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COMMONWEALTH OF MASSACHUSETTS  
CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION GENERAL HEARINGS

Michael Gardner, 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 31, 2011

6:00 p.m.

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

ELIZABETH LINT: Before we get started, if anyone has a cell phone on, we would appreciate it if you turned it off.

It's License Commission general hearing Tuesday, May 31, 2011. It's 6:15 p.m. We're in the Michael J. Lombardi Municipal Building, 831 Mass. Ave. basement conference room. Before you are the Commissioners: Chairman Michael Gardner, Chief Gerald Reardon and Commissioner Robert Haas.

Motion to accept the minutes from May 17th.

GERALD REARDON: Motion to accept.

ROBERT HAAS: With the amendments.

Second.

MICHAEL GARDNER: A motion having been made and seconded to approve the minutes as amended from the May 17th hearing, all those in favor signify by saying "Aye".

ROBERT HAAS: Aye.

1 GERALD REARDON: Aye.

2 MICHAEL GARDNER: Aye. None opposed  
3 so the minutes are approved.

4 ELIZABETH LINT: If anyone is here  
5 from Whitney's Cafe, that's been moved to  
6 September.

7 \* \* \* \* \*

8 ELIZABETH LINT: Disciplinary,  
9 continued from March 29, 2011, J.H.  
10 Restaurant, Cambridge, LLC doing business as  
11 John Harvard's Brew House, Steen Sawyer,  
12 manager, holder of an all alcoholic beverages  
13 as a restaurant/brewery at 33 Dunster Street  
14 license, due to a police report received by  
15 the License Commission alleging that John  
16 Harvard's Restaurant was serving alcoholic  
17 beverages to a group of underage students.

18 ATTORNEY STEPHEN MILLER: Good  
19 evening. Stephen Miller, McDermott, Quilty  
20 and Miller, 131 Oliver Street in Boston.  
21 Also with me my partner Karen Simao from

1 McDermott, Quilty and Miller.

2 We were just given this supplemental  
3 report which was not sent to us or our  
4 client, so I would ask that --

5 ROBERT HAAS: You can't close that.  
6 You have to leave that open.

7 ATTORNEY STEPHEN MILLER: I would  
8 ask either that this report is expunged from  
9 the record or that this hearing be continued  
10 for us to have an opportunity to examine this  
11 report and obtain the information on this  
12 Greg person to the point where we're either  
13 going to subpoena him to be here, or if we  
14 have to go to New Jersey, we'll go to New  
15 Jersey and take his deposition. But, it's as  
16 you will hear from our staff and from the  
17 management, this is a serious issue, and  
18 there's a lot of hearsay and a lot of  
19 information on this that no one saw anything,  
20 and this is the first real piece that we've  
21 seen. So, we either ask that it's expunged

1 or you allow us to continue the hearing and  
2 allow us to fully investigate this with this  
3 Greg and these -- there's a -- the Bates guy  
4 mentioned, and also another chaperone which  
5 we haven't had the opportunity to speak with  
6 any of them.

7 MICHAEL GARDNER: Were you aware of  
8 the chaperone or the other people prior to  
9 seeing this document?

10 ATTORNEY STEPHEN MILLER: We don't  
11 have any of the information, contact  
12 information for any of those people.

13 MICHAEL GARDNER: Well, have you  
14 made any attempts to determine it from the  
15 file of the License Commission?

16 ATTORNEY STEPHEN MILLER: We will.  
17 I mean we were prepared to go forward before  
18 this report. We were absolutely prepared to  
19 go forward based on the information that's in  
20 the police reports. But this report, the  
21 case load's very clear that evidence that's

1 brought up at hearing that has not been given  
2 to us, we're entitled to a continuance. The  
3 Foster and Gloucester case is very clear on  
4 that.

5 MICHAEL GARDNER: In what ways,  
6 assuming that we continue the matter, giving  
7 you the opportunity to pursue Greg or  
8 whatever evidence you wish to based on this  
9 information, in what ways are you prejudiced  
10 from presenting your position this evening  
11 subject to a second evening's hearing for a  
12 continuation for further evidence?

13 ATTORNEY STEPHEN MILLER: The  
14 information -- the police report that's been  
15 given and the subsequent reports don't in any  
16 way -- there's no evidence that there was  
17 sale of service to any of these people. And  
18 you will hear from -- unfortunately there's  
19 one person that had a death in the family  
20 that can't be here, but you'll hear from  
21 servers that will tell you that there was no



1 sale of service. You'll see information here  
2 saying -- I think there was one report that  
3 said, Greg thought that they might have had a  
4 drink. Thought that they might have had a  
5 drink. That's certainly not enough to  
6 establish any sort of sale of service. This  
7 one, he's a little bit more detailed, and  
8 we're clearly prejudiced if this has anything  
9 to do with your deliberations, absolutely  
10 prejudiced without us having an opportunity  
11 to examine it.

12 MICHAEL GARDNER: How much time do  
13 you need?

14 ATTORNEY STEPHEN MILLER: I would  
15 say 30 days.

16 ATTORNEY KAREN SIMAO: It's really  
17 two-fold. It's examining this and  
18 cross-examining the witness. I mean, if  
19 you're going to accept this as witness  
20 testimony, the case law also states that we  
21 have a right to cross-examine that witness.

1                   ATTORNEY STEPHEN MILLER: We're  
2 going to subpoena him. And if he will not  
3 cooperate, we'll go with the knowledge and  
4 consent of your Commission, to New Jersey and  
5 depose him, put him under oath and depose  
6 him. And whatever we find, we find and we'll  
7 put it on the record.

8                   MICHAEL GARDNER: And you'll do that  
9 by the beginning of July?

10                  ATTORNEY STEPHEN MILLER: Maybe the  
11 week, maybe 30 -- maybe 35 days.

12                  MICHAEL GARDNER: What's our July  
13 hearing schedule?

14                  ELIZABETH LINT: The 5th.

15                  MICHAEL GARDNER: The 5th is the  
16 first Tuesday. And so the second and fourth  
17 Tuesdays are the 12th and the 26th.

18                  ELIZABETH LINT: Well for some  
19 reason --

20                  MICHAEL GARDNER: Well, the 5th or  
21 the 12th.

1                   ATTORNEY STEPHEN MILLER: I would  
2 ask for the 12th if that's possible.

3                   MICHAEL GARDNER: Either the 5th or  
4 the 12th depending on the schedule.

5                   ELIZABETH LINT: And there will be a  
6 second one. It would be the 19th. That's  
7 what's coming to me.

8                   GERALD REARDON: So would the 5th or  
9 the 12th work?

10                  ATTORNEY STEPHEN MILLER: It is what  
11 it is, I guess.

12                  ATTORNEY KAREN SIMAO: The latter  
13 one would be better.

14                  ATTORNEY STEPHEN MILLER: Latter.  
15 The 5th is going to be difficult to get  
16 anybody.

17                  ELIZABETH LINT: If it's the 5th, it  
18 will be the 19th.

19                  GERALD REARDON: So far the 19th.

20                  ELIZABETH LINT: I think that's what  
21 it is. I was trying to accommodate you.

1                   ANDREA BOYER: It stops at June  
2                   18th.

3                   ELIZABETH LINT: We haven't posted  
4                   them yet. We haven't done the schedule.

5                   MICHAEL GARDNER: Is there any  
6                   reason why we can't decide whether it's the  
7                   5th or the 19th?

8                   ELIZABETH LINT: We can say that.

9                   ATTORNEY STEPHEN MILLER: We would  
10                  ask if it's not too much of a problem, to do  
11                  the 19th.

12                  MICHAEL GARDNER: I guess I would  
13                  entertain a motion to continue this matter  
14                  generally until July 19th. Does that present  
15                  any problems for you, Ms. Boyer?

16                  ANDREA BOYER: No, it doesn't, sir.  
17                  Thank you for asking.

18                  ROBERT HAAS: Are you available, Mr.  
19                  Hogan?

20                  OFFICER HOGAN: I'm all set.

21                  GERALD REARDON: I make a motion to

1 postpone to the July 19th meeting.

2 ROBERT HAAS: Second.

3 MICHAEL GARDNER: A motion has been  
4 made to postpone this hearing until July  
5 19th.

6 All those in favor signify by saying  
7 "Aye."

8 ROBERT HAAS: Aye.

9 GERALD REARDON: Aye.

10 MICHAEL GARDNER: Those opposed?

11 No.

12 The Ayes have it.

13 ATTORNEY STEPHEN MILLER: Thank you.

14 We would request any contact information that  
15 we can obtain from the Commission.

16 ANDREA BOYER: I'll give you my  
17 card.

18 ATTORNEY STEPHEN MILLER: Okay.

19 Thank you very much for your consideration.

20 We appreciate it.

21 MICHAEL GARDNER: Sorry for your

1           i nconveni ence.

2                                   \* \* \* \* \*

3                   ELI ZABETH LINT:   And i f we coul d go  
4           sl ightl y out of order, I was contacted by the  
5           attorney for Conga.   Some of the parti es that  
6           are necessary for the transfer appl icati on  
7           are not avai lable unti l about ei ght o' cl ock.

8                   MI CHAEL GARDNER:   Okay.   Is that the  
9           next two matters?

10                   ELI ZABETH LINT:   Yes.

11                   MI CHAEL GARDNER:   Or j ust the  
12           second?

13                   ELI ZABETH GARDNER:   The next two.

14                                   \* \* \* \* \*

15                   ELI ZABETH LINT:   Di sci pl i nary matter  
16           conti nued from March 29, 2011 and May 17,  
17           2011.   El Col oso Market, Hung Pham, property  
18           owner at 102 Columbi a Street due to  
19           compl ai nts recei ved by the Li cense Commi ssi on  
20           al legi ng that the machi nery on the property  
21           is i n vi olati on of the Cambri dge Ci ty Noi se

1 Ordinance.

2 MICHAEL GARDNER: If you could, sir,  
3 state your name for the record and spell it  
4 for the stenographer, and then I believe  
5 Ms. Boyer, who was here before, has some  
6 relevant information. So once we get your  
7 name on the record, then we'll wait for  
8 Ms. Boyer to return.

9 HUNG PHAM: My name is Hung Pham and  
10 I'm the owner of 102 Columbia Street at the  
11 single commercial building.

12 MICHAEL GARDNER: Okay, thank you.

13 HUNG PHAM: I come here today  
14 responding to the letter that I receive last  
15 week about property have some noise on a  
16 compressor. And I just went to collect rent,  
17 the owner tell me that he got a letter  
18 complaint from the next-door saying the  
19 compressor too noise, and that what he tell  
20 me. And when I got the letter, I got a call  
21 from somebody from the office to let me know

1           that. So I come here today and find out. I  
2           bought the building for four year, and the  
3           previous owner, he got compressor up there  
4           already. And the only thing I own is the  
5           building and the (inaudible) and that's it.  
6           And all the business there and the fixture on  
7           the business belong to the previous tenant.  
8           And he sold that part the business in order  
9           to this guy here. So I got nothing to do  
10          with the compressor.

11                       GERALD REARDON: Well, the  
12          compressor is part of the building. So you  
13          own the compressors when you bought the  
14          building.

15                      HUNG PHAM: No. They said it's not  
16          that. When I bought the building, they say  
17          the compressor and everything belong to the  
18          business people. The compressor for the Coke  
19          -- the soda machine and all that stuff, the  
20          freezer and used for the convenience store.

21                      MICHAEL GARDNER: Did you enter a



1 lease with the current business operator?

2 HUNG PHAM: Yes.

3 MICHAEL GARDNER: Okay.

4 Ms. Lint, do you have the terms of the  
5 lease with the relevant section?

6 ELIZABETH LINT: Yes, paragraph five  
7 is titled Repairs. "During the lease term,  
8 tenant shall make at tenant's expense, all  
9 necessary repairs to the leased premises.  
10 Repairs shall include such items as routine  
11 repairs of floors, walls, ceilings and other  
12 parts of the leased premises damaged or worn  
13 through normal occupancy except for major  
14 mechanical systems or the roof, subject to  
15 the applications of the parties otherwise set  
16 forth in this lease."

17 And there is nothing else to abrogate  
18 that.

19 HUNG PHAM: The list come from like  
20 the -- from the system already. And the only  
21 time we put in the rental, like how much he

1 pay for a month and all that stuff. And  
2 about the mechanical, that's referred to the  
3 system of the moment, because like the  
4 building have only the system belong to the  
5 owner. So anything wrong, I will fix it for  
6 his system, and there's no air conditioner or  
7 whatever. So that's the only thing.

8 MICHAEL GARDNER: So the compressors  
9 are clearly part of the mechanicals the  
10 building, aren't they?

11 HUNG PHAM: Yes, it's the  
12 mechanical. It belong to business, it not  
13 belong to me. The owner he know that. The  
14 tenant, he know that. That's why the last  
15 time he called people to come in to check it  
16 out already before he bought it.

17 MICHAEL GARDNER: It appears to us  
18 from the lease, the only evidence we have  
19 before us that the compressors are your  
20 responsibility, and if there's anything wrong  
21 with the compressors, it's your

1           responsibility to fix them from the terms of  
2           the lease. I don't know if you have a bill  
3           of sale that makes it clear that the  
4           mechanicals that you're responsible for  
5           fixing don't belong to you, but the only  
6           document we have seems to indicate they're  
7           your responsibility.

8                   HUNG PHAM: That what I tell you.  
9           The list is derived from the system already,  
10          so it's already in there. So, the only thing  
11          we put in there the rental, the rental here,  
12          that we have in, that's the only thing we put  
13          in there.

14                   MICHAEL GARDNER: Well, I understand  
15          you may have used a prior document and made  
16          some adjustments to the document, but you  
17          signed the whole document. And by signing  
18          the document, you accepted the terms of the  
19          document, didn't you?

20                   HUNG PHAM: Yes, I accept the term  
21          of the document, but the only thing is the

1 compressor and the cooling belong to the  
2 business, the tenant. It don't belong to me.  
3 Whatever, they can change anything they want.  
4 We cannot do anything about it. It does not  
5 belong --

6 GERALD REARDON: Was all that  
7 equipment there when they leased from you?

8 HUNG PHAM: Yes. I bought the  
9 building. It was already there from the  
10 previous tenant already. And the previous  
11 tenant sold it to the new tenant.

12 MICHAEL GARDNER: Who installed the  
13 compressor?

14 HUNG PHAM: The previous tenant.  
15 They own business before.

16 MICHAEL GARDNER: So, do you have a  
17 bill of sale that makes it clear you do not  
18 own the compressors?

19 HUNG PHAM: I got the bill of sale  
20 from the building. I bought the building and  
21 they didn't tell me I own the stuff so I can

1 bring it up.

2 GERALD REARDON: Are you --

3 MICHAEL GARDNER: Are you local?

4 HUNG PHAM: I live in Randolph have.

5 MICHAEL GARDNER: Where are the  
6 documents that show the bill of sale?

7 HUNG PHAM: At my house.

8 MICHAEL GARDNER: Do you know if we  
9 have any reports from Inspectional Services  
10 with respect to the quality of the food being  
11 sold or the temperature of the food?

12 ANDREA BOYER: Mary Chevers  
13 (phonetic) went down the next day after I  
14 think Elizabeth Linton had asked. And she  
15 did say that there were some problems based  
16 on the food had thawed and then been  
17 refrozen. So a lot of it needed to be  
18 disposed of. She was actually going down  
19 again later on in the week to make sure that  
20 he had done that. And I asked to speak with  
21 her, but she's out today to get the full

1 update of what happened with that. So there  
2 was some bad food.

3 HUNG PHAM: The tenant is go to  
4 vacation for a month. So probably when you  
5 come back, he back from vacation that's why.

6 ANDREA BOYER: That doesn't matter.

7 MICHAEL GARDNER: And the  
8 compressor's still operating? Business still  
9 open?

10 ANDREA BOYER: Yes, it is. There  
11 was some information that was received  
12 through -- Elizabeth Lint had gone to a CLAB  
13 meeting and spoke with the owner of Atwood,  
14 Peter -- excuse me, Pat McGee. I spoke with  
15 him today, and he said he's being a -- kind  
16 of a neighborhood representative also wanted  
17 to get involved. He spoke with Jason Alvarez  
18 (phonetic) and Tim Toomey, and he said  
19 there's a possible loan for a business owner  
20 to be able to get what's called a  
21 Micro lender. That if he was able to work

1 with them and made the right connections to  
2 have new compressors put in for a very low  
3 amount. The payment could be very minimal  
4 per month comparative to what he's paying for  
5 electricity right now. So that's also in the  
6 works. And that's just based on trying to --  
7 he was at the hearing last time that we were  
8 here and noticed that there was something  
9 that they may be able to get involved in  
10 being the business association in that  
11 neighborhood. So there's also something  
12 that's hopefully going to transpire through  
13 that to fix the problem. But other than  
14 that, the equipment's still on, it's still  
15 loud.

16 MICHAEL GARDNER: I think the  
17 documents we have describe who's responsible  
18 and it seems to be the owner. You know, the  
19 tenant or -- the neighbors have been  
20 complaining about this since last September.  
21 It's now warm weather when presumably if

1 anything the ambient noise problem is worse  
2 than the winter. Our authority on noise  
3 violations is up to \$300 a day?

4 ANDREA BOYER: It's up to \$300 per  
5 day per violation, correct.

6 MICHAEL GARDNER: And does that  
7 require a test for each day that there's a --

8 ANDREA BOYER: Yes.

9 MICHAEL GARDNER: -- citation.

10 ANDREA BOYER: I would think so. I  
11 mean, it's not really gone to this level  
12 previously. So we would have to test  
13 whatever you want tested to be able to give  
14 the fine. I think that would protect us  
15 through any sort of court case. And that can  
16 be done, that could be done everyday if  
17 necessary. I mean, that's just timing. It's  
18 a violation day and night, so I can be there  
19 at any time as long as the residents are  
20 there and they would allow me in the house.

21 MICHAEL GARDNER: This having gone



1 on as long as it has, I'm wondering what the  
2 Commi ssi oners thi nk about i mposi ng a fi ne  
3 schedul e on essenti al l y a once a week test  
4 goi ng forward di rected to the owner of the  
5 property that can obvi ousl y be adj usted i f  
6 i t's cl ear from your documents that the  
7 busi ness owner -- the busi ness operator owns  
8 the equi pment. But i t seems very strange  
9 that you woul d accept the responsi bi l i ty for  
10 repai rs of equi pment that you don' t own.

11 ELI ZABETH LINT: I n the past when  
12 we' ve had noi se vi ol ati ons, what -- there' s  
13 onl y one that comes to mi nd, that we put a  
14 ti me l i mi t to make repai rs and that fi nes  
15 woul d be i mposed commenci ng at a certai n ti me  
16 i f the repai rs weren' t made.

17 MI CHAEL GARDNER: That' s what we di d  
18 l ast -- that' s the acti on we took two weeks  
19 ago.

20 ELI ZABETH LINT: Except that i t was  
21 the -- yes.

1                   MICHAEL GARDNER: With the  
2                   expectation it remained a response, yes, we  
3                   still had to find out who was responsible.

4                   ELIZABETH LINT: Yes.

5                   ANDREA BOYER: You understand?

6                   HUNG PHAM: Yes, I understand.

7                   ROBERT HAAS: How long has this  
8                   gentleman been renting the property from you,  
9                   the present tenant?

10                  HUNG PHAM: Just about a year, a  
11                  year and three months.

12                  ROBERT HAAS: So this equipment was  
13                  pre-existing his tenancy with you, right? So  
14                  when you bought the building, that equipment  
15                  was on top of the building?

16                  HUNG PHAM: Yes.

17                  ROBERT HAAS: So the prior property  
18                  owner didn't take the equipment when they  
19                  left. So when you bought the building, you  
20                  bought the building lock, stock and barrel,  
21                  right?

1 HUNG PHAM: Yes, I bought the  
2 building and that tenant still stay there.  
3 He still run the convenience store.

4 ROBERT HAAS: But then he left?

5 HUNG PHAM: He just sold the  
6 business for the new tenant. It's like a  
7 year, 15 month ago and took it over.

8 MICHAEL GARDNER: So this is the  
9 second tenant you have had?

10 HUNG PHAM: Yes.

11 MICHAEL GARDNER: Thank you for  
12 clarifying that.

13 ROBERT HAAS: So if that tenant were  
14 to leave, would you expect him to take the  
15 equipment when he left?

16 HUNG PHAM: No, because he sell the  
17 business to the other guy. He sell  
18 everything to the other guy. He sell all the  
19 goods in the store and all the cooler in the  
20 store for the other guy, for the new tenant.

21 MICHAEL GARDNER: Does he own the

1 furnace?

2 HUNG PHAM: No, I own the furnace.

3 It's his system only.

4 MICHAEL GARDNER: So --

5 HUNG PHAM: The building owner so  
6 the furnace is in the basement, so I own that  
7 one. If anything is wrong, I have to fix it.

8 But like the --

9 MICHAEL GARDNER: But the  
10 compressor's integral to the building, isn't  
11 it?

12 HUNG PHAM: The compressor on the  
13 roof, but it connect to all the cooling  
14 machine that he put the soda and everything  
15 in there. So he can take it out any time if  
16 he -- he take his business out, he can take  
17 everything out with him.

