

Minutes of the Board of Licensing Commissioners for their meeting held on Tuesday, December 17, 2013, at the Weymouth Town Hall, Chambers, 75 Middle Street

Attendance (present): Chairperson Kathleen A. Deree; Daniel McCormack, Director of Public Health; Jeffrey E. Richards, Director of Municipal Licenses & Inspections; Fire Chief Keith Stark; Fire Prevention Officer Justin Myers; Licensing Officer Edward Chase; George E. Lane, Jr., Town Solicitor; and Lisa VanWinkle, Recording Secretary (absent): Police Chief Richard Grimes

Chairperson Deree called the meeting to order at 1:30 PM.

APPLICATION OF **EARTH HOLDINGS CORP. D/B/A SUBWAY 49440**, FOR A COMMON VICTUALLER LICENSE AT 35 PLEASANT ST.

Mr. Nilesh Patel, President of Earth Holdings Corp. was present.

Mr. Richards stated the application was received and the public notice requirement was met. They are seeking to take over the Subway at Pleasant Shops for a 7 AM – 10 PM operation with 33 seats, serving sandwiches and soups. He read the departmental referrals into the record. The Health Department reported Mr. Patel is currently working with their department to obtain a food permit. Establishment must be inspected prior to the opening. The Municipal Finance Department reported no assessment on record for Subway/Earth Holdings/Nilesh Patel. Real Estate owned by Flatley TJ – Retail Division FLV Pleasant Shops Ltd. Partnership C/O Federal Realty Investment Trust with no delinquencies. Licensing Officer reported no public safety objection to the request.

Mr. McCormack stated Mr. Patel is currently working with their department; a Certificate of Occupancy will be required.

Mr. Patel stated he operated a location in downtown Boston. He is seeking to take over as the franchise at the Pleasant Street location.

Chairperson Deree announced the public hearing for comment.

Mr. Thomas asked if the applicant was given a copy of Board of Health Regulation 29.

Mr. McCormack replied he would be given a copy after he files serve safe and allergen certificates.

Mr. Richards made a MOTION to approve the Common Victualler license at 35 Pleasant Street. Chief Stark seconded the motion and it was UNANIMOUSLY VOTED.

APPLICATION OF **GRANITE PACKAGE STORE OF WEYMOUTH INC. D/B/A GRANITE PACKAGE STORE** FOR A CHANGE OF MANAGER ON THEIR ALL ALCOHOLIC PACKAGE STORE LICENSE AT 622 MIDDLE ST. (CONTINUATION FROM 11/27/13)

Mr. John H. Bryant, proposed manager, was present.

Mr. Richards stated the application was continued from the November meeting. He read the departmental referrals, stating there were no objections and taxes were current for the location.

Mr. McCormack stated the Health Department renewal was due on December 15 and is required to be filed.

Mr. Richards asked Mr. Bryant if he was T.I.P.'s trained.

Mr. Bryant replied yes.

Mr. Richards asked if the store has an id verification machine.

Mr. Bryant replied that they do not, but the employees are known of the procedure.

Mr. Richards made a MOTION to approve the change of manager from Kevin Connors to Mr. John Bryant. Chief Stark seconded the motion and it was UNANIMOUSLY VOTED.

APPLICATION OF GEORGE J. ELDER AND GREGORY J. SPAGNUOLO D/B/A G&G DELI FOR A COMMON VICTUALLER LICENSE AT 312 BRIDGE ST.

Mr. Richards stated the application was received for a Common Victualler license at the former location of a pizza shop at 312 Bridge Street. They are applying for 16 seats to serve sandwiches, pizza, salad and soup. Application is complete with a floor plan and public notice requirements have been met.

Mr. Richards read the departmental referrals into the record. The Health Department reported if the license is issued, a permit to operate a food establishment must also be obtained with their department. The following must be submitted: floor plan layout, food permit application, worker's compensation affidavit; food manager and allergen awareness certificates and appropriate fee. The establishment must be inspected prior to the opening. The Municipal Finance Department reported outstanding Personal Property taxes that needed to be addressed.

Mr. Richards stated the Board has the existing floor plan and site plan was previously approved.

Mr. Spagnuolo stated the previous business had closed. They had remodeled the deli and pizza place to reopen.

Mr. Elder stated it will be a joint venture between Mr. Spagnuolo and himself. They would offer good sandwiches and pizza. He has been the owner of the building and wants the place spotless and to offer good food.

Mr. Spagnuolo stated they would be working with That's Italian, Too, as they have the same distributor, to learn the business. Consistency and offering a good product is necessary and offering such, they will eliminate the stigma at the location.

