

Minutes of the Board of Licensing Commissioners for their meeting held on Tuesday, June 21, 2011, at the Weymouth Town Hall, Chambers, 75 Middle Street

Attendance (present): Fire Chief Robert Leary, Chairman; Jeffrey E. Richards, Director of Municipal Licenses & Inspections; Mary Williamson, Health Inspector; Officer Brian King; George E. Lane, Jr., Town Solicitor; Lisa VanWinkle, Recording Secretary (absent); Franklin Fryer; Daniel McCormack, Health Director and Police Chief Richard Grimes

Chief Leary called the meeting to order at 1 PM as the Acting Chairman.

## **APPROVALS**

- Minutes: May 24, 2011

Mr. Richards made a MOTION to approve the minutes of the May 24, 2011 meeting. Chief Leary asked that the minutes be tabled as certain commissioners are not present who had attended the meeting.

Mr. Richards made a MOTION to table the minutes. Mrs. Williamson seconded. UNANIMOUSLY VOTED

- One-Day Vendor Permits – Fourth of July Celebration
- Carnival Permit: 2 Cool Entertainment, Inc. – Fourth of July Celebration

Mrs. Lee Hultin, Assistant to the Mayor, presented the applications for the Fourth of July event, stating the celebration would be held on Sunday, July 3<sup>rd</sup> at the George Lane Beach from 5:30 PM to 10:30 PM. Applications were submitted for approval by the Licensing Board.

Mr. Richards made a MOTION for the approval of the One-Day Vendor Permits as submitted. Officer King seconded. UNANIMOUSLY VOTED

Mr. Richards made a MOTION for the approval of the Carnival Permit for the 4<sup>th</sup> of July Celebration in Weymouth. Mrs. Williamson seconded. UNANIMOUSLY VOTED

- One-Day Entertainment Permit: Altieri Events for 6/23 & 7/23
- One-Day Food Vendor Permit: NexDine, LLC for 6/23 & 7/23
- One-Day Wine & Malt Permit: NexDine, LLC for 6/23
- Carnival Permit: Boston Children's Physicians South for 7/23

Mr. Richards made a MOTION of approval for One-Day Entertainment Permits for Altieri Events for the Boston Children's Physicians South events to be held on June 23 and July 23<sup>rd</sup>. Mrs. Williamson seconded. UNANIMOUSLY VOTED

Mr. Richards made a MOTION of approval for One-Day Food Vendor Permits for NexDine, LLC for June 23<sup>rd</sup> and July 23<sup>rd</sup>. Mrs. Williamson seconded. UNANIMOUSLY VOTED

Mr. Richards made a MOTION of approval for a One-Day Wine & Malt Permit for NexDine, LLC for June 23<sup>rd</sup>. Mrs. Williamson seconded. UNANIMOUSLY VOTED

Mr. Richards made a MOTION of approval for a Carnival Permit for Boston Children's Physicians South for July 32<sup>rd</sup>. Officer King seconded with a stipulation that a police detail is hired to divert traffic. UNANIMOUSLY VOTED

**LICENSE RENEWALS (for licenses expiring June 30<sup>th</sup>)**

- Antique Dealers
  - Abigail Adams Antiques, 177 Bridge St.
  - Bridge Antiques, 398 Bridge St.
  - That Little Basket, 1016 Main St.

Mr. Richards read Officer King's report into the record, stating all license holders were found to be in compliance.

Mr. Richards made a MOTION of approval of all Antique Dealer license renewals. Mrs. Williamson seconded. UNANIMOUSLY VOTED

- Auctioneer(none)

Mr. Richards stated there are no auctioneer licenses currently within town.

- Fortune Teller
  - Irene Mitchell, 1099 Main St.
  - Terry Porter, 440 Washington St. (moved from location)

Mr. Richards read Officer King's report, stating all Fortune Teller Licenses were found to be in compliance.

Mr. Richards made a MOTION of approval except those noted. Mrs. Williamson seconded. UNANIMOUSLY VOTED

- Junk Dealer
  - Weymouth Salvage Co., 307 Middle St.
  - Ernie's Salvage, LLC, 86 Finnell Dr.

