

Minutes of the Board of License Commissioners for their meeting held on Tuesday, January 17, 2006, at Weymouth Town Hall in the Chambers

Attendance: Chairman Franklin Fryer, Town Clerk; Jeffrey Richards, Director of Municipal Licenses & Inspections; Fire Chief Robert Leary; Police Chief James Thomas; Richard Marino, Director of Public Health; Town Solicitor George E. Lane, Jr., Licensing Officer Brian King; Charles White, Acting Fire Protection Officer and Lisa VanWinkle, Secretary

Chairman Fryer called the meeting to order at 2 PM.

**APPLICATION OF FRESH TOMATO ENTERPRISES, INC. D/B/A ACAPULCO'S MEXICAN FAMILY RESTAURANT FOR AN ALL ALCOHOLIC RESTAURANT/COMMON VICTUALLER LICENSE TRANSFER, 1073-1077 MAIN ST.**

Attorney Nicholas Felici, Mr. David Brambila, President and Mr. Juan Sanchez, Manager, were present.

Mr. Richards stated new floor plans were submitted and reviewed. The owner of the establishment was under a qualification of the Board of Appeals with requirements. New owner will make necessary changes to conform. Plans submitted are the new layout the applicant is applying for approval of.

Officer King asked for the estimated time of remodeling.

Attorney Felici responded that it would coincide with the ABCC's approval within two to three months.

Chief Thomas asked when they would be taking over the property.

Attorney Felici replied the purchase and sale would also coincide with the ABCC's approval (within five days of their approval).

Mr. Richards reminded that there are requirements that need to be met in accordance with the Board of Appeals decision.

Attorney Felici stated they were aware of this as it was brought up at the prior meeting. They will take care of them once occupying the building.

Chief Leary stated he knows that the current owner has had a difficult time with clientele. The application before them is a different type of restaurant. He recently visited their location in Cohasset. It was a nice family style restaurant, which he supports.

Chairman Fryer opened the public hearing for comment. No one spoke.

Mr. Richards made a motion to approve the application of Fresh Tomato Enterprises, Inc. d/b/a Acapulco's Mexican Family Restaurant for the transfer of the All Alcoholic Restaurant/Common

Victualler license of Daughter's Inc. at 1073 Main Street. Chief Leary seconded.  
UNANIMOUSLY VOTED

**APPLICATION OF SANOUSSEI, INC. D/B/A ATLAS PIZZERIA FOR A COMMON VICTUALLER LICENSE, 312 BRIDGE ST.**

Mr. Abdelghani Sanoussi, President of Sanoussi, Inc. was present.

Mr. Richards stated a revised plan was submitted for a 1,500 square foot pizza/sub/breakfast establishment. The remaining portion of the building will be used for a cabinet business. This was deemed appropriate for the location. Major changes: window and door in the front of the building and a door at the rear of the building. There will be a petition wall between the two businesses.

Mr. Richards read the department referrals into the record. The Municipal Finance Department reported taxes up-to-date. The Health Department reported no objections. Officer King reported no public safety objection to the requested license. Mr. Richards reported the use of the premises as a restaurant is permitted in the B-2 Zone in which it is located. The former occupant had an approved capacity of seventy-eight (78) seats and the existing parking is adequate per Subsection 120-69 of the Town's Zoning Ordinance for that capacity. Accordingly, the license request will conform to all applicable requirements of the Town's Zoning and Building Regulations and may be granted for twenty-eight (28) seats as requested on the revised plans and application.

Chairman Fryer opened the public hearing for comment; no one spoke.

Mr. Richards made a motion to approve the Common Victualler license of Sanoussi Inc. d/b/a Atlas Pizzeria at 312 Bridge Street. Chief Thomas seconded.

Solicitor Lane stated they are waiting to hear back on the pledging of the alcohol license. If pledgee has retained the collateral they would probably ask to transfer the license to another location in the future. This would require another proceeding.

Chairman Fryer stated there is a motion before the body; all in favor. UNANIMOUSLY VOTED

**APPLICATION OF SOUTH SHORE YACHT CLUB FOR A CHANGE OF MANAGER ON THEIR ALL ALCOHOLIC CLUB LICENSE, 800 BRIDGE ST.**

Mr. Joseph Kurilecz, Secretary and Mr. James Kelly, proposed manager, were present.

Mr. Richards read the departmental referrals in to the record. The Health Department had no objections. Officer King reported no public safety objection as long as the manager takes and passes a certified TIP's or alcohol awareness program.

Mr. Richards made a motion to approve the manager change. Mr. Marino seconded.  
UNANIMOUSLY VOTED

**APPLICATION OF LIL BRAZIL, INC. D/B/A LIL BRAZIL FOR A COMMON VICTUALLER LICENSE, 2-4 UNION ST.**

Attorney Galvin, Mrs. Ivanildes Bonfim-Coe, President, and Mr. Coe, Manager, were present.

Mr. Richards stated application and plans were submitted for the location, formerly occupied by Domino's. They plan on opening up the window areas as the location was previously when it was a 20 seat restaurant, known as Brewed Awakenings.

