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COMMONWEALTH OF MASSACHUSETTS
CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION GENERAL HEARINGS

Michael Gardner, Acting Chairman
Robert C. Haas, Police Commissioner
Gerald Reardon, Fire Chief

STAFF:

Elizabeth Y. Lint, Executive Officer

-- held at --

Michael J. Lombardi Municipal Building
831 Massachusetts Avenue
Basement Conference Room
Cambridge, Massachusetts

Tuesday, May 17, 2011

6:20 p.m.

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1 P R O C E E D I N G S

2 ELIZABETH LINT: This is the
3 Li censi ng Commi ssi on General Heari ng. It's
4 Tuesday, May 17th, i t' s 6: 20 p. m. We' re i n
5 the Mi chael J. Lombardi Muni ci pal Bui l di ng,
6 831 Mass. Ave. basement conference room.

7 Before you, the Commi ssi oners, Chai rman
8 Mi chael Gardner, Commi ssi oner Robert Haas,
9 and Chi ef Geral d Reardon.

10 We need to accept the mi nutes from
11 March 29th, Apri l 12th and I' m not sure i f we
12 have Apri l 26th so maybe we shoul d hol d that
13 one.

14 MI CHAEL GARDNER: Suggesti on from
15 Ms. Lint that we accept the mi nutes from --
16 say thatagai n?

17 ELIZABETH LINT: March 29th and
18 Apri l 12th.

19 ROBERT HAAS: Make a moti on to
20 accept the mi nutes from March 29th.

21 MI CHAEL GARDNER: And?

1 GERALD REARDON: Do you want to do
2 them separately?

3 ROBERT HAAS: Doesn't matter.

4 MICHAEL GARDNER: Let's do them
5 separately.

6 ROBERT HAAS: I make a motion to
7 accept the minutes from March 29th.

8 GERALD REARDON: Second.

9 MICHAEL GARDNER: Motion having been
10 made and seconded to accept the minutes from
11 March 29th, all those in favor signify any by
12 saying "Aye".

13 ROBERT HAAS: Aye.

14 GERALD REARDON: Aye.

15 MICHAEL GARDNER: Aye.

16 None opposed, so the minutes are
17 accepted.

18 ROBERT HAAS: I make a motion to
19 approve the minutes from April 12th.

20 GERALD REARDON: Second.

21 MICHAEL GARDNER: Motion having been

1 been made and seconded to accept the minutes
2 from April 12th, all those in favor signify
3 by saying "Aye".

4 ROBERT HAAS: Aye.

5 GERALD REARDON: Aye.

6 MICHAEL GARDNER: Aye.

7 None opposed. The Ayes have it.

8 And the minutes, as I understand it,
9 are posted on our website?

10 ELIZABETH LINT: Yes.

11 * * * * *

12 MICHAEL GARDNER: Well, our
13 apologies for starting the hearing late. We
14 had an unavoidable delay and we'll try to
15 move through the agenda as quickly as we can.

16 Thank you.

17 ELIZABETH LINT: Disciplinary matter
18 Afkor, Incorporated doing business as Cafe
19 Anatolia, Alp Hocagil, manager, holder of a
20 common victualer license at 251 Cambridge
21 Street due to a report from the Traffic,

1 Parking and Transportati on Department
2 regardi ng outstandi ng parki ng ti ckets and
3 Afkor, Incorporated' s fai lure to adhere to
4 the payment pl an wi th the Traffi c, Parki ng
5 and Transportati on Department.

6 MICHAEL GARDNER: Good eveni ng, i t
7 woul d be hel pful for us i f you coul d state
8 your name and then spell i t so we have i t for
9 the record, pl ease.

10 ALP HOCAGIL: Sure. My name Alp
11 Hocagi l. A-l -p, fi rst name. The last name
12 i s H-o-c-a-g-i -l and I' m here for the traffi c
13 fai lure payments. And I actual ly make the
14 payments today, and I have the recei pts wi th
15 me. And last few months I coul dn' t make the
16 payments because I got two l evy from the DOR.

17 ROBERT HAAS: Say thatagai n?

18 ALP HOCAGIL: I got a two l evy on my
19 account from the Department of Revenue. And
20 starti ng fi rst one i s on March and the second
21 one i s on I thi nk ten days ago. So that' s

1 why I couldn't -- I have the second letter
2 from the bank if you want, I can show it to
3 you.

4 MICHAEL GARDNER: Okay. You can
5 give it to Mrs. Lint.

6 ELIZABETH LINT: If I could bring
7 you up to date so perhaps you can understand
8 better what's going on. I'm sure
9 Commissioner Haas recalls, this is not the
10 first time that Afkor has been before us.
11 The first incident with the Parking and
12 Transportation Department, they owe the city
13 in the vicinity of \$3500 for outstanding
14 parking tickets. I have spoken with
15 Ms. Lawrence in Traffic several times. She
16 worked out a payment plan with them, with the
17 Law Department. That didn't work. Then they
18 came back before us, another plan was worked
19 out. He was making some payments, and then
20 she tells me that that stopped several months
21 ago. He currently owes \$1610 for unpaid

1 parking tickets. She's able to traffic the
2 plates, and it appears what he does is will
3 take a car off the road, take a car off the
4 road for a while, take the plate off and then
5 put a new plate on so that one starts rackin g
6 up additional fines. And he'll come in and
7 make a payment when he's about to be on the
8 boot list so that he's not on the boot list,
9 which just happened the other day.

10 She tells me that he came in today and
11 made a \$250 payment. But it's very clear
12 that when he's under the gun, that he comes
13 in and does what he's supposed to do. But he
14 continues to rack up parking tickets.

15 ALP HOCAGIL: Well, as I explained
16 before I had a very hard time on the business
17 the last three years, so that's why it's
18 happened. And the last plates what I have is
19 I don't have it anymore. And now I'm using
20 my brother's car actually to go and come
21 back. And I'm, I'm planning to out of the

1 business probably in a few months.

2 ROBERT HAAS: Say that again.

3 ALP HOCAGIL: I'm planning to get
4 out of the business in a few months.

5 ROBERT HAAS: You're going to sell
6 it?

7 ALP HOCAGIL: Yes. If you can give
8 me one more date on the hearing next hearing
9 in a month or so or whatever, then I can
10 bring the -- clear the receipts from the city
11 to pay all the parking tickets.

12 ROBERT HAAS: So, what guarantee are
13 we going to have that if you do in fact sell
14 your business that you will take care of
15 these unpaid tickets?

16 ALP HOCAGIL: Well, I'm gonna -- if
17 you can give me another hearing for the
18 license, I will bring you the clearing paper
19 from the city of Traffic and --

20 ROBERT HAAS: But the problem is
21 you've made a number of representations to us

1 and you don't follow through and that's the
2 thing I think that we're all kind of
3 concerned about.

4 ALP HOCAGIL: Well, the last time I
5 made the payments on February. And after
6 that I would follow through, it's okay. And
7 as I promise to last time. But last -- March
8 8th I had a first levy come from DOR. So
9 that's why I got a very hard time to pay the
10 bills here even, and work my own right now
11 for all week.

12 ROBERT HAAS: So what's the status
13 of your plate that's associated with the
14 business, has that been suspended or have you
15 just taken the vehicle off the road?

16 ALP HOCAGIL: My car, I just turn it
17 back to the dealer.

18 ROBERT HAAS: And it's your
19 brother's car that you're driving?

20 ALP HOCAGIL: Yeah, I'm driving my
21 brother's car.

1 ROBERT HAAS: And it's personally
2 registered to him?

3 ALP HOCAGIL: Yeah, that's his car.

4 ROBERT HAAS: And he knows your
5 history with parking tickets? Because he's
6 going to be responsible for those parking
7 tickets at this point. Does he know that?

8 ALP HOCAGIL: Yeah. And I was on
9 the boot list. They told me that. And I
10 told him and he make some payments.

11 ROBERT HAAS: So your brother is
12 making the payments?

13 ALP HOCAGIL: Yes. Those are his
14 tickets, not mine, because he's driving most
15 of the time. We are coming to work together,
16 and then he's taking car and going to the
17 school, he's a student, and coming back and
18 help me out sometimes for the work.

19 MICHAEL GARDNER: So don't you need
20 a different model of how to handle your
21 transportation needs or deal with parking

1 whatever vehicle you use? I mean, it doesn't
2 sound very viable for you to just simply rack
3 up parking tickets as part of the operation
4 of your business on an ongoing basis.

5 ALP HOCAGIL: Well, the location
6 that I have is really tough. And during the
7 lunchtime I was using the car for the
8 delivery orders, and I'm parking across the
9 street which is the loading zone area. On my
10 car I have a commercial license. Then right
11 now this car what I have is not have a
12 commercial license. Right now I hired a
13 driver to do it. And when I get the car, I'm
14 parking down the McGrath Highway, there's a
15 parking space I have. That's where I'm doing
16 the disciplinary, more than a year.

17 ROBERT HAAS: When as the last time
18 you got a parking ticket? What's the most
19 recent parking ticket you got?

20 ALP HOCAGIL: Well, I don't have a
21 car since March actual ly.

1 ROBERT HAAS: When was the last time
2 a parking ticket was placed on the car that
3 you were using?

4 ALP HOCAGIL: My car?

5 ROBERT HAAS: The car you're using
6 for the business.

7 ALP HOCAGIL: I don't know. My
8 brother, he's driving most of the time, not
9 me.

10 MICHAEL GARDNER: Well, is it fair
11 to say you're continuing to get parking
12 tickets on a regular basis since March?

13 ALP HOCAGIL: Well, he told me he
14 had a few tickets last month, but I don't
15 really know exactly, and he paid it.

16 ELIZABETH LINT: I have some of that
17 information. Ms. Lawrence sent over a
18 printout of several parking tickets since
19 November of 2010; 1, 2, 3, 4, 5, 6, 7, 8,
20 9 -- ten of them were for expired meter
21 basically right in front of the restaurant.

1 And one was for being double parked. Most
2 recently was May 6th and May 4.

3 ALP HOCAGIL: And he paid some of
4 the tickets already, I think last week.

5 MICHAEL GARDNER: Are you on a
6 payment plan with the city now?

7 ALP HOCAGIL: We used to until
8 February. Until I got the levy on my
9 account. I have to make one or two time
10 payments a month that's why we did deal.

11 MICHAEL GARDNER: Was there any
12 reason we shouldn't expect you to begin
13 following the same payment plan that you'd
14 agreed to previously now?

15 ALP HOCAGIL: Well, I have to -- I
16 have to clear this problem anyhow before I
17 sign to sell the business, because I was --
18 they won't get the license. So I have to
19 clear this up as soon as I can. That's the
20 only things I can sell, because I have a
21 somebody right now. So if he has to come

1 over here in front of the Commissioners to
2 get the license, to apply for license --

3 GERALD REARDON: So you already have
4 a perspective buyer?

5 ALP HOCAGIL: I have somebody
6 interested to buy.

7 GERALD REARDON: Okay. And you were
8 well aware that all of this stuff has to be
9 completely clean before you came in here?

10 ALP HOCAGIL: Yes. That's why I
11 said give me one more date of hearing and
12 then I can bring the clearance, the paper
13 from the city.

14 MICHAEL GARDNER: And do you know
15 how much money you owe now?

16 ALP HOCAGIL: As today they told me
17 1610, and I paid 250, so it became like a
18 1360.

19 MICHAEL GARDNER: And I assume that
20 will continue to grow with fines; is that
21 right?

1 ELIZABETH LINT: Yes.

2 MICHAEL GARDNER: So, what date are
3 you offering to us as when the obligation
4 will be paid?

5 ALP HOCAGIL: Right now I have a
6 levy, it's half of them is paid off, and the
7 other half I have to pay, it was like 6900.
8 Now it's like thirty -- three-thousand, five
9 or six hundred, something like that. It's
10 going to be clear off in two weeks, probably,
11 hopefully, and then I'm going to work on this
12 right away. For at least --

13 MICHAEL GARDNER: What is it you're
14 going to work on?

15 ALP HOCAGIL: For at least a month
16 that I can clear this up.

17 MICHAEL GARDNER: The closest
18 meeting to about a month from now is June the
19 14th?

20 ELIZABETH LINT: Yes.

21 MICHAEL GARDNER: Is that the

1 scheduled meeting?

2 Is there any reason for us to expect
3 you will not have your obligations to the
4 city paid by June the 14th?

5 ALP HOCAGIL: No. So I can clear it
6 up before that. And if it's before the
7 hearing, I already -- I can talk to Ms. Lint.

8 ROBERT HAAS: So, this is probably,
9 if I recall, my third warning to you that if
10 you came back with an unpaid ticket, we're
11 going to suspend your license to operate.
12 Now you're asking me now a fourth time --

13 ALP HOCAGIL: This is my third or
14 fourth, yes, you're right.

15 ROBERT HAAS: Right. Now, you're
16 asking me a fourth time you're asking me --
17 and I don't want you thinking that this is a
18 bluff on my part. At some point in time
19 we're going to have to take some action. I
20 mean, this is repeatedly happening over and
21 over again. And, you know, the Chair's new

1 to this, but like I said, you've been before
2 us three times now. You've made some
3 assurances to us, and each time you came back
4 and having followed through with the payment
5 plan and the fines continued to grow. I

6 mean, granted when you first came to us, it
7 was like \$3600. You're down to 1610, but --

8 ALP HOCAGIL: That was \$2900 and it
9 came down.

10 ROBERT HAAS: Right. So I need to
11 be very clear with you that if you come back
12 on June 14th and this obligation is not paid,
13 I'm prepared to vote to suspend your license.
14 All right? I just want to make it very
15 clear. I don't know what the other two
16 members of the Commission are going to do,
17 but I think we've been more than lenient with
18 you as far as trying to get this done.

19 ALP HOCAGIL: I will definitely get
20 it cleared up before that.

21 MICHAEL GARDNER: I wonder, Ms.

1 L i n t, have we ever had the experience of
2 voting to suspend a license in a conditional
3 sense? That is, if by June the 14th the
4 outstanding levies are not paid, then the
5 license will be suspended? Have you ever
6 done that?

7 ELIZABETH LINT: No. I think the
8 statute tells us that we have to do it at
9 that time with fair notice.

10 ROBERT HAAS: I'm going to defer to
11 the Chief to make a motion.

12 GERALD REARDON: Okay. I'll make a
13 motion that we continue to June 14th with the
14 stipulation that the owner comes in with all
15 arrears, bills, taxes, DOR, clear and free.
16 And if you don't, there will be a motion that
17 night to suspend your license. And/or
18 revocate your license depending on what the
19 situation is, just to let you know.

20 ALP HOCAGIL: I will definitely
21 clear that before June 14th.

1 ROBERT HAAS: Second that motion.

2 MICHAEL GARDNER: Motion having been
3 made and seconded -- I guess I should offer
4 the general public an opportunity to comment.
5 If there's anybody here who'd like to be
6 heard on this matter before we vote on this,
7 this would be the time to come forward.

8 (No Response.)

9 MICHAEL GARDNER: Seeing no one, the
10 motion having been made and seconded to
11 continue the matter until June 14th, with
12 notice to the manager that failure to have
13 met all of his financial obligations to the
14 city before then would result in a motion for
15 suspension or revocation of your license.

16 All those in favor signify by saying
17 "Aye".

18 GERALD REARDON: Aye.

19 ROBERT HAAS: Aye.

20 MICHAEL GARDNER: Aye.

21 None opposed. Good luck. Something

1 that seems doable. I hope you get it done.

2 ALP HOCAGIL: Thank you very much.

3 * * * * *

4 ELIZABETH LINT: Disciplinary matter
5 continued from March 29, 2011. El Coloso
6 Market, Mohammed Aktsf, owner, at 102
7 Columbia Street due to complaints received by
8 the License Commission alleging that El
9 Coloso is in violation of the City of
10 Cambridge Noise Ordinance.

11 MICHAEL GARDNER: Good evening. If
12 could just state your name for the record and
13 spell it, please.

14 ANDREA BOYER: Andrea Boyer
15 B-o-y-e-r. I'm an investigator for the City
16 of Cambridge License Commission.

17 MOHAMMED AKADAR: Mohammed
18 M-o-h-a-m-m-e-d. Last name A-k-a-d-a-r.

19 MICHAEL GARDNER: Could you
20 summarize the matter for us, Ms. Boyer,
21 please?

1 ANDREA BOYER: Yes, sir.

2 Previously we were here based on a
3 violation of the noise ordinance with
4 compressor units that are located at the top
5 of El Coloso Market. At that hearing the
6 Commission had asked me to do more readings
7 at nighttime based on the levels at that time
8 being below 60. Daytime levels from, excuse
9 me, the noise ordinance states that anything
10 above 50 at nighttime from six p.m. to seven
11 a.m. is a violation. But during the daytime
12 from seven a.m. to six p.m. it must be over
13 60 to be a violation of the daytime.

14 At that time the readings had been
15 below 60. So the Commission asked me to do
16 evening readings to decipher or to see if the
17 readings were above 50 for the nighttime
18 noise ordinance. I was asked to perform two
19 readings. I actually performed three
20 readings. The three readings that I
21 performed, one was the evening of the hearing

1 actually on March 29th at 9:06 p.m. the
2 readings that evening were 60.1 and 60.3 DBA
3 from the second floor of the Complainant's
4 address which is right next-door.

5 The second reading that I performed was
6 on April 20th at 7:05 p.m. The readings on
7 that evening were also 60.1 to 60.3 DBA. At
8 that time I'm not sure if the Commissioners
9 remember, but the gentleman, the owner was on
10 vacation at that time frame and he did not
11 attend the hearing.

12 MICHAEL GARDNER: Yes.

13 ROBERT HAAS: Yes.

14 ANDREA BOYER: I hand delivered the
15 letter upon his return to let him know to
16 come to this hearing and explained to him
17 that the noise on the roof was still a
18 violation. So he had put new enclosures on
19 over the old units. I'd like to pass those
20 to the Commissioners so they can see, before
21 and after pictures.

1 ROBERT HAAS: So this is since the
2 April 20th readings?

3 ANDREA BOYER: Correct. Based on
4 the enclosures, the neighbors telling me that
5 the enclosures had been put on, I performed
6 readings on Friday during the daytime,
7 because it had been over 60 at the evening
8 time. But I wanted to see since it was a
9 warm day, what it would be like with the HVAC
10 units on also, because the other readings
11 earlier were just of the compressor units.
12 At 12:10 p.m. on the 13th on the second floor
13 the readings actually came in at 64.8 to 65.3
14 DBA. So the enclosures do not seem to be
15 working and they're still in violation of the
16 noise ordinance.

17 ROBERT HAAS: 64.8 to?

18 ANDREA BOYER: To 65.3. Kind of a
19 fluctuation based on that.

20 MICHAEL GARDNER: And those readings
21 were done when, I'm sorry?

1 ANDREA BOYER: On Friday at 12:10
2 p.m., the 13th.

3 So the units -- that is the compressors
4 and the HVAC units combined. I explained to
5 the owner to come this evening at that same
6 time right after the readings and explained
7 that they were still in violation even though
8 he had some work on the boxing of the units.

9 MICHAEL GARDNER: Have you given him
10 any information about any other options that
11 he might pursue?

12 ANDREA BOYER: Well, I'm not
13 actually an engineer, but I know that he has
14 an HVAC gentleman. It's sometimes a
15 communication barrier of trying to explain
16 that it was still a violation, that it still
17 needed to be worked on. I'm sure that he can
18 give his version of the story, but
19 financially it's expensive. I'm not sure if
20 just surrounding them with a box, in my
21 experience, not being an engineer, is

1 actually the correct avenue to take.
2 Sometimes that just kind of holds the -- and
3 brings it out whatever openings are
4 allowable. I think that's -- I think that
5 the compressors are old. I'm not sure what
6 can be done to change out. But 64 to 65 is a
7 very significant violation day and night that
8 that's what that is when the units are on to
9 give kind of a comparison I denix is 54, 55.
10 So it's pretty loud.

11 MICHAEL GARDNER: Do you understand
12 the problem that you and we are facing here,
13 sir?

14 MOHAMMED AKADAR: Yes, sir. I'm
15 understanding. I put the enclosure all the
16 way. I show him last week everything is, and
17 I don't know what else to do right now. I
18 put all the cover -- I put all this panel
19 outside of the cover. I put the cover --

20 MICHAEL GARDNER: You put the cover
21 on?

1 MOHAMMED AKADAR: Yes, sir. All the
2 way.

3 MI CHAEL GARDNER: All the way around
4 and on the top?

5 MOHAMMED AKADAR: Yes, sir. And
6 some lady, she tell me you try to put the
7 cover like this and I put on the cover
8 everythi ng.

9 MI CHAEL GARDNER: Do you have a
10 consul tant or a speci al i st or an expert who' s
11 now worki ng wi th you to hel p you solve the
12 probl em?

13 MOHAMMED AKADAR: Somebody hel p me?
14 I don' t understand too many thi ngs, yes, si r.

15 MI CHAEL GARDNER: Sure. Have you
16 hi red someone to hel p you --

17 MOHAMMED AKADAR: Yes, si r.

18 MI CHAEL GARDNER: -- fi x thi s?

19 MOHAMMED AKADAR: Okay, si r.

20 MI CHAEL GARDNER: Have you done
21 that?

1 MOHAMMED AKADAR: Yeah, I hire
2 somebody to fix. And he take the piece, and
3 I don't allow noises more. But I think the
4 noise has gone down.

5 GERALD REARDON: More.

6 MOHAMMED AKADAR: More? Okay. How
7 can I do -- I asking about a carpenter, he
8 making -- I asking, you know, to coming noise
9 outside to make everything nice. And he make
10 it nice, and he said, I can't do more, I
11 don't know. He -- I don't know. He cover
12 everything.

13 MICHAEL GARDNER: So the person you
14 hired --

15 MOHAMMED AKADAR: Yes, sir.

16 MICHAEL GARDNER: -- told you
17 there's nothing more he can do?

18 MOHAMMED AKADAR: He say this is --
19 I do everything, and I put -- you know,
20 there's some back side something. He said, I
21 close this back side, it's no working that

1 piece like this.

