

License Commission, Room 118 Phone: 978-374-2312 Fax: 978-373-8490 RAmbra@cityofhaverhill.com

LICENSE COMMISSION MINUTES

SPECIAL MEETING- Monday, April 11, 2022 at 6:00 p.m.- City Council Chambers VIRTUAL and in person meeting

Attendees: Chairman Edwards, Commissioner Angus, Commissioner Driscoll, License Commission Clerk Rebecca Ambra

6:00pm

- 1. <u>PLEDGE OF ALLEGIANCE</u>
- 2. <u>APPROVAL OF THE MINUTES-</u> THIS ITEM WAS TAKEN OUT OF ORDER AT THE END OF THE MEETING. PLEASE SEE SECTION 17 FOR THE MINUTES.
- 3. <u>CONTINUED BUSINESS</u>
- 4. MISCELLANEOUS APPLICATIONS/REQUESTS
- 5. <u>One Day Applications</u>
- 6. BUSINESS WITH MULTIPLE APPLICATIONS
- 7. ENTERTAINMENT APPLICATIONS
- 8. <u>COMMON VICTUALLER APPLICATIONS</u>
- 9. OUTDOOR DINING APPLICATIONS
- 10. ALCOHOL/ABCC APPLICATIONS

Commissioner Angus stated that based on advice from counsel, a hearing would be opened for each applicant and the decision of the Commission would tabled until each applicant was heard. After each application was discussed, a decision would be made on each application and each hearing would be closed. Commissioner Angus made a motion to proceed with the hearing process as outlined. Commissioner Driscoll seconded. No public comment. Motion unanimously passed.

A. A. SAINI GROUP INC D/B/A RACING MART

402 Amesbury Road Sohan Saini, Manager

APPLICATION FOR A CHANGE OF CATEGORY SECTION 15 ALL ALCOHOL LICENSE

Sohan Saini and Attorney Robert Harb appeared before the commission. Attorney Harb stated the location has held a beer & wine only license for over 16 years. It was stated the closest all alcohol package store was 2.1 miles away making this location ideal for the public need of the community. Attorney harb stated Mr. Saini has had no issues in the 16 years of holding the beer & wine license and has shown the character required to hold an all-alcohol license. Chairman Edwards stated he would need to recuse himself as he previously represented Mr. Saini in the past. Kevin Comeau appeared before the commission in support of granting the license to this establishment. As a resident of that area, Mr. Comeau stated his support and spoke of the good work and character of the family. No further public comment. The commission thanked the applicant and tabled the decision until all applicants were able to be heard.

B. RAMJODI CORP D/B/A RILEY'S CORNER

352 WASHINGTON STREET

KANAIYALAL SEENDHABHAI PATEL, MANAGER

APPLICATION FOR A CHANGE OF CATEGORY SECTION 15 ALL ALCOHOL LICENSE

KANAIYALAL PATEL APPEARED BEFORE THE COMMISSION. COMMISSIONER ANGUS ASKED IF THE APPLICANT WAS

AWARE OF THE TRASH/LITTER COMPLAINTS AROUND THE EXTERIOR OF THE ESTABLISHMENT. MR. PATEL STATED THEY WERE IN THE PROCESS OF ACQUIRING AN ADDITIONAL DUMPSTER. COMMISSIONER ANGUS AND CHAIRMAN EDWARDS STATED THAT THE IMPORTANCE OF DAILY TRASH AND DEBRIS PICKUP AROUND THE EXTERIOR OF THE ESTABLISHMENT. COMMISSIONER DRISCOLL STATED THE COMMISSION RECEIVED A CORRESPONDENCE FROM AUGUST 2021 CONCERNING THE TRASH AND STATED THE AREA LOOKS MUCH BETTER THAN IT DID THEN. COMMISSIONER ANGUS ASKED HOW LONG THE APPLICANT HAD OPERATED THE ESTABLISHMENT. MR. PATEL STATED THE ESTABLISHMENT WAS IN OPERATION FOR THE PAST 12YRS. THE FOLLOWING MEMBERS OF THE COMMUNITY SPOKE BEFORE THE COMMISSION IN SUPPORT OF THE ESTABLISHMENT BEING GRANTED THE ALL-ALCOHOL LICENSE; ASIA LEE, JOSE MENDEZ (OWNER OF SEBASTIAN'S HOUSE OF TOYS), JAY SWASTA, JESUS HERNANDEZ, AND WILSON RAIS. NO FURTHER PUBLIC COMMENT. THE COMMISSION THANKED THE APPLICANT AND TABLED THE DECISION UNTIL ALL APPLICANTS WERE ABLE TO BE HEARD.

