

1 Minutes for Lowell License Commission meeting, Thursday, January 14, 2016 at 6:30 p.m., City Council
2 Chamber, 2nd floor, City Hall, 375 Merrimack St., Lowell, MA 01852

3 Present: John Descoteaux, Commissioner, Chairman, Commissioners Cliff Krieger, Kristen Hogan, Terry
4 McCarthy; and Captain Jack Webb of the Lowell Police Department. Absent: Commissioner Nancy McGovern.

5 The Commission voted to approve the minutes for meetings November 19, December 3, 2015 on the motion by
6 Commissioner Krieger, second by Commissioner Hogan.

7 The Commission reviewed the application for the special events permit for amplified outdoor public
8 entertainment from Henri Marchand for the City of Lowell for Winterfest 2016. There will be a sound system and
9 d.j. for Friday, February 19, 2016 from 5:30 p.m. to 11:30 p.m., and Saturday, February 20, 2016 from 12:00 p.m.
10 to 11:30 p.m. The outdoor venues will be on Arcand Drive and Lucy Larcom Park. The Commission voted to
11 approve the special events permit on the motion by Commissioner McCarthy, second by Commissioner Hogan.

12 The Commission reviewed the applications for special one-day licenses to sell/dispense malt beverages & wines
13 only, or either one, from the following individuals:

14 Marta Rodrigues of Portuguese American Lowell Youth Center, , 739 Central Street, Dinner & Dance Fundraiser,
15 Saturday, January 23, 2016, 7:00 p.m. to 1:00 a.m. Marta Rodrigues was present.

16 Marta Rodrigues of Portuguese American Lowell Youth Center, , 739 Central Street, Matanca Fundraiser,
17 Saturday, February 20, 2016, 7:00 p.m. to 1:00 a.m.

18 Orlando Borba at Holy Ghost Park, 65 Village Street, Mardi Gras/Carnaval, Saturday, February 6, 2016, 12:00
19 p.m. to 2:00 a.m. Orlando was present.

20 Orlando Borba at Holy Ghost Park, 65 Village Street, Mardi Gras/Carnaval, Sunday, February 7, 2016, 12:00
21 p.m. to 2:00 a.m.

22 Marc Clermont of Miracle Providers Northeast, Inc., 122 Western Ave., with Love from Lowell, Charity
23 Fundraiser/Masquerade Ball, Saturday, February 6, 2016, 6:00 p.m. to 12:00 midnight. Marc Clermont was
24 present.

25 The Commission voted, on the motion by Commissioner Hogan, second by Commissioner Krieger, to approve the
26 special one-day licenses for malt beverages and wines only for Marta Rodrigues, Orlando Borba, Marc Clermont.

27 The Commission reviewed the applications for special one-day license to dispense wines only at art gallery

1 Steve Syverson, President, Arts League of Lowell, Inc., 307 Market Street, Artists reception - Heat, Saturday,
2 January 30, 2016, 4:00 p.m. to 6:00 p.m. Steve Syverson was present.

3 Steve Syverson, President, Arts League of Lowell, Inc., 307 Market Street, Artists reception - Elements IV - On
4 and Off the Wall, Saturday, March 19, 2016, 4:00 p.m. to 6:00 p.m.

5 Steve Syverson, President, Arts League of Lowell, Inc., 307 Market Street, Artists reception - Elements IV -
6 Dramatic Lowell Series, Saturday, April 16, 2016, 2:00 p.m. to 4:00 p.m.

7 Donna Howard, 246 Market Street, Art Reception, Thursday, February 4, 2016, 6:00 p.m. to 9:00 p.m. Donna
8 Howard was present.

9 The Commission voted, on the motion by Commissioner McCarthy, second by Commissioner Hogan, to approve
10 the special one-day licenses to dispense wines only for Steve Syverson, Donna Howard.

11 The Commission reviewed the application for Second Hand Articles license by Lico Wireless, Inc., d/b/a Lico
12 Wireless and General Services, Dararath Duch, President, for premises at 336 Westford Street, unit 1. Dararath
13 Duch was present. Mr. Duch stated he has had his business since 2010, and has been at 336 Westford St. since
14 2011. The Commission voted, on the motion by Commissioner Krieger, second by Commissioner Hogan, to
15 approve the Second Hand Articles license for Lico Wireless, Inc., Dararath Duch, President, for premises at 336
16 Westford Street, unit 1.

