

Minutes of the Board of Licensing Commissioners for their meeting held on Tuesday, October 4, 2016, at the Weymouth Town Hall, Chambers, 75 Middle Street (Meeting of September 27<sup>th</sup> was postponed to date to meet Open Meeting Law requirements.)

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 KEVIN G. CLARK D/B/A CLARK AUTO SALES FOR AN INCREASE OF VEHICLES ON THE CLASS II AUTO DEALER LICENSE AT 54 WATER ST.**

Mr. Kevin Clark, owner, was present.

Mr. Richards stated application and plans were received. Public notice requirements were met.

Mr. Richards read the departmental referrals in to the record. The Police Department reported that there were vehicles in excess of the license. However, there is room on the lot for additional vehicles. Mr. Richards stated the vehicle increase by 15 vehicles is warranted per parking plan.

Mr. Richards announced the public hearing for comment.

Mr. Robert Luongo, Planning Director, came forward, stating that there Department would be weighing in more on auto dealer businesses in the future.

Mr. Kevin Clark, owner, spoke, stating that he has been in business 42 years and his grandparents grew up in this town as well as his family. He has been in business for over 40 years with no complaints. He loves the town and will continue to operate. He appreciates everyone's time and cooperation.

Mr. Richards made a MOTION to approve the increase of vehicles for a total of 25 vehicles. Chief Stark seconded and the motion was UNANIMOUSLY VOTED.

**APPLICATION OF GEORGIA LEFAS D/B/A NICK'S RESTAURANT FOR A COMMON VICTUALLER LICENSE AT 33 WASHINGTON ST.**

Attorney John Walker and Mrs. Georgia Lefas were present.

Mr. Richards read the departmental referrals in to the record. The Building Department would require a Certificate of Occupancy and Business Certificate. The Health Department required inspection prior to operation, if granted. The Police Department had no objection, subject to inspections.

Mr. Richards stated the application and plans were filed. Public notice requirements were met. Application shows 42 seats with the hours of operation as: Monday through Thursday 6 PM – 9 PM and Friday through Sunday: 24 hours.

Attorney Walker stated Mrs. Lefas will continue the operation that has been at the location for the past 30 years. Mrs. Lefas is present if the Board has any questions.

Mr. McCormack stated that the site is an older establishment and may be subject to upgrades.

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

**APPLICATION OF MIDDLE DONUTS, LLC D/B/A BJ DONUTS FOR A COMMON VICTUALLER LICENSE AT 622 WASHINGTON ST.**

Mr. Luis Bettencourt, Administrator of Sardinah Family Trust, was present.

Mr. Richards stated per the application the site will be a 10 x 5'8" within the interior of the BJ's. It will be a Dunkin Donuts kiosk style with 15 seats, serving coffee, donuts and typical items for sale from 9 AM – 9 PM Monday through Saturday and Sunday: 9 AM – 7 PM. Proper notification of abutters was made.

Mr. Richards read the departmental referrals in to the record. The Building Department has received a Building Permit and it would be subject to a Certificate of Occupancy and Business Certificate. The Health Department reported no objection that it would be subject to inspection. The Police Department reported no public safety objection provided that all of the requirements of the Board are met and all inspections are completed.

Mr. Bettencourt spoke stating they have a few other locations in the Town, with similar operations. There's been a national interest between Dunkin's and BJ's.

Mr. Richards announced the public hearing for comment. There was none.

Lt. Myers, Fire Department, stated they will need to see Building applications and make inspections prior to the Certificate of Occupancy.

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

**APPLICATION OF CAFÉ AROMA, LLC D/B/A CAFÉ AROMA FOR A COMMON VICTUALLER LICENSE AT 316 WASHINGTON ST.**

Ms. Thais Carvalho, owner, was present.

Mr. Richards read the departmental referrals in to the record. The Police Department reported no public safety objection. The Health Department reported Health Permit applications are required to be filed. An inspection is required prior to opening. Building Department requires a Certificate of Occupancy.

Mr. Richards announced the public hearing for comment.

Mr. Luongo stated from the Planning Department there is concern about exposed dumpsters, not fenced in or screened and it is unsightly. He strongly asked that the Board send a letter requesting that the dumpsters be enclosed or screened.

