR NICOLE MURATI FERRER: The CORI. We have to run the CORI on the manager.

JCNA

EXECUTIVE DIRECTOR ELIZABETH LINT: JCNA doing business as Wafuya, has notified the License Commission that they will be closed for renovations from December 19 through January 19, 2017.

CHAIR NICOLE MURATI FERRER: Okay, and it looks like, based on this email from their attorney, they are going to have to take out an application so clearly there's going to be some alteration of the premises here. The board acknowledges.

PR RESTAURANTS, LLC

EXECUTIVE DIRECTOR ELIZABETH LINT: PR Restaurant, LLC doing business as Panera Bread is requesting a change of hours from 6 a.m. to 9 p.m. Sunday to Saturday to be 7 a.m. to -- Sunday 7 a.m. to 10 p.m. and Monday through Saturday 6 a.m. to 10 p.m.

CHAIR NICOLE MURATI FERRER: They are extending their closing hours to 10 p.m. and opening an hour later on Sunday at 7 a.m.

EXECUTIVE DIRECTOR ELIZABETH LINT:  
Right.

CHAIR NICOLE MURATI FERRER: I would vote

to grant.

POLICE COMMISSIONER BRENT LARRABEE:

Seconded.

CHAIR NICOLE MURATI FERRER: Granted.

FIRE CHIEF GERALD REARDON: What happened  
to No. 8?

EXECUTIVE DIRECTOR ELIZABETH LINT: I  
took that off.

CHAIR NICOLE MURATI FERRER: For the  
record East-West Trans has been taken off the  
list.

MALT AND WINE LICENSES WITH

OR WITHOUT ENTERTAINMENT

SCOTT FRASER

EXECUTIVE DIRECTOR ELIZABETH LINT: Scott  
Fraser on behalf of Ballet Theatre of Boston has  
applied for a malt and wine with entertainment  
license to be exercised at Jose Mateo Theatre,  
400 Harvard Street on February 17.

CHAIR NICOLE MURATI FERRER: Hold on.

I don't have them.

EXECUTIVE DIRECTOR ELIZABETH LINT: They are in the red file.

February 17, 18, 19, 24, 25, 26, March 2, 3, 4 and 5, 8 p.m. to 10 p.m Sundays, February 19, 26 and March 5, 4 p.m. to 6 p.m. for a concert with 80 expected at each event.

CHAIR NICOLE MURATI FERRER: Granted. Police detail be required.

POLICE COMMISSIONER BRENT LARRABEE: I'm sorry?

CHAIR NICOLE MURATI FERRER: Granted and police detail required.

SCOTT FRASER

EXECUTIVE DIRECTOR ELIZABETH LINT: Scott Fraser on behalf of the Ballet Theatre of Boston applied for a malt and wine with entertainment license to be exercised at Jose Mateo Theatre,

400 Harvard Street on March 24, 25, 26, 31, and April 1, 2, 6, 7, 8, and 9 from 8 p.m. to 10 p.m. And on Sundays, March 26, April 2, and 8 from 4 p.m. to 6 p.m. for a concert with 80 expected.

CHAIR NICOLE MURATI FERRER: Granted.

And police detail required.

ALIZ PAGLIARINI

EXECUTIVE DIRECTOR ELIZABETH LINT: Aliz Pagliarini has applied for a malt and wine license with entertainment license to be exercised at Urban Outfitters, 11 JFK Street on January 12 from 6 p.m. to 9 p.m. for live music with 100 expected.

CHAIR NICOLE MURATI FERRER: Can they have live music in that area?

EXECUTIVE DIRECTOR ELIZABETH LINT: I believe they can but I would want to check on that.

CHAIR NICOLE MURATI FERRER: I would

actually hold on one because I want to know what exactly is the live music. And it is up to you, gentlemen, if you want --

EXECUTIVE DIRECTOR ELIZABETH LINT: It is for tomorrow.