Mr. Richards stated the change of name to G & G Deli would require a Sign Permit through the Building Department. A Certificate of Occupancy is also applied for with them.

Firefighter Myers stated an inspection would be required by the Fire Department.

Chairperson Deree announced the public hearing for comment; none was made.

Mr. Richards made a MOTION to approve the Common Victualler license to George J. Elder and Gregory J. Spagnuolo d/b/a G & G Deli at 312 Bridge Street. Chief Stark seconded and the motion was UNANIMOUSLY VOTED.

APPLICATION OF **GEORGE R. BEAN POST #79 THE AMERICAN LEGION** FOR A CHANGE OF MANAGER ON THEIR ALL ALCOHOLIC CLUB LICENSE AT 19 HOLLIS ST.

Mr. Frank Burke, Commander, and Mr. Ronald Clough, proposed Manager, were present.

Mr. Richards read the departmental referrals into the record. The Police and Health Department reported no objections and the Municipal Finance Department reported no delinquencies.

Mr. Burke stated the current manager, Linda Whitcomb, is stepping down as of January 1, 2014. Mr. Ronald Clough is taking the position and has worked closely with Ms. Whitcomb in the past.

Mr. Richards made a MOTION to approve the change of manager to Mr. Ronald Clough. Chief Stark seconded the motion and it was UNANIMOUSLY VOTED.

APPLICATION OF **RIVERWAY RESTAURANT GROUP, INC. D/B/A TIO JUAN'S MARGARITAS MEXICAN RESTAURANT** FOR A CHANGE OF MANAGER ON THEIR ALL ALCOHOLIC RESTAURANT/COMMON VICTUALLER LICENSE, 765 BRIDGE ST.

Mr. Robert Thyne, Jr. was present as the proposed Manager.

Mr. Richards read the departmental referrals into the record. The Health and Police Departments reported no objection. The Municipal Finance Department reported no delinquencies.

Chairperson Deree announced the public hearing for comment; none was made.

Mr. Richards made a MOTION to approve the change of manager from Caitlin Bourbeau to Robert Thyne, Jr. Chief Stark seconded and the motion was UNANIMOUSLY VOTED.

CALENDAR YEAR LICENSE RENEWALS

Mr. Richards acknowledged Mr. Bob Montgomery Thomas who was present and requested to speak in regards to the renewal of the Food Vendor License for Papa John's at 856 Washington Street. Mr. Richards noted that it was not a public hearing.

Mr. Thomas asked that the Board consider conditionally re-using the license to Papa John's until May 1, 2014, based on the work outlined in Burns' permit application of December 13, 2013 and his agreement with the State Architectural Access Board. Mr. Burns had agreed to install two handicapped parking signs soon and the painting of the parking lot was to be completed by no later than May 1, 2014; with the exception that the temporary HP designated spaces be provided with appropriate signage by no later than December 30, 2013.

Chairperson Deree reminded Mr. Thomas that the matter of his concern should be brought to the Zoning Board of Appeals not the Licensing Board.

- **All Alcoholic Restaurant**

Mr. Richards read the inspectional report from Officer Edward Chase regarding All Alcoholic Restaurant licenses, which stated all were found to be in compliance.

Mr. Richards made a MOTION to approve the All Alcoholic Restaurant license renewals. Chief Stark seconded. UNANIMOUSLY VOTED.

- **All Alcoholic Club**

Mr. Richards read Officer Chase's report stating all All Alcoholic Club licenses were in compliance.

Mr. Richards made a MOTION to approve the All Alcoholic Club license renewals. Chief Stark seconded. UNANIMOUSLY VOTED

- **All Alcoholic Package Store**

Mr. Richards read Officer Chase's report stating All Alcoholic Package Store licenses were in compliance.

Mr. Richards made a MOTION to approve the All Alcoholic Package Store license renewals Chief Stark seconded. UNANIMOUSLY VOTED

- **Wine & Malt Restaurant**

Mr. Richards read Officer Chase's report stating Wine & Malt Restaurant licenses were found to be in compliance.

Mr. Richards made a MOTION to approve the Wine & Malt Restaurant license renewals with exceptions noted. Chief Stark seconded. UNANIMOUSLY VOTED

- **Wine & Malt Package Store**

Mr. Richards read Officer Chase's report stating Wine & Malt Package Store licenses were found to

be in compliance.

Mr. Richards made a MOTION to approve the Wine & Malt Package Store license renewals
Chief Stark seconded. UNANIMOUSLY VOTED

- **Common Victualler**

Mr. Richards read Officer Chase's report, which stated as a result of his inspection all license holders were found to be in compliance. New York Pizza & Roast Beef, 336 Washington Street, has gone out of business.

