

Minutes of the Board of Licensing Commissioners for their meeting held on Tuesday, February 26, 2013, at the Weymouth Town Hall, Chambers, 75 Middle Street

Attendance (present): Chairperson Kathleen A. Deree; Jeffrey E. Richards, Director of Municipal Licenses & Inspections; 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

Chairperson Deree called the meeting to order at 1 PM.

Mr. Richards called for a **MOMENT OF SILENCE FOR THE HONORABLE FRANKLIN FRYER.**

## **APPROVALS**

- Minutes: January 29, 2013

Mr. Richards made a MOTION to approve the minutes of January 29, 2013. Chief Davis seconded. SO VOTED (Mr. McCormack abstained).

- Sunday Entertainment Extension Request for St. Patrick's Day: Red Rose Café, 800 Broad St.

Mr. Richards said the request was for an extension of the entertainment license from 1 PM to 10 AM.

Mr. Richards made a MOTION of approval for the Sunday Entertainment Extension Request. Chief Grimes seconded the motion and it was UNANIMOUSLY VOTED.

- One-Day Wine & Malt Permits: St. Jerome Parish, 632 Bridge St.

Mr. Richards made a MOTION of approval for the One-Day Wine & Malt Permits for March 9<sup>th</sup> and March 30<sup>th</sup>. Mr. McCormack seconded the motion and it was UNANIMOUSLY VOTED.

- One-Day Wine & Malt Permit: Immaculate Conception Parish, 1199 Commercial St.

Mr. Richards made a MOTION of approval for the One-Day Wine & Malt Permit for March 9<sup>th</sup>. Mr. McCormack seconded the motion and it was UNANIMOUSLY VOTED.

- Request for Buddy Poppy Drive – Wessagusset V.F.W. Post #1399, 601 Broad St.

Mr. Richards made a MOTION to approve the request for the Buddy Poppy Drive of the Wessagusset V.F.W. Post #1399 for May 3-5 & 10-12, 2013. Mr. McCormack seconded the motion and it was UNANIMOUSLY VOTED.

APPLICATION OF **AHA ENTERPRISES, INC. D/B/A MOUNTAIN MUDD EXPRESSO**  
FOR A FOOD VENDOR LICENSE AT 316 WASHINGTON ST.

Mr. Richards read the departmental referrals in to the record.

Mr. Richards stated the application was submitted with appropriate plans. The parking plans were not included showing the kiosk location in the parking lot.

Mr. Jens Lisinski, President, stated they were submitted.

Mr. Richards asked Mr. Lisinski to explain where it would be located as well as how traffic would be flowed.

Mr. Lisinski stated it would be located in the Northeast area of the parking lot. The kiosk will be built by Mountain Mudd to be shipped to the location and bolted down. He had a traffic report completed for the Zoning Board application. It concluded that it would not hamper the traffic flow in the parking lot.

Officer King said Police is concerned where it is a tough spot to get out and noted that at one time there was a police detail at the location requested by Blockbusters Video.

Mr. Lisinski stated a detail is not currently there, as no problem currently exists. A left-hand turn may be difficult from the lot but the majority of the vehicles will be taking a right. Boomers and Blockbuster Videos are no longer operating at the plaza.

Solicitor Lane questioned what location they are proposing to take over within the plaza.

Mr. Lisinski replied the old C.D. Jewelry location.

Mr. Richards asked if Hertz Rental is still interested in leasing at the plaza.

Mr. Michael Mouhanna, property owner, answered they have not reached an agreement. He noted that only  $\frac{3}{4}$  of the plaza parking is full capacity. He does not see the proposal hurting the traffic. He reminded the Board that the Zoning Board of Appeals approved Mountain Mudd's proposal.

Chief Grimes asked if they are proposing to serve from one side of the kiosk.

Mr. Lisinski replied the traffic would flow in one direction, serving from both sides. He noted it would be a parking space away from current curb.

Chief Grimes questioned if the traffic engineer reviewed the proposal.

Mr. Richards replied he had as it went through the Zoning Board of Appeals process.

Chief Grimes stated parking would be eliminated from the Boomer area.

Mr. Richards made a MOTION to continue the hearing at 1:18 PM to get a site plan from Planning. Mr. McCormack seconded and the motion was UNANIMOUSLY VOTED.

APPLICATION OF **PJ MAS, LLC D/B/A PAPA JOHN'S PIZZA** FOR A FOOD VENDOR LICENSE, 856 WASHINGTON ST.

Mr. Ghazi Khan, applicant, was present.

Mr. Richards read the departmental referrals in to the record. Officer King reported no objection to the issuance of the Food Vendor License. Mr. Richards also noted the Board received abutter's correspondence on February 15, 2013.

Mr. Richards stated there is a current condition that deliveries are made between the hours of 7 AM – 7 PM.

Chief Davis stated trash pickup is also during those hours, not late at night. Property owner should adhere to.

Mr. McCormack stated dumpster regulations are under the Board of Health. There are direct abutters to the location. He understands that the property owner owns the dumpster. If they run in to a problem, it will be addressed to become compliant.

Chief Davis said Fire Prevention would require an inspection, if granted.

Chairperson Deree opened the public hearing for comment.

Mr. Robert Montgomery Thomas, abutter, came forward. He stated he objected based on ongoing issues. He stated there is no plot plan on file at the Building Department. Under Regulation 209, a loading bay is required. There have been issues with delivery tractor-trailers parking on the sidewalk. He noted a particular instance when there was a gas leak as a result. He calls the Police Department so that it is documented.

Mr. Richards stated the site was approved as a strip mall by Zoning Board of Appeals (ZBA) Case# 2734.

