

Minutes of the Board of Licensing Commissioners for their meeting held on Tuesday, July 26, 2022, at the Weymouth Town Hall, Chambers located at 75 Middle Street, Weymouth, MA

Attendance: Voting Member (present): Chairperson Kathleen A. Deree, Town Clerk; Daniel McCormack, Director of Public Health; Jeffrey E. Richards, Director of Municipal Licenses & Inspections, Clerk; Police Chief Richard Fuller; Fire Chief Keith Stark (absent): none

Non-voting: Licensing Officer Edward Chase; Town Solicitor Richard McLeod and Marsha Geronaitis, Paralegal (absent): Deputy Chief Thomas Still

Chairperson Deree called the meeting to order at 2 PM.

APPROVALS

- Minutes: June 21, 2022

Mr. Richards made a MOTION to approve the minutes of June 21, 2022. Chief Stark seconded the motion and it was UNANIMOUSLY VOTED.

- RFP for Availability of Wine & Malt Package Store License (1)

Solicitor McLeod noted the RFP was for an extra license that came available by the Census figures. The draft was sent to the Board for review.

Mr. Richards said all members have reviewed the latest document without comment.

Mr. McCormack noted that #5&6 on the last page (Appendix A Background) should be moved to the second page as L&M (Minimum requirements).

Mr. Richards made a MOTION to approve the amended RFP for one Wine & Malt Package Store License for the town. Chief Stark seconded and the motion was UNANIMOUSLY VOTED.

- One-Day Wine & Malt Permit: Flag Football Tournament @ Union Point Sports Complex (8/20/2022)

Mr. Richards made a MOTION to approve a One-Day Wine & Malt Permit to Greg Hagan, Union Point Sports Complex for a Flag Football tournament on August 20, 2022 from 2 PM – 10 PM. Chief Stark seconded the motion and it was UNANIMOUSLY VOTED.

APPLICATION OF NAKSH, INC D/B/A MICHAEL'S WINE & SPIRITS FOR AN ALL ALCOHOLIC PACKAGE STORE LICENSE TRANSFER FROM STELLENEY LIQUORS, INC. AT 461 WASHINGTON ST.

Ms. Pravindaben Patel, proprietor, in representation by Attorney Matthew Porter.

Attorney Porter introduced himself and his client, stating Ms. Patel is a sole shareholder of Naksh, Inc. She will be on site for 40 hours per week as the manager. She understands the responsibility as a liquor license holder as she has run three other stores in the Commonwealth. The lease and financing are in order. There will be no schedule change. Signage and awning will be replaced. There is a discussion of replacing some of the employees.

Mr. Richards stated the site has been reviewed. The public notification has been met. In regard to new signage, the Planning Office will be involved. The old sign next to the pole requires renovation to be aesthetically pleasing, to include striping of the lot and renovating the island.

Mr. Richards announced the public hearing for comment.

Mr. Robert Luongo, Planning Director, stated they will welcome applicable improvements. The interior needs to be spruced up as well. He requested a delay to have a discussion with the property owner, as the site is in a deplorable condition. Renovations should be made to include: painting, awnings; striping of the lot with traffic pattern; the exterior has been a disgrace for years. He requested that the hearing be continued to sit down with the property owner for an improvement plan.

Mr. Richards stated that the next meeting would be held on Tuesday, August 23rd at 2 PM.

Attorney Porter suggested that there be a discussion, but by delaying the process, it would create a hardship.

Mr. Luongo asked when they planned on opening.

Attorney Porter replied after the State approval process (4-6 weeks).

Mr. Luongo stated that it would require a commitment from the applicant to sit down next week with the property owner.

Attorney Porter added that the improvements are on the onus of the property owner.

Mr. Luongo said the work needs to be addressed and the town is putting people on notice. The applicant should be willing to go along with the resolution.

Solicitor McLeod stated Planning has a legitimate concern. The administrative matter should be resolved for the Licensing Board's review and decision on August 23rd.

Mr. Richards made a MOTION to continue the hearings for items 2 & 3 of Michael's Wine & Spirits to the meeting of August 23rd. They need to clarify who owns the property and who will address the concerns. Chief Stark seconded the motion and it was UNANIMOUSLY VOTED.

Attorney Porter voiced his concern for the delay of the application.