C. ANDY INC D/B/A ANDY'S LIQUORS

864 BROADWAY RAMILA PATEL, MANAGER Application for a change of category section 15 All Alcohol License ****Applicant request to withdraw application***

D. MAP INC D/B/A MINIT MART

233 WINTER STREET MAHAVIR PATEL, MANAGER Application for a change of category section 15 All Alcohol License ****Applicant request to withdraw application*****

E. WANG'S BROTHER SPIRITS LLC D/B/A WANG'S LIQUORS

38 WASHINGTON STREET TIAN YANG WANG, MANGER

APPLICATION FOR A NEW SECTION 15 ALL ALCOHOL LICENSE

ATTORNEY PAUL MAGLIOCCHETTI AND TIAN YANG WANG (AKA JEFF WANG) APPEARED BEFORE THE COMMISSION. ATTORNEY MAGLIOCHETTI DISCUSSED THE APPLICANT'S WORK ETHIC, PROVEN TRACK RECORD WITHIN THE CITY OF HAVERHILL, AND THE NEED FOR ADDITIONAL AMENITIES IN THE DOWNTOWN AREA DUE TO THE INCREASE OF DEVELOPMENT AND POPULATION. ATTORNEY MAGLIOCCHETTI GAVE A BRIEF OVERVIEW OF THE PROPOSED ESTABLISHMENT AND THE BENEFIT OF AN ESTABLISHMENT IN THE HEART OF WHAT WILL BECOME A PEDESTRIAN WALKING AREA. A PETITION OF SUPPORT WITH 100 SIGNATURES OF RESIDENTS FROM THE AREA, A OUARTER OF WHICH EITHER RESIDE OR OPERATE BUSINESSES IN THE DOWNTOWN AREA, WAS PRESENTED TO THE COMMISSION. THE COMMISSION ASKED THE APPLICANT QUESTIONS SURROUNDING THE OTHER BUSINESSES OWNED AND OPERATED IN MASSACHUSETTS. DAVID AYLWORD, A RESIDENT OF HAVERHILL FOR 18YRS, APPEARED BEFORE THE COMMISSION IN SUPPORT OF THE PROPOSED ESTABLISHMENT. MR. AYLWORD STATED THE PRODUCTS THE APPLICANT STOCKS IN THE AMESBURY LOCATION ARE NOT CURRENTLY AVAILABLE IN HAVERHILL. MR. AYLWORD STATED THE CITY OF HAVERHILL WOULD BENEFIT FROM THE PROPOSED BUSINESS IN TAX REVENUE. ROB LANDRY, A DOWNTOWN BUSINESS OWNER AND THE PROPERTY MANAGER FOR THE AMESBURY LOCATION, APPEARED BEFORE THE COMMISSION IN SUPPORT OF THE PROPOSED ESTABLISHMENT. BRUCE DONOHUE, A RESIDENT OF 70 WASHINGTON (RIVERSIDE RESIDENCES) APPEARED BEFORE THE COMMISSION IN OPPOSITION OF THE PROPOSED ESTABLISHMENT. MR. DONOHUE VOICED CONCERNS SURROUNDING PUBLIC PARKING IN THE PRIVATE LOT OF THE CONDOMINIUMS, TRUCKS USING THE PRIVATE WAY TO MAKE DELIVERIES, AND THE POTENTIAL NEED FOR ADDITIONAL DUMPSTERS BEHIND THE BUILDING. ATTORNEY MAGLIOCCHETTI STATED THE CONCERNS SPOKEN OF WERE MATTERS TO BE ADDRESSED AT THE CITY COUNCIL LEVEL. PUBLIC SUPPORT WAS VOICED BY BUCKY TARDIF A RESIDENT OF 70 WASHINGTON (RIVERSIDE RESIDENCES). MR. TARDIF SPOKE OF SUPPORT THE APPLICANT HAS SHOWN TOWARD THE COMMUNITY AND THE POTENTIAL FOR STABILITY AS A STOREFRONT IN AN AREA WHERE ESTABLISHMENTS DO NOT STAY LONG TERM. LEEANN EASTMAN, A RESIDENT OF 70 WASHINGTON, APPEARED BEFORE THE COMMISSION IN SUPPORT OF THE APPLICATION. MS. EASTMAN STATED THE APPLICANT HAS HELPED MANY CIVIC GROUPS AND THE APPROVAL OF THE APPLICATION WOULD FURTHER THE APPLICANT'S COMMITMENT TO THE CITY. JIM MAMONAS APPEARED BEFORE THE COMMISSION IN