Mr. McCormack stated the Health Department doesn't require that the dumpster be enclosed unless there is a public nuisance from rodents. Unless there is a Zoning Board of Appeals case with the requirement, typically it isn't required.

Ms. Carvalho questioned if they are required to have their own dumpster.

Mr. McCormack replied it is not required, as long as the current dumpster is not overflowing and the volume.

Ms. Carvalho stated they would be more than happy to fence it in.

Mr. Richards made a MOTION to approve the Common Victualler at 316 Washington Street. Chief Stark seconded and the motion was UNANIMOUSLY VOTED.

**APPLICATION OF JOSEPH CORTESE D/B/A BEST DEALS ON WHEELS FOR A CLASS II AUTO DEALER LICENSE AT 542 COLUMBIAN ST.**

Mr. Richards stated there was a request to continue the hearing until October 25, 2016.

Mr. Richards made a MOTION to approve the continuance until October 25, 2016. Chief Stark seconded and the motion was UNANIMOUSLY VOTED.

**APPLICATION OF CHILI MANGO & LIME, INC. D/B/A CHILI MANGO & LIME FOR A COMMON VICTUALLER LICENSE, 336 WASHINGTON ST.**

Ms. Marissa Amin, owner, stated they plan on serving Asian, Thai and Bangladesh foods.

Mr. Richards stated the application and plans have been received. They are applying for 14 seats within a 1,600 square foot area and the hours of operation as: Sunday through Monday: 11 AM – 10 PM.

Mr. Richards read the departmental referrals in to the record. The Police Department had no public safety objection. The Health Department reported Health Permit applications are required to be

filed. An inspection is required prior to opening. Building Department would require a Certificate of Occupancy and Business Certificate.

Lt. Myers stated a Fire Department application and inspection would be required in conjunction with the Certificate of Occupancy.

Mr. McCormack asked if the food truck would be kept on site.

Ms. Amin replied it would not, it will be kept in Boston.

Mr. Richards made a MOTION to approve the Common Victualler license to 336 Washington Street. Chief Stark seconded and the motion was UNANIMOUSLY VOTED.

**APPLICATION OF THE MIDDLE LLC D/B/A MIDDLE GROUND GRILL FOR A TRANSFER OF THE ALL ALCOHOLIC RESTAURANT LICENSE OF BUCKSHOT, INC. AT 416 MIDDLE ST.**

Mr. Michael Tadd, owner, was present.

Mr. Richards stated the abutters were notified. The application is for a 40 seat restaurant per current plans. He stated the real estate taxes are current. The Police Department had no objection to the application for the transfer of the license provided that all requirements are met and inspections are completed. The Health Department noted is the license is issued, a permit to operate a food establishment must also be obtained and an inspection is also required.

Mr. Tadd stated he didn't intend to change the interior of the restaurant at this time, other than paint and cosmetic. He plans to operate a family friendly restaurant.

Mr. McCormack asked Mr. Tadd to talk about his experience.

Mr. Tadd replied he grew up in the food service industry and has had experience in a multi-million dollar corporation.

Mr. Richards stated Building Department will require Certificate of Occupancy, Sign Permit and Business Certificate.

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

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

**APPLICATION OF THE MIDDLE LLC D/B/A MIDDLE GROUND GRILL FOR A COMMON VICTUALLER LICENSE AT 416 MIDDLE ST.**

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

**APPLICATION OF THE MIDDLE LLC D/B/A MIDDLE GROUND GRILL FOR AN ANNUAL ENTERTAINMENT LICENSE AT 416 MIDDLE ST.**

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

**APPLICATION OF THE MIDDLE LLC D/B/A MIDDLE GROUND GRILL FOR A SUNDAY ENTERTAINMENT LICENSE AT 416 MIDDLE ST.**

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

**APPLICATION OF THE MIDDLE LLC D/B/A MIDDLE GROUND GRILL FOR A JUKE BOX LICENSE AT 416 MIDDLE ST.**

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

**APPLICATION OF WI, LLC D/B/A MCSWIGGANS FOR ALL ALCOHOLIC RESTAURANT LICENSE TRANSFER FROM LJP CORP. AT 450 WASHINGTON ST.**

Attorney Carolyn Conway was present with Mr. Patrick Irwin, owner/manager, and Mr. Mark Waldron, owner.

