

Minutes of the Board of Licensing Commissioners for their meeting held on Tuesday, September 27, 2011, at the Weymouth Town Hall, Chambers, 75 Middle Street

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

Chairman Fryer called the meeting to order at 1 PM.

## **APPROVALS**

- Minutes: June 26, 2011

Mr. Richards made a MOTION to approve the minutes of the June 26, 2011 meeting. Mr. McCormack seconded. UNANIMOUSLY VOTED

- One-Day Wine & Malt Permit: Scott K. Harrington (Charity Fundraiser for ALS)

Mr. Richards stated the permit was for a fundraiser event to be held on October 7, 2011 from 4 PM – 12 AM at the Weathervane Golf Club, 14 Sand Trap Circle, Weymouth, MA.

Mr. Richards made a MOTION to approve. Mr. McCormack seconded. UNANIMOUSLY VOTED

- One-Day Wine & Malt Permit: Saint Jerome Parish

Mr. Richards stated the application was for a parish social to be held on October 15, 2011 from 6 PM – 11 PM.

Mr. Richards made a MOTION of approval. Mr. McCormack seconded. UNANIMOUSLY VOTED

- Carnival Permit: Its 2 Cool (Great Pumpkin Give-a-Wey Event)
- One-Day Food Vendor Permits: Great Pumpkin Give-a-Wey Event
- One-Day Entertainment License: Great Pumpkin Give-a-Wey Event

Mr. Richards MOTIONED to table the discussion until a representative of the Mayor's Office was present. Mr. McCormack seconded. UNANIMOUSLY VOTED

**APPLICATION OF AFFORDABLE MOTORS, LLC D/B/A CENTRAL SQUARE AUTO** FOR A CLASS II AUTO DEALER LICENSE AT 565 BROAD ST. (CONTINUATION FROM JULY 26, 2011)

Mr. Joul Metri was present for the application.

Mr. Richards stated the use of the premises for the retail sale of automobiles is an accessory to the existing service station and is permitted in the B-2 zone in which it exists. Parking is adequate for a fifteen car license in accordance with submitted plans. He continued to read the departmental referrals into the record. Mr. McCormack reported the facility is in good standing with their department. He has no objections to the issuance of the Class II License. Officer King reported no public safety objection to the requested Class II Auto Dealer's license at the location for the requested 15 vehicles.

Mr. Richards also read correspondence from Jill Governor, resident of 573 Broad Street, who wrote she was unable to attend in person. She noted concerns in regards to Affordable Motors, LLC using their property as a used car lot in regards to safety. She asked if they considered additional security as the location had been broken into in the past. Also, a concern with the congestion of additional cars at an already busy intersection. She also noted concern about the surrounding land and increase industrial waste and run-off that will occur with additional vehicles on the property. She questioned if an Auto Dealer's license put any limit on how many cars may be for sale on a property since the lot does not seem adequate.

Chairman Fryer stated the property looks great and hoped it would be kept up.

Mr. Richards stated the Central Square business would be brought over to this location. Site is adequate for a 15 car license; use would be adequate. Originally, the site had a 20 car license. Lighting of parking lot has been improved.

Mr. Metri stated the only problem is the people driving through their lot to avoid the intersection.

Mr. McCormack stated an abutter at the last meeting cited concern about an environmental spill. He reviewed the matter and the DEP closed out the matter in 2010. He stated adding vehicles to the site has not impact to it. Hazardous waste disposal is inside of the building as needed.

Mr. Richards opened the public hearing for comment. Mr. McCormack seconded.  
UNANIMOUSLY VOTED

No public comments were made.

Mr. Richards made a MOTION to approve the Class II Auto Dealer license not to exceed 15 vehicles. Chief Leary seconded. UNANIMOUSLY VOTED

APPLICATION OF **A.E.A. INC. D/B/A MACY'S BEACHWAY LIQUORS** FOR A PLEDGE OF THEIR ALL ALCOHOLIC PACKAGE STORE LICENSE TO R.B.S. CITIZENS, N.A. AT 701 BRIDGE ST.

Mr. Bimal Patel was present.

Mr. Richards read the departmental referrals into the record. Mr. McCormack reported the establishment as in good standing with the Health Department. Officer Brian King reported no

public safety objection to the requested pledge of All Alcoholic Package Store License. Mrs. MacLeod of the Municipal Finance Department reported taxes/utilities current.