CHAIR NICOLE MURATI FERRER: Sometimes people don't get what they want.

EXECUTIVE DIRECTOR ELIZABETH LINT: Actually, yes, they can have live music there because the hotel is right next door.

CHAIR NICOLE MURATI FERRER: They are generally a retail store. I want to know what exactly is the live music they are having.

FIRE CHIEF GERALD REARDON: What is the layout for 100 people in a retail store?

CHAIR NICOLE MURATI FERRER: They've had other events where it fluctuates kind of like appreciation and stuff like that.

FIRE CHIEF GERALD REARDON: People

standing -- where do they congregate, these people, and there are 100.

CHAIR NICOLE MURATI FERRER: I think we can shoot him an email and ask him more information. Is he estimating 75 to 100 in terms of that -- it is an ebb and flow kind of thing or is it that they've invited this amount of people and that's what they are expecting and the live music, is it a DJ or they having a live band.

FIRE CHIEF GERALD REARDON: I want to -- we probably should have someone from the Fire Prevention take a look at this to find out how they plan on using the 100 people in a retail store, what aisles and be sure they are not creating a problem.

I'll get someone over -- it is tomorrow night.

CHAIR NICOLE MURATI FERRER: 6 to 9.

FIRE CHIEF GERALD REARDON: I'll put

someone on it.

PETER DIMURO

EXECUTIVE DIRECTOR ELIZABETH LINT: Peter Dimuro has applied for a malt and wine license to be exercised at The New Dance Complex, 536 Mass. Ave on January 14, 15, 20, 21, 22, 27, 28 and February 11, 12, 18, and 19 from 6:30 p.m. to 10:30 for dance recitals with 80 expected.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Detail?

CHAIR NICOLE MURATI FERRER: No.

ERIC PROPP

EXECUTIVE DIRECTOR ELIZABETH LINT: Eric Propp has applied for a malt and wine license to be exercised at the Garment District at 200 Broadway on January 19 from 5 p.m. to 8 p.m. for customer appreciation event with 60 expected.

CHAIR NICOLE MURATI FERRER: I would wait

on these until we hear -- wait. Hold on.

EXECUTIVE DIRECTOR ELIZABETH LINT: They have done them before, the Garment District.

FIRE CHIEF GERALD REARDON: The Garment District has?

CHAIR NICOLE MURATI FERRER: Yeah. Yeah. Chief, what do you want to do on this one?

FIRE CHIEF GERALD REARDON: This is a different type of venue. They can handle that down here and it is not live music. It is more of a wine appreciation thing. We haven't had an issue at that location.

CHAIR NICOLE MURATI FERRER: Vote to grant?

FIRE CHIEF GERALD REARDON: Yes.

CHAIR NICOLE MURATI FERRER: Granted.

BEN PERTLER

EXECUTIVE DIRECTOR ELIZABETH LINT: Ben

Pertler has applied for a malt and wine license to be exercised at MIT, 100 Main Street on February 6 from 5:30 p.m. to 7 p.m. for a reception, 45 expected.

CHAIR NICOLE MURATI FERRER: Granted.

Police detail required.

ENTERTAINMENT LICENSES ONLY

JENNIFER YU

EXECUTIVE DIRECTOR ELIZABETH LINT:

Jennifer Yu has applied for an entertainment license for a banquet at MIT, Morse Hall, 142 Mass. Ave on February 17 from 6:30 to 10:30, 200 expected.

CHAIR NICOLE MURATI FERRER: Granted and police detail required.

KENNEDY EDMONDS

EXECUTIVE DIRECTOR ELIZABETH LINT:

Kennedy Edmonds has applied for an entertainment license for a parade at Mass. Ave on January 26

from 2:45 to 3:15 with 300 expected. That went through Special Events. It is the Hasty Pudding.

CHAIR NICOLE MURATI FERRER: Granted.

Police detail required.

