

## COMMONWEALTH OF MASSACHUSETTS

## CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION GENERAL HEARING

LICENSE COMMISSION BOARD MEMBERS:

Michael P. Gardner, Chairman  
Christopher Burke, Police Superintendent  
Gerard E. Mahoney, Assistant Fire Chief

STAFF: Elizabeth Y. Lint, Executive Director

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

DATE: Tuesday, May 1, 2012

TIME: 6:08 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.

This is the License Commission general hearing Tuesday, May 1, 2012 at 6:03 p.m.

We're in the Michael J. Lombardi Municipal Building, 831 Massachusetts Ave., basement conference room.

Before you are the Commissioners, Michael Gardner, Superintendent Chris Burke and Assistant Chief Gerard Mahoney.

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ELIZABETH LINT: If anyone is here for the application of Tasty Burgers, that's been continued and we do not have the date as of yet.

**APPLICATION: PRESIDENT AND FELLOWS OF HARVARD**

**COLLEGE**

Application: President and Fellows of Harvard College have applied for a garage license at Fernald Drive, map/lot 208-16 for 22 parking spaces and 220 gallons of gasoline in the tanks of autos only.

CHAIRMAN MICHAEL GARDNER: If we could have the representatives come forward, please.

And if you would, state and spell your names for the record, and your affiliations.

And I see Harvard has a number of open area parking licenses on this evening. Will you be speaking to each those?

JENNIFER GRAVEL: Yes.

COMMISSIONER MICHAEL GARDNER: So then what I would propose is that you can talk about them the concept, in general. If there are any specific issues or things to highlight with any

of the particular locations, please do that and then we will consider them all after we've heard your presentation about all of them.

JENNIFER GRAVEL: Sure. Jennifer Gravel, spelled like gravel, G-R-A, V as in Victor, E-L from Harvard University.

JIM SARAFIN: Jim S-A-R-A, F, as in Frank, I-N, also with Harvard University. I'm the associate director of parking and transportation.

JENNIFER GRAVEL: Harvard University is here today for one garage application and seven open air parking applications. This is part of a comprehensive effort that we're doing to update our licenses.

We recently changed centralized management of all of our parking into one operation, and as part of that, we took a hard look at what was in our inventory and how it was

licensed, and realized that a number of changes needed to be made. And one of the major changes was we very recently started charging for a lot of our parking spaces, the open air parking spaces in compliance with the City's transportation -- parking transportation demand management plan.

And for many of these sites this has triggered a requirement for a license. All of the sites that are before the Commission today are preexisting lots and garages. There is no change to the number of spaces, the layout or the operation of these sites.

So, this is really a housekeeping effort. And this is what we're beginning with these first eight. They're all clustered together. This is by the Radcliff Quad, the Observatory and Botanic Garden area. If you come up Garden Street at the Cambridge Common, head west, this is the area

that we're talking about.

We expect to be back before the Commission later as we continue this effort to update these applications -- update these licenses and garages.

The first application, which is for Fernald Drive, this is the Botanic Garden garage. This is an existing 22-space parking garage at 26 Robinson Street, and also, I think, it's Fernald Drive. It was inappropriately licensed and it needed the appropriate garage license. We're here today to get that. It has always been a 22-space parking garage since it was built about 15 years ago. There are otherwise no changes to the site.

COMMISSIONER MICHAEL GARDNER: Is it the case that there's no license or the license has some inactive --

JENNIFER GRAVEL: There was no license

for the site.

The second application is for 59 Garden Street called the Quad Garden lot.

This application is -- this lot is actually part of a lot that's with two other lots. It's currently combined with -- there's Quad Garden, Quad Shepard and Quad Maine are currently under one license for 29 spaces.

This is inconsistent with how we have them in our inventory, which is as three separate lots, and it's our preference to be consistent with how we have it inventoried with the City.