Mr. Richards read Officer King's report, stating all Junk Dealer Licenses were in compliance.

Mr. Richards made a MOTION to approve all Junk Dealer licenses, noting Mrs. Mary Ellen Schloss, Conservation Administrator, had submitted correspondence requesting that junk storage be pulled back at least 50 feet from the wetlands and that a fence be installed to prevent encroachment into the 50 foot wetland buffer. Mrs. Williamson seconded. UNANIMOUSLY VOTED

- Precious Metals
  - Adrian's Jewelry, 140 Pleasant St.
  - Bridge Antiques, 398 Bridge St.
  - Del Greco Coins, Inc., 399 Washington St.
  - Harborlight Jewelers, 416 Bridge St.
  - Harts, Inc., 1356 Washington St.
  - Snyder Jewelers, 89 Pleasant St.
  - Jewelry Outlet, 35 Pleasant St.

Mr. Richards read Officer King's report, stating all Precious Metals Licenses were in compliance.

Mr. Richards made a MOTION to approve all Precious Metals. Officer King seconded.  
UNANIMOUSLY VOTED

PURSUANT TO M.G.L. CHAPTER 138, SECTION 64, LIQUOR VIOLATION HEARING TO CONSIDER MODIFICATION, SUSPENSION, REVOCATION OR CANCELLATION OF THE ALL ALCOHOLIC PACKAGE STORE LICENSE OF: **TXK, INC. D/B/A WASHINGTON STREET LIQUORS**, 21 WASHINGTON ST.

Solicitor Lane swore in all testifying parties. He spoke to Attorney John Walker, representing Mr. Thao Huynh, if he had objection to the police report being read in to the record—he had none.

Solicitor Lane read the report of Lieutenant Richard M. Fuller, as follows, "On March 25, 2011, I was assigned to the Detective Bureau on the 4-12 shift. At approximately 8 PM I was in the area of Weymouth Landing when I observed a gray Jeep Cherokee occupied by 5 youths turn down Brookside Road. I then observed the vehicle parked approximately 200 yards down Brookside Road. One of the youths exited the passenger side rear seat and proceeded to walk up Brookside Road and into Washington Street Liquors. As I passed the vehicle I observed the passengers, including the driver, all appeared to be in their mid to late teens. I ran the vehicle and it came back to a female born in 1963 from Hingham. The male that went into the store, later Levin exited the package store carrying a 12 pack of Rolling Rock beer and a 30 pack of Miller High Life beer. He placed the alcohol in the rear of the vehicle and the 5 youths drove off. I followed the vehicle up Commercial Street and pulled it over in the lower heights with the assistance of Officer St. Croix in cruiser 831.

"The operator was identified as 18 year old Dana Bahrawy from Hingham. The male that purchased the alcohol was identified as 20 year old Jacob Levin from Hingham...The 12 pack of Rolling Rock beer and a 30 pack of Miller High Life beer were all recovered from the rear of the vehicle and taken as evidence. I spoke to 20 year old Jacob Levin and asked him if he showed the clerk and ID when he purchased the alcohol. He stated that he did not. I asked him if he has bought alcohol there in the past and he stated "too many times to count". I asked him if he has ever shown a fake ID at Washington Street Liquors. He stated that he has bought alcohol there on countless occasions and has never shown any ID. He was searched and the vehicle was searched and no false ID's were found. Levin told me that he believes many underage kids purchase alcohol at this location because it is "easy"."

“At that point we proceeded back to Washington Street Liquors. Officer St. Croix the 20 year old Jacob Levin and I went into the store to confront the employees. Levin pointed out the owner Thi Thuong and the person who sold him the alcohol. He stated that the manager Thao Huynh was also at the counter when he purchased the alcohol. I asked the owner if she remembered selling the alcohol to Levin. There was a slight language barrier however the manager Thao Huynh stated that he remembered and that Levin came in all the time.”

