COMMONWEALTH OF MASSACHUSETTS

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION GENERAL HEARING

Michael Gardner, Chairman
Robert C. Haas, Police Commissioner
Gerard E. Mahoney, Deputy Fire Chief

STAFF:

Elizabeth Lint, Executive Officer

-- Held At --

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

Tuesday, September 20, 2011

6:06 p.m.

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PROCEEDINGS

ELIZABETH LINT: This is the License Commission General Hearing on Tuesday, September 20, 2011, at 6:05 p.m.

We are in the Michael J. Lombardi Municipal Building at 831 Massachusetts Avenue, Cambridge, Basement Conference Room.

Before us is Chairman Michael Gardner, Commissioner Robert Haas and Deputy Chief Gerard Mahoney.

If anyone is here for the Fresh Pond Donuts, that's been continued to October 18, 2011.

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ELIZABETH LINT: Application for the President and Fellows of Harvard College, doing business as Harvard Faculty Club, Robert Leandro, Manager, holder of an all alcoholic beverages as a club license at 20 Quincy Street has applied for a change of manager

from Robert Leandro to Syed Shahidullah.

MICHAEL GARDNER: We would appreciate it if you could both please state and spell your names for the record and identify yourselves, and then you can tell us about the application.

SYAD SHAHIDULLAH: My name is Syad Shahidullah, and that's spelled S-Y-A-D, and S-H-A-H-I-D-U-L-L-A-H.

MARK VERKENNIS: Mark Verkennis, V-E-R-K-E-N-N-I-S.

MICHAEL GARDNER: Proceed and tell us about the plan.

SYAD SHAHIDULLAH: I'm the new manager -- I actually started about a year ago. I will be applying for a change of manager to the club's license.

ROBERT HAAS: You've been acting as manager for the past year?

SYAD SHAHIDULLAH: I started last year.

MICHAEL GARDNER: Was it in August that you formally -- of this year -- that you formally took over the responsibilities of manager?

SYAD SHAHIDULLAH: No, last year.

MICHAEL GARDNER: August of 2010?

SYAD SHAHIDULLAH: But they were working with me.

MICHAEL GARDNER: I'm not sure I understand the reason for the delay in coming before us.

SYAD SHAHIDULLAH: Because I took over -- actually, overall in charge before it was Bob also was working together.

MARK VERKENNIS: A transition.

MICHAEL GARDNER: So you worked together with Mr. Leandro for a substantial period of time?

SYAD SHAHIDULLAH: Yes.

MICHAEL GARDNER: And as he exited and you were solely in charge?

SYAD SHAHIDULLAH: I would say sometime in 2011, in the beginning.

ROBERT HAAS: We appreciate you coming forward.

MICHAEL GARDNER: Can you give us a brief summary of your plan.

SYAD SHAHIDULLAH: I'm actually -- basically, my previous job was that at the university also as a full service director. And before that I worked at the hospital, and food industry, food service management.

MICHAEL GARDNER: So you were in the hospitality and hotel industry as a food service manager? That's what I understood you to say?

SYAD SHAHIDULLAH: Yes.

MICHAEL GARDNER: Have you ever been previously the manager of record in a place that serves alcoholic beverages?

SYAD SHAHIDULLAH: Yes.

ROBERT HAAS: Could you describe

where that was and the responsibility.

SYAD SHAHIDULLAH: The university I was (inaudible) was at the Faculty Club and catering the liquor license. (Inaudible)

MICHAEL GARDNER: Any issues since you've been the manager? Any particular challenges in this operation or any insights? You've got to help us understand how things are going there.

SYAD SHAHIDULLAH: No, there is no issue. Everything is going smoothly and everyone is trained and is especially trained in the Service 21 proof (inaudible).

MICHAEL GARDNER: Do you have the training that the City of Cambridge provides?

SYAD SHAHIDULLAH: Yes, I have attended this also.

ROBERT HAAS: No other questions.

GERARD MAHONEY: No questions.

MICHAEL GARDNER: Any members of the public who would like to be heard on this

matter? Anything else either of you have to say?

MARK VERKENNIS: No.

ROBERT HAAS: I make a motion to accept the application for change of manager.

GERARD MAHONEY: Seconded.

MICHAEL GARDNER: There having been been made a motion and seconded, a motion to approve the change of the manager from Robert Leandro to Syad Shahidullah. All those in favor, please signify by saying "Aye."

ROBERT HAAS: Aye.

GERARD MAHONEY: Aye.

MICHAEL GARDNER: None opposed. The transfer is approved. We wish you well. Thank you.

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ELIZABETH LINT: Application for President & Fellows of Harvard College doing business as Cambridge Queen's Head Pub, Scott Smider, Manager, holder of an all alcoholic

beverages as an educational institute at 45 Quincy Street has applied for a change of manager from Scott Smider to Kim Smith.

MICHAEL GARDNER: Good evening. And, again, if you could all just state and spell your names for the record and also your affiliation with this matter.

DAVID FRIEDRICH: My name is David Friedrich, D-A-V-I-D, F-R-I-E-D-R-I-C-H, assistant dean of Harvard College for Student Life.

KIM SMITH: My name is Kim Smith, K-I-M, S-M-I-T-H, general manager.

DAVID DAVIDSON: My name is David Davidson, D-A-V-I-D, D-A-V-I-D-S-O-N, director of hospitality and dining services at Harvard University.

MICHAEL GARDNER: Thank you. I'm familiar and I would appreciate it if you give a very brief summary of what Queen's Head Pub is.

DAVID FRIEDRICH: It's a facility on our campus that serves the entire community of Harvard University, and it is managed by a general manager and student workers who are employed there both graduate students and undergraduates. It's been open and operating since 2007. And we've add general manager there for that period of time and we are now in the midst of a transition to a new manager.

MICHAEL GARDNER: And, Ms. Smith, if you could just briefly describe your prior experience and also what you've been doing recently at the pub.

KIM SMITH: I have been currently been work for Harvard University Dining Services for -- this November will be nine years. During that time I have run several on-compass cafes, restaurants, and dining facilities.

My role now has been to transfer in, as Scott leaves, as the general manager of the

Queen's Head Pub.

My previous experiences on campus has been with alcohol, managing large catering events, and serving alcohol at these events.

During my time in this transition period, I've done the class course with the City of Cambridge, and I have been learning the systems that we use in order to run the pub.

MICHAEL GARDNER: And could you previously describe the ways in which you will attempt to control underage drinking at your facility.

KIM SMITH: Currently, we do IDing at the door. We have wristbands where, upon IDing, the students are issued whether or not they are allowed to drink on the premises. We have several managers on duty during the time that we are open to be and to check all points of entry. And we have a good, secure IDing policy in place.

MICHAEL GARDNER: In preparing for this evening, I was reading some old files, not in connection with your application, in which there was reasonbly graphic description of how underage students just simply got students who had the wristbands to buy or procure the alcohol for them.

How do you control against that?

KIM SMITH: It is double-checking between student ID and the state issued ID and making sure that the IDs match. The graduate students that we have on staff, I'm very confident in their abilities in making sure that the pub is secured.

I take this responsibility very seriously and for the safety of the students and the community. And as general manager, I am on premises and plan on being on premises to make sure that this does not happen.

MICHAEL GARDNER: And will this be your first time as being manager of record for

a facility serving alcohol.

KIM SMITH: Yes.

MICHAEL GARDNER: Any prior disciplinary issues or other matters with this location at all?

ELIZABETH LINT: No, none at all.

GERARD MAHONEY: Entry to the pub is strictly for members of the Harvard community?

KIM SMITH: Correct.

ROBERT HAAS: And that's students as well as employees.

KIM SMITH: Correct.

MICHAEL GARDNER: Underage students can get in, but they don't get a wristband?

KIM SMITH: Correct.

MICHAEL GARDNER: What's to prevent a wristband-bearing person from procuring alcohol from them?

KIM SMITH: What's to prevent the wirstband student -- the controls of the managers that are on duty and having them on

the floor. They are on the floor, I'm on the floor, and we are present.

MICHAEL GARDNER: Anything else?

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

No response.

Anything else any of you would like to add?

ROBERT HAAS: I'd make a motion to approve the change of manager.

GERARD MAHONEY: Seconded.

MICHAEL GARDNER: There having been made and seconded a motion to change the manager from Scott Smider to Kim Smith. All those in favor signify by saying "aye."

ROBERT HAAS: Aye.

GERARD MAHONEY: Aye.

MICHAEL GARDNER: None opposed. Motion carries, the transfer is approved. We wish you well.

KIM SMITH: Thank you very much.

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MICHAEL GARDNER: When we were off the record briefly, we had a brief colloquy here that the last premises has been a place where you've had some meetings, Ms. Lint?

ELIZABETH LINT: Quite a few.

MICHAEL GARDNER: And you found it a pleasant environment?

ELIZABETH LINT: Very nice, yes.

MICHAEL GARDNER: That was for those of you who couldn't hear what was said.

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ELIZABETH LINT: Application for Pugliese Restaurant, Inc., doing business as Pugs Bar and Grill, Robert Salines, manager, holder of an all alcoholic beverages restaurant license at 635 Cambridge Street has applied for a change of manager from Robert Salines to Joshua Velazquez. Applicant is also applying for a change of d/b/a from Pugs Bar and Grill to Lizzy's.

MICHAEL GARDNER: If both of you could please just state and spell your names for the record, and also your affiliation in connection with this application.

JOSHUA VELAZQUEZ: My name is Joshua Velazquez, J-O-S-H-U-A, V-E-L-A-Z-Q-U-E-Z.

ELIZABETH CANNON: I'm Elizabeth Cannon, C-A-N-N-O-N.

MICHAEL GARDNER: And tell us about your experience with this matter.

JOSHUA VELAZQUEZ: Unfortunately, Robert Salines could not be here today because of a medical issue. I've been working with him for the last month and a half. Our general idea is to have a transition. I have worked in the restaurant business for 20 years. I was a representive for Batowski Tavern for CLAB (inaudible). I owned a restaurant in Allston called DiBellum's. And we are in the process of hopefully entirely transferring everything to a new LLC.

At this point, we just want to be able to change the name and I will take on the responsibility as manager so Mr. Salines can retire in peace and good conscious.

MICHAEL GARDNER: Have you been the manager of record for an alcohol-serving premises before?

JOSHUA VELAZQUEZ: I have not been the manager of record. I have been on the license --

MICHAEL GARDNER: What is your sense of that, what the difference is between what you will be doing now and what you have already done in the past, if any.

JOSHUA VELAZQUEZ: Well, as owner, I want to provide the community a place, we've lived -- this is my wife by the way (indicating). We've lived in East Cambridge now for six years we love it, it's a wonderful community, and it changes and the demographics is changing, and I want to provide a new

experience for the people of East Cambridge, and the quality of food, the quality of beverage, just the experience overall, a place where people can come and feel welcome, a place where people can come and enjoy a good meal and in a very ambient environment.

MICHAEL GARDNER: Any history of discipline with the premises?

ELIZABETH LINT: Not in recent time.

ELIZABETH CANNON: It's a very old establishment. 1933.

ELIZABETH LINT: I would say not within the last five years.

ROBERT HAAS: If I understand you correctly, you are in the process of changing ownership at some point?

ELIZABETH CANNON: Yes.

ROBERT HAAS: So your initial step now is to change manager or record?

ELIZABETH CANNON: Yes.

ROBERT HAAS: And you mentioned this

being more of a place for people to come and dine. Are you changing the menu significantly?

JOSHUA VELAZQUEZ: We're changing the menu -- it's still going to be a tavern-esk menu, but the quality of food, I want to bring to a new level. And as far as entrees and things like that, I really want to try and specialize -- I've got experience in French cooking, Italian cooking, Cajun cooking. I want to really bring out new things for the people in this community.

ROBERT HAAS: So you have chef experience?

JOSHUA VELAZQUEZ: I do, I have been a chef for 20 years.

ROBERT HAAS: So will you maintain the menu you have now for the time being, or do you plan on making a change --

JOSHUA VELAZQUEZ: We'll be changing it.

ROBERT C. HASS: Do you have a copy of the menu with you?

JOSHUA VELAZQUEZ: I don't have a copy of it with me.

ROBERT HAAS: How would you describe the cuisine? Is it European or --

ELIZABETH CANNON: May I try that one?

ROBERT HAAS: Sure.

ELIZABETH CANNON: People ask me that all the time, "What's it going to be like?"

One of the things that he has always done, he has always provided what he considers soul food no matter where it comes from. So it could be Casolay. It could you be hot steam buns from China. It could be the tamales. It's the kinds of things that are going to be very tasty, they're going to go very well with whatever else they are serving; i.e., we're noing to have some very nice draft beer from some of the local brewers.

