

Minutes of the Board of Licensing Commissioners for their meeting held on Tuesday, February 28, 2017, at the Weymouth Town Hall, Chambers, 75 Middle Street

Attendance (present): Chairperson Kathleen A. Deree; Jeffrey E. Richards, Director of Municipal Licenses & Inspections; Police Chief Richard Grimes; Daniel McCormack, Director of Public Health; Fire Captain Thomas Still and Licensing Officer Edward Chase (absent): Fire Chief Keith Stark; Fire Prevention Captain Justin Myers

Chairperson Deree called the meeting to order at 2 PM.

**APPLICATION OF CP ENTERPRISE, INC. D/B/A CASH POINT FOR A PRECIOUS METALS LICENSE, 176 MIDDLE ST.**

**APPLICATION OF CP ENTERPRISE, INC. D/B/A CASH POINT FOR A JUNK DEALER LICENSE, 176 MIDDLE ST.**

Attorney Cavanaugh was present with Mr. Edgar Gevorgyan.

Mr. Richards stated the Precious Metals and Junk Dealer licenses were for the location next to the hair salon and sub shop at 176 Middle Street.

Attorney Cavanaugh stated his client has two locations on the Cape in Barnstable and Falmouth. They are seeking the hours of operation as 9 AM – 3 PM Monday through Sunday. The application included letters of support from local Cape Cod Police Departments. They have reviewed the Town Ordinances and will comply and keep complete records. They will work with the Police Department. Lease agreement is contingent upon the approval of the licenses.

Mr. Richards asked how they found the location and if they looked in to other locations operating in Weymouth.

Mr. Gevorgyan stated they looked at the people living in the surrounding area, 3 mile radius, searching online. He didn't research the other locations in Town. They do not pawn. They buy and sell directly. There is a 30 day holding period per the Town Ordinance, then they turn around and sell the product.

Attorney Cavanaugh stated they have a lease agreement, contingent upon Licensing Board approval.

Mr. Richards asked what type of products they will have and if they are large in size.

Mr. Gevorgyan replied if it doesn't fit through the door they won't accept it. There is a storage area in the basement, accessed through the back door. The biggest items he's bought was an extension ladder and a generator.

Mr. Richards asked if he spoke with the neighboring businesses to get their take on the proposed business.

Mr. Gevorgyan stated he spoke with the landlord. The pizza place had knowledge and had no objection. There is sufficient parking in the back of the property. There has been no objection from the neighboring businesses.

Mr. McCormack asked what types of items they sell at the Cape. He asked how they will storage the items.

Mr. Gevorgyan replied jewelry, snow blower, generators, small tools, electronics, TVs, musical instruments and gaming equipment. The site is 1,650 square feet. The basement will be used for half of the storage of items that are held for 30 days. All customers would enter through the front only.

Mr. Richards stated generators would need fuel to be emptied.

Chief Grimes asked if they utilize any computer software programs.

Mr. Gevorgyan replied "AA Software" a special program geared towards pawn shops. It keeps information of the seller and there is a barcode # to itemize all articles.

Chief Grimes asked if the local police departments are given access to the software.

Mr. Gevorgyan stated each town they operate in uses different databases; information is provided.

Chief Grimes stated if the license was granted, he would expect that they work with their detectives.

Mr. Richards stated he would like to see a floor plan to include the basement area.

Mr. Gevorgyan stated the basement is about 40% of the 1,600 square foot space.

Mr. Richards made a MOTION to table the application and for the applicant to submit photographs of the other locations items, set up and interior plans, including the basement and the display case in relation to the front door. Application will be continued to March 28<sup>th</sup> at 2 PM. Chief Grimes seconded. Motion was UNANIMOUSLY VOTED.

Mr. Richards made a MOTION to table the application until the March 28<sup>th</sup> meeting at 2 PM. Chief Grimes seconded and the motion was UNANIMOUSLY VOTED.