2 GERALD REARDON: So you hired a
3 carpenter?

4 MOHAMMED AKADAR: Yes. He said like
5 this. And I said no coming noise outside
6 under cover everything. Is what he said.
7 Back side is some opening because coming for
8 air. And no coming inside, it stop. It's
9 like this. This carpenter, he said the noise
10 is go down and little back side. Little back
11 side, you know, coming in the rear. And he
12 said closed air and it's no working.

13 GERALD REARDON: Right. You can't
14 close it all in. It won't work.

15 MOHAMMED AKADAR: Yes, yes.

16 GERALD REARDON: But Ms. Boyer's
17 explained to you that since you've put the
18 cover on, it's actually worse. Higher, not
19 lower.

20 MOHAMMED AKADAR: Yes, sir.

21 GERALD REARDON: So that's not the

1 soluti on.

2 MICHAEL GARDNER: Thi s i s partl y
3 because of the ai r condi ti oni ng was al so
4 runni ng, i s that i t?

5 ANDREA BOYER: It went up from the
6 61 to the 64 probabl y because of that. But
7 al so when boxi ng mechani sms have been
8 constructed i n the past, usual l y someone wi th
9 more experi ence can make i t a l i t t l e b i t
10 wider and put absorpti on materi al on the
11 i nsi de. Unfortunatel y wi th thi s, thi s i s
12 j u s t a b o x . S o i t ' s j u s t -- i n s o m e w a y s i t
13 c o u l d a c t u a l l y b e a m p l i f y i n g i t t h r o u g h t h o s e
14 t w o h o l e s f o r t h e a l l o w a b i l i t y f o r t h e a i r .
15 Thi s was n' t the soluti on. I don' t thi nk that
16 the person that was worki ng for hi m has that
17 soluti on. But al so I' m not sure i f i t' s
18 fi nanci al l y feasi bl e. An acousti cal engi neer
19 i s v e r y e x p e n s i v e t o h i r e t o t a l k a b o u t t h e
20 a b s o r p t i o n o f m a t e r i a l t h a t c o u l d b e p u t o n
21 t h e i n s i d e o f a b o x e v e n .

1 GERALD REARDON: The other issue I
2 can tell from the pictures that those
3 compressors are very, very old. And that's
4 probably part of the issue with the noise
5 factor as well.

6 ANDREA BOYER: And through our
7 communication, maybe this will be helpful as
8 well by listening to him, and say yes or no
9 for the stenographer and for the board. One
10 of the things is that he's the -- he leases,
11 he's not the owner of the building. The
12 owner of the building is not willing to give
13 any money towards new equipment; is that
14 correct?

15 MOHAMMED AKADAR: Yes.

16 ANDREA BOYER: So he's kind of at a
17 point where I'm not sure affordability -- but
18 it's also so loud.

19 MICHAEL GARDNER: And the ordinance
20 has penalties or fines involved for
21 violations?

1 ANDREA BOYER: Yes. That penal ty
2 could be up to \$300 per day per of viol ati on
3 time, yes.

4 MI CHAEL GARDNER: Do you understand
5 that you are i n vi ol ati on of the ordi nance?

6 MOHAMMED AKADAR: Yes, si r.

7 MI CHAEL GARDNER: Your equi pment is
8 too loud?

9 MOHAMMED AKADAR: Yes, si r.

10 MI CHAEL GARDNER: And there are very
11 large fi nes for bei ng i n vi ol ati on of the
12 ordi nance. You understand that?

13 MOHAMMED AKADAR: (I naudi bl e.) I
14 di d go to the carpenter and put everythi ng
15 ni ce, no comi ng noi se. He put on al ready,
16 and he sai d back si de is cl ose, no worki ng.
17 And back si de cover and loud goi ng down.
18 Li ttle loud. Li ttle. Al l sound go down
19 because al l cover on outsi de cover. And back
20 si de is a li ttle bi t. He only go li ttle bi t
21 is ai r. And I sai d everythi ng is cl ose is

1 I like this. And I don't know how to try to
2 maybe somebody calling (inaudible).

3 GERALD REARDON: You have to get
4 somebody else, right. You can't close all
5 four sides or the units won't work. They'll
6 overheat and they'll fail.

7 MOHAMMED AKADAR: Yes, yes. And
8 also no work.

9 GERALD REARDON: Right. You can't
10 close them all in.

11 MOHAMMED AKADAR: And I try to call
12 -- do another some guy, maybe hire how can
13 knock the noise out again tonight.

14 GERALD REARDON: You need someone
15 who has some knowledge about sound?

16 MOHAMMED AKADAR: Yes, yes, right.

17 GERALD REARDON: Versus carpenter.

18 MOHAMMED AKADAR: Two carpenter
19 coming already. Two carpenters, they come.
20 They all look and back side and no close. I
21 ask them to close back side, because I no

1 understand. I said close back side. And
2 close, another carpenter say no, everything
3 stop. And he cut it. He cut a box.

4 GERALD REARDON: He is correct. It
5 won't work if you close it all in. It will
6 overheat and then you'll have a fire if it
7 overheats.

8 MOHAMMED AKADAR: Carpenter keep it
9 open. Close like this, no working.

10 GERALD REARDON: Who is responsible
11 -- I mean, he has the license, but is the
12 noise ordinance on the owner of the property
13 or is it the licensee and/or both or which?

14 ANDREA BOYER: To clarify first of
15 all, this isn't a licensee. This is a
16 convenience store. He's a business license.

17 MOHAMMED AKADAR: I show them letter
18 building owner. He no tell me anything.

19 GERALD REARDON: Well, do we know
20 who would be responsible, is it the property
21 owner?

1 ANDREA BOYER: Well, it depends on
2 what his lease says, you know, whether it's
3 AAA, or if he's paying for anything or if
4 it's any sort of mechanisms and stuff is
5 usually how the lease is written up, the
6 owner --

7 GERALD REARDON: And the equipment
8 isn't his though?

9 ANDREA BOYER: True. But they still
10 can be -- we would have to read the lease to
11 know.

12 GERALD REARDON: I mean, we should
13 probably look at that, too.

14 ANDREA BOYER: I'd gladly look at
15 the lease to help him to see if there's any
16 responsibility on the owners. But this has
17 been a, you know, a long process for the
18 residents, too. I think there are some
19 residents in the audience, too.

20 MICHAEL GARDNER: Is it completely
21 unviable to run the compressor and not the

1 air conditioning and see whether or not that
2 makes, with the box, makes the sound below
3 the level?

4 ANDREA BOYER: Well, the two
5 compressors that we had were already a
6 violation of 61. So that was 61.

7 MICHAEL GARDNER: That was before
8 the box, though, right?

9 ANDREA BOYER: Yes. And now the two
10 units. I mean, where I was standing the
11 dominating source of the noise seems to be
12 where the compressors are boxed now to 63.
13 So even though the air conditioning unit is
14 on now, the dominating source was still the
15 closest units where the window is which is
16 the compressor.

17 MOHAMMED AKADAR: (Inaudible). I
18 already send out because the sound I stop. I
19 already I have the machine up side. The one
20 machine I shut down. The cooler, I have
21 coolers because I don't need, so I stop.

1 ANDREA BOYER: He shut the air
2 cooler down. One of the three units, one's
3 the air cooler, he turned it off.

4 MOHAMMED AKADAR: I only have two.
5 It's no working, I lose everything, work out.

6 GERALD REARDON: Do you know is it
7 possibly can he use an internal refrigerator?
8 Unless he's got a freezer, I mean, he can
9 probably do something local in the store
10 versus the rooftops potentially.

11 ANDREA BOYER: That possible
12 potentially. Depending on who is responsible
13 financially.

14 MOHAMMED AKADAR: These people
15 (inaudible) like this one before, some law
16 something and nobody company in there. And
17 coming you guy in their house and anybody
18 coming and his company. Same thing. Same
19 thing. Same machine, same working. And the
20 owner outside he's complaining like this.

21 GERALD REARDON: The older they get

1 the noisier they get, too.

2 MOHAMMED AKADAR: And I put the
3 cover, everything, I try to close. And
4 there's nothing else I can do. Only back
5 side. Back side is open. Back side coming
6 little sound.

7 MICHAEL GARDNER: Could I have a
8 little historical perspective on our
9 enforcement of the noise ordinance in terms
10 of the levying of fines in the past for what
11 appear to be continuing violations like this?

12 ANDREA BOYER: Basically I think
13 that we have found that most people have
14 fixed them within the time frame of -- found
15 a solution. So we have not -- I think the
16 only people we have had to fine are garbage
17 or disposal companies for pick ups.

18 ELIZABETH LINT: No, I think we
19 actually had assessed some fines against
20 Idenix.

21 ANDREA BOYER: But I thought they

1 were changed because of the whole law, the
2 law thing.

3 ELIZABETH LINT: Well, yes, but the
4 Board did vote to impose the fines. That's
5 the only one that I'm aware of.

6 ANDREA BOYER: I know that the Board
7 has also worked with establishments to find
8 solutions to allow a second, possibly more
9 experienced, person to come in and try to
10 find the noise. And though, I know that the
11 residents are discomforted by this, and
12 especially with spring coming, there has been
13 an effort that was made to at least fix it
14 since the letter. I think we have a
15 communication problem where, you know, the
16 last hearing without showing up, has been
17 problematic. So I know we were -- I was
18 pushing for a time at a time at based on not
19 showing up at all, but I do think that an
20 effort was made, not the best effort, but we
21 need someone with more experience to try to

1 find a solution for these units. Maybe look
2 at the lease to see if someone else can take
3 responsibility to fix it. Ultimately
4 regardless of whether I think if a tenant is
5 in, if there's a problem, a violation, an
6 owner has to take some sort of responsibility
7 just like with Idenix who owns the business
8 or owns the building, so they were all
9 brought in to discuss it. So, maybe that's
10 something we can do.

11 MICHAEL GARDNER: Are you prepared
12 to try to find someone else with more
13 experience to help solve the problem?

14 MOHAMMED AKADAR: Yes, sir, I try
15 another person maybe to, you know, try to
16 help fix the sound. I will have somebody
17 else soon.

18 GERALD REARDON: I mean, the other
19 option is to investigate whether or not he
20 can buy an internal chest to do this stuff,
21 that would be cheaper than spending money and

1 to shut these things off.

2 MOHAMMED AKADAR: No busy, nothing.

3 There's not enough money, you know.

4 GERALD REARDON: Well, I mean --

5 MICHAEL GARDNER: Do you understand
6 the fire chief is saying maybe you don't use
7 these outside units, but you get an inside
8 machine to cool the food?

9 MOHAMMED AKADAR: Yes, sir.

10 GERALD REARDON: Buy a used
11 refrigerator chest that has everything inside
12 the building, and you don't need the outside
13 at all. I mean, because you start -- I don't
14 want to discourage him, but if you start
15 getting acoustic people in, it gets very,
16 very expensive quickly. That may be a
17 cheaper alternative than running the rooftop
18 units and trying to come up with a solution
19 where they're so old. I'm making
20 suggestions. I'm not telling you what to do.
21 I'm trying to be helpful, that's all. You

1 don't have to do anything I'm telling you
2 tonight.

3 MOHAMMED AKADAR: Yes.

4 MICHAEL GARDNER: But meanwhile we
5 have the problem with the neighbors and the
6 continuing violation.

7 MOHAMMED AKADAR: Yes, sir.

8 MICHAEL GARDNER: And the warm
9 weather coming sometime.

10 MOHAMMED AKADAR: Yes.

11 MICHAEL GARDNER: Do you have
12 anything else you want to add now? Anything
13 more to say?

14 MOHAMMED AKADAR: I've tried to
15 (inaudible) bring a compressor for the noise.

16 ROBERT HAAS: The only problem
17 you're going to have is that if you keep on
18 trying to experiment, it's going to keep on
19 costing you more and more money. That's not
20 going to help you in the long run I don't
21 think, especially if you find out that it's

1 not going to fix the problem.

2 ANDREA BOYER: I have a little bit
3 of concern, also, by looking at the boxes
4 from the roof level when I was out there, I
5 mean, having people who just don't have any
6 experience wrapping something with wood,
7 where it does get hot, fire hazards, is a
8 little bit of a concern also.

9 ROBERT HAAS: Right, that's what I'm
10 concerned about.

11 ANDREA BOYER: Yes. So having
12 another person -- I would like to, if
13 possible, if there's a condition placed, meet
14 with whomever he hires just to be there to
15 see if they're even going in the right
16 direction. Not to say yea or nay to what
17 should be put on there, but just to see what
18 kind of experience the person has to
19 safety-wise to address it.

20 MICHAEL GARDNER: Are there any
21 members of the public who'd like to be heard

1 on this matter? Would you please come up and
2 take a seat. If somebody would like to
3 speak, please step up.

4 MATTHEW GILLEN: Hi, I'm --

5 MICHAEL GARDNER: Could you please
6 come up.

7 GERALD REARDON: And you can
8 summarize, if you wish, or you can do
9 individual, whichever you choose.

10 MATTHEW GILLEN: My name is Matthew
11 Gillen G-i-l-l-e-n, 81 Pine Street. Just
12 from a frame of reference, this June starts
13 the ninth month that we've been going through
14 this process with Andrea, and we understand
15 that things take time to resolve, but we feel
16 that nine months is a bit excessive knowing
17 that he's been made aware of the issue.
18 Whether or not it's the obligation of him or
19 the owner, the neighbors feel that some
20 action needs to take place in order for this
21 to be resolved in a timely manner. We don't

1 want it to go on any further than it has to.
2 We understand that it's expensive, but it
3 costs money to run a business and run a
4 responsible business in the neighborhood
5 where people are trying to invest and make a
6 place liveable. That's it.

7 MICHAEL GARDNER: Anyone else who
8 would like to be heard?

9 MEGHAN SHAW: My name is Meghan
10 Shaw. It's M-e-g-h-a-n S-h-a-w. I think
11 Matt summarized pretty well. I also live at
12 81 Pine Street, and this is a whole street
13 removed from the actual building. My bedroom
14 actually faces 81 -- actually faces Pine
15 Street, so I'm pretty far away from the
16 building itself, but during the summer I
17 actually am woken up in the middle of the
18 night due to the cycling of the units. They
19 don't cycle regularly. It's not like they're
20 on for an hour and off for an hour. They
21 click on for five minutes, click back off for

1 ten, click on for three minutes. So it's
2 very disruptive because it's not even like a
3 sort of steady constant buzz. It's just this
4 thing that kind of like interrupts the peace
5 of the neighborhood.

6 And then just as another personal
7 experience, I have shopped at the market and
8 unfortunately what I bought was in the
9 freezer section and it had gone bad. So I
10 actually had to return it. So I also
11 question whether the units are even kind of
12 doing what they're supposed to be doing for
13 him from just a, from a food safety
14 perspective. It doesn't seem like they're
15 actually keeping the food at the right
16 temperature. So, I think from a lot of
17 different perspectives it's really important
18 that this gets addressed quickly.

19 MICHAEL GARDNER: Thank you.

20 PHILIPPE LUDEEI: Hi, my name is
21 Philippe Ludeei, P-h-i-l-i-p-p-e L-u-d-e-e-i.

1 I live at 96-98 Columbia Street. I want to
2 second Matthew's comment that we first filed
3 a complaint back in September, and then I
4 understand the owner was given three months
5 until a fine was going to be issued. That
6 was in December.

7 I also want to comment on the intensity
8 level of the noise. Our impression is that
9 the measurements were typically taken around
10 the medium range of the level, and there are
11 bursts of very high intensity where it sounds
12 like a jet engine which I don't think Andrea
13 was able to capture on her device.

14 Furthermore, even in a room that's windowless
15 and well insulated on a different part of the
16 building, you can still hear the noise.

17 My last comment is that the boxes were
18 initially constructed on a Sunday in
19 violation of Cambridge City Noise Ordinance,
20 and I saw police show up to ask him to stop
21 it. And I don't know if a Building Permit is

1 required or if the city building inspector
2 was able to view plans or make sure they're
3 not a fire hazard. These would be my
4 comments.

5 MICHAEL GARDNER: Thank you very
6 much.

7 Did the License Commission hear this
8 matter in September or with respect to the
9 reference to three months before fines would
10 be issued?

11 ANDREA BOYER: The reason we had the
12 last hearing was based on fact that a letter
13 was given about the violation stating it must
14 be fixed within three months, and then we
15 scheduled a hearing. That was in March based
16 on nothing being done. This did start nine
17 months ago.

18 The one thing I did want to mention
19 also is that when those are not on, because
20 during the time frame that it was during very
21 cold, there was no HVAC unit on, and it would

1 cycle while I was there, the background
2 levels in that area is 40.6 to 41.3. So it's
3 a significant rise of over 20 decibels when
4 those units go on when they're not on.

5 ROBERT HAAS: Is this the same store
6 that was closed for a period of time also?

7 ANDREA BOYER: Yes. But while it
8 was closed it still cycled, but it was off at
9 least more frequently. So the residents had
10 asked me to mention that previously and I
11 forgot.

12 MICHAEL GARDNER: And can anybody
13 inform me with respect to the issue of the
14 food safety and whether from the comment of
15 one of the members of the public, is that an
16 Inspectional Services responsibility?

17 ELIZABETH LINT: Yes, it is.

18 GERALD REARDON: Yes.

19 MICHAEL GARDNER: And do we know if
20 they --

21 ELIZABETH LINT: This is the first

1 I've heard of it. So if I had known that, I
2 would have asked somebody to go down.

3 MICHAEL GARDNER: I guess I'm
4 wondering why we shouldn't start imposing
5 some level of fine. And I'm sort of
6 interested in terms of how that would work is
7 if the fine is per day violation, does that
8 require a new reading every day to confirm
9 the violation?

10 ANDREA BOYER: Yes, it would.

11 MICHAEL GARDNER: What kind of
12 capacity have you got to do readings on a
13 regular basis?

14 ANDREA BOYER: Physical or mental?
15 Obviously it's something we would schedule.
16 It would be -- I know for Idenix what we had
17 was to do it a couple times a week just to
18 show that there's still a violation, it
19 wasn't every day. So it's up to the Board of
20 how frequently they would want me to test and
21 the availability of the neighbors to do so.

1 the owner versus the tenant, if in fact it is
2 the owner's equipment.

3 MICHAEL GARDNER: Right. But I
4 mean --

5 ANDREA BOYER: And in fact, the
6 owner can say he doesn't know anything about
7 this because we don't know if he's in fact
8 been notified. We're taking the word of....

9 MICHAEL GARDNER: Sort of wondering
10 if whether or not if we begin fining the
11 operator, it's the responsibility of the
12 operator to see if there's someone else who's
13 in fact responsible.

14 ELIZABETH LINT: I can --

15 ROBERT HAAS: It seems to me there's
16 some preparatory steps we have to take first.
17 There are a couple issues that I'm concerned
18 about. First of all, I am concerned about
19 whether these units are keeping the food at
20 an appropriate temperature. I think there's
21 got to be an inspection taken place. I think

1 somebody's gonna have to take a look at the
2 lease and make a determination of who is
3 ultimately responsible with respect to the
4 fines. And, you know, to Ms. Boyer's point,
5 if in fact it is the landlord, we have to
6 give him adequate notice to either make
7 preparations or be subject to the fines.

8 You understand, though, if you're
9 ultimately determined to be responsible, that
10 you could be subject to fines? Do you
11 understand that?

12 MOHAMMED AKADAR: Yes.

13 GERALD REARDON: Well, your other
14 alternative is to shut them off.

15 MOHAMMED AKADAR: Yes, and the food
16 will go bad.

17 GERALD REARDON: You have to make
18 that decision whether you shut them off or
19 you start to incur the fines. I don't know
20 which is going to be worse. But it can't
21 keep going on.

1 MOHAMMED AKADAR: I find somebody to
2 help me.

3 ROBERT HAAS: I think our hesitation
4 is that you find the right person, because as
5 I said before, if you continue to just to
6 kind of work your way through this blindly,
7 you could find out that it's not going to fix
8 the problem. Do you know what I'm saying?

9 MOHAMMED AKADAR: Yes, when I hire a
10 person --

11 GERALD REARDON: When's the next
12 one?

13 ROBERT HAAS: Do you have access to
14 the lease?

15 MOHAMMED AKADAR: Yes.

16 ROBERT HAAS: You have a copy of the
17 lease?

18 MOHAMMED AKADAR: Yes.

19 MICHAEL GARDNER: Can you bring a
20 copy of the lease to Ms. Lint tomorrow?

21 MOHAMMED AKADAR: Okay, sir. Okay,

1 si r.

2 ROBERT HAAS: And woul d your offi ce
3 noti fy Inspecti onal Servi ces?

4 ELI ZABETH LINT: Yes.

5 MI CHAEL GARDNER: So, i n terms of
6 the l evel of del ay so far and i n tryi ng to
7 resol ve thi s matter, i s i t possi bl e for us to
8 both assess the l ease on relati vel y short
9 noti ce and then conti nue the matter for the
10 31st of May --

11 ELI ZABETH LINT: Yes.

12 MI CHAEL GARDNER: -- meeti ng wi th
13 the appropri ate noti ce --

14 ELI ZABETH LINT: Yes.

15 MI CHAEL GARDNER: -- to the owner as
16 wel l ?

17 ELI ZABETH LINT: I coul d do that.

18 MI CHAEL GARDNER: And i s there any
19 val ue i n getti ng any addi ti onal readi ngs
20 betwee n now and then?

21 ANDREA BOYER: Onl y i f there' s a

1 change to the equipment.

2 GERALD REARDON: Only if there's a
3 change. I don't see any reason right now. I
4 mean, obviously that is not working and it's
5 simply plywood and two-by-fours and, you
6 know, I don't even think the right spacings
7 there. They're very old machines. So, I
8 would tend to agree we continue to the 31st,
9 at such time we indicate that either they're
10 shut off in totality at that point if there's
11 nothing corrective. If they can get
12 something ahead of time that we can look at
13 prior to then, I don't know if that's
14 possible or not, but imposition of fines to
15 whomever is responsible.

