

Minutes of the Board of Licensing Commissioners for their meeting held on Tuesday, April 23, 2013, at the Weymouth Town Hall, Chambers, 75 Middle Street

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

Chairperson Deree called the meeting to order at 1 PM.

CONTINUATION OF THE APPLICATION OF **FRED MEANS D/B/A SOUTH SHORE PREOWNED** FOR A CLASS II AUTO DEALER LICENSE AT 1338 PLEASANT ST. FROM THE MEETING OF APRIL 2, 2013

Mr. Fred Means, proprietor, and Mr. Glenn Gillis were present.

Mr. McCormack reopened the public hearing for the application for a Class II Auto Dealer License at 1338 Pleasant Street, subject to Zoning Board of Appeals Case #3165.

Mr. Glenn Gillis, Gillis Family, LLC, stated he is the owner of the property. A new fence has been installed out front, the dumpster is screened in and there has been a clean up debris. They have been told not wash cars on the property at all.

Officer King stated the stockade fence needs to be reinstalled as it is about to slide down the hill. Around the bottom of the fence there is debris requiring clean up. The awning thrown behind dumpster needs to be removed.

Mr. Gillis stated he is going to install the awning up front. He will address the condition of the stockade fence.

Officer King suggested that the conditions be taken care of within the next 30 days.

Mr. McCormack stated the Mass Water Resources Association (MWRA) has been to the location and issued a notice that floor drains be installed in the repair garage by July 30, 2013. The hours of operation requested by the applicant at Monday – Friday 9 AM – 7 PM and Saturday and Sunday 10 AM – 5 PM. The applicant requested a 20 vehicle license.

Mr. Gillis asked for an extension on the floor drain requirement.

Mr. McCormack replied the requirement was mandated by the MWRA and required by the State Plumbing Code.

Mr. McCormack announced the public hearing for comment. None made.

Mr. McCormack stated the original Zoning Board of Appeals case noted the applicant was not looking to operate on Sundays. The timelines did not specify with in the decision, therefore, Sunday operation is okay.

Mr. McCormack stated Mr. Richards reviewed the plans for the site and determined the request for 20 vehicles was too much and a 15 vehicle license was more appropriate per the existing business at the site. This is a number equal to other similar businesses in Town.

Mr. McCormack made a MOTION to approve the Class II Auto Dealer license for 15 vehicles. The ZBA requirement for the fencing is to be completed and no vehicles are to be washed onsite per MWRA requirement. This is subject to follow up by Officer King. Chief Grimes seconded the motion and it was UNANIMOUSLY VOTED.

CONTINUATION OF THE APPLICATION OF **WEYMOUTH PIZZA CO, LLC D/B/A PACINI'S** FOR A WINE & MALT RESTAURANT LICENSE TRANSFER FROM SAR, INC. AT THE LOCATION OF 836 WASHINGTON ST. FROM THE MEETING OF APRIL 2, 2013

Mr. McCormack reopened the public hearing from the April 2, 2013 meeting as there was a legal notice issue and the applicant agreed to continue to today.

Mrs. Polyxeny and Mr. Stavros Papantoniadis were present for the approval as the owners and managers of Weymouth Pizza Co, LLC.

Mr. McCormack read the departmental referrals into the record. Officer King reported no objection to the request. Mr. McCormack reported in the license is issued, a permit to operate a food establishment must be obtained at the Health Department. The following must be submitted: food permit application, workers compensation affidavit, food manager and allergen awareness certificates and the appropriate fee; inspection is also required. Hours requested are 10 AM – 10 PM. A Certificate of Occupancy is required, if granted.

Mr. Bob Montgomery Thomas was present suggesting that dumpster regulations be presented to the applicant.

Officer King asked if they were TIPS certified.

Mr. Papantoniadis stated their employee Matt Davis attended the Town's annual training in December.

Chief Davis stated a fire inspection of the ducts is required.

Mr. McCormack made a MOTION to approve the transfer of the Wine & Malt Restaurant license from SAR, Inc. to Weymouth Pizza Co, LLC d/b/a Pacini's. Chief Davis seconded the motion and it was UNANIMOUSLY VOTED.

CONTINUATION OF THE APPLICATION OF **WEYMOUTH PIZZA CO, LLC D/B/A PACINI'S** FOR A COMMON VICTUALLER LICENSE, 836 WASHINGTON ST. FROM THE MEETING OF APRIL 2, 2013

Mr. McCormack reopened the public hearing for the Common Victualler license application.

Mr. McCormack asked if anyone wished to speak.

Mr. Bob Montgomery Thomas wished them good luck and hoped they keep up the food they are known for.

Mr. McCormack made a MOTION of approval. Chief Davis seconded and the motion was UNANIMOUSLY VOTED.