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OPPOSITION OF THE APPLICATION. MR. MAMONAS SPOKE OF CONCERNS SURROUNDING LACK OF PARKING, TAKE OUT DRINKS FROM RESTAURANTS, AND THE NEED FOR FOOT POLICE PATROL TO KEEP ORDER IN THE DOWNTOWN AREA. MR. MAMONAS URGED THE COMMISSION TO THINK OF THE SAFETY OF THE COMMUNITY BEFORE MAKING A DECISION ON THIS APPLICATION. CHAIRMAN EDWARDS ASKED THE APPLICANT WHAT THE OPERATION HOURS OF THE PROPOSED ESTABLISHMENT WOULD BE. THE APPLICANT STATED THE HOURS OF OPERATION WOULD BE 9AM-9PM. COMMISSIONER ANGUS QUESTIONED THE APPLICANT ABOUT THE CONCERNS SURROUNDING DELIVERIES THAT WERE STATED BY SOME OF THE RESIDENTS. ATTORNEY MAGLIOCCHETTI STATED THE TRUCK DELIVERIES USE THE PUBLIC ACCESS ROAD PHOENIX ROW. NO FURTHER PUBLIC COMMENT. THE COMMISSION THANKED THE APPLICANT AND TABLED THE DECISION UNTIL ALL APPLICANTS WERE ABLE TO BE HEARD.

F. KAKNES ENTERPRISES INC D/B/A K'S FUEL STOP

297 LINCOLN AVE PAUL KAKNES, MANAGER

APPLICATION FOR A CHANGE OF CATEGORY SECTION 15 ALL ALCOHOL LICENSE

PAUL KAKNES APPEARED BEFORE THE COMMISSION. THE APPLICANT STATED THE STORE HAD BEEN IN OPERATION SINCE 2006 WITH A BEER AND WINE LICENSE. COMMISSIONER DRISCOLL CLARIFIED THE APPLICANT HAD HELD THE CURRENT LICENSURE FOR 16 YEARS. CHAIRMAN EDWARDS ASKED IF THE LICENSE WAS BOUGHT OR ISSUED BY THE CITY. THE APPLICANT STATED THE LICENSE WAS BOUGHT. NO PUBLIC COMMENT. THE COMMISSION THANKED THE APPLICANT AND TABLED THE DECISION UNTIL ALL APPLICANTS WERE ABLE TO BE HEARD.

