COMMONWEALTH OF MASSACHUSETTS

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION GENERAL HEARING

LICENSE COMMISSION BOARD MEMBERS:

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

STAFF: Elizabeth Y. Lint, Executive Director

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

DATE: Tuesday, February 12, 2013

TIME: 6:30 p.m.

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P R O C E E D I N G S

EXECUTIVE DIRECTOR ELIZABETH LINT: Sorry for the delay. We are going to get started.

The License Commission general hearing Tuesday, February 12, 2013. It is 6:30 p.m. We're in the Michael J. Lombardi Municipal Building, 831 Massachusetts Ave, basement conference room.

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

Is there anyone here for the Libby's disciplinary hearing that's been continued until February 26. And the application for Prospect Liquor System has been withdrawn.

Application F&D Restaurant Corp -- we'll skip over you.

APPLICATION: CAMBRIDGE CUISINE, LLC D/B/A PURITAN & COMPANY

EXECUTIVE DIRECTOR ELIZABETH LINT: Application: Cambridge Cuisine, LLC doing business as Puritan & Company, William Gilson, Manager, holder of a wine and malt beverages as a restaurant license has applied for a new stockholder to add Anmol Mehra as a shareholder.

ATTY SEAN HOPE: So we have a -- you are doing the stockholder application?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

CHAIRMAN MICHAEL GARDNER: We would just ask you to please state and spell your last name for the record and identify yourself.

SEAN HOPE: Good evening, Mr. Chairman, and members of the Commission. For the record, Attorney Sean Hope, Hope Legal Law Office in Cambridge. S-E-A-N, H-O-P-E.

MIMG TAI HUH: Mimg Tai Huh, M-I-M-G

T-A-I H-U-H, managing member.

ATTY SEAN HOPE: Good evening. This is an application to add a shareholder to the existing LLC. This was an application for a new restaurant at 1166 Cambridge Street. This application was granted a CV and beer and wine.

We would like to report to the Commission that since opening, the business has done well, and has had a lot of press and is growing as a neighborhood entity. And so, with that success, they have an additional shareholder they would like to add as a way to continue to generate revenue and income.

I'm not sure there's anything else to add.

MIMG TAI HUH: Nothing else to add.

CHAIRMAN MICHAEL GARDNER: How long have you been open?

MIMG TAI HUH: Two months, end of

November. Yeah.

CHAIRMAN MICHAEL GARDNER: No disciplinary issues?

ELIZABETH LINT: Just hearing great reviews.

CHAIRMAN MICHAEL GARDNER: All the paperwork is in order?

ELIZABETH LINT: Everything.

CHAIRMAN MICHAEL GARDNER: Anything else you care to add?

ATTORNEY SEAN HOPE: No.

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

Seeing none, I'll make the motion that we approve the application to add a new shareholder as Anmol Mehra to Cambridge Cuisine.

FIRE CHIEF GERALD REARDON: Second.

CHAIRMAN MICHAEL GARDNER: Motion having

been made and seconded, all those in favor, signify by saying "aye."

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Aye.

CHAIRMAN MICHAEL GARDNER: Aye. So motion carries.

Glad you started off well and best of luck to you.

MIMG TAI HUH: Thank you very much.

APPLICATION: MOKSA, LLC D/B/A MOKSA TAPPAS LOUNGE NAGA

EXECUTIVE DIRECTOR ELIZABETH LINT: Application: Moksa, LLC doing business as Moksa Tappas Lounge & Naga, Taslim Chowdhury, Manager, holder of an all alcoholic beverages as a restaurant license at 450 Massachusetts Avenue has applied for a change of manager to Renato Rodriguez.

CHAIRMAN MICHAEL GARDNER: Good evening. Mr. Hope, just tell us who you are again.

ATTY SEAN HOPE: Good evening, Commissioner and members of the Commission. Attorney Sean Hope, Hope Legal Law Office in Cambridge.

I'm here tonight with the proposed manager Renato Rodriguez for Moksa, LLC.

CHAIRMAN MICHAEL GARDNER: We'd just ask you to spell your last name.

RENATO RODRIGUEZ: R-O-D-R-I-G-U-E-Z.

CHAIRMAN MICHAEL GARDNER: Tell us about the plan and Mr. Rodriguez's experience.

ATTY SEAN HOPE: I believe there should be a resume in the file. Mr. Rodriguez has been with Moksa since it's opening. He started off as part of their head of security and is currently the director of operations.

And Mr. Rodriguez can tell you more

detail, but since he's been there, his management skills, his leadership and part of -- there's been kind of an evolving of the restaurant business.

In the evening time security and management has become a more central role in the operation. As can be seen in the resume, Mr. Rodriguez actually handles the staff scheduling, he coordinates with a different security team. He has done some interviewing and hiring. I actually have a copy of his application here.

Prior to this, Mr. Rodriguez has also worked as a manager for CCTV since 2005 to 2009, so almost six years.

RENATO RODRIGUEZ: 2012.

ATTY SEAN HOPE: 2005 to 2012. He can tell you a little bit more about his experience, but he was a program manager there. He oversaw

some of the interns and supervised the staff, was responsible for scheduling as well, and he knows and we've talked about the fact that he doesn't have experience managing an alcohol license. So this will be his first experience doing that.

He does have 21 Proof training and he recognizes that, and I asked him to think about and talk about some experiences at Naga that he has implemented and some of strategies managing crowd control. The restaurant managing is more about scheduling, but with Naga as an entertainment venue in the evening time, there's more challenges with crowd control and other management issues that I thought would be important for the Commission to hear.

I don't know if there's any questions, but we did discuss that as part of the application process.

CHAIRMAN MICHAEL GARDNER: Mr. Rodriguez,

why don't you talk about, and as Mr. Hope described, the evolution of the restaurant and Naga and the kinds of challenges that you have faced successfully and the kinds of issues that continue to be of concern to you.

RENATO RODRIGUEZ: All right. Well, I started, I was hired as security when the restaurant opened on March 2012. So over the months we have been getting busier and busier, especially the nightclub in the back. So, definitely managing the crowd, making sure it is safe, and everybody is sort've meeting our standards overage and whatnot.

So it's been an experience for me, just dealing with the staff, the patrons, making sure that everybody is on point and the place is safe for patrons and for the staff.

CHAIRMAN MICHAEL GARDNER: How much staff typically would be on duty on a given evening,

and what's the sort've typical crowd level mid-week and weekend?

RENATO RODRIGUEZ: Mid-week, the back is usually closed, so the front is just a restaurant and we have two bartenders on and two servers, and a manager as well as the kitchen staff. We usually have between 15 and 20 employees.

The weekend is when the nightclub is open. So we have the front restaurant open and the back and we usually have about eight to ten security members. We have four bartenders, two managers on duty as well the kitchen staff. On the weekend we have between 25 to 30 employees.

CHAIRMAN MICHAEL GARDNER: And who keeps counts and how are counts kept? And who checks IDs? And what are your failsafes on ID checks?

RENATO RODRIGUEZ: So we have three security members at the front door with the counter to keep the count as people come in. Our

head -- our lead doorman is 21 Proof certified. He checks all the IDs personally. All IDs are checked as they're coming in. We also keep a counter in the back for patrons going into Naga in the back.

CHAIRMAN MICHAEL GARDNER: What have been some of the most significant challenges that occurred since you've been there?

RENATO RODRIGUEZ: Crowd control, I would say, you know, a lot of people, especially lately, like in the last couple months, more and more people have been coming and being able to manage people coming in and making sure everybody is meeting whatever requirements we set. We've had some issues in the past, so we've, you know, implemented a dress code. We got stricter on dress code, stricter on who we let in and who we not let in for whatever reason.

So between the challenges is the more

people find out about us, more people come and being able to keep either the troublemakers or people that cause issues out and making sure, you know, everybody in the venue is safe and secure.

CHAIRMAN MICHAEL GARDNER: What is your total capacity limit and also your capacity for Naga?

RENATO RODRIGUEZ: About 350 in the back and 180 in the front. 480 total in the whole building.

CHAIRMAN MICHAEL GARDNER: And what do you typically approach in terms of size or size of crowd?

RENATO RODRIGUEZ: It depends. Usually on Friday and Saturday nights are busier nights, so we get to 350 to 400.