**APPLICATION OF CUPCAKE MOJO, INC. D/B/A CUPCAKE MOJO FOR A COMMON VICTUALLER LICENSE AT 644 MIDDLE ST.**

Ms. Maureen Fitzgerald, owner, was present.

Mr. Richards stated the application was submitted for the hours as: 10 AM – 6 PM Sunday through Wednesday; 10 AM – 8 PM Thursday through Saturday. They will be moving from their Washington Street location to 644 Middle Street, Shaw's Plaza. They will be serving cupcake, ice

cream and coffee. Lease has been executed, pending the approval of the Board.

Mr. Richards read the departmental referrals in to the record. The Health Department has discussed the new location with the applicant. If the license is approved, we will need to perform a final inspection and issue a new food permit. The Building Department has no objection. However, they will need a Certificate of Occupancy and as well miscellaneous permits to make the site operational. Licensing Officer Edward Chase reported no objection from the Police Department provided that all of the requirements of the Licensing Board are met.

Mr. Richards stated the application included a floor plan. He asked Mr. McCormack if the Health Department reviewed for logistics.

Mr. McCormack replied they did regarding existing equipment.

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

Mr. Richards asked if they plan on shutting down their current operation on Washington Street.

Ms. Fitzgerald replied they are. They will be celebrating their 5<sup>th</sup> Anniversary in June. The owner of the Washington Street building sold it recently. It is in need of repairs.

Mr. Richards made a MOTION to approve the Common Victualler license at 644 Middle Street to Cupcake Mojo. Mr. McCormack 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, 765 BRIDGE ST.**

Mr. Adam Rutstein, proposed manager, was present.

Mr. Richards read the departmental referrals in to the record. The Health Department reported no objections. Officer Chase reported no public safety objection to a change of manager provided that all requirements of the Board are met.

Mr. Rutstein stated he is the Director of Operations of Margaritas and has been on a few of the liquor licenses at locations in the past. He has 30 years of experience.

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

Mr. Richards made a MOTION of approval for the change of manager. Mr. McCormack seconded the motion and it was UNANIMOUSLY VOTED.

**APPLICATION OF BARREL HOUSE Z, LLC D/B/A BARREL HOUSE Z FOR ALTERATIONS TO THE LICENSED PREMISES AT 95 WOODROCK RD.**

Attorney Jeffrey Tocchio and Mr. Russ Heissner, President, were present.

Attorney Tocchio stated they are present to revisit the site and receive an alterations approval to add outdoor patio area for seating. It is a similar situation as to what they were using seasonally through the One-Day Liquor Permit process. Gated picnic tables and seating will be based on parking ratios. Limited food menu will be available. The tastings portion of the business is an important part of the business and source of revenue for the company. Abutter's notice was mailed and the neighbors have been notified; feedback has been good.

Mr. Richards stated the point of sale will be at the bar. Where the patio is an open air location tents for the site would require permits. Special events will require a permit for fire safety regulations. Location is required to be cleaned up of fugitive trash.

Attorney Tocchio stated there is a Conservation operational management plan of policing the site, stream and catch basin areas.

Mr. Richards read the departmental referrals in to the record. The Health Department had no objections. Officer Chase reported no public safety objection to a change of manager provided that all requirements of the Board are met.

Mr. Richards stated the required Certified of Inspection will list the numbers of seating.

Mr. Richards made a MOTION to approve with restaurant license noting hours of operation and seating indoors and outdoors on the license. Mr. McCormack seconded the motion and it was UNANIMOUSLY VOTED.

**APPLICATION OF MAJOIA, LLC D/B/A GIARDINO'S RISTORANTE FOR A TRANSFER OF THE ALL ALCOHOLIC RESTAURANT LICENSE OF HAJJAR CORP. AT 969 WASHINGTON ST.**

Attorney TJ Recuperero and Mr. Marcos Jardim were present.

Mr. Richards reviewed the application for a 10,770 square foot, existing restaurant with 154 seats to offer an Italian cuisine. He stated the application included a lease and plans and that the advertising and public notice requirements had been met.

