

Minutes of the Board of Licensing Commissioners for their meeting held on Tuesday, January 22, 2008, at the Weymouth Town Hall, Chambers, 75 Middle Street

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

Chairman Fryer called the meeting to order at 2 PM.

Chief Thomas acknowledged the Braintree Licensing Board's attendance. He stated the Town of Braintree has recently changed their form of government. They will be studying Weymouth's Licensing Board as a model.

PURSUANT TO M.G.L. CHAPTER 138, SECTION 23, 64 & 69, LIQUOR VIOLATION HEARING TO CONSIDER MODIFICATION, SUSPENSION, REVOCATION OR CANCELLATION OF THE WINE & MALT PACKAGE STORE LICENSE OF LYNN'S VARIETY, INC. D/B/A LYNN'S VARIETY, 915 WASHINGTON ST.

Solicitor Lane requested for the hearing to be continued to the next meeting. He stated past proceedings were to be reviewed prior to such time.

Mr. Richards made a MOTION to continue the hearing. Chief Thomas seconded.
UNANIMOUSLY VOTED

APPLICATION OF JACKSON SQUARE DONUTS, LLC D/B/A DUNKIN DONUTS FOR ALTERATIONS TO THE LICENSED PREMISES (COMMON VICTUALLER) AT 1546 COMMERCIAL ST. TO INCLUDE A DRIVE-THRU

Mr. Richards stated a letter from Attorney Richard Henderson was received requesting for a continuation.

Mr. Richards made a MOTION to grant the request and continue the hearing to their next meeting. Mr. Marino seconded. UNANIMOUSLY VOTED

APPLICATION OF J. FREEMAN ENTERPRISES, INC. D/B/A SUBWAY FOR A COMMON VICTUALLER LICENSE AT 622 WASHINGTON ST.

Mr. James Freeman, proprietor, was present.

Mr. Richards stated the use of the premises is allowed for retail use; however, no external signs of any kind are allowed without Board of Zoning Appeals approval. He read the departmental referrals into the record. The Municipal Finance Department reported taxes as up-to-date. The Health Department reported having no contact from Mr. Freeman. Officer King reported no public safety objection.

Mr. Marino stated The Health Department is all set since report was written.

Mr. Freeman stated he is an existing owner of a Subway in Holbrook. They will be taking over the existing food court within BJ's Wholesale with a little modification; extending it by 7'.

Chief Leary asked for the status of the existing food court.

Mr. Freeman replied he has an agreement with BJ's to continue selling hot dogs, popcorn and pretzels under Subways jurisdiction.

Mr. Richards asked Mr. Freeman how he came up with the 20 seat configuration.

Mr. Freeman replied there are currently 24 seats, but they are licensed for 20.

Mr. Richards confirmed that there is a 20 seat maximum.

Mr. Richards made a MOTION to approve the Common Victualler license with the restriction of hours: 8 AM – 10 PM; 20 seats and no exterior signage. Mr. Marino seconded. UNANIMOUSLY VOTED

APPROVALS

- Minutes: December 18, 2007

Solicitor Lane asked Mr. Marino to define "order of conduct", Page 1, 6th sentence.

Mr. Marino replied "An expected response was not being performed."

Solicitor Lane asked that the minutes be amended to reflect such.

Mr. Richards made a MOTION to accept the amended minutes of December 18, 2007. Chief Thomas seconded. UNANIMOUSLY VOTED

- One-Day Wine & Malt Permits: Immaculate Conception Parish

Chief Thomas made a MOTION of approval for permits for the March 29, 2008 and February 2, 2008 dates. Chief Leary seconded. UNANIMOUSLY VOTED

- Junk Dealer License: Ernest Bettuchy, Ernie's Salvage, LLC, 86 Finnell Dr.

Mr. Ernest Bettuchy stated he would like to start up a scrap metal business. He is requesting the approval of a Junk Dealer license.

Mr. Richards read the departmental referrals into the record. The Municipal Finance Department reported no findings. Officer King reported no public safety objection.

Mr. Richards made a MOTION of approval with the stipulation that no open lot storage of any kind is allowed, including any accessory trailers/or storage containers. Mr. Marino seconded.

UNANIMOUSLY VOTED

CHAIRMAN'S REPORT

- Meeting Schedule

Mr. Richards made a MOTION to schedule the next meeting for February 12, 2008 at 2 PM, to be held in the Chambers, Weymouth Town Hall. Chief Leary seconded. UNANIMOUSLY VOTED

CORRESPONDENCE

- Decision of ABCC RE: Appeal of the Denial of the Wine & Malt Package Store License of Foodmaster Super Markets, Inc., 35 Pleasant St.

Solicitor Lane requested that a discussion be held in Executive Session to discuss litigation strategies in relation to the case.

NEW/OLD BUSINESS

- Alcohol Awareness Training Attendance – Next Page Café, 550 Broad St.

Chief Thomas informed the Board that the establishment did not attend the Town's annual mandatory training. He made the suggestion that their alcohol license be suspended.

Solicitor Lane stated a hearing would need to be scheduled for such purposes.

Mr. Richards made a MOTION to schedule the matter on the agenda of their February 12, 2008 meeting as a hearing. Chief Thomas seconded. UNANIMOUSLY VOTED

- Basta Bar & Grill, 1166 Washington St. – Sprinkler System Compliance Update

Lt. White updated the Board on the status of their compliance. He stated an inspection was performed on or around January 8th at which time the plumbing main burst and caused a flood in the basement of the establishment. He reinspected on January 18th at which time it was satisfactory. They are at 75% capacity to function. A few items remain to comply with regulations.

Chief Thomas questioned if the junk car on the lot is a signage issue. He recollected a similar issue in North Weymouth at the ice cream shop.

Solicitor Lane the North Weymouth issue was brought to Quincy District Court. A decision was rendered that unless specific bylaw language was instituted for signage of vehicles no legal enforcement was possible. There would be an issue if the vehicle was on Town property.

Mr. Richards stated he would review the matter.

EXECUTIVE SESSION

- Decision of ABCC RE: Appeal of the Denial of the Wine & Malt Package Store License of Foodmaster Super Markets, Inc., 35 Pleasant St.

The Board reconvened in regular session.

Mr. Marino made a MOTION to schedule the remand hearing of Foodmaster Super Markets, Inc., 35 Pleasant Street, for a future meeting.

Solicitor Lane requested that a special meeting is scheduled on the matter.

Mr. Richards made a MOTION to schedule the meeting for Tuesday, March 11, 2008 at 2 PM. Chief Leary seconded. UNANIMOUSLY VOTED

ADJOURNMENT

Mr. Richards made a MOTION to adjourn at 2:50 PM. Chief Thomas seconded. UNANIMOUSLY VOTED

Respectfully submitted by Lisa VanWinkle, Recording Secretary