

Minutes of the Board of Licensing Commissioners for their meeting held on Tuesday, November 29, 2016, at the Weymouth Town Hall, Chambers, 75 Middle Street

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

Chairperson Deree called the meeting to order at 2:00 PM.

**APPLICATION OF WEYMOUTH GULF, LLC D/B/A WEYMOUTH AUTO SALES FOR A CLASS II AUTO DEALER LICENSE AT 237 MAIN ST.**

Mr. Richards said the site formerly had an auto dealer license in the past and motor vehicle repair. The applicant seeks a six (6) vehicle license off of the Main Street intersection. The application included a lease agreement and \$25,000 bond.

Mr. Richards read the departmental referrals in to the record. The Municipal Finance Department reported outstanding taxes and utilities. The Police Department reported no public safety objection provided that all requirements are met and all inspections are successfully completed. The Health Department reported they do not have any objections to the issuance of the used car license. If the facility will store greater than 50 gallons or 20 pounds of hazardous materials and waste, they must register with their department.

Mr. Michael Savage was present representing Ms. Susan Audy-Jreige. He stated there is a history of the site selling automobiles. Ms. Audy-Jreige is applying for a six car license and has a family background with the automobile sales business.

Mr. Richards announced the public hearing for comment.

Mr. Bob Montgomery Thomas, Washington Street resident, came forward, stating he didn't see the need for an auto dealer at the site. It is a serious situation and the Board needs to take a stand on the number of Auto Dealer Licenses within Town. He questioned if the application had been reviewed for certain plan requirements as well as zoning.

Mr. Richards stated the former plan was submitted showing requirements. The site had been before zoning with no issues. Service station is required to be able to service the vehicles that they sell.

Mr. Savage stated Ms. Audy-Jreige wants to be a good neighbor and is aware of the requirements.

Mr. Richards stated that vehicles are okay without plates on the site within roped off area for six cars for sale.

Mr. Thomas stated the site was a disaster in the past. He suggested, if granted, that the license be issued for two vehicles for now and then upgrade in the future.

Mr. Richards made a MOTION to approve an Auto Dealer License for 6 vehicles at 237 Main Street. Chief Stark seconded and the motion was UNANIMOUSLY VOTED.

PURSUANT TO M.G.L. CHAPTER 138, LIQUOR VIOLATION HEARING TO CONSIDER MODIFICATION, SUSPENSION, REVOCATION OR CANCELLATION OF THE ALL ALCOHOLIC RESTAURANT LICENSE OF: **WALQUIRIA MARCAL D/B/A JACKSON SQUARE TAVERN**, 1530 COMMERCIAL ST.

Mr. Richards stated the Police Department performs compliance operations twice a year. This is to ensure that licensees are complying in checking for ids of minors. Employees and owners are required to remain TIP's certified to keep current with liquor laws.

The Marcal's were present and admitted to serving the minor on the evening of July 22, 2016.

Mr. Richards made a MOTION of a finding that a violation did happen. Chief Stark seconded the motion and it was UNANIMOUSLY VOTED.

Mr. Richards stated they needed to make sure all their employees are TIP's certified. For the record the incident was their first violation. In accordance with the Liquor Violation Guidelines, a First Offense would be assessed a one to three day suspension of the liquor license.

Chief Grimes stated the operation is completed certain times during the year. The undercover officer and underaged person go in to the establishment together and each order a beer. If they are served they are told to leave the beer with the money and then leave the establishment. Those failing are later told that they would have to appear before the Licensing Board for deliberation.

Mr. McCormack made a MOTION for a one day suspension of the liquor license to occur on December 15, 2016. Chief Stark seconded and the motion was UNANIMOUSLY VOTED.

PURSUANT TO M.G.L. CHAPTER 138, LIQUOR VIOLATION HEARING TO CONSIDER MODIFICATION, SUSPENSION, REVOCATION OR CANCELLATION OF THE ALL ALCOHOLIC RESTAURANT LICENSE OF: **DENLY GARDENS, INC. D/B/A DENLY GARDENS**, 25 LAKE ST.

Mr. Richard Caruso, owner, made a statement to the Board, that the business had been in operation since 1933. They have not had a prior incident and they do their best to insure that minors are not served. He admitted that this time it did happen.

Mr. Richards made a MOTION for a finding that a violation did occur. Chief Stark seconded the motion and it was UNANIMOUSLY VOTED.

Mr. Caruso noted that the employee had been fired as a result. Everyone has been told to id anyone who is purchasing a drink.

Mr. McCormack made a MOTION based on a first offense that the liquor license be suspended for one day on December 15, 2016. Chief Stark seconded the motion and it was UNANIMOUSLY VOTED.