16 MICHAEL GARDNER: I can't speak for
17 my fellow commissioners, but I'm of the view
18 that as of May 31st once we know the proper
19 parties, the imposition of some fines for any
20 violations after May 31st would be a possible
21 action of this Board without waiting any

1 addi ti onal ti me for you to make addi ti onal
2 modi fi ca ti ons. You have these two weeks,
3 pl us what other opti ons you mi ght have, but
4 it sounds li ke thi s is not a tol era bl e
5 si tu a ti on in the nei ghborhood. Do you
6 understand that, si r?

7 MOHAMMED AKADAR: Yes, understand
8 (i naudi bl e).

9 ROBERT HAAS: So the fi rst thi ng you
10 have to do is bring the lease in tomorrow,
11 ri ght?

12 MOHAMMED AKADAR: Okay, si r.

13 ROBERT HAAS: You're probabl y go to
14 have an i nspector come to your establ ishment
15 to i nspect to make sure you're keepi ng your
16 refri gera ti on uni ts at the proper
17 tempera ture. And you coul d run the ri sk that
18 if you're not, you mi ght have to cease
19 opera ti ons as well. But the fi rst thi ng I
20 thi nk you need to do is bring the lease in to
21 the Li cense Com mi ssi on tomorrow.

1 MOHAMMED AKADAR: Yes, sir.

2 ROBERT HAAS: Okay.

3 MOHAMMED AKADAR: What time tomorrow
4 do I bring?

5 ELI ZABETH LINT: Any time.

6 MICHAEL GARDNER: Before five p.m.

7 ROBERT HAAS: After 8:30.

8 MOHAMMED AKADAR: I bring it here,
9 right?

10 ELI ZABETH LINT: Upstairs.

11 MOHAMMED AKADAR: Okay.

12 MICHAEL GARDNER: I think a motion
13 would be in order.

14 GERALD REARDON: I make a motion to
15 continue this case until --

16 ROBERT HAAS: I think somebody
17 wanted to -- you're all set? Sorry.

18 GERALD REARDON: -- to the May 31st
19 meeting, at such time we'll find out who the
20 responsible party is. And at such time we
21 will consider imposing fines for any

1 violation above the level of the city
2 ordinance. And I guess we also could
3 consider a revocation -- they don't have a
4 license.

5 ELIZABETH LINT: We don't have a
6 license.

7 GERALD REARDON: Okay.

8 ROBERT HAAS: So the only thing I'd
9 add to the Chief's motion is that once we
10 make a determination who is the ultimate
11 responsible party, then we put them on notice
12 in writing as quickly as possible so that we
13 give them adequate notice.

14 MICHAEL GARDNER: The motion having
15 been made and seconded to continue the matter
16 to the 31st with notice to the appropriate
17 parties with respect to responsibility in
18 coming in for a hearing on the possible
19 imposition of noise ordinance violation fines
20 for any future violations, all those in favor
21 signify by saying "Aye".

1 ROBERT HAAS: Aye.

2 GERALD REARDON: Aye.

3 MI CHAEL GARDNER: Aye. None
4 opposed.

5 I guess the other thing that I would
6 suggest is that if in the next two weeks you
7 are going to take steps to try to rectify the
8 situation, it would be a good idea to be in
9 touch with Ms. Boyer so Ms. Boyer can be
10 there to give any observations she may have
11 about the usefulness of the changes. And you
12 need to make sure that you are complying with
13 all the city building code procedures and
14 construction procedures before you begin.

15 MOHAMMED AKADAR: Okay, sir.

16 MI CHAEL GARDNER: Do you understand
17 that, sir?

18 MOHAMMED AKADAR: Yes.

19 MI CHAEL GARDNER: All right.

20 Ms. Lint may be able to help you.

21 MOHAMMED AKADAR: (I naudi ble.)

1 MI CHAEL GARDNER: All right. Thank
2 you very much. Appreciate it. And
3 appreciate the participation of the members
4 of the public.

5 * * * * *

6 ELI ZABETH LINT: Disciplinary matter
7 continued from March 29, 2011. Panja Sasi rat
8 2008, Incorporated doing business as Conga,
9 Sasi rat Wyckoff, manager, holder of an all
10 alcoholic beverages as a restaurant license
11 at 104 Mount Auburn Street due to an
12 investigation conducted by the License
13 Commission regarding the operating hours of
14 the restaurant and operating as a nightclub.

15 MI CHAEL GARDNER: Good evening.

16 ATTORNEY JAMES RAFFERTY: Good
17 evening, Mr. Chairman.

18 ANDREA BOYER: Just a minute, this
19 is my case. I'm sorry.

20 MI CHAEL GARDNER: Yes, if you can
21 just wait, Ms. Boyer will be with us in just

1 a mi nute.

2 Okay, so i f you coul d j ust state your
3 names for the record for the stenographer,
4 pl ease.

5 PANJA LYMSWAM: Hel lo. My name i s
6 Panj a Lymswam.

7 ATTORNEY JAMES RAFFERTY: James
8 Rafferty, 130 Bi shop Al len Dri ve, Cambri dge.

9 ANDREA BOYER: Andrea Boyer.
10 Investigator for the Ci ty of Cambri dge
11 Li cense Commi ssi on.

12 Hel lo, Ji m, Panj a.

13 So, we' re here based on a report that
14 was wri tten on March 11, 2011. It was
15 al ready submi tted to the Board for your
16 revi ew. Conga Restaurant had been
17 i nvestigated based on al legedl y not bei ng
18 open duri ng the hours that they were granted
19 to them for thei r Li quor Li cense and thei r
20 common vi ctual er Li cense, and al so that the
21 establ ishment had been open for danci ng on

1 Thursday, Friday and Saturdays at nine p.m.
2 and not serving food. More being an
3 atmosphere for dancing. There were
4 investigations had taken place, that was in
5 the report, to determine whether food was
6 being served. That was in the report. I
7 spoke with Panja on a few occasions about the
8 change of hours of operation. He said that
9 he had been losing a lot of money at that
10 time in March, and that he had submitted
11 hours of operation to help at that time
12 frame, which Elizabeth Lint had approved, so
13 he didn't necessarily have to be open for
14 lunchtime. So, he did that for a while. And
15 we were still having problems with a
16 corporate situation that there was gonna be a
17 change of that. So I spoke with him again
18 and asked him to speak with Christopher
19 O'Neil for an application for transfer or
20 about the status of the business. And
21 basically at that time we were going to have

1 the hearing in March based on the hours of
2 operation. And there was still no food being
3 served. And also implied that the
4 establishment had more of a nightclub
5 atmosphere.

6 Also, at that time, in March there had
7 been an article about change of manager
8 and/or ownership of the establishment. And
9 that an Abram Ozack (phonetic) was now the
10 general manager of the establishment. The
11 person who did the article, David Harris, had
12 questioned about the overcapacity issue that
13 we were in front of the Board in January, and
14 the alleged new manager or owner has stated
15 that there would be feature of club nights on
16 Thursday, Friday and Saturdays, and that
17 things like the overcapacity wouldn't happen
18 again. That opened up another investigation
19 for me to speak with Panja. And at that time
20 he had stated that there was no new
21 ownership, there was no new manager, and that

1 there was going to be a transfer just of the
2 business or, excuse me, just have new
3 corporate stock options had been given.
4 There had been conversations back and forth
5 between the License Commission, Panja and
6 also the attorney, James Rafferty, and also
7 the attorney Sean Hope. At that time on
8 March 31st the paperwork was submitted that
9 Conga would only maintain the active
10 restaurant hours that they were approved for,
11 and that there would be no DJ license -- I
12 mean, there would be no DJ'ing because that
13 was one of the issues that we were having.
14 And that they would only have the background
15 music or television on.

16 It was actually at that time on March
17 31st that the establishment had closed. I'm
18 not sure of those reasons, and it has not
19 been open since then. So we're trying to get
20 some clarity of what had happened and what is
21 going to happen.

1 MICHAEL GARDNER: Thank you.

2 Mr. Rafferty.

3 ATTORNEY JAMES RAFFERTY: Thank you,
4 Mr. Chairman. Essentially I think
5 Investigator Boyer's chronology is fairly
6 accurate. The licensee has operated this
7 location for a little more than a year. Had
8 initially opened without benefit of an
9 alcoholic beverage license under one concept
10 and did not fair well. Ceased operations,
11 sought a transfer of a pocket license that
12 was a shine license you might recall from One
13 Kendall. Was transferred to this location,
14 and he, he opened as Conga's which was a
15 Latin-themed restaurant. His initial concept
16 involved -- what do you call that? Shabu
17 Shabu?

18 PANJA LYMSWAM: The first one is a
19 Shabu Shabu.

20 ATTORNEY JAMES RAFFERTY: Shabu
21 Shabu which is an Asian cooking where you had

1 little pots with flames at the table. While
2 Chief Reardon's department under inspection
3 raised objections to that concept. So that
4 never really took off. So that led to the
5 second concept, Conga's. A long way of
6 saying that he faced a number of financial
7 setbacks along the way.

8 Conga's did open, had some moderate
9 success, and then this winter, particularly
10 during the month of January, days on end of
11 literally no business. So, the kitchen help
12 did -- there was attrition there to the point
13 where there was only one or two people there.
14 So, the management made the decision, acted
15 unilaterally unaware that they were limited
16 to do so, simply not to be open for lunch.
17 That there was no lunch business, they
18 couldn't sustain it, they couldn't afford to
19 be open.

20 The follow on from that is January
21 turned into February, was a similar problem

1 in the kitchen in the evening, preparing
2 meals and all that. So that, that business
3 also atrophied, and I think it's fair to say
4 that they remained open in the evening, but
5 food was not being served. There was not
6 kitchen help. And Mr. Lymswam sought out a
7 buyer, because it was very clear, based with
8 the mounting financial problems he had with
9 the landlord, with the vendors, and the like
10 that he could not survive at this location.

11 He has identified a buyer, and Attorney
12 Hope is representing that buyer. A transfer
13 application has been filed, and it's
14 scheduled for hearing in two weeks. Around
15 the time that this notice was provided in
16 late March, the ability to even remain open
17 became not possible because the -- after
18 meeting with Ms. Boyer, as she said, that the
19 agreement to allow him to proceed and remain
20 open would be that he would have -- he would
21 have limited use of his entertainment

1 license, only for background music and
2 television. Now the entertainment license
3 had other portions to it. He used to have a
4 salsa night and a few other things, but when
5 the reality of that sunk in, the decision was
6 made not to operate the restaurant. The
7 License Commission was notified of that fact.
8 And the restaurant has not been in operation
9 since March 29th, in that range. A
10 significant amount of time has been spent
11 with the landlord on issues involving
12 assignment of the existing lease. As you
13 might imagine, there are arrearage issues
14 that need to be addressed, and they have all
15 reached a satisfactory conclusion that will
16 allow them to go forward in two weeks. So,
17 the status of the license now is the licensee
18 is awaiting transfer and the business is not
19 open and has not been open for several
20 months, and there is no expectation that this
21 operator will reopen the business. Hopefully

1 the transfer will be approved locally, and
2 ABCC will approve it and at some point the
3 new operator will step forward.

4 MICHAEL GARDNER: And under such a
5 circumstance do we have a history of what we
6 would call the license? Is the license just
7 being held or deemed as --

8 ELIZABETH LINT: Inactive.

9 MICHAEL GARDNER: Inactive. I was
10 looking for a word. Yes.

11 ATTORNEY JAMES RAFFERTY: It's
12 probably -- inactive in the license pallet
13 could often be the building's not even there
14 anymore. There's a range of inactive. I
15 think this is an active, not operational, if
16 there's such a term. I mean, it has been a
17 cessation of business. There's nothing that
18 would -- I shouldn't say there's nothing.
19 There's a financial impediment to prevent him
20 from reopening, but the status of the license
21 is somewhat active. But the pocket license

1 is I think one would have to come back to
2 petition to be reactivated. It may be a
3 difference with another distinction, but I
4 think at the moment the licensee has notified
5 the Commission pursuant to the regulations
6 that is he not open for business, and the
7 license is the subject of a transfer
8 application.

9 ROBERT HAAS: So the transfer would
10 also include the transfer of the liquor
11 license as well with the premise, right, no?

12 ATTORNEY JAMES RAFFERTY: Oh, yes,
13 that's what the application would be, to
14 transfer the existing license. I think it's
15 about a 99 capacity license. There are
16 challenges with the location. This was the
17 former Cafe Paradiso for many years. Very
18 limited cooking facility. Doesn't have an
19 exhaust. Doesn't have an ansul system, and
20 the landlord isn't interested in one being
21 installed. It's largely an office building.

1 So the new owner has a food concept, it
2 doesn't require much in the way of cooking.
3 It's an established sushi restaurant. So it,
4 without going into the specifics of that, and
5 Mr. Hope will handle that in two weeks. But
6 finding the right successor here has been a
7 bit of a challenge, but it's been clear for
8 sometime now that that seems to be the only
9 logical way to conclude this.

10 MICHAEL GARDNER: I guess with
11 respect to trying to understand what the
12 License Commission's interest is today before
13 the transfer matter is concerned or
14 considered, I'm sort of thinking perhaps all
15 we care about is that given the history of
16 apparent or possible violations in the past,
17 and the tenuous circumstances that we simply
18 be assured that there won't be an effort to
19 reopen on the record before the matter is
20 considered by the License Commission again?
21 I'm just speculating. That sounds like a --

1 ATTORNEY JAMES RAFFERTY: I think
2 that's very prudent. I think the history, as
3 I said, I don't think we have much of a
4 factual dispute. So, the licensee would most
5 definitely be happy to make such a
6 recommendation. I don't think at this point
7 they could unilaterally open, but we
8 certainly would not, would not make any
9 attempt to open for business prior to the
10 hearing and any action on the transfer
11 application. I think we can say that with
12 the utmost of confidence.

13 MICHAEL GARDNER: So you can
14 stipulate to that?

15 ATTORNEY JAMES RAFFERTY: No
16 question.

17 GERALD REARDON: Obviously there
18 will be, whether the transfer tries to occur
19 on the same location on the hearing, a
20 completely different hearing on whether or
21 not the new proposal meets guidelines and

1 transfer so on and so forth --

2 ATTORNEY JAMES RAFFERTY: Agreed.

3 GERALD REARDON: -- that starts
4 anew.

5 ATTORNEY JAMES RAFFERTY: Right.

6 And that application starts -- that
7 application has been filed, and I think the
8 advertisements have run on that and notice
9 has gone out and that's scheduled two weeks
10 from now. And, yes, it would be a whole new
11 license. There had been, as you might have
12 heard, there had been some attempts about
13 maybe people would come in and be part of
14 something else. The decision, frankly, to
15 close down was this one really needs to
16 conclude, and the best thing to do is get a
17 new entity. There was some thinking, well
18 maybe if we brought in some new shareholders
19 and we could stay open and we wouldn't have
20 this period of darkness where we don't have
21 any revenue, but the conclusion was that that

1 was an inevitability, that this business
2 doesn't have the resources to remain open
3 and, the license is for sale and it is under
4 contract, the purchase and sale agreement has
5 been negotiated, and an application has been
6 filed.

7 MICHAEL GARDNER: Any more your
8 client would like to say to us at this point?

9 ATTORNEY JAMES RAFFERTY: Without
10 conferring with him, I can assure you he has
11 nothing more he wishes to say.

12 MICHAEL GARDNER: Are there any
13 members of the public who would like to be
14 heard on this matter? Please come forward
15 and state your name and spell it for the
16 record, please.

17 PAUL OVERGAAG: Paul Overgaag
18 O-v-e-r-g-a-a-g. I'm the owner of the Red
19 House and Charlie's Kitchen in Cambridge.
20 I'm an abutter of the restaurant in question,
21 and I strongly support a transfer of the

1 license to a new reputable owner who wants to
2 be part of a restaurant community, and I wish
3 him the best of luck. And that's all I have
4 to say.

5 MICHAEL GARDNER: Thank you very
6 much. Just so everyone's clear that the
7 matter of the transfer is not before us this
8 evening.

9 I'm not sure if we need any action of
10 the Board. We've heard the stipulation from
11 the owner's representative that they will not
12 reopen pending view by the License Commission
13 again.

14 ROBERT HAAS: So, I make a motion
15 that we hold any consideration for any
16 penalty relative to this by a hearing pending
17 that this application for transfer of the
18 license, and if there's a breach I think we
19 would consider bringing action at that point.

20 GERALD REARDON: Second.

21 MICHAEL GARDNER: Motion having been

1 made and seconded to hold open the matter of
2 any possible disciplinary action for prior
3 allegations -- prior alleged violations. All
4 those in favor signify by saying "Aye".

5 ROBERT HAAS: Aye.

6 GERALD REARDON: Aye.

7 MICHAEL GARDNER: Aye. None
8 opposed. So thank you very much.

9 Ms. Boyer, thank you for your succinct
10 summation.

11 * * * * *

12 ELIZABETH LINT: Application
13 Atwood's Corner, LLC doing business as
14 Atwood's, Ryan McGee, manager, holder of an
15 all alcoholic beverages as a restaurant
16 license at 877 Cambridge Street has applied
17 for an alteration of premises description to
18 include a seasonal outdoor patio for 40 seats
19 on private property.

20 ATTORNEY JAMES RAFFERTY: Good
21 evening, Mr. Chairman. For the record,

1 again, James Rafferty, law firm of Adams and
2 Rafferty, 130 Bishop Allen Drive in
3 Cambridge. Seated to my immediate left is
4 Ryan McGee, the manager of record. And to
5 Mr. McGee's left is his brother Patrick McGee
6 who is also a full-time employee of the
7 premises.

8 Mr. Chairman, the McGee brothers, about
9 five years ago, opened Atwood's Tavern at a
10 location on Cambridge Street pretty much
11 opposite what's called the Harrington School,
12 I mean it's the King School now. And it's
13 really been a very successful and
14 neighborhood-oriented establishment. The
15 owners have the -- close proximity to the
16 business, they live in the same building.
17 They literally live above the store. They
18 work there full time. They've built a strong
19 clientele in the community. In five years
20 they have never had a complaint or been
21 before the Commission for any proposed

1 disciplinary action.

2 They're here this evening to seek
3 approval for a change in premises that would
4 allow them to create an outdoor patio in the
5 rear of their premises. The patio would be
6 similar to some recent patios, I think, of
7 the patio on Prospect Street at The Field
8 where an opportunity was created in what was
9 a parking lot, and it's proven to be a nice
10 place to go outside. Mr. Overgaag has had
11 great success in Harvard Square, the prior
12 speaker, in creating his beer garden. It
13 seems to be a strong interest and demand in
14 having an opportunity to sit outside.

15 So this, this is a seasonal request.
16 It does involve an increase of seasonal
17 seating and an expansion of the premises to
18 allow for the patio. I know the McGees have
19 been engaged in extensive outreach with their
20 abutters, and we have a number of items. The
21 first is -- do you have your petitions?

1 RYAN MCGEE: Yes.

2 ATTORNEY JAMES RAFFERTY: Maybe you
3 can tell the Commission how many signatures.
4 And there's actually a coding system to these
5 petitions. And maybe you can just explain
6 what that is.

7 RYAN MCGEE: 278 total signatures of
8 Cambridge residents. 13 signatures, I
9 believe, they have the red dot next to them,
10 are direct abutters of the property. There
11 are nine signatures on there that have a blue
12 dot. Those are people that live on either
13 Hunting Street or Willow Street, the two
14 roads that Atwoods is right in the middle of.
15 So all those people actually have a clear
16 view of the proposed patio space. And there
17 are 70 signatures with black dots, and those
18 are people that live within 500 yards of the
19 restaurant.

20 ATTORNEY JAMES RAFFERTY: In
21 addition to the signatures, there are also a

1 series of letters from abutters that we would
2 offer to file as well. As I said, I think
3 the application is straight forward. It
4 seeks to create an outdoor patio. The floor
5 plan details that it's a rather modest
6 expansion. It will have control points. You
7 can only access the patio through the
8 premises. There's a second means of egress,
9 but that is only for exit purposes that comes
10 out to Cambridge Street. You can see it on
11 the plan. The rationale being no one could
12 go directly to the patio. They'd have to
13 come through the premises, be met by a
14 hostess and be led to a table. You couldn't
15 simply come directly into the patio. It's
16 totally secured but has accessibility.

17 MICHAEL GARDNER: Are there any
18 access issues?

19 ATTORNEY JAMES RAFFERTY: Mr. McGee
20 informs me, no. And he's prepared to provide
21 a handicap ramp for access. Do you know the

1 di mensi ons?

2 RYAN McGEE: There' s a si x-foot
3 handi cap ramp that goes si x inches down on
4 grade. But there is the side al leyway of the
5 restaurant is actual ly our handi cap access
6 al ready for the restaurant.

7 MI CHAEL GARDNER: And one can get to
8 the pati o?

9 RYAN McGEE: Ryan di rect straight
10 path down the al leyway di rect to the pati o.

11 ATTORNEY JAMES RAFFERTY: In fact
12 that is the point in which you -- thank you
13 for poi nting that out. If you look at the
14 floor pl an, the handi cap access area where
15 the ramp is now is the door by which you go
16 from the premi ses to the pati o. So it serves
17 both functi ons.

18 MI CHAEL GARDNER: And what' s the
19 i ncrease in seating that' s requested?

20 ATTORNEY JAMES RAFFERTY: Ten tabl es
21 wi th four seats per tabl e. So i t' s a total

1 of 40 increased seats.

2 MICHAEL GARDNER: So is the standard
3 license for 57? Am I just understanding it
4 right?

5 ATTORNEY JAMES RAFFERTY: The
6 standard meaning the existing license?

7 MICHAEL GARDNER: Yes, the existing
8 license. This says the total occupancy of
9 97.

10 ATTORNEY JAMES RAFFERTY: And the
11 numbers are the current occupancy is 70 seats
12 with 15 standing. So this would be 40 in
13 addition to that, seasonal, all outside.