“I asked Huynh to play back the video surveillance off the transaction which myself and Officer St. Croix watched. The surveillance clearly showed Levin purchasing the alcohol from Truong and she never asked for any id. He never removed any Id from his wallet. Mrs. Truong response to us was that she was very busy and it took a long time to check Ids.”

“I photographed Levin’s actual license that shows that he is 20 years old. I also took a photograph of Levin as he presented himself in the package store. I advised Truong and Huynh that I would be filing a report in regards to selling alcohol to a minor and turning it over to the licensing officer for review. Mr. Huynh told me that they have owned the store for 3 ½ years and have not had any violations. I explained my concern that Truong felt when they were busy that it “took to long to check Ids”. The video only showed one other customer in the store at the time.”

Solicitor Lane asked for a finding that a violation did occur based on the report of Lt. Fuller. Mr. Richards made the MOTION and Officer King seconded. UNANIMOUSLY VOTED

Solicitor Lane informed the Board that this was the first violation of the establishment.

Attorney John Walker stated he met with his clients prior to the hearing and they acknowledged they made a mistake. They have never been before the Board for a violation and apologized for the incident. They will abide by whatever decision the Board shall make.

Mr. Richards stated he assumes the licensee has become TIP’s certified. The licensee should be aware that all purchasers are required to present id. He questioned if they have purchased an id verification machine for their business and requested that they have employees virtually id everyone.

Officer King confirmed that they have attended the training provided by the Town. They were told to always id. They failed their round in this one as “they were too busy to id”. This should never occur.

Mr. Richards reiterated the Liquor Violation Guidelines and stated a first offense deems a one to three day suspension.

Mr. Richards made a MOTION for a finding of a violation and to issue a three day suspension of the package store license. Officer King seconded.

Chief Leary stated the sale of alcohol to minors is totally unacceptable. There have been so many tragedies; this is very serious. The policies of the store need to be changes to make sure everyone is carded who looks less than 40 years of age. If there is a question the customer should be carded.

Acting Chairman Leary stated there is a MOTION before the body; all in favor—UNANIMOUSLY VOTED.

Solicitor Lane stated the suspension shall take place July 7, 8 & 9, 2011.

Officer King stated an officer will pick up the license the evening of July 6<sup>th</sup> and the licensee may retrieve the license on the 10<sup>th</sup> to resume business.

**APPLICATION OF TUCCI ENTERPRISES, INC. D/B/A WEYMOUTH AUTOMOTIVE SALES & SERVICE FOR AN INCREASE OF VEHICLES ON THEIR CLASS II AUTO DEALER LICENSE, 469 WASHINGTON ST.**

Mr. David Tucci, President of Tucci Enterprises, Inc. was present.

Mr. Richards stated that use of the premises as a Class II Auto Dealer is permitted in the B-1 Zone in which it is located. The parking is sufficient to increase the number of vehicles on the license by 3 for a 6 vehicle license. He continued to read the departmental referrals. Mr. McCormack reported the facility is in good standing with their hazardous materials registration. There are no outstanding violations. Officer King reported he could see not public safety objection to the request.

Mr. Tucci submitted a copy of the newspaper advertisement.

Chief Leary asked for Mr. Tucci to review his application.

Mr. Tucci stated he has held a three car license for the past three years.

Chief Leary announced the public hearing; no comments.

Mr. Richards stated he reviewed the site and it clearly is an accessory usage. Therefore, he made a MOTION to approve an increase of three vehicles for a six vehicle Class II Auto Dealer at 469 Washington St. Officer King seconded. UNANIMOUSLY VOTED

**APPLICATION OF JEWELRY FACTORY OUTLET, LLC FOR A CHANGE OF DIRECTORS ON THEIR PRECIOUS METALS LICENSE, 35 PLEASANT ST.**

Mr. Walter Young, applicant, was present.

Mr. Richards stated there is no change in the type of operation as it will remain a retail service operation; jeweler. He read the departmental referrals into the record, stating Mr. McCormack reported no objection. Officer King also reported no objection.