Chairperson Deree left the meeting at 2:22 PM.

PURSUANT TO M.G.L. CHAPTER 138, LIQUOR VIOLATION HEARING TO CONSIDER MODIFICATION, SUSPENSION, REVOCATION OR CANCELLATION OF THE ALL ALCOHOLIC RESTAURANT LICENSE OF: **MJ RESTAURANT GROUP LLC D/B/A THE MOORING BAR & GRILL**, 117 BRIDGE ST.

Mr. Michael Glynn and Mr. Whyte were present. Mr. Whyte acknowledged that their bartender served the minor unfortunately. They have a strict policy that they are to check all ids. Their employees are all TIP's certified. They are not in the business to sell to minors.

Chief Stark made a MOTION for a finding that a violation did occur. Mr. McCormack seconded the motion and it was UNANIMOUSLY VOTED.

Mr. Glynn stated their bartender who was on the night in question has been with them for the past 10 years. She hasn't been fired, as it was a learning experience; she apologized. Employees have been told to card many times. There was question that they were served more than one beer.

Officer Lang came forward stating that was not mentioned at the incident, nor was it included in the police report.

Mr. McCormack made a MOTION for a first offense of a one day suspension of the liquor license to take place December 15, 2016. Chief Stark seconded the motion and it was UNANIMOUSLY VOTED.

PURSUANT TO M.G.L. CHAPTER 138, LIQUOR VIOLATION HEARING TO CONSIDER MODIFICATION, SUSPENSION, REVOCATION OR CANCELLATION OF THE ALL ALCOHOLIC RESTAURANT LICENSE OF: **SULLIVAN'S SANDTRAP INC. D/B/A THE SAND TRAP**, 327 BRIDGE ST.

Chairperson Deree arrived back at 2:30 PM.

Attorney Chris Affsa was present representing The Sand Trap. Mr. John Sullivan was also present.

Attorney Affsa stated that Mr. Sullivan has owned the business for nine years and he represented the Milley Family previous to that. They had discussed the policies and procedures and admitted that they made a mistake not carding the individual.

Mr. Richards made a MOTION for a finding that a violation did occur on July 22, 2016. Chief Stark seconded the motion and it was UNANIMOUSLY VOTED.

Attorney Affsa stated they have been TIP's certified and will send their employees to remain certified.

Mr. McCormack made a MOTION for a one day suspension of the liquor license on December 15, 2016. Chief Stark seconded and the motion was UNANIMOUSLY VOTED.

**APPLICATION OF THE ALONGI GROUP D/B/A THE PURPLE EGGPLANT EXPRESS FOR A FOOD VENDOR LICENSE AT 856 WASHINGTON ST.**

Mr. Richards read the departmental referrals in to the record. Mr. Richard Ziegler, Local Inspector, reported he's in receipt of a complaint from Mr. Robert Montgomery Thomas dated November 21, 2016. As Zoning Enforcement Officer for the area of town in question, he will review the zoning bylaws and BZA case noted, take any necessary action, and report back to the Inspector of Buildings. Officer Chase reported no public safety objection, provided that all requirements are met and inspections are successfully completed. Municipal Finance reported outstanding Personal Property taxes of Papa Johns. The Health Department reported if the license is issued, a permit to operate a food establishment must also be obtained at the Health Department and permits and inspections are necessary.

Mr. Ray Alongi, business owner, stated they are proposing something different from a fast food joint. He is a Chef by trade and his Dad was a Chef. There are many pizza and food establishments in Weymouth and they would like to add their business to the community. They will offer salad, pizza and sandwiches. Deliveries will be available.

Mr. Richards announced the public hearing for comment.

Mr. Robert Montgomery Thomas, Washington Street resident spoke, reviewed regulations for a Common Victualler license and Food Vendor License under MGL Chapter 140 and the Code of Ordinances of the Town. He also stated there should be zoning requirements for a Special Permit based on the application.

Mr. Richards replied that the site is suitable for retail use. The site used to have a Food Vendor at the location.

Mr. Thomas stated the request is for a restaurant per the lease and the application. He stated a Special Permit should be required. He will bring the matter to court.

Mr. Richards made a MOTION to approve a Food Vendor license at 856 Washington Street. Chief Stark seconded and the motion was UNANIMOUSLY VOTED.

**APPLICATION OF THE NORTH HOSPITALITY GROUP LLC D/B/A NORTH KITCHEN AND BAR FOR AN ALL ALCOHOLIC RESTAURANT LICENSE TRANSFER FROM KELLY'S ASSOCIATES, INC. AT 159 BRIDGE ST.**

Mr. & Mrs. Joseph Campbell were present for the hearing.