During the week, it depends on what is really going on. No more than 150, 200.

CHAIRMAN MICHAEL GARDNER: Who is the

current manager of record now?

RENATO RODRIGUEZ: His name is Taslim Chowdhury.

CHAIRMAN MICHAEL GARDNER: Mr. Chowdhury is the current manager of record?

RENATO RODRIGUEZ: Yes. Taz not Solomon.

CHAIRMAN MICHAEL GARDNER: Is he going to have a continuing role or not?

ATTY SEAN HOPE: Internally, I don't know, but he's not gonna want to remove him from being a manager, but as a family establishment, I'm sure he'll have some role or capacity in that, but that hasn't been defined.

CHAIRMAN MICHAEL GARDNER: Any particular issues with the operation of the restaurant nightclub so far?

EXECUTIVE DIRECTOR ELIZABETH LINT: There had been one night in particular there was significant amount of police activity due to

crowding outside.

As a result of that, myself, Superintendent Williams and Ms. Boyer met with Renato, as well as Mr. Chowdhury, and basically worked through a plan much like we did with the Middle East where they're going to be reporting in to Ms. Boyer on a weekly basis what events are going to be going on, and letting us know so that we can inform the Police Department, and then based on what the shows are, the Police Department is usually very familiar with what's going on and they know what to expect, so that there are no surprises.

It's been working out very well at the Middle East, we know that and perhaps you could...

SUPERINTENDENT CHRISTOPHER BURKE: Well, it appears that there was one incident which we determined that the club management was fairly

helpful in reporting the incident and then follow-up. So that certainly is helpful.

But I was wondering if you could clarify what the requirements are that you have, what standards you have or factors are present when it comes determining if you're gonna let someone enter or not.

RENATO RODRIGUEZ: Well, dress code on the weekends is tight. Obviously, someone if someone's intoxicated, we don't let them in, or if someone seems to be causing trouble in the line or if we think a gentleman has caused trouble in the past, deny them entry.

SUPERINTENDENT CHRISTOPHER BURKE: Typically on an average night, how often do you refuse someone entering?

RENATO RODRIGUEZ: Last couple times have been mostly because of dress code, so it could be anywhere between five, ten, 15 people.

CHAIRMAN MICHAEL GARDNER: Other questions?

ASSISTANT FIRE CHIEF GERARD MAHONEY: Can you expand a little bit on the dress code, what it is? I mean...

RENATO RODRIGUEZ: Well, yeah. On Fridays and Saturdays we have gotten strict, so no athletic wears, no hoodies, no hats, you know, try to be that it is Central Square, we try not to be as strict, but we generally -- you know, no sneakers. As long as they're dressed well.

ASSISTANT FIRE CHIEF GERARD MAHONEY: No college shirts and things like that?

RENATO RODRIGUEZ: It depends on the night. Saturday nights for sure we have button-down shirts, slacks, shoes. And we've gotten stricter and stricter, and that seems to help us manage the crowd a little bit.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Is

there a similar -- obviously, similar but yet different for females?

RENATO RODRIGUEZ: Females are usually not a problem. If they come in in athletic wear or workout clothes, we deny them entry as well.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Okay.

EXECUTIVE DIRECTOR ELIZABETH LINT: If I may, the management explained to us the security measures they're using at the door in terms of ID checking, and I thought it might be helpful if you heard the lengths that they have gone to, to install certain devices. Maybe you want to tell them.

RENATO RODRIGUEZ: It is a company that we have been working with and what it is is just a camera and automatic counter. It is a digital counter. It counts everybody coming in through the front door and to the back space, and it

separates males and females, as well the age group. So every Sunday we get a report for the week about how many people are coming in, male to female ratio and age group. The name of the company is VinTap. It has a facial recognition system. It keeps an accurate count of how many people are coming in and out of the doors, as well the manual counters that security guards are using too.

CHAIRMAN MICHAEL GARDNER: Any additional technology for verifying IDs?

RENATO RODRIGUEZ: No.

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

EXECUTIVE DIRECTOR ELIZABETH LINT: Background check is in order.

RENATO RODRIGUEZ: Mr. Taslim Chowdhury is here.

CHAIRMAN MICHAEL GARDNER: Anything you want to him add, Mr. Hope?

ATTY SEAN HOPE: No.

CHAIRMAN MICHAEL GARDNER: It sounds like, given the size of the operation and sort've the complexity of the business, it's a potentially challenging location. I'm not sure what you see as your responsibilities for crowd control on the street. Maybe just add your thoughts about when you're very popular and you got long lines, what's the -- what do you see as your role or responsibility with respect to the management of that?

RENATO RODRIGUEZ: As a manager, I expect my security team our employees to follow the policies that we set in place. We set up ropes as close to our entrance as possible, and as people are coming into the venue, have them line orderly. We always try to have one detail

officer on duty. When we're expecting a busier night, we try to have two, and that definitely helps people -- the presence of the police there helps people get in line.

So, you know, when people are coming in, I'm checking with my front door staff making sure everybody is signing up and everybody meets the standards that we set forth and making sure they're doing their job.

CHAIRMAN MICHAEL GARDNER: So I will make the motion to approve the application for a change in manager to Renato Rodriguez.

But given your lack of experience in the job, I would also add to my motion that we have an administrative review at six months.

And by that, Ms. Lint, I would just like a report back from the staff with respect to any issues as opposed to necessarily bringing you back in to make sure that whatever problems may

arise are being dealt with appropriately. That's my motion.

SUPERINTENDENT CHRISTOPHER BURKE: I would second that motion.

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

ASSISTANT FIRE CHIEF GERARD MAHONEY: Aye.

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

None opposed.

Good luck in your assignment. We wish you well.

APPLICATION: F&D RESTAURANT CORP. D/B/A CAMPUS/MANRY

EXECUTIVE DIRECTOR ELIZABETH LINT: Application: F&D Restaurant Corp doing business as Campus/Manry, Donald Holland, Manager, holder of an all alcoholic beverages as a restaurant

license (currently inactive) and entertainment license at 21 Brookline Street has applied for a change of location from 21 Brookline Street to 541-565 Massachusetts Avenue and an alteration of premise description.

CHAIRMAN MICHAEL GARDNER: Would you be so kind as to state and spell your names for the record?

ATTY JAMES RAFFERTY: Good evening, Mr. Chairman and members of the Commission. For the record, my name is James Rafferty, R-A-F-F-E-R-T-Y. I'm an attorney with offices at 130 Bishop Allen Drive in Cambridge.

I'm appearing this evening on behalf of F&D Restaurant Corporation. Seated to my right is Mr. Donald Holland, H-O-L-L-A-N-D. Mr. Holland is the principal officer and director and actual manager on this license.

CHAIRMAN MICHAEL GARDNER: So, we were

here from a few weeks ago to -- and at that point, as I recall it, it dealt only with the extension of the inactive license?

JAMES RAFFERTY: That's correct. And in the context of that hearing, you will recall, Mr. Chairman, we represented that we had recently completed a business transaction with the operator or the owner of the building on Mass Avenue in Central Square, 541-565 Massachusetts Ave. And that's currently -- was formerly the retail operation of Blockbuster Video located on the corner of Mass Ave and Essex Street, and it has been vacant now for, perhaps, I would estimate perhaps as much as a year. And Mr. Holland has successfully concluded negotiations with the landlord and is before the Commission tonight seeking approval to transfer his license and change of location from his 21 Brookline Street location to this location.

Mr. Holland has been a licensee in Cambridge since 1967, beginning with his ownership and operation of the Hi-Fi Pizza. In 1978 he bought the then Simone's Restaurant at 21 Brookline Street where he operated it for five years. And he transformed Simone's into Manray, a nightclub, that opened in 1983 and operated continuously until 2006.

As I said, he is one of the more senior members of licensing community. He has had a variety of venues and he has been anxious and eager to find a location to reopen Manray. So he's very excited about it.

The prior Manray location did not serve food, it was one of the grandfathered nightclubs. As you can detect from the floor plan discern from that plan there's a kitchen and a menu. There will be food served here, but there also will be an active entertainment, and dancing by

patrons was always a prominent element of Manray and it is -- it continues to be so in the new establishment.