And I will also tell you, some of this stuff has already been implemented. I was a community organizer for ten years, so there is a -- can I have a raise of hands?

(Audience members' hands are being raised.)

So they are coming already and loving the food and drinks. So that is the kind of food that she is really getting out there; it's eclectic, but it's just going to feel really good and taste really good.

MICHAEL GARDNER: So is it fair to say that it's more upscale and more expensive?

ELIZABETH CANNON: No. Hey guys, is it more expensive?

(Audience members' hands are being raised.)

MICHAEL GARDNER: Questions?

GERARD MAHONEY: You mentioned a restaurant in Allston. Do you still own that restaurant or you did own it?

JOSHUA VELAZQUEZ: I did own it. I had two other partners, and two years ago I sold my share back to them. I felt at the time, we were going to open what I want to open now. And as time went on and it became very busy, it slipped away from that original vision of the quality food, quality drinks, good service.

I mean, it's still a great restaurant, I'm not saying anything against its. But it wasn't where I wanted to be in my life.

GERARD MAHONEY: I understand.

And do you have a responsibility in this establishment? Are you working there?

ELIZABETH CANNON: I'm helping to buy it, more or less that's my responsibility. And to come and be social.

ROBERT HAAS: So when purchase, you are also purchasing a liquor license that goes with the establishment?

ELIZABETH CANNON: Yes, we will be.

MICHAEL GARDNER: But that is not before us tonight?

ELIZABETH CANNON: No. And it's not happening just yet.

GERARD MAHONEY: And is Pugliese the tenant in the building or does he own the building as well.

JOSHUA VELAZQUEZ: It's a condo situation, so Robert Salines will still hold the ownership of that condo.

GERARD MAHONEY: So you'll be a tenant?

JOSHUA VELAZQUEZ: Yes, I'll be a tenant.

MICHAEL GARDNER: Anything particularly significant about the choice of name Lizzy's?

ELIZABETH CANNON: It's my name.

MICHAEL GARDNER: If you weren't Elizabeth --

ELIZABETH CANNON: That's quite all right. It wasn't my choice, it was my husband's. Just so you all know, I didn't ask for it.

MICHAEL GARDNER: Anything else you have to say before we open it up to public comment?

JOSHUA VELAZQUEZ: No.

ELIZABETH CANNON: No.

MICHAEL GARDNER: Any members of the public who wish to be heard, please come forward.

CHARLIE MARQUARDT: My name is Charlie Marquardt, M-A-R-Q-U-A-R-D-T, and I'm here representing the East Cambridge Planning Team.

Josh and Bob both came down last Wednesday night and went through their menu, their plan and everything, and got questioned by the entire you audience. We view it as a distinct positive in terms of helping to

bridge the gap between Inman Square, heading a little bit more east, and the restaurants coming up Third Street and starting to head down Cambridge Street reinvigorating that entire part of Cambridge and giving the neighborhood a somewhat better fare and to eat and drink.

So we all viewed it as a positive. And the only question we got was "more vegetarian," and everything else was really very good.

ROBERT HAAS: Aside from the vegetarian question, what questions did you ask that we didn't ask?

CHARLIE MARQUARDT: There was a question about could he drop the prices, starting from $8 to $7.50. What was going to be on tap and he went through the rotation. And someone else used "Why the Lizzy's name?" And they were probably told why. Other than that, it was accepted as positive. We like

Bob, but Bob has been there for 25 years and this is a good time to give it a new name with a new generation and new owners.

MICHAEL GARDNER: So would you say you are enthusiastic in supporting him?

MR. MARQUARDT: I would say the East Cambridge Planning Team is very enthusiastic in their support. And they already frequent the establishment, but they are looking to go there even more with the new menu, and I think the word was gumbo, yes?

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

No response.

ELIZABETH LINT: I have two letters in support, one from Councilor Toomey who says that he supports the application, Pugs is a third-generation, family-owned business that has served the neighborhood well for over 80 years, and he has confidence that the new manager will uphold the same standards set by

Mr. Salinas and his family.

And I also have a letter from the East Cambridge Business Association in support of the application. And they said that Josh is a very familiar with The Cambridge Street business landscape, former chef of another Cambridge Street restaurant, has a good reputation in the community, and they feel that he'll be an excellent match.

MICHAEL GARDNER: I think we should do two votes, one for the "change in managers," and one for the "doing business as" just to keep the record clear.

Are there any or comments questions or questions?

ROBERT HAAS: No.

GERARD MAHONEY: No.

ROBERT HAAS: Raise your hands of you are here in support of the restaurant?

(Audience members' hands are raised.)

MICHAEL GARDNER: Anybody opposed?

None opposed.

The 21 proof training that Cambridge requires, have you taken that yet, sir?

JOSHUA VELAZQUEZ: Not yet.

ROBERT HAAS: I make a motion to accept the proposed change in manager.

GERARD MAHONEY: Seconded..

MICHAEL GARDNER: With the condition of the 21 Proof training, motion having been made and seconded to approve the change in manager from Robert Leandro to Joshua Velazquez. All those in favor, signify by saying "aye."

ROBERT HAAS: Aye.

GERARD MAHONEY: AYE.

MICHAEL GARDNER: All eye. None opposed. Good luck with that.

ROBERT HAAS: Had I make a motion to approve the change of name from Pugs to Lizzy's.

MICHAEL GARDNER: Motion to change

the DBA from Pugs Bar and Grill to Lizzy's. All those in favor, signify by say "Aye."

ROBERT HAAS: Aye.

GERARD MAHONEYT: Aye.

MICHAEL GARDNER: All ayes. None opposed. Good luck. Thank you.

* * * * *

ELIZABETH LINT: Clarification. Veggie Galaxy, LLC, holder of a wine and malt beverages as a restaurant license and entertainment license at 450 Mass. Avenue for clarification of the common victualer hours. Application applied for 7:00 a.m. to 11:00 a.m. seven days a week, and the hours were amended at the original hearing to 11:00 a.m. to 11:00 p.m. seven days per week.

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

ADAM PENN: Adam Penn. A-D-A-M, last

name is Penn, P-E-N-N, and I'm the owner of Veggie Galaxy.

As was explained, I went -- when I first sat before you and I applied for 7:00 a.m. to 1:00 a.m. there was some confusion. That was amended where -- especially with respect to the alcohol, there was a little bit of confusion and I mis-communicated. I clarified the hours. My intention was to clarify the hours from 7:00 a.m. to 11:00 p.m., within which alcohol would be served from 1:00 a.m. to 11:00 p.m. That 11:00 a.m. to 11:00 p.m. was interpreted to mean the entirety of the hours.

So my visit here tonight is to clarify that I was hoping to be open from 7:00 a.m. through 11:00 p.m., alcohol being from 11:00 a.m. to 11:00 p.m.

ROBERT HAAS: Seven days a week?

ADAM PENN: Yes.

MICHAEL GARDNER: Have you been

operating since April, or have you opened?

ADAM PENN: We opened very recently. Our official opening date was Labor Day, September 5th.

MICHAEL GARDNER: I've reviewed the minutes from the Decision Hearing in which we -- having gotten the report back with what we thought we understood the minutes report was.

Was there a problem with someone having the common victualer license for hours different than the service of alcohol?

ELIZABETH LINT: No, we do it all the time.

MICHAEL GARDNER: Under the circumstances, in fact, alcohol could not be served before 11:00 a.m.?

ELIZABETH LINT: Correct.

MICHAEL GARDNER: Do you understand that, that's what you want?

ADAM PENN: Yes.

MICHAEL GARDNER: Any questions?

ROBERT HAAS: No other questions.

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

Seeing none. Anything else you would like to add, Mr. Penn?

ADAM PENN: No.

ROBERT HAAS: So you would make these hours effective immediately?

ADAM PENN: As soon as I'm allowed.

ROBERT HAAS: Make a motion to approve the suggested hours from 7:00 a.m. to 11:00 p.m. seven days a week. The CV license and liquor license from 11:00 a.m. to 11:00 p.m. seven days a week.

GERARD MAHONEY: Seconded.

MICHAEL GARDNER: Motion having been made and seconded to amend the hours of operation to extend the common victualer license from 7:00 a.m. to 11:00 p.m. while holding the liquor license at 11:00 a.m. to

11:00 p.m. seven days a week.

All those in favor signify by saying "aye."

ROBERT HAAS: Aye.

GERARD MAHONEY: Aye.

MICHAEL GARDNER: None opposed.

We wish you well. Sorry for the confusion.

ADAM PENN: Thank you very much.

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ELIZABETH LINT: Application for Gamma Pi of Kappa Sigma Fraternity Corporation, Sanjay Divakaran, resident manager at 407 Memorial Drive, has applied to amend their lodging house license from 35 occupants to 52 occupants.

MICHAEL GARDNER: Good evening. Again, if you could please state and spell your names for the record and also your affiliations or connection with this matter.

THOMAS STOHLMAN: My name is Tom

Stohlman, S-T-O-H-L-M-A-N, and I'm the president of the Gamma Pi of Kappa Sigma Corporation. It's basically the alumni board that controls the corporate entity of Gamma Pi of Kappa Sigma.

SANJAY DIVAKARAN: My name is Sanjay Divakaran, S-A-N-J-A-Y, last name Divakaran, D-I-V-A-K-A-R-A-N. I'm the resident manager as well as the resident adviser.

MICHAEL GARDNER: So your role is to be there and you live there and you have whatever functions there are for advising or assisting the students?

SANJAY DIVAKARAN: That's correct.

MICHAEL GARDNER: If you could, please describe for us who lives in this building now and what structural changes you've made, if any, or how you are going to accommodate the addition space.

THOMAS STOHLMAN: The building is currently occupied by male fraternity members.

It's not a co-ed fraturnity, it's not a soriority. So it's all men.

I'm an architect, by the way, just for the record. I'm a registered architect in Massachusetts. And I know that the building, when it was built, had a capacity, a safe capacity, as per the code of around 64. It is actually limited by the number of plumbing fixtures, not by the egress, widths, or any other element of the building.

However, for some reason, over the years, the front and the back door got changed from ones with panic hardware, which is -- you know, if you are pushed up against that door in a panic, it will open without having to twist any knobs. That, by the code, basically said you can't go over 50.

So this summer we placed panic hardware back on the doors. It had been taken off, for whatever reason I don't know, but we placed it back on the doors and now it

comports with that section of the code.

I just want to add that the reason why we are hear before you is we had a very successful, what's called, "rush" last year. It was one of the most successful in our history. Hopefully, because we've been an excellent chapter on campus. We've been voted the best chapter on campus for the past two years in a row. So, hopefully, it's going to draw even better people to the fraternity. But because of this, we need to increase the capacity on the license from what it is now to 52.

And I've looked back through the records and it's fluctuated for a variety of reasons, anywhere from 35 to 52 over the 40 years that the fraternity has been there.

MICHAEL GARDNER: I guess I have some questions about that. I looked at the file this afternoon and saw it was 52 and I said, well, if they have 52, I don't really know it

goes back down.

Is this a re-application every year, Ms. Lint, in which they might reduce the numbers based on the number of people living there, or how does it go down?

ELIZABETH LINT: We wouldn't mind if it went down; it is if it went up, and they need to apply to have an increase.

MICHAEL GARDNER: I don't understand why it is now at 35.

THOMAS STOHLMAN: It is at 35 on the license now.

ROBERT HAAS: Previously it said 52 at one point..

THOMAS STOHLMAN: As recently as 2006 it was 52. Back when -- I don't quite have all the years' records, but I have it as far back as 2005, I think.

I also was given some files from Sara Gallup today, who is the -- what is your formal title, Sara?

SARA GALLUP: Co-director of Government and Community Relations at MIT.

THOMAS STOHLMAN: There have been times in the past -- I'm an alumni of the house. I moved into that house from Boston, it was built new, about 40 years ago, '74 or '75.

And I will be honest with you, over the years the quality of the young men in the house fluctuates, and it will probably always be that way. And I personally have been called back twice as an alumni -- fortunately, MIT notices these things -- and I've been called back twice to get people back on the straight and narrow.

The last time this happened was in 1999, according to Sara's records, this fraternity was before this board five or six times.= and you can look back for your own records and figure it out because they were being bad, and there were problems with

drinking and there were problems with hassling other people. And it's totally unacceptable stuff.

As an alumni, it embarrasses me when I'm called back to clean up a mess. That's not been the case certainly since I came along in 2006.

And since 1999 the faternity has done lots of things, not necessarily building code things, but lots of things to improve the quality of the people joining the fraternity, to cut back the chances that there is going to be problems with alcohol.