APPLICATION OF NAKSH, INC D/B/A MICHAEL'S WINE & SPIRITS FOR A PLEDGE OF THE ALL ALCOHOLIC PACKAGE STORE LICENSE AND INVENTORY TO ROCKLAND TRUST CO., 461 WASHINGTON ST.

Mr. Richards made a MOTION to continue the pledge of liquor license application until the August 23rd meeting. Chief Stark seconded and the motion was UNANIMOUSLY VOTED.

APPLICATION OF GOOD EATS KITCHEN AND BAR LTD D/B/A CAPONE'S PIZZERIA AND PROHIBITION PUB FOR AN ALL ALCOHOLIC RESTAURANT LICENSE TRANSFER FROM P&B GROUP LLC AT 1227-1229 WASHINGTON ST.

APPLICATION OF GOOD EATS KITCHEN AND BAR LTD D/B/A CAPONE'S PIZZERIA AND PROHIBITION PUB FOR A COMMON VICTUALLER LICENSE, 1227-1229 WASHINGTON ST.

APPLICATION OF GOOD EATS KITCHEN AND BAR LTD D/B/A CAPONE'S PIZZERIA AND PROHIBITION PUB FOR AN ANNUAL ENTERTAINMENT LICENSE AT 1227-1229 WASHINGTON ST.

APPLICATION OF GOOD EATS KITCHEN AND BAR LTD D/B/A CAPONE'S PIZZERIA AND PROHIBITION PUB FOR A SUNDAY ENTERTAINMENT LICENSE AT 1227-1229 WASHINGTON ST.

Attorney Ray Jennings attended with his clients Mr. Djony Brandao, CEO, and Peter Brandao, President. He informed the Board that the family has experience in the restaurant business. Their brother is the executive chef at the Seaport Hotel and earned his degree at Johnson & Wales. They have TIP's training and food safety certifications. He said the current licensee has been trying to sell the business for three years now. They are contractually obligated to move forward. They do not intend to make any changes to the site. The current theme and hours will remain the same. They would like to install a new awning (with LED lighting) and are looking to bring the business up to the new generation. They may offer Uber Eats for a potential future growth.

Mr. Richards noted that the parking lot is not property striped and would need to be addressed. Sign Permits would be required from the Building Department. He announced the public hearing for comment.

Mr. Robert Luongo, Planning Director, came forward and voiced his concerns, same as the prior application, site issues would require a meeting with the property owner. He said he would be happy to coordinate the meeting with the applicant and the landlord.

Attorney Jennings replied the concerns would be addressed within the lease w/ the landlord. Re-striping of the lot, new blacktop.

Mr. Luongo stated adjacent properties American Alarm and Public Storage made exterior improvements and updated landscaping. A potential 55+ property is going in across the intersection. Both applications for noted properties have been in a deplorable condition for years. It is the tenant's responsibility to make sure the landlord will make the improvements and be held accountable.

Mr. Peter Nguyent, current licensee, stated the awning should be replaced by the tenant. The parking lot was re-stripped in the past. He questioned the fairness of putting the demands on the tenant.

Mayor Bob Hedlund stated there have been welcoming improvements that have been made at the adjacent properties. Mass Highway has made improvements to the intersection as well. The subject property has been neglected and Weymouth is looking for cooperation and resolution. He is currently a customer and would like to partake in the future business. The Mayor hoped that the process led to a successful site.

Attorney Jennings noted that the lease is a working document and they could secure a letter from the landlord so that the application proceeds. It could be a condition of the transaction.

Chief Fuller asked for the experience of the seller of alcohol by TIP's certification, etc.

Attorney Jennings replied that the Executive Chef has TIP's training and understands the responsibility.

Mr. Richards made a MOTION to continue agenda items #4, 5, 6 and 7 to the August 23rd meeting. Chief Stark seconded and the motion was UNANIMOUSLY VOTED.

**APPLICATION OF WEYMOUTH POINT HOSPITALITY LLC D/B/A OTTO PIZZA
FOR A COMMON VICTUALLER LICENSE AT 39 TROTTER RD.**

Mr. Sean Ryan, proprietor, was present for the hearing. He introduced himself and stated the proposed pizza store is a 1,500 sf location within a brand-new building with residential above. He has been in the pizza business for the past 10 years. This will be his 4th restaurant license and recently opened a location in Beverly.