GUGGY, LLC

EXECUTIVE DIRECTOR ELIZABETH LINT:

Guggy, LLC has submitted a request to the board to reconsider its vote of December 14, 2016 that rejected the renewal of their license.

CHAIR NICOLE MURATI FERRER: So this is the liquor license and they had -- they had been approved but never picked up their license.

We scheduled an informational hearing with regard to whether or not their renewal would be accepted.

In December we held a hearing. The licensee did not show up at the hearing. It was a long hearing and we gave a second call and they didn't show up.

The next day we got a letter from the licensee saying that they were unable because the gentleman who was representing the license holders, he had a motor vehicle accident and so he was late and late enough that the building was already closed and we already finished business for that day.

So he is asking to -- he was asking for another hearing with regard to whether or not we would renew the license.

I know that even though we did not renew the license and the nonrenewal has been accepted by the ABCC, the ABCC has represented to us that in the event these late filings or reconsiderations of renewals were held after December 31, we could, on the back end, quote/unquote, revive the license if we so choose.

EXECUTIVE DIRECTOR ELIZABETH LINT: Just

for a little more information on that as well, the reason they had never picked up is that they were doing new construction upstairs from their other locations and there had been tenants occupying some space and there was an attorney in one part that had not moved out, so they couldn't start the construction, so they just got very backed up on the construction, but it is happening now.

POLICE COMMISSIONER BRENT LARRABEE: So their request is for another hearing?

CHAIR NICOLE MURATI FERRER: Another hearing. I would be okay giving them another hearing.

POLICE COMMISSIONER BRENT LARRABEE: I would agree with that.

CHAIR NICOLE MURATI FERRER: Yes?

FIRE CHIEF GERALD REARDON: Yes.

CHAIR NICOLE MURATI FERRER: So --

POLICE COMMISSIONER BRENT LARRABEE: But this is the last. I don't think -- tell them we are not going to do any more.

CHAIR NICOLE MURATI FERRER: We'll have a rehearing granted and we'll notice it.

EXECUTIVE DIRECTOR ELIZABETH LINT: I did see him earlier actually.

CHAIR NICOLE MURATI FERRER: The same. It will be the same matter and then we can decide whether or not we actually allow the renewal or whether we won't allow the renewal based on whatever they tell us.

EXECUTIVE DIRECTOR ELIZABETH LINT: What date would you like?

CHAIR NICOLE MURATI FERRER: I don't know.

I think we have to figure out how many matters we have on for February 11.

EXECUTIVE DIRECTOR ELIZABETH LINT: 8.

CHAIR NICOLE MURATI FERRER: See, I don't know the date.

So either the first or second meeting of February depending how many matters we already have on at that time.

EXECUTIVE DIRECTOR ELIZABETH LINT: Okay.

KRISTINA JEROME

EXECUTIVE DIRECTOR ELIZABETH LINT:

Kristina Jerome has applied to vend at Sheraton Commander, Garden Street on February 9 from 6:30 to 10:00 to sell dresses and jewelry.

CHAIR NICOLE MURATI FERRER: Granted.

FEN CHEN

EXECUTIVE DIRECTOR ELIZABETH LINT: Fen

Chen doing business as Teri-Yummy Food Truck has applied to vend at Vecna Technology, 32 Cambridge Park Drive on January 17, 24, 31, February 7, 14, 21, 28, March 7, 14, 21 and 28 from 11 a.m. to 2 p.m. to sell food. There should be a permission

letter.

CHAIR NICOLE MURATI FERRER: I -- I don't know where you're getting -- oh, okay.

Basically it is on all Tuesdays from January 3 to March 28 from 11 a.m. to 2 p.m., that's what the person applied for and that's what they had.

POLICE COMMISSIONER BRENT LARRABEE: And the purpose?

CHAIR NICOLE MURATI FERRER: Food truck. It is a truck.

FIRE CHIEF GERALD REARDON: What location?

