

Minutes of the Board of Licensing Commissioners for their meeting held on Tuesday, November 27, 2012, at the Weymouth Town Hall, Chambers, 75 Middle Street

Attendance (present): Acting Chairman Daniel McCormack, Director of Health; Jeffrey E. Richards, Director of Municipal Licenses & Inspections; Police Chief Richard Grimes; Fire Prevention Officer Justin Myers, Fire Representative; Officer Brian King; George E. Lane, Jr., Town Solicitor; and Lisa VanWinkle, Recording Secretary (absent): Chairperson Kathleen A. Deree and Fire Chief Joseph Davis

Acting Chairman Daniel McCormack called the meeting to order at 1 PM.

APPROVALS

- One-Day Food Vendor Permits: Town of Weymouth Annual Holiday Tree Lighting
- One-Day Entertainment Permit: Town of Weymouth Annual Holiday Tree Lighting

Ms. Casey Savage, Assistant to the Mayor, presented the application, stating the event would be held on Sunday, December 2, 2012 at Weymouth Town Hall from 3 PM – 6 PM.

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

- Minutes: October 30, 2012

Mr. Richards made a MOTION to approve the minutes of October 30, 2012. Firefighter Myers seconded. UNANIMOUSLY VOTED

APPLICATION OF JAMES M. ANDERSON D/B/A AFFORDABLE AUTO FOR A CLASS II AUTO DEALER LICENSE AT 1338 PLEASANT ST.

Mr. Richards announced that the hearing has been continued on the application of James Anderson d/b/a Affordable Auto at 1338 Pleasant Street for the next meeting, based on an issue with the newspaper advertisement.

APPLICATION OF MAURA, INC. D/B/A THE NEXT PAGE CAFÉ FOR AN INCREASE OF HOURS ON THEIR ANNUAL ENTERTAINMENT LICENSE, 550 BROAD ST.

Hearing was continued from October 30, 2012 meeting, per the license applicant's request.

Attorney Dale Malone and Mr. Edward Page, owner, were present for the hearing.

Attorney Malone stated he and his client were before the Board in the spring. Since such a fence has been installed, it has been quiet with fewer police calls. They were present to request a reinstatement of the Annual Entertainment license hours until 1 AM. Mr. Page has had a significant loss due to the one hour decrease. Business is dramatically different when entertainment is offered. Mr. Page has invested significant money towards lessening the noise. He would like to

install proper decking off the back and will work with the Building Department regarding the logistics.

Officer King reviewed complaints received by the Police Department between the months of January and March on the establishment.

Mr. McCormack announced the public hearing for comment.

Mr. David Crawford came forward, stating he submitted a petition signed by sixteen residents opposing the application. He asked the extension request not be granted, as it would be detrimental to the neighborhood. A 1 AM ending time would mean that he would not be able to sleep until after that time. Another concern of his was the noise coming from the establishment when the back door and windows were open.

Mr. Robert Piazza, 564 Broad Street, spoke stating the Attorney painted a grassy image, which is incorrect. They have a total disregard to anyone around. There are continuing issues. He thought the matter would be cleared up. They have lived long enough through this but it has not been cleared up.

Mr. Steve Varaza stated he is a lifelong musician and sees some of the activities. He knows Mr. Page is doing his best to control it. He plays in the band on Thursday night. Mr. Page has put more time and money into the establishment. During the closing of the establishment is when the site is loud, while everyone is leaving. Mr. Page has put more than 100% in. Although, his patrons do not always cooperate. It probably would not be a bad idea to move the time back.

Mr. Russell Deangelo, 171 Middle Street, spoke stating he is a victim. He lives behind the restaurant and hears the noise inside and outside of the establishment. Vehicles using the parking lot have backed into his fence.

Mr. Bob Thomas, 848 Washington Street, spoke on behalf of the neighbors, having gone through some of this himself, abutting a business.

Mrs. Jodi Purdy-Quinlan, 152 Middle Street, stated it is nice to be a patron who lives within walking distance. The Next Page has been a place where adults may go to have a good time, while eating good food.

Mr. Helen Devito, stated she works at the Next Page. Most of the people who patronize the establishment are friends; it is a family unit. A mix of people unfortunately can be trouble. The side door closest to Mr. Crawford's home is locked at all times. The outside is patrolled and the music is monitored for noise levels. If anyone does get loud and belligerent, that person is not allowed to come back. Sounding proofing has made a significant difference. A decibel machine was purchased. Mr. Page has really made an effort to satisfy the neighbor's needs and concerns. People migrate from one establishment to the next when entertainment is offered. They try to eliminate any sign of trouble.

Mr. Piazza commented that everyone that has spoken has admitted there is a problem.

Solicitor Lane stated the application is for an increase of hours. Per Massachusetts General Laws Chapter 140, Chapter 183A the statutes calls for a public hearing to protect the members of the public. There are concerns involving patrons entering and leaving the premises. This matter involves noise and a reasonable increase of traffic. The Board should use the standard as to whether there is public need, when making a decision.