Mr. Richards read the departmental referrals in to the record. Officer Chase reported no public safety objection to a transfer of licenses to the applicant provided that all requirements of the Licensing Board are met and inspections are successfully completed. The Building Department would require permits for any changes made to the site; a Certificates of Occupancy and Inspection and a Sign Permit.

Attorney Recuperero introduced himself and Mr. Jardim. He stated they are looking at going in with the same footprint, offering an Italian cuisine and function room. They have some financials to work out with the bank for the closing. Mr. Jardim has been in the restaurant business over the last

20 years. He's operated Terra Nossa Marketplace in Brockton and Abington. Prior to that they worked at the Venetian. They like the site and look forward to working in the community.

Mr. Richards asked what renovations they will make immediately.

Mr. Jardim stated they are working with the bank for financing. They would do cosmetics primarily and would like to keep the kitchen open.

Mr. Richards stated from a Building Department standpoint, they would like to see the illegal signage removed and proper signage be in place by permits.

Mr. McCormack noted that the Hajjar's has been a great family restaurant but some of the equipment is older and they would like to see that updated. He recommended that the Health Department inspect the site and make any recommendations needed.

Attorney Recupero stated the location was granted by a Special Permit with 154 seats and 140 seats for the function hall. If there are any changes requiring approvals, they would bring them back to this Board.

Mr. Richards replied as long as the footprint does not change or the style they would not need ABCC approval.

Capt. Still stated the Fire Department made an inspection a few weeks ago and the exit signs needed to be repaired; the equipment was older; overall the inspection was okay.

Mr. Recupero requested a copy of the inspection report.

Mr. Richards made a MOTION to approve a transfer of the Hajjar's Corp. All Alcoholic Restaurant license to Majoia, LLC. Mr. McCormack seconded and the motion was UNANIMOUSLY VOTED.

**APPLICATION OF MAJOIA, LLC D/B/A GIARDINO'S RISTORANTE FOR A COMMON VICTUALLER LICENSE, 969 WASHINGTON ST.**

Mr. Richards said where it is a transfer, they shall be no changes to the operation of the Common Victualler license.

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

Mr. Richards made a MOTION to approve the Common Victualler license. Mr. McCormack seconded and the motion was UNANIMOUSLY VOTED.

**APPLICATION OF MAJOIA, LLC D/B/A GIARDINO'S RISTORANTE FOR AN ANNUAL ENTERTAINMENT LICENSE, 969 WASHINGTON ST.**

Mr. Richards asked if anyone had any concerns regarding the Annual Entertainment license. No one spoke.

Mr. Richards made a MOTION to approve the Annual Entertainment license. Mr. McCormack seconded and the motion was UNANIMOUSLY VOTED.

**APPLICATION OF MAJOIA, LLC D/B/A GIARDINO'S RISTORANTE FOR A SUNDAY ENTERTAINMENT LICENSE, 969 WASHINGTON ST.**

Mr. Richards asked if anyone had any concerns regarding the Sunday Entertainment license. No one spoke.

Mr. Richards made a MOTION to approve the Sunday Entertainment license. Mr. McCormack seconded and the motion was UNANIMOUSLY VOTED.

**APPLICATION OF MAJOIA, LLC D/B/A GIARDINO'S RISTORANTE FOR A JUKE BOX LICENSE, 969 WASHINGTON ST.**

Mr. Richards asked if anyone had any concerns regarding the Juke Box license. No one spoke.

Mr. Richards made a MOTION to approve the Juke Box license. Mr. McCormack seconded and the motion was UNANIMOUSLY VOTED.

**APPLICATION OF MAJOIA, LLC D/B/A GIARDINO'S RISTORANTE FOR A POOL TABLE LICENSE (1 TABLE), 969 WASHINGTON ST.**

Mr. Richards asked if anyone had any concerns regarding the Pool Table license. No one spoke.

Mr. Richards made a MOTION to approve the Pool Table license. Mr. McCormack seconded and the motion was UNANIMOUSLY VOTED.