EXECUTIVE DIRECTOR ELIZABETH LINT: Vecna.

CHAIR NICOLE MURATI FERRER: Vecna properties. So it is at 32-34-36 Cambridgepark Drive. So granted.

MELISSA HAMMER

EXECUTIVE DIRECTOR ELIZABETH LINT:

Melissa Hammer has applied to vend at Eliot Dining Hall on February 9 from 8 p.m. to 10 p.m. to sell items and services donated by companies and house members.

CHAIR NICOLE MURATI FERRER: This is at University Hall?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

CHAIR NICOLE MURATI FERRER: Granted.

PETER DIMURO

EXECUTIVE DIRECTOR ELIZABETH LINT: Peter Dimuro on behalf of The Dance Complex, 536 Mass. Ave has applied for a one-day wine and malt license to be exercised on January 13 from 6 to 10 p.m. for 50 people.

CHAIR NICOLE MURATI FERRER: January 13 is actually 6 to 11 p.m. Granted.

GF ENTERPRISES, LLC

EXECUTIVE DIRECTOR ELIZABETH LINT: GF Enterprises, LLC doing business as Taco Bell has applied for a new CV license to be exercised at 100 Cambridgeside Place.

It is the food court. It is a new corporation that's taking over this.

CHAIR NICOLE MURATI FERRER: Granted.

RICHARD CAMBRIELLO

EXECUTIVE DIRECTOR ELIZABETH LINT: Richard Cambriello, Bone Daddy's Burgers has applied for a one-day peddlers permit to be exercised on January 12 from 11:30 to 1:30 at 555 Technology Square, Draper Labs parking lot.

CHAIR NICOLE MURATI FERRER: Granted.

PAUL VAZZELLA

EXECUTIVE DIRECTOR ELIZABETH LINT: Paul Vazzella on behalf of Callahan Construction has applied for an extension of their

previously-approved special noise variance.

CHAIR NICOLE MURATI FERRER: The place -- to place the concrete finishing. Okay. Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT: Then we have the second calls.

And I do have -- I wanted to bring up, on the memo Ellen gave us, it mentions that Kaya didn't do a change of premise description since they rebuilt the site, but they did have an application to move the license from one location to this location but I'm not sure that that's correct.

CHAIR NICOLE MURATI FERRER: I'm sorry, which one is this matter?

EXECUTIVE DIRECTOR ELIZABETH LINT: The Porterhouse Grill.

CHAIR NICOLE MURATI FERRER: Oh, okay. No, they already applied for that.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Right. That's what I --

CHAIR NICOLE MURATI FERRER: Okay. So second calls. Go in order.

COSCO LANDSCAPE

EXECUTIVE DIRECTOR ELIZABETH LINT: Cosco Landscape.

CHAIR NICOLE MURATI FERRER: Ms. Boyer? Second call being at 4:40 p.m. No one appearing on behalf of Cosco Landscape.

Ms. Boyer, do you want to tell us the information that you have?

ANDREA BOYER: So allegedly the violation is November 10, 2016, use of two leaf blowers side by side at 9, 13 and 15 Wendell Street.

I believe Cosco was on the previous agenda and they asked for this extension.

CHAIR NICOLE MURATI FERRER: I see the notice here, but was this notice emailed to them or mailed to them?

EXECUTIVE DIRECTOR ELIZABETH LINT: So they had -- this was mailed to them.

CHAIR NICOLE MURATI FERRER: Okay.

EXECUTIVE DIRECTOR ELIZABETH LINT: Along with the waiver.

CHAIR NICOLE MURATI FERRER: I do want to note that the email he sent to Ms. Lint was saying that they had not gotten our original email or original mail because it had been sent to their neighbor, not by our mistake but by the deliveryman's mistake.

And I'm wondering, gentlemen, do you want to email him with a new hearing or should we just proceed since Ms. Boyer is here?