So, this is actually not inappropriately licensed now, but we think it would be better licensed as a separate lot. So, we were proposing to subdivide these three and we would maintain the existing license for the Quad Main lot, and reduce the number of spaces through a letter of the Commission and obtain new licenses



for the Quad Shepard and Quad Garden lots. The Quad Shepard lot is a five-space lot. It has always been a five-space lot.

COMMISSIONER MICHAEL GARDNER: Quad Garden you mean?

JENNIFER GRAVEL: I'm sorry?

CHAIRMAN MICHAEL GARDNER: You said Quad Shepard, but our notations says Quad Garden is five.

JENNIFER GRAVEL: Oh, I'm sorry. Quad Garden. Pardon me, yes, Quad Garden. The Quad Garden has always been five open air spaces.

And the second one that is before the Commission tonight, that's part of that subdivided application, is Quad Shepard. This has always been a ten open air ten-space lot, and the Quad Main lot, which is not before the Commission because there's no amendment required for that that requires a hearing, is a 14-space

lot. And together these -- we'll still have 29 spaces, but they'll just be under three separate licenses.

COMMISSIONER MICHAEL GARDNER: When you say to match your inventory, is this an inventory you maintain for purely internal purposes or an inventory for our Parking -- Traffic Parking and Transportation Department?

JENNIFER GRAVEL: This is submitted every year to the City Traffic Parking and Transportation and we maintain it internally as well. It's submitted to the City every year.

COMMISSIONER MICHAEL GARDNER: Okay.

JENNIFER GRAVEL: The next application is for 126 Walker Street also on the Radcliff Quad called Quad Walker. This is an existing six-space lot. It was not previously licensed because we didn't previously charge a fee for use of these spaces. The university began charging a

fee and it, therefore, triggered a requirement for a license which is why we are in today. There are otherwise no changes to the site.

COMMISSIONER MICHAEL GARDNER: Do nonfee-based spaces not need to be licensed by us?

Do you have this on some sort of monthly permit system or is this hourly or...?

JENNIFER GRAVEL: Do you want to speak to that?

JIM SARAFIN: The majority are annual permit holders, so they get either payroll deducted or pay on a monthly basis. These are not for transient parkers.

JENNIFER GRAVEL: They are all institutional users. They are not open to the public.

The next group of lots are in the Observatory. There are four lots in this area,

three of which will require either new licenses or amended licenses under this effort.

The first is located at 47 Concord Avenue, the Observatory East lot. There's an existing 15 open air spaces here similar to the one I just mentioned, this is Quad Walker. This one we recently began charging a fee for the use of these spaces, and there was previously no fee spaces, and this is solely the trigger for the requirement for a license at this site. There are otherwise no changes in operations, number of spaces or layout here.

Also, 47 Concord Avenue, same address, the Observatory North lot. The purpose of this application is to acquire a license for the existing 16 open air spaces, again, to allow for charging institutional users for these. They were previously no fee spaces, but otherwise no changes to the site.

The last lot up in the Observatory area, also 47 Concord Avenue, Observatory South. This lot is currently in a license with what we call Observatory West, again, because they are inventoried as separate lots in the City inventory and managed as separate lots, internally, Harvard, we are going to subdivide -- we're proposing to subdivide the license so that we would retain the existing license and reduce the existing license for Observatory West and obtain a new license for 27 open air spaces at this location. This would allow it to correspond to the inventory and have a separate licenses for these facilities because otherwise, again, no change to the operation or the number of spaces on the site.

The final application is 38 Concord Avenue, which is at the Bunting Institute. There's currently a license for this lot for

seven spaces. The lot has 22 spaces. Previously there were 15 no fee spaces at this lot.

We have -- again, we'll be charging for all 22 spaces, therefore, we need to amend the license to increase it from seven to 22 spaces to allow for charging institutional users for these spaces. There are otherwise no changes to the number of spaces, layout or operation of the site.

And that concludes this batch of changes and we're certainly happy to answer any questions you may have.