14 GERALD REARDON: Is the floor layout
15 there?

16 ROBERT HAAS: The hours of operation
17 for your patio?

18 ATTORNEY JAMES RAFFERTY: I presume
19 it's the same as --

20 PATRICK MCGEE: Until ten o'clock.

21 ROBERT HAAS: Until ten o'clock?

1 PATRICK MCGEE: We're going to shut
2 it down. Do last call by nine or
3 nine-fifteen and then pull everyone back
4 inside or send them on their way. Obviously
5 leaving space for -- when we're open and the
6 patios at capacity, leaving space in the
7 restaurant if all those people want to come
8 inside.

9 ROBERT HAAS: What's the closing
10 time now for the restaurant?

11 PATRICK MCGEE: We have a two
12 o'clock license, Thursday, Friday, Saturday.
13 Yes.

14 RYAN MCGEE: And that's primarily
15 because we do live music and noise concerns
16 are an issue, but we try to be very --

17 MICHAEL GARDNER: So to the extent
18 that the notice says five p.m. to one a.m.,
19 seven days a week, that's -- you're planning
20 the hours you would have the patio open would
21 be?

1 RYAN McGEE: We'd like to actually
2 serve for both lunch and brunch on the
3 weekends, and also during the week and then
4 have the patio stay open until -- we would
5 clear everybody off the patio by ten o'clock
6 at night seven days a week.

7 MICHAEL GARDNER: So something like
8 eleven a.m. to ten?

9 RYAN McGEE: Yes.

10 ATTORNEY JAMES RAFFERTY: I think it
11 might make sense to suggest that the patio
12 hours would be consistent with the restaurant
13 hours, however, the patio closing would be
14 limited not to go beyond ten p.m., but when
15 the restaurant is open for lunch or brunch,
16 the patio would be open for the season. But
17 I had not caught, I apologize, a limitation
18 which I imagine which is geared toward
19 addressing -- so you -- the door remains open
20 when the patio is open obviously on a warm
21 night. But if entertainment is going on, the

1 idea would be that they would keep the door
2 closed which is their practice when there's
3 entertainment.

4 GERALD REARDON: The alleyway
5 between the two buildings is that a regular
6 easement you both share?

7 RYAN McGEE: That's essentially
8 ours.

9 GERALD REARDON: And there's no
10 storage in there at all?

11 RYAN McGEE: No.

12 ATTORNEY JAMES RAFFERTY: And that
13 alleyway represents the handicap access into
14 the current premises.

15 GERALD REARDON: It's 4.5. It's
16 more than adequate.

17 RYAN McGEE: That's at narrowest
18 point.

19 MICHAEL GARDNER: Anything else you
20 have to add?

21 ATTORNEY JAMES RAFFERTY: No, thank

1 you.

2 ELIZABETH LINT: I have a little
3 bit.

4 MICHAEL GARDNER: Okay.

5 ELIZABETH LINT: I have a letter of
6 support from Councilor Toomey who says he's
7 in support of the application for an
8 alteration of premises to include a seasonal
9 patio. Outdoor seating continues to grow in
10 popularity and factors into the decision that
11 patrons make when choosing a place to eat
12 allowing the patio on the present property
13 would be a great addition to the neighborhood
14 and help improve local business that has been
15 a conscientious neighbor.

16 And I also have a letter from the East
17 Cambridge Business Association also in
18 support of the application. They say that in
19 East Cambridge we have limited options when
20 it comes to outdoor dining. By creating a
21 patio on private property Atwood will create

1 a pleasant dining experience for their
2 patrons and add to the outdoor seating
3 options in East Cambridge. The owners of
4 Atwoods are known to be good neighbors and
5 responsible business owners and we are
6 confident that they will continue to put the
7 needs of the neighbors at the forefront.

8 MICHAEL GARDNER: And are there any
9 members of the public who would like to be
10 heard on this matter?

11 (No Response.)

12 ROBERT HAAS: I make a motion to
13 approve the application.

14 GERALD REARDON: Second.

15 MICHAEL GARDNER: And in terms of
16 approving the application, that is to have it
17 open during the hours the restaurant is open
18 with the closure at ten?

19 ROBERT HAAS: That's correct.

20 GERALD REARDON: So it would be 40
21 seats of a patio on private property,

1 seasonal , and the patio area open to the
2 hours of ten p.m.

3 ATTORNEY JAMES RAFFERTY: Right.

4 MICHAEL GARDNER: Motion having been
5 made and seconded, all those in favor signify
6 by saying "Aye".

7 ROBERT HAAS: Aye.

8 GERALD REARDON: Aye.

9 MICHAEL GARDNER: Aye. None
10 opposed.

11 Very supportive distillation of
12 neighborhood support.

13 ELIZABETH LINT: If I can indulge
14 you for a moment. I did not announce at the
15 beginning of the meeting that the Red House
16 was withdrawing their application
17 Mr. Overgaag is here and would like to
18 address the Board briefly.

19 MICHAEL GARDNER: All right.

20 PAUL OVERGAAG: Good evening. Thank
21 you for your time. I'm Paul Overgaag for the

1 Red House Restaurant in Cambridge. I
2 withdrew my application because I did not get
3 permission from the DPW to do the chairs and
4 tables as were planned. I would like to
5 offer my apology to the Board for not showing
6 up at the decision hearing. I also would
7 like to offer my apology, and hopefully get a
8 confusion out of the way of why I set up the
9 tables that were proposed, and totally not
10 approved by any department of the city.

11 I set them up to take the picture for
12 some clarification for the decision hearing
13 which I didn't show up at. So, there was a
14 little bit misunderstanding. I got a call
15 from Andrea, and within two hours everything
16 was gone and everything is back to what is
17 approved by the License Commission. I never
18 done anything like this. I thought at the
19 end of the last hearing I said that I was
20 going to set it up to take a picture, which I
21 did, and I thought that was understood. But

1 a little confusion. It was totally done
2 without any deliberation of trying to get
3 away with anything. I've been in Cambridge
4 for 25 years, and I respect whatever need to
5 be done, whatever I get handed down from the
6 License Commission or any Inspectional
7 Services. So hereby my apology. Please
8 accept it.

9 MICHAEL GARDNER: Well, we very much
10 appreciate your coming forward and providing
11 the explanation. I must say at one point I
12 was wondering whether or not it was a
13 digitally enhanced photograph as opposed to
14 being set up.

15 PAUL OVERGAAG: No, it was an
16 actual.

17 MICHAEL GARDNER: We appreciate your
18 coming forward and wish you well.

19 PAUL OVERGAAG: Thank you.

20 ROBERT HAAS: So with respect to the
21 umbrellas, they've been taken care of as

1 well?

2 PAUL OVERGAAG: The umbrellas have
3 been taken care of. They're now Red Bull
4 umbrellas. I am working on a new application
5 so we'll work it out somewhere, and I hope to
6 see you soon. Thank you.

7 * * * * *

8 ELIZABETH LINT: Application
9 Gillypad, LLC, doing business as Lily Pad,
10 Gill Aharon, manager, has applied for a new
11 wine and malt beverages as a restaurant
12 license at 1353 Cambridge Street with an
13 occupancy of 97; 36 seats and 61 standing.
14 The hours of operation would be five p.m. to
15 one a.m. seven days per week.

16 ATTORNEY JAMES RAFFERTY: Good
17 evening, Mr. Chairman. For the record, James
18 Rafferty on behalf of the applicant, Lily
19 Pad -- Gillypad?

20 GIL AHARON: Gillypad.

21 ATTORNEY JAMES RAFFERTY: Gillypad

1 is the corporation that does business as Lily
2 Pad. Seated to my left is
3 Gill Aharon A-h-a-r-o-n.

4 GILL AHARON: Yes. Gill with two
5 L's.

6 ATTORNEY JAMES RAFFERTY: Gentlemen,
7 what I asked Mr. Aharon to do -- I've known
8 him for many years -- he runs a unique
9 establishment in Inman Square, some of you
10 may be familiar with it, but it's a cross
11 between a performance venue and a rehearsal
12 studio and it's -- this license isn't
13 traditional. I would suggest it's more like
14 the recent licenses at the Brattle Theatre
15 and at the Improv where the Applicant is
16 really looking to allow patrons that are
17 attending performances to be able to have a
18 drink. It's not the core nature of the
19 business, but it's an amenity. And
20 Mr. Aharon is a real entrepreneur, and I said
21 why don't you gather your thoughts, and he

1 put them on a few paragraphs. And I said, if
2 you pass them out, but maybe you can just
3 sort of read them and you can hear the story
4 of the Lily Pad.

5 GILL AHARON: Dear License
6 Commission: My name is Gill Aharon. I would
7 like to take this opportunity to provide you
8 with some background on the Lily Pad. Since
9 the place is so unique, I could forget
10 something, so I wanted to make sure I had it
11 down.

12 So I've lived in Cambridge continuously
13 since 2002. I lived here before that as
14 well. And then I've been in the Boston area
15 since 1993. I came here to attend Berklee
16 College of Music, and I decided to stay here
17 for many reasons, but the biggest one was the
18 desire to create a place for new music. I
19 grew up just outside of New York City, and
20 with my family we went to concerts all the
21 time, and you get a feeling that art is

1 living. And I'm deviating from the letter.

2 ATTORNEY JAMES RAFFERTY: Stick to
3 the script.

4 GILL AHARON: I'll stick to it.

5 So when I moved here, I would still end
6 up going to New York to perform. Mainly
7 because there were no pianos that are on a
8 smaller scale club -- in a smaller scale
9 club. So I thought this is not great. This
10 is silly, I should open a venue that focuses
11 on the piano, but the goal is to present the
12 most interesting and sincere performances
13 where the sound is great, where there's a
14 beautiful piano, a room that is small enough
15 that there isn't pressure to succumb to the
16 mainstream or to whatever is going to fill
17 the room. I realized that in 1996. And it
18 took me ten years to open the Lily Pad and
19 another five to be here today.

20 Lily Pad is filled with all kinds of
21 activities in both afternoons and evenings.

1 There are four yoga classes -- actually, five
2 yoga classes distributed throughout the week.
3 There are kids concerts on weekends during
4 the summer. There's Spanish classes, music
5 classes, martial arts classes, flower
6 arranging classes, drum workshops, dance
7 lessons, music school recitals of all kinds
8 ranging from young classical performances to
9 the School of Rock, who does monthly shows
10 there in the afternoons on Fridays. To New
11 England Conservatory, Berklee, Longi School
12 of Music performances. The Berklee Global
13 Jazz Institute alone which is their premier
14 flagship ensemble teaching group run by
15 Daniella Perez -- I don't know if you know --
16 anyway, had 13 concerts this year there, and
17 they plan to continue to do those concerts
18 next year. There's also plays, independent
19 film screenings and dance performances, and
20 anything that really doesn't have another
21 place to go and thrive in a small room.

1 Also, we are an art gallery. We have
2 different artists hang work in the space,
3 rotates approximately each month, and the
4 curators is Joey Saul (phonetic). And he
5 wrote a letter, and it elaborates his idea of
6 what's happening with the art.

7 And I'll give you a little background
8 about myself. I grew up really loving music.
9 Started playing piano at the age of three,
10 continued studying music through college and
11 beyond. I went to school at Duke University,
12 right here and got in a Bachelor's Degree in
13 mechanical engineering, and I've always kind
14 of had my feet in two places, musician and
15 engineering. Researcher. At Duke I worked
16 in an acoustics lab. And I would have been
17 able to help that guy with the thing on his
18 roof. I'm working on a principal called
19 alternate resonate tuning to reduce interior
20 aircraft noise, specifically on turboprop
21 airplanes. My experience in that lab really

1 helps me when I think about the acoustics of
2 the Lily Pad trying to make sure that the
3 sound stays inside and it stays great
4 outside. While at Duke I received a
5 scholarship for piano accompaniment. Studied
6 with a guy named Tibor Szasz. And more
7 recently I studied with Charlie Banacos who
8 was an iconic teacher who passed away in
9 December of 2009. He stopped performing in
10 his twenties because he said people behaved
11 badly. And when I had this idea in '96 to
12 open a venue, I said to him, I want to open a
13 venue where you could come and play. And he
14 said, "Stranger things have happened." But I
15 think that place is the Lily Pad. I have a
16 lot of gear in there. A lot of very
17 expensive gear. It never gets -- I mean, in
18 the whole time nothing is left the place, and
19 it always stays in good shape. Something
20 that -- if there's a drum head that's broken,
21 a drummer will come and replace the head.

1 And really people respect this room. I feel
2 like I'm going on about myself a little too
3 much here, but I'll continue to read.

4 I was working as an engineer in an
5 office in Denver, Colorado, and I realized I
6 wanted to make my life about music. I
7 decided to go to Berkeley, find a teacher,
8 become full-time musician. In order to do
9 that do that -- I already said this, didn't I
10 say this already? I worked at the Mass. Eye
11 -- oh, no, I didn't. I worked as a research
12 assistant at the vestibular lab at Mass. Eye
13 and Ear Infirmary studying balance in the
14 inner ear until I had enough piano students
15 to survive. Today my life is about music.

16 In the mornings I work on booking it
17 and on the web site for Lily Pad, and then I
18 go practice, tune the piano, and then I head
19 out and I teach -- I teach about 40 lessons a
20 week, mostly kids. I've been doing that for
21 about ten years. And in the evenings I'm

1 home at the Lily Pad where I live, live
2 upstairs with my fiancée.

3 Since January I've been buying one day
4 liquor licenses on Friday nights for
5 something called a Parlor Night, and then
6 I've also gotten two a month on Thursday
7 nights, the second and fourth Thursdays. And
8 the idea behind these was to curate music
9 that I thought was really interesting and not
10 being represented.

11 And so we started on Friday nights, we
12 have -- on the second and fourth Friday
13 nights we have these guys that came from New
14 England Conservatory, they're grads and
15 graduate students, and they call themselves
16 the Lily Pad String Quartet. They're
17 actually playing other places besides the
18 Lily Pad now, but we started at the Lily Pad.
19 And so I wanted to bring classical music back
20 to the neighborhood rather than to just be in
21 the Conservatory or the Ivory Tower of either

1 the Conservatory or the, you know, the big
2 halls. And it's, you know, it's really going
3 well. I only had one requirement of the
4 performance which was not to get too dressed
5 up, because I don't want it to be fancy.

6 Also, while I was in college, I worked
7 as a bartender. And in that bar we just
8 served beer and wine. It was a pool hall.
9 And thinking back on it, I realize that's all
10 that the Lily Pad really needs. People are
11 coming here, they're coming to the Lily Pad
12 to experience a performance. The drink is
13 only to support that experience. The Lily
14 Pad's not a destination to get a drink. It's
15 a destination for culture. I set out to
16 create a place where Charlie, my teacher,
17 would have been happy to come listen or play,
18 and where sincere trumps the commercial. I
19 really believe I've succeeded in doing that.

20 The next step is to make it a viable
21 business. Selling drinks during performances

1 will make the business sustainable by
2 allowing me to continue to promote art and
3 culture in Inman Square. I formed a
4 relationship with Tupelo, and chef Rembs
5 which has provided food on parlor nights.
6 And in addition, I plan to provide packaged
7 snacks, like nuts and stuff like that so that
8 we have food there during performances.

9 Thank you.

10 ATTORNEY JAMES RAFFERTY: Well,
11 thank you for the time on that, and I
12 appreciate allowing Mr. Aharon to give you a
13 little bit of flavor here. I think some
14 members of the Commission might recall we've
15 been here a few times in the past. He's had
16 to put a certain amount of capital into the
17 building. Like many people who focus on
18 their dream, the technical niceties sometimes
19 don't get focussed on, and it was discovered
20 that Mr. Aharon really didn't have
21 entertainment licenses at one point, and for

1 all these wonderful things that he's doing.
2 So that was addressed. And we had to go to
3 the Zoning Board to get approval to have
4 that, and we got that done a few years ago.
5 Had to work with the Fire Department and ISD
6 to put in bathrooms and code-compliant
7 egress. So it's been a work in progress for
8 a number of years now. And he has worked
9 very cooperatively with all city agencies
10 that regulate space of this nature, and it
11 has been a success, but it has been a desire
12 for sometime to think about some of these
13 performances, being able to supplement this
14 them. If you look at the floor plan, the
15 proposed bar is actually on wheels which is
16 what has happened the last few times. He
17 used an interesting phrase, he has bought
18 licenses. It sounds a little unusual. So I
19 think what has happened, he's applied for and
20 received one day beer and wine licenses, and
21 that's what he's served as a model and a

1 pilot program to see how this might work.
2 Because many times the activity that goes on
3 here would not be something that he would be
4 serving beer and wine. Certainly I'm
5 guessing yoga and a lot of the classes around
6 music, there would be no need for this. But
7 there is a steady -- particularly on the
8 weekend evenings, a steady performance
9 schedule. And as we saw with Passim, and a
10 few places like that, to really make these
11 things succeed in the competitive
12 entertainment environment today, this little
13 addition can really make the difference. So
14 I would hope the Commission might recognize
15 the unique nature of this. And I think it's
16 relevant because as the Commission knows, the
17 whole regulatory framework around licensing
18 is around public need, and I would suggest
19 that what's being provided here to the
20 public, that Lily Pad is not something that's
21 easily replicated in other venues or other

1 Licensed establishments in the city. It's on
2 that basis that we're asking for the
3 Commission to grant this. I know in the past
4 it's a common practice for the Commission, if
5 they look favorable on such things, to do a
6 review in six months and see if things are
7 proceeding at the level that was anticipated,
8 and we would certainly welcome and understand
9 the appropriateness of such a review
10 condition if the Commission saw fit to act
11 favorably on the application.

12 Do you have any other letters?

13 GILL AHARON: They're mostly
14 e-mails, because I didn't want to -- last
15 time I think we clogged up the inbox with
16 letters of support. So I kind of toned it
17 down a bit.

18 ELIZABETH LINT: There were about a
19 thousand last time.

20 MICHAEL GARDNER: So, the standing
21 room during the performances you have people

1 who are both standing and sitting now?

2 That's not a change?

3 GILL AHARON: Right. I don't want
4 to add any stools or tables or anything like
5 that. I mean, like, I don't know what the --
6 I mean, the idea is to just be able to sit
7 and listen in a quiet environment to the
8 performance, or watch the performance. It's
9 not a -- it's not a traditional bar where
10 people are talking and there's a lot of
11 background noise. It's really focussed on
12 the performance.

13 MICHAEL GARDNER: And this is not
14 like a theatre where the purchases are just
15 made during intermission or at the beginning?
16 The purchases could go on throughout the
17 performance, is that how it would work?

18 GILL AHARON: Yeah, I mean, it's
19 just generally I think people just buy at the
20 beginning or at intermission or at the end.
21 It's just one room. It would feel a little

1 afternoons in May. Not including
2 cancellations. Occasionally people cancel.
3 But there's more desire for musicians to play
4 and performances to occur than I have room.

5 GERALD REARDON: So what is your
6 experience with the days that you had the one
7 day alcohol licenses just in terms of fit and
8 feel and everything in terms of you know --

9 GILL AHARON: It was wonderful.
10 People were so happy. I mean, they were
11 like, I can't believe you got a beer and wine
12 license. And I said, I didn't yet. This is
13 a test run, I want to make sure -- I mean, I
14 resisted for a long -- there was a lot --
15 like my family, in particular, was very much
16 pushing me to do this a long time ago. And I
17 resisted because I didn't want to change. I
18 like how the Lily Pad is. It's quiet and
19 people are there to listen, and I don't want
20 to change that. That's why if you look at
21 the floor plan, the bar is really small and

1 i t' s ki nd out of a way. I do not want to
2 make i t a pl ace where peopl e comi ng to dri nk.
3 I' m not a person who dri nks, reall y. I mean,
4 I' ll have a beer here and there. I t' s not my
5 thi ng. I' m much more about pl ayi ng musi c.

6 GERALD REARDON: But you probabl y
7 had what, maybe hal f a dozen ti mes to do thi s
8 and i t hasn' t changed the atmosphere?

9 ATTORNEY JAMES RAFFERTY: I t' s
10 manageabl e.

11 GERALD REARDON: I t' s worked out
12 wel l wi th everyone wi th the musi ci ans?

13 GILL AHARON: Yes, i t' s great. I t' s
14 reall y great. The cli entele hasn' t changed.
15 So i t' s basi call y the same peopl e that have
16 been comi ng or comi ng, but they maybe buy a
17 beer i nstead of l eavi ng and goi ng somewhere
18 el se or goi ng home. I t al so adds to the ki nd
19 of the festi ve nature of the performance so
20 that once the performance i s fi ni shed, the
21 performers wi ll come out and si t and then

1 have a conversation with the audience, and
2 have and share a glass of wine or beer. And
3 I mean, it really, I think it was a very
4 positive effect on the whole thing and made
5 it even more intimate because people were
6 sharing something besides the performance.

7 MICHAEL GARDNER: And what about the
8 restaurant aspect of this? I've heard you
9 mentioned nuts and also relationship with
10 Tupelo. I'm not sure I understand the food
11 you'll be serving.

12 GILL AHARON: Well, I -- excuse me.

13 ATTORNEY JAMES RAFFERTY: I think
14 it's fair to say it's very limited. It's
15 recognized as a requirement as typically
16 associated with the license, so there has
17 been a historic relationship. We had
18 discussed the fact that something would need
19 to be offered. I know at the Brattle they
20 have good popcorn and Juj u Beads, and I think
21 that this could -- Inman Square -- to be

1 honest, Inman Square is a thriving place and
2 most of the patrons are either coming from or
3 go to another restaurant in Inman Square. So
4 he's certainly not looking to go compete with
5 the restaurants in Inman Square. So the food
6 offering is admittedly limited in place to
7 satisfy, frankly, the requirements typically
8 associated with the license.

9 MICHAEL GARDNER: Otherwise it would
10 sound like a nightclub, right?

11 ATTORNEY JAMES RAFFERTY: Well, I
12 can't imagine having listened to that
13 description, a nightclub that quite matches
14 that type of ambience. But it might
15 otherwise be a place where people have a
16 drink and don't eat food. In some people's
17 mind that might be a nightclub, but I don't
18 think that's what this is in any case.