CHAIRMAN MICHAEL GARDNER: So my memory is that when you were here before, and we had a very detailed presentation by you and Mr. Holland, at least Superintendent Burke wasn't here and I don't think you were here either.

ASSISTANT FIRE CHIEF GERARD MAHONEY: No, I was not.

CHAIRMAN MICHAEL GARDNER: So at the risk of belaboring things, I just wonder if we could hear a little more from either you or Mr. Holland with respect to the plan and the role or for instance that food will play, security crowd control and other procedures that you have contemplate.

And I'm a little confused by the 541-565 designation. Is this more than the old

Blockbuster space because I sort've thought 541 ran all the way up to the other corner and there's at least one occupied --

JAMES RAFFERTY: You're right. I think we looked at the Assessors records and worked off the Assessors plot. It is the footprint of the Blockbuster space. It doesn't go beyond that.

I'm trying to see --

CHAIRMAN MICHAEL GARDNER: So near to it is a secondhand goods store?

JAMES RAFFERTY: Yes.

CHAIRMAN MICHAEL GARDNER: That's not affected by any of this?

JAMES RAFFERTY: No. None of the existing -- there is one of the more prominent -- there are a variety -- there's a mix of retail uses on the block, the Harvard Co-Op had been there for years, it's now being renovated to accommodate an H-Mart, a different -- another

supermarket. There's a the health club in the lower level, and there's, I believe Boomerang it's called.

So all of those uses and storefronts remain intact. This is a space that had housed the Blockbuster. It's the corner block. It's a corner location. It runs the length of the building to the parking lot in the back.

We actually didn't go into those details because I think the chair correctly noted that last time's hearing was not about the new license as Mr. Holland is, in fact, eager to tell you about his menu and things of that type, and I think the chair correctly noted that we were here last time on the question of the status of allowing the inactive license to extend.

So. We're grateful for the opportunity to be back with a license that remains intact.

Mr. Holland, as I said, has had

considerable experience operating establishments in Cambridge. Not just in Cambridge, but in Central Square. This will be probably within a hundred, a few hundred feet of his prior location, and as we noted at the other hearing, it was very -- it was seen as essential by Mr. Holland that his business would do best in Central Square.

In some circles it was considered a bit of an institution, a significant contributor to the entertainment and nightlife in Central Square. And he has looked around with a number of other locations and has fallen short as being selected as the operator in some of these locations.

In this location, he will operate it as a restaurant. We were talking just now about his intentions for lunch at the moment. He doesn't intend to be open for lunch and open for dinner.

But it will also carry with it the entertainment license that's currently there which allows for dancing by patrons and for music.

The application does call for live entertainment, but I think your experience has been it's rare that it is live entertainment. It is ordinarily recorded music. Is that fair to say?

DONALD HOLLAND: Yes. Deejay.

CHAIRMAN MICHAEL GARDNER: What is the capacity of the space and what's the number on the license?

JAMES RAFFERTY: The number on the license still carries the 21 Brookline Street capacity which I'm going to guess was five and a quarter.

DONALD HOLLAND: 580.

ATTY JAMES RAFFERTY: This location is

considerably smaller. And in the proposed floor plan and application we're looking at a seating capacity of 79 and a standing capacity of 250.

CHAIRMAN MICHAEL GARDNER: You have to forgive me. Do we add those numbers together to get the total?

ATTY JAMES RAFFERTY: Do we?

EXECUTIVE DIRECTOR ELIZABETH LINT: We do.

CHAIRMAN MICHAEL GARDNER: Sitting and standing?

EXECUTIVE DIRECTOR ELIZABETH LINT: We do.

ATTY JAMES RAFFERTY: Yeah. So the overall occupancy number, I believe would be treated, but the application calls for seating and standing, so it is 250 standing and then an additional 80, 79 seats.

CHAIRMAN MICHAEL GARDNER: Then does the

license drop back from 580 to 430?

ATTY JAMES RAFFERTY: Yeah. I think the application is for a change of location, change of premise's description. I think the premise's description now would only support going forward. The license would have this new capacity.

CHAIRMAN MICHAEL GARDNER: Do we have that in the records, Ms. Lint, or is that a part of the application of the reduction down to the 429?

EXECUTIVE DIRECTOR ELIZABETH LINT: It would be just what the capacity was that was approved by Zoning.

ATTY JAMES RAFFERTY: It's depicted in the floor plan. The zoning issue -- I mean, capacity issue probably, as you're aware, is a function the building code and then there's zoning implications. The zoning implications resolve around parking.

In this case, this is a building which was in existence prior to 1941 and those buildings are not required to have parking in Central Square, so that's why you see most of the licensees in Central Square do not have off-street parking. It does abut the municipal parking lot and has a rapid transit stop out the front door, but there's no off-site parking provided.

CHAIRMAN MICHAEL GARDNER: Any history of any significant disciplinary issues in the prior operation?

EXECUTIVE DIRECTOR ELIZABETH LINT: Well, they have been inactive since 2005, and then prior to that, I did not review the old file. I wasn't here.

ATTY JAMES RAFFERTY: I could offer the Commission, to be candid, I've represented Mr. Holland for many years, and he, I would say,

was always identified as a responsible operator by some of your predecessors in Scalli and others that were there, police officers that have sat here.

There was admittedly, though, way back in the 1980s when this location and there was one across the street -- I'm trying to recall the name of the place --

DONALD HOLLAND: Mexican restaurant.

ATTY JAMES RAFFERTY: Yeah. There were some issues in the 1980s before I was allowed to go out that late at night, but I would say since the mid-'90s, I would venture to say if you reviewed the records, there wasn't a single discipline.

He worked very closely with the police in Central Square. His staff were always out on the street at closing time.

As you know, between the Middle East,

this establishment, T.T. the Bear's, there was a lot of activity on Saturday night, and I think Mr. Holland always prided himself on the fact that he ran a popular location, attracted lots of patrons, and had sine close residential abutters that he always had to be mindful of, but really had people stationed on the corners of the street, so as patrons were leaving, it was apropos, the question you asked one of the early applicants, influencing the conduct of the patrons not merely as they stepped out of the premises, but filtered into the neighborhood, the parking garage that abutted, as well as some of the residential neighborhoods. And I think probably in the last ten years of his operation, I would be surprised if there's been any complaints. I can't recall any.

CHAIRMAN MICHAEL GARDNER: Thank you.

Questions?

ASSISTANT FIRE CHIEF GERARD MAHONEY: The new location, is that building current sprinkler?

ATTY JAMES RAFFERTY: I don't believe it is. I think we have that on our list with the landlord as part of the build-out. We know it will have to be. And the handicap accessibility, access and egress and the plumbing code.

ASSISTANT FIRE CHIEF GERARD MAHONEY: I was curious if I was all sprinkler.

ATTY JAMES RAFFERTY: My conjecture is that it's not, but I don't know that.

SUPERINTENDENT CHRISTOPHER BURKE: I take it from the plan that the kitchen area is on the Mass Ave side, and you'd be where the restrooms -- you will knock out that wall?

DONALD HOLLAND: Yes.

SUPERINTENDENT CHRISTOPHER BURKE: Is there an existing door now there?

DONALD HOLLAND: Just in the back.

SUPERINTENDENT CHRISTOPHER BURKE: Okay.

ATTY JAMES RAFFERTY: There's a door out to the parking lot.

DONALD HOLLAND: There's also a door on the side of the building. It's not on there.

CHAIRMAN MICHAEL GARDNER: Is there anything else you would like to add before we open it to public comment?

ATTY JAMES RAFFERTY: No thank you.

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

Please come forward and I'd ask you to state and spell your name for the record.

GARY MELLO: My name is Gary Mello, last name spelling M-E-L-L-O.

I'm hear to voice my opposition to the Manray petition presented. Basically I'm going to read from a letter that I prepared. If I get

too longwinded, you can stop me because you got all the rest.

The best thing that happened in Central Square in many years was the long overdue closure the Manray nightclub. The Commissioners have now been asked to revive something that's nothing but a nuisance.

I grew up on the triple decker next door to what became Campus Manray. As you know, both buildings are long gone. While I hadn't lived there myself for years before the club was established, my parents, relatives and neighbors endured -- that's the right word -- this 3:00 a.m. freak show for the rest of their lives. Barnum & Bailey would be less annoying if they parked the train on Brookline Street instead of on the tracks.