18 GERALD REARDON: He still wouldn't  
19 take the compressors off the roof because it  
20 means roof damage, electrical, fixing the  
21 holes.

1 HUNG PHAM: It could be fixture, but  
2 it's his stuff.

3 GERALD REARDON: It says right there  
4 you can't touch the roof on the lease.

5 HUNG PHAM: I fix the roof, not him.

6 GERALD REARDON: If he takes those  
7 compressors out, that leaves all kinds of  
8 holes on the roof. I mean I've never heard  
9 of anyone taking compressors with them ever.  
10 It's part of the building you bought.  
11 Whether it's a liability or, you know, a plus  
12 or a minus, you bought it.

13 MICHAEL GARDNER: Do we have a  
14 decision hearing on the 10th?

15 ELIZABETH LINT: 9th.

16 MICHAEL GARDNER: The 9th, I'm  
17 sorry. So, I'm wondering what the  
18 Commissioners think about giving Mr. Pham  
19 until the time of our decision hearing on the  
20 9th to bring in the documents that he claims  
21 show he does not own the compressors and is

1 not responsible for the compressors. And  
2 that on that day we evaluate whether we have  
3 enough information to decide who we believe  
4 the responsible party is with respect to who  
5 should be fined if there are continuing  
6 violations? So that would be the first step.

7 And then on the 14th of June we  
8 determine whether or not either appropriate  
9 repairs have been made or the compressors  
10 have been turned off. And if they haven't,  
11 at that point we begin a fine schedule based  
12 on a once a week inspection.

13 ROBERT HAAS: Do you understand  
14 what's going to happen now? If you can't  
15 prove that those compressors don't belong to  
16 the tenant, you're going to be responsible  
17 for them. And by the 14th if you don't make  
18 adequate repairs to those, you could still be  
19 subject to a fine?

20 HUNG PHAM: Yes.

21 ROBERT HAAS: You understand that?

1 HUNG PHAM: Uh-huh.

2 MICHAEL GARDNER: Unless the  
3 Commissioners have an alternative suggestion?

4 ROBERT HAAS: No.

5 GERALD REARDON: That's fine.

6 MICHAEL GARDNER: A motion would be  
7 in order.

8 ROBERT HAAS: So I'd make a motion  
9 to review this matter on our decision meeting  
10 which is scheduled for June 9th to determine  
11 who rightfully owns those compressors on the  
12 roof. And at that point, once we establish  
13 who the rightful owners are, then review it  
14 on June 14th to see if the equipment is still  
15 in violation which may subject whoever the  
16 rightful owner is to a fine. Do you  
17 understand?

18 HUNG PHAM: Yes.

19 MICHAEL GARDNER: If the motion is  
20 seconded before we take a vote, we will  
21 invoke comment from the public if there is

1 any.

2 GERALD REARDON: Second.

3 MI CHAEL GARDNER: There's a motion  
4 been made and seconded with respect to how to  
5 deal with this issue yet again in a two part  
6 way on June the 9th and the 14th. Before we  
7 take a vote on that, we would invite any  
8 comment from the public. If you would please  
9 come up and state your name and spell it for  
10 the record, please.

11 ESQUIRE PAIGE: Sure. My name is  
12 Esquire Paige P-a-i-g-e. I live at 81 Pine.  
13 And just as you mentioned earlier, it's I  
14 don't really care about eight months of the  
15 year because I don't really necessarily hear  
16 it when I'm inside my place, but it is still  
17 really loud and the summer's happening and I  
18 just hope that as of the 14th, whoever is  
19 really responsible for this, there starts to  
20 be some kind of penalty just to try to create  
21 the change that needs to happen and sort of



1           being impetus to having this be fixed. I  
2           hope as the 14th someone is found responsible  
3           so that we can just fix it. That's what I  
4           want to say.

5                     Thank you.

6                     MICHAEL GARDNER: Thank you.

7                     Any other members of the public who  
8           would like to be heard?

9                     (No Response.)

10                    MICHAEL GARDNER: You understand --

11                    HUNG PHAM: Yes.

12                    MICHAEL GARDNER: -- the sense of  
13           the motion, sir?

14                    HUNG PHAM: Uh-huh.

15                    MICHAEL GARDNER: All those in favor  
16           signify by saying "Aye."

17                    ROBERT HAAS: Aye.

18                    GERALD REARDON: Aye.

19                    MICHAEL GARDNER: Aye.

20                    None opposed so the motion carries.

21                    You should, as soon as you can, bring

1 any documents you've got, including the  
2 purchase and sale agreement, any information  
3 in your deed to the property to Ms. Lint so  
4 she can have it added to the record and we  
5 will consider the matter on June the 9th.  
6 Currently the documentary evidence we have  
7 seems to indicate you are the responsible  
8 party.

9 HUNG PHAM: Yes.

10 MICHAEL GARDNER: We have your oral  
11 statements this evening that you don't own  
12 the compressors. That although you've agreed  
13 to be responsible for repair of mechanicals,  
14 so we need to see any documentary evidence  
15 that you have, and then on the 14th, I think  
16 if suitable repairs haven't been made or the  
17 compressors aren't turned off, the Commission  
18 will be in a position to begin at least a  
19 weekly inspection with fines for any  
20 violation, and the fines can be up to \$300  
21 per violation.

1 HUNG PHAM: Okay.

2 MI CHAEL GARDNER: Thank you, good  
3 luck.

4 HUNG PHAM: Okay.

5 \* \* \* \* \*

6 ELI ZABETH LINT: Appl i cati on  
7 Ni l oufar, Incorporated, doi ng busi ness as  
8 Pi zza Pi e-er, Bahman Jal i li , manager, has  
9 appl i ed for the common vi ctual er Li cense to  
10 be exerci sed at 187 Hampshi re Street. Sai d  
11 Li cense, i f granted woul d allow food and  
12 non-alcohol i c beverages to be sol d, served,  
13 and consumed on sai d premi ses wi th a seati ng  
14 capaci ty of 20 seats i nsi de and ei ght  
15 seasonal pati o seats on pri vate property.  
16 The hours of operati on ten a.m. to two p.m.  
17 seven days per week.

18 ATTORNEY ANTHONY GALLUCCIO: Thank  
19 you. Mr. Chai rman, my cli ent i s on hi s way  
20 i n. Can we start or woul d you l i ke to hol d  
21 i t?

1                   MICHAEL GARDNER: Why don't we hold  
2                   it. I think that would be better.

3                   ATTORNEY ANTHONY GALLUCCIO: Thank  
4                   you, Mr. Chair.

5   \* \* \* \* \*

6                   ELIZABETH LINT: Application Uno  
7                   Restaurants, LLC doing business as Uno  
8                   Chicago Grill, Andrew Sklar, manager, holder  
9                   of an all alcoholic beverages as a restaurant  
10                  license at One Porter Square/820 Somerville  
11                  Avenue has applied to further extend the  
12                  inactive status of said license.

13                  GEORGE HERZ: Good evening.

14                  MICHAEL GARDNER: Appreciate it if  
15                  you could state and spell your name for the  
16                  record.

17                  GEORGE HERZ: George Herz H-e-r-z.  
18                  Uno Restaurants, LLC. And on a personal note  
19                  I'd like to thank you. At our last hearing I  
20                  had a family emergency that required me to  
21                  cancel as of the date of the hearing and I

1 appreciate the cancellation. Thank you.

2 MICHAEL GARDNER: So, could you tell  
3 us what your plans are?

4 GEORGE HERZ: Actually I came here  
5 tonight because I had not told the Commission  
6 before who the perspective tenant was who was  
7 going to be replacing our operation. And I  
8 received a letter from them, which I  
9 explained I was going to tender to the  
10 Commission tonight from Buffalo Wild Wings  
11 which is a national fast casual chain that's  
12 expanding in the northeast. You may or may  
13 not know, you know, of this particular  
14 organization which essentially says that  
15 they're in discussions or negotiations with  
16 the landlord. And that upon conclusion,  
17 they'd hope to, you know, upon the successful  
18 conclusion, of course, the execution of a  
19 lease and proceed to go forward, you know, to  
20 acquire our license. I speak to their Vice  
21 President as well as Mr. Bailey on a regular

1           basis. I've also spoken to the real estate  
2           broker in terms of trying to get an update,  
3           in terms of their progress and what's been  
4           fed back to me is significant negotiation.

5                   MICHAEL GARDNER: And how long has  
6           the license been inactive?

7                   GEORGE HERZ: Since -- I'll give you  
8           an exact date. I won't guess.

9                   ELIZABETH LINT: I think it was  
10          November.

11                  GEORGE HERZ: I think it was just,  
12          yeah, it could have been November or just --

13                  ELIZABETH LINT: No, no, it was in  
14          March of 2011.

15                  MICHAEL GARDNER: So it's only been  
16          a couple of months?

17                  GEORGE HERZ: No, I actually think  
18          it was before that. I don't have the date  
19          here, but I do think it was before that.

20                  MICHAEL GARDNER: So Uno's just  
21          closed the business that was there?

1                   GEORGE HERZ: We did. Earlier in  
2                   the year the company had filed a  
3                   reorganization of all its entities and it  
4                   closed throughout the country a number of  
5                   restaurants. Some for the reorganization and  
6                   some after the filing of the reorganization,  
7                   and this was in connection with that.

8                   MICHAEL GARDNER: And if anybody who  
9                   could just inform me when a license is  
10                  inactive are we still collecting fees?

11                  ELIZABETH LINT: Yes.

12                  MICHAEL GARDNER: And the principal  
13                  issue being there is a license there and  
14                  whatever public need or public purpose is  
15                  served by the license, the fact that it's  
16                  inactive, that public need or public service  
17                  is not being met, is that the way to think  
18                  about it?

19                  ELIZABETH LINT: That's, you could  
20                  look at it that way. But this particular  
21                  license is just a little bit different than

1 the others because they're tied to that  
2 location by agreement with the building at  
3 the -- I don't know how far back that  
4 agreement goes. But any other license would  
5 be able to move somewhere else and this one  
6 can't. So it kind of hampers them and their  
7 abilities to transfer.

8 GEORGE HERZ: And that is exactly  
9 the issue, because there being a number of  
10 businesses that would be interested, but we  
11 are tied to the building.

12 GERALD REARDON: Would 90 days  
13 potentially solve your dilemma?

14 GEORGE HERZ: I would hope it would  
15 be. And I would take it then upon myself  
16 during the interim time period between now  
17 and then to communicate to your offices with  
18 respect to any progress, you know, regarding  
19 Buffalo Wild Wings and their negotiations  
20 with the landlord.

21 GERALD REARDON: I actually remember



1 this, that it is tied to the property so it's  
2 more difficult obviously if they're close. I  
3 would suggest that we give them some ample  
4 time to potentially transfer it.

5 MICHAEL GARDNER: Well, it's not  
6 quite as liquid as certain other assets.

7 And how long did Uno's operate there?

8 GEORGE HERZ: Many, many years. I  
9 think actually the -- it was the original  
10 location taken out by Aaron Spencer who was  
11 the founder of the company when he moved the  
12 organization from Chicago to Boston.

13 GERALD REARDON: I think he may have  
14 been there with the opening of the building.

15 ELIZABETH LINT: I think that might  
16 be right.

17 GEORGE HERZ: Many years.

18 MICHAEL GARDNER: What would the  
19 Commissioners think of general continuance of  
20 this matter until one of the August meetings?

21 ROBERT HAAS: Well, that's 90 days

1 out?

2 MICHAEL GARDNER: Well, it's August  
3 31st is 90 days I think. The August meeting  
4 is most likely the 30th. Most likely if  
5 we're trying continuing to avoid the fourth  
6 Tuesdays, the third and fifth Tuesdays.

7 GERALD REARDON: That's fine with  
8 me.

9 MICHAEL GARDNER: Does that give you  
10 enough time to hopefully be able to report  
11 back on the progress?

12 GEORGE HERZ: Absolutely. And as I  
13 said, you know, I will report back even  
14 before if I can.

15 GERALD REARDON: I'd make a motion  
16 we continue this to the August 30th meeting.  
17 Continue it as an inactive until such time.

18 ELIZABETH LINT: Can we say second  
19 hearing in August in case the dates we do the  
20 first and the third?

21 GERALD REARDON: That's fine.

1                   ROBERT HAAS: It will be the last  
2 August meeting then, right?

3                   ELIZABETH LINT: Yes.

4                   MICHAEL GARDNER: And that schedule  
5 will be posted shortly.

6                   GEORGE HERZ: Thank you very much.

7                   MICHAEL GARDNER: There's been a  
8 motion made. Has it been seconded?

9                   ROBERT HAAS: Second.

10                  MICHAEL GARDNER: Before we take a  
11 vote, are there any members of the public who  
12 would like to be heard on this matter?

13                   (No Response.)

14                  MICHAEL GARDNER: Seeing none, all  
15 those in favor signify by saying "Aye."

16                  ROBERT HAAS: Aye.

17                  GERALD REARDON: Aye.

18                  MICHAEL GARDNER: Aye. None opposed  
19 so the meeting will be continued until the  
20 second week in August.

21                   Good Luck with your continued

1 di scussi ons.

2 \* \* \* \* \*

3 ELI ZABETH LINT: I thi nk  
4 Mr. Gal lucci o is ready. Recal l Pi zza Pi e-er.

5 MI CHAEL GARDNER: Good eveni ng. I f  
6 you coul d state your name for the record and  
7 i ntroduce your cl ient.

8 ATTORNEY ANTHONY GALLUCCIO: Good  
9 eveni ng, Mr. Chai r, Members of the  
10 Commi ssi on. I 'm attorney Anthony Gal lucci o  
11 wi th the law fi rm of Gal lucci o, Watson and  
12 Wehbe. And thi s is Bahman Jal i li who is the  
13 operator and owner of the proposed  
14 restaurant. We are here tonight for an  
15 appli cati on for a new common vi ctual er  
16 li cense, and I woul d submit the notari zed  
17 record for noti ce to the three existi ng  
18 abutters. We have gone through the BZA  
19 process, and were approved unani mousl y for  
20 fast food and now come before the Li cense  
21 Commi ssi on for common vi ctual er li cense at

1 this location.

2 This location was a garage auto repair  
3 operation with a paint shop and two bays.  
4 It's set back from the street. I think you  
5 have photos. There's a small residential  
6 building in front which was also used as part  
7 of the adjustment insurance business for the  
8 operator. So one of the units was  
9 residential, one was business. In the back  
10 is where the garage is, and the proposed  
11 restaurant would be in the back. The front  
12 building is proposed to stay in its current  
13 use. It's a 20-seat restaurant with  
14 delivery. And I think through the BZA  
15 process, we've actually come up with a better  
16 plan for egress. There was a suggestion of a  
17 pedestrian walkway coming into the property  
18 which we will, we will accommodate. And also  
19 bicycle racks which we agreed to. So it's  
20 fairly straight forward, Mr. Chair, and I  
21 think it's an opportunity to convert that

1 heavy vehi cul ar use into a restaurant in what  
2 is a pretty renown restaurant area being the  
3 Inman Square restaurant di stri ct. It  
4 actual ly abuts Cambri dge Street to the back  
5 and is right insi de the corner of Hampshi re  
6 of the Hampshi re sort of intersecti on.

7 MI CHAEL GARDNER: Extensi ve  
8 renovati ons requi red?

9 ATTORNEY ANTHONY GALLUCCIO: Yes, it  
10 is. Other than the outsi de structure, the  
11 enti re insi de wi ll be renovated. Fully new  
12 ki tchen. There wi ll be a -- we propose  
13 outdoor seati ng which wi ll be transferred  
14 duri ng good weather. So we' ll keep to the 20  
15 seats. But there wi ll be a patio seati ng  
16 whi ch I thi nk wi ll be a nice addi ti on for the  
17 nei ghborhood. There isn' t a lot of that  
18 where actual pri vate -- where pri vate  
19 property can be used for i solated seati ng.  
20 The proposed hours of operati on are ten to  
21 two, seven days a week and that' s what has

1           been, that's what has been requested.

2           The pictures actually, if you can see,  
3           there's a real big deck that was constructed  
4           in the back of the building, and that's going  
5           to be removed. That allows, that allows us  
6           to have our parking and also allows for the  
7           patio space to exist in the back. There's  
8           actually a deck.

9           MICHAEL GARDNER: On the deck of the  
10          residential building?

11          ELIZABETH LINT: No, it's on the  
12          back. You can't really see it.

13          ATTORNEY ANTHONY GALLUCCI: You see  
14          the wood structure. That's all one big deck  
15          which almost actually goes to the front of  
16          where the restaurants would be. That would  
17          all be removed. So it would open up that  
18          space, and I think it will, you know, it will  
19          provide a lot of frontage for the restaurant.

20          Mr. Jalili has two restaurants now, one  
21          over by the Berklee School of Music right on

1 Mass. Ave. He's familiar with serving  
2 college students and sort of the  
3 Cambridge-type atmosphere. He's also in  
4 downtown Providence in Rhode Island near the  
5 Rhode Island School of Design. So he's very  
6 comfortable with the climate of Cambridge  
7 where he would be serving both residents and  
8 students. And he also provides delivery.  
9 It's a gourmet style style of pizza. It's a  
10 little bit unique. I wouldn't say pricey,  
11 but it's not, it's gourmet pizza and some  
12 unique offerings in terms of variety. And I  
13 think it would be, I think it would be a good  
14 addition to the neighborhood. And we have  
15 notified, I did notify the Inman Square  
16 Business Association. They responded that  
17 they had no, no negative responses. They  
18 thought it would be a good addition. So we  
19 reached out to as many folks as we could and  
20 haven't heard any negative feedback.

21 MICHAEL GARDNER: And you mentioned



1           there are currently two restaurants in  
2           operati on.   And coul d we j ust have a summary  
3           through you or di rectly as to the amount of  
4           experi ence,   years of operati on you' ve had?

5                   BAHMAN JALILI:   I' ve been around 25  
6           years and started the first locati on in  
7           Provi dence 25 years ago.   Boston, I opened  
8           that one about ten years ago.   And Cambri dge  
9           I opened it woul d be hands on.   I probabl y  
10          will be there every day.

11                   MICHAEL GARDNER:   And do we have  
12          many busi nesses in the area that are open to  
13          as late as two a.m. ?

14                   ELIZABETH LINT:   Inman Square?  
15          There are a few.

16                   MICHAEL GARDNER:   Is that late for a  
17          gourmet pizza shop?   Or late for thi s  
18          nei ghborhood?

19                   ATTORNEY ANTHONY GALLUCCIO:   I don' t  
20          thi nk so.   I thi nk the S&S actual ly has si t  
21          down seating unti l --

1                   ELIZABETH LINT: I'm not sure what  
2                   thei r hours are.

3                   ATTORNEY ANTHONY GALLUCCIO: They  
4                   may go until one on weekends. I don't think  
5                   so. I mean, I wouldn't class -- although we  
6                   obvi ousl y, he -- we ai red on the side of  
7                   cauti on and went for the fast food. I think  
8                   he's going to be more of a restaurant than  
9                   might be guessed at, so you know, it depends  
10                  on what side of the street you compare to.  
11                  Because there's Kentucky Fried Chicken, Taco  
12                  Bell on that side. And then there's like  
13                  small establishments. And I think Lalina  
14                  (phonetic) is down there as well.

15                  BAHMAN JALILI: Seven-eleven across  
16                  the street. Open 24 hours, no?

17                  ATTORNEY ANTHONY GALLUCCIO: Right.  
18                  They're open real ly late. The conveni ence  
19                  store at Hess is I think an all night  
20                  operati on. But when you come over to  
21                  Cambri dge Street, you have some late, you

1 know, Bukowski's and those folks. It gets,  
2 it gets more active. I think the argument  
3 would be given the fact that they're abutted  
4 by a parking lot and an all night gas station  
5 with convenience, I don't think that -- I  
6 don't think there's anyone that could or  
7 would be disturbed. And I think given the  
8 investment that Mr. Jalili is making, which  
9 is significant converting the garage, I think  
10 those hours are -- I smile because I've been  
11 known to order a pizza after midnight. But I  
12 think that in his business, this gives him  
13 the hours that he needs to do the kind of  
14 business that supports this investment.

15 MICHAEL GARDNER: And you  
16 understand, sir, if we approve the license  
17 for those hours, we actually expect you to  
18 stay open those hours?

19 BAHMAN JALILI: Not a problem.

20 MICHAEL GARDNER: I've said that  
21 correctly, haven't I, Ms. Lint?

1 ELIZABETH LINT: Yes.

2 ATTORNEY ANTHONY GALLUCCIO:

3 Mr. Chair, would you -- I just want to make  
4 sure that we're clear. In-restaurant dining  
5 would be open for the full time of that,  
6 would that be the expectation of the Board as  
7 well?

8 MICHAEL GARDNER: I think so. I'll  
9 defer to Ms. Lint. You're saying you would  
10 be doing deliveries until two?

11 BAHMAN JALILI: Correct, yeah.

12 ATTORNEY ANTHONY GALLUCCIO: I just  
13 don't want -- I don't want to mislead the  
14 Board. I think your expectation was --

15 BAHMAN JALILI: Close earlier for  
16 dining room. You know if it be a problem  
17 with the neighbors. But if nobody oppose it,  
18 I would like to stay open like all the way.