19 MICHAEL GARDNER: And what's the
20 nature of the license being sought?

21 ATTORNEY JAMES RAFFERTY: It's beer

1 and wine.

2 MICHAEL GARDNER: Is it a no value,
3 no transfer license, or are you asking for
4 something else?

5 ATTORNEY JAMES RAFFERTY: I would
6 leave those classifications to the wisdom of
7 the Board. My understanding, the practice of
8 the Board, that a license of this nature
9 applied for, and not transferred, would be,
10 would qualify as a no value. I'm not
11 convinced as to what no transfer means, and
12 I'm not being cute. I just don't know at the
13 moment whether -- I think that's a new, not
14 new but a more recent category?

15 ELIZABETH LINT: Well, I think that
16 goes back to when the roles surrounding cap
17 policy were laxed a little bit, that the
18 Chairman -- it was the Chairman's decision
19 that it was appropriate if we were issuing
20 new licenses, that they would have no value
21 and be non-transferable. So that if the

1 place closed, the license died. If someone
2 else went into the establishment, then
3 applied for a restaurant, then they would
4 start all over again.

5 MICHAEL GARDNER: And is that
6 satisfactory? If that's the Board's
7 decision, I mean, you said -- I understood
8 you to say it was up to the Board in terms of
9 what you were applying for, and you're really
10 applying for a no value license.

11 ATTORNEY JAMES RAFFERTY: Yes,
12 that's my understanding. But I don't think
13 the standard is whether I'm satisfied. I
14 think if that's the --

15 MICHAEL GARDNER: I'm trying to
16 figure out what you're asking for.

17 ATTORNEY JAMES RAFFERTY: And I
18 appreciate the inquiry. We're applying for a
19 new license to be issued consistent with the
20 Board's policy in issuing these licenses.
21 They're clearly called no value licenses, but

1 I'm being honest when I say I don't know what
2 it means -- what the current status of no
3 transfer is. If Tory Row goes to sell some
4 day, can they transfer their license?

5 ELIZABETH LINT: They cannot.

6 ATTORNEY JAMES RAFFERTY: Okay, so
7 maybe that means that the same thing would
8 happen here.

9 MICHAEL GARDNER: I guess if it has
10 no value it's not transferable, but
11 perhaps --

12 ATTORNEY JAMES RAFFERTY: Well, now
13 that's interesting. It may not be saleable,
14 but and I only say this, and we shouldn't
15 have this -- well, I'm not sure what the
16 ABCC's view is of once a license is issued to
17 whether or not it's transferable. But I
18 don't think Mr. Aharon is in this to flip it
19 and make a profit. I think it's fair to say
20 that if the license were to be granted here,
21 it's based on a very specialized business

1 model. And I would suspect that anyone
2 following in his footsteps -- I mean, if he
3 were to somehow succeed and his brother
4 wanted to take over, if he ran that, but I
5 would think if someone came in and thought
6 well, I'm just going to open up a restaurant
7 or a barroom here and try to transfer a
8 license, it would be a very different
9 operation. I would think it wouldn't carry
10 any of the presumptions that a typical
11 license carries when one operator switches to
12 another. I think when you ask for such a
13 unique venue, just like the Improv or the
14 Brattle or some of these places that it's
15 pretty tied to that concept, and I would
16 anticipate that successors would need to make
17 the same case to yourselves or your
18 successors.

19 MICHAEL GARDNER: Thank you. Well,
20 I appreciate your explanation of that.
21 Always helpful to me as I'm trying to find my

1 way.

2 Your experience with serving alcohol ,
3 you mentioned that you had worked a bar
4 before and you've had some one day licenses.
5 You have all of the trainings that are
6 required to serve for Cambridge?

7 ELIZABETH LINT: He would be
8 required to do the 21-proof training.

9 GILL AHARON: I would be happy to do
10 that.

11 ELIZABETH LINT: And we have not had
12 any complaints or issues with the one days
13 that were issued.

14 ATTORNEY JAMES RAFFERTY: How many
15 have you had 15?

16 GILL AHARON: Something like that.
17 Almost six a month. So it's been five
18 months, so almost three --

19 MICHAEL GARDNER: Anything you'd
20 like to add before we open it to the floor?

21 ATTORNEY JAMES RAFFERTY: No, thank

1 you.

2 MICHAEL GARDNER: Are there any
3 members of the public who would like to be
4 heard on this matter? Just please come
5 forward and take a seat at the table. If you
6 would state, your name and spell it for the
7 record.

8 GAUTAM SHAH: Hello. My name is
9 Gautam Shah. Spelled G-a-u-t-a-m. Last name
10 is S-h-a-h. I'm a, you know, patron of the
11 Lily Pad and, you know, wanted to voice my
12 support. It's a really unique place as he's
13 mentioned, but, you know, what I really
14 wanted to express is how it is different to
15 me than any other place that I've been to in
16 Massachusetts. It's a really creative,
17 intimate space, you know, in terms of square
18 footage perhaps no bigger than this
19 conference room. That when you enter, you
20 feel like you've entered somebody's home.
21 And Gill often treats it that way to the

1 artists that come to perform there. And he,
2 his objective is to keep it open to, to all
3 nature of artists really. And the point is
4 that they get the exposure that they
5 otherwise wouldn't get. And in order for
6 that to happen, the artists have little or no
7 cost to perform there. And the patrons, like
8 myself, who go to see these artists, that I
9 otherwise wouldn't be able to see, would have
10 little or no cost. But of course Gill's
11 overhead remains. And so really what this
12 license serves as a means to an end. In
13 order to maintain these, the ability of these
14 up and coming artists to come and perform,
15 for patrons like myself to come and enjoy, he
16 needs to make a buck. And if that means that
17 I decide to buy a beer, then great, you know,
18 and we can keep the lights on. Otherwise
19 I'll leave.

20 MICHAEL GARDNER: All right. Thank
21 you.

1 Any other members who would like to be
2 heard?

3 MICHAEL CRAWFORD: Hi my name is
4 Michael Crawford. I live next-door, part
5 owner of the Drew. I've known Gill since
6 2004, and he runs a great place, great music
7 and clientele are really nice people. I just
8 wanted to speak in favor.

9 MICHAEL GARDNER: Thank you very
10 much.

11 Anyone else who would like to be heard?

12 KELLEY FOLEY: Hi. I'm Kelley
13 Foley, K-e-l-l-e-y F-o-l-e-y and I run the
14 operations for 1369 Coffeehouse. I've worked
15 there for four years, and in that time I've
16 gotten to know Gill, and he's been nothing
17 but an outstanding neighbor, really cares
18 about furthering the community. A lot of
19 people come to visit the Lily Pad, and in
20 doing so, they frequent the businesses in
21 Inman Square, and I don't know, anything to

1 keep the Lily Pad alive and bring Gill some
2 extra revenue kind of helps us all out. So I
3 just wanted to speak in favor of this.

4 MICHAEL GARDNER: Thank you, very
5 much.

6 ALICE HUNTER: Hi. I'm Alice Hunter
7 and I'm a nervous public speaker, so I wrote
8 it down.

9 I'd like to talk in great support of
10 the liquor license for the Lily Pad. I've
11 known the Lily Pad for quite sometime from
12 its beginning to be an independent business,
13 to going through its renovations to its
14 current state of beauty, and I think of it as
15 one of the treasures of this area. I'm a
16 recent homeowner, and it's things like this
17 that keep me in this area.

18 I think that it's a really important
19 place for artists -- or the liquor license is
20 really important for artists, the audience,
21 and the community as a whole. For artists

1 it's -- there are so many really excellent
2 artists who are struggling financially, and
3 just a small amount of increased revenue for
4 them makes a really big difference. For the
5 audience, I love going to the Lily Pad. I
6 love hearing all the ups and downs and the
7 musical. It's so exciting to listen to the
8 composition that happens right there. And I
9 -- but I like to be able to talk to people
10 afterwards. And I find that when there's
11 alcohol, then in between the sets, then
12 people talk to each other more than when
13 there's not. People still don't talk during
14 the concert because that's not -- that's
15 rude. You're right there, they're
16 performing, you know. And I'm not, I'm not a
17 big drinker, and it's not -- but I find that
18 a little bit of alcohol helps in making it
19 more of a community.

20 For the community I'm a, I'm a member.
21 I'm a Member of the Board of the Boston Dance

1 Alliance, and I'm also the Director of
2 Leadership in Motion which is a non-profit
3 that helps refugee youth through the
4 performing arts, and Gill has supported so
5 many community organizations through hosting
6 fundraisers for them, and to have a space
7 where we can have a fundraiser for the
8 Leadership in Motion Refugee Youth Project.
9 I have a young girl who's a refugee from Iraq
10 who's been -- I mean, she was hidden away for
11 many years in an apartment and is just now
12 getting to school. And she is this gorgeous
13 artist. And if we were to put her artwork on
14 a place there and to have a full celebration
15 and to be able to also raise money for a
16 program, I don't know anywhere else that that
17 could possibly happen.

18 And for Gill he's, he's a really good
19 man. He's -- he works 40 hours a week
20 teaching music to support his business. So
21 he teaches for 40 hours every -- going from

1 house to house. And some people come to the
2 Lily Pad. But mostly it's all over, to
3 support the community. To support the
4 artists, the audience, all these community
5 groups. He, for years all his work that he's
6 been working -- like his other, his full job,
7 like this is always underemphasized, but all
8 his work has been going straight into the
9 Lily Pad. The Lily Pad hasn't fed him any
10 income. It's taken income. And I think as a
11 recent homeowner, I would really like things
12 like this to go forever, for a long time, and
13 I don't see how that as a business model
14 could go.

15 MICHAEL GARDNER: I think we have
16 it. Thank you very much.

17 Anyone else who would like to be heard
18 on this matter? Please.

19 ATTORNEY JOHN GRECO: Good evening.
20 My name is John Greco, I'm an attorney
21 representing Julie Burnes and owns a property

1 at 7-9 Springfield street, she resides there.
2 And Julie's own the property for about 20
3 years. And prior to that it was the family
4 property, and they've been there for about 80
5 years. And although Julie certainly
6 recognizes the need to -- how difficult it is
7 to run a business and the need to get
8 increased revenue, I think she's quite
9 concerned that the additional use is somewhat
10 of a change in use by adding the liquor, is
11 going to create more problems. There are a
12 number of problems there now with parking.
13 Not all, you know, of Gill's fault. But
14 there is a parking problem there. There is a
15 mice and/or rat problem there that they have
16 to do regular extermination, because the more
17 food that will come in there, and there are
18 other establishments that have food, the more
19 of a problem is going to be. Additionally,
20 the hours of five p.m. to one a.m. are going
21 to create additional problems. It's very

1 di ffi cul t for Jul ie to rent that apartment.
2 She has a three-fami ly house there, and it's
3 di ffi cul t for her to rent those apartments.
4 Aga in, not putting the blame on Gill. I'm
5 sure Gill is a fine man, and I think they get
6 along reasonably well, but the noise is
7 inevi tabl e, and it's a very crowded space.
8 One of the speakers talked about room is no
9 bigger than thi s conference room. And when
10 you put 97 people in a room thi s size, you're
11 going to inevi tabl y have noise now matter how
12 hard Gill tries.

13 Addi ti onal ly, I think that it's -- it
14 was once a commerci al area when the fami ly
15 fi rst bought the property many years ago, but
16 now it's become an entertai nment area. I
17 think between the parki ng probl ems, the mice
18 and rat probl em that they're havi ng now,
19 noi se probl em, addi ti onal hours, I think it's
20 going to create almost a taki ng of the
21 property. So al though she doesn't wi sh Gill

1 any harm and she wishes him well, she just
2 feels it would be a hardship on her property.

3 MICHAEL GARDNER: I wonder, sir, if
4 you could, if you know, are the hours of
5 operation currently going until one a.m. and
6 is the capacity currently 97? I'm trying to
7 understand what the difference about having
8 the beer and alcohol is to the problems that
9 seem as if they relate to the operation of
10 the business even as it is now.

11 ATTORNEY JOHN GRECO: Sure. I don't
12 know what the current hours are. Perhaps Jim
13 Rafferty may know that?

14 MICHAEL GARDNER: Well, just
15 anything else you want to add.

16 ATTORNEY JOHN GRECO: No. The only
17 other thing is that Gill did say, and I think
18 justifiably so that for a long time he didn't
19 want to change the business. He liked it the
20 way it is. But this is really a change in
21 business by adding liquor, so that's our

1 concern.

2 MICHAEL GARDNER: Thank you.

3 Any other members of the public that
4 would like to be heard and then we'll give
5 Mr. Rafferty a chance.

6 ROBERT BRADY: My name is Robert
7 Brady. I reside at Nine Springfield Street
8 which is right behind the Lily Pad. And on
9 several occasions the noise level from the
10 Lily Pad has been so loud I can hear it on my
11 third story apartment. I've gone to Gill and
12 asked him to lower the volume down, which
13 sometimes he has and sometimes he hasn't.
14 And just the noise is ridiculous because, you
15 know, I get up very early in the morning.
16 I've got to sleep early. I can't get to
17 sleep with banging of the drums at eleven,
18 twelve o'clock at night. And then with the
19 liquor license and, you know, people hang out
20 in the back door. He opens the back door
21 several times a night. People hang out there

1 and smoke and they have conversations back
2 there. And they stand out in front of the
3 place and you can hear the people from the
4 front of the place. There's constantly
5 people out there. So the noise level is
6 really bad. And, you know, just with the
7 alcohol it's going to make it even more
8 noisy. The people are going to be drinking,
9 they're going to getting louder, they'll be
10 going out behind the building which is my
11 back yard. And they'll be talking louder.
12 They're out there now 1:30 in the morning on
13 the weekends talking. And people take their
14 cars back there to unload their vehicles to
15 play there. I tell them not to do that, but
16 they continue to do it. And, you know, it's
17 just going to be a real mess if they have
18 alcohol.

19 That's all I have to say.

20 MICHAEL GARDNER: Okay, thank you.

21 Any other members of the public who

1 would like to be heard?

2 MATTHEW MELLOW: Yes. My name is
3 Matthew Mellow (phonetic). I'm actually a
4 tenant in the very same building of the Lily
5 Pad on the third floor. I've been living
6 there for the last four months, and in
7 previous times I've resided there for a month
8 at a time. And I would say that the noise
9 level of the Lily Pad never bothers my
10 sleeping habits and I'm a construction worker
11 and I have to wake up at 5:30 every morning,
12 and I always get a sufficient amount of
13 sleep. And I also have attended both the
14 events without a liquor license and events
15 with the temporary liquor license, and have
16 not seen a change in the participants there
17 or a rise in the noise level.

18 And in regards to the parking issue, I
19 don't see how that applies to this
20 whatsoever. It is an urban environment, and
21 there is businesses everywhere. And everyone

1 needs to park. And that's all I have to say.

2 MICHAEL GARDNER: Thank you.

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

5 (No Response.)

6 MICHAEL GARDNER: Is there a
7 complaint history with the operation so far,
8 Ms. Lint?

9 ELIZABETH LINT: I have absolutely
10 no complaints.

11 MICHAEL GARDNER: Mr. Rafferty,
12 would you care to address any of the
13 concerns?

14 ATTORNEY JAMES RAFFERTY: Yes, thank
15 you just briefly, to the point raised by the
16 Chair.

17 The entertainment license here was
18 approved in January of '07. And that license
19 is the current license which is a one a.m.
20 license. So, I have great respect for
21 Mr. Greco and understand his advocacy for his

1 client, but I think the question before the
2 Commission is whether it's reasonable to
3 assume that the introduction of beer and wine
4 in the manner in which it's been described
5 here would have an appreciable change in the
6 operation or impact that this establishment
7 would have on its abutters. I would
8 respectfully suggest that the evidence is to
9 the contrary. There have been numerous one
10 day licenses without incident, and the
11 concerns expressed about noise and drums and
12 the like, those exist under the current
13 entertainment license and I don't think
14 there's any evidence to suggest they would
15 become aggravated or increased by allowing
16 someone to have a glass of wine as they
17 watched a performance.

18 Thank you.

19 MICHAEL GARDNER: The introduction
20 of food into the premises and the issues
21 about rodents, and just give us a description

1 of how you'll be handling whatever trash and
2 food waste would be generated?

3 GILL AHARON: Well, currently I have
4 three big trash containers on wheels. I
5 haven't had any issues with rodents in my
6 building. The inspector was there last week.
7 I was cleaning out the basement and made a
8 pile of stuff in the back of the building,
9 and had somebody coming to take it away. And
10 I'm not sure who called, but I'm assuming
11 somebody called Inspectional Services to say
12 that there was a pile of stuff. Which was
13 all dry stuff. Which was stuff in the
14 basement. And when the inspector came, we
15 were loading it up into a guy who takes the
16 stuff away, a disposal service. And he
17 looked around the property and actually cited
18 my neighbor for the trash in his yard, which
19 I think really greatly contributes to the
20 rodent problem. I don't know -- there's
21 restaurants on either side that have a lot of

1 food in the basement and so on, and that's
2 natural for the restaurants to do that. I
3 don't intend to do that. Everything that I
4 will serve will either be catered and brought
5 in already prepared or will be packaged. So
6 I don't think that there would be a lot of
7 just food waste around.

8 ATTORNEY JAMES RAFFERTY: And I
9 would offer the observation that the locus is
10 on a commercial strip with a range of food
11 and retail uses and all that, which is not to
12 suggest that any one of those uses aren't
13 diligent in their efforts, but I think
14 between the residential trash being generated
15 as multi-family apartments, it's commercial
16 on the ground floor with many apartments
17 above. I don't think the nature of the food
18 here would at all have a discernable impact
19 on whatever the current conditions are. It
20 requires vigilance, and there is a process in
21 place with inspections from food handlers of

1 Inspectional Services and other ways to
2 ensure. So in some ways this license would
3 involve an added level of inspection because
4 currently without the CV or the alcohol
5 license, it does not get inspected for that
6 purpose.

7 MICHAEL GARDNER: Thank you.

8 Mr. Rafferty, I believe had mentioned
9 the possibility that if this were approved,
10 of a six-month review. I'm just raising the
11 question generally of those who have more
12 experience than I, have we on occasion or do
13 we have the authority to, if it were
14 approved, to schedule it for three months
15 review --

16 ELIZABETH LINT: Your pleasure.

17 MICHAEL GARDNER: -- the level of
18 concerns expressed by neighbors?

19 ELIZABETH LINT: Whatever you see
20 fit.

21 ATTORNEY JAMES RAFFERTY: Define one

1 of the attractions of the job here,
2 Mr. Chairman, you can do whatever you want.
3 There's not too many places you can do that.

4 GERALD REARDON: Maybe.

5 ATTORNEY JAMES RAFFERTY: With two
6 votes I should say.

7 GERALD REARDON: Could I just ask --
8 so, you have two rear egresses, one on the
9 side and one to the rear behind the stage
10 itself?

11
12 GILL AHARON: It's really just the
13 one that's to the rear. The one to the side
14 is just a door of convenience because I live
15 upstairs and so that I can -- especially when
16 the place is closed and it's winter or
17 something, I can just go down the back stairs
18 and it's --

19 GERALD REARDON: Okay. So, that's
20 kind of a land locked area?

21 GILL AHARON: Exactly. It doesn't

1 even open the right way to be an egress.

2 It's just to allow me not to have to go

3 outside.

4 GERALD REARDON: And the door to
5 this side closes that off, so you can't see
6 that egress door from the inside?

7 GILL AHARON: Right. It doesn't
8 even look like there's anything there.

9 There's no knob. It's just a lock.

10 ROBERT HAAS: So in terms of the
11 activity in the back of the establishment,
12 how often does that happen?

13 GILL AHARON: In my experience it
14 doesn't happen very often. And when I notice
15 that the performers are not on the -- in the
16 performance area and not in the room, I go
17 look and make sure that they're not in the
18 back. I will certainly put up any kind of
19 signage that would greatly discourage people
20 from going out the back door. I already do
21 do that. I ask people not to load in from

1 the back. Even though when we went to this
2 hearing last time, we, it was determined that
3 we have the right to load in during business
4 hours from behind, but I don't do that, you
5 know, out of respect for my neighbors. I ask
6 the bands to load in from the front. And to
7 my knowledge people don't really hang out in
8 the back, but I will make sure in the future
9 to be more vigilant, and make sure that
10 people are not bothering Bob. I really do
11 not want to disturb his sleep. It's not in
12 my interest to do that. We get along very
13 well when the snow is deep and we have to
14 shovel the driveway together or anything like
15 that, we're cool. But it's these sorts of
16 things where we disagree on the nature of
17 life in Inman Square. I think Inman Square
18 is a very active place. I think that that's
19 not to the liking of those of 7-9
20 Springfield, and it's just -- I think that's
21 just -- it's a very, it's a wonderful place

1 to live. I mean, it's my favorite place to
2 live that I've ever lived. I've lived all
3 over the place. I mean, I'm staying. The
4 whole point of doing this is to grow roots
5 here. I'm getting married in August. I
6 don't want to go anywhere. I want to stay
7 here and do this.

8 GERALD REARDON: Is that rear door a
9 fire exit door?

10 GILL AHARON: Yes.

11 GERALD REARDON: Does it have a
12 panic bar on it?

13 GILL AHARON: Yes.

14 ROBERT HAAS: Do you prop it open?

15 GILL AHARON: No, absolutely not.

16 GERALD REARDON: Is it possible you
17 could put a tamper alarm on it so that if the
18 door opens, it has a low level buzzer on it?

19 GILL AHARON: Sure.

20 GERALD REARDON: Sign it that it's
21 an emergency use only, not for, you know, for

1 a emergency use only.

2 GILL AHARON: With people going in
3 and stuff, is it easy to turn that off? Is
4 there a way I can --

5 GERALD REARDON: You can put a key
6 on it. But I mean, you would know when
7 someone is doing -- you're not standing there
8 physically, you can shut those things on and
9 off with a key.

