

Minutes of the Board of Licensing Commissioners for their meeting held on Tuesday, August 23, 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 (absent): Police Chief Richard Fuller; Fire Chief Keith Stark

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

Chairperson Deree called the meeting to order at 2 PM.

APPROVALS

- Minutes: July 26, 2022

Mr. Richards made a MOTION to approve the minutes of July 26, 2022. Mr. McCormack seconded the motion and it was UNANIMOUSLY VOTED.

- One-Day Wine & Malt Permit: St. Francis Xavier (10/8 Fall Festival)

Mr. Richards made a MOTION to approve the One-Day Wine & Malt Permit application of St. Francis Xavier for October 8, 2022 from 5 PM - 9 PM. Mr. McCormack seconded the motion and it was UNANIMOUSLY VOTED.

- One-Day Wine & Malt Permit: Johnny Kono's Bar & Grill, 269 Park Ave. (9/17 Charity Event)

Mr. Richards made a MOTION to approve the One-Day Wine & Malt Permit application of Johnny Kono's Bar & Grill for a One-Day Wine & Malt Permit for the September 17th charity event. Mr. McCormack seconded the motion and it was UNANIMOUSLY VOTED.

- Surrender of Class II Auto Dealer License: Joseph Cortese d/b/a Best Deals on Wheels, 542 Columbian St. (effective 7/31/22)

Mr. Richards made a MOTION to accept the Class II Auto Dealer License surrender by Joseph Cortese d/b/a Best Deals on Wheels, 542 Columbian Street, effective July 31st. Mr. McCormack seconded the motion and it was UNANIMOUSLY VOTED.

APPLICATION OF JOANNE DEBRA DESMARAIS D/B/A JOANNE DESMARAIS PSYCHIC MEDIUM FOR A FORTUNE TELLER LICENSE AT 210 TROTTER RD., APT. 127

Mr. Richards called Ms. Desmarais, applicant, forward, and asked her to explain her business.

Ms. Desmarais stated that she will be doing readings online by logging onto Zoom, which doesn't involve anyone coming to her apartment or any supplies.

Mr. Richards announced the public hearing. No one from the public spoke.

Mr. Richards made a MOTION to approve a Fortune Teller License for Joanne Desmarais for 210 Trotter Road, Apt. 127. Mr. McCormack seconded and the motion 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. (Continuation from July 26, 2022)

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

Attorney Porter presented the application from where the discussion left off from the July 26th meeting. They met with the Planning Office and discussed the improvements.

Attorney Porter said the island would be brought up in height and will be more visible and aesthetically pleasing. The windows would be blacked out. The old sign next to the pole requires renovation to be aesthetically pleasing, to include striping of the lot and renovating the island. All noted items would be addressed prior to the sale taking place.

Mr. Richards announced the public hearing for comment; none.

Mr. Luongo said he's satisfied with where they are.

Mr. McCormack stated Food and Tobacco Permits would be applied for and approved at the Health Department.

Mr. Richards stated a Certificate of Occupancy would be required and applied for at the Building Department.

Mr. Richards made a MOTION to approve the application for an All Alcoholic Package Store License transfer from Stelleney Liquors Inc. at 461 Washington Street. Mr. McCormack seconded the motion and it was UNANIMOUSLY VOTED.

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 approve the pledge of the All Alcoholic Package Store license and inventory at 461 Washington Street to Rockland Trust Company. Mr. McCormack 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.

Mr. Richards stated the applications of Good Eats Kitchen and Bar LTD are in continuation from the July 26, 2022 meeting.

Attorney Ray Jennings reviewed the status, stating they had a meeting with the landlord and his attorney. The parking lot was re-striped and they also re-striped their property lot across the street. They received an estimate for the awning replacement. His clients also received a quote for an ID Verification Machine, which they would be installing to check driver's licenses. Two of his clients have been certified in TIP's and Food Safety regulations.

Mr. Richards announced the public hearing for comment.

Mr. Robert Luongo, Planning Director, stated they voiced the Town's concerns at the last meeting. The property owner, Unicorn Realty, stated the re-striping of the lot was the best they could do. He voiced his disgust with Unicorn Realty, noting that the two properties were the least kempt in the South Shore area. Mr. Luongo stated that he has no objection to the applicant. Although, Unicorn Realty is not welcome to do additional business in Weymouth.

Mr. Richards asked for Mr. Luongo to describe the development in the area.

Mr. Luongo stated a number of developments are going up. Hanover Companies is putting up a building with 242 housing units to include commercial. The Elks site is being sold and potentially developed into a 55+ and elderly housing facility with 147 units.

Attorney Jennings spoke with the landlord and they were very responsive. Suggestions may be pointed out to them.

Mr. Richards said the site is older and in need of repair. The dumpster area should be addressed and the site should be cleaned up to make it more aesthetically pleasing.

Mr. Richards made a MOTION to approve the transfer of the All Alcoholic Restaurant License from P&G Group LLC at 1227-1229 Washington Street. Mr. McCormack 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 A COMMON VICTUALLER LICENSE, 1227-1229 WASHINGTON ST.

Attorney Jennings stated his clients are not looking to change what is currently offered.

Mr. Richards announced the public hearing for comment; none.

Mr. McCormack said the Food Permit application was received at the Health Department.

Mr. Richards said an application for a Certificate of Inspection, Certificate of Occupancy and Sign Permit would be required through the Building Department.