APPLICATION OF **WHOLE FOODS MARKET GROUP, INC. D/B/A WHOLE FOODS** FOR A COMMON VICTUALLER LICENSE, 35 PLEASANT ST.

Attorney Michael Scott, Mr. Dan Seamens, Construction Manager, and Mr. Buck Rollins, Store Manager were present.

Mr. McCormack read the departmental referrals into the record. Mrs. Paula MacLeod, Municipal Finance Department, reported no delinquencies were found. Mr. Richards reported the use of the restaurant is allowed in the B-1 Zone in which it is located. The 46 seats are in accordance with BZA Case #88-7-6/17. Therefore, a license may be granted. Approval is subject to the issuance of a Certificate of Occupancy. Officer King reported no public safety objection. Mr. McCormack stated if the license is granted, a permit to operate a food establishment must also be obtained at the Health Department. You must submit the following: Floor plan layout, 2013 food permit application, workers compensation affidavit Food Manager and Allergen Awareness Certificates and the appropriate fee. The establishment must be inspected prior to opening.

Mr. McCormack opened the public hearing for comment.

Mr. Frank Cefali, Central Street, spoke with his concerns in regards to the roof top units as they make tremendous noise. This has been a continued concern of the neighbors.

Mr. Seamens replied that they are reservicing the roof top units. New belts will be installed and they are looking at putting up a screen and sound barriers.

Mr. Cefali stated he would like to see an improvement. The past tenant did not improve the situation. He also noted that the dumpster has been picked up during early morning hours.

Mr. Buck Rollins stated deliveries and dumpster pickup is usually not made before 4 AM. They are willing to work with the neighbors and the time would probably be changed to 6 AM.

Mr. Bob Montgomery Thomas spoke stating the Town has dumpster regulations and hours of pick up are required to be between 7 AM – 9 PM.

Mr. McCormack stated the applicant requests the following hours of operation: 8 AM – 10 PM. They are seeking 46 seats. He reviewed the plans and they look good. He commented he is excited you them to come to town.

Officer King stated he had no concerns, as they are a good operator.

Mr. McCormack made a MOTION of approval for the Common Victualler license. Chief Grimes seconded and the motion was UNANIMOUSLY VOTED.

**APPEAL BY H & H LIQUORS, INC. D/B/A B & K LIQUORS, 1212 WASHINGTON ST.
REQUEST FOR A STAY OF BALANCE OF SUSPENSION PENDING ABCC APPEAL
HEARING**

Attorney John Connell and Mr. Nguyen were present.

Mr. McCormack stated the Board is in receipt of a request from H&H Liquors, Inc. attorney, Attorney John Connell asking for a stay of the balance of the suspension imposed on April 2, 2013. This will be pending the appeal hearing before the Alcoholic Beverages Control Commission (ABCC) to be held on June 10, 2013.

Solicitor Lane stated the timely appeal was filed on this. Customarily the applicant would make a request for a stay at the hearing. However, Mr. Nguyen was present without counsel at that time and did not request a stay. However, this is the sixth day served of the twelve day suspension. The ABCC appeal is coming up on July 10, 2013. It may be in order to stay the balance of the suspension balance pending the appeal hearing by the ABCC.

Chief Grimes made a MOTION to hold the remainder of the liquor license suspension in the stay status until the results of the July hearing of the ABCC. Chief Davis seconded the motion and it was UNANIMOUSLY VOTED.

Officer King advised Mr. Nguyen that he may retrieve his license tomorrow morning from the Police Station.

CHAIRMAN'S REPORT

- Meeting Schedule

Mr. McCormack made a MOTION to schedule their next meeting for Tuesday, May 28, 2013 at 1 PM.

Solicitor Lane requested a 2 PM meeting time.

Mr. McCormack made a MOTION to meet next on Tuesday, May 28, 2013 at 2 PM. Chief Grimes seconded the motion and it was UNANIMOUSLY VOTED.

CORRESPONDENCE

- Appeal of License Suspension on H & H Liquors, Inc. d/b/a B & K Liquors, 1212 Washington St.
- Papa John's Commissary Trucks Correspondence from Bob Montgomery Thomas

Mr. McCormack stated a letter has been received about a repeat issue of trucks parking on the sidewalk from Papa Johns.

McCormack made a MOTION that the letter be sent to the Police Department for their review and analysis. Chief Grimes seconded and the motion was UNANIMOUSLY VOTED.

NEW BUSINESS

- One-Day Wine & Malt Permit: St. Jerome's Parent Council

Mr. McCormack made a MOTION to approve the One-Day Wine & Malt Permit for May 17, 2013 to be held at St. Jerome's from 7 PM – 12 AM. Chief Davis seconded the motion and it was UNANIMOUSLY VOTED.

ADJOURNMENT

Mr. McCormack made a MOTION to adjourn at 2:30 PM. Chief Grimes 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