In fact, MIT as an institute, has new policies. They have forbidden freshman, for instance, from living in fraternities. They have changed their -- there's something called karma -- and Sanjay is karma certified, as are all the resident advisers, to stop, nip it in the bud, so that people are not drinking in excess and people who shouldn't be drinking

aren't drinking.

So, a long story short, yes, we've been before this board. I wasn't around in 1999, but I don't ever want it to happen again. And the fact that this group has won, like I said, has been voted by their peers the best fraternity on campus for the past two years, and that's why they had a great rush and that's why we are before you because we need more capacity as per the license.

MICHAEL GARDNER: Can I ask a question? If you have 52 as recently as 2006 or so, do you have any idea how it gets down to 35? Is it just a matter of what they apply for? We have never voted to reduce the number.

ELIZABETH LINT: Not that I can tell. I am wondering if it's the panic card --

THOMAS STOHLMAN: The panic card is the 50 number, that's the magic number.

For instance, this room is for an

assembly use. If you put over 50 people in this room, you would be required to have the doors open outwards and be required to put panic cards on.

But I didn't think -- 35 makes no sense as far as I could tell if it was a code issue. It might have been a disciplinary issue. I don't know how this board has made its decisions in the past.

MICHAEL GARDNER: Is there anybody from MIT who would like to speak with about this matter?

SARA GALLUP: My name is Sara Gallup, I'm co-director of Government and Community Relations.

And, as Tom has indicated, there has been a long history with the house and we've been here with other people in years' past. And I think that there was a great learning experience that took place during those years, not only for the house, but I think for MIT as

well. And the Commission is aware of MIT's newer programs for its fraternity and sororities and independent living groups.

Although it has occurred to me, Mr. Chairman, that we might want to come and give you a briefing about our current programs, educational activities, risk management procedures, that might be something that could be useful.

MICHAEL GARDNER: I would look forward to that.

SARAH GALLUP: We could arrange that in some manner.

But we do support this application. And the house has not had any difficulties now, as far as we could tell, in many years. So we do support this application.

SANJAY DIVAKARAN: It's his fault.

MARLENA MATINEZ LOVE: My name is Marlena Martinez Love, that's M-A-R-L-E-N-A, Martinez, M-A-R-T-I-N-E-Z, last name Love,

L-O-V-E. And I'm the assistant dean and director for the fraternities, sororities, and independent living groups at MIT, and I've had the privilege to work with Kappa Sigma over my four year tenure at MIT, first as the fraternity director and now as the assistant dean of the office.

And, as Sarah mentioned, I would fully support the application to increase the occupancy. And I can go on a laundry list of accolades that both the campus at MIT as as well as national fraternity of Kappa Sigma have granted our MIT chapter.

And so if you have any questions -- and as Sara mentioned, we would welcome the opportunity to work with you, the Commission, and bring you up to speed on all the programs and services we are providing to make sure that the resident managers, resident advisers, as well as the alumni, have a clear understanding of the expectations from MIT's

side as well as the programs and services to help better the organization at the undergraduate level.

So thank you for letting us speak this evening.

MICHAEL GARDNER: So what's your sense, sir, of the physical structure limitations on the numbers that you can house there?

THOMAS STOHLMAN: I did a little analysis of the building code and what numbers the building code will allow, the current building code. And the building code itself, the width of the stairways, the width of the exit doors, the panic hardware opening out, it actually, by those standards, the capacity is in the hundreds. But that's not the limiting factor for the building.

The limiting factor is the plumbing code; that is a different code. It's not a safety code necessarily but, rather, how many

toilets should you have and how many sinks should you have.

MICHAEL GARDNER: Part of the sanitary.

THOMAS STOHLMAN: Right, the sanitary code.

And for a residence, you take the number of fixtures that you find in the house and multiply it by certain factors, and that limits it to around 64 residents.

I'm not talking about assembly, that is a different section of the code. It's 64 residents because of the plumbing is basically the limitation.

MICHAEL GARDNER: And your application is for 52?

THOMAS STOHLMAN: Yes.

MICHAEL GARDNER: 52 matches what you had --

THOMAS STOHLMAN: Had in the past.

MICHAEL GARDNER: Are 52 people

housed there now?

THOMAS STOHLMAN: No. My understanding is that this upcoming class is going to be 50. But I said, I want to apply for just a little bit more just in case something happens, I don't want the license to not comport with the number of the people.

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

Any other questions?

ROBERT HAAS: Is there any access to the roof?

THOMAS STOHLMAN: There is access to the roof. This is a particular stone in my shoe.

When access to the roof is allowed unfettered, I have problems; mostly because people can bring stuff up there, glasses -- not necessarily beer bottles, but just glasses. And if they break, the glass pierces

the rubber membrane and I get leak problems.

So I, as the president and the alumni house manager who gets the calls when there are leaks, have said, "There is a specific set of rules that I want you to follow if you go on that roof." We've actually laid out onto the roof a two-inch thick rubber pad and said, "Don't go anywhere but on this pad." You know, it's like ten feet away from the edges of the roof. "Don't go anywhere but on this pad." And only one person should have a key; so there is only one key and I know who has it.

And don't bring -- don't go up there for any reason except stuff like if you want to bring your parent up there for the beautiful views. There are terrific views up there. I said, pre-frosh (sic) -- I said, you can bring "frosh" up there but don't exceed 10 people on the roof at any one time.

MICHAEL GARDNER: So you wouldn't

normally have any parties --

THOMAS STOHLMAN: No. You are forbidden to bring up any glass of any sort onto the roof and that includes soda pop bottles, glasses, beer bottles, it's forbidden. And if I find out, it's -- the key is going to come back to me and they are not going to have any keys at all.

SANJAY DIVAKARAN: And since we've had that policy, we haven't had any problems with it.

ROBERT HAAS: So is it your intent at some point in time to try to reach the maximum or are you pretty comfortable --

SANJAY DIVAKARAN: No. The number of 52 that we've reached is not only what we are comfortable with, but as well as providing some space in the house as study space, and that's why we feel that at 52 is the maximum we actually provide as bedroom space and still providing the study space necessary as MIT

undergraduates.

ROBERT HAAS: I have to commend MIT, they did a great amount of work in the last year or two with the fraternities and sororities. And I think they have actually taken a fraternity away. And, again, my hat goes off to MIT being an active partner. So I feel very comfortable that this will be well regulated and I don't think you should have an issue. So I accept this application.

MICHAEL GARDNER: A motion to approve the change would then be in order.

ROBERT HAAS: Motion to approve.

GERARD MAHONEY: Seconded.

MICHAEL GARDNER: Motion having been made and seconded to amend the lodging house license for Gamma Pi of Kappa Sigma Fraternity from 35 to 52 occupants. All those in favor signify by saying "aye."

ROBERT HAAS: Aye.

GERARD MAHONEY: Aye.

MICHAEL GARDNER: None opposed.

So you've amended the license and good luck.

THOMAS STOHLMAN: And I hope to only be back here for amending the license, never for reducing it. Thank you.

SARA GALLUP: Thank you.

SANJAY DIVAKARAN: Thank you.

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ELIZABETH LINT: The next matter is Mr. Pico, but I don't see him here.

MICHAEL GARDNER: We'll go to the next item then.

* * * * *

ELIZABETH LINT: Application for NPPE Corp., doing business as Kellari, Penny Kokkinos Hamourgas, manager, has applied for a new all alcoholic beverages as a restaurant license and entertainment license at 288B Green Street with a seating capacity of 150. The proposed hours of operation are 11:00 a.m.

to 2:00 a.m. Tuesday through Sunday and closed on Mondays. Applicant is also applying for an entertainment license to include dancing by patrons and live musical instruments and/or vocalists with amplification.

MICHAEL GARDNER: Good evening. Is there anybody who plans on speaking? If you could, just state and spell your name for the record and also identify your affiliation with the matter.

ATTORNEY VINCENT PANICO: My name is Vincent Panico, P-A-N-I-C-O, I'm the attorney for the petitioner.

PENNY KOKKINOS HAMOURGAS: I'm Penny Kokkinos Hamourgas, P-E-N-N-Y, K-O-K-K-I-N-O-S, H-A-M-O-U-R-G-A-S, manager Kellari Restaurant.

PENELOPE HAMOURGAS: I'm Penelope Hamourgas, P-E-N-E-L-O-P-E, last name, H-A-M-O-U-R-G-A-S.

ATTORNEY VINCENT PANICO: As you

have heard, we are applying for an all alcohol restaurant entertainment and live music license. The location had the sort of experience previously. It was a VFW club located there. And they had functions, served alcohol. As a matter of fact, and Attorney Goldberg, who I am hoping will show up momentarily, applied for and got an entertainment license.

And as I understand the law, and Elizabeth might confirm this, when you get a variance, the variance travels with the land and not the owner at the time. So there is still, zoning-wise, an ability to have entertainment in the basement.

What is the objective of the petition? They want to create a restaurant serving Greek food which reflects Greek culture and have Greek music and Greek entertainment.

In our general area, we have a very

large Greek community who are supportive of this and there is no Greek restaurant. There are two Greek restaurants; one is on the Arlington line, called the Corner Restaurant, and the other is in East Cambridge, it's very, very small, and it's called Espina. But there is nothing really that is like what we are trying to get.

In talking to some of the neighbors, and I did reach out of the neighbors before the zoning hearing and before this hearing. It seemed, of course they can speak for themselves, that they like the idea of a Greek restaurant here providing there was no nuisance created and there was no noise.

And on that score, we tried to give some assurance -- if any of you have ever been in this building, the basement is like a concrete bunker. And our contractor claims to put soundproofing on the ceiling and on the Franklin Street side to make sure no noise

escapes the building.

Why a no-value license? We did look around. And I called Chris at the Licensing Board this afternoon and I said, Chris, is there any license for sale? Beer and wine or all alcohol? He said only those two that have been on sale for years in Harvard Square which are $200,000 and up. This is not the type of restaurant that could support something like that.

Now, I understand that the Commission, at some time in the near future, is going to consider issuing no-value licenses but charge for them. And my client said, "whatever they charge, we'll pay."

So if, in the future, by your wisdom, you decide on that course of action, we'll pay for it.

ROBERT HAAS: There is already a fee associated with no value, nontransferable licenses.

ATTORNEY VINCENT PANICO: I thought there was going to be a hearing later on in which additional fees maybe were going to be considered? I may be confusing --

ROBERT HAAS: There is a fee schedule associated with no value, nontransferable licenses.

ATTORNEY VINCENT PANICO: We have no objection whatsoever to paying that.

The two entities that exist in the building now, the second floor is a salsa club only on Friday and Saturday; and the Greek club itself on the first floor, they stay open until 2:00 a.m.

And I understand the Board has a policy for no more 2:00 a.m. licenses. But our position is that that's what the building has right now and that's what, from what I know, the VFW had. The entire building had a 2:00 a.m. license. So we felt bold enough to ask that we might also have a 2:00 a.m.

license.

The basement, as far as the fire department is concerned, is fully sprinkled already, and we are going to have three exits, two on Green Street and one on Franklin.

Now, we went before the Zoning Board to get a variance and the variance was granted and we agreed to certain conditions. And in, subsequently, talking some more with the neighbors, we would add another condition. And may I just tell you what the condition is if the Board considers granting this one could be imposed.

Number one: My client, the manager, her cell phone must be given to the neighbors and she's got to be available 24 hours a day.

Number two: No dumpster deliveries before 8:00 a.m.

Number three: No deliveries, food or otherwise before 9:00 a.m.

Number four: The customers cannot

exit onto Franklin Street unless it is an emergency.

Now, what the Board had asked for, they said, look, on that Franklin Street exit, alarm it, and no exiting except for an emergency.

And number five: The employees cannot congregate on Franklin Street for any reason, whether it's smoking or chatting.

Number six: This is one we added to the Zoning Board. We'll furnish the neighbors with a list of registration numbers of our employees. The employees will be instructed to not park on Franklin Street; that is for the private citizens there, stay away. There is a parking garage if you want to park at, or park wherever you want to, but stay away from Franklin Street.

Now, a question came up from one of the neighbors, "well, when you say 2:00 a.m. closing, what does that mean?"

And I told them -- and I remember I was here at a hearing in which the owner of the place was chastised, "when you say 2:00, that means the last patron has to be out of the building at 2:00. That doesn't mean you serve something at 5 minutes of 2:00 and you can let him finish his drinks until 2:15 or 2:30. The place has got to be empty at 2:00.

One of the board members commented that opening a restaurant in this economic climate takes a lot of courage.