Mr. Richards made a MOTION to approve the Common Victualler License for 1227-1229 Washington Street. Mr. McCormack 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 ANNUAL ENTERTAINMENT LICENSE AT 1227-1229 WASHINGTON ST.

Mr. Richards asked for Attorney Jennings to review the application for the Annual Entertainment License.

Attorney Jennings said they are applying for the existing license for one or two performers of music during regular business hours on occasion.

Mr. Richards questioned the hours of entertainment.

Chairperson Deree noted a concern of the late-night hours as it will abut a 55+ community. She stated there should be a 10 PM cap for a residential area.

Mr. Djony Brandao requested 11 PM as 10 PM is early for some.

Chairperson Deree stated on Sunday it should be 10 PM max.

Mr. Richards made a MOTION to approve the Annual Entertainment License for Monday through Saturday to conclude at 11 PM. Mr. McCormack seconded the motion and it was UNANIMOUSLY VOTED.

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.

Mr. Richards made a MOTION to approve the Sunday Entertainment License to conclude at 10 PM. Mr. McCormack seconded the motion and it was UNANIMOUSLY VOTED.

APPLICATION OF BMAC ENTERPRISES, LLC D/B/A GABRIELLA'S FOR A COMMON VICTUALLER LICENSE AT 1690 MAIN ST. #2

Attorney Gregory Gavin was present with Mr. Brian McDonald. He stated it is a turn-key operation and Mr. McDonald is not planning on making any changes. It currently has 12 seats. The lease has been submitted. He permitted the drive-through when Davos applied for the site many years ago.

Mr. Richards stated the site has always been a successful mall. It really is a nice-looking building and if there are any issues they should be brought to the landlord or the Town.

Mr. McDonald voiced his business plan and came from the car business. He had wished to go into the restaurant business after leaving such. Originally, he looked into purchasing a coffee shop in Brighton and the timing wasn't right. Now his family is older and he is putting his kids through college.

Mr. McCormack said, if approved, he would need to see the Health Department to apply for Food Permits and provide necessary documentation.

Deputy Chief Still said he inspected the site recently. There are some minor issues to update, such as the fire extinguishers being near expiration. He spoke with Mr. McDonald.

Mr. Richards said they expect the operation will remain fine and they expect great things from Mr. McDonald's business.

Mr. Richards made a MOTION to approve a Common Victualler License at 1690 Main Street #2 for Gabriella's. Mr. McCormack seconded the motion and it was UNANIMOUSLY VOTED.

CHAIRMAN'S REPORT

- Next Meeting:

After a review of meeting dates, Mr. Richards made a MOTION to schedule the next meeting for Tuesday, September 20, 2022 at 2 PM. He made a MOTION of approval. Mr. McCormack seconded and the motion was UNANIMOUSLY VOTED

CORRESPONDENCE

- Weymouth Hingham Motor Sales Inc. d/b/a Toyota of Weymouth/Scion of Weymouth, 710-740 Bridge St.

Mr. Richards said a registered letter was sent to Toyota requesting a response to the status of their Class I Auto Dealer License on Bridge Street. There has been no response.

Mr. Richards made a MOTION for a September 20th hearing for the surrender of the Class I Auto Dealer License. Mr. McCormack seconded the motion and it was UNANIMOUSLY VOTED.

- Loan Kim Pham d/b/a Middle Street Variety, 174 Middle St.

Mr. Richards stated the location of Middle Street Variety at 174 Middle Street has been closed since approximately March of 2021, as they were renovating the site. The liquor license has a commodity attached to it. The license would have been surrendered; however, they are awaiting an application from the business located across the street. It is pending a Certificate of Good Standing and there is an existing agreement between the parties.

NEW/OLD BUSINESS

- RFP for Wine & Malt Package Store License per Quota

Mr. Richards stated the Board voted at the last meeting to approve the make up of the RFP.

Chairperson Deree stated subsequently, the Board received a letter from the Director of Asset Management and Procurement, which read, "After carefully looking over a copy of the draft RFP for Wine & Malt Package Store License that was sent to me for review, I unfortunately have found some issues in the way it was drafted. I would not be in favor of putting this RFP forward at this time. I would like to discuss other ways to structure this document to prevent any possibility of technical issues that could arise in the evaluation process within the comparative criteria. Sorry for any delay this may have to the process."

Solicitor McLeod noted that the RFP was drafted prior to his arrival to the Town. The criteria numbers need to be equal and consistent. This was formed for transparency. He does not agree with a transfer of a liquor license being subject to the RFP criteria. Liquor licenses have a monetary value. He recommended that criteria be determined to best suit the Town. The RFP as drafted should not proceed as it is defective.

Mr. Richards made a MOTION to rescind the July 26, 2022 motion of the RFP approval and revisit. Mr. McCormack seconded the motion and it was UNANIMOUSLY VOTED.

Mrs. Cynthia Lyons, Hungry Lyons Market & Deli, 39 Trotter Road, came forward, asking what the timeframe would be for the dissemination of the available Wine & Malt Package Store License.

Mr. Richards replied they expect to have the process available by the end of the year. There is time to get it through the process.

ADJOURNMENT

Mr. Richards made a MOTION to adjourn at 2:40 PM. Mr. McCormack seconded the motion and it was UNANIMOUSLY VOTED.

Respectfully submitted,

Lisa VanWinkle
Recording Secretary

Approved:

Date:

Jeffrey E. Richards, CBO, Clerk