

Minutes for the Lowell License Commission meeting for Thursday, August 8, 2019 at 6:00 p.m., held in the City Council Chamber, 2nd floor, City Hall, 375 Merrimack St., Lowell, MA 01852.

Present: John Descoteaux, Commissioner, Chairman, Commissioners Clifford Krieger, Terry McCarthy, and Martha Howe, and John “Rich” Hucksam, Asst. City Solicitor, and Captain Paul Laferriere of the Lowell Police Department.

Absent: Commissioner Joseph Donahue

The Commission, on the motion by Commissioner Krieger, second by Commissioner McCarthy, voted to approve meeting minutes for July 25, 2019.

The Commission, on the motion by Commissioner Howe, second by Commissioner McCarthy, voted by roll-call, to enter executive session regarding the matter of litigation, *LD Holdings d/b/a Bar 74 Lounge & Grill v. Lowell License Commission*, the reason that public discussion could have a detrimental effect on the City’s position. The vote by roll-call: ayes – Commissioners Howe, McCarthy, Krieger. Chairman Descoteaux announced prior to the vote that he will recuse himself from the matter per recommendation by the City Solicitor. The Executive Secretary announced the Commission will return to regular session.

At 6:10 p.m., The Commission, on the motion by Commissioner Howe, second by Commissioner McCarthy, voted by roll-call to return to regular session: ayes - Commissioners Howe, McCarthy, and Krieger.

Chairman Descoteaux requested the Commission consider as the next agenda item the review of the application by LP Auto Center, Inc., Celso Lopez, President, for a Second Hand Motor Vehicles license, Class II, used car Dealer, for premises at 493 Princeton Blvd. Commissioner McCarthy made the motion to move agenda item # 4, LP Auto Center, Inc., as the next item, second by Commissioner Krieger, so voted. LP Auto Center was represented by Celso Lopez, President, and Attorney Fernando Rosa, legal counsel. Edward Bud Caufield, resident on Princeton Blvd., and Penny Cartier, resident on Lauriat St., were present. Attorney Lopez stated that Mr. Lopez operates a repair shop, brakes, and oil change.

Chairman Descoteaux asked what has been done [since the meeting of June 6, 2019] about cleaning the premises. Attorney Rosa made general statement about two people working at the garage; items have been removed from the premises [since June 6, 2019]. Chairman Descoteaux stated that he had earlier in the day driven by 493 Princeton Blvd., and counted 13 cars on the premises, and asked for an explanation. Attorney Rosa, first speaking to Mr. Lopez, answered that 4 vehicles are personal/business related, owned by Mr. Lopez and employees. There was no accounting of the additional 9 vehicles. Commissioner Howe stated that there is a garage in the back. Attorney Rosa stated that Mr. Lopez uses the garage for storage. Mr. Lopez had recently purchased 250 tires in response to a question by Commissioner Krieger. Commissioner Howe asked if Mr. Lopez had been selling furniture or had any other objects delivered to the place. Attorney Rosa stated no delivery of furniture. Chairman Descoteaux asked if in the last three months any deliveries in a container [truck]. Attorney Lopez stated Mr. Lopez had previously allowed use [of the open lot] but has since stopped the arrangement. Chairman Descoteaux stated that the Commission was not holding a public hearing, but local residents may address the Commission about their concerns. Edward Caufield addressed the Commission about the concern he has had with the lot having become a breeding ground for junk storage. Mr. Caufield stated he and his neighbors have no issue about the sale of five cars [in compliance with Zoning Board of Appeals conditions]. There was a “cargo box” of furniture delivered on the lot. Penny Cartier addressed the Commission. Commissioner Howe questioned Ms. Cartier about pictures in her possession. Ms. Cartier described the pictures, stated they were taken June 19, 2019 [after the June 6<sup>th</sup> meeting]. Commissioner Howe asked if she [Ms. Cartier] feels the pictures are a fair and accurate portrayal. Ms. Cartier stated yes. Commissioner Howe asked if she has seen additional activity since the time the pictures were taken. Ms. Cartier stated no. Commissioner Howe asked that legal counsel see the pictures. Chairman Descoteaux agreed, allowing Attorney Rosa to review pictures with Mr. Lopez. Attorney Rosa stated that he [Mr. Lopez] let a friend use the space. Chairman Descoteaux questioned why he would do that, to let a container go in the neighborhood, he [Mr. Lopez]

had eight weeks to set the premises correctly. Attorney Rosa stated that Mr. Lopez will never let that happen again. Commissioner McCarthy recommended a meeting with the neighbors. Attorney Rosa stated that since Mr. Lopez acquired the property, he has been responsible to clean up the premises. Chairman Descoteaux stated the premises still need to be cleaned up. Commissioner McCarthy stated that there have been a lot of cars. Chairman Descoteaux recommends not granting the license pending further review in another month, and that the applicant with legal counsel set up an appointment with the neighbors to review their concerns. Chairman McCarthy made the motion for a one month continuance, and that Mr. Lopez with legal counsel meet with the neighbors during the interim, second by Commissioner Krieger, so voted.

The Commission reviewed the applications for special one-day license to sell/dispense malt beverages and wines only, or either one, from Wendy Blom of LTC, for Dinner in the Park with LTC, Thursday, September 12, 2019, 6:30 p.m. to 9:00 p.m. at Kerouac Park. Wendy Blom was present.

Ellen Casazza at Curaton 250, 250 Jackson St., for "Respect" Art Opening, Saturday, September 14, 2019, 6:30 p.m. to 8:30 p.m. Ellen Casazza was present.