Well, I think it does take a lot of courage but the client is willing to take a chance. And by taking that chance, with the extensive renovations, she is going to create jobs. And when the place opens, there will be more jobs for the staff.

There is a bar area on the plans, but that bar area is a food bar area. And you can have drinks with your food but you cannot have drinks separately. It's a food bar.

I believe you will see a letter -- and if you haven't got it, I have a copy here -- from the Superintendent of Police in Lowell. There was a restaurant called the Worthen, W-O-R-T-H-E-N, it was a can of worms, it was a horror for the city.

My client took over that restaurant and in three years cleaned the place up and it's a well-run restaurant. And the police chief acknowledges in his letter that they've had no trouble with it.

Mr. Goldberg is going to be here and he represents the Greek Club, and he will describe the financial hardship that they had and the reason why they are trying to get us to lease the place.

And, as I said, the VFW had already operated in the basement for social functions and alcohol. They closed when their membership declined.

MICHAEL GARDNER: Mr. Goldberg was in

and out. But perhaps when he comes back in -- we'll wait for him.

But a couple of questions, sir. If you know, sir, when the VFW's operation ceased?

ATTORNEY VINCENT PANICO: I think it was about three years ago. And there is the president of the Greek club who will be here and he can tell you the exact year.

MICHAEL GARDNER: And, Mrs. Lint, do you know, is that a no-value license that was just returned or do we know anything?

ELIZABETH LINT: It was a club license, it's a different category, it doesn't apply to us.

MICHAEL GARDNER: And then I'd be interested in sort of what the operations on the first floor are now. Is there no restaurant or no food on the first floor?

ATTORNEY VINCENT PANICO: On the first floor there is a club with aging and

steadily declining members. Their membership keeps going down and down, and that's creating a further hardship on it. And there's a point in the future where I don't think there will be any members. They have never been able to attract the younger people.

As a matter of fact, the entertainment license that was granted at one point on the basement, was an attempt by the Greek Club to draw in younger members. It never worked.

ATTORNEY GOLDBERG: I can speak more directly to that question.

MICHAEL GARDNER: We'll allow the speaker to speak if and when he identifies himself and spells his name for the record.

ATTORNEY GOLDBERG: I am attorney Bernard Goldberg, 620 Massachusetts Avenue, attorney for the owner of the premises which is the Greek American Political Club.

I would have been here earlier and I

would have advised Mr. Panico of my intention to be here earlier, and I have an emergency call to the president and a few of his members to come here and speak to you in favor of this application.

So as far as the club is concerned, there is the second floor and there is the first floor, and the application is for the bottom floor.

MICHAEL GARDNER: The basement?

ATTORNEY GOLDBERG: The basement. That is where Corporal Hoyt Post was a tenant for many years, and they were evicted because of nonpayment of rent and they had other problems concerning the post itself. And so that site has been vacant for the longest while ever since 2007. And the club has been interested in renting that in a similar fashion as it was rented to the Hoyt Post.

There were many people whom came in and looked for, and there was eventually a

lease signed, but it failed to be executed.

Since 2007 it has been empty, and there has not been any income coming from that particular site.

On the second floor and on the first floor, I petitioned the Licensing Board and they granted a full alcoholic restaurant license. And that license itself, on the first floor and the second floor, were merged together so that both sites have a full alcoholic restaurant license.

Why is this? Well, in the course of my discussion with the Board, and it was during your predecessor's time, we cited the fact that there was no income coming in, and the expenses of the club was close to $100,000.

And, in addition, because they were over 100 seating capacity, they were required, at the end of last year or the year before, to get a sprinkler system. So they had to pay

$125,000, and I'm sure there is a loan outstanding and they pay a monthly payment on that.

The expenses of the club is over $100,000. Real estate taxes in the city has not been beneficial in that regard. They caused the club to pay about $24,000 in real estate taxes.

The electricity, the heating, repairs, maintenance, insurance, theft and liability insurance, liquor insurance, have increased ever so much since that period of time when the license was granted. And so it is important for the club to sustain itself to have some income coming from downstairs.

I'm sure Mr. Panico has mentioned to you that the club and the downstairs needs extreme renovations. It has an open space; the same space as up on the first floor and the second floor. And it's important to them that they have some income coming in from that

particular location.

It's a hardship presently for them to maintain the club and provide the services to its members, which they do. And on the first floor, they have membership club meetings and the like for the so-called members. And they provide on a Saturday, a routine entertainment and food presented to the members for which they pay no money.

Let me say this, that so far as the members are concerned, their obligation to join the club is about $75 a year. So income is something of an insufficient nature. And when Mr. Panico and his clients came forward and we are in the process of negotiations at least if the Board says yes, sir to his application, we, the club and myself, were grateful that they would then have income coming and, therefore, we could continue providing services to the members. And this is important because if it goes out the

window, so to speak, there is no place for the club and members of the Greek community and the surrounding communities to find a place where they can have functions upstairs and on the bottom level provide the membership what they need and they provide at the present time.

So as far as the second floor is concerned, I might add that the club does provide salsa dancers and that's on Fridays and Saturdays only.

Other than that, it can only provide for its members and guests of members functions on the second floor as well as on the second floor.

So I urge, and I don't know whether any members at this particular moment in time -- there are, the president and an officer -- to talk to you about the application, and we would urge the Board to recommend this application; not only for them,

but they will spend a great deal of money fixing the place up, and this place needs to be fixed up, and provide services to have a restaurant.

And I'm sure Mr. Panico has mentioned that it would be an authentic Greek restaurant with Greek food. There are many other restaurants that provide Greek salad and perhaps some hors d'oeuvres. But this will provide the kind of food that Greek people and other people would enjoy and like.

MICHAEL GARDNER: We'll be happy to hear from other than members of the public, but just a couple of questions of my own edification.

So you said there is a merged license for restaurant and alcohol on the first and second floors. I take it that's a club license?

ATTORNEY GOLDBERG: The club license went out. The club license merged into the

all alcoholic restaurant license. So there is only one license in the two places.

MICHAEL GARDNER: So I guess I'm not sure, but if the Greek American Political Club already has a restaurant and alcohol license for the first and second floor, what's to prevent them from bringing in new managers to do exactly what you said would be done in the basement without our having to grant an additional alcohol license?

ATTORNEY GOLDBERG: Well, the only time they use the facilities for purposes of the public, who are there on the second floor, is very limited.

The salsa dancers are people who come in for salsa dances, there will be instructions. And mostly they are not drinkers, they are dancers. And they are there Friday and Saturday only. And the club does not intend to open up the second floor for a restaurant, it's not within their

purview. And they'd certainly rather have someone on the first floor who will renovate the place and also provide the type of Greek food that they would enjoy themselves and others would enjoy.

MICHAEL GARDNER: Well, they already have the restaurant license?

ATTORNEY GOLDBERG: Yes.

MICHAEL GARDNER: Well, it sounds like the existing alcohol and restaurant license is in some ways being under-utilized, and so there is a request for yet another one and I guess --

ATTORNEY GOLDBERG: The request, Mr. Chairman, is not so much as their intention to operate a restaurant, but rather their intention to obtain a restaurant on the bottom level in order to provide income to the club and to maintain the services that they are presently maintaining and providing to their members and guests of members.

MICHAEL GARDNER: Does the current license restrict the operations to the first and second floors?

ATTORNEY GOLDBERG: Yes.

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

(Audience Member)

MICHAEL GARDNER: If you could please come up to the front and state and spell your name for the record.

JAMES IFFLAND: My name is James Iffland, I-F-F-L-A-N-D, and I'm at 248 Franklin Street. I'm here to give my perspective with respect to our neighbors in our building and in the building next door at 240 Franklin Street.

We had some people at the Zoning Board meeting back in August -- and I got the football tonight. I've been talking to the folks who were proposing this idea and I'm

impressed by some of the things I heard out in the hall just before this part of the hearing began.

The issue is very simple. That particular area, of course, is very concentrated; we have the Manning Apartments on one side, we have a church corner on the other, there is two big buildings, and then we have the whole new project or building on the other side which creates a gigantic echo chamber.

So any sort of even normal noise gets projected quite strongly because of those large buildings.

And, historically, I've been in that area since 1995, and we have had, I would say, a positive relationship with the Greek American Political Club, but we've also had issues that we've had to resolve.

I've worked a lot with Bernie on resolving those issues.

The second floor did not have proper sound insulation so over time there were difficulties with what would be coming out the back of the building.

Part of the problem is -- if you are on the Green Street side, you don't hear anything. But if you are on the Franklin Street side, you -- and we are directly behind the club, if that top floor is not properly insulated in terms of sound, you hear it, and it gets magnified because of the environment around it.

So the club has worked on this whole issue. We got the sound insulation. And every once in a while, depending on the way the winds are blowing you can hear a little bit of noise but, generally speaking, things have gotten a lot better.

So when we saw that this application for the restaurant was going to be put forward, the neighbors all began to be a

little bit concerned about this because this is yet another level of activity in the neighborhood which is a very high-trafficked neighborhood.

And, obviously, if there is going to be a new element introduced, and we want to make sure that things are going to be as peaceful and as quiet as possible.

We are in the Central Square zone, so we realize there is going to be noise. But our main concern -- and I think I can say that I'm speaking for the people in my condo association and the folks next door at 240 Franklin Street -- we don't care what goes on in that building so long as we don't hear it. That's our issue. We don't want to have sound pollution coming out of there. That's (A).

And then (B), of course, we are concerned about what happens when folks leave the building. Because when it's last call in the Central Square area, we got people going

back to their cars. And a lot of them are Cambridge residents and they are parking out on the streets, so we get noise until 1:30 or say 2:00 in the morning on many days of the week.

So we are simply concerned about trying to channel anything that could happen at this new establishment in such a way that we don't get even more noise.

So let me say that I think our neighbors -- and I like the idea of a good, well-run establishment. I like Greek food, my neighbors like Greek food. Hopefully, we all would become patrons of this restaurant. But we we leave the restaurant and go home and tro to go to sleep and be ready for work the next day, we just don't want to have any collateral damage coming out of there.

So, again, I think -- I'm glad we had the conversation out in the hall here. At least what I heard from the owners is that

they are planning to run a tight operation. It sounds like up in Lowell they've done a good job in running that restaurant. And I would simply hope that, if you decide to go ahead and grant the license, that this club be run as well as I am told the club up in Lowell has been.

So, again, like I say, yet another bar/restaurant in Central Square. Well, okay. I guess the more the merrier. The question is: We are just concerned about preserving our environment.

MICHAEL GARDNER: Any particular problems with other establishments in close proximity to you?

JAMES IFFLAND: Well, not really. We used to get the -- Green Street, I used to be on the phone with them before. I know I've called before. I called the police. And they did their sound insulation.

As I say, we had the problems with

the second floor of the Greek American Political Club until they did the sound insulation, and I think the police record will show that there were a lot of calls to there. But that subsided when they did what they needed to do, keep the noise inside the building.

MICHAEL GARDNER: Do you have a time anchor for that, when that happened? Your best estimate of when the improvement was in terms of the sound?

JAMES IFFLAND: About five years ago, that's when they began the operations on that top floor. And it was immediately noticeable.

And through Bernie and Nick, we sort of worked on it and got it to kind of a Datante.

I must admit, and I was saying before the meeting, I was saying, so Fridays and Saturdays we got the salsa going on on top; we

have the -- well, they explained what they meant by the dancing and the music. And my understanding is that it's going to be traditional Greek dancing in the circle. It's not going to be a rock venue. I heard that they may have a little bit of jazz; I am a jazz fan, so maybe I'll be a patron because I like jazz.

But I have this, let's say, fantasy of stuff going on on all three floors on certain days of the week, and I'm just wondering to what degree it will be sort of contained in a way that it's not going to have us awake.

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

(Audience member)

MICHAEL GARDNER: If you could, please just state and spell your name for the record and who you represent.

AUDIENCE MEMBER SAVA WALLACE: My

name is Sava Wallace, I live at 45 Milton Street in Arlington. And I'm the president of the Greek American Club.

What I want to say is what Mr. Goldberg mentioned it. We are about 150 members now. And like Mr. Goldberg said, we have a license for the restaurant, but really it's not a Greek restaurant, what we have over there. So we need a Greek restaurant so we can go over there and eat and have Greek food, our own.

As Mr. Goldberg mentioned again, we have a lot of expenses. He mentioned some. But the real estate only is about $36,000 this year. We have insurance, which is about $18,000. We have so many other expenses, it goes more than $150,000. And, also, we need some rent from downstairs to keep all these expenses going.