19 ATTORNEY ANTHONY GALLUCCIO: For  
20 delivery.

21 BAHMAN JALILI: For delivery.

1 ATTORNEY ANTHONY GALLUCCIO: Until  
2 two.

3 BAHMAN JALILI: And for dining in.

4 ATTORNEY ANTHONY GALLUCCIO: Excuse  
5 me. I just want to make sure that the Board  
6 is clear that if we agree to two, that the  
7 dining is open until two. Or if, Mr. Chair,  
8 we can leave that open and commit to dining  
9 at least until twelve and dining and delivery  
10 until two. I just don't want to leave an  
11 expectation that he will keep the dining area  
12 passed two.

13 ELIZABETH LINT: The time for the  
14 dining has to be specific. So, if he wanted  
15 to serve indoors until twelve, it would be --  
16 the license would go until twelve with  
17 delivery until two.

18 MICHAEL GARDNER: Which you could  
19 have the option --

20 ELIZABETH LINT: You could always  
21 come back.

1                   MICHAEL GARDNER: You could have the  
2                   option of starting that way, seeing if the  
3                   business justified going later, and then  
4                   coming back to apply for traditional hours.  
5                   Dining hours later is one model that's  
6                   followed.

7                   ELIZABETH LINT: And they could only  
8                   be open until one.

9                   ATTORNEY ANTHONY GALLUCCIO: That's  
10                  fine, Mr. Chair. We'll leave it and we'll  
11                  come back if that's something that doesn't,  
12                  that doesn't work. We'll come back and amend  
13                  the hours.

14                  MICHAEL GARDNER: You'll leave it at  
15                  two?

16                  ATTORNEY ANTHONY GALLUCCIO: Yes.

17                  MICHAEL GARDNER: You understand  
18                  that the patio has to close at one a.m.?

19                  BAHMAN JALILI: Okay.

20                  MICHAEL GARDNER: Is that right,  
21                  Ms. Lint?

1 ELIZABETH LINT: That's correct.

2 MICHAEL GARDNER: Any questions from  
3 other Commissioners?

4 ROBERT HAAS: How much parking  
5 on-site?

6 ATTORNEY ANTHONY GALLUCCIO: Two  
7 spaces. Actually, the BZA was challenging in  
8 that some of the members -- one of the  
9 members wanted no parking and didn't want to  
10 encourage any vehicular. And then another  
11 member wanted to make sure that there was at  
12 least enough for a delivery car. And then  
13 there was the issue of making sure that  
14 whatever came through had safe passage with  
15 the pedestrian. So we ended up -- we weren't  
16 obligated to commit any parking through the  
17 BZA process. It was all grandfathered. But  
18 I encouraged my client to commit two spaces  
19 to the plan, because I just felt that at  
20 least that delivery space and one for the  
21 front building was reasonable. And we did

1 talk of potentially getting parking committed  
2 for a loading zone out in front, so that  
3 that's an option for us to go to Traffic and  
4 Parking later on where we could potentially  
5 if there were another delivery car to shift  
6 that. And I've also -- and the Board did  
7 encourage Mr. Jalili to consider bicycle  
8 delivery. I've stressed to him the  
9 efficiency of trying to get from Inman Square  
10 to Harvard Square or to Kendall Square in  
11 rush hour in a car, it just doesn't work. So  
12 I think he would be emulating the Upper Crust  
13 and other operations that have taken on bike  
14 delivery. I think he'll find that it's far  
15 more efficient to do that. So I think that  
16 was a good middle ground, Mr. Commissioner,  
17 with the BZA.

18 ROBERT HAAS: So one of the things  
19 that continues --

20 ATTORNEY ANTHONY GALLUCCIO: And,  
21 excuse me. I'll just say that also sort of



1 blocked -- I really wanted to fight for that  
2 patio space because I think that's what makes  
3 us really a nice addition and not just a  
4 purely fast food slices kind of operation.  
5 And when you got into additional parking, it  
6 really started to cut into that ability to do  
7 that patio space.

8 ROBERT HAAS: So one of the things  
9 that continues to come up especially when  
10 there's a pick-up business is the parking on  
11 the street. And there's a tendency for  
12 people to double park and not use public  
13 parking spaces. I'm just trying to figure  
14 out how will you be able to accommodate your  
15 customers and pick-up or deliveries. Not for  
16 deliveries but for pick-up.

17 ATTORNEY ANTHONY GALLUCCIO: Can I  
18 answer that? On Hampshire there's metered  
19 parking. I think it's 30 minutes or one hour  
20 so it moves quickly. And in the nighttime  
21 those spaces tend to free up more frequently.

1 And also the S&S has done a nice job. They  
2 have their primary lot and they have two  
3 additional lots. So they really provide  
4 adequate parking for their businesses  
5 including Riles. So I think, I think parking  
6 is going to -- is going to be okay. And a  
7 lot of the business will be as it is, you  
8 know, I'm always shocked at Inman Square how  
9 they survive without much parking, but I  
10 think a lot of the business will be walk-in  
11 and a lot of it will be delivery.

12 ROBERT HAAS: What's he going to do  
13 about trash pick up and stuff like that?

14 MICHAEL GARDNER: Go ahead.

15 ROBERT HAAS: So since this is  
16 you're converting this business from an auto  
17 repair shop to a restaurant. How often are  
18 you going to pick up your trash?

19 BAHMAN JALILI: Weekly.

20 ROBERT HAAS: And deliveries, how  
21 often will you deliver?

1                   BAHMAN JALILI: Delivery, as far as  
2 the food product probably like every other  
3 day.

4                   ROBERT HAAS: Every other day?

5                   BAHMAN JALILI: Yeah.

6                   MICHAEL GARDNER: So weekly sounds  
7 like a pretty relaxed trash pick up schedule  
8 if you're doing a lot of volume. And we are  
9 very concerned about rodents and --

10                  BAHMAN JALILI: Yeah, we can change  
11 it as we need to. We can go twice a week.

12                  ROBERT HAAS: How often do you pick  
13 up trash at your existing establishment in  
14 Boston?

15                  BAHMAN JALILI: Right now actually  
16 it's part of our package. The management  
17 company they just take care of all the stuff,  
18 you know.

19                  ROBERT HAAS: How often?

20                  BAHMAN JALILI: I think actually  
21 they do it once a week, but what they have --

1 one of the building I have is owned by  
2 Christian Science and they have that whole  
3 block and they have a huge dumpster in the  
4 back which, you know, the management company  
5 take care of it. And I think they only empty  
6 it once a week actually. But at the other  
7 place I empty like twice a week, you know.

8 ATTORNEY ANTHONY GALLUCCIO: Just to  
9 intercede, that won't work for a smaller size  
10 dumpster which is what I would expect so that  
11 we don't hinder the climate in the back where  
12 we're going to have outdoor seating. And  
13 there's also residential. I would say it's  
14 going to be closer to three times a week  
15 given it's going to be a smaller dumpster.  
16 So, we would be happy to commit to three  
17 times a week. If there's a way get to a  
18 bigger dumpster, which I don't think there is  
19 given --

20 BAHMAN JALILI: There's no space.

21 ATTORNEY ANTHONY GALLUCCIO: No.

1                   MICHAEL GARDNER: So it sounds like  
2                   at least in the Boston location you don't in  
3                   fact yourself have a lot of experience with  
4                   sort of managing the trash.

5                   BAHMAN JALILI: The trash.

6                   MICHAEL GARDNER: So we would  
7                   encourage you to pay particular close  
8                   attention to that.

9                   BAHMAN JALILI: Okay.

10                  MICHAEL GARDNER: Because  
11                  neighborhood rodent complaints are one of the  
12                  most difficult problems that we can deal  
13                  with, and it's really on you to make sure the  
14                  place is clean.

15                  BAHMAN JALILI: I understand that.  
16                  Okay, definitely.

17                  MICHAEL GARDNER: Sealed dumpsters  
18                  and lids and all that.

19                  ATTORNEY ANTHONY GALLUCCIO: I will  
20                  give Mr. Jalili an education on one of our,  
21                  if not our biggest issue in the city. Thank

1           you, Mr. Commissioner, for asking that.

2                       GERALD REARDON: So, have you  
3 already purchased the property?

4                       ATTORNEY ANTHONY GALLUCCI O:  
5           Condi ti onal on tonight' s approval . Yes,  
6 we' ve gone through the BZA. And so thi s i s  
7 the fi nal , thi s i s the fi nal approval .

8                       GERALD REARDON: So i t' s goi ng to  
9 take a li ttle bi t of ti me to do the desi gn  
10 and retro fi t?

11                      ATTORNEY ANTHONY GALLUCCI O: Yes,  
12 actual ly you shoul d have -- you shoul d have  
13 the desi gn.

14                      ELI ZABETH LI NT: We have i t.

15                      ATTORNEY ANTHONY GALLUCCI O: I  
16 encouraged Mr. Jal i l i to engage an archi tect  
17 earl y on, so he' s got a real ni ce pl an. And  
18 I thi nk he' s i n a good posi ti on to move  
19 forward fai rl y qui ckl y.

20                      ROBERT HAAS: So you anti ci pate  
21 openi ng when, once you get approval ?

1                   BAHMAN JALILI:   Probably going to be  
2                   -- the whole thing is going to be about  
3                   six-month process.

4                   ROBERT HAAS:   Six months?

5                   BAHMAN JALILI:   Yeah.

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

9                   (No Response.)

10                  ROBERT HAAS:   Different reception  
11                  from the last time.

12                  BAHMAN JALILI:   Yes.

13                  ATTORNEY ANTHONY GALLUCCIO:  I heard  
14                  about that.  Glad I missed that one.

15                  MICHAEL GARDNER:  Any other  
16                  questions from the other Commissioners?

17                  ROBERT HAAS:   No other questions.

18                  MICHAEL GARDNER:  Anything else you  
19                  think it's important for us to know?

20                  BAHMAN JALILI:   No.

21                  ATTORNEY ANTHONY GALLUCCIO:  No.

1                   ROBERT HAAS: So, Mr. Chair, I make  
2 a motion to approve the application for the  
3 opening hours of ten a.m. to two a.m. seven  
4 days a week.

5                   BAHMAN JALILI: Thank you.

6                   GERALD REARDON: Second.

7                   MICHAEL GARDNER: The motion having  
8 been made and seconded to approve the  
9 application as was stated, I guess I would  
10 just encourage you to pay attention to the  
11 two o'clock closing and to come back if that  
12 presents any difficulties for you in terms of  
13 staying open mindful that the patio needs to  
14 close by one.

15                  BAHMAN JALILI: Absolutely.

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

18                  ROBERT HAAS: Aye.

19                  GERALD REARDON: Aye.

20                  MICHAEL GARDNER: Aye. None  
21 opposed. So good luck. Wish you well.



1 Wel come to Cambri dge.

2 BAHMAN JALI LI: Thank you.

3 ATTORNEY ANTHONY GALLUCCI O: Have a  
4 good summer.

5 \* \* \* \* \*

6 ELI ZABETH LI NT: Appl i cati on

7 Floati ng Rock Restaurant, Incorporated.

8 Jenny Sock, manager, holder of an all

9 al coholic beverages as a restaurant li cense

10 at 485 Massachusetts Avenue has appl i ed for

11 an entertai nment li cense to i nclude: Danci ng

12 by patrons; tal k show; l i ve musi cal

13 i nstruments and/or l i ve vocal i sts wi th

14 ampl i fi cati on; karaoke, DJ; and four TVs.

15 MI CHAEL GARDNER: Good eveni ng. It

16 woul d be hel pful i f you coul d state your

17 names for the record, pl ease.

18 NATASHA SCI CKNEY: Natasha Sci ckney.

19 N-a-t-a-s-h-a S-c-i -c-k-n-e-y.

20 JENNY SOK: Jenny Sok, S-o-k l ast

21 name.

1                   MICHAEL GARDNER: So tell us what's  
2 going on in the space now and what your plans  
3 are, please.

4                   NATASHA SCICKNEY: We have a  
5 Cambodian restaurant there, fine dining. We  
6 just opened about a month and a half ago. We  
7 seat 120. Max out at 150. We have three TVs  
8 currently in the space. We feature sports  
9 usually. And we have an open back area which  
10 we originally designed for private dining.  
11 And now we've decided that it would be better  
12 served to entertain our patrons with  
13 something like DJs, live music, karaoke,  
14 trivia which we see happening in a lot of the  
15 businesses in Central Square and being  
16 successful.

17                  MICHAEL GARDNER: Any notice to  
18 abutters?

19                  ELIZABETH LINT: Well, they did not  
20 exactly notify abutters, but I did see that  
21 there were three -- one, two, three, four

1 letters signed by abutters that they had  
2 noti ced.

3 NATASHA SCICKNEY: We had two  
4 abutters, and unfortunately we didn't  
5 receive -- we didn't pick up our mail in time  
6 to receive the document that went out from  
7 the Licensing Commission to mail it to the  
8 abutters. And we only had two abutters. So  
9 the other two that are in there are the  
10 management staff. We didn't realize we had  
11 to get the signatures from the owners of the  
12 buildings. So it's just the two management  
13 companies who are in there right now, and  
14 then the owners of the building as well. But  
15 just the two buildings.

16 MICHAEL GARDNER: And what kind of  
17 level of experience do you have in operating  
18 an establishment with such entertainment?

19 NATASHA SCICKNEY: This will be our  
20 first time.

21 MICHAEL GARDNER: And what's your

1            knowl edge of the noi se regul ations in the  
2            ci ty wi th respect to noi se that can be heard  
3            external ly? Are you fami li ar wi th that?

4            NATASHA SCI CKNEY: We' re not. The  
5            onl y experi ence we have wi th it is Mi ddl e  
6            East is ri ght across from us and we hear them  
7            every day. So if that' s, you know, any  
8            gui dance. But we won' t -- we don' t have  
9            outsi de seati ng. And where we' ll be hol di ng  
10          these is in the back of the restaurant as  
11          well. So it wi ll be the furthest poi nt from  
12          the street.

13          JENNY SOK: We' ve tested boom boxes  
14          before and wi th both of our doors cl osed from  
15          the vesti bul e you can' t hear anythi ng.

16          NATASHA SCI CKNEY: Ri ght. We have a  
17          vesti bul e wi th both doors.

18          ROBERT HAAS: So i t' s j ust back here  
19          wi th al l thi s acti vi ty here, that' s where  
20          you' re pl anni ng to do the entertai nment.

21          JENNY SOK: That' s the ki tchen.

1 It's where that little square area that's  
2 open, that's an office area, it says office.

3 ROBERT HAAS: Oh, that's where it's  
4 going to be?

5 JENNY SOK: Yes.

6 NATASHA SCICKNEY: Yep.

7 MICHAEL GARDNER: And what are the  
8 approximate dimensions of the that space?

9 JENNY SOK: The entire space or that  
10 little area?

11 MICHAEL GARDNER: The office. The  
12 place where you're proposing the  
13 entertainment.

14 NATASHA SCICKNEY: Is it not on  
15 there?

16 ROBERT HAAS: No.

17 JENNY SOK: We have a breakdown, but  
18 we don't have it on us. The entire space is  
19 3300 square feet.

20 NATASHA SCICKNEY: It's not even a  
21 quarter of the space, though, right?

1 JENNY SOK: Yeah.

2 ROBERT HAAS: I don't know if this  
3 drawing is accurate.

4 MICHAEL GARDNER: And what are means  
5 of egress from here?

6 NATASHA SCICKNEY: I'm sorry?

7 MICHAEL GARDNER: The means of  
8 egress, the way out in case of trouble, fire.

9 NATASHA SCICKNEY: We have a back  
10 entrance and we have a front entrance as  
11 well. So we have two entrances. We only use  
12 one for the public, but we have an emergency  
13 exit through the back by the kitchen.

14 MICHAEL GARDNER: So will this area  
15 be enclosed? It looks like it's enclosed  
16 except for one doorway.

17 JENNY SOK: It's actually not  
18 enclosed. It was supposed to be enclosed,  
19 but we never had the walls built. We just  
20 had an open space.

21 GERALD REARDON: So there's nothing

1           there right now? It's all open.

2                   JENNY SOK: Nothing. We use it kind  
3 of for when there's special parties with  
4 buffet and things like that. We use that  
5 area for the table and things.

6                   GERALD REARDON: So is that  
7 considered the back area of the restaurant  
8 where that is?

9                   NATASHA SCICKNEY: Yep.

10                  GERALD REARDON: Is that segregated  
11 off from the rest at all or is that passed  
12 the wine room, do you divide that off? Is  
13 there a wall there?

14                  NATASHA SCICKNEY: Nope.

15                  GERALD REARDON: So the rest of the  
16 patrons of the restaurant would hear that as  
17 well?

18                  NATASHA SCICKNEY: Well, we have a  
19 wall at the beginning part from the door  
20 where you walk in, it divides the bar and the  
21 restaurant. And there are cut outs in

1 between so they can walk through for the  
2 restrooms and access the bar as well from the  
3 dining room.

4 MICHAEL GARDNER: And what's the  
5 seating of the restaurant and what's your  
6 estimate of the capacity for this room or  
7 this space?

8 JENNY SOK: It's 116 seats for the  
9 restaurant as of right now. Capacity for --  
10 I mean, we've gone into Phoenix Landing and  
11 their capacity 150 to 200. They're half the  
12 size of our space so we haven't figured out  
13 the amount yet. So it's probably around 200?

14 GERALD REARDON: You understand this  
15 liquor license has a number of seats and it's  
16 not -- so they may have a larger liquor  
17 license capacity.

18 JENNY SOK: So 160 then.

19 ELIZABETH LINT: Zoning did not sign  
20 off with any additional occupancy.

21 ROBERT HAAS: So you have to keep it



1 116 seats until you get the proper approval,  
2 right?

3 JENNY SOK: Yes, sir.

4 MICHAEL GARDNER: You couldn't go  
5 over 116, could you? You couldn't bring  
6 people in or could you?

7 ELIZABETH LINT: No.

8 MICHAEL GARDNER: I guess my concern  
9 was whether or not because it -- on the  
10 drawing it looks like the space is so small  
11 relative to the overall size of your floor  
12 plan, I was just really wondering how many  
13 people you can actually pack into that.

14 NATASHA SCICKNEY: I don't think  
15 we're looking to pack people in there. And  
16 it will be from like ten o'clock. It will be  
17 after dinner service. Nine o'clock at the  
18 earliest for the trivia if we do get approved  
19 for it.

20 ROBERT HAAS: So entertainment at  
21 nine p.m.

1 NATASHA SCICKNEY: Nine at the  
2 earl i est.

3 ROBERT HAAS: Unti l when, cl osi ng  
4 ti me?

5 NATASHA SCICKNEY: Yeah.

6 ROBERT HAAS: What' s the cl osi ng  
7 ti me?

8 NATASHA SCICKNEY: One o' cl ock.

9 GERALD REARDON: So you anti ci pate  
10 that you' ll have l ess patrons eati ng, but  
11 you' ll get to keep more peopl e there  
12 afterwards?

13 NATASHA SCICKNEY: That' s been our  
14 experi ence so far.

15 GERALD REARDON: So you woul dn' t  
16 have to go over the 116 seats to do i t?

17 NATASHA SCICKNEY: That' s correct.

18 ROBERT HAAS: So your busi ness  
19 transform more of a bar envi ronment after  
20 ni ne o' cl ock?

21 NATASHA SCICKNEY: Not yet. But

1 that's kind of what our hope is to be able to  
2 kind of have entertainment there still after  
3 our dining clients leave.

4 MICHAEL GARDNER: Still obligated to  
5 keep the kitchen open.

6 ELIZABETH LINT: Absolutely.

7 MICHAEL GARDNER: You understand  
8 that?

9 NATASHA SCICKNEY: Yep.

10 JENNY SOK: Yes.

11 ROBERT HAAS: How long have you been  
12 open for now?

13 NATASHA SCICKNEY: About a month and  
14 a half.

15 ROBERT HAAS: A month and a half?

16 NATASHA SCICKNEY: We opened the  
17 15th.

18 MICHAEL GARDNER: So, the  
19 entertainment license stated here on the  
20 agenda says dancing by patrons, talk show,  
21 live musical instruments and live vocalists

1 with the amplification, karaoke, DJ, and four  
2 TV's. I think I understand all of it except  
3 I don't think I know what talk show means.

4 NATASHA SCICKNEY: I think that was  
5 just on the line that we needed something  
6 else that was there. We're not doing any  
7 talk shows, not that we know of. Yeah.

8 MICHAEL GARDNER: Okay.

9 ROBERT HAAS: But you're doing these  
10 other things that are listed?

11 NATASHA SCICKNEY: Yes, sir.

12 MICHAEL GARDNER: Other questions?

13 ROBERT HAAS: No questions.

14 GERALD REARDON: All set.

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

18 (No Response.)

19 MICHAEL GARDNER: Are there any of  
20 the employees with experience in managing an  
21 entertainment venue like this?

1 NATASHA SCICKNEY: Managi ng, no.  
2 Working i n that envi ronment, yes.

3 ROBERT HAAS: So, Mr. Chai r, I'd  
4 l ike to make a moti on to approve the  
5 appl i cati on wi th a si x-month revi ew.