17 The Commission opened the public hearing on the application by Akshar Sales Corporation, Himansu Patel,
18 President, for a malt beverages & wines only package store license for premises at 641-643 School Street,
19 unnumbered doors north and south sides of building; first floor, one room for sales and storage 2,900 square feet,
20 basement for storage only. It is requested that Himansu Patel be approved as manager of record for Akshar Sales
21 Corporation. A legal notice was published January 4, 2016 in the Lowell Sun newspaper. The following
22 individuals were present: Himansu Patel, Malay Patel, and Attorney Andrew Zaroulis, legal counsel for Akshar
23 Sales Corporation. The License Commission reviewed the affidavit of notice of mailing to abutter[s] and others;
24 document was ordered to be placed on file. Chairman Zaroulis addressed the matter of the information from the
25 City Treasurer's office that Chuck's Variety Inc. owes \$1,271.04 [1-11-2016] personal property taxes for FY
26 2014, 2015. There was a discussion about the matter of Chuck's Variety, the previous licensee for malt beverages
27 & wines only package store at 641-643 School St. Attorney Zaroulis stated that his client has had quite a few

1 years in the business. Chairman Descoteaux opened the hearing for public comment, requesting to hear from
2 those who wished to speak in favor: Robert T. Grimes, a Lowell resident, spoke in favor the applicant. The
3 Commission closed that portion of the hearing. Chairman Descoteaux opened the hearing to individuals who
4 wished to speak in opposition: Walter Carty, an abutter, presented a written statement in objection to the granting
5 of the malt beverages & wines only package store license. The public comment portion of the hearing was closed.
6 Chairman Descoteaux questioned Attorney Zaroulis if there would be any deliveries at 6:00 a.m. or at 10:00 p.m.
7 Attorney Zaroulis stated no to early morning or late night deliveries. The hearing was declared closed. The
8 Commission voted, on the motion by Commissioner Hogan, second by Commissioner Krieger, to grant a malt
9 beverages & wines only package store license to Akshar Sales Corporation for premises at 641-643 School Street.
10 It was voted to approve Himansu Patel as manager of record for Akshar Sales Corporation. The License
11 Commission did not find that the granting of the above license would be detrimental to the religious activity of the
12 Calvary Baptist Church, 204 Liberty St.

13 The Commission opened the public hearing on the application by PC and SK Inc., d/b/a L & S Liquors, Piset
14 Chea, President, for the transfer of the all alcoholic beverages package store license from L & S Liquors, Inc.,
15 Sim Chhuon, President, for premises at 2 Dover St. and 269 Branch Street; first floor-one room, two walk-in
16 coolers, one room for storage; cellar for storage. It is requested that Piset Chea be approved as manager of record
17 for PC and SK Inc. A legal notice published January 4, 2016 in the Lowell Sun newspaper. The following
18 individuals were present: Piset Chea and Attorney Arthur Sullivan, legal counsel for PC and SK Inc. Attorney
19 Sullivan stated that the certificate of good standing issued by the Department of Revenue for L & S Liquors, Inc.
20 is stale dated; a new certificate has been requested. Chairman Descoteaux opened the hearing for public comment.
21 There was no one present to speak in favor or against the application for transfer of license. The Commission
22 voted, on the motion by Commissioner Krieger, second by Commissioner Hogan, to grant the transfer of the all
23 alcoholic beverages package store license from L & S Liquors, Inc. to PC and SK Inc. for premises at 2 Dover
24 Street and 269 Branch Street. It was voted to approve Piset Chea as manager of record for PC and SK Inc.

25 The Commission reviewed the application by Mill City Suds Inc., all alcoholic beverages restaurant licensee at 76
26 Merrimack Street for change of manager of record from Daniel Lucas to Jan Mistrik of Londonderry, NH. The
27 following individuals were present: Jan Mistrik, Daniel Lucas, and Joel Asadoorian. Mr. Mistrik stated that he has

1 hotel management experience. Mr. Lucas addressed the Commission about his decision to step down as manager
2 of Mill City Suds. The Commission voted, on the motion by Commissioner Krieger, second by Commissioner
3 McCarthy, to approve Jan Mistrik as manager of record for Mill City Suds, Inc.

4 Joel Asadoorian, manager of record for Mill City Ballroom, all alcoholic beverages restaurant licensee at 74
5 Merrimack St., third floor, appeared before the Commission to request that licensee Mill City Ballroom is
6 permitted to host an all-ages show on Saturday, February 13, 2016 from 2:00 p.m. to 10:00 p.m. featuring nine (9)
7 bands. Mr. Asadoorian stated it is stipulated in a contract with one of the bands to have an all-ages show. The
8 Commission and Captain Webb discussed with Mr. Asadoorian his plan for serving alcohol beverages, and staff
9 present to monitor underage patrons. Mr. Asadoorian stated that a bracelet would be issued to patrons 21 years of
10 age and older; there will be two security, one checking identifications. Captain Webb cautioned that there is no
11 defense with a bracelet. The Commission voted, on the motion by Commissioner Descoteaux, second by
12 Commissioner McCarthy, to allow the "all-ages show" for February 13, 2016 with the condition that for each
13 request - only one alcohol beverage drink is to be sold and dispensed to a patron who is 21 years of age or older.