MICHAEL GARDNER: Again, I guess I don't understand why, if you perceive there is

a need for a Greek restaurant in the area and your restaurant and alcohol operation is not generating particularly the kind of income that you need, why you can't simply re-imagine, re-do, bring in a manager to create, on the first and second floors, the kind of restaurant activity that would help sustain you?

AUDIENCE MEMBER SAVA WALLACE: The first floor, we are the only members. We don't even make the money we spend for the labor working over there. We don't make the money for the first floor to cover the expenses for the first floor.

So the only money we make right now is from the second floor. The two days coming for salsa and some weddings, some other things we have to make some money, but the money is not enough for the expenses that we have.

MICHAEL GARDNER: Thank you.

Questions?

ROBERT HAAS: Mr. Panico, does your client own another restaurant? Do they own a restaurant in Lowell still?

ATTORNEY PANICO: Yes.

ROBERT HAAS: And these conditions that you've identified, they would be willing to attach them to the license and, if there was a violation, I understand that the license could be suspended or revoked if any of them were violated?

ATTORNEY VINCENT PANICO: Yes.

ROBERT HAAS: Mr. Iffland, I know when we had the conversation about the salsa club, you were worried about a confluence of people coming out on to Franklin Street or Green Street along with the other Central Square businesses.

Has that materialized at all?

JAMES IFFLAND: I think --

MICHAEL GARDNER: Can you dentify yourself again.

JAMES IFFLAND: The only other people who come out the back at present are the members of the club. I will point out to the members of the club, as I was pointing out to Penny before, the main problem there is that there is the driveway behind the building which functions as a very compact parking lot.

So if the guy wants to leave the club, and his car is parked right next to the building, then other members of the club who are there have to come out and move their car. So there is conversation. They are people. They are polite, but there is another thing I think going on when they leave the club, I've never noticed, and, like I say, I can see everything that happens behind this building because I'm right there behind the building. I haven't noticed any of the salsa club patrons going out the back and they don't seem to be congregating in the area.

The only people who are sort of back

there and talking are members of the club. So that's it.

ROBERT HAAS: Your restaurant in Lowell, what is the hours of operation there?

PENOLOPE HAMOURGAS: Seven days a week from 11:00 in the morning to 2:00 in the morning.

ROBERT HAAS: All alcohol?

PENELOPE HAMOURGAS: All alcohol.

ROBERT HAAS: Is that a no value?

PENELOPE HAMOURGAS: Technically, in Lowell they are all no value licenses. You can transfer it, but you can't really take it and move it.

ROBERT HAAS: You can't move it for a pledge at all?

PENELOPE HAMOURGAS: I guess we can use it as a pledge.

ROBERT HAAS: Do you pay for that license?

PENELOPE HAMOURGAS: 2750 every year.

ROBERT HAAS: You pay the city.

PENELOPE HAMOURGAS: Every year.

MICHAEL GARDNER: Any questions?

GERARD MAHONEY: I understand you'll be doing fairly extensive renovations?

ATTORNEY VINCENT PANICO: $250,000.

GERARD MAHONEY: And I haven't been in that building in many, many years. Access to the basement vis-a-vis handicapped, what will there be? As I said, I haven't been in there in many, many years.

Is there or will there be elevator access?

ATTORNEY VINCENT PANICO: I haven't talked to the contractor about that.

GERARD MAHONEY: Something to consider when you have restaurant space.

MICHAEL GARDNER: What about the Green Street Grill's hours of operation, if you know?

ELIZABETH LINT: I don't.

JAMES IFFLAND: I was calling around in preparation for this meeting to see what the other bars in the areas had, when their last call is, and Green Street says its last call is 1:00.

MICHAEL GARDNER: Thank you. I just have a question about whether or not you would regard the business operation as viable if you only received a malt and wine license, or if the license were only granted until earlier hours such as 1:00?

ATTORNEY VINCENT PANICO: Do you think you could function profitably if you had to close at 1:00 and you only had a beer and wine license?

PENELOPE HAMOURGAS: Definitely not.

MICHAEL GARDNER: Can we understand why? And, I mean, if the idea is this is a Greek restaurant where presumably the attraction is the food?

PENELOPE HAMOURGAS: If I can't

serve Ouzo or Metaxa those are your two main Greek drinks. So with the beer and wine, I can serve it, but --

MICHAEL GARDNER: If you happen to have it, Ms. Lint, could you identify for us what the criteria in the rules is with respect to the granting of licenses in CAP areas.

ELIZABETH LINT: That would be proof of need, lack of harm to the area, and overwhelming neighborhood support.

MICHAEL GARDNER: So I guess some of the things I'm a little concerned about are that we haven't heard a lot about need, except for the need of the owners of the property, which I don't think is our particular need, the need we need to most focus on.

And I'm not sure what evidence there is of community support --

ATTORNEY VINCENT PANICO: Well, we have a very large Greek community in this local area and in the surrounding areas. And

we have -- of course, in talking with people, we think it would be a wonderful idea if we could have a real Greek restaurant reflecting Greek culture.

GERARD MAHONEY: Tell me, how is business at the restaurant in Lowell?

PENELOPE HAMOURGAS: I mean, obviously, with the economy, we took a little bit of a decline a couple of years ago, but it's been -- but the restaurant in Lowell is an Irish restaurant. Lowell already has two Greek restaurants that have been there 50 years, so we definitely would not contemplate opening a Greek restaurant there.

GERARD MAHONEY: The Greek community in that neighborhood over here was, I know, fairly robust at the Greek church. I know with the demographics it has exchanged somewhat, but perhaps even the gentleman for the Greek Club or Mr. Goldberg could speak with regards to the Greek community in

Cambridge, being about that is it may?

I'm trying to get a sense of -- is the population here to support --

ATTORNEY GOLDBERG: The members can more speak to it than I can. But I do know that at the time we applied to the Board for various licenses, we had large community support in Cambridge as well as outside of Cambridge and I do believe that it still exists.

And as far as the need is concerned, I do believe there is a need for this particular type of restaurant, authentic Greek food, and I do believe that it would be successful.

ATTORNEY VINCENT PANICO: If I may make a comment. My wife is Greek, and I accompany her to church. And I am going to tell you the church is packed, there is still a lot --- some of the Greeks are not nearby but they come back to the neighborhood. They

have attachments to the neighborhood.

PENELOPE HAMOURGAS: I want to ask a question. Mr. Chairman, do you enjoy Greek food?

MICHAEL GARDNER: I do.

PENELOPE HAMOURGAS: Because everybody is concentrating on just the Greek community and the Greek population. Our objective is culturalize the non-Greeks. The Greeks already know the Greek food. They come. We want the non-Greeks to come.

AUDIENCE MEMBER: There are a lot of universities in Boston. And since I'm going to be dealing with the entertainment, my plan is to get the Greek Clubs from all of these places together and have different gatherings, different events.

And on the day that its going to be closed, we can open the restaurant, you know, just for how they have like monthly meetings, anything like that.

And then on top of that, I'm sure you are aware that in Greece things are not so good right now and we are expecting an influx of 100,000 people just in the next year.

GERARD MAHONEY: I would certainly agree with that.

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

ATTORNEY VINCENT PANICO: May I just comment on the configuration of the building. There are three separate exits and entrances. There is one for the Greek club, there is one for the second floor and there are three for the basement. They are all completely separate

Now, as far as taking the Greek Club and the Salsa Club and bringing in a new manager and developing a restaurant, I think you'd be sweeping aside a tradition here.

In Greece, Greece is very male

orientated, they have what they call Tavernes (phonetically spelled), a gathering of the Greek men.

So to think we could take that club and somehow develop it into a restaurant in conjunction with the second floor. I don't think that would be practical.

And the second floor activity -- and I have been up there -- I don't think those people eat much and I don't think they drink much. They go there just to dance, they are all dancers. So I think it would be very difficult to expand a restaurant use in that environment.

MICHAEL GARDNER: Thank you.

Any other questions?

ROBERT HAAS: Mr. Chair, what I would offer, and I'm sure your representations are accurate in terms of the community being interested in the restaurant, but I'm not sure right now, absent any other kinds of

representations, I'm sure that we've actually met all three thresholds for a no value/no transferable license.

And I think especially the first or second criteria, and I'm really sure -- and I know there has been concerns from the surrounding neighborhood more to do with just the amount of activity and the peace of the neighborhood and things like that.

So right now I'm not quite sure that those thresholds have been met to my satisfaction.

MICHAEL GARDNER: So one possibility that we have, just speak out loud and somebody can say that that is appropriate or not, is to defer action on this application. We have a decision meeting on the 27th, but beyond that we also have another hearing scheduled for the second Tuesday in October -- the first Tuesday perhaps, the 4th?

ELIZABETH LINT: Yes.

MICHAEL GARDNER: And would we then have a meeting on the 18th?

ELIZABETH LINT: Yes.

MICHAEL GARDNER: What would it mean if we deferred a decision here -- reconvene this meeting on October 18th when Commissioner Haas could be back, to give you more of an opportunity to demonstrate that this application meets the criteria and, in particular, the issue of need and overwhelming community support?

I may have mis-paraphrased them. I'll ask you to refer to the rules to be sure you have it exactly right.

ATTORNEY VINCENT PANICO: So to meet this, if we came in with a substantial number of people to support our proposal, would we meet both categories?

ROBERT HAAS: Well, again, I'd like to talk to Mr. Iffland and see what the neighborhood feels comfortable with. And give

you an opportunity to go back and talk to the two -- I understand there is two condominiums principally impacted by this restaurant location, right?

JAMES IFFLAND: Right.

ROBERT HAAS: They had all agreed to these conditions of getting the license, and I would like to get some feedback from the residents that they feel comfortable with that proposal.

And in the same respect, I would like to see that there is, in fact, overwhelming support for this type of restaurant with an all alcohol license.

It accomplishes a couple of things. I think it kind of gives you an opportunity to advertise to the neighborhood that this restaurant is potentially coming there and, two, I think it shows tangible support that they are willing to support the restaurant and the license that you are requesting.

ATTORNEY VINCENT PANICO: And that would be indicated by gathering and interviewing people, gathering signatures?

MICHAEL GARDNER: That is certainly one of the ways in which its been done.

ATTORNEY VINCENT PANICO: Any others?

MICHAEL GARDNER: Well, sometimes people come and talk about their enthusiasm, or e-mails, letters are written. There are now a number of ways in which people can communicate their support or opposition to a proposal. And, in general, we've seen almost all of them.

GERARD MAHONEY: Did you notify abutters for this evening?

ATTORNEY VINCENT PANICO: I did.

GERARD MAHONEY: How many, do you know?

ATTORNEY VINCENT PANICO: I guess about 30, with the church, schools and hospitals. I got the list from the assessor's

office.

MICHAEL GARDNER: I don't know the numbers of the other premises yet, and I would want to look at that, but I'm sort of a little concerned here. There is an alcohol license for the first and second floor of some amount. There is an alcohol license for the building right next door, the Green Street Garage, and now you are asking us for a no-value license, which we've got to find all these reasons for the need for it.

So that in a very compact space, it just sounds to me like there are a heck of a lot of seats for the serving of alcohol; which I understand from the application is an inherent component of what you regard as the success of the operation. And that sort of concentration at least gives me some pause.

ATTORNEY VINCENT PANICO: Well, Mr. Chairman, I've always felt that an alcohol license in a restaurant is not inherently

harmful because, in my experience, people do not go to a restaurant to get drunk; they typically go to eat and maybe have one or two drinks.

So the fact that there may be several restaurants -- if they were bars, I would agree with you, if we were proposed to just add an another bar, but that is restaurant.

But I have taken your suggestions down. And on October 18th we will go to work and see what we can do.

MICHAEL GARDNER: Thank you. I see there is a questions or two?

JAMES IFFLAND: Just a technical question. If the restaurant were not to be a success, what would happen to that license? In other words --

MICHAEL GARDNER: It doesn't exist anymore. It's an issue at the time that exists only to this business. It's not transferable. There is not necessarily a

presumption that somebody else can go in and do it.

JAMES IFFLAND: Got it. Okay.

MICHAEL GARDNER: Motion to continue this matter to October 18th would be in order.

ROBERT HAAS: I make a motion to continue the order to October 18th.

MICHAEL GARDNER: Motion having been made and seconded to October 18th to give us a chance to evaluate the ways in which the application does and does not meet our criteria. All those in favor signify by saying "aye."

ROBERT HAAS: Aye.

GERARD MAHONEY: Aye.

MICHAEL GARDNER: Appreciate your patience. Any questions?

ATTORNEY VINCENT PANICO: Did the letter from the superintendent of the police --

MICHAEL GARDNER: It's in the file,

I've seen it. Thank you very much.

