

Minutes of the Board of Licensing Commissioners for their meeting held on Tuesday, July 26, 2011, at the Weymouth Town Hall, Chambers, 75 Middle Street

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

Chairman Fryer called the meeting to order at 1 PM.

APPROVALS

- Minutes: May 24, 2011

Mr. Richards made a MOTION to approve the minutes of the May 24, 2011 meeting. Chief Leary seconded. UNANIMOUSLY VOTED

- Minutes: June 21, 2011

Mr. Richards made a MOTION to approve the minutes of the June 21, 2011 meeting. Chief Leary seconded. SO VOTED (4-1, Mr. McCormack abstained).

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

Mr. Richards made a MOTION to table the hearing. Chief Leary seconded. UNANIMOUSLY VOTED

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

Mr. Richards stated the use of the premises as a precious metals dealer (retail services) is permitted in the B-1 Zone in which it is located and the parking is adequate for the proposed use. Accordingly, the requested license conforms to all applicable requirements of the Town's Zoning and Building Regulations and may be granted. A Certificate of Occupancy is required if the license is granted. He continued to read the departmental referrals in to the record. He said Mr. McCormack reported no objection to the issuance of the license. The Municipal Finance Department reported no records related to application/name of business; parcel is owned by "Kopellas Frank & Christine" with no delinquencies; currently, personal property tax is being assessed to "Angel Hair" with no delinquencies. Officer King reported no public safety objection, providing the application can show source of funds for the business.

Mr. Richards stated the lease and application have been filed.

Mr. Yugay stated he is looking to open a business in Weymouth. His current jewelry operation is located in Wilmington.

Officer King informed Mr. Yugay of the 30 day holding requirement. He stated a copy of the ordinance would be provided to him.

Mr. Richards made a MOTION to approve the issuance of a Precious Metals License at 1170 Washington Street. Chief Leary seconded. UNANIMOUSLY VOTED

APPLICATION OF **AHB, LLC D/B/A NEW YORK PIZZA & ROAST BEEF** FOR A COMMON VICTUALLER LICENSE AT 336 WASHINGTON ST.

Mr. Richards stated an application and lease agreement has been received. The use of the premises as a pizza and sub shop (retail service) is permitted in the B-1 Zone in which it is located. It shall be in accordance with the Special Permit granted by the Planning Board on August 27, 1992, Case #92-5-7/20. Proposed application and plans have been submitted. Accordingly, the proposal conforms to all applicable requirements of the Town's Zoning and Building Regulations and the requested license may be granted. Building Permits are required. He continued to read the departmental referrals into the record. The Municipal Finance Department reported no records related to applicant; "336 Washington Street" is currently assessed Personal Property to "Verona Salon" with delinquencies. Parcel at 316-342 is owned by "Fourzol Realty Trust, Michael Mouhanna Trustee" with multiple delinquent Police Detail invoices outstanding to the Town of Weymouth. Mr. McCormack reported if the license is issued, a permit to operate must also be obtained by the Health Department. You must submit the following: a copy of the floor plan, a completed application. The establishment must be inspected prior to opening. Officer King reported no public safety objection.

Attorney Thomas Freedman and Mr. Abdul Alhanfi, President of AHB, LLC were present.

Attorney Freedman stated he has known Mr. Alhanfi a number of years. Mr. Alhanfi has twenty years of experience; operates a pizza shop in Dedham known as Tony's Place. He is looking to operate in Weymouth as well—a pizza shop with New York style pizza; 10 seats; offering take-out.

Mr. Richards asked Mr. Mouhanna, property owner, if the sprinkler system was repaired.

Mr. Mouhanna replied, yes, he hired a new company.

Ms. Caroline Folkins, 16 King Avenue, came forward as an abutter, stating when the plaza was originally built the residents spoke before the Zoning Board of Appeals and food was not to be served at the location. She is concerned about odor, garbage and rats that come with that type of business. This is no location for a pizza shop.

Mr. McCormack stated there are charcoal filtration systems that may be installed to eliminate fumes. The dumpster is required to be enclosed and locked which controls rodents.

Mr. Richards added that there would be two dumpsters, one for recycling and one for regular trash.

A resident came forward, stating she does she trash on occasion. She is also concerned about rodent

control; the public is already being served by the number of restaurants in the area.

Mr. Richards stated the licensing granting authority has changed. When the ruling took place it was before the Selectmen, now there is a Licensing Board.