Mr. Thomas noted according to the minutes of the approval meeting the ZBA did not make a stipulation for loading bays as required. Police calls cost the Town \$54 each time they go out. The parking lot also does not have required handicapped parking spaces. He noted the order of conditions and Board of Health Regulation #29.

Chairperson Deree stated the case went before the ZBA. The issues noted are issues for the property owner. Restrictions were placed on the license per neighborhood complaints. The property owner takes care of the dumpster. They are looking at the proposed franchisee today. This is an application for a new operator; this is not the past.

Mr. Thomas had suggestions for preservative maintenance. He said he wants to make sure incidents do not happen again. Renewal of the current license holder was received with incomplete Worker's Compensation Insurance information. He reported this to the Department of Industrial Accidents.

Chairperson Deree stated that was the past we are not going to place any restrictions on the new operation.

Solicitor Lane stated Mr. Thomas's comments have been submitted as part of the record. They have been noted for their recommendation. The Board is familiar with this site.

Mr. Thomas said he was fed up with the commissary drivers parking on his sidewalk and the rudeness of them.

Chairperson Deree thanked Mr. Thomas for his comments.

Mr. Richards made a MOTION to approve Papa John's Food Vendor License with the condition that the hours of operation are: 11 AM – 11 PM and commissary deliveries are made between the hours of: 7 AM – 7 PM only. Mr. McCormack seconded the motion and it was UNANIMOUSLY VOTED.

APPLICATION OF **TERRY STANTON D/B/A PSYCHIC VISION** FOR A FORTUNE TELLER LICENSE, 177 BRIDGE ST.

Ms. Terry Stanton was present.

Mr. Richards read the departmental referrals in to the record. Officer King reported no public safety objection. Mr. McCormack reported no health related concerns to the issuance of the license.

Firefighter Myers stated there are to be no candles at the location.

Chief Davis recommended LED lights.

Mr. Richards made a MOTION of approval to issue Fortune Teller license at 177 Bridge Street. Mr. McCormack seconded the motion and it was UNANIMOUSLY VOTED.

APPLICATION OF **CHRISTOPHER FEDERICO D/B/A CHRISTOPHER'S GARDEN SHOP & FARM STAND** FOR A FOOD VENDOR LICENSE, 689 WASHINGTON ST.

Mr. Christopher Federico, owner, was present.

Mr. Richards stated the application is for a Food Vendor license for a sausage cart. He recommended hours to be from 11 AM – 6 PM Thursday through Sunday. Application, lease and plans of the cart have been filed.

Mr. Richards read the departmental referrals in to the record. Officer King reported no public safety objection. Mr. McCormack reported that he met with Mr. Federico to discuss his proposal. Christopher's Garden Shop is already permitted to sell food. They will need a Food Manager Certification & Allergen Certification. Establishment must be inspected prior to opening.

Firefighter Myers asked where he would be cooking with propane if the storage of propane would be open to the environment.

Mr. Federico replied he would be using an easy up tent.

Firefighter Myers stated he had concerns and the tent is required to be fire retardant.

Officer King questioned if the cart would be seasonal and available when the garden shop is open.

Mr. Federico replied yes.

Mr. McCormack stated a Health Permit required. Inspectors will review condition of trailer if approved.

Mr. Richard asked for public comment.

Mr. Thomas wished him good luck.

Mr. Richards made a MOTION of approval for a seasonal Food Vendor License to operate on Thursday through Sunday 11 AM – 6 PM. Mr. McCormack seconded the motion and it was UNANIMOUSLY VOTED.

**CONTINUED APPLICATION OF AHA ENTERPRISES, INC. D/B/A MOUNTAIN MUDD EXPRESSO FOR A FOOD VENDOR LICENSE AT 316 WASHINGTON ST.**

Mr. Lisinski submitted the plot plan form the Planning Office for the Board's review.

Mr. Richards asked if there would be one or two windows.

Mr. Lisinski replied two. It is there intent to remove grass area to alleviate driving issues.

Officer King asked if hard plumbing is required.

Mr. Lisinski replied yes, per Town requirements.

Mr. McCormack stated there is no requirement to take in to municipal water and sewer. There are additional requirements for bathrooms. There is a proposed lease within plaza to meet such.

Officer King requested that the travel path be adequately marked for the drive through.

Mr. Thomas spoke asked if the kiosk compared to the Dunkin Donuts at Stop & Shop plaza.

Mr. Lisinski replied that one is much more complex. The proposed is a smaller size comparable to a couple of tables. They will offer a more personable and direct sale. There will be no speakers. Arrows will be marked to direct the public through.

Mr. Richards made a MOTION of approval with the condition that the travel path be marked accurately. Mr. McCormack seconded the motion and it was UNANIMOUSLY VOTED.

### **CHAIRMAN'S REPORT**

- Meeting Schedule

Mr. Richards made a MOTION to schedule their next meeting for Tuesday, March 19, 2013 at 1 PM. NO SECOND.

Mr. Richards made a MOTION to schedule the next meeting for Tuesday, April 2, 2013 at 1 PM. Chief Grimes seconded the motion and it was UNANIMOUSLY VOTED.

### **CORRESPONDENCE**

- Officer King RE: Alleged Liquor Violations of B & K Liquors, 1212 Washington St.

Officer King requested that the matter be scheduled for a hearing on April 2<sup>nd</sup>, as separate incidents.

Mr. Richards made a MOTION to schedule a hearing for the alleged violations of B & K Liquors. Chief Davis seconded the motion and it was UNANIMOUSLY VOTED.

### **ADJOURNMENT**

Mr. Richards made a MOTION to adjourn at 2:07 PM. Chief Grimes seconded the motion and it was UNANIMOUSLY VOTED.

Respectfully submitted,

Lisa VanWinkle,  
Recording Secretary

Approved:

Date:

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