6 GERALD REARDON: Second.

7 MI CHAEL GARDNER: And the nature of  
8 the revi ew i f you coul d el aborate that?

9 ROBERT HAAS: To assess how wel l the  
10 busi ness i s goi ng wi th respect noi se. My  
11 concern i s you've onl y been there a short  
12 time and i t' s ki nd of a new venture on top of  
13 a new venture. So I j ust want to make sure  
14 that thi ngs are goi ng wel l for you. And i f  
15 they' re not goi ng wel l for you, that gi ves  
16 you an opportuni ty to come back to us and  
17 modi fy your busi ness pl an.

18 NATASHA SCICKNEY: Okay.

19 ROBERT HAAS: Okay?

20 MI CHAEL GARDNER: No compl ai nts i n  
21 the fi rst month of a hal f of operati on?

1                   ELIZABETH LINT: Not yet. But if I  
2                   may, Mr. Chair, it's just a little concerning  
3                   as, you know, the head of the department,  
4                   that they didn't pick up their mail and read  
5                   what they were supposed to do in terms of  
6                   this application. When we have our annual  
7                   meetings every year, the first thing I say  
8                   every year people say to me oh, we didn't get  
9                   your letter. If you get mail from the  
10                  License Commission, you need to open your  
11                  mail from the License Commission. We're not  
12                  sending it just because we feel like sending  
13                  it. We send it because it's important and it  
14                  gives you information that you need to have.

15                  NATASHA SCICKNEY: Yes, Ma'am, we  
16                  understand.

17                  ROBERT HAAS: So, have you talked to  
18                  the owner of the property with respect to  
19                  what you plan on doing?

20                  JENNY SOK: Yes.

21                  ROBERT HAAS: That's the person you

1 didn't send notification to, right?

2 NATASHA SCICKNEY: Yes. Just for  
3 our abutters.

4 ROBERT HAAS: She's okay with it?

5 MICHAEL GARDNER: You sent notices  
6 to the managers of the abutting property, but  
7 not the property owners?

8 NATASHA SCICKNEY: Both. We got the  
9 management approval at first and we didn't  
10 know we needed the owner's approval, but then  
11 we went back and got the owner's approval as  
12 well.

13 MICHAEL GARDNER: So are we  
14 satisfied in fact that although it didn't  
15 follow the procedure that we prefer, that the  
16 abutters have been notified?

17 ELIZABETH LINT: Yes.

18 MICHAEL GARDNER: And they've had a  
19 chance to respond?

20 ELIZABETH LINT: Yes.

21 MICHAEL GARDNER: And there are no

1           opposi ti on from abutters?

2                   ELI ZABETH LINT: I di d not recei ve  
3           any.

4                   MI CHAEL GARDNER: All ri ght. The  
5           moti on havi ng been made and seconded to  
6           approve the entertai nment li cense subj ect to  
7           a si x-month revi ew, made and seconded, all  
8           those i n favor si gni fy by sayi ng "Aye. "

9                   ROBERT HAAS: Aye.

10                  GERALD REARDON: Aye.

11                  MI CHAEL GARDNER: Aye. There' s none  
12           opposed. Good l uck wi th i t.

13                  With a si x-month revi ew do we expect  
14           them to come back to us? We noti fy them to  
15           come i n.

16                  ELI ZABETH LINT: We wi ll noti fy them  
17           to come?

18                  ROBERT HAAS: You have to l ook at  
19           your mai l .

20                  GERALD REARDON: One word of  
21           cauti on, overcrowdi ng i s a bi g fi ne now so be



1           careful. If business gets too good, you may  
2           have to turn people away at the door.

3                   ROBERT HAAS: You should consider  
4           putting a counter in place, people coming and  
5           going so you can maintain an accurate number  
6           in terms of the restaurant. If we get a  
7           complaint and we get there and it's your  
8           obligation to demonstrate that you weren't  
9           overcrowded.

10                   MICHAEL GARDNER: So keep the count  
11           and keep the records.

12                   JENNY SOK: Yes, sir.

13                   NATASHA SICKNEY: Thank you very  
14           much.

15                                   \* \* \* \* \*

16                   ELIZABETH LINT: So, I have four  
17           applications for the farmer winery licenses.  
18           Do you want to take them all together?

19                   MICHAEL GARDNER: They're from  
20           separate applicants and somewhat separate  
21           markets?

1 ELIZABETH LINT: Well --

2 MICHAEL GARDNER: Two different  
3 markets?

4 ELIZABETH LINT: Three for Charles  
5 Square and one's for Kendall.

6 ROBERT HAAS: None of them involve  
7 city property?

8 ELIZABETH LINT: No.

9 MICHAEL GARDNER: Why don't we hear  
10 the Charles Square proposals first and then  
11 hear Kendall.

12 ELIZABETH LINT: Sure.

13 Applications Zoll Brothers Private  
14 Cellars, LLC doing business as Zoll Cellars,  
15 Frank Zoll, manager, has applied for a  
16 Farmers Winery License for the Charles Square  
17 Farmers Market.

18 Application Still River Winery,  
19 Incorporated, Wade Holtzman, manager, has  
20 applied for a Farmers Winery License for the  
21 Charles Square Farmers Market.

1           And appl i cati on Davi d Nei l son doi ng  
2           busi ness as Coastal Vi neyards has appl i ed for  
3           a Farmers Wi nery Li cense for the Charles  
4           Square Farmers Market.

5           MI CHAEL GARDNER: Okay, what we' d  
6           li ke, if you coul d, as for each of you to  
7           i denti fy yourself for the record wi th your  
8           affili ation and then we' ll ask Ms. Lint to  
9           give us a li ttle bi t more of a primer on the  
10          change i n the law here.

11          FRANK ZOLL: My name i s Frank Zoll ,  
12          owner of Zoll Cell ars Wi nery i n Shrewsbury,  
13          Massachusetts.

14          DAVI D NEI LSON: Davi d Nei l son from  
15          Coastal Vi neyards i n Southborough,  
16          Massachusetts.

17          WADE HOLTZMAN: Wade Hol tzman, Sti ll  
18          Ri ver Wi nery. I' m one of the owners.

19          ELI ZABETH LINT: They may be better  
20          at expl ai ni ng i t than I am. My understandi ng  
21          i s that about a year ago that the statute was

1 passed, and in order to be able to sell wine  
2 and do small tastings at local farmer's  
3 markets they have to go through a huge  
4 process and be approved by the Department of  
5 Agricultural Resources and get permitted by  
6 them prior to ever coming here.

7 DAVID NEILSON: I was kind of the  
8 guinea pig of the group, being the vice  
9 chairman of the association, Mass. Winery  
10 Association. The law changed this past  
11 session, the end of July. The law basically  
12 now allows farm wineries to sell at farmer's  
13 markets, to taste and sell the products at  
14 farmer's markets with the approval of the  
15 Mass. Department of Ag making sure that that  
16 farmer's market is in fact covering a large  
17 group of people. What they didn't want was  
18 two people getting together, calling  
19 themselves a farmer's market and selling  
20 wine. So, we go before the Mass. Department  
21 of Ag and ask them if this is in fact is a

1 farmer's market. From that standpoint they  
2 must have rules and regulations. They need  
3 to -- we need to send or the farmer's market  
4 needs to send us that we can in turn give to  
5 them, a list of the vendors to make sure  
6 there's a variety of vendors that, you know,  
7 both produce, meats, vegetables all those  
8 sorts of things, and where we're going to be  
9 in that farmer's market. And then once  
10 they've approved that, we go to the local  
11 authority and request a farm winery -- a  
12 special farm winery license to sell in that  
13 particular town or city. And that's kind of  
14 where we're at at this point. We've -- some  
15 of us have done -- this is -- we started out  
16 doing a couple winter markets, kind of  
17 breaking ice to find, you know -- because it  
18 was difficult. The towns are unfamiliar with  
19 this and -- as we were at the time. And  
20 we've gotten a little bit better at it. And  
21 so here we are before you requesting that.



1 actually been involved in four different  
2 towns now. And we have about seven or more  
3 that we've been accepted to cities and towns.  
4 I don't know what the law is in Cambridge  
5 about pouring alcohol on a Sunday, but one of  
6 these markets is on a Sunday. I believe --

7 GERALD REARDON: What time would it  
8 start?

9 FRANK ZOLL: The law states  
10 statewide twelve o'clock you can serve  
11 alcohol on Sunday. The market starts at ten.  
12 On Sunday it runs from ten to three and on  
13 Friday it's twelve?

14 UNIDENTIFIED FEMALE: Friday it's 12  
15 to six.

16 DAVID NEILSON: Twelve to six. This  
17 is the market manager.

18 FRANK ZOLL: Joan. The market's run  
19 from May 22nd to October 20th, just those  
20 hours right off Bennett Street.

21 GERALD REARDON: And we allow ten?

1 ELIZABETH LINT: Yes, state law  
2 changed in August that alcohol service can  
3 begin at ten on Sundays.

4 ROBERT HAAS: With approval.

5 MICHAEL GARDNER: If we approve it.

6 ELIZABETH LINT: Well, the Board has  
7 accepted the ten a.m. service. It's per  
8 individual whether or not you approve it.

9 MICHAEL GARDNER: And so you've  
10 already had the conversations with the people  
11 at the market as to where you'll be located?

12 DAVID NELSON: Yes.

13 MICHAEL GARDNER: That's the first  
14 part of what you do before you go to the --

15 DAVID NELSON: That's part of the  
16 Mass. Department of Ag requires that of us.  
17 And they have given us plot plans and located  
18 where we're going to be on the plot plan.  
19 I'm sure it might vary 10 or 15 feet either  
20 way depending on exact, you know, 10-by-10  
21 square and stuff. But it's generally in the



1           proximity of the marketplace.

2                   WADE HOLTZMAN:   Here's an  
3           appl i cati on.

4                   DAVID NEILSON:   In the proximity of  
5           the market manager.

6                   FRANK ZOLL:   General ly speaki ng  
7           where the market manager's table is, it's  
8           usual ly in clear view so the management can  
9           make sure they can at least see to the best  
10          of thei r abi l i ty what's going on.

11                  MICHAEL GARDNER:   So if there are  
12          three of you operating at Charles --

13                  FRANK ZOLL:   Actual ly.

14                  WADE HOLTZMAN:   I believe there's  
15          four.

16                  FRANK ZOLL:   There's actual ly going  
17          to be four wineri es, and you might be able to  
18          correct me on that.   Not all four wineri es  
19          will be there on the same day at the same  
20          locati on.

21                  DAVID NEILSON:   Right.   It looks

1           I like a maximum of two or three.

2                         JOAN SQUERI: It is. I'm Joan  
3           Squeri S-q-u-e-r-i, the market manager of the  
4           Charles Square Market. The Friday market --  
5           so we have two markets, there's a Friday  
6           market from twelve to six p.m., and then a  
7           Sunday market which is ten to three p.m. All  
8           of these wineries had applied to all three of  
9           the markets that are run by my organization  
10          which is a Friday, a Saturday, and a Sunday.  
11          And I think as the Commission -- at least  
12          part of the Commission knows there is a --  
13          our middle market there on the Saturday is  
14          actually held at the Morse School. So the  
15          idea of this has got many other iterations as  
16          far as legal implications for even selling a  
17          closed bottle of wine because it is on school  
18          grounds. The reason I bring that up to the  
19          Commission is that, in terms of who would be  
20          at what market, there is now probably one  
21          opportunity is off the -- temporarily, we

1 hope it is temporarily off the table for  
2 these wineries. So they have a Friday market  
3 and a Sunday market to choose from in  
4 addition to the their other business  
5 commitments that they make to other markets.  
6 So I anticipate the maximum number will be  
7 three on one day. We're not exactly sure how  
8 that's going to shake out, but I think it  
9 will probably be about three.

10 ROBERT HAAS: And it will all be  
11 within the confines of this plot plan?

12 JOAN SQUERI: Yes, sir.

13 MICHAEL GARDNER: Somebody could  
14 conceivably get 15 ounces of alcohol, do I  
15 have that right? Five times --

16 FRANK ZOLL: No.

17 DAVID NELSON: The potential, let's  
18 be honest with you, the potential is yes. In  
19 reality, no.

20 JOAN SQUERI: In other words, if  
21 they visited three tastings, it's possible.

1                   DAVID NEILSON: That's legally the  
2                   possibility. When you're giving away wine,  
3                   it's --

4                   JOAN SQUERI: Well, I think --

5                   WADE HOLTZMAN: We only make one  
6                   product. It's very expensive wine and we  
7                   only allow for a quarter ounce pour.

8                   MICHAEL GARDNER: So you have one  
9                   sample for anybody?

10                  WADE HOLTZMAN: That's it. And like  
11                  I say, that's a quarter ounce.

12                  JOAN SQUERI: I, we saw this and  
13                  demonstrated in the Somerville winter market  
14                  of the all the wineries were together. I  
15                  think for business reasons they would prefer  
16                  to be, they will be next to Formaggio Cheese  
17                  and other well-known farm cheese makers in a  
18                  sort of mushroom, cheese, wine, olive oil  
19                  part of the farmer's market. Again, as a --  
20                  the iteration of this is thought of as an  
21                  agricultural product. So, you know, closed

1 bottles of wine, and I myself have -- I mean,  
2 the samples are not even a full -- not even a  
3 communion-sized sample of wine that are  
4 given. And it's impossible to go to one of  
5 these gentlemen and get -- what is your --  
6 you've come back for your third sample or  
7 fourth sample, what is your --

8 FRANK ZOLL: Well, actually you're  
9 allowed to do -- one person can get up to  
10 five ounces technically, but I generally  
11 would not give people multiple samples. I've  
12 had people ask and that's when I know that  
13 they're not buying anything.

14 JOAN SQUERI: I myself have seen  
15 these gentlemen in operation, and because we  
16 are -- we understand this is a new thing that  
17 we're -- everyone is on very cautious and  
18 thoughtful behavior here.

19 FRANK ZOLL: I post a sign to  
20 require everyone to show me their  
21 identification.

1                   JOAN SQUERI: I did see all of them  
2 check ID's at Somerville.

3                   MICHAEL GARDNER: And so do all  
4 three of you have experience with other  
5 markets? You've told us you have it in four  
6 with potential expansion to additional seven,  
7 did I understand that right?

8                   WADE HOLTZMAN: Yes. We have been  
9 approved and the markets haven't started yet  
10 that includes Newburyport and Gloucester and  
11 Salem as well as small towns.

12                  MICHAEL GARDNER: And could the  
13 other two of you describe your experience so  
14 far?

15                  DAVID NEILSON: We've been at  
16 Somerville winter market. We've been at the  
17 Attleboro market. Attleboro market is a year  
18 round. It started indoors, it's now moved  
19 outdoors. We've been in the Wayland market  
20 in the winter. We are in the process of --  
21 well, we've -- I just came from Lexington

1           which was our opening day in Lexington.  
2           We'll be at Belmont, Cambridge hopefully,  
3           Quincy, Braintree.

4                     Now, some of these you have to  
5           understand are -- some of them are every  
6           other week. So even though, you know, it  
7           sounds like a lot, we're not, I think we have  
8           the maximum of six in one week. And then  
9           it's several on the Cape. Because we're down  
10          -- we have an eight-acre vineyard down in  
11          Dartmouth and we -- all the wine that we make  
12          comes from grapes on our own vineyard.

13                    MICHAEL GARDNER: Mr. Zoll, you have  
14           a similar experience?

15                    FRANK ZOLL: Yeah, I was also in  
16           Somerville as well from January to March.  
17           Once the laws have changed, and now I'm in  
18           Natick and I've been there successfully. And  
19           I'm getting approval for the Town of Quincy  
20           and the Town of Westboro as well, and we're  
21           in the process of finalizing those

1 applications. But the and/or has approved  
2 all of those markets currently. So the  
3 Department of Agriculture is on board now.  
4 It comes down to the local licensing  
5 authorized to give their approval or render  
6 stipulations on the licenses as they see fit.

7 MICHAEL GARDNER: All those wines  
8 are made from locally grown grapes or are  
9 they locally manufactured wines? Give us  
10 some sense about why this is farm wine.

11 DAVID NEILSON: Well, again, first  
12 of all, we are all farm wineries, you know.  
13 We're licensed by the state as a farm winery.  
14 In my particular case, all my wines are grown  
15 on my own vineyard and, you know, made at my  
16 winery. Which we do have a tasting at our  
17 winery on Friday, Saturday, and Sundays, but  
18 this just gives us another opportunity to  
19 actually bring our wine to the customer  
20 instead of having the customer drive to, you  
21 know.



1 MICHAEL GARDNER: Right.

2 FRANK ZOLL: Yeah, and I actually  
3 had my home in Shrewsbury bonded, licensed  
4 and insured in 2009 so I do this out of a  
5 basement about yea big. So I don't really  
6 have a retail store in order to sell my  
7 products. What I do, I do grow a small  
8 amount of fruit on-site. I also source from  
9 vineyards within Massachusetts, Rhode Island  
10 Connecticut, and Long Island. So when I get  
11 out to the market, I try to educate people  
12 about kind of what's growing around them in  
13 New England, so it's a good educational  
14 opportunity. And then I do bring people back  
15 to my home to offer them winemaking classes  
16 and different wine-oriented activities in  
17 small groups of, you know, 12 to 20 people.  
18 So for me, I really need the markets to get  
19 out there in front of people to create a  
20 retail space because of the location that I'm  
21 doing it in.

1 MICHAEL GARDNER: Okay.

2 ROBERT HAAS: So you mentioned early  
3 on when you were describing the business that  
4 you've had lessons learned from your earlier  
5 operation. Can you just kind of share what  
6 those lessons were?

7 DAVID NEILSON: Well, I think that  
8 the -- it's quite interesting that the two  
9 main markets that we were in, one was  
10 Attleboro and one was Cambridge, and they're  
11 two different markets. They're different  
12 people, you know?

13 ROBERT HAAS: Yes.

14 DAVID NEILSON: The Somerville  
15 market was definitely a younger population.  
16 So, it kept us more on our toes to check, you  
17 know, IDs, things like that. Where Attleboro  
18 seems to be not an older community, but there  
19 are less 20-ish people there than -- so it's  
20 a totally different market. And we, you  
21 know, the people, their understanding of

1           wines and how wines are made are different as  
2           well. So, it -- that's the type of thing  
3           that we became more familiar with and it  
4           helped us, you know, as we're making this  
5           next step into other areas of the state.

6                     ROBERT HAAS: So I'm looking at a  
7           diagram here. I'm just trying to figure out  
8           how much clearance there is on the sidewalk  
9           that people can pass by without being  
10          obstructed.

11                    JOAN SQUERI: I can probably speak  
12          to that.

13                    ROBERT HAAS: Sure.

14                    JOAN SQUERI: Currently the Charles  
15          market has expanded so that we now have the  
16          market that goes -- we're formerly on the  
17          side of the Charles Street. Now we're on  
18          that bump out of brick that's in front of  
19          Elliott Street in front of the John F.  
20          Kennedy School of Government. It's a very  
21          wide brick patio. And I'd say the Charles

1 end is actually the closer end of the street.  
2 And when we are full out with tents, we have  
3 a good five feet, five to six feet from the  
4 edge of the tent out to the sidewalk.

5 ROBERT HAAS: What's your experience  
6 with dealing with folks who are maybe  
7 homeless or have other issues?

8 DAVID NEILSON: To be honest with  
9 you, I think we've -- I've come in contact  
10 with one that may or may not be questionable.  
11 Again, it's -- I'm being, you know, the  
12 situation that I found was this individual  
13 came up and asked, you know, for a tasting  
14 and it was to me obvious he was in  
15 Somerville. He didn't go with the crowd.  
16 So, you know, I found that he asked and I  
17 said well, which one would you like to taste?  
18 And he pointed to one. And I, in this case,  
19 made a very, very small and then he moved on.  
20 Knowing that he wasn't going to get, you  
21 know, so I mean, I think because we're aware

1 of this. This is something we've talked  
2 about. I know in our annual meeting we had a  
3 big discussion, because some of us had  
4 experience and we kind of shared with that,  
5 with everyone in our association. And it's  
6 an extremely small minor part of it. And I  
7 think we've been able to address it  
8 appropriately and not say I'm sorry, we can't  
9 serve you, but we obviously are aware of the  
10 fact that the potential is there.

11 FRANK ZOLL: Well, I can just say we  
12 have the right to refuse anyone. We don't  
13 have to serve anyone a drop of alcohol if we  
14 choose not to. So we certainly can, you  
15 know, speak our mind and do what we feel is  
16 an appropriate, you know, in certain  
17 situations.

18 ROBERT HAAS: What I'm trying to  
19 avoid is every time you feel like there's  
20 somebody there you don't want at your booth  
21 that you don't call the police. Just to make

1           sure that you kind of effectively manage that  
2           so we we're not dealing with those kinds of  
3           issues.

4                    JOAN SQUERI: I am also known to  
5           play bad cop when there is a troublesome  
6           customer so that the vendor is free to -- is  
7           able to be a little bit more -- we have, for  
8           instance, occasionally a very aggressive  
9           vegetarian person who comes over and  
10          terrorizes our meat seller, and that lady has  
11          been asked to leave the premises and has  
12          complied. So they have a second tier.