Mr. Richards made a MOTION to approve the pledge of the All Alcoholic Package Store license to Citizens N.A. Mr. McCormack seconded. UNANIMOUSLY VOTED

APPLICATION OF **H & H LIQUORS, INC. D/B/A B & K LIQUORS** FOR AN ALL ALCOHOLIC PACKAGE STORE LICENSE TRANSFER FROM B & K LIQUORS, LLC AT 1212 WASHINGTON ST.

Attorney Song Kim and Mr. Huey Truong, President of H & H Liquors, Inc. were present.

Mr. Richards stated the use of the premises for retail sales (package goods store) is permitted in the B-1 Zone in which it exists. Parking is adequate in accordance with submitted plans. Accordingly, the requested license transfer may be granted. Certificate of Occupancy and Business Certificate are required. He continued to read the departmental referral into the record. Officer King reported the Police Department has no public safety objection to the applicant for a transfer of the All Alcoholic Package Store license. They requested a clarification of the applicant's residence and experience.

Attorney Kim stated Mrs. Hui Truong became a U.S. citizen in 2010 and has past experience of being the business owner of Kelly Beauty Supply and Mattapan Laundromat.

Officer King questioned her residency and her experience with the liquor industry.

Attorney Kim replied Mrs. Truong is a resident of Dorchester, MA. She does not have experience with alcohol. She will take the mandatory course on TIPS training prior to taking over. Upon approval of the Licensing Board, the application will be sent to the State ABCC for approval, which is a 4-6 week process.

Chairman Fryer announced the public hearing for comment; none.

Mr. Richards made a MOTION to approve the All Alcoholic Package Store transfer from B & K Liquors, Inc. at 1212 Washington Street to H & H Liquors, Inc.

Officer King asked that the top ½ of the windows remain clear to view for public safety reasons.

Mr. McCormack stated a food vendor permit is required from the Health Department.

Chairman Fryer stated there is a MOTION before the body-- all in favor. The MOTION was seconded by Mr. McCormack and UNANIMOUSLY VOTED.

APPLICATION OF **H & H LIQUORS, INC. D/B/A B & K LIQUORS** FOR A PLEDGE OF THEIR ALL ALCOHOLIC PACKAGE STORE LICENSE TO JUSTIN LE AT 1212 WASHINGTON ST.

Mr. Richards made a MOTION to approve the pledge of the All Alcoholic Package Store License to Justin Le. Officer King seconded. UNANIMOUSLY VOTED

APPLICATION OF **NEMIL & DIVY, CORPORATION D/B/A TOWER LIQUORS MART**  
FOR A TRANSFER OF THE ALL ALCOHOLIC PACKAGE STORE LICENSE OF T & J  
FUNDING, INC. AT 825 MIDDLE ST.

Attorney John Walker and Mr. Navin Patel were present for the application.

Mr. Richards stated the use of the property as a retail package store is permitted in the mixed use zone, as it is located, and as approved by the Weymouth ZBA #2943 on April 5, 2007, with the following conditions: The dumpster is to be enclosed; The retail space is not to be increased; There is only to be one business on the premises. A Certificate of Occupancy and Business Certificate are required once the approval is granted. He continued to read the departmental referrals into the record. Officer King reported residency needed to be confirmed. Mr. McCormack reported the current establishment is in good standing with the Health Department. The new owner will be required to obtain permits through their department if approved.

Attorney Walker introduced himself and his client. He stated in regards to Officer King's comment of residency, Mr. Patel resides in Agawam, MA, but has an apartment in Hanover, MA which he resides out of during the work week. He recently sold a Subway operation located in Hanover.

Mr. Richards opened the hearing for public comments--none.

Mr. Richards made a MOTION to approve the transfer of the All Alcoholic Package Store license from T & J Funding, Inc. to Nemil & Divy, Corporation. Mr. McCormack seconded.  
UNANIMOUSLY VOTED

APPLICATION OF **BELLA'S PIZZERIA II, LLC D/B/A NICKY'S CAFÉ** FOR A FOOD  
VENDOR LICENSE AT 541 MAIN ST.

Mr. Tony Muscolino, owner, was present.

Mr. Richards reviewed the application, stating the hours of the food operation would from 6:30 AM – 7:30 PM Monday through Friday within a 10 x 20 enclosed area; no seating, take-out only. The previous food operation had not renewed their lease agreement. There is plenty of open space to comply with Building and Fire Codes.

Mr. Muscolino confirmed such stating that Atlantic Management would be applying for Building Permits to do the build out.

Mr. Richards read the departmental referrals into the record. Mrs. Mary Williamson, Health Inspector, reported she spoke with Mr. Muscolino briefly about the location; informed him of the requirements. She is awaiting a set of the plans to review and discuss further. Officer King reported no public safety objection to the request.