10 GILL AHARON: Okay.

11 GERALD REARDON: So during the
12 evening -- I just know in other places the
13 back doors on other places are very
14 problematic in that, you know, people open it
15 up. People who still like to smoke, go out
16 there and you can't be there, you know,
17 constantly watching that back door, but those
18 tend to be, you know, the crux of a lot of
19 problems with a lot of locations. That the
20 door gets propped open because it's warm in
21 there and, you know, the sound gets out the

1 door and so forth. So, you know, I think
2 we'd like to try to put some sort of a, you
3 know, language in there that would control
4 that a little bit better maybe.

5 GILL AHARON: Okay. I mean, I'm
6 happy to do that if that's what's necessary.
7 When we had the hearing last time, there were
8 some neighbors that had complained about
9 noise in the back, and since then I've taken
10 care of that noise. I don't think that this
11 is a legitimate issue. I think it's just
12 something that he's bringing here to try to
13 make my life difficult. But I'm happy to do
14 it.

15 GERALD REARDON: If it's not
16 legitimate, it won't be a problem to further
17 ensue that it's not going to happen.

18 ATTORNEY JAMES RAFFERTY: Just for
19 the record, Mr. Aharon is referring to the
20 January '07 hearing on the entertainment
21 license because some of the same speakers,

1 thei r attorney were here then and expressing
2 concerns about noi se. I thi nk there' s been a
3 three pl us year operati onal hi story here and
4 we' re not aware of any compl ai nts of noi se.
5 But I thi nk the suggesti on can certai nly be
6 i ncorporated i nto the pl an.

7 GI LL AHARON: Absol utel y.

8 ROBERT HAAS: So i n terms of
9 revenue, what do you charge admi ssi on fee for
10 fol ks to come i n for the show.

11 GI LL AHARON: Yeah. I t' s general ly
12 \$10. And, you know, now that money goes to
13 keep the Li ly Pad open. I t woul d be nice to
14 be able to have all or a porti on of that
15 money go to the performers i f I' m generati ng
16 money at the bar.

17 ROBERT HAAS: So a techni cal
18 questi on for Ms. Li nt, on the few occasi ons
19 that the performance gets cancel ed, what' s
20 the i mpli cati ons for a li cense that' s bei ng
21 adverti sed to be hel d seven days a week from

1 five to one?

2 ELIZABETH LINT: Well, I think if
3 you look at it in terms of what Mr. Rafferty
4 was saying, in terms of the Improv and
5 Brattle Theatre and so forth, it's really a
6 concert venue and not a place where I don't
7 think that Mr. Aharon would be open serving
8 food and alcohol because that's not what he's
9 designed to do. And I don't think it's a
10 problem if he's closed if something's
11 canceled if that's what your --

12 ROBERT HAAS: Yes.

13 ELIZABETH LINT: Because I think the
14 people that frequent it are going there as a
15 destination for a concert. They know that
16 it's canceled.

17 ROBERT HAAS: No other questions,
18 Mr. Chair.

19 MICHAEL GARDNER: Pleasure of the
20 Commissioners?

21 ROBERT HAAS: I make a motion to

1 approve the application for a new wine and
2 malt license for the hours of five to one,
3 seven days a week, with the stipulation that
4 the persons, including the owner, participate
5 in the 21-proof training, and that they be
6 subject to a three-month review.

7 MICHAEL GARDNER: No value, no
8 transfer.

9 ROBERT HAAS: No value, no transfer
10 license.

11 GERALD REARDON: I'd just like to
12 amend that to add some language in as far as
13 control over the rear door, and not just --
14 just the language that the control of the
15 rear door be due diligence on the owner's
16 behalf.

17 MICHAEL GARDNER: And was that an
18 amendment and a second?

19 GERALD REARDON: Amendment and a
20 second, yes.

21 MICHAEL GARDNER: Right.

1 So the motion having been made, and
2 amended and seconded, all those in favor
3 signify by saying "Aye".

4 GERALD REARDON: Aye.

5 ROBERT HAAS: Aye.

6 MICHAEL GARDNER: Aye. None
7 opposed. And we wish you well and we wish
8 you well in working with your neighbors.

9 ATTORNEY JAMES RAFFERTY: Thank you
10 very much.

11 * * * * *

12 MICHAEL GARDNER: The Chair and one
13 of the Commissioners had a colloquy about the
14 time of the evening. And we have had a
15 number of complicated issues. We are trying
16 to be respectful of the time of all of the
17 members of the public and applicants who are
18 here, and would like to move things along as
19 best we can.

20 ELIZABETH LINT: Application Jack
21 Markarian, landlord, has applied for a garage

1 license with additional flammable storage at
2 48-Rear New Street, HW Auto Repair.

3 Applicant is seeking a permit for storage of
4 100 gallons of Class 1 and 250 cubic feet of
5 flammable gases.

6 MICHAEL GARDNER: If you could just
7 please state and spell your names for the
8 record.

9 ATTORNEY ANTHONY GALLUCCIO: Anthony
10 Galluccio, attorney for Galluccio, Watson and
11 Webb. G-a-l-l-u-c-c-i-o and it's 1498
12 Cambridge Street, Cambridge, Mass., and I'm
13 accompanied by the applicant Wendell Georges
14 is who is the operator of H&W Auto Repair.

15 MICHAEL GARDNER: Mr. Galluccio.

16 ATTORNEY ANTHONY GALLUCCIO: The
17 application as is stated, is for gasoline
18 storage, also for a small amount of
19 acetylene. It's basically a garage with two
20 bays, so it's two lifts and then two cars, so
21 it's a total of four car storage, and it's a

1 basic auto repair set up. The application
2 has been approved by the Fire Department, and
3 I think all the appropriate documents have
4 been filed.

5 MICHAEL GARDNER: Thank you.

6 GERALD REARDON: The report from
7 Captain Cahill, some of the storage and
8 issues have been taken care of in terms of
9 some of the empty drums that were no longer
10 needed and housekeeping issues?

11 ATTORNEY ANTHONY GALLUCCIO: That's
12 right, yes. Mr. Commissioner, there was a
13 little cleanliness issue which I have seen to
14 have been addressed. It is an auto body
15 shop. So I think it was busy at the time of
16 inspection, but Mr. Georges has assured me
17 that it's going to be a well-kept premises
18 and he will deal -- continue to deal with
19 those issues.

20 GERALD REARDON: All right.

21 ELIZABETH LINT: I have all the

1 si gnoffs.

2 MICHAEL GARDNER: What's that?

3 ELIZABETH LINT: I have all the
4 appropriate si gnoffs.

5 ATTORNEY ANTHONY GALLUCCIO: The
6 property is abutted by two other garage
7 spaces. I think it's an appropriate use.
8 It's actually in the rear of the building.
9 So, it's not on New Street itself. It's in
10 the back hidden from public view. It was a
11 former, sort of a storage operation. So it's
12 not a, not a significant change, but there
13 will be four cars inside for repair purposes.
14 And I just wanted to present the notice
15 documents to the two, two abutters that
16 exist. Both were signed as noticed.

17 MICHAEL GARDNER: If you have
18 nothing else, Mr. Galluccio, are there any
19 members of the public who'd like to be heard
20 on this matter?

21 (No Response.)

1 ROBERT HAAS: So there's no issues
2 with parking as far as your client's cars are
3 concerned outside?

4 ATTORNEY ANTHONY GALLUCCIO: No,
5 there's, there's ample parking in the back so
6 there is plenty of parking. And the repairs
7 will -- all the repairs will be conducted
8 inside the garage.

9 GERALD REARDON: I make a motion to
10 approve the application.

11 ROBERT HAAS: Second.

12 MICHAEL GARDNER: Motion having been
13 made and seconded to approve the application,
14 all those in favor signify by saying "Aye".

15 ROBERT HAAS: Aye.

16 GERALD REARDON: Aye.

17 MICHAEL GARDNER: Aye. None
18 opposed.

19 We wish you well, sir. Good luck.

20 ATTORNEY ANTHONY GALLUCCIO: Thank
21 you.

* * * * *

1
2 ELIZABETH LINT: Appl i cati on Lanes
3 and Games, Incorporated, Joseph Marti gnetti ,
4 manager, holder of an al l al coholic beverages
5 as a restaurant l i cense at 195 Concord
6 Turnpi ke has appl i ed for a change of manager
7 from Joseph Marti gnetti to C. Anthony
8 Marti gnetti ; change of offi cers/di rectors;
9 transfer of stock; and, pl edge of l i cense.

10 MICHAEL GARDNER: Good eveni ng. If
11 you coul d j ust state and spell your name for
12 the record.

13 ATTORNEY JOSEPH HANLEY: Good
14 eveni ng, Mr. Chai rman. Attorney Joe Hanl ey,
15 McDermott, Qui l ty and Mi l l er, H-a-n-l -e-y.
16 Wi th me i s C. Anthony Marti gnetti who i s the
17 proposed new manager and the long-ti me
18 existi ng part owner of the establ i shment.

19 MICHAEL GARDNER: And coul d you j ust
20 tell us about the pl ans.

21 ATTORNEY JOSEPH HANLEY: J ust to

1 give you some background here, this is a kind
2 of a three-part request. Essentially the
3 Martignetti brothers have owned the
4 establishment since 1983. The proposal is a
5 buyout of the -- two of the brothers'
6 interests. So Tony and his brother Dan are
7 buying out the remaining 50 percent of Joe
8 and Ron which you'll see in the materials
9 before you, and they're also becoming the
10 Treasurer and President and Secretary
11 respectively which you'll also see in the
12 transfer petition. So that's the first part
13 of the transaction we're seeking approval on.

14 The second is to pledge the license to
15 Cambridge Trust. This by way of background
16 is both the Martignetti owns the real estate,
17 subject real estate as well as the licensed
18 business for Lanes and Games. So there's a
19 loan for 3.6 million over ten years at 5.25
20 percent interest, and we're looking to secure
21 that by pledge of the liquor license.

1 Obviously that 3.6 million doesn't go just
2 for the buyout of the liquor license entity,
3 but also goes for the real estate as well.

4 And, again, we're -- the end result
5 would be to have Tony and his brother Dan to
6 be the remaining 50 percent owners of the
7 licensed entity.

8 A third part is to change the manager
9 to Tony from his brother Joe who's also
10 purchased -- interest was also bought out as
11 part of the underlying transaction. So you
12 have before you as well Mr. Martignetti has
13 been working at the establishment since 1983,
14 has had a significant amount of experience in
15 serving alcoholic beverages in a responsible
16 way. No record of any incidents before this
17 Board. This is a very well run events and
18 facility, obviously in Cambridge that has a
19 very good capacity and a very strong
20 following. Your approval of these three
21 cases will allow the establishment to

1 continue to remain a vibrant part of the
2 community and to continue into the future
3 with the two remaining brothers as the 50
4 percent owners. So that's sort of the
5 transaction in a nutshell.

6 And I think you have before you all of
7 the financial documents. These will be
8 executed at the closing which will happen
9 subject to the approval of this Board and the
10 ABCC upon final approval.

11 MICHAEL GARDNER: Thank you.

12 Any history of complaints, Ms. Lint?

13 ELIZABETH LINT: None at all.

14 GERALD REARDON: How many seats is
15 this license? Is it four-something.

16 C. ANTHONY MARTIGNETTI: Well, the
17 entire building probably has a capacity close
18 to 400. However, the lounge itself where the
19 liquor license -- where liquor will be served
20 has a capacity for about 110.

21 ATTORNEY JOSEPH HANLEY: Yes, and I

1 should mention there's no changes whatsoever
2 to floor plan or the operations as it's
3 licensed and inspected currently. This is
4 just a financial disclosure and exercise.

5 MICHAEL GARDNER: Okay.
6 Commissioner?

7 ROBERT HAAS: It's an amicable
8 transfer?

9 ATTORNEY JOSEPH HANLEY: Yes,
10 financial. You have before you the -- I
11 think it was 142,000. It's in the
12 application materials for the acquisition of
13 the two brothers' interest in the liquor
14 licensed entity. And unrelated to this is
15 the remaining piece that is for the purchase
16 of that interest in the real estate which is
17 held by a different entity obviously than the
18 liquor license business, but it's always a
19 financial transaction. Again, that's all
20 documented in the documents that were
21 provided to you.

1 MICHAEL GARDNER: Are there any
2 members of the public who'd like to be heard
3 on this matter?

4 (No Response.)

5 ROBERT HAAS: Mr. Chair, would you
6 prefer to handle this as three separate
7 transactions or do you want to handle this as
8 one vote?

9 MICHAEL GARDNER: Ms. Lint, I am
10 sort of satisfied to handle it in one vote.

11 ELIZABETH LINT: You can.

12 ROBERT HAAS: Make a motion to
13 approve the application as applied for.

14 GERALD REARDON: Second.

15 MICHAEL GARDNER: Motion having been
16 made and seconded to approve the -- see if I
17 have it right, the transfer of the license to
18 the -- no?

19 ELIZABETH LINT: No.

20 ATTORNEY JOSEPH HANLEY: Transfer of
21 stock ownership.

1 MICHAEL GARDNER: I'm sorry. Of the
2 stock and ownership to the two brothers; the
3 pledge of the license; and the change of the
4 manager.

5 ATTORNEY JOSEPH HANLEY: Correct.
6 It is part of the first piece, they're
7 technically new officers and directors in the
8 company because it's been settled, so shifted
9 accordingly.

10 MICHAEL GARDNER: Thank you.

11 Having been made and seconded, all
12 those in favor signify by saying "Aye".

13 GERALD REARDON: Aye.

14 ROBERT HAAS: Aye.

15 MICHAEL GARDNER: Aye. None
16 opposed.

17 We wish you well.

18 C. ANTHONY MARTIGNETTI: We hope to
19 keep Lanes and Games an important part of the
20 community for a long time. We have a new
21 generation coming in

* * * * *

1
2 ELIZABETH LINT: Appli cati on Legal
3 Seafoods, LLC, Myl es Eason, manager, holder
4 of an all alcoholic beverages as a restaurant
5 License at Five Cambridge Center has appli ed
6 for a change of manager from Myl es Eason to
7 Peter Barker. Appli cant i s al so appl yi ng for
8 a change of managers of the LLC.

9 MI CHAEL GARDNER: Good eveni ng.
10 Agai n, i f you coul d state and spel l your name
11 for the record.

12 BARBARA TUTT: Yes, my name i s
13 Barbara Tutt T-u-t-t.

14 PETER BARKER: Peter Barker
15 B-a-r-k-e-r.

16 MI CHAEL GARDNER: I f you coul d j ust
17 expl ai n what' s proposed.

18 BARBARA TUTT: Thi s i s Mr. Barker
19 who i s going to be the manager there. I' m
20 here to expl ai n the LLC change.

21 MI CHAEL GARDNER: Okay. So, why

1 don' t you go ahead.

2 BARBARA TUTT: Okay. The LLC
3 change, we -- two of the board of managers
4 resigned and they were replaced by three
5 people from outside. There was no change of
6 ownershi p, no change of offi cers.

7 MI CHAEL GARDNER: Okay. And,
8 Mr. Barker, coul d you descri be your
9 experi ence, pl ease?

10 PETER BARKER: I 've been wi th the
11 company for about three years now. Started
12 off as a server at the Prudenti al l ocati on.
13 I di d that for almost two years, and then was
14 promoted and trained as a manager and I 've
15 been the manager i n Kendal l Square now for
16 just over a year.

17 MI CHAEL GARDNER: Thank you.

18 BARBARA TUTT: Excuse me, I was
19 asked by Chri s O' Nei l to bri ng i n a
20 revi sed --

21 ELI ZABETH LINT: I 'll take that.

1 I would just advise the Commissioners
2 that this has been already to the ABCC. It's
3 an inverse application, and has been approved
4 by the ABCC already. So it's just a
5 formality.

6 GERALD REARDON: That was my
7 question, okay. Thank you.

8 ELIZABETH LINT: The change of
9 manager has not.

10 BARBARA TUTT: That's right.

11 GERALD REARDON: So, Mr. Barker, are
12 you current with the present TIPS training
13 and everything that's required?

14 PETER BARKER: Yes.

15 ROBERT HAAS: 21-proof.

16 ELIZABETH LINT: Cambridge requires
17 21-proof training. That's our own training.

18 GERALD REARDON: That's right.

19 MICHAEL GARDNER: Have you gone
20 through the 21-proof training?

21 PETER BARKER: No, I have not.

1 BARBARA TUTT: No, but you will be.

2 MICHAEL GARDNER: Any members of the
3 public who would like to be heard on this
4 matter?

5 (No Response.)

6 ROBERT HAAS: So I make a motion to
7 approve the application with the stipulation
8 that the manager go through the 21-proof
9 training.

10 GERALD REARDON: Second.

11 MICHAEL GARDNER: Motion having been
12 made and seconded for approval of the change
13 in manager and the change in managers on the
14 LLC, made and seconded. All those in favor
15 signify by saying "Aye".

16 ROBERT HAAS: Aye.

17 GERALD REARDON: Aye.

18 MICHAEL GARDNER: Aye. None
19 opposed.

20 Wish you well.

21 BARBARA TUTT: Thank you very much.

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ELIZABETH LINT: Application continued from April 26, 2011, The Upper Crust Harvard Square, LLC, doing business as The Upper Crust, Jordan Tobins, manager, holder of a wine and malt beverages as a restaurant license at 49B Brattle Street has applied for a transfer of stock. Applicant is also applying for a change of manager from Jordan Tobins to Maura Smith.

MICHAEL GARDNER: Good evening. If you could just state your name, spell it and explain the plan.

ATTORNEY JEFFREY BLUM: Good evening, my name is Jeffrey Blum, J-e-f-f-r-e-y B-l-u-m. I'm an attorney for Upper Crust and with me I have Maura Smith.

MAURA SMITH: Maura M-a-u-r-a, last name Smith S-m-i-t-h.

ATTORNEY JEFFREY BLUM: Two parts this evening. The first is a transfer of

1 stock on paper, and I'm going to put that in
2 quotes, and it's really to correct a mistake
3 that was made by my clients when they didn't
4 ask me about applying for a license. When
5 this license was applied for, the question
6 was who owns The Upper Crust-Harvard Square,
7 LLC? Their answer incorrectly was Brendon
8 Higgins, Joshua Huggard and Jordan Tobins.
9 This gets a little bit complicated. This is
10 called The Upper Crust, LLC. There are a
11 number of Upper Crust restaurants. They are
12 all The Upper Crust hyphen whatever the city
13 is, LLC, here, here, here, here, here. Every
14 one of these owned at this level is owned up
15 top by The Upper Crust, LLC. It is a single
16 member LLC. But up here, which is called The
17 Upper Crust, LLC, that is owned by the three
18 individuals.

19 So on the original license application,
20 the answer should have been, to the question
21 Who owns The Upper Crust-Harvard Square, LLC?

1 It is a hundred percent owned by The Upper
2 Crust, which is then in turn owned by the
3 same three people that it was said down here.
4 So this is my seventh hearing in seven
5 different locations trying to correct eight
6 mistakes. There is no transfer. It is a
7 correction.

8 MICHAEL GARDNER: All right, thank
9 you.

10 And then with respect to the change of
11 manager?

12 ATTORNEY JEFFREY BLUM: And we have
13 a change of managers from Jordan Tobins to
14 Maura Smith. And I'll hand it over to Maura.

15 MAURA SMITH: I'm presently the
16 manager at the Harvard Square location. I
17 have done Serve Safe for alcohol and food. I
18 have not yet done the Cambridge class, but I
19 will be doing that as soon as possible. I've
20 been with the company since last August. I
21 started just part time, and then I liked what I

1 was doing, so I then pursued management and
2 I've been managing the Harvard Square for
3 three months.

4 MICHAEL GARDNER: And prior to
5 coming to this company had you experienced in
6 the restaurant and --

7 MAURA SMITH: Absolutely.

8 MICHAEL GARDNER: -- alcohol
9 business before?

10 MAURA SMITH: Sure.

11 MICHAEL GARDNER: Can you just
12 explain that?

13 MAURA SMITH: I've been in the
14 industry since I was 18. I bartended and
15 served at a few locations. And I've done
16 alcohol safety classes at every one of those
17 locations. That's been about -- I'm almost
18 26 now, so, it's been a number of years. And
19 I've been serving alcohol in Massachusetts
20 for five years.

21 MICHAEL GARDNER: Thank you.

1 Questions?

2 GERALD REARDON: No questions.

3 ROBERT HAAS: No questions.

4 MICHAEL GARDNER: Any members of the
5 audi ence who would like to be heard on thi s
6 matter?

7 (No Response.)

8 MICHAEL GARDNER: Seei ng none --

9 ELI ZABETH LINT: I have a -- there
10 may be an i ssue wi th a background check. I
11 know that thi s was not somethi ng that we ran.
12 We were provi ded wi th somethi ng from out of
13 state, but i t rai ses a questi on and perhaps
14 thi s appl i cant shoul d be provi ded an
15 opportuni ty to provi de me wi th an expl anati on
16 because I don' t know what the ABCC woul d do
17 wi th that. You have to go to the last page
18 to figure out what real ly happened.

19 MICHAEL GARDNER: When i s our
20 deci si on heari ng schedul ed? June 9th, i s i t,
21 i t' s not the 2nd?

1 ELIZABETH LINT: It's June 9th.

2 MICHAEL GARDNER: June 9th.

3 We could vote on these two matters
4 separately?

5 ELIZABETH LINT: You could. We
6 won't -- but we wouldn't send one to the ABCC
7 without the other because it's one
8 application. So it's one check. If we send
9 it separately, it's two.

10 GERALD REARDON: Does counsel have
11 an opinion on whether you want it separate or
12 not in terms of that part of it?

13 ATTORNEY JEFFREY BLUM: I was not
14 aware of this, so I'm thinking on my feet at
15 the moment.

16 MICHAEL GARDNER: Sure.

17 ATTORNEY JEFFREY BLUM: Would you be
18 deferring a decision on the second part?
19 Would you be rejecting? What might you be
20 doing that I can make my decision?