From the outset, the disturbances, noise and imaginative behavior made residential life

intolerable. Brush-offs from the owner, promises for improvement, slaps on the wrist from municipal officials, and other ineffective measures continued to the very end.

Hiring detailed policemen is a payoff to carry on and the dawn approach didn't mitigate any problems. Commissioners are fully aware of the kind of operation that's proposed. It has nothing to do with dinner jackets and evening dresses. They have a faddish night, S&M, B&D and plenty of other things that aren't in the dictionary.

It is perfectly accurate to describe the Manray program as something that other communities will simply not tolerate.

In the past two years, Cambridge taxpayers have dropped a couple hundred thousand dollars on a vision for Central Square. That study was chaired by Councilor Reeves who,

according to the petitioner's attorney, acted as a broker of sorts for the Manray relocation.

Not surprisingly, Councilor Reeves accepted substantial campaign fund contributions from the petitioner, from the landlord and counsel as well the sweetheart deal for use of the subject premises for his campaign.

What happened to the grocery stores, the affordable housing and the daycare for children in that Red Ribbon Commission recommendations? When Ken Reeves delivers, you get another bar.

Commissioners have some obvious truths before them about Central Square. A petitioner who cannot relocate despite years of trying and at the same time even more vacant storefronts in prime Mass Ave buildings.

The conclusion is that the area is already oversaturated with nightlife based on alcohol sales. Strangely, we limit the number of

establishments which might offer a five dollar lunch, but encourage post-midnight sale of nine dollar drinks.

Don't you think it should be the other way around? Central Square is a residential neighborhood, not an adult entertainment zone.

Commissioners should not allow the licensee's petition to pass.

Thank you.

CHAIRMAN MICHAEL GARDNER: Thank you very much.

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

EXECUTIVE DIRECTOR ELIZABETH LINT: I do have an email from James Wilson, who says he's a Cambridge resident and understands that Manray was a nightclub before, that his patrons disturbed the neighborhood late at night, and he asked that the city ensures that Mr. Holland

operate the business as kitchen serving a full menu, not turn the restaurant into a nightclub, not opening late at night and closing in early hours of the morning. People in the neighborhood don't want a nightclub open from 11:00 to 2:00.

CHAIRMAN MICHAEL GARDNER: So there's some reference here to dawn approaching in the written statement. I wonder if you could describe to us the -- what the proposed closing times are by day of the week and what then that means we can expect for when patrons will actually be leaving the building and what kind of crowd and noise control you're proposing?

ATTY JAMES RAFFERTY: Gladly. And I would note, Mr. Chairman, I hope that I hadn't intended to rebut some of the claims in that letter. I think they're totally unfounded and I would say factually this license is a 2:00 a.m. license, which, as we know in Cambridge, means on

Thursday, Friday and Saturday evening the last drink can be served until 2:00. This would operate just the way other 2:00 a.m. licensees operate, and there's a period of time by which time all drinks need to be collected, and a period of time in which all patrons needs to leave the premises.

CHAIRMAN MICHAEL GARDNER: Which is 2:30, right?

ATTY JAMES RAFFERTY: Yes, on a 2:00 a.m. license on Thursday, Friday and Saturday. That's correct.

As I said, Mr. Holland has experience and I would say I stand by the assertions I made concerning the disciplinary history of the prior license, and I would say that there probably would be in this case a different character to this establishment by the very nature that it will have a restaurant component which was not

the case with the prior operation, but I think Mr. Holland's expectation is that venues of this sort become active after the dinner hour, sometime around 8:00 or 9:00 and I would gather that's probably when the entertainment, the deejay --

DONALD HOLLAND: I never had a detail because I was never required to have one. I never had a detail because I never had any problems.

CHAIRMAN MICHAEL GARDNER: Remind us again about the plans for the restaurant when the hours of operation it is going to be open and talk a little about what the proposed menu is.

DONALD HOLLAND: The restaurant will be opened from noontime during the day, and we'll serve right up until probably the last hour. We might change to more like pub food, so that -- so that -- in other words, there will be less amount

of things you can get.

CHAIRMAN MICHAEL GARDNER: But your intention is keep the kitchen open until closing?

MR. HOLLAND: Oh, absolutely.

ATTY JAMES RAFFERTY: Yes. I think the practice is within an hour of closing, you can get food, but the menu after 10:00 becomes a little more limited. It is a practice that is employed by many restaurants because the real dining demand drops off at that hour.

But the Central Square is a place where there is a high level of nocturnal activity and this is certainly -- I would say that one of the things, a significant issue Mr. Holland was an active participate in the Red Ribbon Commission that met for over a year and a half around envisioning uses of Central Square, and the entertainment uses are considered a contributing element to an active and vibrant Central Square.

I would take exception with the notion this is inconsistent with the plan as it has been envisioned and discussed over the past few years.

CHAIRMAN MICHAEL GARDNER: And when is the proposed opening?

ATTY JAMES RAFFERTY: Well, the timeline would be -- we were discussing that earlier. Upon final approval from the ABCC, a significant build-out period would probably take place, and I think we're presuming that by all proceeding in the normal course of events, probably the fall of this year he'll be ready to open.

CHAIRMAN MICHAEL GARDNER: Okay.

ATTY JAMES RAFFERTY: I don't think he would begin a construction earnest until we had the final approval with the ABCC.

CHAIRMAN MICHAEL GARDNER: And what's the sort've management and sort've floor control or operations control plan going forward? To the

extent in which you would be actively there all the time or the management structure --

DONALD HOLLAND: Most the staff that I had originally working there is coming back, okay, including my general manager. Of course now with these new laws that I noticed when I was in Harvard squared the other night, and I was downstairs in the Tasty Burger place down the bottom of the stairs, and I was looking at their licenses on the walls, and I see a lot of new stuff out now that I didn't have to have before like the food handlers, people will have go through all of that, you know, the new stuff that's out.

ATTY JAMES RAFFERTY: Because he didn't operate a restaurant, he didn't, but other than that, I think.

CHAIRMAN MICHAEL GARDNER: I guess I understood from your resume that you used to

operate a restaurant?

ATTY JAMES RAFFERTY: Yeah. You have been approve --

DONALD HOLLAND: Plenty of them.

ATTY JAMES RAFFERTY: His brother continues to operate the pizza shop and Simone's was a full service restaurant in that location for five years.

MR. HOLLAND: I couldn't make a go of it because of the crime in the area, but it has gotten much better now.

CHAIRMAN MICHAEL GARDNER: Thank you. Any other questions?

SUPERINTENDENT CHRISTOPHER BURKE: No.

CHAIRMAN MICHAEL GARDNER: Any other members of the public who wish to comment?

ASSISTANT FIRE CHIEF GERARD MAHONEY: I actually have one question. Do you envision -- I understand you're gonna have a restaurant as

opposed to the Manray, and in its prior existence it was basically a nightclub, what do you anticipate -- do you anticipate the nightclub operating in a fashion similar to what the Manray on Brookline Street operated?

DONALD HOLLAND: Yes, correct.

CHAIRMAN MICHAEL GARDNER: So I'll make the motion to approve the transfer of the license to the proposed location at 541-565 Massachusetts Ave and suggest that we have a review of operation six months after opening.

SUPERINTENDENT CHRISTOPHER BURKE: I will second that motion.

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

ASSISTANT FIRE CHIEF GERARD MAHONEY: Aye.

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

EXECUTIVE DIRECTOR ELIZABETH LINT: I would have to add we need the BZA appeal period to expire.

SUPERINTENDENT CHRISTOPHER BURKE: There's no BZA decision yet.

EXECUTIVE DIRECTOR ELIZABETH LINT: It is written on the signoff.

EXECUTIVE DIRECTOR ELIZABETH LINT: Nope, I read it wrong.

ATTY JAMES RAFFERTY: This is an as-of-right use.

EXECUTIVE DIRECTOR ELIZABETH LINT: Yeah, just the way he wrote it's --

CHAIRMAN MICHAEL GARDNER: So, Mr. Holland, hopefully we can say welcome back.