Mr. Muscolino stated he operates a restaurant in Halifax: Bella's II and he would like to offer fresh food and pizzas for order at this location in Weymouth, too.

Chairman Fryer opened the public hearing for comment.

A resident abutting the parking lot of the Stetson Building spoke, stating he was originally concerned as to the location and venting of cooking odors. Lighting of the parking lot has been an issue in the past and well as kids doing donuts with their vehicles in the parking lot.

Mr. Richards asked Mr. Muscolino if he had any intention to extend hours in the future.

Mr. Muscolino replied not at this time.

Mr. Richards stated the business would be required to apply for a change of hours if interested. Concerns in regards to order—it would be located in a direct vent style building and odors would not be an issue. In regards to lighting of the parking lot, if there are concerns, please see the Planning Department.

Mr. Paul Sullivan, 16 West Street, came forward, stating there has been rubbish blown on to their property; it is an ongoing issue. The snow plowing company seems to knock down his fence every year.

Mr. McCormack asked that the Health Department is contacted in regards to trash concerns and it will be investigated.

Mr. Richards stated the Building Department will the fence issues.

Mr. Richards made a MOTION to approve the issuance of a Food Vendor license to Bella's Pizzeria, II, LLC d/b/a Nicky's Café, 541 Main Street. Mr. McCormack seconded. UNANIMOUSLY VOTED

## **CHAIRMAN'S REPORT**

- Meeting Schedule

Mr. Richards made a MOTION to schedule the next meeting for Tuesday, October 25, 2011 at 1 PM. Mr. McCormack seconded. UNANIMOUSLY VOTED

## **APPROVALS CONTINUED**

- Carnival Permit: Its 2 Cool (Great Pumpkin Give-a-Wey Event)
- One-Day Food Vendor Permits: Great Pumpkin Give-a-Wey Event
- One-Day Entertainment License: Great Pumpkin Give-a-Wey Event

Mrs. Lee Hultin, Assistant to the Mayor, was present for the approvals. She reviewed the application, stating the Annual Great Pumpkin Give-a-Weymouth event was scheduled for Saturday, October 1<sup>st</sup> to be held from 12 PM – 4 PM at the Town Hall parking lot and Amphitheater. She asked that the One-Day Food Vendor Permit application be amended to include: Cathay Center Restaurant; Margarita's Restaurant; Weymouth Band Parents and Away Café.

Mr. Richards made a MOTION to approve a Carnival Permit for It's 2 Cool for the Great Pumpkin Give-A-Wey on October 1<sup>st</sup>. Chief Leary seconded. UNANIMOUSLY VOTED

Mr. Richards made a MOTION to approve the One-Day Food Vendor Permit applications for the Great Pumpkin Give-A-Wey on October 1<sup>st</sup>. Chief Leary seconded. UNANIMOUSLY VOTED

Mr. Richards made a MOTION to approve the One-Day Entertainment License for the Great Pumpkin Give-a-Wey on October 1<sup>st</sup>. Chief Leary seconded. UNANIMOUSLY VOTED

## **NEW/OLD BUSINESS**

- Washington Street Liquors, 21 Washington St.

Officer King had supplied copies of the incident of August 31, 2011 in which an underaged individual had allegedly purchased alcohol. He asked that it be scheduled for a future hearing.

Solicitor Lane requested that Officer Fuller is present for the hearing.

Mr. Richards made a MOTION to schedule a hearing for October 25<sup>th</sup> at 1 PM, unless Officer Fuller is not able to attend. Mr. McCormack seconded. UNANIMOUSLY VOTED

- Abigail Adams Antiques, 177 Bridge St.

Mr. Richards made a MOTION to accept the surrender of the Antique Dealer License of Maryellen Lucia-Whitley d/b/a Abigail Adams Antiques, 177 Bridge Street, Weymouth, MA. Mr. McCormack seconded. UNANIMOUSLY VOTED

- Status of Common Victualler License of: Donna's Bakery, 119 Main St.

Mr. Richards made a MOTION to cancel the Common Victualler license of Donna's Bakery, 119 Main Street, Weymouth, MA. Officer King seconded. UNANIMOUSLY VOTED

- Status of Food Vendor License of: Cookout Express, 95-99 Bridge St.

Mr. Richards made a MOTION to schedule a hearing on October 25, 2011 at 1 PM to discuss the status of the license. Chief Leary seconded. UNANIMOUSLY VOTED

**ADJOURNMENT**

Mr. Richards made a MOTION to adjourn at 1:52 PM. Chief Leary 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