Mr. Richards made a MOTION to approve the change of directors of Jewelry Factory Outlet, LLC at 35 Pleasant St. Mrs. Williamson seconded. UNANIMOUSLY VOTED

**APPLICATION OF WALLACE COFFEE, INC. D/B/A 1<sup>ST</sup> STOP COFFEE FOR A FOOD VENDOR LICENSE AT 1106 MAIN ST.**

Ms. Nancy Wallace, President, was present.

Mr. Richards stated the Zoning Board of Appeals (ZBA) approved the application (Case #3126) for the vacant piece of land at 1102 Main Street as a special permit to operate a service establishment with a drive-through. He said he read the departmental referrals into the record, stating Mr. McCormack reported Mrs. Williamson has been working with Mrs. Wallace to discuss the requirements needed to obtain the Health Department Permit. They will continue to work together to ensure the facility is approved and inspected prior to opening. Officer King reported the Police Department has a public safety concern in relation to motor vehicle traffic. There are already a number of businesses in the small area that generate a substantial amount of traffic in such a congested area. They feel that this would only add to an already overloaded traffic situation on this part of Main St. Mrs. Paula MacLeod, Municipal Finance, reported FY11 Real Estate taxes assessed to Devi Savitha & Subramanian Srikanth Tic delinquent for the 4<sup>th</sup> quarter; no Personal Property assessment to location; no history for applicant/business name.

Ms. Wallace stated she submitted the plans in addition to the application. The roadway approval has been received from Mass Highway. There is a "Right-Hand Only" exit. She had hired the best traffic engineers that money could buy and they answered any concerns that were before the Zoning Board of Appeals hearing.

Officer King requested that a "Right-Hand Only Exit" sign be installed, stating his concern with the high traffic area and that people will attempt to exit to the left.

Mr. Richard asked that Officer King's request be put into the record. This is an issue; however, the driveway will be kept open for public safety issues. Signage and striping will be required to make sure it is clear.

Ms. Wallace stated she will hire a police detail the 1<sup>st</sup> week to help make the egress ways clear as well. She is proposing a coffee shop. Baking is done on site. Hours of operation: 5 AM – 8 PM.

Chief Leary asked how many employees she has.

Ms. Wallace stated three to four at this location.

Chief Leary stated the address is different on the application.

Ms. Wallace replied there has been a discrepancy with the address, but it should be 1102 Main Street.

Mr. Richards stated a final review by Engineering determined it was 1102 Main Street.

Chief Leary announced the public hearing for comment.

Mr. James DiGiacimo, Webster Street, came forward and recommended that a police detail continue for more than a week. He stating it is a high traffic area and there have been many accidents; it is a public safety issue.

Mr. Richards stated at the ZBA hearing the traffic issues were discussed. The Board made the condition that there be a right-hand only turn. A copy of the site plan and trash removal plan has been received. The hours of operation shall be from 5 AM – 8 PM.

Mr. DiGiacimo asked for a six month review provision.

Officer King noted the new water mains will be installed shortly and Mass Highway will reconstruct with road widening in the future. Fencing?

Ms. Wallace stated fencing will be installed in the back which was agreed upon at the last hearing at the request of the abutters.

Chief Leary asked if there were any other comments from the public; none.

Mrs. Williamson questioned if a six month review should be made.

Mr. Richards replied the building would be constructed; review could be made by Licensing Board if need be.

Mr. Richards made a MOTION to approve a Food Vendor License at 1102 Main Street. Mrs. Williamson seconded. UNANIMOUSLY VOTED

APPLICATION OF **TERRY PORTER** FOR A FORTUNE TELLER LICENSE AT 8 UNION ST.

Mr. Richards made a MOTION to table the hearing. Mrs. Williamson seconded. UNANIMOUSLY VOTED

APPLICATION OF **THE VENETIAN, INC. D/B/A THE VENETIAN** FOR AN ANNUAL ENTERTAINMENT LICENSE, 909 BROAD ST.

APPLICATION OF **THE VENETIAN, INC. D/B/A THE VENETIAN** FOR A SUNDAY ENTERTAINMENT LICENSE, 909 BROAD ST.

Mr. John Pica, owner, was present for the applications.