13                   ROBERT HAAS: So my next question  
14          would be to Ms. Lint. Would 21-Proof be  
15          required for these licenses as well?

16                   ELIZABETH LINT: I think that would  
17          -- I would say no. That when that was voted  
18          in by the Commission, it was specifically for  
19          pouring establishments. Well, pouring and  
20          non-pouring, but I think the intent was for  
21          brick and mortar, and not for something -- I

1 mean, these are very low license fees on an  
2 annual basis and it just, I'm not sure that  
3 the cost would be commensurate for what it is  
4 that they're trying to accomplish.

5 WADE HOLTZMAN: You know, I'd just  
6 like to mention that the liability actually  
7 falls upon us being the last person to serve  
8 anybody if there was some sort of problem.  
9 And we're required to have a million dollars  
10 worth of insurance, and certainly we don't  
11 want to get involved with dealing with that.  
12 So we're very conscious about serving people  
13 and, you know.

14 ROBERT HAAS: I'm not worried about  
15 serving them. Just to effectively manage  
16 behaviors that you find that you want to  
17 discourage, and so without relying upon the  
18 police.

19 WADE HOLTZMAN: Yes.

20 ROBERT HAAS: Okay.

21 MICHAEL GARDNER: And this would

1           only be on Fri days and Sundays and not  
2           i nvol ve any work on ci ty property or school  
3           property?

4                     JOAN SQUERI: I'm not sure where --  
5           my understandi ng i s we are here for the  
6           Charl es Square Fri day and Sunday markets.

7                     MI CHAEL GARDNER: We have you here  
8           for Charl es Square.

9                     JOAN SQUERI: Ri ght.

10                    MI CHAEL GARDNER: And thi s woul d  
11           only be Fri days and Sundays?

12                    JOAN SQUERI: Correct.

13                    MI CHAEL GARDNER: Anythi ng el se  
14           you' d l i ke to add before we ask for comments  
15           from the audi ence?

16                    DAVI D NEI LSON: No.

17                    FRANK ZOLL: No.

18                    MI CHAEL GARDNER: Are there any  
19           members of the audi ence who woul d l i ke to be  
20           heard on thi s matter?

21                    (No Response.)



1                   MICHAEL GARDNER:   Seeing none, we  
2                   have talked about the application of Zoll and  
3                   Still River and Coastal Vineyards for Charles  
4                   Square.

5                   ELIZABETH LINT:   Correct.

6                   GERALD REARDON:   I make a motion we  
7                   approve Zoll, Still River and Coastal  
8                   Vineyards for the Charles Square locations  
9                   from Fridays and Sundays.

10                  ROBERT HAAS:   Mr. Chair, I'd like to  
11                  amend that motion to have a six-month review  
12                  since this is new venture for all of us.

13                  ELIZABETH LINT:   I don't think that  
14                  the markets will still be open in six months.

15                  GERALD REARDON:   Seasonal .

16                  ELIZABETH LINT:   Seasonal .

17                  ROBERT HAAS:   But you're running  
18                  year round in some places, right?

19                  DAVID NEILSON:   In some places, yes.

20                  JOAN SQUERI:   Here in Cambridge we  
21                  operate until -- the latest market is Sunday

1 and that goes until November 20th this year.

2 It is -- you just get in at six months.

3 MICHAEL GARDNER: Could we have a  
4 review in September?

5 ROBERT HAAS: Well, I'd be  
6 interested at the end of the season for you  
7 to come back and tell us what your experience  
8 is. Just because, like you said, as we  
9 entertain more licenses, I think it would be  
10 helpful for us to understand what your  
11 experience has been.

12 DAVID NEILSON: I would be willing  
13 to do that.

14 JOAN SQUERI: I sure would be.

15 WADE HOLTZMAN: I would be glad to  
16 give you feedback.

17 DAVID NEILSON: I think it's  
18 important that you get feedback. What's  
19 interesting, too, is that we found that other  
20 towns that we've been in some of the  
21 Commissioners or Selectmen, depending on the

1 town, have actually attended and been very  
2 positive. We just got kind of re-licensed at  
3 Somerville, and they were very excited about  
4 us coming back. Because several of them had  
5 been to the winter market and really wanted  
6 us -- to see us at the summer market as well.

7 MICHAEL GARDNER: And what are the  
8 plans for being open or operating on both  
9 Friday and Sunday? When do you expect to  
10 begin serving? Or selling?

11 DAVID NELSON: Once you've approved  
12 it, we have seven days.

13 MICHAEL GARDNER: I'm sorry, time of  
14 day. When do you -- I wasn't clear, I'm  
15 sorry.

16 When do you want to start? The hours  
17 of operation of the market, I understand it,  
18 are at least on Sunday are ten to six?

19 FRANK ZOLL: Ten to three.

20 MICHAEL GARDNER: And on Friday they  
21 are.

1 FRANK ZOLL: Twelve to six on

2 Friday.

3 MICHAEL GARDNER: Twelve to six.

4 FRANK ZOLL: We'd like to serve at  
5 ten if it's possible.

6 DAVID NELSON: On Sunday.

7 FRANK ZOLL: On Sunday.

8 DAVID NELSON: I guess we're asking  
9 to follow the opening -- the hours that the  
10 market is open in both cases.

11 FRANK ZOLL: Yes.

12 JOAN SQUERI: I think our experience  
13 has shown that certain things, and wine would  
14 be among these things, for instance, if  
15 someone is selling something very sweet like  
16 a candy, popcorn or something like that, no  
17 one wants to eat that at ten o'clock in the  
18 morning. And my suspicion is that very few  
19 people will be wanting to be tasting wine at  
20 ten a.m. I think we'd like to be able to  
21 offer it if someone asked.

1 FRANK ZOLL: I can attest to that.  
2 At my Natick market on Saturdays at nine  
3 a.m., we will sell a couple of bottles of  
4 wine as soon as we go in, but most people  
5 won't taste. They'll just take a bottle and  
6 move on. And most of the tastings happen,  
7 you know, after ten generally when people  
8 have a chance to put their coffee down is  
9 what I've seen in my experience.

10 ELIZABETH LINT: I did speak to  
11 Somerville, they had no problems with it and  
12 they're quite happy with the way things  
13 worked out.

14 MICHAEL GARDNER: The motion having  
15 been made and seconded, all those in favor  
16 signify by saying "Aye."

17 ROBERT HAAS: Aye.

18 GERALD REARDON: Aye.

19 MICHAEL GARDNER: Aye. None  
20 opposed. So we wish you well.

21 FRANK ZOLL: Thank you.

1           DAVID NEILSON: Thank you.

2           FRANK ZOLL: Actual ly.

3           DAVID NEILSON: Do you want to give  
4 us a time frame? Call us when you want us to  
5 come back?

6           ELIZABETH LINT: We'll send you  
7 noti ce.

8           FRANK ZOLL: I just had a second  
9 questi on about the actual li cense. When  
10 woul d we be able to start servi ng? I know  
11 there' s a peri od --

12          DAVID NEILSON: Seven days.

13          FRANK ZOLL: Seven days.

14          ELIZABETH LINT: Yes.

15          MICHAEL GARDNER: Let the record  
16 show Ms. Lint nodded her head in the  
17 affi rmati ve.

18          ELIZABETH LINT: Yes.

19          JOAN SQUERI: So that' s seven days  
20 from today?

21          ELIZABETH LINT: Yes.

1                   DAVID NELSON: Thank you very much.

2                   WADE HOLTZMAN: Thank you.

3                   FRANK ZOLL: Thank you very much.

4                                 \* \* \* \* \*

5                   ELIZABETH LINT: Appl i cati on

6                   Lexi ngton Consul ting Group, Incorporated,

7                   doi ng busi ness as Turtl e Creek Wi nery, Kip

8                   Kuml er, manager, has appl i ed for a farmer' s

9                   wi nery l i cense for the Kendal l Square Mai n

10                  Street farmers market.

11                  MI CHAEL GARDNER: I take i t you were

12                  here, si r, for the pri or presentati on?

13                  FRANK MURRAY: Yes.

14                  MI CHAEL GARDNER: State your name

15                  and spell i t for the record.

16                  FRANK MURRAY: Frank Andrew Murray

17                  M-u-r-r-a-y. I' m the manager for Turtl e

18                  Creek Wi nery.

19                  MI CHAEL GARDNER: Coul d you expl ai n

20                  how your appl i cati on i s the same or di fferent

21                  i n the l ast segment?

1 FRANK MURRAY: Similar in almost  
2 every way except location. The location  
3 would be at the Kendall Main Street farmer's  
4 market on Wednesdays. So this is on Main  
5 Street by the Kendall Square T stop.

6 ROBERT HAAS: What hours of  
7 operation?

8 FRANK MURRAY: I believe it is from  
9 -- let me just check that for you. Eleven to  
10 six p.m.

11 MICHAEL GARDNER: And you similarly  
12 gotten your location set with the market  
13 itself and you've got your application  
14 approved through the Department of  
15 Agriculture?

16 FRANK MURRAY: Yes.

17 MICHAEL GARDNER: And could you tell  
18 us about any experience you've had in this  
19 kind of operation elsewhere?

20 FRANK MURRAY: Like the previous  
21 wineries, I did the Somerville winter's



1 market. We also did the Wayl and winter's  
2 market. We've been approved for the Harvard  
3 Square farmer's market. So we're the fourth  
4 winery. That one has not started. And we  
5 have also been approved for the Prudenti al  
6 Center farmer's market on Thursdays in  
7 Boston.

8 MICHAEL GARDNER: So, was this the  
9 applicant that we previously --

10 ELIZABETH LINT: Yes.

11 MICHAEL GARDNER: -- discussed for  
12 Charles?

13 ELIZABETH LINT: Yes.

14 MICHAEL GARDNER: So, Ma'am, you'll  
15 be responsible for this one as well or not?

16 JOAN SQUERI: No, Kendall is not  
17 under my management.

18 MICHAEL GARDNER: All right.

19 And what kind of issues or difficulties  
20 at all have you had in controlling  
21 appropriate serving?

1 FRANK MURRAY: We've had the same  
2 experiences in Somerville. I think probably  
3 with some of the same people with people who  
4 didn't look like they're exactly part of the  
5 crowd. The way we handled it was generally,  
6 you know, if they were not intoxicated or  
7 obviously showing signs of that, sort of  
8 controlling the pours in the same way what  
9 Mr. Neilson described, and also just sort of  
10 not engaging them as they continued to ask  
11 questions. But it was very minimal.

12 We also had some -- at the Somerville  
13 market, we had some people who looked to be  
14 under 35 and could not produce  
15 identification, so we refused them. The one  
16 thing that we've started to do since we've  
17 done some summer farmer's markets is try to  
18 take down notes of the incidents so we have a  
19 record if there's any sort of question later  
20 on.

21 MICHAEL GARDNER: Questions?

1 ROBERT HAAS: No questions.

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 MICHAEL GARDNER: Seeing none, a  
7 motion would be in order.

8 ROBERT HAAS: I make a motion to  
9 approve the application.

10 MICHAEL GARDNER: Would that be  
11 subject to a six-month review?

12 ROBERT HAAS: If you don't mind, I'd  
13 like you to come back and tell us your  
14 experience at the end of the season.

15 FRANK MURRAY: We'll come back  
16 whenever you ask us back. I think previously  
17 we were going to come back in three months.  
18 So, if there's some way to do it just once.

19 ROBERT HAAS: I'd be interested at  
20 the end of the season.

21 FRANK MURRAY: Whenever you'd like

1 to have us back we'll be here.

2 ROBERT HAAS: And you end around the  
3 same in November?

4 FRANK MURRAY: Sorry?

5 ROBERT HAAS: Your season would end  
6 around November?

7 FRANK MURRAY: Actually I think it's  
8 a little earlier. It goes through October,  
9 but it doesn't go into November.

10 ROBERT HAAS: We'll coordinate it so  
11 that everybody is back at the same time.

12 ELIZABETH LINT: We'll have  
13 everybody back in November.

14 ROBERT HAAS: You can look over your  
15 notes to reflect.

16 FRANK MURRAY: Exactly.

17 MICHAEL GARDNER: Motion is made and  
18 seconded. All those in favor signify by  
19 saying "Aye."

20 ROBERT HAAS: Aye.

21 GERALD REARDON: Aye.

1 MICHAEL GARDNER: Aye. There are  
2 none opposed.

3 So, wish you well. Good luck.

4 FRANK MURRAY: Thank you.

5 JOAN SQUERI: Thank you.

6 \* \* \* \* \*

7 ELIZABETH LINT: Application Raymond  
8 Graham doing business as Unlimited Motors,  
9 has applied for a used car dealers license,  
10 office only, at One Mifflin Place.

11 I do not see him. This was --

12 ROBERT HAAS: Was he up before us  
13 once before?

14 ELIZABETH LINT: Yes, and this  
15 application was really just going from  
16 corporation to a sole proprietorship. You  
17 know, same operator, same location, same  
18 business. So, we will get in touch with him  
19 and see what happened.

20 \* \* \* \* \*

21 ELIZABETH LINT: Application Smart

1 Gourmet, LLC, doing business as  
2 Momogoose.com, Loc Vo, manager, has applied  
3 for a hawkers/peddlers license to be  
4 exercised on Carlton Street which is MIT  
5 property.

6 MICHAEL GARDNER: Good evening. If  
7 you could just state and spell your name for  
8 the record and describe your plans.

9 LOC VO: Yes, my name is Loc Vo,  
10 L-o-c V-o. The company's Smart Gourmet and  
11 we've -- we're operating a food truck at MIT  
12 which has been through since 1989. And  
13 there's just some reorganization with the  
14 contract with MIT, so we're changing the name  
15 on the contract. But I think it's  
16 essentially the same.

17 MICHAEL GARDNER: So, you currently  
18 have a hawkers/peddlers license that you've  
19 had since 1989?

20 LOC VO: Yes, but under different  
21 companies over the years. So I was here for

1 -- about a year ago for Twon Grill, LLC  
2 (phonetic) and now we just need to change  
3 that to another company called Smart Gourmet.  
4 But essentially all the terms are exactly the  
5 same. It's for the purpose of MIT, my own  
6 organization that we have this new company.

7 GERALD REARDON: So your truck  
8 presently is on Carlton Street?

9 LOC VO: It's on Carlton Street.

10 GERALD REARDON: It's going to stay  
11 in the same location?

12 LOC VO: That same exact location at  
13 Kendall Square.

14 ELIZABETH LINT: He's already been  
15 operating with the new truck and the new  
16 name.

17 LOC VO: Yes. I want to point out  
18 that I did make the mistake, and I apologize  
19 to the Commission, that what happened was  
20 that we've had this very old truck, 1990  
21 truck and it was breaking down. So, we

1 brought in the new truck, and had it approved  
2 by the Health Department and the Fire  
3 Department, but completely forgot about the  
4 License Commission. And so we then and went  
5 and operated there for several months. And  
6 part of the mistake is that Twon's Grill and  
7 Smart Gourmet are both companies that are  
8 owned by me and they're exactly the same.  
9 It's a long story why I have two of them, but  
10 now I'm consolidating into one. And so I  
11 just, you know, in my mind I don't separate  
12 the two, various things under one company and  
13 various things under another company. So I  
14 did make that mistake and I'm hoping to  
15 correct it now.

16 MICHAEL GARDNER: So does the truck  
17 have a different logo or a brand name on it  
18 and that's part of the change?

19 LOC VO: Yes, yes. So the old truck  
20 had a bear on it and the new truck has a  
21 goose on it.



1                   ROBERT HAAS: So how di d we  
2                   di scover?

3                   ELI ZABETH LINT: We di scovered thi s  
4                   when Mr. Vo cal led me one day and sai d he  
5                   wanted to try out hi s new truck wi th a new  
6                   menu and he wanted to set up on Mai n Street,  
7                   and I tol d hi m that he coul dn' t set up on  
8                   Mai n Street. He di d anyway. And I had to  
9                   have the Pol ice Department go down to have  
10                  hi m moved because he was not there wi th  
11                  permi ssi on. We have bri ck and mortar  
12                  establ ishments wi thi n 300 feet. There' s a  
13                  truck there that was grandfathered i n. It  
14                  was there before the bui ldi ngs were ever  
15                  bui lt there, and it caused a tremendous  
16                  probl em. I had call s compl ai ni ng from the  
17                  restaurants i n that area, from the management  
18                  company down at Tech Square. And to have to  
19                  get the Pol ice Department to go down to move  
20                  hi m after I tol d hi m speci fi cal ly that he  
21                  coul d not do i t, I j ust thought was

1           outrageous and certainly the waste of the  
2           Police Department's time.

3                   ROBERT HAAS:   So why did you  
4           disregard Ms. Lint's advice?

5                   LOC VO:   Well, Commissioners, if I  
6           may, there's two sides to this story. And I  
7           have e-mails. I have, you know, the story  
8           started one day, I am -- I live in Kendall  
9           Square and I see a Be Good food truck going  
10          around. And I've been in this business so I  
11          know that they're kind of a cap on food  
12          trucks. And so it was very unusual to see a  
13          new one. And so, I, I called up License  
14          Commission to find out why there's a new food  
15          truck? And I was told that well, because  
16          they're just giving out free food, and if  
17          you're giving out free food, you don't have  
18          to have a permit because that's not vending.  
19          And this was right on Third Street, opposite  
20          of Zigo which is a competing company.  
21          They're going around. And so I thought, you

1 know, this is a wonderful idea. If I can  
2 just have like a free tasting, then I can  
3 connect with some customers that are in the  
4 Tech Square area, and then my idea is to  
5 launch a delivery service. And this is a --  
6 you know, this Be Good truck running around  
7 doing that, I thought that was a wonderful  
8 idea. And so I called the License Commission  
9 and I was told the same thing, that I don't  
10 need a license for handing out free food,  
11 tasting. And then I asked the Health  
12 Department -- the Health Department told me I  
13 need to talk to the License Commission. But  
14 they said I already have a food permit, so  
15 they're okay with me. And then I called up  
16 Parking and Transportation and Adam there  
17 said that as long as I obey traffic laws and  
18 it's okay with him. And so I went and I  
19 double checked twice, and I've sent e-mail to  
20 Ms. Lint about my intentions. And then even  
21 the morning before I called up and I said,

1 well, I'm going to do this the next day. And  
2 that was when Ms. Lint did tell me that -- I  
3 could not be within 300 feet of an existing  
4 restaurant. So that's the first objection I  
5 really heard. But I told Ms. Lint, and she  
6 can correct if I'm wrong, but I remember it  
7 clear. I said, well, you know, I would just  
8 like to do it and see if there's any kind of  
9 -- any kind of problem that comes up because  
10 maybe no one, no one will really care. And  
11 then I can just do it just the way Be Good  
12 had done it on Third Street. And it was --  
13 seemed totally fine. And so I went out there  
14 and, yeah, in front of my -- we were very  
15 popular food truck. And, you know, in front  
16 of a throng of customers that came out to get  
17 these free tastings. The police officer did  
18 tell me out loud in front of everybody that  
19 he will have me arrested. And all the food  
20 of that day, I had to basically dump. I had  
21 hired staff. I had done all this promotion.



1 occur?

2 LOC VO: That escape me.

3 ELIZABETH LINT: About two months  
4 ago.

5 LOC VO: Yeah, something like that.

6 MICHAEL GARDNER: Apart from this  
7 matter, other complaints about the operation?

8 ELIZABETH LINT: Let's just say it's  
9 not the first time that Mr. Vo has  
10 deliberately caused a problem. He is correct  
11 when he said well, I'm going to set up anyway  
12 after I told him he couldn't, just to see  
13 how it goes and see if he parks there. Be  
14 Good has a different operation where they  
15 drive around and they may park at a meter for  
16 15 minutes and give away free food. They can  
17 do that. So as long as they're not within  
18 300 feet. I have never had a complaint about  
19 Be Good. I had many complaints that day.

20 LOC VO: Well, because I live right  
21 where Be Good was setting up, I watch him.

1 They were there for about an hour. So I  
2 thought I was going to follow that model.

3 ROBERT HAAS: You already know the  
4 restaurants in the area don't want you to  
5 operate in that location, right? I mean,  
6 from experience now you now know.

7 LOC VO: Now I know, yes. And like  
8 I really don't -- like I said, I think that  
9 by the letter of the law legally, you know,  
10 the paper that Ms. Lint gave me about the 300  
11 feet law, it specifically says that's for  
12 vending as a vending law. But, you know,  
13 there are lawyers who would tell me that  
14 well, if you're handing out samples of  
15 tastings, it's -- the law doesn't apply. But  
16 -- so that's the law, but then there's a side  
17 of business where I just don't want to, you  
18 know, I don't want to have friction and so --

19 MICHAEL GARDNER: So you'll be on  
20 Carlton now?

21 LOC VO: Yes, I'll basically be on

1 Carlton.

2 MICHAEL GARDNER: Other questions?

3 ROBERT HAAS: No other questions.

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

7 (No Response.)

8 MICHAEL GARDNER: This is to change  
9 the corporate ownership or the name of the  
10 company, that's the only change?

11 LOC VO: Yes. Just to -- yes, on  
12 the license to change it to a different  
13 company name, that's the only change.

14 ELIZABETH LINT: We look at it as a  
15 new license. We don't amend.

16 MICHAEL GARDNER: Yes.

17 GERALD REARDON: I make a motion to  
18 approve with the stipulation that the  
19 location and operation stay similar to what's  
20 or the same as what's right there on Carlton  
21 Street right now.



1                   MICHAEL GARDNER: See any value in  
2                   havi ng a si x-month revi ew?

3                   GERALD REARDON: Yes, we probabl y  
4                   coul d see what' s happeni ng.

5                   Obvi ousl y you' re aware of what happened  
6                   before and you don' t want to get into that  
7                   same posi ti onagai n because we don' t have to  
8                   gi ve you a li cense. So, even the l awyers say  
9                   what' s ri ght and wrong, we sti ll don' t have  
10                  to gi ve you a li cense i f i t' s causi ng an  
11                  i ssue. So my advi ce to you i s stay wi thi n  
12                  the confi nes of the l aw what the gui de says  
13                  here i n Cambri dge.

14                  LOC VO: Yes.

15                  MICHAEL GARDNER: So you' ve made the  
16                  moti on to approve wi th a si x-month revi ew?

17                  GERALD REARDON: Si x-month revi ew.

18                  ROBERT HAAS: Second the moti on.

19                  MICHAEL GARDNER: Moti on havi ng been  
20                  made and seconded to approve the li cense  
21                  under the Smart Gourmet doi ng busi ness as

1 Momogoose.com, Momogoose.

2 LOC VO: Momogoose.

3 MI CHAEL GARDNER: Sorry.

4 Subject to a six-month review. All  
5 those in favor signify by saying "Aye."

6 ROBERT HAAS: Aye.

7 GERALD REARDON: Aye.

8 MI CHAEL GARDNER: Aye. Opposed?

9 None.

10 GERALD REARDON: Quick

11 clarification. Does this mean he needs  
12 re-inspections because of the name change?

13 ELIZABETH LINT: He's already had  
14 the inspections.

15 GERALD REARDON: We're all set.

16 Very good.

17 MI CHAEL GARDNER: So good luck.

18 Please, we don't want any friction with you  
19 either.

20 LOC VO: Thank you.

21 \* \* \* \* \*

1                   ELI ZABETH LINT: Appl i cati on Mashed,  
2                   LLC doi ng busi ness as Otto, Anthony Allen,  
3                   manager, hol der of a common vi ctual er li cense  
4                   at 1432 Mass. Ave. has appl i ed to place two  
5                   tabl e wi th seven seats on the publ ic  
6                   si dewal k.

7                   ANTHONY ALLEN: Good eveni ng. My  
8                   name i s Anthony Allen. Manager of Mashed,  
9                   LLC d/b/a Otto, 1432 Mass. Ave. I 'd l i ke to  
10                  appl y for outdoor seati ng. We have a fai rly  
11                  wi de si dewal k there. Fi nagl e a Bagel added  
12                  ei ght or ten seats there for the past few  
13                  years and i t di dn' t seem to i nterrupt the  
14                  fl ow there. And we' re appl yi ng for seven  
15                  seats for seasonal seati ng. We onl y have one  
16                  stool i nsi de the shop so i t' s cri ti cal to  
17                  have some more seats outsi de i f possi bl e.

18                  MI CHAEL GARDNER: I 'm not sure I  
19                  understand the rel ati onshi p to Fi nagl e A  
20                  Bagel . Were they a predecessor i n the space  
21                  or near you?

1 ANTHONY ALLEN: They were a  
2 predecessor in the space. They were there  
3 for five years.

4 MICHAEL GARDNER: Okay. And how  
5 long have you been there?

6 ANTHONY ALLEN: We've been there  
7 four months. So we haven't gone through a  
8 summer season yet.

9 ROBERT HAAS: So you're primarily a  
10 take-out business?

11 ANTHONY ALLEN: It is.

12 MICHAEL GARDNER: Does this require  
13 Public Works review?

14 ELIZABETH LINT: It does. City  
15 Council and Public Works.

16 ANTHONY ALLEN: They've been out and  
17 reviewed it and signed off on it.

18 ELIZABETH LINT: I need a copy of  
19 that.

20 MICHAEL GARDNER: So, you're  
21 understanding is Public Works has been there

1 and signed off?

2 ANTHONY ALLEN: They have.

3 MICHAEL GARDNER: Okay. And did you  
4 get paperwork.

5 ANTHONY ALLEN: I did.

6 MICHAEL GARDNER: And do you have  
7 that to forward to Ms. Lint?

8 ANTHONY ALLEN: I can get it to you  
9 tomorrow.

10 MICHAEL GARDNER: And then there's  
11 still City Council action?

12 ELIZABETH LINT: Did you go before  
13 the City Council?

14 ANTHONY ALLEN: Not yet.

15 ELIZABETH LINT: That has to happen.

16 ROBERT HAAS: Prior to our vote?

17 ELIZABETH LINT: You can vote. If  
18 you're inclined to approve it, you can do so  
19 subject to City Council approval.

20 MICHAEL GARDNER: If you know, sir,  
21 how long -- how wide is the sidewalk at that

1 spot?

2 ANTHONY ALLEN: It's about 16 feet.

3 MICHAEL GARDNER: And how much space  
4 would your tables be taking?

5 ANTHONY ALLEN: About four feet.

6 MICHAEL GARDNER: Chairs have to  
7 take a little more than that.

8 ANTHONY ALLEN: Small tables, but  
9 we'll keep it tight to the window.

10 MICHAEL GARDNER: Other questions?

11 GERALD REARDON: No.

12 ROBERT HAAS: No questions.

13 MICHAEL GARDNER: Any members of the  
14 public who would like to be heard on this  
15 matter? Please come up and state your name  
16 for the record.

17 DENISE JILLSON: Denise Jillson.  
18 I'm the Executive Director from the Harvard  
19 Square Business Association and we would like  
20 to offer our support for this application  
21 Anthony's been a member of the association

1 for the past four or five months, and Otto  
2 has really been terrific bringing lots of  
3 excitement up there to Mass. Avenue. And we  
4 think that -- I would like to -- I would like  
5 to have him apply for more seating, not less.  
6 I know that's not possible, but just having I  
7 think that activity up there, lends itself to  
8 an area where there's been a problem with a  
9 certain element to hanging out, and I think  
10 it will help them move on a little bit. So  
11 we're hoping for, you know, nice seating and,  
12 you know, a few flowers and just creating a  
13 different atmosphere will be really helpful.  
14 Thank you.

15 MICHAEL GARDNER: Pleasure of the  
16 Commission.

17 ROBERT HAAS: I make a motion to  
18 approve the application predicated upon the  
19 presentment of the DPW permit and subject to  
20 the approval of the City Council.

21 GERALD REARDON: Second.

1                   MICHAEL GARDNER: Motion having been  
2                   made and seconded to approve the application  
3                   subject to the conditions stated, all those  
4                   in favor signify by saying "Aye".

5                   ROBERT HAAS: Aye.

6                   GERALD REARDON: Aye.

7                   MICHAEL GARDNER: Aye. Those  
8                   opposed? None.

9                   So the application is approved. Good  
10                  luck. Please make sure you get your  
11                  paperwork to Ms. Lint and she can give you  
12                  guidance.

13                 ANTHONY ALLEN: Great. Will do.  
14                 Thank you.

15                                 \* \* \* \* \*

16                 ELIZABETH LINT: Application New  
17                 Asia Cambridge, Incorporated doing business  
18                 as new Asia restaurant, Sally Loh, manager,  
19                 holder of a wine and malt beverages as a  
20                 restaurant license at 1105 Mass. Ave. has  
21                 applied to further extend the inactive status



1 on the wine and malt beverages license at  
2 said address.

3 MICHAEL GARDNER: Good evening.  
4 State your name for the record, please.

5 SALLY LOH: Sally Loh from New Asia.  
6 Okay, the case is we have a fire. I have a  
7 lease with the landlord, they suppose to fix  
8 it. The damage is actually to the exhaust  
9 system, so I don't want to cover up. I want  
10 it to be fixed. And they didn't do it. But  
11 I wanted business to continue, so I send them  
12 drawing and want to do it myself, but they  
13 never give me any -- they never give me any  
14 answer. So I could not do a job without the  
15 landlord's approval. And I have a letter  
16 from the cleaner say you can't -- we no  
17 longer can clean your duct work because it's  
18 not up to the standard. And it was leaking  
19 all around. I could have clean it, nobody  
20 knows, I could reopen it, but the public  
21 health safety is involved. So I go ahead and

1 hire architect engineer to give a drawing and  
2 want the landlord to approve so I do the job.  
3 But they never approve me to do the job  
4 either. Not -- so right now we are in  
5 lawsuit and I hope I can recover my -- the  
6 damage done to me. So, but the landlord is a  
7 big landlord. I face a lot of difficulty.  
8 But right is right or wrong is wrong. I hope  
9 I will win the case. I think I will.

10 So, I want to -- I know it's a little  
11 bit long, but it's not I want to close the  
12 restaurant. It's I was forced to be closed,  
13 and I hope if I can at least last to up to  
14 the lawsuit and see how to -- I know it's a  
15 little bit long and my personally doesn't  
16 like this happen, but there is something you  
17 have to fight for.

18 MICHAEL GARDNER: How long has it  
19 been inactive so far?

20 SALLY LOH: We have a fire on  
21 February 1st, '10. And then the lease ended

1 in August. I did apply for renewal of the  
2 lease at the end of April, so I should get a  
3 renew of the lease to stay on to the location  
4 because, you know, we buy -- we open a  
5 business, we have to pay people to get the  
6 business, right? There's an investment  
7 there. But it just kill like this, a fire is  
8 unfortunately thing to happen, but... and so  
9 that's the case.

10 MICHAEL GARDNER: So how long an  
11 extension of the inactive status are you  
12 applying for?

13 SALLY LOH: At first I don't know.  
14 You have this system, so I think I lost it  
15 and that's it. So unlucky is unlucky, and  
16 then I do finally have inactive license and  
17 then I apply for that. And this is the first  
18 hearing actually.

19 MICHAEL GARDNER: So this is the  
20 first time you've applied for an inactive  
21 status license?

1                   SALLY LOH: Yeah. I didn't know, so  
2 I didn't apply. I thought lost is lost. You  
3 lost a whole restaurant what about just a  
4 beer and wine license? But then I find I  
5 actually maybe can keep it so I try to keep  
6 it.

7                   MICHAEL GARDNER: And the fire was,  
8 did I hear February of 2010?

9                   SALLY LOH: Yes, but I have been  
10 like try -- I didn't get a -- the landlord  
11 fix it, didn't fix it. And I had tried to  
12 apply, have them approve, let me fix it, but  
13 I still didn't get a chance.

14                  MICHAEL GARDNER: No, we got that  
15 part. And the restaurant's been closed since  
16 the fire?

17                  SALLY LOH: Yes. We cannot open  
18 now.

19                  MICHAEL GARDNER: And is the --

20                  SALLY LOH: And I have one more  
21 problem. The pipe under the sewerage under

1 the restaurant, we have three times of water  
2 backup from the sewerage in two times in  
3 March and one time in July. I believe it  
4 hasn't been fixed, too. So I go into -- we  
5 should go into the Building Department and  
6 check all this thing.

7 MICHAEL GARDNER: This is July of  
8 2010?

9 SALLY LOH: Yeah.

10 MICHAEL GARDNER: And your lease is  
11 up this August?

12 SALLY LOH: My lease was up August,  
13 but I did apply for a five years extension  
14 in --

15 MICHAEL GARDNER: April?

16 SALLY LOH: -- April.

17 MICHAEL GARDNER: So it was up in  
18 August of 2010?

19 SALLY LOH: Yes. But they didn't  
20 give me any answer to. So we are now in --

21 ROBERT HAAS: You don't have an

1 active lease right now?

2 SALLY LOH: No, no. We don't, no.  
3 I'm thinking after the lawsuit find another  
4 place or I just give up. I haven't been make  
5 this decision yet.

6 MICHAEL GARDNER: And is this a no  
7 value, no transfer license?

8 SALLY LOH: No, I don't know.

9 ELIZABETH LINT: It has value.

10 SALLY LOH: It has value? But I  
11 don't think it's easy to sell a license. I  
12 don't know. It have a value?

13 ELIZABETH LINT: Well, you bought  
14 it.

15 SALLY LOH: Oh, I bought it with the  
16 restaurant?

17 ELIZABETH LINT: Yes.

18 ROBERT HAAS: So as one point, we  
19 talked about the idea that you were talking  
20 about for somebody else to buy the business  
21 out. That never came to?

1           SALLY LOH: I am not too interesting  
2 in selling it because I don't think the value  
3 would be too high anyway now. The City have  
4 license to give out, right? I heard that the  
5 City have --

6           MICHAEL GARDNER: Sometimes we give  
7 out licenses that are not for sale.

8           SALLY LOH: If the City have  
9 license, who will buy a license? So I don't  
10 think it's worth any money.

11          ROBERT HAAS: It can't hurt to see  
12 if there is a value for the license.

13          SALLY LOH: But then you get a phone  
14 call. Right now I want to concentrate with  
15 the win the law case first.

16          MICHAEL GARDNER: Do you have a  
17 trial date yet?

18          SALLY LOH: We have a -- today we  
19 supposed to have a pre-meeting before the  
20 trial, but they didn't show up. So I have to  
21 write for continue. They didn't show up. I

1 was there the whole morning.

2 MICHAEL GARDNER: How long did you  
3 operate the business before the fire?

4 SALLY LOH: Oh, what?

5 MICHAEL GARDNER: How long was your  
6 business in operation before the you had the  
7 fire?

8 SALLY LOH: Oh, ten years. Not  
9 exactly to ten years. To August it would be  
10 ten years, but we have a fire.

11 MICHAEL GARDNER: In February.  
12 Other questions?

13 GERALD REARDON: No questions.

14 ROBERT HAAS: No questions.

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

18 (No Response.)

19 MICHAEL GARDNER: Any more history  
20 here that might be relevant, Ms. Lint?

21 ELIZABETH LINT: I don't think so.



1                   GERALD REARDON: I make a motion to  
2 continue the inactive for another period of  
3 six months.

4                   ROBERT HAAS: I make a stipulation  
5 to that that you notify us if in fact your  
6 status in the establishment changes. So in  
7 other words, if you're evicted, because right  
8 now you don't have an active lease for the  
9 property?

10                  SALLY LOH: Sure. If I really want  
11 to -- I have to look for like, you know --  
12 but if a case like this, if the judge is  
13 fair, I probably have a lot of money coming  
14 back, but I don't know. But I don't know  
15 right now.

16                  MICHAEL GARDNER: Have you explored  
17 trying to find a different location to reopen  
18 the business with a new lease?

19                  SALLY LOH: I saw some locations  
20 closed in one -- I live beyond the Porter  
21 Square. They have one, one small one, one

1 big one. The small one is the Indian  
2 restaurant or something. They are closed.  
3 So, but I haven't approached any. Right now  
4 don't have the strength. Concentrate to win  
5 the case first. Because they lease the place  
6 out.

7 MICHAEL GARDNER: I guess what I'm  
8 worried about is that it sounds like all your  
9 energy is focussed on your litigation and not  
10 on reopening or making use of the license.

11 SALLY LOH: Yes.

12 MICHAEL GARDNER: And I'm not sure  
13 that I understand how the public interest is  
14 served by keeping the license inactive now.  
15 Let's see, six months I think I can do this  
16 is November, so that's something like 21  
17 months since the fire.

18 SALLY LOH: But this consider is not  
19 I close the business, try to keep the  
20 business. It happened, an accident, and we  
21 have no control of it. So, you have to bring

1 up that, yeah, normally it would take a few  
2 month to redo it. Especially I could have  
3 opened it, Health Department, Building  
4 Department, Fire Department, does not -- they  
5 don't know they have a fire hazard there.

6 GERALD REARDON: Yes, we do.

7 ROBERT HAAS: They do now.

8 SALLY LOH: And whoever bought it  
9 from me, no, he didn't -- he come to me,  
10 please sell it to me. I like that location  
11 that much. And I said cannot sell it to you.  
12 You have problem there. I don't want you to  
13 get into the problem. And he bought it and  
14 he is not right I think. He know that.

15 GERALD REARDON: I guess we've come  
16 to the point where this is the first time on  
17 the inactive license on the first renewal.  
18 It's predicated on the fact that she  
19 potentially has the ability to win her lease  
20 back and monetarily get back in operation.  
21 And it doesn't seem to be -- there seems to

1 be a lot of licenses on the market that  
2 aren't moving. I'm not so sure if the public  
3 interest is a lot of people knocking down the  
4 doors to get this. I think the extension of  
5 six months will prove whether or not this is  
6 going to go to fruition or we will cancel the  
7 license at that point.

8 SALLY LOH: Yeah. I hand it back,  
9 the license to you for sell it for 20,000. I  
10 want to have the city has it.

11 MICHAEL GARDNER: The motion having  
12 been made and seconded to approve and  
13 extension of the inactive status for six  
14 months, all those in favor signify by saying  
15 "Aye".

16 ROBERT HAAS: Aye.

17 GERALD REARDON: Aye.

18 MICHAEL GARDNER: Aye. And none  
19 opposed. So we've extended your license in  
20 inactive status for six months which I think  
21 is November 30th.

1 ELIZABETH LINT: Shoul d be.

2 GERALD REARDON: I bel i eve the  
3 Commi ssi oner added the sti pul ati on i f you  
4 have i nformati on between now and then on your  
5 thi ng --

6 SALLY LOH: Yeah. And I wi ll gi ve  
7 you the pi ctu re of the terri ble si tuati on.

8 GERALD REARDON: No, no. I f you wi n  
9 your l aw sui t and you' re goi ng to re open, you  
10 need to l et us know. I f you l ose your  
11 l aw sui t and you have no i nte nti on of ope ni ng  
12 beca use you can' t, we expe ct you to tel l us  
13 that, too. Okay?

14 SALLY LOH: Yeah.

15 MI CHAEL GARDNER: Or i f the  
16 l aw sui t' s sti ll conti nui ng, you need to --

17 SALLY LOH: I don' t thi nk so. I  
18 don' t thi nk so. Beca use we' re goi ng on for  
19 more than a year. Yeah. Okay, thank you.

20 MI CHAEL GARDNER: Good l uck.

21 \* \* \* \* \*

1                   ELI ZABETH LINT: Appl i cati on Panj a  
2                   Sasi rat 2008, Incorporated, Sasi rat Wyckoff,  
3                   manager, holder of an al l alcohol i c beverages  
4                   as a restaurant l i cense at 104 Mount Auburn  
5                   has appl i ed to transfer sai d l i cense to CDM  
6                   Internati onal Enterpri ses, LLC doi ng busi ness  
7                   as Ki tchen Sushi and Lounge, Peter Ahn,  
8                   manager at 104 Mount Auburn Street, CDM  
9                   Internati onal Enterpri ses, LLC i s al so  
10                  appl yi ng for a common vi ctual er l i cense wi th  
11                  111 seats i nsi de, 10 standi ng, and 46  
12                  seasonal pati o seats on publ i c and pri vate  
13                  property, and entertai nment l i cense to  
14                  i ncl ude musi c pl ayi ng bel ow conversati on  
15                  l evel ; i Pod; and four TV, vi deo, or fi l m  
16                  projector screens.

17                  ATTORNEY SEAN HOPE: Good eveni ng,  
18                  Mr. Chai r, Members of the --

19                  MI CHAEL GARDNER: Just one mi nute.  
20                  I note Ms. Lint that you went to the  
21                  appl i cati on as opposed to the di sci pl i nary --

1 ELIZABETH LINT: Yes.

2 MICHAEL GARDNER: -- hearing first?

3 ELIZABETH LINT: Because the last  
4 time the disciplinary was on, it's my  
5 recollection that if the transfer actually  
6 went through and happened, that the  
7 disciplinary matter would basically be moot.

8 MICHAEL GARDNER: Okay, thanks for  
9 clarifying that.

10 If you could now just state your names  
11 for the record.

12 ATTORNEY SEAN HOPE: For the record,  
13 Attorney Sean Hope, 130 Bishop Allen Drive in  
14 Cambridge. The petitioner is CDM  
15 International Enterprises, LLC and doing  
16 business as Kitchen and Sushi Lounge. On  
17 behalf of the LLC tonight we have Mr. Derek  
18 Brady.

19 DEREK BRADY: Derek Brady.

20 ATTORNEY SEAN HOPE: And also we  
21 have the proposed manager.

1 PETER AHN: Peter Ahn.

2 ATTORNEY SEAN HOPE: This is an  
3 application as Ms. Lint said, to transfer the  
4 existing all alcoholic license known as the  
5 Conga's license as well as apply for a common  
6 victualer and an entertainment license. This  
7 concept that we have as part of the  
8 application of a sushi concept, the location  
9 of this restaurant is on Winthrop Street and  
10 this is known as restaurant row. It's become  
11 one of the premier dining destinations in  
12 Cambridge. And so as a group and Mr. Brady  
13 was really the leader of this restaurant  
14 group who actually looked at this location.  
15 One of the things that they noticed is that  
16 they are a variety of different food options  
17 on restaurant row. There are southeast  
18 Asian. There's also Indian and American  
19 food, but there isn't a high quality sushi  
20 restaurant in the location. Some would say  
21 there's not a high quality sushi restaurant



1 in Cambridge. So given the location as well  
2 as the desire to really bring sushi to  
3 Cambridge, we decided to put forward this  
4 application.