Mr. Richards stated the seats and tables have been removed from the original floor plan, as the parking does not accommodate such. He asked for a review of the menu and business plan.

Mr. Ryan stated the business would be a take-out business and mobile delivery operation. The menu would include pizza and salads, strictly from scratch with fresh ingredients.

Mr. Richards said the application was for a 1,500 sf location for a take-out scenario with the hours of operation as: Sunday through Thursday from 11 AM – 10 PM and Friday and Saturday from 11 AM – 12 AM.

Mr. Ryan said the hours are being offered for the residential area. He is proposing a very smooth operation based on a current business model.

Mr. Richards asked how neighboring businesses: Papa Gino's and Hungry Lyons are different.

Mr. Ryan said they cater to their consumer; Otto specific; serving something different in each food type by quality. They will also engage through phone apps—3rd party delivery.

Mr. Richards noted the site is new and noticed the parking issue. There a 15 dedicated retail parking spaces between the two stores (Hungry Lyons). The site was preplanned as a mixed-use building. The area seems to be congested and the vehicles are not leaving the site as frequent as originally thought. He didn't want for either business to fail based on parking.

Mr. Ryan said they can manage such through technologies that are available today, i.e. Uber Eats.

Mr. Richards announced the public hearing for comment.

Mayor Hedlund stated there is frustration with the parking. It seems that the 15 parking spaces should be delineated with signage. Mr. Charles Wilson, abutter of Uncle Charlie's was present, too. He visited the site recently when going to Uncle Charlie's Restaurant. During five minutes standing within the parking lot, there were no parking spots available that day. Corcoran Management needs to be aware of the issue. People seem to be parking in the retail parking spaces rather than the garage. The Town would like to have order brought to the merchants. The Mayor said he looked forward to sampling the fare.

Attorney Gregory Galvin, 775 Pleasant Street, stated he represented the Dibello's who own the property located at 532 Pond Street. They also have a lease arrangement with the owners of the adjacent CVS building. Between CVS and their property, they use the parking lot. The lot near the 39 Trotter Road building have parking with signs posted as MIO Retail Parking. He noted the other businesses within the vicinity. 29 Trotter Road also has vacant retail. The parking is a very serious concern along with trash that may be generated from the additional business.

Mr. Ryan replied they are not proposing a full-blown retail site and trash will not be generated from such. Trash will be broken down.

Mr. Richards thanked the property owner for installing the new fence at the site.

Mr. Wilson came forward in regards to the billboard and signage. Mr. Wilson replied he was awaiting the Mass Highway project completion. The lot over the years has been divided up. The concern now is due to the T parking as people don't want to pay for parking.

Mr. Christopher Lyons, Hungry Lyons, welcomed the new business, however, he heard that Otto Pizza wanted seating. He heard that Corcoran is towing vehicles from the site. Parking is a landlord issue. He is a customer of Otto and it is very good pizza.

Mr. Luongo, Planning Director, there is a parking management problem; there is plenty of parking. Striping and signage is needed. An agreement will be discussed to achieve such. Shared parking will be worked out.

Mr. McCormack said that the applicant already dropped off their plans with the Health Department. If issued, it would be subject to inspections.

Mr. Richards made a MOTION to approve Weymouth Point Hospitality LLC d/b/a Otto Pizza for a Common Victualler License with zero seating at 39 Trotter Rd. Chief Stark seconded and the motion was UNANIMOUSLY VOTED.

CHAIRMAN'S REPORT

- Next Meeting:

Mr. Richards stated the next meeting would be held on Tuesday, August 23, 2022 at 2 PM. He made a MOTION of approval. Chief Stark seconded and the motion was UNANIMOUSLY VOTED

Mr. Richards stated the following meeting would be held on Tuesday, September 27, 2022 at 2 PM. He made a MOTION of approval. Chief Stark seconded and the motion was UNANIMOUSLY VOTED

NEW/OLD BUSINESS

Solicitor McLeod spoke in regards to the departmental form and questioned if it was distributed to all departments for comment.

It was noted that the form was distributed interdepartmentally and comments were copied to the Board.

ADJOURNMENT

Mr. Richards made a MOTION to adjourn at 3:03 PM. Chief Stark seconded the motion and it was UNANIMOUSLY VOTED.

Respectfully submitted,

Lisa VanWinkle
Recording Secretary

Approved:

Date:

Jeffrey E. Richards, CBO, Clerk