Mr. Richards read the departmental referrals into the record. Mr. McCormack reported there is a residential dwelling approximately 75 feet away from the proposed location. If the license is issued, the noise level must be contained with the structure. The building may need to be evaluated to ensure there is sufficient insulation in the walls and ceilings to prevent migration of noise. Also, the location of the bands should be as far away from doors and windows as possible. Officer King reported no public safety objection to the request.

Mr. Pica stated they are looking to offer entertainment to their patrons in the form of a singer or guitar player; they do not have a stage. Music will not be loud.

Mrs. Williamson asked for the proposed hours.

Mr. Pica replied 1 PM to 10 PM.

Officer King questioned if it would be offered until closing at 1 AM.

Mr. Pica replied, no, they currently do not stay open that late.

Chief Leary announced the public hearing for comment; none.

Mr. Richards made a MOTION to approve an Annual Entertainment License, limited to 3 performers. Officer King seconded. UNANIMOUSLY VOTED

Mr. Richards made a MOTION to approve a Sunday Entertainment, limited to 3 performers. Officer King seconded. UNANIMOUSLY VOTED

APPLICATION OF **WOK N GRILL, INC. D/B/A PANDA PALACE** FOR A CHANGE OF OFFICERS/DIRECTORS/STOCKHOLDERS ON THE ALL ALCOHOLIC RESTAURANT/COMMON VICTUALLER LICENSES AT 35 PLEASANT ST.

APPLICATION OF **WOK N GRILL, INC.** FOR A CHANGE OF D/B/A NAME TO: **ASIA PALACE JAPANESE/CHINESE RESTAURANT BAR & GRILL** ON THE ALL ALCOHOLIC RESTAURANT/COMMON VICTUALLER LICENSES AT 35 PLEASANT ST.

APPLICATION OF **WOK N GRILL, INC. D/B/A ASIA PALACE JAPANESE/ CHINESE RESTAURANT BAR & GRILL** FOR A CHANGE OF MANAGER ON THE ALL ALCOHOLIC RESTAURANT AND COMMON VICTUALLER LICENSES AT 35 PLEASANT ST.

APPLICATION OF **WOK N GRILL, INC. D/B/A ASIA PALACE JAPANESE/ CHINESE RESTAURANT BAR & GRILL** FOR ALTERATIONS TO THE LICENSED PREMISES AT 35 PLEASANT ST.

Mrs. Sara Lin and Mr. Leo Wu were present with Attorney Wayne Gilbert



Mrs. Lin stated they filed applications for the approval of the Licensing Board. They are two families looking to operate the business together. This will bring more variety into the area. Their Sushi chef is well-known from New Jersey. She will continue to be involved as Treasurer, spending part time in Florida.

Mrs. Williamson reminded that someone will be required to be Food Safety Certified.

Officer King questioned if the new manager is TIP's trained. They will also be required to attend the Annual Alcohol Awareness training.

Chief Leary announced the public hearing for comment; none.

Mr. Richards made a MOTION to approve the change of officers/directors/stockholders. Officer King seconded. UNANIMOUSLY VOTED

Mr. Richards made a MOTION to approve the d/b/a name change from Panda Palace to Asia Palace Japanese/Chinese Restaurant Bar & Grill. Mrs. Williamson seconded. UNANIMOUSLY VOTED

Mr. Richards made a MOTION to approve the change of manager to Leo Maosheng Wu. Mrs. Williamson seconded. UNANIMOUSLY VOTED

Mr. Richards made a MOTION to approve alterations to the licensed premises for the construction of a sushi bar. Mrs. Williamson seconded. UNANIMOUSLY VOTED

APPLICATION OF **CTC GOLD REFINERY D/B/A SERGEY'S JEWELRY** FOR A PRECIOUS METALS LICENSE AT 1170 WASHINGTON ST.

Officer King requested that the hearing is tabled until the next meeting. He received the application late; needs additional time to review background.

Mr. Richards made a MOTION to table the application until July 26, 2011. Mrs. Williamson seconded. UNANIMOUSLY VOTED

APPLICATION OF **CUPCAKE MOJO, INC. D/B/A CUPCAKE MOJO** FOR A COMMON VICTUALLER LICENSE AT 93 WASHINGTON ST.