COMMISSIONER MICHAEL GARDNER: Just give us a sense about what the annual fee for parking would be?

JIM SARAFIN: Absolutely. The current fees for someone who is commuting to the area is close to \$1,500 for the year. If it was in a situation, it's just our fees across campus, a

tenant is in the \$2,000 range and so is reserved spaces. We only have a few across campus.

COMMISSIONER MICHAEL GARDNER: Do we get a separate fee for each of these licenses?

ELIZABETH LINT: Yes.

COMMISSIONER MICHAEL GARDNER: So this will add to your -- are they per space or I'm trying to --

ELIZABETH LINT: Per space.

COMMISSIONER MICHAEL GARDNER: So, in some instances, this will increase your cost to us and increase our revenue because you are charging?

JENNIFER GRAVEL: Yes.

JIM SARAFIN: Absolutely.

ELIZABETH LINT: If I may, Mr. Chair, with quite a few of them, it makes very much sense. I'm not sure how they were licensed as one license when they were actually separate

spaces -- separate lots, I should say. So actually for us, it makes much more sense as well.

JIM SARAFIN: As Jennifer said, part of our parking transportation demand management plan is try to discourage people from coming to campus and driving separately single occupancy vehicles, and one of the ways of doing that is by charging a fee for parking so that people will choose alternatives such as public transportation and biking and walking.

CHAIRMAN MICHAEL GARDNER: Were any of these decisions to apply to fees done in concert with Traffic and Parking or is this basically a Harvard initiative?

JENNIFER GRAVEL: It was part of the parking transportation demand management plan for Harvard to make an effort to, say, unbundle the parking from the use so by charging individual



users for the parking rather than -- for instance, for a residential building, you would -- you wouldn't charge them parking and the rent, you would charge them for that separately and it was something that we view as part of that plan to encourage people to shift from vehicle use to other modes of transportation. This is to some extent getting into compliance with those agreements as well.

COMMISSIONER MICHAEL GARDNER: Other questions?

SUPERINTENDENT CHRISTOPHER BURKE: Now you indicated that you would be back to the Commission at another time?

JENNIFER GRAVEL: Yes.

SUPERINTENDENT CHRISTOPHER BURKE: What would that purpose be?

JENNIFER GRAVEL: Pardon me, what would that purpose be?

SUPERINTENDENT CHRISTOPHER BURKE: Yeah.

It this for additional spaces?

JENNIFER GRAVEL: They are all very similar in nature to these applications you saw today. We operate a number of -- quite a few lots and garages across the campus, and it's just a comprehensive effort to bring them all up to date. The vast majority of them are because there's a change in either the management or the fees. There are no sites where we are adding spaces.

COMMISSIONER MICHAEL GARDNER: This is Phase I of you're effort to have our licenses comport with the reality of how you operate?

JIM SARAFIN: That's correct. We have been working with Elizabeth's team and they have been great. Unfortunately Harvard's being a little decentralized. A lot of these applications went out to different schools and

departments, so we are taking them all in, so now we're managing them to make sure that we are getting -- that everybody gets proper notices.

COMMISSIONER MICHAEL GARDNER: Anything about the parking garage and gasoline?

ASSISTANT FIRE CHIEF GERARD MAHONEY: I just had one question on Fernald Drive, is that a -- I'm trying to visualize that building. Is that a row of garages?

JIM SARAFIN: It's the open -- it's kinda like an -- it almost looks like -- it looks like a carport, but it's actually one structure. There's an opening. There's no overhead doors.

ASSISTANT FIRE CHIEF GERARD MAHONEY: It's all on one level?

JIM SARAFIN: It's all on one level.

ASSISTANT FIRE CHIEF GERARD MAHONEY: That's what I thought it was, okay. Thank you.

COMMISSIONER MICHAEL GARDNER: Is it your

advice, Elizabeth, that we do separate votes on each of these pieces?

ELIZABETH LINT: Yes. Sorry.

