

Minutes of the Board of Licensing Commissioners for their meeting held on Tuesday, November 29, 2011, at the Weymouth Town Hall, Chambers, 75 Middle Street

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

Chairman Fryer called the meeting to order at 1 PM.

APPROVALS

- Minutes: October 25, 2011

Mr. Richards made a MOTION to approve the minutes of the October 25, 2011 meeting. Mr. McCormack seconded. SO VOTED (Chief Leary abstained)

APPLICATION OF **FRANK SHOWSTACK D/B/A SMOKEY STAX BBQ** FOR A FOOD VENDOR LICENSE AT 95-99 BRIDGE ST.

Mr. Richards stated the proposed use of the parking lot of the location as a Food Vendor (Retail Service) business is permitted in the B-2 Zone in which it is located. The existing parking lot is adequate to support the existing uses at this location. The applicant needs to submit a lease agreement, which includes the use of the bathrooms inside the building. A Business Certificate is required through the Building Department. He read the departmental referrals into the record. Mr. McCormack reported he spoke with Mr. Showstack and explained to him the requirements of the Health Department Food Permit application. He also discussed a concern of dust in the area during the bridge construction work and the need to have a written agreement with the property owner for use of the bathroom in the building. Officer King reported a public safety objection by the Police.

Mr. Richards stated the applicant is looking to serve lunch and dinner from 11 AM – 8 PM on Wednesday, Thursday and Friday.

Mr. Showstack stated he purchased the pit in Texas. It is capable of cooking 900 pounds of meats at one time. There is a warming unit and two flattop burners. Coal/wood or propane may be used as fuel. The equipment can be completely locked down for safety purposes. He presented pictures to the Board, stating the trailer was custom made.

Mr. Richard asked for Mr. Showstack's food experience.

Mr. Showstack replied he has cooked since he was sixteen years old. He has been employed at Boston Chicken and Chili's and has an education in culinary arts.

Mr. Richards stated there was a food vendor at the location in the past; the license was cancelled. Rockland has a similar operation. The operation will be low frequency and it is not a convenience store operation. He questioned Mr. Showstack if he would be at another location during the other

days.

Mr. Showstack replied, yes, as well as providing roadside catering. This is a take out only location with an agreement made with the property owner for use of the bathrooms.

Mr. Richards asked about the hours of operation, stating the hours are set for public service accommodations.

Mr. Showstack stated he plans on operating during those hours.

Firefighter Justin Myers stated if he would be using more than 40 lbs of fuel, he would need to acquire a permit through the Fire Department.

Officer King stated the Police Department has concerns about the traffic; it is a tough spot to exit.

Mr. Richards stated it is an in and out operation. It is a retail establishment area, appropriately set back.

Mr. McCormack stated there are health concerns with dust coming from the bridge construction. There may be times where the operation will have to shut down temporarily. The piece of equipment is of high quality. Mr. Showstack is food safety certified. The proposed location may be the only spot for this type of operation in town.

Chief Leary stated it is a unique attraction. Billy Budd's is next door on the same side of the street and this operation would work as well as a take out operation.

Mr. Richards stated it is a right-hand turn only exit.

Chief Grimes stated there is a double solid line; therefore, a left-hand turn would be illegal.

Officer King noted that the potholes needed to be repaired.

Mr. Paul Kaner, property owner, stated they recently appeared and will be fixed.

Mr. Richards made a MOTION to approve the Food Vendor License at 95-99 Bridge Street to Frank Showstack d/b/a Smokey Stax BBQ. Chief Leary seconded. UNANIMOUSLY VOTED

APPLICATION OF **ABDESLAM KOTTAT D/B/A PRIMA COFFEE & CAFÉ** FOR A COMMON VICTUALLER LICENSE AT 119 MAIN ST.

Mr. Richards read the departmental referrals into the record. Mrs. Mary Williamson, Health Inspector, reported she has had no contact with the prospective applicant. Officer King reported no public safety objection. Mr. Richards stated the use of the premises as a retail service business is permitted in the B-1 Zone in which it is located and the existing parking is adequate for the proposed use. Renovations/new signs will require permits, as well as Business Certificate and

Certificate of Occupancy from the Building Department. The application conforms to applicable Zoning and Building Regulations and the requested license may be granted.

Mr. McCormack stated the applicant is required to file appropriate applications with the Health Department as a food establishment.

Mr. Abdeslam Kottat, applicant, stated the equipment is existing and he is adding a few items. He is proposing a coffee café, serving coffee, bagels, muffins and paninis.

Mr. Richards stated the proposed hours of 6 AM – 10 PM are too much for the area. The license is specific to the hours of operation.

Mr. Richards made a MOTION to approve a Common Victualler license at 119 Main Street for Abdeslam Kottat d/b/a Prima Coffee & Café for 18 seats, with the hours of 6 AM – 9 PM. Mr. McCormack seconded. UNANIMOUSLY VOTED

CHAIRMAN'S REPORT

- Meeting Schedule

Mr. Richards made a MOTION to schedule the next meeting for Thursday, December 22, 2011 at 1 PM. Mr. McCormack seconded. UNANIMOUSLY VOTED

NEW/OLD BUSINESS

- License Renewals are due by November 30th

Mr. Richards stated the renewal approvals will be discussed at the December meeting.

- Letter from Mr. Crawford RE: Next Page Café, 550 Broad St.

Chief Grimes stated a letter was received from Mr. Crawford, abutter to Next Page Café, regarding excessive noise. Police reports from 5/26/11 to 11/21/11 shows thirty-seven calls, of which eleven were verified. There was a period where it appeared that it was quieter. A doorman was hired during that period. After the doorman was not present, things changed and calls were generated. Thirty-seven calls were received in a short period.

Solicitor Lane stated it should be noted that the times of peace were when the doorman was present and give notice to the license holder of the finding. The matter is subject to a hearing.

Mr. David Crawford, Broad Street resident, stated the doorman disappeared sometime after August 1. The majority of calls he made at an average of once a week. Thursdays are especially hard as he works late and has to be up before dawn on Friday. The noise is in his house; he tries not to call until it reaches a level at which the police could verify. Drum and vibrating noise is the worst nuisance. The bar room is 35 feet from his bedroom.

Chief Grimes asked that Next Page Café be brought back before the Board for a possible modification of hours on their Annual Entertainment License. If they want to stay in business, the problem needs to be fixed.

Solicitor Lane stated he would assist Mrs. VanWinkle in drafting a notice of the hearing pursuant to M.G.L. Chapter 140, Section 183A.

Mr. Richards made a MOTION to schedule a hearing during their January 24, 2012 meeting for 1 PM. Chief Leary seconded. UNANIMOUSLY VOTED

ADJOURNMENT

Mr. Richards made a MOTION to adjourn at 2 PM. Chief Leary seconded. UNANIMOUSLY VOTED

Respectfully submitted,

Lisa VanWinkle,
Recording Secretary

Approved:

Date:

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