Chief Grimes stated everyone applauds Mr. Page's efforts. In regards to Mr. Piazza's comments, there are problems and it is a question of how to control it. Mr. Page's efforts do not seem to complete the task.

Chief Grimes made a MOTION to deny the application for an increase of hours at this time. Mr. Richards seconded the motion and it was UNANIMOUSLY APPROVED.

Attorney Malone replied if there are standards that have not been made, they need to be defined. The neighbors complained, as they do not like living next to a bar. Mr. Page would make his phone number readily available for complaints. The neighbors have not tried to contact Mr. Page directly. Mr. Page has tried to alleviate the problems, and this is not fair to him, as he is trying to address the issue and should not be punished for that.

Acting Chairman McCormack stated the MOTION has been made, seconded, and it was UNANIMOUSLY VOTED.

APPLICATION OF LINCOLN SQUARE DONUTS, LLC D/B/A DUNKIN DONUTS FOR A COMMON VICTUALLER LICENSE, 185 WASHINGTON ST.

Mr. Richards noted the hearing was continued from October 30, 2012 meeting in order for the license applicant to advertise the public hearing, as required.

Mr. Luis Bettencourt, representing Lincoln Square Donuts, LLC was present.

Mr. Richards read the departmental referrals into the record. Mr. McCormack, Health Director, reported if the license is issued, a permit to operate must also be obtained at the Health Department. You must submit the following: a copy of the floor plan, a food permit application, Worker's Compensation Affidavit, Food Manager Certification, Allergen Certifications and applicable fee. The establishment must be inspected prior to opening. Officer King reported no public safety objection to the requested Common Victualler license.

Mr. Richards stated the application, plans and public notice and advertisement requirements were met.

Mr. Bettencourt stated they are excited to be working in the area.

Mr. Richards made a MOTION to approve the Common Victualler license application, as submitted. Firefighter Myers seconded the motion and it was UNANIMOUSLY VOTED.

APPLICATION OF **SOUTH SHORE YACHT CLUB, INC. D/B/A SOUTH SHORE YACHT CLUB** FOR A CHANGE OF MANAGER ON THE ALL ALCOHOLIC CLUB LICENSE, 800 BRIDGE ST.

Mr. John Lynch, Treasurer of South Shore Yacht Club, Inc. and Mr. Daniel Mikusch, proposed Manager, were present.

Mr. Richards read the departmental referral into the record. Officer King reported no public safety objection to the request for a change of manager. Mr. McCormack reported no objection to the proposed.

Mr. Richards made a MOTION to approve the change of manager to Mr. Daniel Mikusch. Firefighter Myers seconded the motion and it was UNANIMOUSLY VOTED.

APPLICATION OF **THOMASHANNAH, INC. D/B/A RED ROSE CAFÉ** FOR A CHANGE OF OPERATIONAL HOURS ON THE ALL ALCOHOLIC RESTAURANT/COMMON VICTUALLER LICENSES, 800 BROAD ST.

Mrs. Eleanor McKenzie, owner, and Mr. Bob Waite, Chef, were present.

Mr. Richards read the departmental referral into the record. Officer King reported no public safety objection to the request for a change of operational hours. Mr. McCormack reported no objection to the request.

Acting Chairman McCormack announced the public hearing. No comments were made.

Mr. Richards made a MOTION to approve the application for a change of operational hours, per application. Firefighter Myers seconded the motion and it was UNANIMOUSLY VOTED.

APPLICATION OF **HP CORPORATION, INC. D/B/A STOP & SAVE** FOR A FOOD VENDOR LICENSE, 69 BROAD ST.

Mr. Shiva Daudyal, Manager, was present.

Mr. Richards read the departmental referral into the record. Officer King reported no public safety objection to the request. Mr. McCormack reported if the license is issued, a food permit must also be obtained at the Health Department. You must submit the following: a food permit application, Worker's Compensation Affidavit and applicable fee. The establishment was inspected in October and will not require a preopening inspection.

Mr. Daudyal confirmed that they were applying for a change of ownership only. The operation will remain the same.

Acting Chairman McCormack announced the public hearing. No comments were made.

Mr. Richards made a MOTION of approval, as per application. Firefighter Myers seconded and the motion was UNANIMOUSLY VOTED.

**DISCUSSION WITH BUCKSHOT, INC. D/B/A BUCKS BAR & GRILLE, 416 MIDDLE ST. ,
RE: INCIDENT OF OCTOBER 1, 2012**

Mr. Paul Buckley, owner, was provided with a copy of the police report involving the incident occurring at the establishment on October 1, 2012. During the date in questions, an altercation occurred.

Officer King stated on Tuesdays and Wednesdays there seems to be extra activities at the location.

Mr. Buckley stated the people who were involved have been kicked out of the establishment. They do everything they can to control matters.

Officer King stated the dart game competition seems to be when the establishment gets loud.