Chief Leary asked Mr. Alhanfi if he brought a menu.

Mr. Alhanfi replied no. They will be serving thin crust Italian style pizza, quality food that is entirely different.

Chief Leary stated in regards to the comments of the abutters and many others questioning whether there is a need for another pizza shop in the area, he is not against competition.

Mr. Richards stated the application shows 8 AM – 10 PM for hours of operation.

Mr. Alhanfi stated he would like to amend the opening hour to 10 AM.

Mr. Richards asked Mr. Mouhanna if as the property owner he would address complaints regarding rodents.

Mr. Mouhanna directed them to Mr. Alhanfi as the tenant.

Mr. McCormack stated the Health Department would investigate complaints and determine whether the restaurant is liable; fines would be assessed, if found responsible.

Officer King asked if they were going to offer deliveries.

Mr. Alhanfi replied yes.

Mr. Richards stated Kentucky Fried Chick has notified the Town they are in the process of looking for another location.

Mr. Richards made a MOTION to approve a Common Victualler license to New York Pizzeria & Roast Beef. Hours of operation shall be 10 AM – 10 PM with the maximum number of seats as 10. He suggested that neighbors call the Board of Health in regards to trash or rodent complaints. Mr. McCormack seconded.

Chief Leary stated they are not ignoring the abutter's concerns, but the Board has the responsibility to approve applications based on the ordinances of the Town. They may come back to the Board if there are issues.

Chairman Fryer asked for a decision of the Board—All in favor. The MOTION was UNANIMOUSLY VOTED

APPLICATION OF **AFFORDABLE MOTORS, LLC D/B/A CENTRAL SQUARE** AUTO FOR

A CLASS II AUTO DEALER LICENSE, 565 BROAD ST.

Mr. Richards stated the applicant requested to continue the hearing as the advertisement requirement was not met.

An abutter, 573 Board Street, asked for the meeting to be continued, as there was short notice to the abutters. The proposed location is located next to a daycare center and is within a heavily congested area. There has been a spill and fire at the gas station in the past and she was concerned about the cleanup of the property.

Mr. Richards stated it is a Department of Environmental Protection (DEP) case and is able to be tracked by looking up online. There is monitoring and testing every year.

A Weymouth Landing resident came forward and stated area has been tested and monitored several times over the past years. As a resident he has not found out the results. The area is clean and well lighted during the evening hours. He believed there is enough room for 10 vehicles as requested.

Mr. Richards made a MOTION to continue the hearing to the next meeting. Chief Leary seconded. UNANIMOUSLY VOTED

Mr. McCormack stated he would make a brief report as to the status of the site (DEP results) at that time.

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

Mr. Richards said the use of the premises as a fortune teller (retail services) is permitted in the B-2 Zone in which it is located and the parking is adequate for the proposed use. He read the departmental referrals in to the record. Mr. McCormack reported no objections from the Health Department. Mrs. MacLeod, Municipal Finance Department, reported Terry Porter—Medium is assessed for FY12 Personal Property at 440 Washington St. with no delinquencies. 8 Union Street has current and delinquent Personal Property taxes assessed to East Coast Martial Arts. Officer King reported no public safety objection.

Ms. Porter was present, stating she would like to obtain a license for a new location at 8 Union Street. She is leasing from the Karate Studio upstairs (a copy of lease was presented to the Board). She left her former location at 440 Washington St.

Mr. Richards made a MOTION to approve the Fortune Teller license for Terry Porter at 8 Union St. Chief Leary seconded. UNANIMOUSLY VOTED

CHAIRMAN'S REPORT

- Meeting Schedule

Mr. Richards made a MOTION to schedule the next meeting for Tuesday, September 27, 2011 at 1 PM. Chief Leary seconded. UNANIMOUSLY VOTED

CORRESPONDENCE

- Officer King RE: Closure of Donna's Bakery, 119 Main St.

Officer King had requested that a notice be mailed on behalf of the Board as to the status of the business.

Mr. Richards MOTIONED to continue for a response from the business owner. Chief Leary seconded. UNANIMOUSLY VOTED

ADJOURNMENT

Mr. Richards made a MOTION to adjourn at 1:40 PM. Officer King seconded. UNANIMOUSLY VOTED

Respectfully submitted,

Lisa VanWinkle,
Recording Secretary

Approved:

Date:

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