Mr. Richards made a MOTION to approve the Common Victualler license renewals. Chief Stark seconded. UNANIMOUSLY VOTED

- **Food Vendor**

Mr. Richards read Officer Chase's report stating that all Food Vendor licenses were found to be in compliance.

Mr. Richards made a MOTION to approve all Food Vendor license renewals. Chief Stark seconded. UNANIMOUSLY VOTED

- **Bowling Alley**

Mr. Richards read Officer Chase's report stating that all Bowling Alley licenses were found to be in compliance.

Mr. Richards made a MOTION to approve all Bowling Alley license renewals. Chief Stark seconded. UNANIMOUSLY VOTED

- **Annual Entertainment**

Mr. Richards read Officer Chase's report stating that all Annual Entertainment licenses were found to be in compliance.

Mr. Richards made a MOTION to approve all Annual Entertainment license renewals.
Chief Stark seconded. UNANIMOUSLY VOTED

- **Sunday Entertainment**

Mr. Richards read Officer Chase's report stating that all Sunday Entertainment licenses were found to be in compliance.

Mr. Richards made a MOTION to approve all Sunday Entertainment license renewals.
Chief Stark seconded. UNANIMOUSLY VOTED

- **Video Game**

Mr. Richards read Officer Chase's report stating that all Video Game licenses were found to be in compliance.

Mr. Richards made a MOTION to approve all Video Game license renewals. Chief Stark seconded. UNANIMOUSLY VOTED

- **Coin-Operated Device**

Mr. Richards read Officer Chase's report stating all Coin-Operated Device licenses were found to be in compliance.

Mr. Richards made a MOTION to approve all Coin-Operated Device license renewals. Chief Stark seconded. UNANIMOUSLY VOTED

- **Pool Table**

Mr. Richards read Officer Chase's report stating all Pool Table licenses were found to be in compliance.

Mr. Richards made a MOTION to approve all Pool Table license renewals. Chief Stark seconded. UNANIMOUSLY VOTED

- **Juke Box**

Mr. Richards read Officer Chase's report stating all Juke Box licenses were found to be in compliance.

Mr. Richards made a MOTION to approve all Juke Box license. Chief Stark seconded. UNANIMOUSLY VOTED

- **Class I Auto Dealer**

Mr. Richards read Officer Chase's report stating all Class I Auto Dealer licenses were found to be in compliance.

Mr. Richards made a MOTION to approve all Class I Auto Dealer license renewals. Chief Stark seconded. UNANIMOUSLY VOTED

- **Class II Auto Dealer**

Mr. Richards read Officer Chase's report stating as a result of the inspections of all Class II Auto Dealer licenses all were found to be in compliance except: Weymouth Auto Mall, 25 Main Street,

has gone out of business.

Mr. Richards asked Mrs. VanWinkle for clarification. She stated that the license renewal had been received, including a fee. They intended to renew to remain open to sell stock.

Mr. Richards made a MOTION to approve all Class II Auto Dealer license renewals. Chief Stark seconded. UNANIMOUSLY VOTED

- **Class III Auto Dealer**

Mr. Richards read Officer Chase's report stating all Class III Auto Dealer licenses were found to be in compliance.

Mr. Richards made a MOTION to approve all Class III Auto Dealer license renewals. Chief Stark seconded. UNANIMOUSLY VOTED

- **Lodging House**

Mr. Richards read Officer Chase's report stating all Lodging House licenses were found to be in compliance.

Mr. Richards made a MOTION to approve all Lodging House license renewals. Chief Stark seconded. UNANIMOUSLY VOTED

APPROVALS

- Minutes: November 26, 2013

Mr. Richards made a MOTION of approval. Chief Stark seconded and the motion was UNANIMOUSLY VOTED.

- Change of Manager for That's Italian, Too, 957 Washington St.

Mr. Richards made a MOTION to approve the request for a change of manager on the Food Vendor license of That's Italian, Too to reflect Joseph O'Neill and Paul Lambiase. Chief Stark seconded and the motion was UNANIMOUSLY VOTED.

CHAIRMAN'S REPORT

- Meeting Schedule

Mr. Richards made a MOTION to schedule the next meeting for Tuesday, January 28, 2014 to be held at 1:30 PM. Chief Stark seconded and the motion was UNANIMOUSLY APPROVED.

CORRESPONDENCE

NEW/OLD BUSINESS

ADJOURNMENT

Mr. Richards made a MOTION to adjourn at 2:10 PM. Chief Stark seconded the motion and it was UNANIMOUSLY VOTED.

Respectfully submitted,

Lisa VanWinkle,
Recording Secretary

Approved:

Date:

Jeffrey E. Richards, C.B.O., Clerk, Director of Municipal Licenses & Inspections