Attorney Conway stated they are under a 50% 50% ownership and plan to purchase the property and business from Memphis Joe's. They will renovate the interior décor; countertops and bathroom; and install a black rod iron fence around the front exterior and repave the parking lot. They will be offering an Irish American menu and hiring a consulting firm to accomplish the transformation. They anticipate a 6 to 8 week construction phase and want to be open for Valentine's Day. They believe in giving back to the community and look forward to operating in the Town of Weymouth.

Lt. Myers stated the Fire Department would be involved in the plan review and a Certificate of Occupancy would be required prior to the changeover.

Mr. Richards asked if the plans matched will match the site as they would need to be submitted to the ABCC.

Attorney Conway stated they did.

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

**APPLICATION OF WI, LLC D/B/A MCSWIGGANS FOR A COMMON VICTUALLER LICENSE AT 450 WASHINGTON ST.**

Mr. Richards made a MOTION of approval of the Common Victualler license. Chief Stark seconded and the motion was UNANIMOUSLY VOTED.

**APPLICATION OF WI, LLC D/B/A MCSWIGGANS, 450 WASHINGTON ST. FOR A PLEDGE OF LIQUOR LICENSE TO FIRST COMMONS BANK**

Mr. Richards made a MOTION of approval of the pledge of liquor license to First Commons Bank. Chief Stark seconded the motion and it was UNANIMOUSLY VOTED.

**APPLICATION OF WI, LLC D/B/A MCSWIGGANS FOR AN ANNUAL ENTERTAINMENT LICENSE AT 450 WASHINGTON ST.**

Mr. McCormack stated if they were to make renovations, he asked that sound barriers be added to help mitigate sound from neighboring residents.

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

**APPLICATION OF WI, LLC D/B/A MCSWIGGANS FOR A SUNDAY ENTERTAINMENT LICENSE AT 450 WASHINGTON ST.**

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

**APPLICATION OF WI, LLC D/B/A MCSWIGGANS FOR A JUKE BOX LICENSE AT 450 WASHINGTON ST.**

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

**APPROVALS**

Mr. Richards stated the items were approved at their September 29<sup>th</sup> meeting.

**CHAIRMAN'S REPORT**

- Meeting Schedule

Mr. Richards made a MOTION to schedule the next meeting for Tuesday, October 25, 2016 to be held at 2 PM. Chief Stark seconded and the motion was UNANIMOUSLY APPROVED.

**CORRESPONDENCE**

- Alcohol Compliance Check Violations – Restaurants

Mr. Richards asked Chief Grimes that his department be notified that the hearings will be held at their November meeting.

- Mass Lottery Commission RE: KENO to Go for 7-Eleven, 1453 Commercial St.

Mr. Richards made a MOTION to accept the application as submitted. Chief Stark seconded and the motion was UNANIMOUSLY VOTED.

- Mass Lottery Commission RE: KENO to Go for Quick Pick Food Shop, 136 Bridge St.

Mr. Richards made a MOTION to accept the application as submitted. Chief Stark seconded and the motion was UNANIMOUSLY VOTED.

### **NEW/OLD BUSINESS**

Mr. Richards stated that the Food Vendor license of Ruben Valtenin d/b/a Pleasant Street Deli & Grill, 451 Pleasant Street, has been surrendered and closed as of September 26, 2016.

Mr. Richards stated that the Common Victualler license of Trung V. Dang d/b/a Frozurt Frozen Yogurt, 644 Middle Street, has been closed since September 1, 2016 and the license was surrendered.

Mr. Robert Montgomery Thomas came forward about Papa John's, 856 Washington Street.

Mr. McCormack stated they've been open and closed and were told to inform the Board of their current hours of operation or to surrender their license.

Mr. Richards made a MOTION to send a letter to the operator asking for the status of the license. Chief Stark seconded and the motion was UNANIMOUSLY VOTED.

Mr. Thomas stated they already removed the equipment; looks like the end is near.

### **ADJOURNMENT**

Mr. Richards made a MOTION to adjourn at 2:40 PM. Chief Stark seconded the motion and it was UNANIMOUSLY VOTED.

BOARD OF LICENSING COMMISSIONERS

Tuesday, October 4, 2016

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Respectfully submitted,

Lisa VanWinkle  
Recording Secretary

Approved:

Date:

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