

Minutes of the Board of Licensing Commissioners for their meeting held on Tuesday, March 22, 2011, at 1 PM in the Weymouth Town Hall, Chambers, 75 Middle Street

Attendance: Chairman Franklin Fryer; Jeffrey Richards, Director of Municipal Licenses & Inspections; Acting Fire Chief Joseph Davis; Police Chief Richard Grimes; Daniel McCormack, Director of Health; Town Solicitor George E. Lane, Jr.; and Licensing Officer Brian King.

Chairman Fryer called the meeting to order at 1 PM.

APPROVALS

- Minutes: February 22, 2011

Mr. Richards made a MOTION to approve the February 22, 2011 meeting minutes. Chief Grimes seconded. UNANIMOUSLY VOTED

- Carnival Permit: Dean & Flynn d/b/a Fiesta Shows for “Weymouth Carnival”

Mrs. Lee Hultin, Assistant to the Mayor, presented the application, stating the “Weymouth Carnival” would be held Wednesday, April 20 through Sunday, April 24 at the Weymouth High School by Dean & Flynn d/b/a Fiesta Shows in conjunction with the Town of Weymouth.

Mr. Richards made a MOTION to approve a Carnival Permit for Dean & Flynn d/b/a Fiesta Shows for the “Weymouth Carnival”.

Mr. McCormack reminded Mrs. Hultin that they are to contact the Health Department for necessary food permits.

Acting Chief Davis stated they would need to contact the Fire Department as well.

Chairman Fryer stated the MOTION is before the body. Acting Chief Davis seconded. UNANIMOUSLY VOTED

- One-Day Sunday Entertainment License: Dean & Flynn d/b/a Fiesta Shows

Mr. Richards made a MOTION of approval. Acting Chief Davis seconded. UNANIMOUSLY VOTED

- Fundraiser Permit: Annual Poppy Drive – Wessagusset V.F.W. Post #1399

Mr. Richards made a MOTION to approve the Annual Poppy Drive fundraiser in the town of Weymouth by Wessagusset V.F.W. Post #1399. Mr. McCormack seconded. UNANIMOUSLY VOTED

**APPLICATION OF AYUSH CORPORATION D/B/A MARIA’S CONVENIENT EXPRESS,
505 COLUMBIAN ST. FOR A WINE & MALT PACKAGE STORE LICENSE TRANSFER**

Attorney Joseph Demakis and Hasmukh Patel and Jayeshkumar Patel were present.

Mr. Richards stated the use of the premises as a retail store (food vendor & package store) is permitted in the B-1 Zone in which it is located. The submitted parking plan is adequate for the proposed use; the required Site Plan Review was approved by the Planning Board on November 18, 1996. Accordingly, the proposal conforms to all the Town's Building and Zoning Regulations and may be granted provided the displayed beer & wine are in view of the cashier. He read the departmental referrals into the record. Mrs. Mary Williamson, Health Inspector, reported she needs to meet with the prospective owner. The Municipal Finance Department reported all taxes and utilities current. Officer King reported no public safety objection to the request. The applicants should have a Safe Sell or other alcohol sales certificate prior to opening.

Attorney Demakis stated the newspaper advertisement was publicized and the abutters were notified. Mr. Harry Patel is the sole officer/director of the corporation Ayush Corporation. The corporation is named after Mr. Patel's son, Ayush. \$80,000 funding has been loaned from his mother and his and his wife's personal bank account. He has not been in the package store business, but runs a convenience store. The people are working for him that are blood-related. The sellers will still be involved as they have interest in the note and as landlord, too.

Officer King stated the application was extremely complete. He completed a criminal history of the applicant and there was none.

Attorney Demakis stated they will send the manager to become certified at a seller's training.

Officer King stated they need the certification prior to opening. He asked that the windows of the business are kept clear so that police can see in for public safety reasons.

Acting Chief Davis stated they must renew all fire permits with the Fire Prevention Officer, Justin Myers.

Mr. Richards made a MOTION to approve the transfer of the Wine & Malt Package Store license from Caetano, Inc. to Ayush Corporation.

Chairman Fryer announced the public hearing for comment; none.

Chairman Fryer stated there is a MOTION before the body—all in favor. Mr. McCormack seconded. UNANIMOUSLY VOTED

**APPLICATION OF AYUSH CORPORATION D/B/A MARIA'S CONVENIENT EXPRESS,
505 COLUMBIAN ST. FOR A FOOD VENDOR LICENSE**

Mr. McCormack questioned what they would be offering.

Attorney Demakis replied coffee, pastries, salads, sandwiches and deli items.

Mr. McCormack stated someone would have to become Serve-safe certified. It is a requirement that someone be on the premises at all times who is certified. Also, there are new allergen regulations. Applications and inspection are required to be arranged with the Health Department.

Mr. Richards stated a Certificate of Occupancy and Business Certificate are required through the Building Department.

Acting Chief Davis stated permit applications need to be filed and approved through the Fire Department as well.