G. OM MOBILMART 2 INC D/B/A MOBIL MART

401 Amesbury Road Sapna Patel, Manager

APPLICATION FOR A CHANGE OF CATEGORY SECTION 15 ALL ALCOHOL LICENSE

SAPNA PATEL APPEARED BEFORE THE COMMISSION. THE APPLICANT STATED THE STORE HELD 3700 SQ FT OF RETAIL SPACE WITH APPROXIMATELY 22 PARKING SPACES. THE LOCATION AND LOW RISK OF INCREASED TRAFFIC WAS DISCUSSED BY THE APPLICANT. COMMISSIONER ANGUS ASKED HOW LONG THE APPLICANT HAD HELD A BEER AND WINE LICENSE. THE APPLICANT STATED THE BEER AND WINE LICENSE WAS ISSUED LAST YEAR. COMMISSIONER ANGUS ASKED IF THE APPLICANT HAD MAILED NOTICE TO THE ABUTTERS CONCERNING THE HEARING. THE APPLICANT STATED THAT THE ABUTTER NOTIFICATIONS HAD BEEN COMPLETED. WHEN ASKED AGAIN IF THE ABUTTERS HAD BEEN NOTIFIED, THE APPLICANT STATED SHE WAS UNAWARE THIS NEEDED TO BE COMPLETED. COMMISSIONER DRISCOLL EXPLAINED THE NEED FOR THE ABUTTERS TO BE NOTIFIED BEFORE THE HEARING. THE CLERK VERIFIED THE APPLICANT WAS SENT THE SAME COMMUNICATION AS THE REST OF THE APPLICANTS. THE COMMISSION THANKED THE APPLICANT AND TABLED THE DECISION UNTIL ALL APPLICANTS WERE ABLE TO BE HEARD.

H. 2030 OCEAN STREET LLC D/B/A WINE & MARKET

86 ESSEX STREET

DANIEL NEWCOMB, MANAGER

APPLICATION FOR A NEW SECTION 15 ALL ALCOHOL LICENSE

ATTORNEY ANDREW UPTON AND DANIEL NEWCOMB APPEARED BEFORE THE COMMISSION. GLEN LAWLER, A LIQUOR WHOLESALE CONSULTANT, WAS PRESENT BUT DID NOT SPEAK BEFORE THE COMMISSION. ATTORNEY UPTON PRESENTED A BRIEF OVERVIEW OF THE PROPOSED BUSINESS AND COMMENTED THE CITY WOULD BENEFIT FROM AN INCREASE OF JOBS AND TAX REVENUE FROM THE ESTABLISHMENT. ATTORNEY UPTON STATED THE PROPOSED ESTABLISHMENT WOULD NOT CREATE NOISE OR LIGHT POLLUTION AND PLENTY OF PARKING WAS AVAILABLE FOR THIS LOCATION. A LETTER OF SUPPORT FROM 35 MEMBERS OF THE COMMUNITY WAS PRESENTED. DANIEL NEWCOMB ADDRESSED THE COMMISSION. MR. NEWCOMB STATED THE CONCEPT OF THE ESTABLISHMENT WOULD BE MORE THAN A LIQUOR STORE AS IT WOULD OFFER NON-ALCOHOLIC CHOICES ALONGSIDE ALCOHOLIC CHOICES. MR. NEWCOMB REVIEWED HIS PRIOR BUSINESS EXPERIENCE IN MILTON AND STATED HIS DESIRE TO BECOME INVOLVED IN THE HAVERHILL COMMUNITY. CHAIRMAN EDWARDS ASKED IF THE APPLICANT HELD LICENSES IN ANY OTHER TOWNS. THE APPLICANT STATED THE COMPANY WAS APPROVED FOR LICENSES IN QUINCY, LEXINGTON, TEWKSBURY, AND CAMBRIDGE. CHAIRMAN EDWARDS ASKED THE APPLICANT ABOUT PREVIOUS LICENSES HELD IN PLYMOUTH, CANTON, MALDEN, WALPOLE, AND BOSTON (SOUTH BAY). COMMISSIONER DRISCOLL ASKED THE CLERK TO PRESENT THE APPLICANT WITH THE COMMUNICATION RECEIVED FROM AN ABUTTER IN OPPOSITION OF THE PROPOSED ESTABLISHMENT. THE CHAIRMAN AND ATTORNEY UPTON DISCUSSED NOTIFICATION OF ABUTTERS AND THE VACANT STATUS OF THE PROPOSED LOCATION. THE COMMISSION

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THANKED THE APPLICANT AND TABLED THE DECISION. COMMISSIONER ANGUS ASKED IF THERE WAS ANY PUBLIC COMMENT CONCERNING THIS APPLICATION. THERE WAS NO PUBLIC COMMENT. ATTORNEY UPTON ASKED FOR THE 35 SIGNATURES OF SUPPORT TO BE NOTED FOR THE RECORD.

THE COMMISSION DISCUSSED THE ORDER OF HOW THEY WOULD PROCEED WITH THE APPLICATIONS HEARD. COMMISSIONER ANGUS SUGGESTED TO TAKE THE APPLICATIONS THAT HAD FILED REQUESTS FOR WITHDRAWAL FIRST.