Ms. Maureen Fitzgerald was present.

Mr. Richards stated the use of the premises as a restaurant is permitted in the B-2 Zone in which it is located. The parking area is adequate for the proposed seating. Accordingly, the license conforms to all applicable building and zoning regulations and may be granted. Mr. McCormack reported Cupcake Mojo is currently permitted as a home kitchen. The applicant must supply the department with plans of the proposed kitchen/establishment layout and have the establishment inspected prior to opening. The applicant must also complete a new permit application for a bakery, retail food and possibly food service. Officer King reported no public safety objection.

Mr. Richards said the application was received for 12 seats and the hours of operation as: Tuesday through Thursday: 10 AM – 6 PM; Friday & Saturday: 10 AM – 8 PM and Sunday: 10 AM – 6 PM.

Ms. Fitzgerald stated she has owned and operated a cupcake business with her daughter and has outgrown the current operation. They will be offering a “Happy Days” theme; cupcakes are a huge business. She believes Weymouth needs a business like hers—some old fashioned fun. Eventually they would like to have a juke box, offering 50’s music as well.

Officer King stated she will need to apply for a Juke Box License if she decides to have one.

Chief Leary announced the public hearing for comment; none.

Mr. Richards made a MOTION to approve a Common Victualler license for 12 seats. Mrs. Williamson seconded. UNANIMOUSLY VOTED

### **CHAIRMAN’S REPORT**

- Meeting Schedule

Mr. Richards made a MOTION to schedule the next meeting for July 26, 2011 at 1 PM. Mrs. Williamson seconded. UNANIMOUSLY VOTED

### **CORRESPONDENCE**

- Mass State Lottery Commission: Keno to Go Application- Central Square Auto, 565 Broad St.

Mr. Richards made a MOTION of non-objection. Mrs. Williamson seconded. UNANIMOUSLY VOTED

### **NEW/OLD BUSINESS**

- Correspondence from Andrews Consulting Inc. RE: Cannolis, 920 Washington St.

Officer King spoke to the licensee and informed them they were not to utilize the downstairs. They are trying to pickup some business in the evenings.

- Request for an extension of Package Store Hours for Sunday, July 3<sup>rd</sup>

Officer King stated package stores are allowed to operate regular hours on the 4<sup>th</sup> of July holiday which lands on Monday. The public convenience is being served.

Mr. Bill Kelbeck, Bailey’s Package Store, spoke stating a 6 PM closing time is plenty, especially where there will be regular hours on Monday.

Chief Leary agreed.

Mr. Richards made a MOTION to keep current hours and not grant additional hours where during the 4<sup>th</sup> of July holiday package stores are allowed to operate. Officer King seconded.

UNANIMOUSLY VOTED

Mr. Richards made a MOTION to notify the package stores of the decision. Officer King seconded.

UNANIMOUSLY VOTED

- Fore River Grille, 710 Bridge St.

Mr. Richards made a MOTION to accept the amendment to their application, stating the inventory is not being bought or pledged. Officer King seconded. UNANIMOUSLY VOTED

- Next Page Café, 550 Broad St.

Officer King submitted the current police reports to the Board. He had an hour and a half meeting with Mr. Page and the doorman who was hired. He agreed to change certain practices. No loud music complaints were received during the past weekend. If this is indicative of the future the matter will be put to a rest.

- Quarterly Review for Colonial Bowl, 1055 Main St.

Mr. Richards stated the Municipal Finance Department reported the agreement was being met.

Mr. Richards made a MOTION to schedule for a review in another quarter. Mrs. Williamson seconded. UNANIMOUSLY VOTED

- Terry Porter, 8 Union St.

Mr. Richards made a MOTION to continue the matter until the next meeting of July 26<sup>th</sup>. Officer King seconded. UNANIMOUSLY VOTED

## ADJOURNMENT

Mr. Richards made a MOTION to adjourn at 2:30 PM. Officer King seconded. 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