MR. HOLLAND: Thank you.

CHAIRMAN MICHAEL GARDNER: We appreciate your, I guess, longstanding patience and

perseverance in trying to establish your property.

DONALD HOLLAND: I had a reunion party last week and it was originally at the Brighton Music Hall from a foundation which is this big company that owns just about everything in town these days, and it was sold-out in -- it was bumped up and we ended up going to the Paradise on Commonwealth Avenue, and 35 tickets presales being bumped up again to the House of Blues. It was just -- we had almost 1300 people there. It was an amazing, old people, people I haven't seen in years.

CHAIRMAN MICHAEL GARDNER: Was this something that happened in Boston?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

CHAIRMAN MICHAEL GARDNER: Why don't we just leave it there?

DONALD HOLLAND: I'm just saying that's

the amount people that want me back, you know.

ATTY JAMES RAFFERTY: No motion to reconsider, right?

CHAIRMAN MICHAEL GARDNER: You understand the limitations on the size of this place?

MR. HOLLAND: I know the people to be opening nights.

CHAIRMAN MICHAEL GARDNER: Thank you very much. Good luck.

APPLICATION: SEASON TO TASTE CATERING, LLC

D/B/A SEASON TO TASTE

EXECUTIVE DIRECTOR ELIZABETH LINT: Application: Season to Taste Catering, LLC doing business as Season to Taste, Robert Harris, Manager, holder of a wine and malt beverages as a restaurant license has applied for a change of premise description to increase seating capacity from 12 to 20 and a change of hours from Tuesday through Saturday from 5:00 p.m. to 12:00 a.m. to

5:00 p.m. to 12:00 a.m. seven days per week.

CHAIRMAN MICHAEL GARDNER: Good evening again. If you could tell us your name and spell it, Mr. Hope, and also who is with you?

ATTY SEAN HOPE: For the record, Attorney Sean Hope, Hope Legal Office in Cambridge, and I'm here tonight with the owner and operator of Season to Taste Catering, LLC, Mr. Robert Harris.

We're here tonight to request an expansion of seating and also an alteration of hours.

Just to refresh the Commission in 2009, Mr. Harris was here at the start of his business to operate a catering service with accessory dining at that location. Part of the application included a CV license and a beer and wine. The goal was to have a catering business.

As the Commission may know, this is a stretch of Massachusetts Ave that has struggled

with the retail and restaurant businesses. This corridor of north Massachusetts Ave is considered a dead zone, partially because it is not heavily travelled by pedestrian foot traffic.

Mr. Harris is one of the few that was able to operate a successful business largely because the catering business offers services off premises as well as he had the accessory dining which allowed people when they were going to order catering, they could come to the location and try his food.

Because of this and his outreach efforts he has been able to establish more of a neighborhood business, although the primary business was catering, but you come and have dinner even if they're not planning to order catering.

As recently as last week, we were before the BZA and received approval to use the adjacent

space. This is a -- this is a one-story commercial space. There's three commercial -- there's a one-story brick building and there's some commercial spaces in there. So Mr. Harris currently operates the middle space, which is the licensing premises for the catering with accessory dinning.

The adjacent space used to be Marino -- Marco's Restaurant or Marco's Pizza. And after a -- that after years of being opened, closed due to business-related reasons and also the operator passed away, and his son took it over and really couldn't make a go of it financially.

So, I only bring that up to say that the catering business, which was thriving actually, has been moving to the adjacent space and we have to get BZA approval for that which we were granted last Thursday.

This application is to expand the CV

license and the restaurant license from 12 to 20 seats. This is because of his business is growing. There's a current CV there and that was part of the initial application. There's no changes and we expect to upgrade that license that was given by the Commission. It is part of the outreach effort. We went to the North Cambridge Committee and that's the area near the Neighborhood Group, Richard Cleary, and there's actually a letter of support that they wrote for the BZA, but, in general, February 6 is when you went there and he presented the catering, but also the expansion of seating for this restaurant.

Mr. Harris collected numerous signatures really showing that as well as being a caterer and a successful businessman, he's also been a part of that community and it was necessary for him to do the outreach on that to that group as

well.

I think Mr. Harris has succeeded where others have failed. The Commission has seen alcohol licenses on Bombatchi's and other places on this stretch of Massachusetts Ave that haven't been successful and had to move to other places.

I do think he is ambitious in wanting to run a restaurant there where he knows -- one of the other limitations to the space is for parking. There's no off-street parking. There's several meters there, but it is challenging for other restaurants.

Mr. Harris will have to tap into the neighborhood goodwill, and obviously, the food, which I think speaks for itself.

So the hours are 5:00 p.m. to 12:00 a.m. and we're going for seven days a week. It is the same hours. The intensity of the use is not a problem. We have actually gotten support, but

this will be just for the restaurant. The catering, although we received in 9:00 zoning variance to do catering, our plan is to move that over to the adjacent space so that can be just for catering separate and apart from the restaurant which would be selling food and normal restaurant activity.

CHAIRMAN MICHAEL GARDNER: The restaurant would stay in the same location that patrons are currently served now?

ATTY SEAN HOPE: Yes.

CHAIRMAN MICHAEL GARDNER: What have been the rubbish and trash control procedures?

ROBERT HARRIS: Well, we work with Save That Stuff to recycle and compost and we have pickups three or four times a week.

To be honest with you, when the Rounder Record Building was demolished, we did see an upsurge outside in population, and so we had to

be very diligent with pickups as much as possible.

CHAIRMAN MICHAEL GARDNER: Will the expanded capacity present any problems for you in that regard?

ROBERT HARRIS: As part of the remodeling aspect that will be taken into consideration. We do have enough space behind the building to accommodate the extra dumpsters or we use the smaller rolling bins because we find that we can clean them better. So far, you know it's been working really well.

CHAIRMAN MICHAEL GARDNER: These are all covered?

ROBERT HARRIS: Yes, of course.

CHAIRMAN MICHAEL GARDNER: Any complaint issues?

EXECUTIVE DIRECTOR ELIZABETH LINT: Nothing.

CHAIRMAN MICHAEL GARDNER: Other questions?

ASSISTANT FIRE CHIEF GERARD MAHONEY: I don't have any.

SUPERINTENDENT CHRISTOPHER BURKE: Nope.

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

Seeing none, I will make the motion to approve the change of premises description to increase the seating capacity from 12 to 20, and a change of hours for seven-day-a-week operation from 5:00 p.m. to 12:00 a.m.

I made the motion.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Second.

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

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Aye.

CHAIRMAN MICHAEL GARDNER: Good luck. It is nice to hear a success story and we wish you well.

(Brief recess.)

APPLICATION: EVELYN & ANGEL'S, LLC

EXECUTIVE DIRECTOR ELIZABETH LINT: Application: Evelyn & Angel's, LLC, Yalonda Howze, manager, has applied for a common victualer license to be exercised at 1702 Massachusetts Avenue. Said license, if granted, would allow food and non-alcoholic beverages to be sold, served and consumed on said premises with a seating capacity of 20. The proposed hours of operation are 7:00 a.m. to 11:00 p.m. seven days per week.

CHAIRMAN MICHAEL GARDNER: Good evening. Would you be so kind as to state and spell your name for the record and tell us about the plan.

YALONDA HOWZE: Yalonda Howze, H-O-W-Z-E. I'm currently the owner of Evelyn & Angel's Candy Shop. We're a new establishment in Cambridge. We opened on December 17, and we sell candy retail. We also make candy and we roast nuts on site as well. We would also like to serve beverages, specifically coffees and teas and hot chocolate, and we have an old-fashioned soda fountain as well and we plan to serve some classic soda fountain drinks.

I brought with me tonight a copy of our sample menu in case anyone would like to take a look.

We have been open for a short time. We've got a lot of amazing positive response so far from people in the community. One thing we

do lack is seating so people can actually sit down and have a piece of chocolate and have a cup of coffee or something warm to go with it, and we feel with the addition of seating that would kind've complete our concept and make it more welcoming place for that stretch of Massachusetts Ave. There's currently no place to sit there and have coffee right now in between what is a Star Bucks at one end and Simon's Coffee Shop on the other.

In our particular block there's no establishment of this kind and we would like to have 20 seats.