COMMISSIONER ANGUS MADE A MOTION TO ACCEPT THE WITHDRAWAL OF THE APPLICATION FOR **ANDY INC D/B/A ANDY'S LIQUORS, 864 BROADWAY- RAMILA PATEL, MANAGER**. COMMISSIONER DRISCOLL SECONDED. NO PUBLIC COMMENT. MOTION UNANIMOUSLY PASSED.

COMMISSIONER ANGUS MADE A MOTION TO ACCEPT THE WITHDRAWAL OF THE APPLICATION FOR **MAP INC D/B/A MINIT MART, 233 WINTER STREET- MAHAVIR PATEL, MANAGER**. COMMISSIONER DRISCOLL SECONDED. NO PUBLIC COMMENT. MOTION UNANIMOUSLY PASSED.

CHAIRMAN EDWARDS STATED THAT HE WAS FAVORABLE TO APPROVE ONE OF THE APPLICATIONS BUT WAS NOT COMPLETELY CONVINCED WHICH OTHER APPLICATION WOULD GAIN HIS APPROVAL. COMMISSIONER DRISCOLL SUGGESTED TAKING THE APPLICATIONS IN THE ORDER PRESENTED ON THE AGENDA. COMMISSIONER ANGUS STATED HER POSITION THAT LOCATIONS OUTSIDE OF THE DOWNTOWN AREA SHOULD BE CONSIDERED. COMMISSIONER DRISCOLL STATED THE LOCAL LICENSE COMMISSION MUST WEIGH THE PUBLIC NEED, PUBLIC CONVENIENCE, AND THE PUBLIC GOOD WHEN CONSIDERING WHICH APPLICATIONS WOULD GAIN APPROVAL. COMMISSIONER DRISCOLL STATED THE RESIDENTS IN OPPOSITION AND THE RESIDENTS IN SUPPORT MUST ALSO BE TAKEN INTO ACCOUNT.

COMMISSIONER DRISCOLL MADE A MOTION TO APPROVE THE APPLICATION SUBMITTED BY **RAMJODI CORP D/B/A RILEY'S CORNER, 352 WASHINGTON STREET- KANAIYALAL SEENDHABHAI PATEL, MANAGER FOR CHANGE OF CATEGORY SECTION 15 ALL ALCOHOL LICENSE.** COMMISSIONER DRISCOLL STATED THE APPLICANT PROVIDED PROOF OF PUBLIC NEED. THE RESIDENTS FURTHER CONVINCED THE COMMISSIONER THE APPLICANT WAS A GOOD COMMUNITY PARTNER. LASTLY, COMMISSIONER DRISCOLL STATED THE WALKING RESIDENTS WOULD BENEFIT FROM THIS LOCATION GAINING AN ALL-ALCOHOL LICENSE. CHAIRMAN EDWARDS SECONDED. NO PUBLIC COMMENT. COMMISSIONER ANGUS VOTED NO, COMMISSIONER DRISCOLL AND CHAIRMAN EDWARDS VOTED YES. MOTION PASSED 2 YES, 1 NO.

Commissioner Angus made a motion to approve **A. Saini Group Inc d/b/a Racing Mart, 402 Amesbury Road- Sohan Saini, Manager for a change of category section 15 All Alcohol License.** Chairman Edwards stated he would have seconded but due to the conflict of interest he was unable to do so. The was no second to the motion. The motion failed.