Mr. Richards made a MOTION of approval for the issuance of the Food Vendor license. Mr. McCormack seconded. UNANIMOUSLY VOTED

APPLICATION OF AUTO NUMBER ONE, INC. FOR A CLASS II AUTO DEALER LICENSE AT 1439 COMMERCIAL ST.

Mr. Mark Hanna, President of Auto Number One, Inc. was present.

Mr. Richards stated the use of the premises for the retail sale of automobiles accessory to the existing service station is permitted in the B-2 Zone in which it exists. Parking is adequate for an eight (8) car license in accordance with submitted plans. Accordingly, the requested license may be granted provided that the capacity remains eight cars. He read the departmental referrals into the record. The Municipal Finance Department reported taxes/utilities current. Mr. McCormack, Health Department, reported the gasoline station is permitted to store hazardous materials per Ordinance 7-401. If the proposed dealer will be storing greater than 50 gallons or 25 pounds of hazardous materials, they must register separately with the Health Department. The Fire Department reported the business address must be clearly visible from the street. Applicant must contact the Fire Department to request an inspection. Officer King reported no public safety objection to the requested 8 vehicles.

Mr. Richards stated the location has been a used car dealer in the past. Plans and application were submitted. The applicant is leasing one bay for repair services, an office space and lot for the display of 8 vehicles. He submitted a tax id and abutters were notified and a legal notice ran in the newspaper.

Mr. McCormack stated the Health Department has regulations for the repair of vehicles. He asked for the applicant to see their department for details.

Mr. Richards made a MOTION of approval for a Class II Auto Dealer license for 8 vehicles to Auto Number One, Inc. at 1439 Commercial Street. Acting Chief Davis seconded. UNANIMOUSLY VOTED

APPLICATION OF ROBIN KING D/B/A MUNCHIES FOR A COMMON VICTUALLER LICENSE AT 1212 WASHINGTON ST.

Mr. Robert King and Mrs. Robin King were present.

Mr. Richards stated the use of the premises as a restaurant is permitted in the B-1 Zone in which it is located. The submitted parking plan is adequate for the proposed use, and the requested six (6) seats. Accordingly, the proposal conforms to all the Town's Building and Zoning Regulations and may be granted. He read the departmental referrals into the record. Firefighter Justin Myers reported the applicant must contact the Fire Department to schedule an inspection. Mr. McCormack reported if the license is issued, a permit to operate must also be obtained at the Health Department. You must submit the following: a copy of the floor plan, a completed application, Worker's Compensation Affidavit, Food Manager Certification, Allergen Certifications and applicable fee. The establishment must be inspected prior to opening. Officer King reported a public safety concern as to the parking lot and the restricted right turn only onto Pleasant Street. This parking lot is very congested and there is heavy traffic in the area.

Officer King said there is a public safety concern. The right hand turn only was installed as a result of a concern for the young children pedestrians. It is a tight area. Some of these concerns came up when Marylou's News applied for approval as well.

Mrs. Robin King stated she believes the business will provide mostly delivery and take out. They anticipate late afternoon and evening being their busiest time.

Mr. Richards asked about employee parking.

Mr. Richard King replied they will arrange to park at the Elks as the other employees of the plaza do.

Mr. McCormack asked for details on what they were proposing to serve.

Mrs. King replied burgers, hot dogs, ice cream, cupcakes; no coffee. She has already attended the food safety course.

Mr. McCormack stated that would require Health Department permits and inspections.

Acting Chief Davis stated fryolators and grills require Fire Department approvals.

Chairman Fryer announced the public hearing for comment; none.

Mr. Richards made a MOTION of approval for a six seat Common Victualler license to Robin King d/b/a Munchies at 1212 Washington St. Mr. McCormack seconded. UNANIMOUSLY VOTED

CHAIRMAN'S REPORT

- Meeting Schedule

Mr. Richards MOTIONED to set the next meeting date as: Tuesday, April 26, 2011 at 1 PM.

Acting Chief Davis seconded. UNANIMOUSLY VOTED

NEW/OLD BUSINESS

Officer King submitted police reports for alleged sales of alcohol to underaged persons at: Macy's Liquors, 701 Bridge Street and Middle Street Variety, 174 Middle Street requesting that they are scheduled for liquor hearings on April 26th.

Mr. Richards stated he received a letter that was submitted to the Mayor's Office from Mr. David Crawford, abutter to Next Page Café.

Chief Grimes stated they probably are in a position to hold a hearing as a result of what took place during police investigations.

Solicitor Lane advised that the matter should be discussed at a hearing with notice given in accordance with M.G.L. Chapter 140, section 183A.

Mr. Richards made a MOTION to schedule a hearing for April 26th at 1 PM with notice to Next Page Café. Acting Chief Davis seconded. UNANIMOUSLY VOTED

ADJOURNMENT

Mr. Richards made a MOTION to adjourn at 1:35 PM. Acting Chief Davis seconded. UNANIMOUSLY VOTED

Respectfully submitted by,

Lisa VanWinkle,
Recording Secretary

Approved:

Date:

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