**APPLICATION OF MAJOIA, LLC D/B/A GIARDINO'S RISTORANTE FOR A VIDEO GAME LICENSE (1 MACHINE), 969 WASHINGTON ST.**

Mr. Richards asked if anyone had any concerns regarding the Video Game license. No one spoke.

Mr. Richards made a MOTION to approve the Video Game license. Mr. McCormack seconded and the motion was UNANIMOUSLY VOTED.

**APPLICATION OF MANGIA FOOD TRUCK LLC D/B/A MANGIA FOOD TRUCK FOR A FOOD VENDOR LICENSE AT 7 PERFORMANCE DR.**

Mr. Richards said Mangia Food Truck LLC has a lease to operate the food truck within a vacant parking lot at 7 Performance Drive. Proposed operational hours are: 7 AM – 3 PM Monday through

Friday. They will offer a breakfast and lunch menu. The idea has been long thought of where there are no food services in the area.

Mr. Richards read the departmental referral in to the record. The Tax Office has no record of the business. The Licensing Officer had no public safety objection to the business. Subject to Health Department approval. The Building Department would require a Certificate of Occupancy. The location would need Building Department approval before the setting of the truck.

Mr. Emmanuel Dookhran stated he had been in the restaurant business for almost 20 years. He used to work at Nino's; then got out of the business to start a family. He has a part time job at Lowes and bought a used Fedex truck of which he stocked with brand new equipment. He will offer a simple healthy menu.

Mr. Richards stated the area needed to be policed for trash and kept clean. He asked if the truck would be left at the site.

Mr. Dookhran replied it would be removed at night and taken home to charge the propane generator.

Mr. McCormack requested specifications for the equipment within the truck so they may make sure it is compliant. He asked if there is hot water through the propane system and if he intends to plug in at the site. He asked about the hours of operation and bathroom facilities.

Mr. Dookhran replied yes and he is producing his own electricity; therefore, there is no need to plug in. He intends to operate 9 AM – 3 PM and has permission to be onsite at 7 AM. He also has permission to use bathroom facilities at nearby building.

Mr. Richards requested that Mr. Dookhran get a supplement to the lease to include use of the common area bathrooms.

Mr. McCormack asked what he would do with the waste water and trash at the end of the day.

Mr. Dookhran replied he would be getting rid of it at the transfer station in Kingston along with the grease drippings.

Mr. McCormack stated there should be documentation kept on such disposals. They would also need spec sheets for all of the equipment and locations of the tanks.

Mr. Richards made a MOTION to approve subject to Food Permit being issued and Certificate of Occupancy being finalized. Mr. McCormack seconded and the motion was UNANIMOUSLY VOTED.

## **APPROVALS**

- Minutes: January 24, 2017

Mr. Richards made a MOTION to approve the minutes. Mr. McCormack seconded and the motion was UNANIMOUSLY VOTED.

- One-Day Wine & Malt Permit: Knights of Columbus – Immaculate Conception Church, 1203 Commercial St.

Mr. Richards stated the One-Day Wine & Malt permit application for Knights of Columbus – Immaculate Conception Church is for a Saint Patrick’s Day Dinner Dance to be held at March 11, 2017 from 5 PM – 10 PM.

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

- One-Day Wine & Malt Permit: Saint Jerome School, 632 Bridge St.

Mr. Richards stated the One-Day Wine & Malt permit application for Saint Jerome School is for a 10K Drawing event to be held on April 8, 2017 from 6:30 PM – 11:30 PM.

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

#### **NEXT MEETING**

Mr. Richards made a MOTION to schedule the next meeting for March 28, 2017 at 2 PM. Mr. McCormack seconded the motion and it was UNANIMOUSLY VOTED.

#### **ADJOURNMENT**

Mr. Richards made a MOTION to adjourn the meeting at 2:58 PM. Mr. McCormack seconded the motion and it was UNANIMOUSLY VOTED.

Respectfully submitted,

Lisa VanWinkle  
Recording Secretary

Approved:

Date: