



City of Cambridge

COMMUNICATION # 7
IN CITY COUNCIL

June 8, 1981

- WHEREAS: On May 18, 1981 the City Council accepted the provisions of Section 17A of Chapter 377 of the Acts of 1978 of the Commonwealth of Massachusetts which provided the granting of additional liquor licenses in the City of Cambridge; and
- WHEREAS: This acceptance on May 18, 1981 was subject to the condition that only one additional license be granted and that any further requests for licenses under this statute be referred to the City Council for their consideration; and
- WHEREAS: The City Council at its meeting of June 8, 1981 amended an order introduced by Councillor Wylie which provides for the issuance of only one additional liquor license by substituting the word "five" for the word "one" on motion of Councillor Graham; therefore be it
- ORDERED: That the City Manager be and hereby is requested to direct the License Commissioner of the City of Cambridge of the action taken by the City Council in this regard on June 8, 1981.

In City Council June 8, 1981.
Adopted by the affirmative vote of 9 members.
Attest:- Paul E. Healy, City Clerk.

A true copy;

ATTEST:-

City of Cambridge

MASSACHUSETTS

In City Council

June 8,

1987

C. Brennan

Amendment
Enacted

Shicence

	YEA	NAY	ABSENT	PRESENT
Mr. Kevin P. Crane	✓			
Mr. Thomas W. Danehy				✓
Ms. Sandra Graham	✓			
Mr. Leonard J. Russell			✓	
Mr. David E. Sullivan	✓			
Mr. Walter J. Sullivan	✓			
Mr. Alfred Vellucci		✓		
Mr. David A. Wylie		✓		
Mayor Francis H. Duehay	✓			
	5	2	1	1

Re: Order by City Council to approve only individual license requests, one by one, amended by C. Brennan to approve issuance of all 5 licenses authorized by statute



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The Backyard
AT PICCADILLY SQUARE

May 20, 1981

Paul Healy
City Clerk
Cambridge, Ma. 02138

Dear Mr. Healy:

In October of 1980 I was interested in purchasing a restaurant in Cambridge, Ma., however the restaurant that I wanted to purchase, Salad Days at 36 Dunster Street had no beer and wine licenses. I therefore called up the Licensing Board and spoke to Mrs. Mary Calnan and asked her what the required steps would be to get a license. She informed me that I would have to purchase the restaurant, bring it up to code and city regulations and then apply to the Licensing Board. I purchased the restaurant on December 1, 1980. I then spent three months doing extensive rehabilitation and remodeling. We then reapplied for all of our licenses and permits and received them hands down. We then made application to the Licensing Board for a beer and wine license, we went through all of the steps involved in obtaining a license and had our hearing on March 31, 1981. On the afternoon of the hearing the Licensing Board came down to inspect our restaurant and verbally told us that we had done a very fine job in our renovations and that we could expect to hear from them on our license application within a matter of a few weeks. We received a letter dated April 16, 1981 informing us that in fact the city of Cambridge had no beer or wine licenses to issue, which technically was a surprise to the Licensing Board also. The technicality that I refer to was the fact that in 1978 the state legislature passed a law which allowed cities and towns to add additional licenses, however local governing bodies would have to then vote this themselves. Apparently the city of Cambridge was not aware that they would have to make this vote and therefore thought they had the additional licenses all the time. After receiving this letter and doing much research I contacted Mrs. Calnan and she informed me that the Licensing Board would not be able to act upon the license application until the City Council had voted whether or not to permit the additional five licenses. I then asked Mrs. Calnan whether or not we would have to initiate the application process all over again since we had already done all of the necessary requirements and we were under an economic hardship in operating a restaurant of our calibre without a beer and wine license as it was and further delay would incur further costs. She explained to me that the license had to be acted upon

within thirty days of application and that this was an A.B.C. requirement and not the Licensing Board requirement. I then called Mr. Bill McCarthy at the A.B.C. and explained the situation to him, he said that under the extenuating circumstances once the City Council had passed the amendment that if Mrs. Calnan would write a cover letter to him explaining the situation to him as I explained it, that the A.B.C. would review it and he himself didn't see any reason why we could not waive the re-application process in this instance. We then informed Mrs. Calnan of Mr. McCarthy's position and she said that the Cambridge Licensing Board would have to vote on it themselves also, however they would have to wait until the City Council took their vote. As you are aware the issue first came up for vote on Monday, May 11 and then was postponed a week later for charter vote. Needless to say I was stunned and surprised at the further amendment which permitted only one license, therefore, I am at this time requesting the City Council to authorize issuance of another beer and wine license for my restaurant, The Backyard, Crisp Corporation at 36 Dunster Street.

I would invite you and the City Council to review the tape of our hearing at the Licensing Board and to check upon the qualifications that we have as restaurant operators, you will find them impeccable. I would also respectfully request that this action be taken as soon as possible for the drawn out process has cost us very dearly.

Thank you,



Owen Larkin, President
The Backyard, Crisp Corporation

OL/ep

cc: Mary E. Calnan, Chairperson
Licensing Board

7. F-227

Comm. from Owen Larkin, Pres., The Backyard, Crisp Corp. requesting that the City Council approve his application for a beer and wine license at 36 Dunster St.

In City Council,

June 1, 1981

6/8/81

See Order Adopted
Approving Five Licenses
Under the legislation
Order by E. White
Amended by C. Frasier