The Commission also reviewed the special events permit for the amplification of sound by Wendy Blom of LTC for a Jazz Band during the Dinner in the Park event from 6:30 p.m. to 8:30 p.m.

The Commission, on the motion by Commissioner McCarthy, second by Commissioner Howe, voted to approve license/permit for Wendy Blom of LTC, and license for Ellen Casazza.

The Commission reviewed the applications for special one-day license to sell/dispense malt beverages and wines only, or either one, from Peter Crewe, present, of the Merrimack Repertory Theatre, Nancy L. Donahue Theatre Liberty Hall, 50 East Merrimack St., Theatrical Performances by the Merrimack Repertory Theatre, September 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29, October 2, 3, 4, 5, 6 - 2019 [20 dates], concession sales/service for 45 minutes prior to performance, and 15 minutes during intermission;

Amanda Lee Vilieisis, present, of the Merrimack Repertory Theatre, Nancy L. Donahue Theatre Liberty Hall, 50 East Merrimack St., Theatrical Performances by the Merrimack Repertory Theatre, October 16, 17, 18, 19, 20, 23, 24, 25, 26, 27, 30, 31, November 1, 2, 3, 6, 7, 8, 9, 10 - 2019 [20 dates], concession sales/service for 45 minutes prior to performance, and 15 minutes during intermission;

Timothy Sheils, present, of the Merrimack Repertory Theatre, Nancy L. Donahue Theatre Liberty Hall, 50 East Merrimack St., Theatrical Performances by the Merrimack Repertory Theatre, November 26, 27, 29, 30, December 1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22 - 2019 [20 dates], concession sales/service for 45 minutes prior to performance, and 15 minutes during intermission;

Laura Frye, present, of the Merrimack Repertory Theatre, Nancy L. Donahue Theatre Liberty Hall, 50 East Merrimack St., Theatrical Performances by the Merrimack Repertory Theatre, January 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 29, 30, 31, February 1, 2 - 2020 [20 dates], concession sales/service for 45 minutes prior to performance, and 15 minutes during intermission;

John David Henderson, present, of the Merrimack Repertory Theatre, Nancy L. Donahue Theatre Liberty Hall, 50 East Merrimack St., Theatrical Performances by the Merrimack Repertory Theatre, February 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28, 20, March 1, 4, 5, 6, 7, 8 - 2020 [20 dates], concession sales/service for 45 minutes prior to performance, and 15 minutes during intermission;

John Dyson, present, of the Merrimack Repertory Theatre, Nancy L. Donahue Theatre Liberty Hall, 50 East Merrimack St., Theatrical Performances by the Merrimack Repertory Theatre, March 18, 19, 20, 21, 22, 25, 26, 27, 28, 29, April 1, 2, 3, 4, 5, 8, 9, 10, 11, 12 - 2020 [20 dates], concession sales/service for 45 minutes prior to performance, and 15 minutes during intermission;

Edgar Cyrus, represented by John Dyson, of the Merrimack Repertory Theatre, Nancy L. Donahue Theatre Liberty Hall, 50 East Merrimack St., Theatrical Performances by the Merrimack Repertory Theatre, April 22, 23, 24, 25, 26, 29, 30, May 1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17 - 2020 [20 dates], concession sales/service for 45 minutes prior to performance, and 15 minutes during intermission.

The Commission, on the motion by Commissioner McCarthy, second by Commissioner Krieger, voted to approve licenses for Peter Crewe, Amanda Lee Vilieisis, Timothy Sheils, Laura Frye, John David Henderson, John Dyson, and Edgar Cyrus, representatives of the Merrimack Repertory Theatre, for the beer/wine concession during theatrical performances of the Merrimack Repertory Theatre for the 2019=2020 Season, commencing September 11, 2019, and ending May 17, 2020.

The Commission reviewed applications for special events permit for the amplification of sound from Dimitrios Booras, present, of The Center for Hope and Healing, Inc., for the 5th Annual Family Festival and Wellness Fair with D J, Sunday, August 25, 2019, 11:00 a.m. to 4:00 p.m., at the Shedd Park Pavilion, 453 Rogers St.; and Peter Lally, present, President of the Lowell Management Group, for Lowell Irish Festival, Saturday, September 21, 2019 from 11:00 a.m. to 8:00 p.m. with Music at the Lowell Memorial Auditorium front plaza. The Commission, on the motion by Commissioner Howe, second by Commissioner Krieger, voted to approve special event permits for amplification of sound for Dimitrios Booras of The Center for Hope and Healing, Inc., for August 25, 2019 at Shedd Park Pavilion from 11 a.m. to 4 p.m., and Peter Lally of the Lowell Management Group, for September 21, 2019 at the front plaza of Lowell Memorial Auditorium from 11 a.m. to 8 p.m.

The Commission reviewed the application by B & H Beer N Wine, Inc., d/b/a Jay's Beer & Wine, Bhumi A. Patel, President, malt beverages and wines only package store licensee, for change of location from premises at 168 Gorham Street to 166 Gorham Street, retail floor space approximately 3,000 sq. ft. The Commission, on the motion by Commissioner Howe, second by Commissioner Krieger, scheduled the public hearing for August 22, 2019 at 6 p.m. in the City Council Chamber. Legal notice to be published in the Lowell Sun newspaper August 9, 2019; applicant is to notify abutters [ref. MGL c. 138, s. 15A].

The Commission, on the motion by Commissioner Krieger, second by Commissioner McCarthy, voted to adjourn the meeting at 6:50 p.m.

Respectfully submitted by Ryan Wynn, Executive Secretary, present at meeting.

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