COMMISSIONER MICHAEL GARDNER: I'll start by making the motion that we approve the garage license -- I have been advised that as always we're suppose to ask or give the opportunity to the public to speak on this, and I apologize for jumping ahead.

Are there any members of the public who would like to be heard on this matter or these matters which are before us, which are all the applications we discussed so far.

Seeing none, I will make the motion that we approve the garage license for 22 parking spaces and 220 gallons gasoline at the Fernald Drive location.

FIRE CHIEF ASSISTANT FIRE CHIEF GERARD

MAHONEY: Seconded.

COMMISSIONER MICHAEL GARDNER: Motion  
having been made and seconded, any discussion?

All those in favor signify by saying aye.

Aye.

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

COMMISSIONER MICHAEL GARDNER: None  
opposed.

I'll also make the motion that we approve  
an open air parking license at 59 Garden Street  
for five parking spaces.

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
Seconded.

CHAIRMAN MICHAEL GARDNER: Discussion?  
All those in favor, signify by saying  
aye.

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
Aye.

CHAIRMAN MICHAEL GARDNER: None opposed.

Application for ten parking spaces in open air parking at 45 Shepard Street, the Quad Shepard, I'll make the motion to approve that.

ASSISTANT FIRE CHIEF GERARD MAHONEY:

Second.

COMMISSIONER MICHAEL GARDNER:

Discussion?

All those in favor, signify by saying aye.

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

COMMISSIONER MICHAEL GARDNER: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY:

Aye.

COMMISSIONER MICHAEL GARDNER: Approved.

Application for an open air parking license for 126 Walker Street for six spaces, I make the motion to approve that license.

SUPERINTENDENT CHRISTOPHER BURKE: Second that motion.

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

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

All supported it. None opposed.

Application for an open air parking  
license for 47 Concord Avenue, Observatory East  
for 15 spaces, I move we approve that  
application.

SUPERINTENDENT CHRISTOPHER BURKE: Second  
that motion.

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

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
Aye.

COMMISSIONER MICHAEL GARDNER: Aye.

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

COMMISSIONER MICHAEL GARDNER: None

opposed.

Application for an open air parking license for 47 Concord Avenue, Observatory North, for 16 spaces, I'll make a motion to approve that license.

ASSISTANT FIRE CHIEF GERARD MAHONEY:

Seconded.

COMMISSIONER MICHAEL GARDNER: All those in favor, signify by saying aye.

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

COMMISSIONER MICHAEL GARDNER: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY:

Aye.

COMMISSIONER MICHAEL GARDNER: None

opposed.

Application for an open air parking license for 47 Concord Avenue, Observatory South, for 27 parking spaces, I'll make a motion to



approve that application.

ASSISTANT FIRE CHIEF GERARD MAHONEY:

Seconded.

CHAIRMAN MICHAEL GARDNER: All those in favor, signify by saying aye.

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY:

Aye.

COMMISSIONER MICHAEL GARDNER: Aye.

None opposed.

And an application for 22 parking spaces at 38 Concord Avenue also open air at the Bunting Institute.

I'll make a motion to approve that application.

SUPERINTENDENT CHRISTOPHER BURKE: Second that motion.

COMMISSIONER MICHAEL GARDNER: All those in favor, signify by saying aye.

Aye.

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY:

Aye.

COMMISSIONER MICHAEL GARDNER: None

opposed.

It looks like Phase I, at least from our end, was started. Good luck. We appreciate your efforts to try to keep the bookkeeping and accounting commensurate with reality.

JENNIFER GRAVEL: Thank you.

JIM SARAFIN: Thank you very much.

COMMISSIONER MICHAEL GARDNER:

**APPLICATION: UNO RESTAURANTS, LLC**

ELIZABETH LINT: Application Uno restaurants, LLC, d/b/a Uno Chicago Grill, Jacquelyn Connelly, Manager, holder of an all alcoholic beverages as a restaurant license at 22 JKF Street has applied for a change of manager

from Jacquelyn Connelly to Thomas Carnevale.