14 The Commission reviewed the application by Holy Ghost Society, Inc., Jose M. Santos, Clerk, for an all alcoholic
15 beverages club license for premises at 65 Village Street, three lots approximately 110,211 sq. ft. inclusive of one
16 story building approx. 10,080 sq. ft. with a main function hall area, kitchen, office, bar, storage areas and covered
17 bar patio. Main entrance/exit from parking area and seven additional exits; and outdoor function area including
18 additional bar, covered seating area and open area. The Commission voted, on the motion by Commissioner
19 Hogan, second by Commissioner Krieger, to ratify the publication of legal notice for January 15, 2016, and to
20 schedule the public hearing for January 28, 2016.

21 The Commission reviewed the application by Phuong-Tuyen Nguyen, dba Sizzling Kitchen, for a malt beverages
22 and wines only restaurant license for premises at 478 Merrimack Street, one unnumbered exit door west side, first
23 floor dining room, kitchen, 800 sq. ft.; basement for storage 340 sq. ft. The Commission voted, on the motion by
24 Commissioner McCarthy, second by Commissioner Hogan, to ratify the publication of legal notice for January
25 15, 2016, and to schedule the public hearing for January 28, 2016.

26 The Commission reviewed the communication from Shawn Shanahan, Building Commissioner, dated December
27 29, 2015, re: reasons for Development Services and Fire Department closing premises of TR Enterprises, Inc.,

1 d/b/a El Rincon, Rey Serrano, Manager, all alcoholic beverages restaurant licensee at 135 Central Street. The
2 Commission voted, on the motion by Chairman Descoteaux, second by Commissioner Krieger, to review the
3 issue of compliance by TR Enterprises, Inc. with Development Services and Fire Department in sixty (60) days.

4 The Commission reviewed the communication from William M. Taylor, Superintendent of Police, dated January
5 8, 2016, regarding allegations of misconduct on December 27, 2015 that are charged against Vannak Kann, d/b/a
6 The Crown, all alcoholic beverages restaurant licensee at 74 Middlesex St., to wit: (a) failure to maintain order
7 and decorum in the premises, and in the immediately surrounding areas adjacent to the premises, Regulation 1.16
8 of the Regulations of the Lowell License Commission; (b) failure to notify the Lowell Police Department when
9 any violation of law, disorder, or disturbance is taking place in the licensed premises, in violation of Regulation
10 1.20 of the Regulations of the Lowell License Commission; (c) failure to notify the Lowell License Commission
11 of a police response to the licensed premises within 48 hours, Regulation 1.16 of the Regulations of the Lowell
12 License Commission; (d) A.B.C.C. regulation 204 CMR 2.05 (2) No licensee for the sale of alcoholic beverages
13 shall permit any disorder, disturbance, or illegality of any kind to take place in or on the licensed premises. The
14 licensee shall be responsible therefore, whether present or not.

15 The Commission voted, on the motion by Commissioner Krieger, second by Commissioner Hogan, to schedule a
16 hearing for Thursday, January 28, 2016 at 6:30 p.m. on the allegations of misconduct on December 27, 2015 as
17 charged by William M. Taylor, Superintendent of Police, against Vannak Kann, d/b/a The Crown. The
18 Commission voted, on the motion by Commissioner Krieger, second by Commissioner Hogan, to schedule an
19 open public hearing on Thursday, February 11, 2016 at 6:30 p.m. to consider the public need in accordance with
20 Massachusetts General Laws Section 12, Chapter 138, to decrease the hours of operation of The Crown, located at
21 74 Middlesex Street, from 2:00 a.m. to 11:00 p.m. for the sales of alcoholic beverages during the calendar week
22 (Sunday to Saturday).

23 The Commission, after review, voted to place the following items on file, motion by Commissioner Hogan,
24 second by Commissioner McCarthy:

25 Copy of communication from Attorney Raymond T. Weicker to the Alcoholic Beverages Control Commission,
26 dated January 7, 2016, regarding an appeal and request for review of the decision and action of the Lowell

1 License Commission dated January 7, 2016 for Vannak Kann, d/b/a The Crown, all alcoholic beverages restaurant
2 licensee at 74 Middlesex St.

3 Copies of communications forwarded from Lowell Fire Prevention Bureau of Notice of Violations issued to 3
4 Liquor Establishments in the City of Lowell by the State Fire Marshall's Office, to wit: Dudley's Restaurant &
5 Bar at 19 Merrimack St.; Mill City Pub at 76 Merrimack St.; Blue Shamrock Inc., 105 Market St. State Fire
6 Marshall's Office conducted the inspections on December 17, 2015.

7 Copy of communication from Shaun Shanahan, Building Commissioner, Department of Development Services, to
8 Kann Vannak, 16 Redgate Road, Dracut, MA, dated January 12, 2016 re: violation at Crown Nightclub, 74
9 Merrimack Street as a result of an inspection on January 9, 2016.

10 The Commission voted to adjourn the meeting at 7:45 p.m. on a motion by Commissioner Krieger, second by
11 Commissioner Hogan.

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