* * * * *

ELIZABETH LINT: Application Kafofo Industries, LLC, doing business as Kafofo. Rosangela Santiago, manager, has applied for a common victualer license to be exercised at 594 Cambridge Street. 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 hours of oeration will be 7:00 a.m. to 7:00 p.m. seven days per week.

MICHAEL GARDNER: Good evening. I'd like to welcome you and ask you to please state and spell your names for the record and just give us you're affiliation or connection with this matter.

ROSANGELA SANTIAGO: My name is Rosangela Santiago. First name is spelled R-O-S-A-N-G-E-L-A, last name is S-A-N-T-I-A-G-O.

WILLIAM CHEN: My name is William Chen, C-H-E-N. We are both the co-owners of the restaurant, but I'm also the ower of the New England Tango Academy, which is a business actually on the same block as the restaurant.

And I opened up there two years ago and we've been bringing new people into the area from our previous community that was in Brighton, but also we've gotten a lot of local residents.

The Cafe, in being there, I have noticed that there was an open space on the corner. And when Rosangela brought up the idea of a coffee shop, I thought that would be a perfect place. And so we got together and we decided that this was a good idea.

We also talked to the local residents, and the owner of the building, Joe McSweeney, and he thought it was a great idea as did the people in the businesses around it.

ROSANGELA SANTIAGO: To have an

upscale coffee shop, because there is no coffee shop in the area. There is a Dunkin' Donuts but --

ROBERT HAAS: Dunkin' Donuts doesn't count?

ROSANGELA SANTIAGO: In my concern it doesn't count.

MICHAEL GARDNER: Could you tell us a little bit about your experience in this area of business.

ROSANGELA SANTIAGO: For the past ten years I've been working in the food industry. I have worked for Sodexo at MIT for four years, and I was one of the managers involved to open the Peet's Coffee at MIT. I also -- I designed a new concept of food service at MIT and the building server to bring more health food to the students. That location was going to be closed by Sodexo and they had decided that but it's still there.

I designed the concept for Piattini

Cafe on Newbury Street. I worked with a catering company, Prince Street, at Eaton Place, at One International Place in Boston. And my last job was like -- I left a couple months ago -- was Cakes in Arlington.

And when I became a manager there, before they did not hire me. This bakery and cafe had so many problems. And in the space of four months, I fixed the problems with the community, and they had good reviews today.

ROBERT HAAS: Where is that located again?

ROSANGELA SANTIAGO: Cakes is on Mass. Avenue but after Arlington Center.

MICHAEL GARDNER: And tell us a little bit about your menu or what you are serving besides coffee here.

ROSANGELA SANTIAGO: Baked goods and we are going to have some sandwiches, like four or five types, just for people who want to have something solid. But we are more sold

on the coffee and the pastries. And we are going to have catering. Like we are going to buy from local company, because you want to support the small bakeries that is making organic food. And our coffee is going to be organic. So we are going to serve everything organic and at a good price.

MICHAEL GARDNER: Tell us a little bit about your what your plans are for sanitation and deliveries, your trash pickups and deliveries, where will they be and what time of the day?

ROSANGELA SANTIAGO: The trash, we hire a company for the trash pickups. And also, I don't know how Cambridge City is, but I've been talking to the neighbors and the restaurants around and they have been using Cambridge City Services for those things.

We want to recycle. We are going to be recycling. And we have the dishwasher, we are going to have the double sink. We have to

do all the renovations in the building, the plumbing. And we are going to have a freezer because we are not going to cook, so we are going to get the food every day. And what doesn't sell has got to go into the garbage and the next day you get it fresh.

And we'll be -- there is a couple of restaurants that I think can buy from there, like Tolepo, that is getting to the concept to do organic for us. And we buy from local farms, the produce.

They are going to cook my menu. But I'm not going to sell what they sell in their restaurant, but I will give my menu to them for they will cook for me. That's what I'm going to be looking for. Very simple, practical. It will be more on the style of Starbucks, something like that.

MICHAEL GARDNER: And for rodent control, you'll have dumpsters that you control?

ROSANGELA SANTIAGO: Yes, out in the back.

MICHAEL GARDNER: Are there any other questions?

ROBERT HAAS: So there's no cooking or baking on the premises?

ROSANGELA SANTIAGO: No. Besides the heat and the toaster.

ROBERT HAAS: Are you going to have paninis then? Is that --

ROSANGELA SANTIAGO: The grill and the toaster.

ROBERT HAAS: Are you going to have a panini press?

ROSANGELA SANTIAGO: We are going to have the sandwich done, and then you put it in the grill and you toast it, you heat it up. But there's no cook.

MICHAEL GARDNER: So you won't be assembling the sandwiches on the premises either, those you'll buy?

ROSANGELA SANTIAGO: Yes. The tuna salad and the chicken salad, I don't want to -- by my experience in the food service -- I want to get it already done and just heat it up. I want to have it buy it the container and put in the freezer and take it out as I need it. I feel like it's safer then.

MICHAEL GARDNER: Are all the other requirements completed, inspectional services? Have the inspections been done? You don't have that yet?

ELIZABETH LINT: I need the green cards and the affidavit.

(Document handed to Ms. Lint.)

ELIZABETH LINT: Do you have the affidavit?

ROSANGELA SANTIAGO: No. I ask this today at the post office.

ELIZABETH LINT: No, ma'am, not from the post. It's a --

ROSANGELA SANTIAGO: What is the

affidavit?

MICHAEL GARDNER: Something you signed that says that you sent all this out.

Is that right, Elizabeth?

ELIZABETH LINT: Right.

ROSANGELA SANTIAGO: I was supposed to get this from whom? Excuse my English.

MICHAEL GARDNER: The affidavit you should have gotten from our office; isn't that right?

ELIZABETH LINT: Correct. Talk to Chris.

ROSANGELA SANTIAGO: I ask this to Chris, what is that?

WILLIAM CHEN: Okay. We'll get it.

ELIZABETH LINT: And we do have the zoning site for 20 occupants, but we don't have any of the others yet.

MICHAEL GARDNER: So when I looked at a pencil drawing, to me it looked like it's just one bathroom. Are you planning to have

just one that locked and so that --

ROSANGELA SANTIAGO: There is no way to make a second bathroom. There is no space for it.

MICHAEL GARDNER: So who reviews things to make sure that that's all right?

ELIZABETH LINT: Well, it wouldn't have been signed off on if it wasn't okay.

ROBERT HAAS: It was signed off by whom, I'm sorry?

ELIZABETH LINT: Sean.

MICHAEL GARDNER: So inspectional has looked at it?

ELIZABETH LINT: Zoning, yes.

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

(Audience member)

MICHAEL GARDNER: Please come forward and state and spell your name for the record and also identify yourself.

KATHRYN HENCIR: Sure. My name is Kathryn Hencir, K-A-T-H-R-Y-N, and the last name is H-E-N-C-I-R. And I'm a trustee of the 580 Cambridge Street Condo Association right across the street. And I have not meet these folks yet but I have been doing a lot of research in the neighborhood, and there's a lot of neighborhood support for this business coming in.

I basically have spoken to the neighbors on the other side of the shop and then in our association as well, and there is a need for this sort of business to be in the neighborhood. It is actually the across the street from Lizzy's, which you guys had spoken with -- I think it was the second meeting for that. And there is an absence of that sort of a need in East Cambridge.

And I feel that the neighbors are just really excited about that. It's really going to be a perfect addendum to what we

already have. And it's going to increase the value of the neighborhood.

There's quite a bit of neighbors, young and old -- and one of the younger members has said to me, "I'm really glad you moved in here. We're looking for more neighborhood community spaces like this," he says.

And I've had quite a number of people in their 80's that I have just sat at the corner and chit-chatted with, and a place like this would be an excellent addition to the neighborhood.

ROBERT HAAS: So Dunkin' Donuts doesn't cut it?

KATHRYN HENCIR: No. It's something that we are really excited about. They have not met me yet and they probably had no idea I was coming to talk.

ROBERT HAAS: So it might be a good idea to introduce yourselves to potential

customers.

KATHRYN HENCIR: Right. Talking to my other neighbors, we reallyn like them a lot.

ROBERT HAAS: Okay.

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

(No response.)

ELIZABETH LINT: I have a letter here in support from the East Cambridge Business Association.

"As members of the business community of East Cambridge, we have heard time and time again that there's a desire by the residents to see a cafe open up along Cambridge Street in East Cambridge. The cafe would be a great use of the space and they would welcome the possibility of a new and vibrant business to the community."

And Counselor Toomey is also in support of the application. He says, "It's his understanding that they have intentions to

open a cafe coffee shop at the location. Many residents have expressed a desire and need for this type of business to operate in the neighborhood and that it is an ideal location for that type of business."

MICHAEL GARDNER: Thank you. Pleasure of the Commission?

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

GERARD MAHONEY: Seconded.

MICHAEL GARDNER: Motion having been made and seconded to approve the application, this would be if it's approved, subject to you meeting all of the conditions, including the completion of the affidavit, which has to do with the fact that you made the notifications to the abutters.

Is that right, Ms. Lint?

ELIZABETH LINT: Correct.

MICHAEL GARDNER: So it's something I think you've done, but there is some paperwork

that you need to complete.

So on the motion to contingently approve the application pending completion of all the paperwork, all those in favor signify by saying "aye."

GERARD MAHONEY: Aye.

ROBERT HAAS: Aye.

MICHAEL GARDNER: None opposed.

Congratulations and good luck. We wish you well.

ROBERT HAAS: When do you anticipate opening?

ROSANGELA SANTIAGO: As soon as possible.

WILLIAM CHEN: We probably need a few weeks to do renovations.

ROSANGELA SANTIAGO: We need like two or three weeks to finish the renovations and the health inspector to come and check it.

MICHAEL GARDNER: And then you'll talk to the License Commission staff about

what you need.

ROSANGELA SANTIAGO: Okay. Thank you.

* * * * *

ELIZABETH LINT: Application. Go Troppo, Inc., doing business as Emack & Bolio's, Robert Rook, manager, has applied for a hawker/peddler license to sell goods from a motorcycle on Ames Street in Kendall Square and on Mass. Avenue in Central Square. Applicant will stop at parking meters.

MICHAEL GARDNER: Will you state and spell your name for the record and identify yourself, please.

ROBERT ROOK: My name is Robert Rook, R-O-O-K, and I'm the president of Go Troppo.

MICHAEL GARDNER: And could you tell us about your business model and what you plan for these sites in Cambridge.

ROBERT ROOK: Sure. We have a shop presently in Porter Square. And we've had

that store, I think, for about four years now.

This is an unusual thing. We took a motorcycle and a sidecar, we took the seat out of the sidecar and put in a freezer. And the health department has seen it and checked it off and everything.

And what we want to do is sell prepackaged ice cream out of the freezer of the sidecar.

GERARD MAHONEY: Like novelties or --

ROBERT ROOK: No. Our own ice cream but pre-done and pre-packaged in a cup with a lid.

MICHAEL GARDNER: I apologize for not being familiar. So the store you have now is an ice cream store?

ROBERT ROOK: It's an ice cream store, ice cream and smoothies store. And it's in the CVS building of the Porter Square Shopping Center. It's been there for four years.

And we would take ice cream from that store, load the motorcycle, and then sell it from there.

MICHAEL GARDNER: And so could you describe kind of what you envision a typical business day being for this operation.

ROBERT ROOK: It would probably be from April until October. We night not even get it started this year; it's really more for next spring. From April to October, and it will probably run from 12:00 until 8:00 at night, 12:00 noon until 8:00 at night.

MICHAEL GARDNER: There would be one motorcycle?

ROBERT ROOK: That's all there is. The sidecar is attached to the motorcycle.

MICHAEL GARDNER: And you would spend some time on Ames Street and some time on Mass. Avenue.

ROBERT ROOK: Yes. In conjunction with some time in Boston as well. In other

words, I'd maybe spend an hour at different locations throughout the day.

MICHAEL GARDNER: So coincidentally with this application, you are applying for a similar process in Boston?

ROBERT ROOK: Yes. So that we would have different stops throughout the day. And then what we would do is tweet and put on our social media sites where we would be and when we would be there.

MICHAEL GARDNER: Do you have any knowledge or information about a model similar to this operating any place else, either in New England or --

ROBERT ROOK: No. A totally unique model.

GERARD MAHONEY: An ice cream truck of the 21st Century.

ROBERT ROOK: You know, if you think about it, with gas prices and everything, very easy to get around, it's very reasonable in a

motorcycle. It's just a different way of doing things.