THE COMMISSION DISCUSSED WHETHER A DECISION ON THE SECOND LICENSE NEEDED TO TAKE PLACE AT THAT TIME. CHAIRMAN EDWARDS ASKED THE DATE OF THE NEXT LICENSE COMMISSION MEETING AND WAS INFORMED IT WAS SCHEDULED FOR MAY 5, 2022. SAPNA PATEL ASKED IF THE ABUTTER NOTIFICATIONS COULD BE COMPLETED FOR OM MOBILMART2 IF THE DECISION WAS TABLED UNTIL MAY. COMMISSIONER ANGUS EXPLAINED MGL LAWS SURROUNDING ABUTTER NOTIFICATIONS AND THE TIMELINE TO THE DATE OF PUBLICATION. COMMISSIONER DRISCOLL THEN MADE A MOTION TO APPROVE **WANG'S BROTHER SPIRITS LLC D/B/A WANG'S LIQUORS, 38 WASHINGTON STREET- TIAN YANG WANG, MANGER FOR A NEW SECTION 15 ALL ALCOHOL LICENSE.** COMMISSIONER DRISCOLL STATED THE PUBLIC SUPPORT HEARD AT THE MEETING PROVIDED PROOF OF THE APPLICANT AS A GOOD COMMUNITY MEMBER. COMMISSIONER DRISCOLL STATED THE APPLICANT DID NOT CURRENTLY HAVE A LICENSE IN THE CITY AND THE COMMUNITY REPUTATION OF THE APPLICANT FURTHERED THE DECISION TO APPROVE THE APPLICATION. CHAIRMAN EDWARDS SECONDED. NO PUBLIC COMMENT. COMMISSIONER ANGUS VOTED NO. COMMISSIONER DRISCOLL AND CHAIRMAN EDWARDS VOTED YES. Commissioner Driscoll reminded the applicants that upon ABCC approval, the previously issued section 15 beer and wine license must be surrendered back to the city. Chairman Edwards stated the licenses approved could not be sold for at least one year.

COMMISSIONER DRISCOLL MADE A MOTION TO DENY THE APPLICATION FOR <u>Kaknes Enterprises Inc d/b/a</u> <u>K's Fuel Stop</u>, 297 Lincoln Ave- Paul Kaknes, Manager for a change of category Section 15 All Alcohol License. Commissioner Driscoll cited the reasons for denial due to other qualified candidates, the lack of public need/want, and the lack of licenses available. Commissioner Angus seconded. No public comment. Vote unanimous.

COMMISSIONER ANGUS MADE A MOTION TO DENY THE APPLICATION FOR **OM MOBILMART 2 INC D/B/A MOBIL MART, 401 AMESBURY ROAD- SAPNA PATEL, MANAGER FOR A CHANGE OF CATEGORY SECTION 15 ALL ALCOHOL LICENSE.** COMMISSIONER ANGUS CITED THE REASON FOR DENIAL DUE TO THE LACK OF LICENSES AVAILABLE. COMMISSIONER DRISCOLL SECONDED. NO PUBLIC COMMENT. VOTE UNANIMOUS.

COMMISSIONER DRISCOLL MADE A MOTION TO DENY THE APPLICATION FOR **2030 OCEAN STREET LLC D/B/A WINE & MARKET, 86 ESSEX STREET -DANIEL NEWCOMB, MANAGER FOR A NEW SECTION 15 ALL ALCOHOL LICENSE.** COMMISSIONER DRISCOLL CITED THE REASON FOR DENIAL DUE TO A LACK OF LICENSES AVAILABLE. CHAIRMAN EDWARDS SECONDED. ATTORNEY UPTON STATED HIS BELIEF THAT THE COMMISSION COULD NOT VOTE TO DENY ANY APPLICATIONS DUE TO LACK OF LICENSES AVAILABLE. ATTORNEY UPTON ASKED FOR HIS OBJECTION TO BE NOTED FOR THE RECORD. THE OBJECTION WAS NOTED BY THE CLERK. NO FURTHER PUBLIC COMMENT. MOTION PASSED UNANIMOUSLY.

11. MOTOR VEHICLE APPLICATIONS

- 12. CARRY IN LICENSE APPLICATIONS
- 13. <u>ITEM FOR DISCUSSION</u>
- 14. <u>Show Cause Hearing</u>
- 15. <u>COMMUNICATIONS</u>
- **16.** PUBLIC PARTICIPATION

17. OTHER BUSINESS

Commissioner Driscoll requested to review item 2a Approval of the Minutes. Commissioner Driscoll made a motion to Approve the regular meeting minutes from April 7, 2022, as presented. Commissioner Angus seconded. No public comment. Motion unanimously passed.

18. ADJOURNMENT

COMMISSIONER DRISCOLL MADE A MOTION TO ADJOURN. COMMISSIONER ANGUS SECONDED. ALL WERE IN FAVOR-MOTION PASSED UNANIMOUSLY.

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