CHAIRMAN MICHAEL GARDNER: Do you have a license from us now for what you do?

EXECUTIVE DIRECTOR ELIZABETH LINT: They don't need a CV unless they have seats.

CHAIRMAN MICHAEL GARDNER: And was this always part of the plan and you're just doing it

in stages or is it feedback that makes you think it is possible to do it?

YALONDA HOWZE: The feedback in particular, we weren't sure how much in space that we use for retail and we thought we would need more of it, but there's been an overwhelming demand for people to sit down and stay awhile, particularly now that it's cold out. We have a lot of patrons who come in they get chocolate and the first thing they say is "You gotta have seating here. Where is there a place to sit down?"

So -- and we get a lot of traffic from the restaurants as well after dinner. We carry several varieties of fudge, and there's a Chinese restaurant next door that doesn't have a lot desserts. We have benefitted from their foot traffic and people coming by. But we think it would be more hospitable if people could actually

come and stay awhile.

CHAIRMAN MICHAEL GARDNER: What kind of renovation would be necessary?

YALONDA HOWZE: None. Just the addition of tables and chairs, and there will be -- we would like to make a small window ledge in the front that could sit maybe three stools, but we're not doing any renovation of any kind.

CHAIRMAN MICHAEL GARDNER: Any zoning issues?

EXECUTIVE DIRECTOR ELIZABETH LINT: No.

CHAIRMAN MICHAEL GARDNER: Any other questions?

ASSISTANT FIRE CHIEF GERARD MAHONEY: If memory serves correctly, the place where you are, many years ago was a Brigham ice cream parlor.

YALONDA HOWZE: I have been told that.

ASSISTANT FIRE CHIEF GERARD MAHONEY: I can attest to that because I was a frequent

patron.

YALONDA HOWZE: I absolutely love that fact. I didn't know that. Immediately before us it was a Topaz jewelry store and she since moved to Harvard Square.

We carry Richardson's ice cream from --

ASSISTANT FIRE CHIEF GERARD MAHONEY: Good stuff.

YALONDA HOWZE: Yeah, very good stuff.

-- from Littleton, Massachusetts.

ASSISTANT FIRE CHIEF GERARD MAHONEY: You indicated that there was already a soda fountain there on the premises?

YALONDA HOWZE: No. It's here now. We do have it. It is a huge beast from like right from the 1940s that we imported from Florida.

So, yeah. It took awhile to find someone who knew how to fix it. We're excited about it.

ASSISTANT FIRE CHIEF GERARD MAHONEY: I

see Ms. Lint is originally from the Bronx, so she likes the fact that you're going to have New York ice cream.

What is a New England style brown cow?

YALONDA HOWZE: Well, we want to do something -- we're going have to a classic brown cow, but we would like to add something special to it that represents Cambridge. We haven't figured out what yet. We're interviewing soda jerks, and so there's some people around who have been bartending who don't make alcoholic drinks who are kinda helping us come up with kind've modern twists on classic soda fountain drinks. So hopefully you'll come in and find out.

ASSISTANT FIRE CHIEF GERARD MAHONEY: I will.

EXECUTIVE DIRECTOR ELIZABETH LINT: You're picking me up.

SUPERINTENDENT CHRISTOPHER BURKE: Is

there a hydrant in front of that store?

ASSISTANT FIRE CHIEF GERARD MAHONEY: There is on the corner. The place on the corner used to be Chicken Delight.

CHAIRMAN MICHAEL GARDNER: I caution the Commissioners to stay on point.

ASSISTANT FIRE CHIEF GERARD MAHONEY: It's historical significance of the property in question.

CHAIRMAN MICHAEL GARDNER: Other questions?

SUPERINTENDENT CHRISTOPHER BURKE: None.

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

EXECUTIVE DIRECTOR ELIZABETH LINT: I do have a letter from Ms. Jillson from the Harvard Business Association who endorses the application for the CV license. She says they have become a

member of the association. While they have just been open a few short weeks, they've already participated in the Chocolate Festival proving to be wonderful community partners.

And there is a matter of a very small outstanding balance on an excise tax bill.

YALONDA HOWZE: Oh, okay.

CHAIRMAN MICHAEL GARDNER: So I'll make the motion to approve the application for a new common victualer license for food and nonalcoholic beverages at this location with a seating capacity for 20 with the hours of operation of 7:00 a.m. to 11 p.m., seven days a week.

Is there a second?

ASSISTANT FIRE CHIEF GERARD MAHONEY: Second.

CHAIRMAN MICHAEL GARDNER: Before we vote, I did want to ask you, what do you really

do at 7:00 a.m.? What is the plan for 7:00 a.m. opening?

YALONDA HOWZE: Coffee and hot beverages we would have in the morning.

CHAIRMAN MICHAEL GARDNER: Any further questions?

ASSISTANT FIRE CHIEF GERARD MAHONEY: No.

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

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Aye.

CHAIRMAN MICHAEL GARDNER: None opposed.

Welcome to Cambridge, and we wish you well.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Great to see an old-fashioned soda fountain, it's been long overdue.

YALONDA HOWZE: They're not easy to maintain.

ASSISTANT FIRE CHIEF GERARD MAHONEY: I'm sure they're not.

CHAIRMAN MICHAEL GARDNER: Good luck.

APPLICATION: YL HARVARD SQUARE, INC. D/B/A YOGURTLAND

EXECUTIVE DIRECTOR ELIZABETH LINT: Application: YL Harvard Square, Inc., doing business as Yogurtland, Michael Bamrick, Manager, has applied for a common victualer license to be exercised at 57 JFK Street. Said license, if granted, would allow food and nonalcoholic beverages to be sold, served, and consumed on said premises with a seating capacity of 10 inside and 4 seasonal outdoor seats. The proposed hours of operation are 11:00 a.m. to 12:00 a.m. seven days per week. Applicant is also applying for an entertainment license to

include background music below conversation level.

CHAIRMAN MICHAEL GARDNER: Good evening. I ask all of you to state and spell your last names for the record and identify your roles here.

ATTY ROBERT DUNKLESS: Good evening, Mr. Chairman, and members of the Commission. My name is Robert Dunkless, D-U-N-K-L-E-S-S. I'm the attorney for YL Harvard Square, Inc and I have a law office at 101 Arch Street in Boston, 0211O.

And with me tonight is Michael Bamrick, B-A-M-R-I-C-K, who is the manager, and an employee of Yogurtland, Anthony Ozelis, who is the vice president of Yogurtland. YL Harvard Square, Inc is a wholly owned subsidiary of Yogurtland which is a corporation based in California that operates approximately 40 yogurt

shops throughout the country and they have franchised -- well, I'm talking corporate owned about 40 and 200 franchisees. This will be a corporate owned yogurt shop.

We have obtained a special permit from the BZA for the operation of a fast food establishment. There's an appeal period still pending. I believe there's eight days left of the appeal period. It expires on the 20th.

Yogurtland is just now entering the Massachusetts market. This will be their first corporate owned location in Massachusetts, and it is obviously of some significance to them, and will really operate as sort of an example of how a Yogurtland shop operates.

CHAIRMAN MICHAEL GARDNER: Give us some sense about the geographic distribution of the Yogurtland operations that are currently in place around the country.

TONY OZELIS: I'm sorry. The question was?

CHAIRMAN MICHAEL GARDNER: The questions is: Where geographically are they distributed now?

TONY OZELIS: The Yogurtland shops themselves?

CHAIRMAN MICHAEL GARDNER: Yes.

TONY OZELIS: Primarily it is West Coast. We started on the West Coast in southern California and have grown. We're actually national at this point. We're in Australia, we're in Mexico and we're in Guam.

CHAIRMAN MICHAEL GARDNER: How many years has the company been in business?

TONY OZELIS: Seven years now. We're the originator of that self-serve model that you see a lot of other companies emulating these days, but we're the ones that created that business

model.

CHAIRMAN MICHAEL GARDNER: Including some operations in Cambridge, I think? Don't we have other yogurt shops operating there?

TONY OZELIS: There's a Pinkberry in Cambridge, not a Yogurtland.

EXECUTIVE DIRECTOR ELIZABETH LINT: Not a Yogurtland, a Pinkberry. And there's another one.

TONY OZELIS: Orange Leaf.

EXECUTIVE DIRECTOR ELIZABETH LINT: That's not Cambridge. I can think of the name of it. There is another one.

TONY OZELIS: The difference between us and Pinkberry, Pinkberry is a full service. You actually go to the counter and order what you would like, and they would prepare it and hand it to you, whereas our customers are in control of the entire process, walk in, grab one or two size

cups, take as much as you want and add the toppings to it and we charge by the ounce.

ATTY ROBERT DUNKLESS: Yogurtland is a bit unique. It is all natural product, including the flavors are all naturally sourced. I did bring -- well, they don't have an actual menu. There are product examples of their different flavor offerings.

CHAIRMAN MICHAEL GARDNER: Are there any particular health issues or concerns that either come out of operating a yogurt dispensing facility or the self-serve concept?

MICHAEL BAMRICK: In what way, sir?

CHAIRMAN MICHAEL GARDNER: I'm just asking because it's a little different than what we're used to, whether there are any health and safety concerns that are unique to yogurt.

MICHAEL BAMRICK: Understood. In any self-serve concept, you have the potential of one

of our guests, children, adults, touching the machinery in an inappropriate way. We make sure that on an every 20-minute basis, we have our associates going through making sure the machines are cleaned, they're sanitized with a sanitized solution as well. We change out our design caps. When you draw off yogurt or any type of ice cream product, you have these little like star shapes. It is not just one piece of round of yogurt coming out. It has a design to it. We change those out twice a day, they're cleaned and sanitized twice a day as well.

CHAIRMAN MICHAEL GARDNER: Any particular issues with other similar operations in Cambridge?

EXECUTIVE DIRECTOR ELIZABETH LINT: Not at all.

CHAIRMAN MICHAEL GARDNER: And what leads you to think that Cambridge is a good place to

introduce this concept in Massachusetts?

MICHAEL BAMRICK: That's a wonderful question. We are, quite frankly, proud to come to Cambridge to offer our unique products. These are proprietary products that we have prepared ourselves. We have what we call our flavorologist who literally goes across the globe finding different unique flavors. When we talk about our pasticcio flavored yogurt, it is made with pasticcio butter. If you want actual strawberry yogurt, it's not a flavoring, it's actual strawberry.

If you look through the menu card there, there's real ingredients, that's sort've our tag line, get real. We believe also it's fun. We want to have a family fun atmosphere. When someone comes into our door and they get a chance to take a cup or whatever size they want, and as Tony said, you can take as much as little, it

doesn't matter to us. We want you to have fun and come back and visit us very frequently.

When I first started there a couple years ago, I have fun just watching the families come in and enjoy themselves, and making a good day better and a bad day great.

We want to make sure we change their attitude when they come in our door and leave. We believe we have a product that will compete with anybody out there, and we want to make sure we bring it here. As Tony said, we're mainly in the southwest United States, we're in Florida, we're in Chicago, coming to the Boston area. We opened in Brooklyn and we're in Manhattan and our focus of growth is our northeast and we want to put a flagship here in Cambridge.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Where are you in Florida?

MICHAEL BAMRICK: Mainly southern

Florida, Pembroke Pines, Boca Raton. We're all over.

ASSISTANT FIRE CHIEF GERARD MAHONEY: There you go.

CHAIRMAN MICHAEL GARDNER: And the kinds of toppings typically that one could get?

MICHAEL BAMRICK: Well, quite frankly, we're most proud of our fresh fruits. We have fresh strawberries, blueberries, pineapples, mango. Whatever you can think about, if it's fresh, we'll have it in the stores, plus cereals, candies, nuts and so forth.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Where are two gentlemen based now?

MICHAEL BAMRICK: I'm based in Irvine, California.

TONY OZELIS: I'm based out of New York.

CHAIRMAN MICHAEL GARDNER: Give us a brief summary of what you see as the advantages

and disadvantages to either being corporate owned or franchised? In the end, what difference does to make, if any?

MICHAEL BAMRICK: We're part of the franchise, Tony and myself. It's our belief to have a good franchise -- I have been in the franchising world for 35 years. To really make sure you're a great franchise or you need to have skin in the game, and so, by us investing our capital, our cash into opening a store, it allows us to recruit and find great franchisees as well. Quite frankly, you make more money in a corporate-owned store than a franchise. They pay us a royalty and make money off their sales. We make our money in the corporate store off profits, so we make money in the corporate store, but you don't grow as fast.

CHAIRMAN MICHAEL GARDNER: Thank you for that.

Any other questions?

SUPERINTENDENT CHRISTOPHER BURKE: No.

CHAIRMAN MICHAEL GARDNER: Any members of the public who would like to be heard on this matter? Seeing -- where do you envision being at 57 JFK Street?

TONY OZELIS: The prior Farren Salon (phonetic) had been right off the park itself. We thought it was a great setting for us. We love the park-like setting in front of you. We intend on policing that area as well.

One of the things that brought us to Harvard Square, aside from the demographics was that setting, and it is idealistic and it will be a great opportunity for our flagship.

CHAIRMAN MICHAEL GARDNER: Tell us a little about trash control, pickup and deliveries.

MICHAEL BAMRICK: Our trash program -- we

have designed a program which I could provide you with as well. We've got a couple of things working with trash. We believe recycling is a really big deal. We want to make sure we're recycling appropriately. All of our spoons and cups. All the cups are recyclable and all the spoons are biodegradable. We have designed this unique trash container specifically for the Cambridge location. It allows us, instead of having a trash can where all these cups, spoons and napkins go into, you take a cup off the stack and put it into this device and it stacks all the cups again allowing us to have less trash footprint in the trash cans.

I want to put this in every single Yogurtland across the country. It allows us to really maintain the trash and it's easier to take it out. From the facility itself off our back door, we go into a vestibule to the other area of

the facility. Right to the right is a door that goes out to the trash bin which is the recycling area, and our area is to recycle our cardboard and cups and spoons and napkins.

CHAIRMAN MICHAEL GARDNER: Do you have deliveries through front or back access? How does that go?

TONY OZELIS: I believe it will be through the back access, there's a ramp that leads up through the kitchen. There's posted times when the deliveries can and cannot happen. And we intend on strict adhering to all those. One of the advantages of the Yogurtland operation there's only one truck that delivers. This is not multiple trucks throughout the day. One delivery, one truck, all by one manufacturer. So we can really rein those folks in and tell them when it is best suited for the town, ourselves and customers for us to deliver.

CHAIRMAN MICHAEL GARDNER: Where are your suppliers at?

MICHAEL BAMRICK: I believe US Food is our distributor and we control the yogurt manufacturing process, and we buy our toppings through US Food as well as only through approved vendors.

ASSISTANT FIRE CHIEF GERARD MAHONEY: What is your timeline?

MICHAEL BAMRICK: It depends on the final --

ATTY ROBERT DUNKLESS: There's about a week left on the appeal period on the special permit, and from there, the plans are done. I think they have preliminary reviews of the Building Department. Architect is -- he has the sewer permission. So I believe the build-out is about six to seven weeks.

TONY OZELIS: Yes. And being a warm

weather product, if you will, the sooner we can get open towards the springtime, that is what we're shooting for. April. Sometime around April.

CHAIRMAN MICHAEL GARDNER: Other questions?

ATTY ROBERT DUNKLESS: We have a letter of support addressed to Ms. Lint.

EXECUTIVE DIRECTOR ELIZABETH LINT: It is right here. Another letter from Ms. Jillson from the Harvard Square Business Association in support of the application. She has been assured that they will join Harvard Square Business Association once the store opens and participate in the events. In the meantime, Larry Soduki (phonetic), vice president of development has been attending all their meetings and keeps in touch on a regular basis, so she's -- they're in full support.

CHAIRMAN MICHAEL GARDNER: Thanks. Any member of the public who would like to be heard on this matter?

Seeing none, I'll make the motion to approve the application for common victualer license for Yogurtland for 57 JFK Street with a seating capacity and hours of operation as stated in the application.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Second.

CHAIRMAN MICHAEL GARDNER: I will make the motion to approval their entertainment license, which I had forgotten.

Do you second that as well?

ASSISTANT FIRE CHIEF GERARD MAHONEY: Second.

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

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Aye.

CHAIRMAN MICHAEL GARDNER: None opposed.

So welcome to Cambridge. Good luck.

All this is dependent on the BZA period passing or an ultimate decision?

EXECUTIVE DIRECTOR ELIZABETH LINT: Correct. We wouldn't be issuing anything until that time ran.

CHAIRMAN MICHAEL GARDNER: Okay.

APPLICATION: NORTHEAST FOODS, LLC D/B/A BURGER KING

EXECUTIVE DIRECTOR ELIZABETH LINT: Application: North East Foods, LLC doing business as Burger King, Radouane Marmoucha, Manager, has applied for a common victualer license to be exercised at 679 Concord Avenue.

Said license, if granted, would allow food and nonalcoholic beverages to be sold, served, and consumed on said premises with a seating capacity of 93. The proposed hours of operation are 6:00 a.m. to 2:00 a.m. seven days per week.

CHAIRMAN MICHAEL GARDNER: Good evening. Ask you to state and spell your last name for the record.

RADOUANE MARMOUCHA: Radouane, M-A-R-M-O-U-C-A-H. It is Burger King corporation and it was a company owned and now it is a franchisee owned by North East Food, Libby's Market. We're changing the name. Same food, same menu, whatever is there, it is there. No changes have been made from Burger King Corporation to North East Foods d/b/a Burger King.

CHAIRMAN MICHAEL GARDNER: So there has been a Burger King there that was a corporately

owned operation?

RADOUANE MARMOUCHA: That's correct.

CHAIRMAN MICHAEL GARDNER: It is being converted to a franchise?

RADOUANE MARMOUCHA: Yes.

CHAIRMAN MICHAEL GARDNER: Tell us your role in that.

RADOUANE MARMOUCHA: My role is the district manager from the Boston area, so I have from Cambridge, Quincy to Beverly.

CHAIRMAN MICHAEL GARDNER: You represent Burger King itself?

RADOUANE MARMOUCHA: The North East Food, LLC.

CHAIRMAN MICHAEL GARDNER: You represent the franchisee?

RADOUANE MARMOUCHA: That's correct.

CHAIRMAN MICHAEL GARDNER: Who will be operating at this location?

RADOUANE MARMOUCHA: Same manager.

CHAIRMAN MICHAEL GARDNER: This is a sale conversion from a corporate to a franchise?

RADOUANE MARMOUCHA: That's correct.

CHAIRMAN MICHAEL GARDNER: Any issues?

EXECUTIVE DIRECTOR ELIZABETH LINT: Not at all. Just a very small balance on the tax bill, personal property tax bill. It looks like there was interest and it didn't get paid.

ASSISTANT FIRE CHIEF GERARD MAHONEY: How many restaurants does North East Foods own?

RADOUANE MARMOUCHA: They purchased 101 on December 21st.

ASSISTANT FIRE CHIEF GERARD MAHONEY: 101?

RADOUANE MARMOUCHA: Yes, that's Mass, New Hampshire and Connecticut. They purchase all company-owned Burger King.

ASSISTANT FIRE CHIEF GERARD MAHONEY:

Really?

RADOUANE MARMOUCHA: Yeah.

CHAIRMAN MICHAEL GARDNER: So what are some of the typical dynamics that happen when a corporate outlet goes to a franchisee?

RADOUANE MARMOUCHA: The Burger King --

CHAIRMAN MICHAEL GARDNER: Tell us a little bit about what we can expect there. I know you say no change in operations or management, but it seems like it would be different.

RADOUANE MARMOUCHA: They plan to remodel this year. We plan to close six to eight weeks and remodel kitchen and dining room, and the process will start soon as they get the permits and licensing. When the North East Food purchased the old BKC owned, one OF the agreement is they have to remodel all the 101 within three years. They will be remodeled, all of them.

ASSISTANT FIRE CHIEF GERARD MAHONEY: That store was only removed --

RADOUANE MARMOUCHA: Ten years ago. That's outdated now.

ASSISTANT FIRE CHIEF GERARD MAHONEY: That's outdated?

RADOUANE MARMOUCHA: Yes. They're in the process of remodeling all of them.

ASSISTANT FIRE CHIEF GERARD MAHONEY: This will be, I think, the -- if memory serves correctly from the time that store was built, this will be, I think, the third remodeling.

RADOUANE MARMOUCHA: It was built and remodeled back, I think, in 2000.

ASSISTANT FIRE CHIEF GERARD MAHONEY: It was built -- I think it was remodeled once and then it was remodeled in 2000 and this will be the third one.

RADOUANE MARMOUCHA: We like nice dining

with the TV.

CHAIRMAN MICHAEL GARDNER: Do they need an entertainment license?

EXECUTIVE DIRECTOR ELIZABETH LINT: They might.

ASSISTANT FIRE CHIEF GERARD MAHONEY: With TV?

EXECUTIVE DIRECTOR ELIZABETH LINT: But we issue those over-the-counter.

RADOUANE MARMOUCHA: I think we do have one for the music.

CHAIRMAN MICHAEL GARDNER: Any other questions?

ASSISTANT FIRE CHIEF GERARD MAHONEY: No.

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

Seeing none, so I will make the -- I'm sorry -- what we have as the agenda lists you as

the manager, but that's not really right, is it?

RADOUANE MARMOUCHA: No, I'm the district manager. Elizabeth, she's the manager.

EXECUTIVE DIRECTOR ELIZABETH LINT: Elizabeth.

RADOUANE MARMOUCHA: She is the only manager, Elizabeth D'Olivia.

CHAIRMAN MICHAEL GARDNER: She's the current manager?

RADOUANE MARMOUCHA: Yes.

CHAIRMAN MICHAEL GARDNER: That will just continue?

RADOUANE MARMOUCHA: Yes.

CHAIRMAN MICHAEL GARDNER: She will be the manager of record?

RADOUANE MARMOUCHA: Yes.

CHAIRMAN MICHAEL GARDNER: So I will make the motion to approve the issuance of the license to the North East Foods according to the terms as

stated in the application and the agenda for this evening.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Second.

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

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Aye.

EXECUTIVE DIRECTOR ELIZABETH LINT: I'm sorry, if they could let us know when they're closed, so that we can notify the Police Department. It's just our procedures.

CHAIRMAN MICHAEL GARDNER: Our approval here is contingent on your straightening out your tax bill.

RADOUANE MARMOUCHA: We'll take care of

that.

CHAIRMAN MICHAEL GARDNER: You will let us know or make sure the manager lets us know it is closed for renovation?

RADOUANE MARMOUCHA: We will apply for permits, so we'll let you know.

CHAIRMAN MICHAEL GARDNER: Well, good luck. Welcome.

RATIFICATIONS:

EXECUTIVE DIRECTOR ELIZABETH LINT: Ratifications. The sale of 74, finance of 74, refinance 18, 151, 88, 124, 189, 72 and 85. Paperwork is all in order.

CHAIRMAN MICHAEL GARDNER: Anything to note?

EXECUTIVE DIRECTOR ELIZABETH LINT: Nothing unusual.

CHAIRMAN MICHAEL GARDNER: Make a motion to approve, I guess, the ratifications.

EXECUTIVE DIRECTOR ELIZABETH LINT: Accept.

CHAIRMAN MICHAEL GARDNER: I knew there was a verb. Accept the ratifications approved by the Executive Director.

SUPERINTENDENT CHRISTOPHER BURKE: Second that motion.

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

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Aye.

CHAIRMAN MICHAEL GARDNER: None opposed. It is approved or accepted. And a motion to adjourn is always in order.

ASSISTANT FIRE CHIEF GERARD MAHONEY: So moved.

CHAIRMAN MICHAEL GARDNER: Before we vote

on it, do we have any other business?

EXECUTIVE DIRECTOR ELIZABETH LINT: No.

CHAIRMAN MICHAEL GARDNER: I second the motion to adjourn. All those in favor, signify by saying "aye."

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

(Meeting adjourned at 8:00 p.m.)

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 25th day of January 2013.

_____

Jill Kourafas
Certified Shorthand Reporter
License No. 14903
Notary Public
My Commission expires:
February 2, 2017

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CAMBRIDGE LICENSE COMMISSION GENERAL HEARING
1-22-2013

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