Mr. Richards read the departmental referrals in to the record. The Municipal Finance Department reported taxes as current. The Police Department reported no public safety objection to the transfer provided that all requirements of the Board are met and all inspections are successfully completed. The Health Department reported the establishment requires some substantial improvements. Plans should be submitted to the Health Department for review. If the license is issued, they must also obtain a Health Department Food Permit. The establishment must be inspected prior to opening.

Mr. Campbell stated he has had experience in the restaurant business with Atlantica and a few other restaurants. Kelly's was on a market since a year ago. It will require a remodel from the floor up. They will address Health Department concerns. They foresee it becoming like at Stars from Hingham.

Lt. Myers stated he's aware they will be looking to make changes. Permits and Certificate of Occupancy will be required.

Mr. McCormack stated the plans that were submitted will be the finals?

Mr. Campbell replied yes.

Mr. Richards stated owners and employees are required to be TIP's trained.

Mr. Richards made a MOTION to approve the All Alcoholic Restaurant License transfer at 159 Bridge Street. Chief Stark seconded and the motion was UNANIMOUSLY VOTED.

**APPLICATION OF THE NORTH HOSPITALITY GROUP LLC D/B/A NORTH KITCHEN AND BAR FOR A COMMON VICTUALLER LICENSE, 159 BRIDGE ST.**

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

**APPLICATION OF THE NORTH HOSPITALITY GROUP LLC D/B/A NORTH KITCHEN AND BAR FOR AN ANNUAL ENTERTAINMENT LICENSE, 159 BRIDGE ST.**

Mr. Campbell stated they would be offering a one-man band.

Mr. McCormack mentioned where they will be doing construction to consider installing sound proofing.

Mr. Richards made a MOTION to approve the Annual Entertainment license application. Chief Stark seconded the motion and it was UNANIMOUSLY VOTED.

**APPLICATION OF THE NORTH HOSPITALITY GROUP LLC D/B/A NORTH KITCHEN AND BAR FOR A SUNDAY ENTERTAINMENT LICENSE, 159 BRIDGE ST.**

Mr. Richards made a MOTION to approve the Sunday Entertainment license application. Chief

Stark seconded the motion and it was UNANIMOUSLY VOTED.

**APPLICATION OF THE NORTH HOSPITALITY GROUP LLC D/B/A NORTH KITCHEN AND BAR FOR A PLEDGE OF LIQUOR LICENSE TO ROCKLAND TRUST COMPANY, 159 BRIDGE ST.**

Mr. Richards made a MOTION to approve the pledge of liquor license request to Rockland Trust Company. Chief Stark seconded the motion and it was UNANIMOUSLY VOTED.

## **APPROVALS**

- Minutes: October 25, 2016

Mr. Richards made a MOTION to approve the minutes of October 25<sup>th</sup>. Chief Stark seconded the motion and it was UNANIMOUSLY VOTED.

- One-Day Wine & Malt Permits: Barrel House Z, LLC, 95 Woodrock Rd.

Mr. Richards stated the permit would be for the outdoor patio area on the following dates: December 2-4, 9-11, 15-18, 23, 30-31, 2016.

Mr. Richards made a MOTION to approve. Chief Stark seconded and the motion was UNANIMOUSLY VOTED.

- Extension of Hours Request: Weymouth Elks ( New Year's Eve)

Mr. Richards stated the Weymouth Lodge of Elks made a request for an extension of club hours on New Year's Eve, December 31, 2016 until 2 AM.

Mr. Richards made a MOTION to approve the request. Chief Stark seconded and the motion was UNANIMOUSLY VOTED.

- One-Day Food Vendor Permit: Mom on the Go

Mr. Richards stated a One-Day Food Vendor Permit request was received from Mom on the Go for an event on December 2, 2016 at Pond Meadow Park from 4-7 PM.

Mr. Richards made a MOTION to approve the request. Chief Stark seconded and the motion was UNANIMOUSLY VOTED.

- One-Day Wine & Malt Permit: Jackson Square Artisans, 750R Broad St.

Mr. Richards stated the Jackson Square Artisans requested a One-Day Wine & Malt Permit for an Open House on December 18, 2016 from 11 AM – 6 PM.

Mr. Richards made a MOTION to approve the request. Chief Stark seconded and the motion was UNANIMOUSLY VOTED.

#### **CHAIRMAN'S REPORT**

- Next Meeting: December 20, 2016

Mr. Richards stated the next meeting would be held on Tuesday, December 20, 2016 at 2 PM.

- License Renewals are due by November 30<sup>th</sup>

#### **CORRESPONDENCE**

#### **ADJOURNMENT**

Mr. Richards made a MOTION to adjourn at 3:05 PM. Chief Stark 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