CHAIRMAN MICHAEL GARDNER: Anyone present from the Uno Chicago Grill?

Seeing no one, we'll move on.

**APPLICATION: AMERADA HESS CORPORATION**

ELIZABETH LINT: Application Amerada Hess Corporation, holder of a flammables storage license for 30,000 gallons of Class 1, 100 gallons of Class 2, and 100 gallons of Class 3A and 3B, at 179 Hampshire Street f/k/a 287 Prospect Street, has applied to amend their existing flammables license to add 10,000 gallons of Class 1.

COMMISSIONER MICHAEL GARDNER: Good evening. If you could, please state and spell your name for the record and identify your affiliation.

LUCIEN DISTEFANO: Absolutely. Good evening, Mr. Chairman and members of the

Commission. For the record Lucien DiStefano with Bohler Engineering. Last name is D-I-S-T-E, F as in Frank, A-N-O.

As indicated here on behalf of Amerada Hess Corporation and their desire to increase their underground storage tank license at the facility located at 179 Hampshire Street, currently this is part of company-wide upgrade. I'm sure, Assistant Chief, you are familiar with that all steel single wall steel storage tanks need to be out the ground by August 2017.

Hess has taken a proactive approach and are looking to begin that process sooner rather than later so they're not right up against the deadline.

This location here in the City of Cambridge is one of those were the tanks are required to be removed. So that's the plan right now. It's a simple removal and replacement of

the existing fuel dispensing components. And what that means is nothing more than they are going to remove the three existing 10,000 gallon underground storage tanks, they're going to remove the existing product piping from the tanks to the dispensers, they are going to reconstruct the dispenser islands and ultimately replace the dispensers that are on site today.

CHAIRMAN MICHAEL GARDNER: Dispensers meaning what we think of as gas pumps?

LUCIEN DISTEFANO: Correct. What they typically do and again, Assistant Chief, I'm sure will corroborate, basically it's an industry standard now is 20,000 gallon tanks reduces the amount of time tankers need to be on site, and what it will ultimately do is result in a total of 40,000 gallons and the need for the additional or the increase in the USD license.

These will be state-of-the-art double

wall fiberglass storage tanks, they will have a brine filled interstitial space. They will have all the necessary bells and whistles in terms in terms of overfill protection, spill containment.

You will have all of the appropriate monitoring systems. Basically they are going to meet and/or exceed any Federal state and local requirement.

As part of the project, we'll be required to file additional plans with your office for the installation of the tanks, but the first step in the process is to get the increase in underground storage.

COMMISSIONER MICHAEL GARDNER: Will you be putting in two 20,000 gallon tanks?

LUCIEN DISTEFANO: Correct. There will be two 20,000 gallon tanks. One is comprised solely of regular product or regular gasoline. The second tank is a compartment tank. It will

contain 12,000 gallons of regular gasoline and 8,000 gallons of premium gasoline. And what they do in order to get the different are the three grades of products at the dispensers is they can simply blend the premium grade and the regular grade at the dispenser to get a mid-grade fuel.

COMMISSIONER MICHAEL GARDNER: Do you pump diesel from there?

LUCIEN DISTEFANO: We do not, not at this location.

COMMISSIONER MICHAEL GARDNER: What are the 100 gallons of Class 2 and the 3A and B?

LUCIEN DISTEFANO: I believe that's probably waste oil, fuel oil and some motor oil that they sell.

COMMISSIONER MICHAEL GARDNER: Any questions?

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
Nope.

SUPERINTENDENT CHRISTOPHER BURKE: Do you have an estimate on the number of tanker trips that would be reduced by this --

LUCIEN DISTEFANO: It varies. It all depends on demand. But typically you're going to look at a station like this, you're probably looking at five to six deliveries a week. That may go down to four or five depending on, again, the demand, pricing, competitors in the area, but it varies.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Is that a pretty high volume location is it?

LUCIEN DISTEFANO: Generally, it's decent. It's at a good location. It's small, they don't have a ton of dispensers, so you are limited in what you can pull.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Is it owned by Hess Corporation or is it a franchise?



LUCIEN DISTEFANO: No, it's owned by Hess, owner operated.

COMMISSIONER MICHAEL GARDNER: Do you have a construction schedule?

LUCIEN DISTEFANO: As soon as possible. I know they are starting one, I believe, next week in Coventry, Rhode Island. I think this is slated, if I'm not mistaken, for a June start and we have a couple of other permits in the City we need to obtain.

ASSISTANT FIRE CHIEF GERARD MAHONEY: What do you use, Lamountain?

LUCIEN DISTEFANO: We've used Lamountain, we've used Ty Reed, we've used -- Hess has used a host of other contractors, but, typically, folks I'm sure you are very well familiar with.

COMMISSIONER MICHAEL GARDNER: Will the station be shut down during the relocation?

LUCIEN DISTEFANO: They'll shut down the

station in its entirety. It's going to be probably -- again, depending on what they find, they could find some soil contamination that needs to be addressed. They don't expect to, but that can impact construction schedules. In a perfect world, a job like this, you're probably looking at three to five weeks to get it done from start to finish.

COMMISSIONER MICHAEL GARDNER: Are there inspection by the Public Works Department or that's not really their bailiwick?

LUCIEN DISTEFANO: I'm not sure the Department of Public Works would be involved. The Fire Department would be there.

ASSISTANT FIRE CHIEF GERARD MAHONEY: ISD will conduct inspections for compliance with the Building Code, Fire Department conducts inspections both in the tank removal and the tank installation.

LUCIEN DISTEFANO: And ultimately, DEP comes out to do a final tank install inspection as well.

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
It's very tightly regulated.

LUCIEN DISTEFANO: Absolutely.

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

LUCIEN DISTEFANO: Nope. Happy to answer any more questions.

COMMISSIONER MICHAEL GARDNER: Any more questions?

SUPERINTENDENT CHRISTOPHER BURKE: No questions.

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

ELIZABETH LINT: We just had a concern internally what we currently have on the State

Fire Marshal application the License Commission application and the Fire Department's permit are all -- they all have different amounts.

LUCIEN DISTEFANO: Okay.

ELIZABETH LINT: So if someone could take a look at all of those and make sure that everything matches.

LUCIEN DISTEFANO: It will be -- I can tell you, postconstruction you will have 40,000 gallons of gasoline, and then if you want to continue with the 100, 100 and I think you mentioned 100 for the others.

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
It's currently 100 gallons of Class 2 and 100 of Class 3 and 3A and 3B. That was probably -- I mean, that actually might be left over from when it was originally a Merit station.

LUCIEN DISTEFANO: It very well could be. I mean, the licenses run with the land and

typically folks aren't amending them, but we like to keep --

ASSISTANT FIRE CHIEF GERARD MAHONEY: Do you sell motor oil at --

LUCIEN DISTEFANO: I don't know what they do. Most of them do. This is kind've again a small --

ASSISTANT FIRE CHIEF GERARD MAHONEY: It's just a small island. There's no retail area to go into or anything.

LUCIEN DISTEFANO: They may do it as times as an island marketer unit where certain times of the year they might put motor oil out for sale. In most instances, we like to have a little bit of oil on the licenses for just that reason. We are required by law if they sell it to take it back.

But, again, we're happy to do whatever the City or the Commission feels is the best

option.

ASSISTANT FIRE CHIEF GERARD MAHONEY: My suggestion would just be to find out with respect to the sales division what they -- if they plan to sell oil at that location. Like you say, as a safety, you could put 100 gallons of Class 2, that way six months down the road, they decide to put a couple cases of oil there, it's covered.

LUCIEN DISTEFANO: Typically that's what they would like to do. They want to generally have something for used motor oil on site.

COMMISSIONER MICHAEL GARDNER: I'll make a motion to approve the amendment to the existing flammables license by adding the 10,000 gallons of Class 1 to the existing license with the condition that the company represents to us that they will, in fact, review the other licenses or filings with the State Fire Marshal and other organizations to be sure that in the end, all of

the paperwork is consistent and that it's consistent with, in fact, the facts.

SUPERINTENDENT CHRISTOPHER BURKE: I second that motion.

COMMISSIONER MICHAEL GARDNER: Motion having been made and seconded, any discussion?

ASSISTANT FIRE CHIEF GERARD MAHONEY: I have nothing.

COMMISSIONER MICHAEL GARDNER: Is that satisfactory from your point of view, Ms. Lint?

ELIZABETH LINT: Yes.

COMMISSIONER MICHAEL GARDNER: All those in favor, signify by saying aye.

Aye.

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
Aye.

COMMISSIONER MICHAEL GARDNER: None opposed. So good luck.

LUCIEN DISTEFANO: Thank you very much.

COMMISSIONER MICHAEL GARDNER: Thank you for reducing the number of trips into Cambridge which helps presumably with traffic congestion and maybe even air pollution.

LUCIEN DISTEFANO: It certainly does. Thank you. Have a good evening.

**APPLICATION: VENUS INTERNATIONAL, INC.**

ELIZABETH LINT: Application Venus International, Incorporated doing business as 7-Eleven Habte Ayalew, Manager, holder of a seven-day wine and malt beverages as a package store license at 36/40 JFK Street is applying to transfer said license to Market in the Square, LLC, Peter Whang, Manager, at 45 Brattle Street.

I'm a little confused because Mr. Galluccio represents Market in the Square and I spoke to him at 5:15 and he didn't mention anything about this.



COMMISSIONER MICHAEL GARDNER: All right.  
We'll hold it to the end of the meeting.

ELIZABETH LINT: I do know he's at  
Planning Board and so...

COMMISSIONER MICHAEL GARDNER: Tasty  
Burger has been continued.

ELIZABETH LINT: It's continued.

**APPLICATION: UNUSUAL SUSPECTS, LLC**

Application continued from April 17, 2012  
Unusual Suspects, LLC doing business as Think  
Tank, Vincent Conte, Manager, holder of an all  
alcoholic beverages as a restaurant license at  
One Kendall Square, Building 300, has applied for  
a change of manager from Vincent Conte to Patrick  
Thomas Lynch.

COMMISSIONER MICHAEL GARDNER: Good  
evening. If you could again, please state and  
spell your name for the record and your  
affiliation.

MITCHELL MUROFF: Good evening,  
Mr. Chairman and Commissioners, my name is  
Mitchell Muroff, M-U-R-O-F-F. I'm the manager of  
Unusual Suspects.

And on April 17, I came before you to ask  
for a brief adjournment because of the fact that  
Patrick Lynch's mother-in-law was stabbed the  
very day before, and murdered, and his daughter  
was in the bedroom immediately adjacent to her  
grandmother.

I am here today to ask again for an  
adjournment, except Mr. Lynch is no longer able  
because of this incident and other reasons to  
serve. He's been at the restaurant, but he  
cannot do this. He can't serve as the manager  
due to some emotional issues and other things.

I would like a brief adjournment to  
withdraw that application and submit a new name.

COMMISSIONER MICHAEL GARDNER: So who is

actually doing the managing now?

MITCHELL MUROFF: I am. I am there every day.

COMMISSIONER MICHAEL GARDNER: And the license has Vincent Conte, and how long has Vincent Conte not been doing it?

MITCHELL MUROFF: A couple months.

ELIZABETH LINT: He tells me since September. I spoke with Mr. Conte yesterday.

COMMISSIONER MICHAEL GARDNER: Does that sound right to you?

MITCHELL MUROFF: I think it was October.