GERARD MAHONEY: How often do you think on a good day, I mean, good from a business sense, how often do you think your driver would have to return to your store to replenish the supply?

ROBERT ROOK: Well, when the driver is in Boston, he would go to the Boston store and replenish his supply. When the driver is in Cambridge, he would go to the Cambridge store. So maybe once.

GERARD MAHONEY: How many prepackaged items do you think --

ROBERT ROOK: You could probably put about a hundred cups into the freezer.

GERARD MAHONEY: Really?

ROBERT ROOK: Yes.

ROBERT HAAS: How do you power the freezer?

ROBERT ROOK: It's interesting. It's

a plate freezer, so it's plugged in overnight. And the sidecar flips up so the compressor can breathe. So overnight you get it nice and cold and then you pull the plug and it is cold for the rest of the day.

ROBERT HASS: And you do this year-round?

ROBERT ROOK: No. Probably April until October. It gets too cold.

GERARD MAHONEY: And you never heard of this being done --

ROBERT ROOK: On a motorcycle? In an ice cream truck, yes. Everybody does ice cream trucks. But I don't know of anybody doing it on a motorcycle.

MICHAEL GARDNER: Are you planning on playing a jingle as you drive?

ROBERT ROOK: No jingle, no music, no horn, no bell. Horn on the motorcycle.

GERARD MAHONEY: Social media, he's going to tweet.

ROBERT HAAS: You got the proper mufflers on your motorcycle, right?

ROBERT ROOK: Oh, yes. You can see this motorcycle coming. This is really a unique motorcycle. In fact, the Boston Globe did an article on it and it's been on television a few times.

MICHAEL GARDNER: You didn't happen to bring any photos --

ROBERT ROOK: I have it in my iPhone, but my iPhone is dead. My battery life has been cut down.

It is pretty unique. It is painted the same color as the sidecar and the motorcycle. And we took out the sidecar and put in a freezer.

MICHAEL GARDNER: So in order to be able to stop and sell, you need to find an empty meter?

ROBERT ROOK: Yes.

MICHAEL GARDNER: And you will pay

for the meter?

ROBERT ROOK: Of course.

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

Seeing none.

GERARD MAHONEY: I would make a motion that the application be approved.

ROBERT HAAS: Seconded.

MICHAEL GARDNER: I guess I would suggest perhaps that the approval be contingent with sort of a perhaps midsummer review next summer, you'll just have to come back and let us hear from you about that.

GERARD MAHONEY: On or around August 1st?

ROBERT ROOK: Sure.

MICHAEL GARDNER: So a motion having been made and seconded to approve the application subject to a midsummer of 2012 review. All those in favor signify by saying

"aye."

ROBERT HAAS: Aye.

GERARD MAHONEY: Aye.

MICHAEL GARDNER: None opposed. We wish you well.

ROBERT ROOK: Thank you.

GERARD MAHONEY: When we see this thing replicated throughout the country, we'll say "we were there when it started."

* * * * *

ELIZABETH LINT: Application for Clover Fast Food, Inc., Chris Anderson, manager, holder of a malt beverages as a restaurant license at 7 Holyoke Street has applied to amend the hours of their common victualer license from 7:00 a.m. to 12:00 a.m. seven days per week.

MICHAEL GARDNER: If you could, please state and spell your names for the record and identify yourselves.

CHRIS ANDERSON: My name is Chris

Anderson, general manager, C-H-R-I-S, A-N-D-E-R-S-O-N.

AYR MUIR: My name is Ayr Muir, A-Y-R, M-U-I-R. I'm the CEO of the Corporate Fast Food, Inc.

MICHAEL GARDNER: Could you tell us a little bit about the operation as it exists now and your reasons for this application.

CHRIS ANDERSON: We operate a restaurant in Harvard Square at 7 Holyoke Street. We opened for business on the 29th of October last year, so we are just under a year of operation and we've been really pleased with it. We do breakfast, lunch and dinner there. Very small menu. We make just about everything ourselves on site.

And there is no meat on the menu. But most of our customers are not vegetarian. That's it, the basics of the business.

We got a beer license that we applied to Cambridge for when we were doing this

originally, going through the state process and everything, but we didn't start serving beer until May this past year. And that's gone well for us as well.

We feature one local brewer at a time. So we'll have them come and serve their own beer when they first launch it. And then we'll keep them for about a month. And then we bring in another brewer. But the focus is on the beer with the food, a culinary aspect of it.

MICHAEL GARDNER: Any particular history or reasons why originally you either applied for or were granted a 10:00 p.m. license and now why you are asking to extend the hours?

AYR MUIR: Our understanding was the expectation was that we operate the exact hours that the license reflects, and we weren't ready to take on the longer hours initially. We were'nt sure of the level of

success and how supportive it would be financially.

So we are a little further into it now and have more confidence and a good customer base and we think we can do the longer hours.

MICHAEL GARDNER: Any complaints or issues or history, Ms. Lint?

ELIZABETH LINT: Not at all. No. It's been quiet.

MICHAEL GARDNER: Is Holyoke Center across from you? Kind of describe the local environment.

CHRIS ANDERSON: Well, the Holyoke Center is at the center of the building and then the Arcade, which is the interior, and we sit along outside which is along Holyoke Street itself.

GERARD MAHONEY: So you are the on same side of the street as Holyoke Center?

CHRIS ANDERSON: We are part of the Holyoke Center but on the outside of it. We are facing Holyoke Street right across from Sam Green's.

MICHAEL GARDNER: Any other questions?

ROBERT HAAS: No.

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

No response.

GERARD MAHONEY: Motion to approve the application.

MICHAEL GARDNER: This is only for 7 Holyoke Street.

ROBERT HAAS: I second the motion.

MICHAEL GARDNER: The motion has been made and seconded to approve an amendment to the hours of the common victualer and --

ELIZABETH LINT: If I may -- no, wrong one. Sorry. Next one.

MICHAEL GARDNER: Before I was interrupted I was saying that a motion having been made and seconded to approve the amendment of the hours for the common victualer license with the malt beverage license from 7:00 a.m. to 10:00 to 7:00 a.m. to midnight seven days a week, having been made and seconded. All those in favor signify by saying "aye."

ROBERT HAAS: Aye.

GERARD MAHONEY: Aye.

MICHAEL GARDNER: All aye. None opposed. So we wish you well with your extended operations.

MICHAEL GARDNER: Anything else, Ms. Lint, that technically needs to be done to act on this?

ELIZABETH LINT: I'm trying to sort out the green cards.

AYR MUIR: I think those are both for the Elm Street.

ELIZABETH LINT: You are correct.

AYR MUIR: Harvard Square location. Harvard is our landlord and they are also every abutter.

ELIZABETH LINT: Fine. I suspect that.

MICHAEL GARDNER: Presumably, you have no problems with your landlord?

AYR MUIR: No problems at all.

ELIZABETH LINT: But I would need something indicating that they are supportive of the hour changes and that they are the only abutters. On the affidavit, that would work.

ROBERT HAAS: So you prefer a letter of support from Harvard University?

ELIZABETH LINT: Actually, that would be the --

ROBERT HAAS: Probably the easier thing to do and then just do the affidavit.

MICHAEL GARDNER: I think I can just make a note for the record that in the

colloquy that followed the vote, there was the unanimous opinion of the commissioners that the vote was, of course, subject to meeting all the technical requirements of the application which included the support from the landlord.

Is that right Commissioner Haas?

ROBERT HAAS: That and the affidavit, right?

ELIZABETH LINT: Yes.

MICHAEL GARDNER: Fire Chief Mahoney has also noted his assent.

GERARD MAHONEY: I agree.

(Colloquy off the record.)

MICHAEL GARDNER: I apologize for the diversion.

* * * * *

ELIZABETH LINT: One more application for Clover Fast Food, common victualer license to be exercised at 302 Elm Street. 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 66. The proposed hours of operation are 6:00 a.m. to 11:00 p.m. seven days a week.

MICHAEL GARDNER: Would you tell us about this and describe the location a little better, it's kind of confusing.

AYR MUIR: We would be opening a new restaurant with the same menu for the most part as the one in Harvard Square. We make changes every day so some variations, but the same concept. So breakfast, lunch and dinner.

And the location is the former Cassall Bakery on Cambridge Street. On record it's an Elm Street address, but on record it is an Elm Street address. But it's Elm and Cambridge. Because that's where we would be operating.

We are making major renovations to the building right now and we are hoping to

have more space than we have in Harvard Square and have community gatherings and events and a lot of things around food and food education. But substantially the menu is similar to what we have operating already.

MICHAEL GARDNER: And how is it that you can do this there without alcohol, but neither need it nor want it at Holyoke?

AYR MUIR: I thinK it is something we might want to add later, but the alcohol at Holyoke was additional to the primary use; I mean, we would have opened it without the alcohol. And so it might be something we seek in the future, but right now we are opening it without it.

GERARD MAHONEY: And the menu there is vegetarian there was as well.

AYR MUIR: Yes.

MICHAEL GARDNER: I'm not sure I understood exactly what you said. In the other application, I think you said you don't

serve meat, but a lot of your customers are not vegetarians.

AYR MUIR: Yes. 90 percent of the customers eat meat if they are not eating with us.

ROBERT HAAS: So would it be your intent to look for a no value/nontransferrable license in the future --

AYR MUIR: If we did, speculating, it would probably be similar to the Harvard Square situation, we just need beer and nothing else. Because of the program we wanted to do with the local brewers, I think we'd want to do the same sort of search, and pursue the best path according to what's available.

MICHAEL GARDNER: Again, you said there were no problems in their operation since last year on Holyoke site?

ELIZABETH LINT: Right.

MICHAEL GARDNER: You have the

management capacity to be able to handle two operations?

AYR MUIR: We do. Yes. We've been working hard to make sure we have a lot of good staff. We are lucky to have a really good team of people.

MICHAEL GARDNER: How soon would you be in a position to open this second site?

AYR MUIR: The earliest would be the end of October.

MICHAEL GARDNER: Tell us a little bit about what you would do for sanitation and rodent control and deliveries and noise?

AYR MUIR: It's a pretty large space, and in time we'd be sharing it with some other tenants but for now its just us. There is indoor parking in the back, which is part of what we'll be operating, and a loading dock as well. So we would set up facilities there for waste disposal.

And we compost all of our products

that we send out to customers, so everything you buy from us, the packaging as well as food, there is no recyclables and trash. It will be the same there as we do right now, and most of the waste we produce in the kitchen is compost. Compost goes every day, and then we have grease pick up.

GERARD MAHONEY: Utensils, are they is disposable too.

AYR MUIR: Yes. No trash bins.

GERARD MAHONEY: Everything goes in the same bin?

AYR MUIR: Yes.

MICHAEL GARDNER: Single stream. So the material to be composted, then is hauled off to a site that does composting or to an entity that --

AYR MUIR: Yes. There is a larger company that is called Save our Stuff. There is a few others, too. But at this point in time we have a pretty good experience with it.

We operated a commissary over in Jamaica Plain initially and we brought it to them. And then over in Holyoke, Harvard didn't have any compost and we brought it there. And it's been working well.

Harvard is fastidious about this sort of stuff and they are starting to move their other tenants into it, too.

GERARD MAHONEY: Who owns the building? Does the Monument Company own the building?

AYR MUIR: No. That is building two down. The landlord on record -- -I don't know if it is under a trust. I think it is. I want to answer you properly. It's Laranjeira, L-A-R-A-N-J-E-I-R-A. Maria Laranjeira. I don't know how to say it. They have a realty trust.

ELIZABETH LINT: Oh, Maria.

GERARD MAHONEY: Is the cone company still there, too?

AYR MUIR: It's next door to us. Which I think is on its way out.

GERARD MAHONEY: I've heard that.

AYR MUIR: Maybe we'll sell ice cream with the automatic cones.

MICHAEL GARDNER: Any other questions?

ROBERT HAAS: So all deliveries and pickups will be done through this closed garage?

AYR MUIR: That's right. I think there are a few question marks, to be completely open with the answer. Currently parking goes right up to the edge of the door. It's not a very wide street. I think we probably need to talk to DPW about opening up those spots if we want to bring in trucks. So larger trucks might not be able to fit in the space in there, and I don't think there is currently room to navigate.

So pending those changes, there might

be some off the street deliveries, but it would all be coming from the back.

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

Seeing none. Motion to --

MICHAEL GARDNER: I think Ms. Lint has some information she would like to share.

ELIZABETH LINT: I have a letter from the East Cambridge Business Association in support of the application. They say that the Clover Fast Food is a welcome addition to the East Cambridge area and they look forward to seeing that location revitalized with a business that will serve the local community.