Mr. Richards read the departmental referrals into the record. The Health Department reported they need a set of plans for interior; business must have own dumpster; at least one person must be present on every shift who is food manager certified (prior to opening for business); license fees, etc. are outstanding. The Municipal Finance Department reported taxes as current. Officer King reported no public safety objection to the request. Officer White reported fixed fire suppression system must be inspected and brought into compliance if necessary. Fire extinguishers must be mounted and located in accordance with NFPA standards. All emergency lighting must be operational and means of egress kept free and clear of all obstructions.

Mr. Richards also read in to the record a letter received from a direct abutter, doctor's office. She was unable to attend the hearing. Although, not opposed to the business, she asked that the business is attentive to the dumpsters and that they are kept closed and emptied in a timely fashion. The other issue is parking. They have a small parking lot before their building for tenants and patients. She asked that the owner and employees refrain from using this parking area.

Attorney Galvin stated he was filling in for Attorney Rocco DiFazio. The applicant seeks a twenty (20) seat Common Victualler license. They expect most patrons will be doing take-out. Brewed Awakenings was formerly at the site as a restaurant with twenty-four (24) seats. There is on-street parking available on Pleasant and Union streets, as well as the municipal parking lot across the street. Most of the patrons will be in and out; more than a half hour stay would be rare. Mr. Koe is food safety certified. Mrs. Koe is looking to become certified, but currently has difficulty with the written English language. The restaurant will be open seven days a week from 7 AM – 10 PM for lunch and supper and eventually they will offer breakfast as well. Mr. Koe has run his own business in the past and Mrs. Koe has experience in the restaurant business.

Chairman Fryer opened the public hearing for comment.

Mrs. Mary Williamson, Health Inspector, came forward, stating per health regulations there has to be someone working who is certified in food safety at all times.

Mr. Koe replied the cook they hired will be certified.

Chief Thomas questioned if Mrs. Koe's native language was offered for the course.

Mr. Koe replied supposedly only in Hyannis, but they haven't received a returned call.

Mr. Richards made a motion to approve the granting of a Common Victualler license. Chief Leary seconded. UNANIMOUSLY VOTED

**APPLICATION OF JOSEPH HINES D/B/A B&D CATERING/GO-GO'S DELI FOR A COMMON VICTUALLER LICENSE, 82 POND ST.**

Mr. Joseph Hines and Mr. Robert Belcastro, current owner, were present.

Mr. Richards read the departmental referrals in to the record. The Health Department reported necessary establishment upgrades; flooring repairs; roof and ceiling repairs; installation of 3-bay sink and food manager certificates. Also new gasket needed for walk-in refrigerator. Municipal Finance Department reported outstanding 2006 taxes. Officer King reported no public safety objection.

Mr. Hines stated he is applying for an eight seat restaurant operating seven days per week from 9 AM – 9 PM. Eventually, they may change the hours. They are also asking for a d/b/a name change.

Chairman Fryer opened the public hearing for comment; none.

Mr. Richards made a motion to approve the request. Chief Thomas seconded.

Mrs. Williamson stated she is waiting on plumbing inspector comments on the grease trap. The flooring needs to be repaired. There is also a ceiling leak. Previously the Health Department licensed the establishment and the requirements were not addressed. She asked that there be a contingency with the deadline.

Mr. Richards stated he could include the requirements on the occupancy permit.

Mr. Belcastro stated the property owner is discussing these issues with the bank for financing. He foresees the repairs being done in the spring.

Chairman Fryer stated there is a motion before the body; all in favor. UNANIMOUSLY VOTED

**DISCUSSION WITH MAURA, INC. D/B/A NEXT PAGE CAFÉ RE: LIVE ENTERTAINMENT ON THE PREMISES, 550 BRIDGE ST.**

Chairman Fryer stated Mr. Page contacted him asking for the matter to be continued as he was not available today. The discussion will be scheduled on the agenda of the next meeting.

**APPROVALS**

- Minutes: 12/20/05

Mr. Richards made a motion of approval. Mr. Marino seconded. UNANIMOUSLY VOTED

## **CHAIRMAN'S REPORT**

- Meeting schedule

Mr. Richards set the next meeting for Tuesday, February 14, 2006 at 2 PM to be held in the Chambers.

## **NEW/OLD BUSINESS**

- K.C.'S Bar & Grille, 1284 Washington St. – license fee increases

Mr. Nick Akoury, owner/manager, came forward with his concerns in regards to the license fee increases. He felt the rates did not align closer with surrounding towns, but in fact is substantially higher. Between the cost of food, utilities and liquor, the increase is a hardship to the establishments. He asked for the Board's review and possible adjustment for next year's renewals.

Mr. Richards stated an extensive survey was performed of surrounding communities. The town is low compared to a many of communities. He also noted the license fees hadn't been increased in over a decade.

- Billy Budd's license transfer

Officer King noted that the Form 43 was sent back to the Board disapproved as there is a tax hold by the Department of Revenue.

## **ADJOURNMENT**

Mr. Richards made a motion to adjourn the meeting at 2:45 PM. Chief Thomas seconded.  
**UNANIMOUSLY VOTED**

Respectfully submitted by Lisa VanWinkle, Recording Secretary