COMMISSIONER MICHAEL GARDNER: What is your time frame for having a decision as to whether it be you --

MITCHELL MUROFF: I thought I had a decision and it was a good one, but it didn't turn out to be that way because it was a very unfortunate situation and it was shocking really.

I'd ask for a couple weeks to --

ELIZABETH LINT: This isn't where we would say okay, we'll put it on for this day. You have to start from the beginning and file a whole new application. Once we receive a completed application and we'll put it on in the ordinary course.

COMMISSIONER MICHAEL GARDNER: So we would encourage you to do is to make an appropriate good decision with respect to who the manager of record will be in a timely way and file the paperwork as soon as that decision has been made and we'll try to deal with it at that point. And we express our condolences to Mr. Lynch and his family, and our concerns in terms of how it's affected the business secondarily.

MITCHELL MUROFF: Thank you very much. I'll be in touch soon. I appreciate it.

COMMISSIONER MICHAEL GARDNER: Good luck.

ELIZABETH LINT: Mr. Brush.

THOMAS BRUSH: I didn't realized Tasty Burger thing had been continued. I thought I was interested -- how that -- I have been trying to get a license for quite awhile. It has been about five years and was never able to get one here, and I thought if they got one, maybe that would help me be able to get one, so...

But anyway that's been continued for the next time.

ELIZABETH LINT: Not necessarily the next time. Check with me.

THOMAS BRUSH: Okay, I will. I'll check in with you.

COMMISSIONER MICHAEL GARDNER: I'm not sure if this conversation is part of the record.

Since there's been a colloquy between a member of the audience and Ms. Lint, why don't we

at least get for the record the name of the member of the public and maybe you heard it, but I didn't.

THOMAS BRUSH: My name is Thomas Brush,  
B-R-U-S-H.

COMMISSIONER MICHAEL GARDNER: Mr. Brush, thank you very much. We always appreciate members of the public coming in to observe our proceedings. Sorry for the inconvenience to you this evening.

THOMAS BRUSH: No problem. Do they do updates on the meeting if something is continued or sometimes it doesn't happen until the last minute.

ELIZABETH LINT: It happens at 5:15.

THOMAS BRUSH: Okay. Thank you.

ELIZABETH LINT: That's usually how it goes.

CHAIRMAN MICHAEL GARDNER: And we don't

have a date certain?

ELIZABETH LINT: No.

COMMISSIONER MICHAEL GARDNER: Thank you.

THOMAS BRUSH: Thank you.

ELIZABETH LINT: I was just looking for a phone number for Mr. Galluccio, but it's upstairs.

COMMISSIONER MICHAEL GARDNER: Well, we having achieved the late hour of 6:43, and there being no further business on the agenda, no members representing the license applicants for the other issues which were on the agenda and not heard, I believe a motion to adjourn would be in order.

ASSISTANT FIRE CHIEF GERARD MAHONEY: So moved.

SUPERINTENDENT CHRISTOPHER BURKE: Second that motion.

COMMISSIONER MICHAEL GARDNER: Motion to

adjourn having been made and seconded, I'm reminded it's nondebatable.

All those in favor signify by saying aye.

Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY:

Aye.

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

COMMISSIONER MICHAEL GARDNER: None opposed. We'll close at approximately 6:43.

(Whereupon, at 6:43, the meeting was adjourned.)



ERRATA SHEET

INSTRUCTIONS: After reading the transcript of this hearing, note any change or correction to and the reason therefor on this sheet. DO NOT make any marks or notations on the transcript volume itself. Sign and date this errata sheet (before a Notary Public, if required).

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I have read the foregoing transcript of the hearing, and except for any corrections or changes noted above, I hereby subscribe the transcript as an accurate record by me.

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CERTIFICATE

Commonwealth of Massachusetts

Norfolk, ss.

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

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

IN WITNESS WHEREOF, I have hereunto set  
my hand this 2nd day of May 2010.

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Jill Kourafas  
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My Commission expires:  
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