FIRE CHIEF GERALD REARDON: We could proceed, and then depending on what we get, put on another hearing.

CHAIR NICOLE MURATI FERRER: Usually I would proceed with the hearing but considering

that the last time his email was "We just got notice of this because it got delivered to our neighbor," I just don't want us to proceed and we issue our decision and get another letter from him saying "Again this was sent to my neighbor." If we have an email, we can email him back with a new hearing date. I'm wondering.

FIRE CHIEF GERALD REARDON: Let's defer it to the 25.

CHAIR NICOLE MURATI FERRER: Okay. We'll -- until February you mean? The 25 is administrative. We can do a hearing if you would like. That's the day that we do --

FIRE CHIEF GERALD REARDON: This shouldn't be that lengthy, right?

ANDREA BOYER: No.

FIRE CHIEF GERALD REARDON: Maybe we can do it on that day.

CHAIR NICOLE MURATI FERRER: Move to the

25?

POLICE COMMISSIONER BRENT LARRABEE: I  
second that.

CHAIR NICOLE MURATI FERRER: Okay.

So let's send him an email letting him  
know we have moved this to the 25th.

His excuse was very specific "that the  
mail was not delivered to us specifically" and I  
don't want it to be the same issues.

POLICE COMMISSIONER BRENT LARRABEE:  
Shocked to hear that. Shocked.

EXECUTIVE DIRECTOR ELIZABETH LINT:  
Couldn't happen.

BUCKINGHAM, BROWNE AND NICHOLS

EXECUTIVE DIRECTOR ELIZABETH LINT:  
Buckingham, Browne and Nichols?

Shall we proceed?

FIRE CHIEF GERALD REARDON: Sure.

CHAIR NICOLE MURATI FERRER: Ms. Boyer?

ANDREA BOYER: We received a complaint through the See Click Fix system that Buckingham Browne and Nichols were using leaf blowers before the allowable time of 8 a.m. on December 1.

Buckingham, Browne and Nichols was sent a letter also in February with the same group informing them that their permit had expired and submit an application.

No application was received, therefore Buckingham Browne and Nichols is not permitted to use leaf blowers in Cambridge at this time.

CHAIR NICOLE MURATI FERRER: I would just -- I mean, is this one of the ones that had a picture or anything attached to it or is it just text of someone saying they are using this?

ANDREA BOYER: There's a picture from another situation of them using leaf blowers but they have not been notified from that one.

CHAIR NICOLE MURATI FERRER: I say we

send them a letter basically saying cease and desist until you get permitted and then leave it at that at this point.

FIRE CHIEF GERALD REARDON: Agreed.

POLICE COMMISSIONER BRENT LARRABEE: Who do we send that to?

CHAIR NICOLE MURATI FERRER: Buckingham, Browne and Nichols.

POLICE COMMISSIONER BRENT LARRABEE: Who at Buckingham, Browne and Nichols?

CHAIR NICOLE MURATI FERRER: Joseph Griffin. Are you okay with that?

POLICE COMMISSIONER BRENT LARRABEE:  
Fine.

CHAIR NICOLE MURATI FERRER: Cease and desist letter.

ANDREA BOYER: Thank you.

COFFEESHOP, LLC

D/B/A UPPERWEST

EXECUTIVE DIRECTOR ELIZABETH LINT: UpperWest.

CHAIR NICOLE MURATI FERRER: It being  
4:45, no one here. No action. Is that it?

EXECUTIVE DIRECTOR ELIZABETH LINT:  
That's it.

I'm just checking her memo.

CHAIR NICOLE MURATI FERRER: We are done.

(Hearing adjourned.)

## ERRATA SHEET

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

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

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## CERTIFICATION

Commonwealth of Massachusetts

Norfolk, ss.

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 12th day of January 2017.

-----  
Jill Kourafas  
Certified Shorthand Reporter  
License No. 14903  
Notary Public

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