5 Just briefly, and Mr. Brady can speak  
6 more specific. Mr. Brady has been involved  
7 in the food and beverage industry for about  
8 20 years. He has worked in pretty much all  
9 different kind of capacities in that  
10 industry. Namely, he actually owns the Draft  
11 Restaurant and Bar which is similar to our  
12 Tavern in the square which we have in Central  
13 and Porter Square.

14 As I said before, Mr. Brady as well as  
15 owning the Draft, is also involved in other  
16 different restaurant ventures in Boston as  
17 well as Allston Brighton. He was also  
18 instrumental in bringing Mr. Peter Ahn, he's  
19 the proposed manager for the location. Peter  
20 has been involved in the family business, and  
21 I always say the name wrong, but it's Boc Choy

1 II (phonetic).

2 PETER AHN: Boc Yun II (phonetic).

3 ATTORNEY SEAN HOPE: But it's a  
4 family business. He's been the manager there  
5 and has run all the different facets;  
6 controlling the wait staff, handling  
7 deliveries, working the different cities and  
8 towns in Allston as well as in Boston, he's  
9 the proposed manager. Outside of the fact  
10 that there is a need -- we thought there was  
11 a demand for sushi because it wasn't existing  
12 in Harvard Square. One of the other things  
13 that attracted us to this location was also  
14 the fact for the sushi concept and we can  
15 speak more about it. It was the size of the  
16 location. Certain locations in other cities  
17 may be larger or smaller. This was the  
18 perfect size for what they're trying to do.  
19 And as you see, and I have copies of the  
20 floor plan, really this location lends itself  
21 to a sushi restaurant, because the size of it

1 actually allows for small tables, smaller  
2 plates, sushi is usually eaten smaller  
3 plates, although they're going to have is  
4 some medium-sized plates. One of the  
5 additions they've done to the layout is they  
6 actually have a communal table, which is a 17  
7 seater table. And part of the idea is to  
8 attract different corporate parties as well  
9 as the, I would think grad school, not  
10 necessarily the undergrad crowd, but this is  
11 going to be the price point is going to be  
12 attractive to working professionals,  
13 corporations and made grad students. What  
14 they've also done in, and we have the layout  
15 there, they're actually going to have an open  
16 kitchen concept. So instead of the space is  
17 relatively small, and the kitchen is walled  
18 off in the far right-hand corner, they're  
19 actually going to have the kitchen open. So  
20 at table height the kitchen's going to be  
21 open so you can actually watch the sushi

1 preparers actually cook the sushi. Make the  
2 sushi. You don't cook sushi, while you're  
3 eating. So, outside of that as well, there's  
4 going to be a major design renovation of the  
5 whole site. So as existing, there was the  
6 former operator. There was, it was a  
7 restaurant, but it was a little dark and they  
8 also had the bar. We don't actually have a  
9 bar on this. This is all going to be  
10 strictly restaurant and dining operation.  
11 So, while we don't have a bar, there is an  
12 all alcohol license, and Mr. Ahn can speak to  
13 the type of specialty sushi and drinks that  
14 would go well with this concept as well.

15 The current existing -- the  
16 infrastructure only has electricity. So one  
17 of the things that Mr. Brady has been  
18 negotiating with the landlord about,  
19 obviously if they're approved tonight, is to  
20 be able to convert this space into gas. And  
21 that's important because as any operator is

1 going to come in here or has come before,  
2 it's difficult to run a restaurant when you  
3 just have electricity. So sushi is one of  
4 those types of food that can be able to  
5 survive as is, but they just don't want to  
6 take the current space, they want to do a  
7 significant investment to actually bring this  
8 restaurant really to life. And we don't have  
9 the renderings here tonight, but this is  
10 going to have a modern feel tonight, and try  
11 to be consistent with the other restaurants  
12 that are on restaurant row between Ohm and  
13 Red House, excuse me, Ohm, Red House as well  
14 as Charlie's Kitchen which is more of a bar.  
15 But they're high quality establishments. So  
16 they felt in order to survive in this  
17 economic climate, they would really need to  
18 do some significant improvements and that's  
19 really it.

20 MICHAEL GARDNER: What do you think  
21 you've learned from the difficulties that the

1 prior occupants have had with this space?

2 DEREK BRADY: Some of the  
3 difficulties with the space, and why it was  
4 so attractive to us was we looked at it and  
5 we saw some evident problems with the space.  
6 No gas in the building. It's design is very  
7 poor right now. Mismanagement and so forth.  
8 It was, it was in a bad way. So when I was  
9 looking for a place for us to go with this  
10 concept, this was the most ideal place for  
11 many reasons. The best opportunity I should  
12 say.

13 GERALD REARDON: So are you looking  
14 to go do a lot of renovation work?

15 DEREK BRADY: A significant amount.  
16 We're going to run gas. We would like to run  
17 gas in the building, I should say, along with  
18 a hood vent and so forth. So it needs a lot  
19 of work to make it a viable restaurant space.

20 GERALD REARDON: You're going to run  
21 Fryolators?

1                   DEREK BRADY: We're looking to run a  
2 Fryolator.

3                   GERALD REARDON: You know the  
4 di ffi cul ty on the new hood laws and  
5 everythi ng?

6                   DEREK BRADY: Absol utel y.

7                   GERALD REARDON: And the ansul  
8 system.

9                   DEREK BRADY: Both my restaurants  
10 al ready have that.

11                  MICHAEL GARDNER: And do your  
12 restaurants speci al i ze i n sushi now?

13                  DEREK BRADY: Mi ne restaurants  
14 aren' t speci al i zed i n sushi . And to be  
15 honest the space -- the reason we're going  
16 wi th the sushi concept, I'm fortunate to have  
17 a fri endshi p wi th Mr. Ahn and a coupl e others  
18 who have done sushi and have been successful .  
19 My restaurant is very si mi lar to Charlie's  
20 Ki tchen, and I woul dn' t be abl e to -- I  
21 woul dn' t want to go up against what's al ready

1 in the neighborhood. The sushi concept was  
2 already a great concept for this area because  
3 there's not any there.

4 MICHAEL GARDNER: And could you  
5 describe your experience both with the  
6 restaurant, which I take it was in Allston I  
7 think is what I heard?

8 PETER AHN: Yes, it is.

9 MICHAEL GARDNER: And also with  
10 managing liquor?

11 PETER AHN: In regards to sushi my  
12 uncle had a restaurant in Medford called Sol  
13 Kitchen is which is now call Chungi Wah  
14 (phonetic). They did more of a barbecue. My  
15 uncle was running a Korean-Japanese  
16 restaurant. I was running that for about  
17 eight months. And then again I handled, in  
18 regards to all the bars staff, customer  
19 service, food quality, wait staff, and so  
20 forth. And then after that I then got into  
21 the Korean-Chinese restaurant in Allston



1 called Boc Yun Su (phonetic) which is right  
2 off the intersection of Harvard and Bryant  
3 Avenue.

4 MICHAEL GARDNER: And your role in  
5 that location?

6 PETER AHN: I was the manager of  
7 record as well. And I handled everything  
8 from inside interior work, dealing with  
9 Inspectional Services, all the fire  
10 department inspectors and so forth. Permits  
11 from start to finish. And I was there for  
12 about four or five years and continually now  
13 as well on and off as a consultant with my  
14 uncle in regards to his other business  
15 restaurant ventures right around the same  
16 area.

17 MICHAEL GARDNER: And did that  
18 location have an all alcohol license as well?

19 PETER AHN: It did not -- it had it  
20 after I left as a full time manager, but in  
21 regards to it currently has one now and I've

1           been involved in that as well.

2                   ATTORNEY SEAN HOPE:   And Mr. Ahn  
3           knows he would have to go to the 21-Proof  
4           TIPS Certification as well.   We discussed  
5           that.

6                   PETER AHN:   Right.   I also have the  
7           copies of the rules and regulations.

8                   ATTORNEY SEAN HOPE:   You have a copy  
9           of the rules and regulations as part of  
10          what's involved if being approved?

11                  MICHAEL GARDNER:   And your  
12          experience with alcohol, sir?

13                  DEREK BRADY:   I have 20 years'  
14          experience.   I started off by working for a  
15          gentleman that is in Allston Brighton area.  
16          He owns the Last Drops, the White Horse  
17          Taverns.   I started working for him as door  
18          staff security.   I worked my way through that  
19          whole atmosphere and learning that  
20          atmosphere, and then he had me working as a  
21          bartender.   I TIPS trained and certified and

1 so forth. I bar tended for I'd say eight  
2 years. And he asked me to be the bar  
3 manager. I went on to be the bar manager for  
4 I think three years, and then he asked me to  
5 be the general manager of the two Last Drops.  
6 I was the bar manager for the White Horse  
7 Tavern. From there it came to a point where  
8 I had to decide whether I was going to stay  
9 in the business or, you know, move on. And I  
10 decided to buy what was called Kunbara  
11 (phonetic). I turned it into the draft bar  
12 and grill. It's a successful neighborhood  
13 restaurant and bar. We do really well with  
14 it. It's been about six years, almost six  
15 years. I think six years in August. We've  
16 had no incidents. And I went on to this  
17 halfway through this last year, September we  
18 went on to -- went on to another venture with  
19 Felt (phonetic). I went into business with  
20 the guys that are existing owners to buy some  
21 shares of that business and that's an ongoing

1 venture as well. And from there I'm coming  
2 here with this concept.

3 MICHAEL GARDNER: And could you  
4 describe the outdoor seating particularly  
5 along Winthrop? We passed the sheet back.

6 ATTORNEY SEAN HOPE: I have  
7 handouts. So the proposed outdoor seating,  
8 it's a total of 46 seats, 20 which are on  
9 public property and 26 which would be on  
10 private property. We have kept the same  
11 amount of seats as what's existing now. We  
12 -- obviously the existing was approved by  
13 DPW. We think that it's going to work. You  
14 know, you can see now restaurant row, it  
15 needs it, it lends itself to it. We're not  
16 trying to expand what's existing. Obviously  
17 DPW has a new operator, I believe, if it  
18 carries on with our proposed transfer and  
19 license, but we would go through the same  
20 requirements if necessary to have the similar  
21 outdoor setting. But also one thing that we

1 wanted to do is there's a set of windows that  
2 are along Winthrop Street, there's windows,  
3 and we don't feel like they're fully  
4 utilized. And part of the renovations may be  
5 to do the open window concept to be able to  
6 have the chairs there, but also the outdoor  
7 seating. We feel like that would actually  
8 lend to it, but primarily we would, it's 46  
9 seats and the numbers are unchanged.

10 MICHAEL GARDNER: There was some  
11 e-mail correspondence today about the size of  
12 the number of seats. Did that matter get  
13 resolved?

14 ELIZABETH LINT: Yes, it did.  
15 Because Mr. Hope came in in the afternoon  
16 they weren't looking for any more seats than  
17 what currently exists.

18 MICHAEL GARDNER: Is what's written  
19 here the proper number or does it need to be  
20 amended?

21 ATTORNEY SEAN HOPE: I think the

1           discrepancy was the total number of outdoor  
2           seating would remain the same. There was  
3           some confusion about which amount was on  
4           public and which was on private. And so  
5           Investigator Andrea Boyer in concept with  
6           Public Works helped us to figure out exactly  
7           -- where you can't tell from the rendering  
8           which is public and private. So we had the  
9           same total number, but on the initial  
10          application there was a discrepancy on which  
11          were on public and which were on private  
12          property and we corrected that.

13                   MICHAEL GARDNER: I'm sorry, I'm not  
14                   familiar with the schematics here. What are  
15                   these things that -- I don't know what those  
16                   are, those --

17                   DEREK BRADY: The asterisks on the  
18                   chart?

19                   PETER AHN: These? Aren't those  
20                   plants?

21                   MICHAEL GARDNER: Those are plants?

1 That's why they're green.

2 ELIZABETH LINT: I didn't know  
3 either.

4 MICHAEL GARDNER: I thought maybe  
5 those were tables that you scratched out.

6 PETER AHN: No, no, it's plants.

7 DEREK BRADY: We'll have better  
8 renderings going forward with the project.

9 MICHAEL GARDNER: So you have not  
10 been to Public Works to get approval for  
11 that?

12 DEREK BRADY: Not yet.

13 PETER AHN: I felt the first step  
14 obviously was to come here.

15 ATTORNEY JAMES RAFFERTY: Is that  
16 necessary? James Rafferty on behalf of the  
17 current licensee.

18 Last year we went through that process.  
19 I don't know whether that requires a start  
20 from the beginning approach if it's the same  
21 footprint and the same number of seats. If

1 so, but I just don't know.

2 ELIZABETH LINT: It would require  
3 the process all over again because it's a new  
4 licensee, a new contract with the city. So  
5 it would have to go through all their  
6 approvals, new insurance binder and  
7 everything else.

8 PANJA LYMSWAM: I did apply the new  
9 license for the outside seating.

10 ELIZABETH LINT: It doesn't matter.

11 ATTORNEY JAMES RAFFERTY: It's a new  
12 transfer.

13 MICHAEL GARDNER: I mean, we've had  
14 back and forth with Public Works as to  
15 whether Public Works is going to do their  
16 field inspection before we act or not, but  
17 assume we can work that out in terms of  
18 purposes of the motion.

19 Other questions?

20 ROBERT HAAS: No other questions.

21 GERALD REARDON: So there's no



1 entertainment on this, this is strictly --

2 ELIZABETH LINT: They are applying  
3 for entertainment.

4 DEREK BRADY: Just background music,  
5 TVs.

6 PETER AHN: No live entertainment.  
7 No karaoke. No DJ.

8 ROBERT HAAS: No talk show?

9 PETER AHN: Maybe talk show host  
10 come in.

11 ELIZABETH LINT: I don't have  
12 background checks. And green cards.

13 ATTORNEY SEAN HOPE: I have green  
14 cards.

15 MICHAEL GARDNER: Anything you'd  
16 like to add before we invite members of the  
17 public to speak?

18 PETER AHN: I just think our  
19 restaurant concept would be a great addition  
20 to the community. I just think it would be  
21 another option for restaurant row for the

1 people to have a choice to come to rather  
2 than going, you know -- they've gone to  
3 Charlie's Kitchen, other bars and restaurants  
4 and so forth, but hopefully we'll be a great  
5 addition to the community and another choice  
6 for them.

7 MICHAEL GARDNER: And what would the  
8 hours of operation be?

9 ATTORNEY SEAN HOPE: So from Sunday  
10 through Wednesday it would be eleven to  
11 eleven, we will have a lunch and dinner menu.  
12 And then Thursday, Friday, Saturday we would  
13 do from eleven to two a.m. And when we  
14 looked at the hours of operation, obviously  
15 we saw what was consistent along restaurant  
16 row, and essentially, you know, it's not the  
17 extra hour or two after midnight, it's really  
18 the concept that when people are trying to  
19 dine at a certain restaurant, people may  
20 decide around 11:30 maybe even 10:30 where  
21 are we going to go that we can actually have

1 food and continue to relax, especially in the  
2 summertime. This is a difficult situation.  
3 It's a competitive market, and so we really  
4 want to be just consistent with whatever is  
5 there now. The majority of the restaurants  
6 have a more expanded entertainment license  
7 than we have. We went for the bare minimum.  
8 So, if people are looking for that type of  
9 entertainment, they may go elsewhere. But if  
10 they're really concentrating on food and  
11 having a beverage after reducing that two  
12 a.m. would really be inconsistent and we  
13 actually feel like we wouldn't be able to  
14 compete from midnight on. And so we're just  
15 looking for that consistency that they thrive  
16 and we want to do the same.

17 DEREK BRADY: Also I'd like to add  
18 my restaurant, which isn't too far, is two  
19 miles from there is a two a.m. as well that I  
20 operate.

21 ELIZABETH LINT: You just answered

1 my questi on.

2 ATTORNEY JAMES RAFFERTY: I t' s a two  
3 a. m. li cense.

4 DEREK BRADY: Yeah, i t' s current a  
5 two a. m.

6 ROBERT HAAS: But you' re proposi ng  
7 to work el even to el even Sunday through  
8 Wednesday, ri ght?

9 DEREK BRADY: Yes.

10 ATTORNEY SEAN HOPE: The current  
11 li cense goes to two o' cl ock.

12 ELIZABETH LINT: Not Sunday through  
13 Wednesday.

14 DEREK BRADY: Sunday through  
15 Wednesday i t' s one o' cl ock.

16 ATTORNEY SEAN HOPE: So, we don' t  
17 want to reduce --

18 ROBERT HAAS: You' re goi ng to go  
19 from one o' cl ock i n the morni ng?

20 DEREK BRADY: We don' t want to li mi t  
21 oursel ves, I et' s put i t that way. We' d li ke

1 the option to be able to go later if business  
2 looks like it would be worth it for us to do.

3 ROBERT HAAS: You have to be open  
4 during those hours, though.

5 ATTORNEY JAMES RAFFERTY: Correct.

6 ROBERT HAAS: You can't experiment.

7 ATTORNEY JAMES RAFFERTY:

8 Mr. Chairman, can I be heard briefly?

9 MICHAEL GARDNER: Only if you  
10 identify yourself for the record.

11 ATTORNEY JAMES RAFFERTY: I would  
12 never be so presumptuous to assume people  
13 might know who I am. I'm James Rafferty.  
14 I'm an attorney with the law firm of Adams  
15 and Rafferty located at 130 Bishop Allen  
16 Drive in Cambridge. I represent the current  
17 licensee, Panja Sasi rat 2008. Mr. Panja  
18 Lymswamis present. This is a two a.m.  
19 license for which he paid value for. And my  
20 comment was to the proposed buyers is that  
21 licenses -- they're one a.m. licenses or two

1 a.m. licenses. My client operated this as a  
2 one a.m. license. There is a business at  
3 that hour in Harvard Square.

4 MICHAEL GARDNER: Operated as a one  
5 a.m. ?

6 ATTORNEY JAMES RAFFERTY: Operated  
7 as a one a.m. during Monday to Wednesday and  
8 then two a.m. on the nights that was  
9 permitted. I really came to speak on behalf  
10 of the licensee to share with the Commission  
11 the effort that's gone on to date to identify  
12 and secure this transaction.

13 As you might expect, there were some  
14 challenges with my client's operation here.  
15 He is a successful operator. He has two  
16 other restaurants in Harvard Square which do  
17 quite well. They're both Thai restaurants.  
18 Here he got a little out of his comfort zone  
19 and attempted to operate a Latin restaurant  
20 and did not succeed. He faced capital  
21 problems, and the business as you know,

1 you'll recall from the prior hearing, has  
2 been closed since March. And he has looked  
3 at a variety of options of what could happen  
4 with the sale or transfer of the license.

5 There is a significant arrearage to the  
6 landlord and this transaction would involve  
7 the assignment of the current lease to the  
8 landlord. So in a transaction of this nature  
9 it was necessary to identify a party that had  
10 the financial credibility with the landlord  
11 to be able to step in to the current  
12 licensee's shoes. There were another of  
13 interested parties, but for the reasons cited  
14 by Attorney Hope, there's limited cooking  
15 facilities. It's a small restaurant, and  
16 there were people that had concepts that were  
17 far more entertainment-based than these  
18 gentlemen. So when we learned of their  
19 interest, and we've spent a good bit of time  
20 with them, and the landlord has -- not that  
21 the landlord is determination is controlling,

1 but the reality is that if this -- if this  
2 transaction, there's two parts to it, if we  
3 can't get the approval here nor the  
4 assignment of the lease, we won't have a  
5 business transaction. So, I can report that  
6 this applicant met a high level of scrutiny  
7 in terms of their financial ability. And I  
8 think the License Commission has seen  
9 examples where an undercapitalized licensee  
10 then has to make shortcuts on staffing and  
11 other issues that can lead to problems. The  
12 landlord, in the transfer here, recognizes  
13 that there is sufficient capital. We will be  
14 executing some Promissory Notes and  
15 everything else largely involving debt, but I  
16 did want to let the Commission know that this  
17 seems to be a very favorable result from a  
18 situation that unfortunately spiraled  
19 downward as a result of a tough business  
20 economy and just an inability to execute at  
21 this location. It is -- everyone who's



1 looked at the site is very enthusiastic about  
2 the level of the operation here, because of  
3 the success frankly of the abutters  
4 Mr. Overgaag's successful restaurant, the Red  
5 House and Charlie's Kitchen, the Om  
6 Restaurant, the women that run Upstairs on  
7 the Square. The Om Restaurant, the Charlie  
8 Doyle's. It's a fabulous location. There is  
9 every reason to believe it can succeed in a  
10 well-managed and well-run operation. So we  
11 are very eager to support this and hope that  
12 the Commission would see these operators as  
13 fit to operate in this location.