21 MICHAEL GARDNER: I think in terms

1 of the way we would typically proceed, if
2 there's a question, particularly a question
3 where Ms. Lint would like the opportunity to
4 do -- have further conversation with the
5 applicant with respect to the management
6 transfer, we would defer that decision into
7 what we call a decision hearing which
8 typically takes place at ten a.m., and would
9 be -- the next one is scheduled for June the
10 9th. We don't generally take additional
11 testimony at those, but having had the
12 opportunity to consider the matter and review
13 the records further, and any additional
14 supplements to the records, we would deal
15 with the issue of the manager question.

16 ATTORNEY JEFFREY BLUM: I
17 understand.

18 MICHAEL GARDNER: We can potentially
19 deal with the issue of the stock transfer or
20 the correction separately from that and could
21 do that this evening.

1 ATTORNEY JEFFREY BLUM: I'm not
2 fully aware -- I'll make a suggestion, I
3 don't know if you're capable of doing it. It
4 seems like you will be approving the first
5 part, the stock transfer and deferring to the
6 June meeting, the second part.

7 MICHAEL GARDNER: That's -- we don't
8 have any motions. That's a potential action
9 we might take.

10 ATTORNEY JEFFREY BLUM: I would say
11 leave it as it is. Let's go into June. And
12 could we bifurcate it in June if there's a
13 problem?

14 ELIZABETH LINT: Absolutely.

15 ATTORNEY JEFFREY BLUM: And then
16 give you another check, send it upstairs to
17 the ABCC on part one, and then go about part
18 two?

19 ELIZABETH LINT: Sure.

20 ATTORNEY JEFFREY BLUM: That's what
21 I would do. I don't think we're in a rush on

1 part one since there's no pledge before the
2 Commission tonight.

3 ROBERT HAAS: So, Mr. Chair, I make
4 a motion to take the matter under advisement
5 to give the individual an opportunity to
6 provide further clarification on the matter
7 that's brought to our attention.

8 GERALD REARDON: Second.

9 MICHAEL GARDNER: Motion having been
10 made and seconded to take the matter under
11 advisement until the June decision hearing on
12 June the 9th, all those in favor of signify
13 by saying "Aye".

14 ROBERT HAAS: Aye.

15 GERALD REARDON: Aye.

16 MICHAEL GARDNER: Aye.

17 ATTORNEY JEFFREY BLUM: Does that
18 mean you've passed part one and we're just
19 deferring two?

20 ELIZABETH LINT: No.

21 ATTORNEY JEFFREY BLUM: Okay. Will

1 I have to re-appear for one in June?

2 ROBERT HAAS: Not necessarily.

3 ATTORNEY JEFFREY BLUM: Okay. Thank
4 you.

5 MICHAEL GARDNER: If there are
6 concerns, we'll let you know.

7 ATTORNEY JEFFREY BLUM: Okay.

8 MICHAEL GARDNER: Wish you well.

9 * * * * *

10 ELIZABETH LINT: Application
11 continued from April 26, 2011, Panera, LLC
12 doing business as Panera Bread, Gregg
13 Godfrey, manager, has applied for a common
14 victualer license to be exercised at Five
15 White Street. Said license, if granted,
16 would allow food and non-alcoholic beverages
17 to be sold, served, and consumed on said
18 premises with a seating capacity of 106 seats
19 inside and 18 outdoor patio seats on private
20 property. The hours of operation will be six
21 a.m. to nine p.m. seven days per week.

1 MICHAEL GARDNER: Hello. If you
2 could identify yourselves.

3 KEVIN McMAHON: My name is Kevin
4 McMahon M-c-M-a-h-o-n. I represent Panera.
5 I'm here with Gregg Godfrey, he's the
6 operator. And we're applying for the CV
7 license at the Old Odoaba space. And as
8 Ms. Lint said, 106 seats, 18 outside.

9 MICHAEL GARDNER: And could you
10 describe your experience for us, sir.

11 GREGG GODFREY: Yes. I've been in
12 the restaurant business for over 20 years.
13 Four years most recently with Panera Bread.
14 We joint venture area director for the market
15 and Greater Boston area.

16 MICHAEL GARDNER: Okay.

17 GERALD REARDON: Do you have many
18 modifications to make on the premises in
19 terms of before you occupy it?

20 GREGG GODFREY: Uhm.

21 GERALD REARDON: Kitchen or anything

1 kind of renovation you need to accomplish
2 ahead of time?

3 KEVIN McMAHON: There's a
4 substantial renovation. We're due to open on
5 June 21st.

6 GERALD REARDON: And you're going to
7 do the cooking there as well?

8 GREGG GODFREY: We don't have
9 fryolators or, you know, those type of
10 things.

11 GERALD REARDON: Just ovens?

12 GREGG GODFREY: So, yeah, we have
13 the ovens to bake the bread. We bake the
14 bread fresh every night, and everything else
15 is on a refrigerated line. And we have a
16 panini press. It's basically just soup,
17 sandwiches and salads.

18 GERALD REARDON: Okay.

19 ROBERT HAAS: No questions.

20 MICHAEL GARDNER: Anything else
21 you'd like to add?

1 KEVIN McMAHON: No, sir.

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

5 (No Response.)

6 ELIZABETH LINT: I'm just wondering
7 if there were a better notification or if
8 because the numbers and the hours were the
9 same, if there were no abutters?

10 KEVIN McMAHON: It was our
11 understanding from Mr. O'Neil.

12 ELIZABETH LINT: Okay. I just
13 wanted to check.

14 I do have Zoning signoff as a
15 pre-existing use with 94 seats. 94 occupants
16 I should say.

17 GERALD REARDON: I make a motion to
18 approve, obviously contingent on all the
19 necessary inspections from ISD, Health and
20 Fire, etcetera, prior to the opening for 106
21 seats inside, 18 outdoor patio seats, private

1 property, and the hours of operation from six
2 a.m. to nine p.m. seven days a week.

3 ROBERT HAAS: Second that motion.

4 MICHAEL GARDNER: The motion having
5 been made and seconded to approve the
6 application as stated, all those in -- no?

7 ELIZABETH LINT: Mr. Chair, the
8 signoff I have from Zoning is for 94
9 occupants not 106.

10 MICHAEL GARDNER: Are you aware of
11 that discrepancy?

12 KEVIN McMAHON: I am not.

13 GREGG GODFREY: No.

14 ELIZABETH LINT: And this was
15 received by and signed on April 21st by Sean
16 O'Grady.

17 MICHAEL GARDNER: Are all your
18 drawings and plans based on 106?

19 KEVIN McMAHON: I'm actually
20 checking the exhibit to see if it had any
21 numbers on it. And it does not, the exhibit

1 I have.

2 MICHAEL GARDNER: Thank you for
3 catching that, Ms. Lint.

4 Well, I guess the question would be
5 what's your pleasure? I'll speak out loud
6 here and say at least one option is for you
7 to agree to the change as approved by Zoning.
8 Another would be for us to defer the matter
9 until June 9th and give you the opportunity
10 to attempt to clarify the matter.

11 GREGG GODFREY: What was the -- what
12 did you have there?

13 ELIZABETH LINT: 94.

14 GREGG GODFREY: 94 versus the --

15 GERALD REARDON: Around 12.

16 MICHAEL GARDNER: Is that 94 plus
17 the outside?

18 ELIZABETH LINT: It does not include
19 the outdoor property on private property.
20 It's the interior capacity.

21 GREGG GODFREY: 94 is -- that's

1 suffi ci ent. We woul d be good wi th that.

2 MI CHAEL GARDNER: So you woul d amend
3 your appli cation -- l et me see i f I have thi s
4 ri ght, for 94 i ndoor and the 18 outdoor pati o
5 seats?

6 ELI ZABETH LI NT: Yes.

7 GREGG GODFREY: Yes.

8 MI CHAEL GARDNER: That' s correct?

9 GREGG GODFREY: Yes.

10 MI CHAEL GARDNER: Thank you.

11 GERALD REARDON: I' ll amend my
12 moti on to refl ect the 94 seats.

13 ROBERT HAAS: Second i t.

14 MI CHAEL GARDNER: So the moti on' s
15 been made and seconded to approve an
16 appli cation for the l icense for 94 seats, the
17 rest of the hours as stated. All those i n
18 favor si gni fy by sayi ng "Aye".

19 GERALD REARDON: Aye.

20 ROBERT HAAS: Aye.

21 MI CHAEL GARDNER: Aye. None

1 opposed.

2 Wish you well.

3 KEVIN McMAHON: Thank you very much.

4 GREGG GODFREY: Thank you.

5 * * * * *

6 ELIZABETH LINT: Application Cafe
7 Dilara, LLC, Ragi p Osman, manager, has
8 applied for a common victualer license to be
9 exercised at 645 Cambridge Street. Said
10 license, if granted, would allow food and
11 non-alcoholic beverages to be sold, served,
12 and consumed on said premises with a seating
13 capacity of 19. The hours of operation will
14 be Sunday through Wednesday from eleven a.m.
15 to twelve a.m. and eleven a.m. to two a.m.
16 Thursday through Sunday.

17 RAGI P OSMAN: Hi, Mr. Chairman,
18 Commissioner, Chief.

19 ELIZABETH LINT: This is an existing
20 establishment. It's just a change of
21 ownership.

1 RAGI P OSMAN: Ragi p Osman.

2 R-a-g-i -p. Last name' s O-s-m-a-n.

3 MI CHAEL GARDNER: And are the
4 current hours of the establishment the same
5 as are listed here?

6 RAGI P OSMAN: They' re not.

7 MI CHAEL GARDNER: They' re not?

8 RAGI P OSMAN: I f I coul d hel p.

9 ELI ZABETH LINT: They' re not.

10 MI CHAEL GARDNER: All right. So
11 woul d you descri be j ust a l i t t l e b i t w h a t
12 y o u r r o l e i s g o i n g t o b e , w h a t y o u r
13 e x p e r i e n c e h a s b e e n , a n d t h e i s s u e o f h o u r s .

14 RAGI P OSMAN: I have been experience
15 i n r e s t a u r a n t b u s i n e s s w i t h m y f a t h e r i n t h e
16 T a m p a , F l o r i d a . I t w a s a n I t a l i a n
17 r e s t a u r a n t . A n d I ' v e b e e n e x p e r i e n c e d w i t h
18 p i z z a p l a c e s i n t h e n e i g h b o r h o o d i n B o s t o n ,
19 B r i g h t o n . M y f r i e n d s o w n t h e p i z z a s t o r e s ,
20 a n d I w o r k t h e r e a s a m a n a g e r . A n d a l s o a
21 p i z z a m a k e r , s u b m a k e r . I w o r k e d a n d I h a v e

1 a pretty good experience.

2 ROBERT HAAS: How many years?

3 RAGI P OSMAN: Total of three.

4 ROBERT HAAS: Three years.

5 RAGI P OSMAN: Total of three years,
6 yes, experience.

7 MICHAEL GARDNER: Three as a manager
8 or three in the food handling business
9 all together.

10 RAGI P OSMAN: All together, eight.

11 MICHAEL GARDNER: As a manager?

12 RAGI P OSMAN: As a manager, yes.

13 And a work with my father for five years in
14 Tampa, Florida.

15 MICHAEL GARDNER: How are the hours
16 going to change?

17 RAGI P OSMAN: Well, I worked two
18 weeks there to experience the financial
19 revenue that it's generating. And I did
20 notice that there's a lot of demand for
21 delivery after hours. After eleven, twelve

1 o'clock. And I noticed that the owner just
2 rejecting that, you know, not really we're
3 closed, I found. And I'm hoping to generate
4 revenue and deliver at those hours.

5 GERALD REARDON: What is the closing
6 time now, is it midnight?

7 ELIZABETH LINT: It's eleven. They
8 open at ten and close at eleven.

9 Did you notify abutters?

10 RAGIP OSMAN: Yes.

11 ELIZABETH LINT: Because it's an
12 increase in hours to the two a.m. and the
13 mailing. May I have that?

14 RAGIP OSMAN: Sure.

15 MICHAEL GARDNER: So what's the kind
16 of foot traffic you anticipate after
17 midnight?

18 RAGIP OSMAN: Not a whole lot. But
19 lots of on-line orders. And once there is a
20 food -- well known company, on-line company
21 that if you were to change the hours, that

1 you would get a lot of on-line fax orders for
2 delivery. The foot traffic I don't
3 anticipate a whole lot.

4 MICHAEL GARDNER: And so you would
5 be making deliveries?

6 RAGIP OSMAN: Until 1:30. My
7 cut-off time would be 1:30 a.m. So after
8 1:30 a.m. I wouldn't accept delivery calls.
9 Pick-ups, I could accept pick-ups.

10 ROBERT HAAS: What do you mean by
11 pick-ups?

12 RAGIP OSMAN: Because until two
13 a.m., they can pick-up. They could pick up.

14 MICHAEL GARDNER: People coming to
15 the store to pick up?

16 RAGIP OSMAN: Yes. They can call.

17 MICHAEL GARDNER: And what's the
18 nature of the menu?

19 RAGIP OSMAN: Oh, it's extended.
20 It's -- we have salmon that's for the
21 different than most of the other pizza

1 places. We do offer salmon. And lobster
2 roll-ups. Lots of calzones and pizza. And
3 also toppings. And kabobs. Special from the
4 grill.

5 ROBERT HAAS: What's the first thing
6 you said you offer?

7 RAGI P OSMAN: Salmon, fish.

8 ROBERT HAAS: Oh, salmon? Okay.

9 RAGI P OSMAN: You don't find that in
10 whole lot of pizza places.

11 MICHAEL GARDNER: And in terms of
12 renovation do you need to do anything
13 internally with the structure?

14 RAGI P OSMAN: I need to paint, you
15 know, paint the inside a little bit. Change
16 the color. But as far as huge renovation,
17 no, I'm not planning to do huge renovations.

18 GERALD REARDON: You have a
19 fryolator?

20 RAGI P OSMAN: Yes.

21 GERALD REARDON: And you're all up

1 to date with your hood and inspections?

2 RAGIP OSMAN: Ansul system, yes,
3 everything is all up to date.

4 MICHAEL GARDNER: Anything else
5 you'd --

6 GERALD REARDON: They'll probably be
7 in so FYI.

8 MICHAEL GARDNER: Anything else
9 you'd like to add?

10 RAGIP OSMAN: Well, I never worked
11 in the Cambridge area and I'm hoping to be,
12 you know, your neighbors and hope to bring
13 you good business and good food to all the
14 community.

15 MICHAEL GARDNER: Any members of the
16 public who would like to be heard on this
17 matter?

18 (No Response.)

19 MICHAEL GARDNER: And in the area is
20 two o'clock a common closing time?

21 ELIZABETH LINT: I'm not sure what's

1 down there.

2 RAGI P OSMAN: Pugsl ey' s.

3 ELI ZABETH LI NT: Yes, Pugsl ey' s i s
4 open to two.

5 GERALD REARDON: Joey Mac' s i s on
6 the corner.

7 ELI ZABETH LI NT: Okay. And
8 Eastsi de.

9 GERALD REARDON: Eastsi de.

10 ELI ZABETH LI NT: Yes, I don' t hear
11 any compl ai nts about anythi ng down there. It
12 ki nd of j ust goes.

13 MI CHAEL GARDNER: And your sense i s
14 that there' s i nterest or the demand for the
15 l ater hours?

16 RAGI P OSMAN: For the del i very. I
17 sense the strong del i very ti me.

18 ROBERT HAAS: So why the fi sh?

19 RAGI P OSMAN: Why the fi sh? The
20 sal mon?

21 ROBERT HAAS: Yes.

1 RAGI P OSMAN: I t' s di fferent.

2 MI CHAEL GARDNER: I t' s good for you.

3 ROBERT HAAS: I know i t' s good for
4 you. I' m j u s t t r y i n g t o f i g u r e o u t w h y
5 y o u' r e i n c l u d i n g f i s h i n t h e m e n u .

6 RAGI P OSMAN: I t' s a l r e a d y o n t h e
7 m e n u .

8 ROBERT HAAS: O h , i t' s a l r e a d y o n
9 t h e m e n u ?

10 RAGI P OSMAN: A s y o u c a n s e e .

11 ELI ZABETH LI NT: W h y n o t ?

12 ROBERT HAAS: W h a t g o e s w i t h t h e
13 f i s h ?

14 RAGI P OSMAN: I t' s a d i n n e r . I t' s a
15 p l a t t e r a c t u a l l y . Y o u c o u l d h a v e i t w i t h
16 r i c e o r t a r t a r s a u c e .

17 ROBERT HAAS: Y o u h a v e s i d e s t o g o
18 w i t h i t ?

19 RAGI P OSMAN: S i d e s , y e a h .

20 GERALD REARDON: S o y o u c o n t r a c t
21 w i t h a n o n - l i n e c o m p a n y t h a t g i v e s t h o s e

1 hours for them, for you to get that extra
2 busi ness?

3 RAGI P OSMAN: Yeah. If I were to
4 contact them and extend my hours, then they
5 woul d adverti se that, those hours.

6 GERALD REARDON: Understood.

7 RAGI P OSMAN: Thank you. If you
8 approve of course.

9 MI CHAEL GARDNER: And this is
10 del i very? I mean, you're doi ng del i veri es to
11 peopl e's homes and making the orders, is that
12 what I got it as?

13 RAGI P OSMAN: Yes, yes, orders made.
14 Cooked to order.

15 MI CHAEL GARDNER: Thi s is all done
16 by vehi cl es and sort of -- what's the, I'm
17 tryi ng to envi si on what the vehi cul ar traffi c
18 is for you to handl e the del i veri es.

19 RAGI P OSMAN: By vehi cl es. By cars.
20 Coul d be mopeds. Smal l mopeds I guess.
21 Scooters.

1 Thank you very much.

2 * * * * *

3 ELIZABETH LINT: Appl i cati on Greta
4 Shehaj doi ng busi ness as Chri sti ne' s
5 Breakfast and Lunch, has appl i ed for a common
6 victualer l i cense to be exerci sed at 91 Fi rst
7 Street. Sai d l i cense, i f granted, woul d
8 allow food and non-alcohol i c beverages to be
9 sol d, served, and consumed on sai d premi ses
10 wi th a seati ng capaci ty of 46. The hours of
11 operati on wi ll be Sunday through Fri day from
12 si x a. m. to fi ve p. m. , Saturday from si x a. m.
13 to twel ve p. m. , and Sunday from ei ght a. m. to
14 twel ve p. m.

15 MI CHAEL GARDNER: I f you coul d
16 i denti fy yoursel ves for the record and then
17 descri be your pl ans.

18 ATTORNEY DANIEL TERPOLLARI: Good
19 eveni ng, Mr. Chai rman, Commi ssi oners, my name
20 i s Dani el Terpol l ari , attorney. Terpol l ari
21 T-e-r-p-o-l-l -a-r-i of Terpol l ari and

1 Terpollari, LLC representing the applicant
2 Greta Shehaj, G-r-e-t-a S-h-e-h-a-j.

3 We are applying today for a CV license
4 for the business known as Christine's
5 Breakfast and Lunch located at 91 First
6 Street. Greta Shehaj has extensive knowledge
7 and experience in the food industry. She
8 comes from Albania. She had worked there in
9 a kitchen in a restaurant for ten years.
10 She's been working here for two years since
11 she came to United States. Owned a
12 headquarters in Wakefield and Brothers Roast
13 Beef in Quincy, same nature of restaurant
14 business. Very tough lady. She's worked two
15 jobs, you know, trying to get everything
16 understanding of the business. Now she's
17 ready to take over the opportunity. So
18 everything is done, including the P&S. We're
19 just waiting the blessing from the Commission
20 and also the permit and also all other
21 inspections that come with it. And, you

1 know, basically the only thing that remaining
2 on the application is -- everything is
3 included in the application is a consent from
4 the landlord. I have a copy of that.

5 ELIZABETH LINT: I also need a butter
6 notifications.

7 ANTHONY DANIEL TERPOLLARI:
8 Currently we're not changing the --

9 ELIZABETH LINT: Currently we're not
10 open on Sunday.

11 ATTORNEY DANIEL TERPOLLARI: I'm
12 sorry, maybe we have been misunderstood about
13 this. If there is no operation on Sunday
14 then, you know, that will be fine.

15 ELIZABETH LINT: The current hours
16 are Monday through Friday, six a.m. to five
17 p.m. and Saturday, six a.m. to two p.m.

18 ATTORNEY DANIEL TERPOLLARI: Six to
19 two, right. Okay.

20 ROBERT HAAS: So you have six to
21 twelve on your application. Are you going to

1 change it six to two on Saturday?

2 ATTORNEY DANIEL TERPOLLARI: Sure.

3 ROBERT HAAS: And you're going to
4 strike out Sunday?

5 ATTORNEY DANIEL TERPOLLARI: Yes.

6 MICHAEL GARDNER: And in what other
7 ways would the business be changed in terms
8 of menu or philosophy?

9 ATTORNEY DANIEL TERPOLLARI:

10 Basically it's going to be the same menu.

11 It's a breakfast and lunch. As I said, Greta
12 has extensive knowledge and is going to get
13 training from the current owners, Milo's.

14 And basically nothing's going to change. You
15 know, she's ready to take over and, you know,
16 concerning the operation and the menus, it
17 will stand as it is currently.

18 MICHAEL GARDNER: And you have a
19 staffing plan in place with respect to who
20 the help is going to be?

21 ATTORNEY DANIEL TERPOLLARI:

1 Exactly. Greta is actually trying to get
2 another lady in the business to help her
3 with, you know, the waitressing and other
4 things. And also her husband is going to
5 help her. He does the same thing, basically
6 works in the same industry. He's worked for
7 years. So, you know, we've got staff. It's
8 more than enough, I think, as a start because
9 it's not really a, you know, really, you
10 know, busy place with the current staff and
11 current clients, you know, it's projected
12 that this will cover more than enough. If
13 the need will ask for it, then probably my
14 clients will definitely hire more people.

15 ELIZABETH LINT: I have a letter
16 from Councilor Toomey in support of the
17 application.

18 MICHAEL GARDNER: Okay.

19 GERALD REARDON: Any renovation,
20 major renovations?

21 ATTORNEY DANIEL TERPOLLARI: No.

1 GERALD REARDON: Okay.

2 ROBERT HAAS: I make a motion to
3 approve the --

4 MICHAEL GARDNER: Can we just see if
5 the public would like to speak on it
6 first?

7 ROBERT HAAS: Go ahead.

8 MICHAEL GARDNER: Are there any
9 members of the public who would like to speak
10 on this matter?

11 (No Response.)