Mr. Richards asked Mr. Buckley to explain to the staff and patrons the seriousness of the incident and how it affects the establishment.

Mr. McCormack stated the incident involved a highly intoxicated patron. The bartender and wait service employees need to control and be aware of the service of alcohol to their patrons.

Mr. Richards stated the matter would be filed within the license file.

**APPLICATION OF MANAKAMANA, INC. D/B/A FISHTAIL KITCHEN FOR A TRANSFER
OF STOCK, 532 POND ST.**

Attorney Galvin and Mr. Jal Ghimire, President/Manager, were present.

Mr. Richards read the departmental referrals into the record. Mr. McCormack, Health Director, reported if the license is issued, a permit to operate must also be obtained at the Health Department. You must submit the following: a copy of the floor plan, a food permit application, Worker's Compensation Affidavit, Food Manager Certification, Allergen Certifications and applicable fee. The establishment must be inspected prior to opening. Officer King reported no public safety objection to the requested license transfer.

Mr. Richards stated the application, plans and public notice requirements have been met.

Attorney Galvin stated that Mr. Ghimire is taking over the complete existing operation of the restaurant. He has made an offer to buy out his partner's and become a sole proprietor, officer/director/manager of the business.

Mr. Richards announced the public hearing for comment. No comment was made.

Mr. Richards made a MOTION to approve the transfer of stock, as per application. Chief Grimes seconded the motion and it was UNANIMOUSLY VOTED.

APPLICATION OF **MANAKAMANA, INC. D/B/A FISHTAIL KITCHEN** FOR A CHANGE OF MANAGER ON THE WINE & MALT RESTAURANT/COMMON VICTUALLER LICENSE AT 532 POND ST.

Mr. Richards made a MOTION to approve the change of manager, as per application. Chief Grimes seconded and the motion was UNANIMOUSLY VOTED.

APPLICATION OF **WENDILOU'S SUNRISE CAFÉ, INC.** FOR A CHANGE OF D/B/A TO **NEWCOMB'S BREAKFAST AND LUNCH** ON THE COMMON VICTUALLER LICENSE AT 924 BROAD ST.

Attorney Malone was present with Mr. Richard Newcomb, Jr., President/Manager.

Mr. Richards read the departmental referrals into the record. Mr. McCormack reported the new owner must also obtain a food permit application, submit worker's compensation information and pay the permit fee. Officer King reported no public safety objection. The Municipal Finance Department reported no assessments for "Wendi Lous". "Richard Newcomb" of 43 Granite Street has delinquent UB and BEX.

Mr. Richards announced the public hearing for comment; no comments were made.

Mr. Newcomb stated he bought out his partner; therefore, it will be under new ownership and management. They have also filed for a change of D/B/A name.

Mr. Richards made a MOTION to approve the request, as per application. Firefighter Myers seconded and the motion was UNANIMOUSLY VOTED.

CHAIRMAN'S REPORT

- Meeting Schedule

Mr. Richards made a MOTION to schedule their next meeting for Tuesday, December 18, 2012.

Chief Grimes seconded the motion and it was UNANIMOUSLY VOTED.

CORRESPONDENCE

- Officer King RE: Incident at Next Page Café, 550 Broad St.

Officer Brian King suggested that they be brought in for a discussion to avoid future problems. The

October 21, 2012 incident involved a drunken person who had left the Next Page Café.

Solicitor Lane questioned if there were any other charges.

Officer King replied none; the person was escorted home.

Attorney Malone stated a disk could be provided to the police from the security system on the night in question.

Solicitor Lane requested that the matter be taken under consideration for further review.

Chief Grimes made a MOTION to take the matter under review. Mr. Richards seconded and the motion was UNANIMOUSLY VOTED.

NEW/OLD BUSINESS

- License Renewals are due by November 30, 2012

Mr. Richards made the announcement.

- Alcohol Awareness Training to be held the week of December 3, 2012

Mr. Richards made the announcement.

- Papa John's, 856 Washington Street

Mr. Richards stated the business is under proposed new ownership. The Board will be taking items up with new applicant, when they apply.

Mr. Robert Thomas spoke stating Papa John's is selling franchises and this is always an excuse. There are zoning issues with the loading bay. The commissary trucks pull into the parking lot and exits. This they cannot do, as backing onto a highway is a traffic issue. Sidewalk and curb cuts are being damaged from the delivery trucks. They should be required to use smaller trucks to off-load at the location.

Solicitor Lane stated the matter should be reviewed inter-departmentally. He requested that the Board refrain from further consideration.

Mr. Thomas thanked the Board for their time. He stated he wished to keep the Board apprised of the ongoing matter.

ADJOURNMENT

Mr. Richards made a MOTION to adjourn at 2:20 PM. Chief Grimes seconded the motion and it was UNANIMOUSLY VOTED.

BOARD OF LICENSING COMMISSIONERS

Tuesday, November 27, 2012

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Respectfully submitted,

Lisa VanWinkle,
Recording Secretary

Approved:

Date:

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