14 We had some challenges around the  
15 entertainment and sometimes the entertainment  
16 tail can wag the restaurant dog, and it seems  
17 pretty clear here that the priorities on the  
18 restaurant which will make it a complement to  
19 the other venues on the street as opposed to  
20 a deterrent or a distraction.

21 Thank you.

1                   MICHAEL GARDNER: Thank you. I  
2 think one of the dilemmas I believe are faced  
3 by applicants in terms of the hours of  
4 operation, if you get a license for certain  
5 hours of operation, we expect you to be open  
6 for those hours.

7                   DEREK BRADY: That's correct.

8                   MICHAEL GARDNER: And sometimes you  
9 don't know.

10                  DEREK BRADY: Right.

11                  MICHAEL GARDNER: So, I think we  
12 have had some experience of approving for a  
13 shorter number of hours with the opportunity  
14 to come back to see if the business justified  
15 itself, but --

16                  DEREK BRADY: What I would like to  
17 ask for is for you to allow us to open for  
18 the hours that is existing now. And if in  
19 fact it doesn't prove to be worth it for us  
20 to stay open for those hours, I'd come back  
21 to you and say we would look to open from

1 this hour to this hour instead.

2 MICHAEL GARDNER: Okay. Other  
3 questions?

4 ROBERT HAAS: No other questions.

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

8 PAUL OVERGAAG: Yes, please.

9 MICHAEL GARDNER: If you could yield  
10 your seat, sir. Please state your name for  
11 the record.

12 PAUL OVERGAAG: Good evening,  
13 Commissioner. Paul Overgaag, owner of  
14 Charlie's Kitchen and the Red House  
15 Restaurant on Winthrop Street and then Eliot  
16 Street.

17 I totally support my new neighbors  
18 here. I think they're concept is great. I  
19 had the conversation with the third partner  
20 who is not here, Mr. Monos (phonetic). I had  
21 a chance to explain to him about the concern

1 that we have about the safety on Winthrop  
2 Street, and that we try to run a well-run  
3 restaurant row as you know people are  
4 starting to refer to. And I hope I can stay  
5 in support of this restaurant and that they  
6 are gonna be successful. I do already start  
7 asking a lot of consideration when they do  
8 construction. Restaurant row starts at  
9 eleven o'clock in the morning and it doesn't  
10 go with jackhammers. So, you know, if the  
11 consideration can start at that particular  
12 point, and we can have very successful  
13 summer, and they can build out a very  
14 successful restaurant. I'd be more than  
15 happy to come a swing a hammer if you need  
16 help. Okay?

17 Thank you.

18 PETER AHN: Thank you.

19 DEREK BRADY: Thank you.

20 MICHAEL GARDNER: Any other members  
21 of the public who would like to be heard?

1 DENISE JILLSON: Hello. Denise  
2 Jillson with the Harvard Square Business  
3 Association. And we're here to lend our  
4 support to our two newest members of the  
5 association just this evening. Thank you  
6 very much, gentlemen.

7 And, you know, just really excited that  
8 we have found an entity that will be able to  
9 take hold in this location. It's been a  
10 difficult location for us ever since Cafe  
11 Paradigm left and it's, you know, it's an  
12 awkward space, but I think with the right  
13 concept would really -- could be successful.  
14 So we're hoping that, you know. I think that  
15 we do have some very fine sushi restaurants  
16 in Harvard Square, I will add, but we don't  
17 have one there near Winthrop Street, except  
18 we do have one on the other side, you know,  
19 our friends at Shabu-Ya.

20 PETER AHN: Shabu-Ya.

21 DENISE JILLSON: Yes. And Shilla.

1 PETER AHN: And Shi I I a, yeah.

2 DENISE JILLSON: Yes, I do think  
3 their concept is wonderful and we're looking  
4 forward to working with them.

5 So thank you.

6 MICHAEL GARDNER: Thank you.

7 I thought I heard some reference to  
8 maybe the emphasis on liquor or alcohol might  
9 change given that it's a sushi restaurant,  
10 and perhaps I misunderstood that, but could  
11 you just -- if there were particular kinds of  
12 alcohol you were specializing in or you were  
13 planning on changing.

14 PETER AHN: Well, we were asked to  
15 -- I don't know if you're -- in regards to  
16 sushi and sashimi, Japanese cuisine usually  
17 follows with saki. That usually accompanies  
18 the type of Japanese cuisine that we are  
19 trying to serve. So, in that aspect, yes,  
20 we're trying to bring in some specialty saki  
21 for patrons to be able to enjoy or have a

1 choice of, as well as other Japanese beer  
2 that is not being served at the local taverns  
3 and so forth, restaurants. So we're trying  
4 to bring in some new element to the area and  
5 to specialize in that kind of area in the  
6 Japanese cuisine.

7 MICHAEL GARDNER: Thank you.

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

11 ELIZABETH LINT: Mr. Chair, I do  
12 have a letter from Solomon Chowdhury, who is  
13 the owner of Om also in support of the  
14 application.

15 MICHAEL GARDNER: And how are you  
16 going to handle the extensive renovations and  
17 the interference with your neighbors'  
18 operations?

19 DEREK BRADY: We're going to do that  
20 in a way that doesn't disturb their business.  
21 Whatever, whatever necessary to accommodate

1           I like he said, after eleven o'clock it's  
2           looking like if it's sounding too obstructive  
3           to business, then we'll make arrangements to,  
4           you know, accommodate.

5                     MICHAEL GARDNER:   And your plan for  
6           opening expectations?

7                     DEREK BRADY:   I think we were  
8           looking to try to have the work done for  
9           sometime in August. It's hopeful thinking  
10          anyway.

11                    MICHAEL GARDNER:   And matters of  
12          trash and deliveries?

13                    DEREK BRADY:   There's access in the  
14          basement for trash and deliveries with a  
15          loading dock down there. All the work is  
16          interior. There's limited exterior work. So  
17          if there are people that are doing  
18          renovations, I'm sure that it wouldn't be too  
19          obstructive to anybody that's on restaurant  
20          row there.

21                    ROBERT HAAS:   So before the chief



1 makes his motion. So the outstanding matters  
2 right now are background investigation,  
3 approval of DPW right? And then approval of  
4 City Council for outside seating.

5 ELIZABETH LINT: Correct.

6 MICHAEL GARDNER: How have we  
7 traditionally handled the background  
8 investigations still pending?

9 ELIZABETH LINT: I'm willing to bet  
10 they're upstairs in my office box.

11 DEREK BRADY: We're all license  
12 holders.

13 MICHAEL GARDNER: So we've made  
14 approvals subject to --

15 ELIZABETH LINT: Subject to.  
16 Because the ABCC won't accept it without it  
17 anyway.

18 DEREK BRADY: Right.

19 MICHAEL GARDNER: And you'll get all  
20 of the local Cambridge training you need with  
21 respect to alcohol, 21-Proof?

1 ELIZABETH LINT: 21-Proof.

2 PETER AHN: Yes. As well as the  
3 ServSafe.

4 GERALD REARDON: I'll make the  
5 motion to approve the application with the  
6 same hours, eleven to eleven and then eleven  
7 to two a.m. on the weekends. Subject to  
8 the --

9 DEREK BRADY: Eleven to one.

10 GERALD REARDON: Excuse me, eleven  
11 to one. Subject to the conditions as set  
12 forth for background. And obviously you'll  
13 have a number of permits and city agencies to  
14 go through for the renovation.

15 ROBERT HAAS: Second.

16 MICHAEL GARDNER: And your motion  
17 included the contingencies of getting the  
18 Public Works approval on the sidewalk space.

19 GERALD REARDON: All whatever the  
20 contingent permits and the requirements they  
21 need to fully operate.

1                   MI CHAEL GARDNER: Moti on havi ng been  
2                   made and seconded to approve the appli cation  
3                   subj ect to the condi ti ons as stated, all  
4                   those i n favor si gni fy by sayi ng "Aye. "

5                   ROBERT HAAS: Aye.

6                   GERALD REARDON: Aye.

7                   MI CHAEL GARDNER: Aye. Those  
8                   opposed? None.

9                   So, good luck. I guess this is the  
10                  fi rst step, clearly not the last, but we wish  
11                  you well .

12   \* \* \* \* \*

13                  ELI ZABETH LINT: Di sci pl i nary matter  
14                  conti nued from March 29, 2011 and May 17,  
15                  2011. Panj a Sasi rat 2008, Incorporated doi ng  
16                  busi ness as Conga, Sasi rat Wyckoff, manager,  
17                  hol der of an all alcohol ic beverages as a  
18                  restaurant li cense at 104 Mount Auburn Street  
19                  due to an i nvesti gati on conducted by the  
20                  Li cense Commi ssi on regardi ng the operati ng  
21                  hours of the restaurant and operati ng as a

1           ni ghtclub.

2                   MICHAEL GARDNER:   So what are we to  
3           learn from all of this experience?

4                   ATTORNEY JAMES RAFFERTY:   We  
5           collectively or we the licensee?

6                   MICHAEL GARDNER:   Well, we -- we the  
7           Commission from your experience.

8                   ATTORNEY JAMES RAFFERTY:   Don't open  
9           a Latin restaurant if you don't know anything  
10          about Latin food might be high on the list.  
11          But I think from the a licensing perspective,  
12          I think as I said, Mr. Lymswam has a good  
13          track record.   He works night and day in his  
14          restaurant in this situation.   I honestly  
15          believe he spent a great deal of effort  
16          trying to salvage something.   The initial  
17          concept you might recall, I told you Shabu,  
18          never took off because of limitations around  
19          the cooking associated with that.   It is a  
20          very onerous lease.   I don't mean to go on  
21          and on, but the lessons are multiple.   Which

1 charge a very high rent and there was no  
2 business. And when the licensee finds  
3 himself in that situation, what Mr. Lymswam  
4 did was go out and think by adding a  
5 full-service liquor license and repositioning  
6 the restaurant he could succeed. And in  
7 theory it was a good concept, but the actual  
8 theme that he chose I think was frankly with  
9 all due respect a little bit beyond his  
10 reach. And when things got, and I can  
11 personally attest to being in Harvard Square  
12 on evenings and there was literally no one in  
13 the business. Hard to make the bills. Staff  
14 leaves. You can't pay them. And then  
15 opportunities present themselves, and all of  
16 a sudden people come around and, you know,  
17 we'll promote it as an event and we can use  
18 your place, and when the wolves are at the  
19 door it's very appealing to say, okay. And I  
20 think frankly Mr. Lymswam learned a fair bit  
21 about the need to maintain control. At the

1 end of the day, the conclusion to shut down  
2 the business was a difficult one, but it was  
3 the only one that made sense. It has  
4 resulted in a building arrearage on the rent,  
5 but the only way it seemed to me and  
6 ultimately to the licensee was this simply  
7 needs to be closed down and be put up for  
8 sale. And to that end I think he deserves  
9 some credit for recognizing that it was -- he  
10 was in over his head, and it was time to  
11 bail, and he did that. I think the public  
12 will be well served by this new use at this  
13 location. And we're hopeful that the  
14 economic penalties here frankly, would  
15 promptly far exceed the licensing penalty. A  
16 suspension for a matter of days for a  
17 license, that's been a licensee that's been  
18 out of operation since March, probably feels  
19 a little unusual and unneeded, but I  
20 certainly would defer to the License  
21 Commission's judgment.

1                   MICHAEL GARDNER: I guess one thing  
2                   that gives me a little pause sort of trying  
3                   to think about what the violations were in  
4                   terms of not actually having the food service  
5                   open during some of the operating hours don't  
6                   relate so much to this location as to the  
7                   other restaurants. I wonder have there been  
8                   other complaints about the other restaurants?

9                   ELIZABETH LINT: Not at all.

10                  MICHAEL GARDNER: I guess what we  
11                  would hope is that whatever you have learned  
12                  from this, to make sure that in your other  
13                  operations, which haven't experienced the  
14                  same sort of extraordinary financial  
15                  pressure, that you understand the need to  
16                  operate by the rules and follow the  
17                  provisions as you have apparently done in  
18                  your business so far.

19                  PANJA LYMSWAM: Yes, sorry. What  
20                  happened was me involved with the Thai  
21                  restaurant, and most of my helpers is Thai

1 people. So, the lesson on this concept is a  
2 Spanish concept. So if I bring my people to  
3 help, it's difficult to keep going, you know,  
4 so I have to try it. I have to close my  
5 kitchen. And I didn't know that when I close  
6 my kitchen, it's illegal until the City  
7 called me. So I try to hire the new helper,  
8 but it's very difficult for that kind of food  
9 concept, you know. I sorry that I, you know,  
10 I missed the -- close the business for food.

11 ATTORNEY JAMES RAFFERTY: What  
12 advice did you receive on signing this lease?

13 PANJA LYMSWAM: Well, yeah. I got  
14 two lawyer told me that don't sign the lease,  
15 and me and my sister want to invest in. At  
16 that time the economy is really good, so we  
17 sign the lease. But my lawyer, again, saying  
18 it's not that good. Two lawyer.

19 ATTORNEY JAMES RAFFERTY: Very  
20 onerous lease. And even if everything went  
21 well, this is a case where, with all due



1 respect, the licensee would be working for  
2 the landlord. And you'll see that from time  
3 to time. You just look at -- and when a  
4 licensee starts off in that position playing  
5 catch up --

6 MICHAEL GARDNER: Well, that's not  
7 very encouraging if you're saying this is  
8 going to be an assumption of the lease here.

9 ATTORNEY JAMES RAFFERTY: Well, if  
10 you look at the lease, it's a reduction in  
11 rent, a significant reduction in rent. I  
12 think there's a realization by the landlord  
13 as well, if you're too piggy here, and I  
14 hope the landlord doesn't read this  
15 transcript. If you're too aggressive, then  
16 you find yourself in this situation. He  
17 hasn't gotten any rent in the last six months  
18 so I think he's come to the realization. But  
19 it was at a time when the market -- this was  
20 two and a half years ago, and things were  
21 high, high, high. And just the -- it was.

1 PANJA LYMSWAM: And economy is  
2 really tough to do anything.

3 ATTORNEY JAMES RAFFERTY: And then  
4 things went down.

5 MICHAEL GARDNER: So, other  
6 questions by other Commissioners?

7 ROBERT HAAS: No questions.

8 MICHAEL GARDNER: So I'm wondering  
9 whether the public interest here would be  
10 served by putting this complaint on file with  
11 the understanding that the owner in fact  
12 operates other restaurants. And the  
13 expectation that there's lessons to be  
14 learned here from the experience.

15 ATTORNEY JAMES RAFFERTY: As a  
16 member of the public, I think the public  
17 interest would be well served by such a fact  
18 for what it's worth. His other restaurants  
19 are very focussed on restaurants and food and  
20 cuisine. This had been -- but as was  
21 mentioned, they got away from that and things

1 started to go downhill at that time. So we  
2 appreciate that.

3 GERALD REARDON: I make a motion to  
4 place it on file.

5 ROBERT HAAS: Second.

6 MICHAEL GARDNER: Any members of the  
7 public who would like to be heard on this  
8 before we take a vote?

9 (No Response.)

10 MICHAEL GARDNER: Motion having been  
11 made and seconded to place this disciplinary  
12 matter on file, all those in favor signify by  
13 saying "Aye."

14 ROBERT HAAS: Aye.

15 GERALD REARDON: Aye.

16 MICHAEL GARDNER: Aye. None  
17 opposed.

18 So that's the action we will take. We  
19 wish you well in being able to get out from  
20 under this burden.

21 PANJA LYMSWAM: Thank you, sir.

1                   MICHAEL GARDNER: And focus again on  
2 the things that have made you successful so  
3 far.

4                   PANJA LYMSWAM: Thank you, sir.

5                   ATTORNEY JAMES RAFFERTY: Thank you,  
6 Mr. Chairman, Commissioners.

7                                   \* \* \* \* \*

8                   ELIZABETH LINT: Disciplinary matter  
9 All Garage and Flammables, antique dealers,  
10 hawkers/peddlers, and open air parking  
11 licenses that failed to renew their license.

12                   I see none of them here, but I will put  
13 them on the record. The garage license at 32  
14 Fayette Street, Horse Gallery Antique Shop,  
15 Mendes (phonetic), Uma Tex Mexican Restaurant  
16 (phonetic) which is a hawkers and peddler  
17 license. Prospect Apartments at 264-266  
18 Harvard Street, Clinton apartments at 260-262  
19 Harvard Street. Those are open air parking  
20 licenses. We had them all checked out. They  
21 are operating and they have failed to renew.

1                   MICHAEL GARDNER: So what are other  
2 options?

3                   ROBERT HAAS: So I would make a  
4 motion to put them on notice that they have  
5 30 days in which to renew their application  
6 otherwise their license will be considered  
7 for suspension.

8                   GERALD REARDON: Or revocation.

9                   ROBERT HAAS: Or revocation.

10                  MICHAEL GARDNER: How does 30 days  
11 fit with our calendar? I guess I just wonder  
12 whether or not we coordinate it with a  
13 meeting.

14                  GERALD REARDON: You can give them  
15 the 30 days and then, you know, whoever  
16 doesn't straighten out we deal with them at  
17 the next meeting.

18                  ELIZABETH LINT: Generally what I do  
19 is have Andrea hand deliver these letters  
20 along with the receipt. So generally what  
21 will happen is they'll give her a check,

1 she'll sign a receipt, and --

2 ROBERT HAAS: Sounds like the south.

3 ELIZABETH LINT: I know.

4 GERALD REARDON: Now, is there a  
5 penalty now?

6 ELIZABETH LINT: They've all been  
7 assessed \$50 administrative fees. Which in  
8 many cases is more than the license fee.

9 MICHAEL GARDNER: Well, I was just  
10 pointing out to the maker of the motion that  
11 30 days is June, I guess is July 1st or June  
12 30th which is just a couple days after our  
13 last meeting in June. Given that this -- are  
14 these renewable in January?

15 ELIZABETH LINT: No, in May 1st.  
16 They expire April 30th.

17 MICHAEL GARDNER: I guess I'm  
18 wondering whether or not the interests of  
19 justice which include reasonable speed would  
20 be served by our, I don't know, giving them  
21 three weeks --

1 ELIZABETH LINT: Sure.

2 MICHAEL GARDNER: -- to renew or the  
3 matter would be put on for the hearing of  
4 June 28th.

5 ROBERT HAAS: So I make a motion to  
6 give them 27 days' notice.

7 GERALD REARDON: Second.

8 MICHAEL GARDNER: With 27 days  
9 notice you would not be able to take action  
10 on this on June 28th I take it.

11 ROBERT HAAS: You can put it on  
12 notice.

13 ELIZABETH LINT: Can't we just say  
14 three weeks by the time we get the letter  
15 out?

16 ROBERT HAAS: 21 days.

17 ELIZABETH LINT: Fine.

18 MICHAEL GARDNER: The maker of the  
19 motion having amended his motion to make it  
20 21 days.

21 GERALD REARDON: Second.

1                   MI CHAEL GARDNER: And seconded. All  
2 those in favor signify by saying "Aye."

3                   ROBERT HAAS: Aye.

4                   GERALD REARDON: Aye.

5                   Any member of the public want to make a  
6 comment?

7                   MI CHAEL GARDNER: Aye. None  
8 opposed. Judicial notice there are no  
9 members of the public left.

10                  ELI ZABETH LINT: Okay,  
11 rati fications.

12                  MI CHAEL GARDNER: So the motion was  
13 approved.

14                  ELI ZABETH LINT: Oh, sorry.

15                               \* \* \* \* \*

16                  ELI ZABETH LINT: Medal lion 46 and 70  
17 was a refinance.

18                  Sale of medal lion 04 and then the  
19 fi nance of medal lion 04.

20                  The sale of 113 and the fi nance of 113.  
21 Paperwork is all in order and all the fees



1           were paid.

2                   ROBERT HAAS: I make a motion to  
3           accept.

4                   GERALD REARDON: Second.

5                   Can I ask what the transfer amount was  
6           for 13 on the sale?

7                   ELIZABETH LINT: I want to say 465.

8                   GERALD REARDON: Those haven't come  
9           down, have they?

10                  ELIZABETH LINT: No.

11                  MICHAEL GARDNER: The motion having  
12           been made and seconded to approve the  
13           refinancing and sale and transfers, all those  
14           in favor signify by saying "Aye."

15                  ROBERT HAAS: Aye.

16                  GERALD REARDON: Aye.

17                  MICHAEL GARDNER: Aye. None opposed  
18           so they are approved.

19                  GERALD REARDON: Motion to adjourn.

20                  MICHAEL GARDNER: Motion to adjourn.

21                  ROBERT HAAS: Second.

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MICHAEL GARDNER: All those in favor  
signify by saying "Aye."

ROBERT HAAS: Aye.

GERALD REARDON: Aye.

MICHAEL GARDNER: Aye.

And the meeting adjourned at 9:06.

(Whereupon, the License Commission  
meeting adjourned at 9:06 p.m.)

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C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS  
BRI STOL, 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 14th day of June 2011.

\_\_\_\_\_  
Catherine L. Zelinski  
Notary Public  
Certified Shorthand Reporter  
License No. 147703

My Commission Expires:  
April 23, 2015

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