12 MICHAEL GARDNER: Seeing none,
13 Commissioner?

14 ROBERT HAAS: I make a motion to
15 approve the application for the hours of
16 Monday through Friday, six a.m. five p.m.,
17 Saturday, six a.m. to two p.m.

18 GERALD REARDON: Second.

19 MICHAEL GARDNER: The motion having
20 been made and seconded to approve the
21 application for the time and hours stated,

1 all those in favor signify by saying "Aye."

2 ROBERT HAAS: Aye.

3 GERALD REARDON: Aye.

4 MICHAEL GARDNER: Aye. None
5 opposed.

6 And do I understand it, Ms. Lint, that
7 if at some point in the future they would
8 like to do Sunday hours, then they need to do
9 a separate application for that with the
10 abutter notice?

11 ELIZABETH LINT: Absolutely.

12 ATTORNEY DANIEL TERPOLLARI:
13 Definitely.

14 MICHAEL GARDNER: So you understand
15 the procedure for that?

16 ATTORNEY DANIEL TERPOLLARI: Yes, I
17 will inform my client.

18 GRETA SHEHAJ: Thank you very much.

19 MICHAEL GARDNER: All right. Good
20 luck. Wish you well.

21 * * * * *

1 ELIZABETH LINT: Appl i cati on
2 Lexi ngton Consul ting Group, Incorporated
3 doi ng busi ness as Turtl e Creek Wi nery, Ki p
4 Kuml er, manager, has appl i ed for a Farmer' s
5 Wi nery Li cense for the Charl es Square
6 Farmer' s Market, Central Square Farmer' s
7 Market, and Cambri dgeport Farmer' s Market.

8 KIPTON KUMLER: Good eveni ng,
9 gentl emen. If I mi ght, I' d li ke to gi ve you
10 a li ttle bi t of backgroun d for thi s.

11 MI CHAEL GARDNER: But fi rst coul d
12 you pl ease state your name for the record?

13 KIPTON KUMLER: Sorry. My name i s
14 Ki pton Kuml er. That' s K-i -p, as i n Peter,
15 t-o-n. Last name K-u-m-l -e-r.

16 MI CHAEL GARDNER: Thank you.

17 KIPTON KUMLER: She menti oned three
18 appl i cati ons. There' s actual l y a fourth that
19 j ust was compl eted today, but you don' t have
20 as a packet and, I wonder i f i t mi ght be
21 possi bl e to i ncl ude that i n your

1 consi derati on.

2 MICHAEL GARDNER: I don't think we
3 can because of the lack of notice to the
4 publ i c.

5 ELI ZABETH LINT: Correct.

6 KIPTON KUMLER: Okay. Of the, three
7 then, that are outstanding, one, we've
8 decl ined to pursue which is Central Square.
9 And the Cambri dgeport we received unfavorabl e
10 response from Sergeant Crowl ey and we defer
11 to them. I think he was concerned that thi s
12 was a school parking lot even though it was
13 on a Saturday. So the only one before us
14 then is Charles Square.

15 MICHAEL GARDNER: So do we
16 understand you're wi thdrawi ng Central Square
17 and Cambri dgeport?

18 KIPTON KUMLER: Yes, si r.

19 ELI ZABETH LINT: If I coul d, I di d
20 contact Mr. Rossi in regard to what the
21 ci ty' s posi ti on mi ght be on havi ng al cohol

1 sales on city property, such as the parking
2 lot in Central Square and the school. That
3 was sent up to the Law Department, and I did
4 get a response from Ms. Glowa if you're
5 interested. I could read it to you. So it
6 would be up to you to, it could open the door
7 for him potentially.

8 MICHAEL GARDNER: Yes, well, I don't
9 know. If you're coming back with another one
10 later, I would say he's withdrawn these two
11 applications now. He can explore with you
12 whether or not there's anything else to be
13 done.

14 ELIZABETH LINT: Well, I would need
15 direction from the three of you to proceed
16 with what Mrs. Glowa recommends.

17 MICHAEL GARDNER: Well, okay, I
18 guess we should hear what Ms. Glowa
19 recommends then.

20 ELIZABETH LINT: She believes that
21 these licenses could be issued if the City

1 involved in this.

2 KIPTON KUMLER: The application that
3 Cambridge developed for this particular venue
4 requires the police to sign off.

5 ELIZABETH LINT: It's -- this
6 obviously new.

7 ROBERT HAAS: Okay.

8 ELIZABETH LINT: I designed an
9 application based on several other cities and
10 towns that have just started doing this.
11 It's always been the License Commission
12 policy that if alcohol is going to be sold
13 outdoors anywhere, that we send applicants to
14 the Police Department.

15 ROBERT HAAS: Okay.

16 MICHAEL GARDNER: Given the number
17 of conditions that Ms. Glowa, who is the
18 Deputy City Solicitor, included in her e-mail
19 to Ms. Lint, may suggest to you again that we
20 proceed with respect to the Charles Square
21 farmer's market application. You can explore

1 with Ms. Lint the logistical and approval
2 issues that would be necessary for the two
3 farmers markets which are on city property.
4 And if you want to pursue them and it's
5 ready, it could perhaps be considered when
6 the fourth farmer's market, which I
7 understand, you will be proceeding with is
8 done.

9 KIPTON KUMLER: Yes, sir.

10 MICHAEL GARDNER: Is that acceptable
11 to you?

12 KIPTON KUMLER: Yes, sir.

13 MICHAEL GARDNER: All right. So
14 could you tell us about selling wine at a
15 farmer's market?

16 KIPTON KUMLER: Yes. This is, as
17 Ms. Lint already said, is new legislation, it
18 was passed last year. Prior to this it was
19 not legal to have wine for sale by the bottle
20 or to be offered for taste at a farmer's
21 market. The new legislation says that

1 al though this is ultimately a local
2 jurisdictional decision, even the application
3 has to be approved by the Mass. Department of
4 AG Resources which certifies individual
5 markets for the purpose of offering of
6 alcohol. And that has been, we've done that.
7 That was an extensive --

8 MICHAEL GARDNER: For all four?

9 KIPTON KUMLER: Yes, sir. Those are
10 complete.

11 MICHAEL GARDNER: Okay. And just if
12 you could describe a little more.

13 KIPTON KUMLER: And so these have
14 hours. They have the defined location. The
15 location of the winery, which is a ten-by-ten
16 canopy with a table, is specified. The
17 market manager has to invite the winery to
18 participate. All of that was part of the
19 application for MDAR.

20 We, in some cases, provide -- and we
21 certainly are willing to provide certificates

1 of insurance. I don't think -- and I don't
2 think Cambridge had that. We have TIPS
3 certification for everyone that's involved.
4 I have experience as the owner and wine maker
5 of Turtle Creek Winery, which is in Lincoln,
6 Mass. of 13 years as a farm winery. We have
7 experience, it's very recent with respect to
8 farmer's markets in winter markets in the
9 Armory in Somerville and at Wayland which
10 I've been involved in, and in addition to
11 that in Attleboro which other wineries have
12 been in. There have been no problems at
13 anyone that I'm aware of is raised. I think
14 people are excited about this. What we hear
15 from other vendors who are selling produce or
16 meat is that they are selling more of their
17 product because more people come to the
18 market.

19 MICHAEL GARDNER: Questions?

20 GERALD REARDON: I'm curious what is
21 the fourth location that's not being heard

1 toni ght?

2 KI PTON KUMLER: Kendal l Square, si r.

3 GERALD REARDON: Who' s property
4 woul d that be on?

5 ELI ZABETH LI NT: Pri vate property.

6 GERALD REARDON: Okay.

7 KI PTON KUMLER: We al so have been
8 approved recentl y for Prudenti al and for
9 Uni on Square.

10 MI CHAEL GARDNER: And the i dea here
11 I take it is to encourage l ocal agri cul tural
12 efforts through the farmer' s markets and has
13 now been extended to, as you sai d, wi ne
14 farmi ng?

15 KI PTON KUMLER: Yes. And we, you
16 know, say wi ne growi ng.

17 MI CHAEL GARDNER: Okay.

18 KI PTON KUMLER: And I thi nk the
19 legi sl ati on is -- I' m al so Chai rman of the
20 Mass. Farmer' s Wi nery Associ ati on. I t' s
21 i mportant for smal l wi neries -- I mean, we

1 produce only about 12,000 bottles. We don't
2 have a tasting room. We're not located in a
3 tourist area, so the farmer's market is
4 potentially a very important source of direct
5 sales to the consumer which is you can
6 imagine carries a full margin as opposed to
7 -- I mean, we're presently in about 50 stores
8 in Boston that specialize in selling wine.

9 MICHAEL GARDNER: And are the rules
10 under which you plan to operate such that
11 you're selling sealed bottles without
12 tastings or open containers?

13 KIPTON KUMLER: No. The permit, the
14 special license is for the sale of sealed --
15 well, corked bottles for consumption off
16 premises. Not there. There is tastings
17 included. They're limited to -- and these
18 would fit the ABCC standards, of one ounce.
19 In fact, we offer people half ounce of up to
20 five different wines. And that tasting is
21 free.

1 ELIZABETH LINT: That's why we send
2 them to the police department.

3 ROBERT HAAS: I got that.

4 MICHAEL GARDNER: Any other
5 questions?

6 ROBERT HAAS: No other questions.

7 GERALD REARDON: No.

8 MICHAEL GARDNER: Anything else
9 you'd like to add?

10 KIPTON KUMLER: No, sir.

11 MICHAEL GARDNER: Are there any
12 members of the public who would like to be
13 heard on this matter.

14 UNIDENTIFIED MALE: I'm going to
15 come and taste it.

16 ROBERT HAAS: So, Mr. Chairman,
17 seeing as this is a new concept, what I would
18 recommend is an approval for the one
19 location, that being Charles Square Farmer's
20 Market with a review of six months.

21 MICHAEL GARDNER: Is that -- I would

1 just question whether or not three month
2 review would be helpful. I don't know.

3 KIPTON KUMLER: I think we might be
4 finished.

5 ELIZABETH LINT: In six months I
6 think they'll be closed.

7 ROBERT HAAS: They'll be out of
8 business? Okay.

9 KIPTON KUMLER: The markets go to
10 the end of October and in a few cases into
11 November.

12 ROBERT HAAS: I'd modify my motion
13 at the end of three months.

14 KIPTON KUMLER: May I ask what a
15 review, does that require me to come back?

16 ROBERT HAAS: Well, I'm trying to
17 figure out how quickly you can do this other
18 stuff.

19 ELIZABETH LINT: Well, that's my
20 next question. Do you want me to contact the
21 City Manager's office in regard to --

1 ROBERT HAAS: See if there's an
2 appetite to see what Ms. Glowa is
3 recommending.

4 ELIZABETH LINT: My concern is I
5 don't think that she realized that the
6 license fee is \$50. It cannot be any more
7 than that. And the statute's pretty clear on
8 what the parameters are.

9 MICHAEL GARDNER: Well, I mean
10 the --

11 KIPTON KUMLER: \$50 per location.

12 ELIZABETH LINT: Right.

13 MICHAEL GARDNER: The matter of the
14 -- well, we have a motion for which we don't
15 have a second yet on the one spot with the
16 three-month review. The question of a
17 three-month review we would be in touch with
18 you as to whether or not we wanted you to
19 appear.

20 Is there a second for the motion?

21 GERALD REARDON: Second for that.

1 MICHAEL GARDNER: Motion having been
2 made and seconded to approve the Charles
3 Square Location, subject to a three-month
4 review, all those in favor signify by saying
5 "Aye".

6 ROBERT HAAS: Aye.

7 GERALD REARDON: Aye.

8 MICHAEL GARDNER: Aye. None
9 opposed.

10 So, good luck with that.

11 KIPTON KUMLER: Thank you.

12 MICHAEL GARDNER: And when do you
13 expect or when, Ms. Lint, would you expect
14 that the Kendall application would be ripe
15 for our review?

16 ELIZABETH LINT: I believe it's on
17 the 31st.

18 MICHAEL GARDNER: So we'll have this
19 two weeks from now on May 31st.

20 KIPTON KUMLER: And I believe you
21 have several other wineries who will appear

1 before you then.

2 ELI ZABETH LINT: We do.

3 MICHAEL GARDNER: So, then I would
4 then suggest that the extent to which you
5 want to explore the matter further with
6 Mrs. Lint as to whether or not you're
7 interested in the other two publicly owned
8 locations.

9 KIPTON KUMLER: All right. Thank
10 you very much.

11 MICHAEL GARDNER: All right?

12 KIPTON KUMLER: Yes, sir.

13 MICHAEL GARDNER: All right. Thank
14 you very much. Good lump.

15 KIPTON KUMLER: Thank you.

16 * * * * *

17 ELI ZABETH LINT: Application
18 continued from April 12, 2011, Petal's Foods,
19 LLC, doing business as Sepal, Walid Masoud,
20 manager, has applied for a common victualer
21 license to be exercised at 100 CambridgeSide

1 Place, CambridgeSide Galleria Mall Food
2 Court. Said license, if granted, would allow
3 food and non-alcoholic beverages to be sold,
4 served, and consumed on said premises
5 operating during Galleria Mall hours.

6 WALID MASOUD: My name is Walid
7 Masoud. W-a-l-i-d M-a-s-o-u-d. Good
8 evening, Gentlemen. I hope the saying says
9 the good for last. Let's see if that's true.

10 I have a concept which I acted on, and
11 that is healthy fast food, which was unknown
12 to the food malls. I started my concept in
13 Watertown back in 1992, and it took a while
14 to build. It succeeded in Watertown. And I
15 moved from the small outlet where I tried my
16 concept, was a small place, right on Mount
17 Auburn Street. And actually I had the line
18 that went way passed my neighbor's. And it
19 succeeded. So, I was there for eight years,
20 then and then the landlord -- we had a -- I
21 had a dispute with the landlord, he wanted to

1 double my rent which I thought was unfair. I
2 brought the business to that area, it was no
3 foot traffic over there where I was. I
4 created that. So I decided to move out and I
5 went into a restaurant. And that was right
6 behind the same area. I was there for about
7 four years. And then I decided that it was
8 time to take the concept and expand. You
9 cannot expand with a restaurant. So I went
10 back to my fast food concept. I approached
11 Harvard. I approached MIT and BU. And MIT
12 responded, and I had a deal -- actually, I
13 was -- I almost had -- I almost licensed my
14 food to Sodexo, the great food provider, you
15 know. That did not -- that fell through. I
16 ended up signing contract with MIT. I been
17 there since 2005 until today. We are
18 operating and we have a very strong
19 following. At one time back in 1997 I had a
20 visit --

21 GERALD REARDON: Are you in the

1 student center at MIT?

2 WALID MASOUD: Yes, second floor
3 MIT.

4 I had a visit in 1997 in my small
5 place. I had the president of the American
6 Cancer Society came to my very humble place
7 just to thank me for what I'm offering. And
8 I'm specializing in Middle Eastern food. I'm
9 Palestinian. I grew up in Jerusalem. I did
10 my schooling here. And I worked overseas for
11 a while, and then I decided to come back and
12 settle. I love Boston, especially Cambridge.
13 And I settled here.

14 An opportunity came. I brought in a
15 partner of mine who was sitting with me here,
16 but he had to go attend to business. And I
17 decided to take it farther. So we
18 approached, I approached the Galleria Mall.
19 They loved my concept. Actually, they made
20 it as easy as possible for us to go in there,
21 and I we're there. We are successful. We

1 have one of the main comments that I got from
2 a customer, if I can just convey that, from a
3 customer, she said thank you for making it
4 possible for me to eat in the mall. And as I
5 said, I specialize in Middle Eastern food. I
6 develop -- my specialty is falafel. We have
7 the best falafel there is in the state. No
8 one makes it the way I do. I even developed
9 a baked falafel which is much healthier. We
10 sell 50/50. Fifty percent fried and 50
11 percent along with other authentic Middle
12 Eastern food.

13 My motivation for this is two -- two or
14 three folds. One is to offer something good
15 to people.

16 Second, to change the image of the
17 Middle East. Because the Middle East has
18 been negatively portrayed as through the
19 Middle Eastern people, and I wanted to change
20 that. And I decided to take that farther,
21 and through food, you know, you can really

1 get to people to know who you are, what you
2 eat as part of the culture and been having a
3 lot of success. And that's us.

4 MICHAEL GARDNER: So do I understand
5 that you're already there and operating?

6 WALID MASOUD: Yes, sir.

7 MICHAEL GARDNER: How long have you
8 been operating?

9 WALID MASOUD: Five months.

10 MICHAEL GARDNER: I always get
11 confused about this.

12 ELIZABETH LINT: Well, when I
13 learned that they were already there, I
14 contacted Peter DeVito at the mall who was
15 extremely apologetic. I think that they were
16 looking at it as a trial to see if it would
17 work. And once they discovered that it
18 worked, the application came in. This was
19 supposed to be heard on --

20 MICHAEL GARDNER: April 12th?

21 ELIZABETH LINT: April 12th. And

1 there was an issue with the notice that
2 wasn't received.

3 WALID MASOUD: I wouldn't miss this
4 for anything. I love to talk about my food.

5 ROBERT HAAS: Does he know he can't
6 do trial basis anymore without a license?

7 WALID MASOUD: I didn't know about
8 that. When I came to Cambridge, MIT they
9 didn't require us also to get the common
10 victualer license. So, that wasn't -- that
11 was never brought to my attention.

12 ROBERT HAAS: So do you have a CV
13 license for MIT?

14 WALID MASOUD: No.

15 ROBERT HAAS: You don't.

16 WALID MASOUD: Well, the campus food
17 dining has the license.

18 MICHAEL GARDNER: You're operating
19 under MIT's campus food license, is your
20 belief?

21 WALID MASOUD: That's what I

1 believe, yes.

2 MICHAEL GARDNER: That may be a
3 matter for review.

4 ELIZABETH LINT: That's absolutely a
5 matter for review. Because I know there are
6 other establishments down there and they have
7 individual CV's.

8 ROBERT HAAS: And your restaurant's
9 not in Cambridge, right?

10 WALID MASOUD: No, I don't have
11 restaurant anymore.

12 ROBERT HAAS: You got rid of the
13 restaurant?

14 WALID MASOUD: Actually, I was just
15 approached by the Longwood Food Court, the
16 medical center. They heard about what we
17 have, they came, they checked it out, and
18 they offered us to give us a very generous
19 offer to go and open up over there. And I'm
20 looking forward for that, to expand.

21 ROBERT HAAS: We're not a forgiving

1 as Cambridge. Get your license ahead of
2 time.

3 ELIZABETH LINT: I'll call Rich
4 Berlin tomorrow to check on that.

5 MICHAEL GARDNER: Any further
6 questions from the Commissioners?

7 GERALD REARDON: No.

8 MICHAEL GARDNER: None.

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

11 (No Response.)

12 MICHAEL GARDNER: Seeing none. The
13 pleasure of the Commission?

14 ROBERT HAAS: I make a motion to
15 approve the application for the CambridgeSide
16 Galleria Mall operation.

17 GERALD REARDON: Second.

18 MICHAEL GARDNER: Motion having been
19 made and seconded. All those in favor
20 signify by saying "Aye".

21 ROBERT HAAS: Aye.

1 GERALD REARDON: Aye.

2 MICHAEL GARDNER: Aye. None

3 opposed.

4 So it's approved. We wish you well.

5 WALID MASOUD: Thank you very much.

6 MICHAEL GARDNER: And understand
7 that the bureaucracy can be complicated, but
8 it's not great for us to hear that we first
9 see you after you've been in business for
10 five months.

11 ROBERT HAAS: Or five years.

12 WALID MASOUD: I can say sorry, but
13 it wasn't my hands. And I'm really happy to
14 be part of the community here. We're doing
15 something good.

16 MICHAEL GARDNER: All right.

17 WALID MASOUD: You'll hear about us.
18 You'll read about us.

19 ROBERT HAAS: You may have to come
20 back for your MIT operation after we do our
21 review.

1 WALID MASOUD: Sure, I would love to
2 be back. This time give me some at the
3 beginning so I can bring some publicity.
4 Thank you very much.

5 * * * * *

6 ELIZABETH LINT: We have
7 ratifications. 198 was a sale. And then 198
8 was a finance.

9 Then refinance 184, 03 and 36.

10 And then a sale of 192 and finance of
11 192. All the paperwork was in order.

12 ROBERT HAAS: I make a motion to
13 accept.

14 GERALD REARDON: Second.

15 MICHAEL GARDNER: Motions having
16 been made and seconded to approve the sale,
17 transfers, financing and refinancing, all
18 those in favor signify by saying "Aye".

19 ROBERT HAAS: Aye.

20 GERALD REARDON: Aye.

21 MICHAEL GARDNER: Aye. None

1 opposed.

2 A motion to adjourn is always in order.

3 ROBERT HAAS: Motion to adjourn.

4 GERALD REARDON: Second.

5 MICHAEL GARDNER: All those in favor
6 signify by saying "Aye".

7 ROBERT HAAS: Aye.

8 GERALD REARDON: Aye.

9 MICHAEL GARDNER: Aye. And we will
10 adjourn at approximately 9:26.

11 (Whereupon, at 9:26 p.m., the
12 License Commission adjourned.)

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C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS
BRISTOL, SS.

I, Catherine Lawson Zelinski, a
Certified Shorthand Reporter, the undersigned
Notary Public, certify that:

I am not related to any of the parties
in this matter by blood or marriage and that
I am in no way interested in the outcome of
this matter.

I further certify that the testimony
hereinbefore set forth is a true and accurate
transcription of my stenographic notes to the
best of my knowledge, skill and ability.

IN WITNESS WHEREOF, I have hereunto set
my hand this 27th day of May 2011.

Catherine L. Zelinski
Notary Public
Certified Shorthand Reporter
License No. 147703

My Commission Expires:
April 23, 2015

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