



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

**The Haverhill License Commission held a REMOTE
Special Meeting on Friday, August 21 2020 1PM**

*Attendees: Chairman Edwards, Commissioner Sewell and Commissioner Carter
Clerk Linda Koutoulas*

1. OUTDOOR DINING

- A. **KELLY'S RESTAURANT**
75 SOUTH MAIN ST
JOYCE MORIARTY, MANAGER
ADD OUTDOOR DINING

Meeting started at 1PM by phone.

Chairman Edwards opened the meeting. He stated he had some concerns with the application – the hours, not receiving an exact plan for placement of tables and size of location, and effect on the neighbors residing close to the proposed outdoor dining area.

Commissioner Carter expressed the same concern with the hours and potential noise affecting quality of life of the abutting neighbors

Mr Moriarty provided general measurements for the lot and for the distance between the tables.

Chairman Edwards wanted exact measurements and plan and requested to recess the meeting to 2PM so he could look at the location in person.

At 1:15 the meeting was recessed.

At 2PM the meeting reconvened.

Commissioner Edwards had visited the location and had a clearer plan with measurements. He also stated that fencing would be erected from the bar to and around the outside area. He requested a motion to permit outdoor dining until 9PM with 4 tables and that the tables be 8 feet apart.

Commissioner Carter made such motion to approve the outdoor dining with layout showing 4 tables with them being 8 feet apart and limit the hours to 9PM in deference to the neighbors and offered explanations for the 9PM preference. She stated she would be willing to reconsider if her concerns were addressed sufficiently and offered a special meeting if they were. She also wanted to clarify that this is a

restaurant serving a sit-down meal, not just popcorn, etc., and not a bar and to allow people to remain at the table a reasonable amount of time.

Mr Moriarty stated that it was his understanding that he could give a patron a hotdog and that would qualify as a meal served and then they could just hang out there.

Chairman Edwards informed Mr Moriarty that the COVID regulations require a cooked meal, not pizza or popcorn.

Chairman Edwards requested a second to the motion and told Mr Moriarty he would have a chance to speak.

Commissioner Sewell said he did not feel it was fair to Mr Moriarty to limit the hours to 9PM but as a courtesy to his fellow commissioners he would second and support the motion.

Mr Moriarty was now able to speak. He stated he was very unhappy at the 9PM limitation and asked why he was being treated differently than the downtown businesses that are open later and have many more condos/apartments in the immediate vicinity. He also did not want to be limited to 4 tables and felt he has enough space for more tables. In addition, he also questioned the 8 feet distance between tables when the regulations only require 6 feet. He stated he feels he is being discriminated against by the Commission and that he is being treated differently than the downtown businesses. He stated his business was just like living next to a golf course where homeowners should expect to find golf balls in their yards.

Commissioner Carter explained that comparing his neighbors living next to a bar and a golf course with golf balls were apples and oranges and that his situation involved noise and a late time period where there may be the presumption of quiet and people may even be going to bed.

Commissioner Carter stated that his business is in a more residential area .

Mr Moriarty disagreed with Commissioner Carter's opinion that his location isn't more residential than downtown

Commissioner Carter stated that behind Kelly's, where the outdoor dining is proposed, is completely residential. She said residents have a different expectation regarding the amount of noise typically generated downtown compared to what is typical for the low traffic residential Bradford neighborhood behind Kelly's.

The meeting became heated at which time Chairman Edwards asked for the roll call.

Vote unanimous yeas. (3 yeas, 0 nays).

Chairman Edwards advised Mr Moriarty he should come before the commission in a few weeks if everything is working out and there are no complaints and the Commission would consider expanding the time to 10PM and add more tables.

Chairman Edwards asked that the meeting be adjourned. Vote unanimous yes.

Meeting adjourned at 2:10PM