And Councilor Toomey also writes in support of the application, that he has spoken to many residents who feel that Clover will be a great addition to the neighborhood and he looks forward to their opening."

GERARD MAHONEY: Motion to approve

the application.

GERARD HAAS: Seconded.

MICHAEL GARDNER: A motion having been made and seconded to approve the application for a common victualer license with the capacity of 66 with the stated hours of operation. All those in favor signify by saying "aye."

ROBERT HAAS: Aye.

GERARD MAHONEY: Aye.

MICHAEL GARDNER: None opposed.

Again, this is, of course, subject to all the technical requirements that the Commission has.

The matter having been approved, we wish you well with it.

AYR MUIR: Thank you.

* * * * *

ELIZABETH LINT: Ratifications. medallion numbers 134, 2067, 256A and 151, those were all refi's. And 25A was a stock

sale and then a finance by the purchaser. And that was all in order.

ROBERT HAAS: I make a motion to accept.

GERARD MAHONEY: Seconded.

MICHAEL GARDNER: Motion having been made and seconded to approve the refinancing, please signify by saying I "aye."

ROBERT HAAS: Aye.

GERARD MAHONEY: Aye.

MICHAEL GARDNER: Nobody opposed. So approved.

And do we have some minutes?

ELIZABETH LINT: We sure do, and we can do all except one.

ELIZABETH LINT: So the minutes from June 28, the three of you were actually at that hearing.

MICHAEL GARDNER: Motion to approve the minutes from the June 28 hearing having been made and seconded. All those in favor,

signify by saying "aye." All in favor.

Motion to the June 28 minutes are approved.

ELIZABETH LINT: July 7th, Steve Williams was here but both of you were --

GERARD MAHONEY: Motion to accept the minutes of July 7th.

MICHAEL GARDNER: July 7th, all those in favor please signify by saying "aye."

ROBERT HAAS: Aye.

MICHAEL GARDNER: All in favor. Note for the record that Deputy Mahoney and Michael Gardner.

ELIZABETH LINT: July 19th, you cannot because -- you were (indicating), but Steve Williams was and Les Bokuniewicz was here, so we have to hold off on that one.

August 4, you (indicating) and Commissioner Haas were here.

ROBERT HAAS: I make a motion to except the minutes for August 4th.

MICHAEL GARDNER: I second that motion. All those in favor signify by saying "aye."

So Commissioner Haas and I voted to accept the minutes from August 4.

ELIZABETH LINT: And that would be the same for August 9th and September 6th.

MICHAEL GARDNER: I'll make a motion to approve the minutes from August 9th.

ROBERT HAAS: Seconded.

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

ROBERT HAAS: Aye.

GERARD MAHONEY: Aye.

MICHAEL GARDNER: So the August 9, 2011 minutes are approved.

And the September 6?

ROBERT HAAS: Make a motion to accept the minutes for September 6th.

MICHAEL GARDNER: September 6th minutes' motion having been made, I'll second

it.

So all in favor, please signify by saying "aye."

ROBERT HAAS: Aye.

GERARD MAHONEY: Aye.

MICHAEL GARDNER: All in favor. So the September 6th minutes are approved.

ELIZABETH LINT: That's all I have.

MICHAEL GARDNER: We have one member of the public here. We'd be happy to hear from you if you'd like.

FEMAIL AUDIENCE MEMBER: I arrived a few minutes after 6:00. Was the agenda order adjusted? I came with regard to the Fresh Pond Donuts item.

MICHAEL GARDNER: Shortly after we began the meeting, Ms. Lint announced that the Dunkin' Donuts matter was postponed.

Do we have a September date?

ELIZABETH LINT: October.

MICHAEL GARDNER: October 18. So we

apologize for not being able to let you know that earlier. And we commend you for your perseverance.

ELIZABETH LINT: And I would suggest that you call me prior to coming in in case something happens again.

FEMALE AUDIENCE MEMBER. Thank you. It's my first time.

MICHAEL GARDNER: Motion to adjourn is in order.

ROBERT HAAS: Seconded.

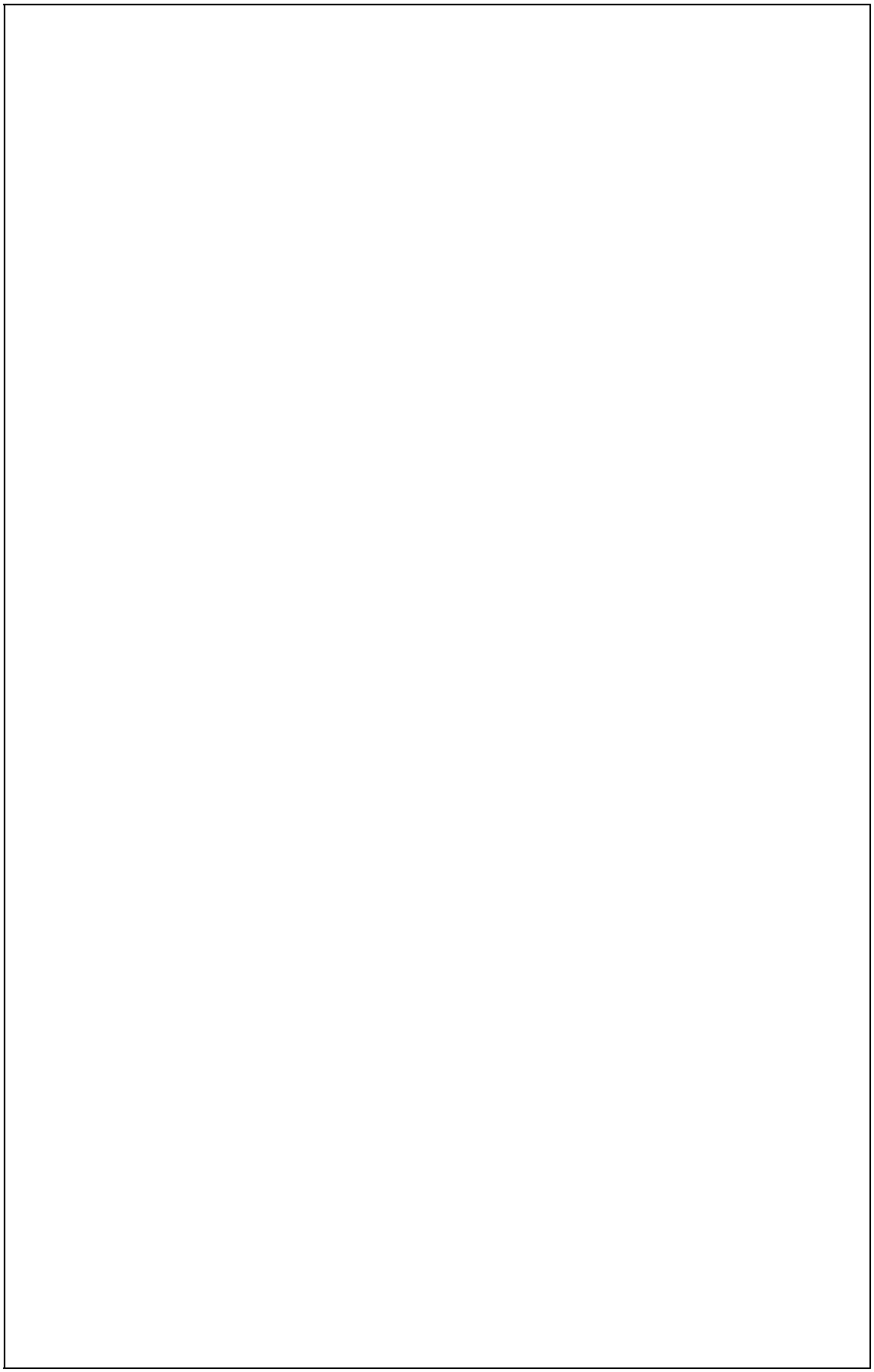
MICHAEL GARDNER: Motion having been made and seconded to adjourn at approximately 8:25. All those in favor, signature by saying "aye."

ROBERT HAAS: Aye.

GERARD MAHONEY: Aye.

MICHAEL GARDNER: Motion carries.

(Whereupon, the General Meeting was adjourned at 8:25 p.m.)



C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS
SUFFOLK, SS.

I, Evelyn M. Slicius, a Certified Shorthand Reporter and Registered Professional Reporter, the undersigned Notary Public, certify that:

I am not related to any of the parties in this matter by blood or marriage and that I am in no way interested in the outcome of this matter.

I further certify that the testimony hereinbefore set forth is a true and accurate transcription of my stenographic notes to the best of my knowledge, skills and ability.

IN WITNESS WHEREOF, I have hereunto set my hand this 28th day of September, 2011.

_____
Evelyn M. Slicius
Notary Public
Certified Shorthand Reporter
License No. 127193
My Commission Expires:
May 15, 2013

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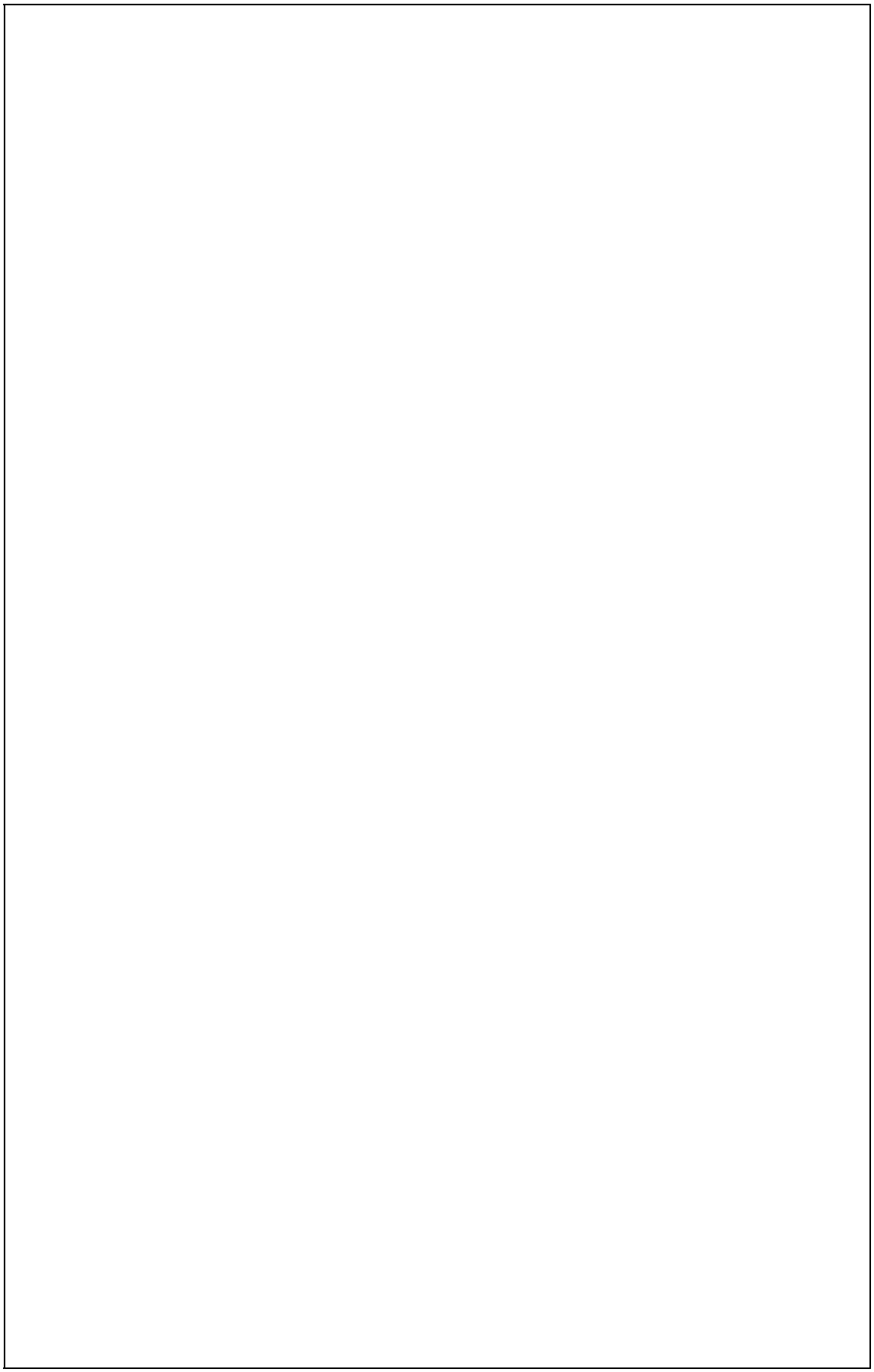

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