

Minutes of the Board of Licensing Commissioners for their meeting held on Tuesday, January 23, 2007, 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, Director of Public Health; 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.

APPLICATION OF PAYLESS AUTO SALES, INC. FOR A CLASS II AUTO DEALER LICENSE, 1465 MAIN ST.

Mr. Michael Yazbeck, owner, was present.

Mr. Richards read the departmental referrals in to the record, stating taxes were up to date; and other departments had no objection. He stated Mr. Yazbeck is applying for a five car license. The hearing was continued from the last meeting as the legal advertisement did not meet the 7 day requirement.

Chairman Fryer stated the application is the same as previous. He opened the public hearing for comments; there were none.

Mr. Richards made a MOTION to approve the Class II Auto Dealer license. Chief Leary seconded. UNANIMOUSLY VOTED

APPLICATION OF A.E.A. FOOD, INC. D/B/A MACY'S BEACHWAY LIQUORS FOR AN ALL ALCOHOLIC PACKAGE STORE LICENSE TRANSFER AND PLEDGE OF LICENSE, 701 BRIDGE ST.

Ms. Jenny Ng, PrimeSite Business Brokers, and Mr. Himanshu Patel, were present.

Mr. Richards stated the hearing was continued from the December 19, 2007 meeting. The trailer issue has been rectified. He read the departmental referrals in to the record. Lt. White stated the aisles are to be kept clear; taxes are okay; Police, Building and Health reported no objection.

Chief Thomas informed the applicant that the signs in the windows should be removed so there is a clear view for public safety reasons.

Chairman Fryer opened the public hearing for comments; there were none.

Mr. Richards made a MOTION to approve the license transfer. Chief Thomas seconded. UNANIMOUSLY VOTED

Mr. Richards made second a MOTION to approve the pledge of the license and stock. Chief Thomas seconded. UNANIMOUSLY VOTED

PURSUANT TO M.G.L. CHAPTER 138, SECTION 15, 23, & 64, LIQUOR VIOLATION HEARING TO CONSIDER MODIFICATION, SUSPENSION, REVOCATION OR CANCELLATION OF THE ALL ALCOHOLIC PACKAGE STORE LICENSE OF B&K LIQUORS, LLC D/B/A B&K LIQUORS, 1212 WASHINGTON ST.

Mr. Justin Le, owner/manager, was present.

Solicitor Lane swore in all testifying parties. He also submitted the notice of the hearing for the record.

He called Sergeant Richard Fuller forward.

Solicitor Lane asked Sgt. Fuller for his occupation and whether he was working on the date of question.

Sgt. Fuller stated he works for the Weymouth Police Department and that he was working on November 24, 2006 at approximately 2200 hours, when the incident occurred.

Solicitor Lane asked Sgt. Fuller to report what had happened.

Sgt. Fuller read his police report on the incident in to the record, stating it involved an underaged female purchasing alcohol from B&K Liquors, 1212 Washington Street. He witnessed her leaving the store with the alcohol. When he approached her she admitted to the purchase. She stated she did not show an id and was not asked for one. The alcohol was confiscated. He returned to the store and spoke to Justin Le and his wife. They remembered selling to the female, stating she had been a regular customer since they bought the store. They stated she had shown them an id originally. They did not remember if she had shown them an id this evening.

Sgt. Fuller stated he asked Mr. Le if he had video surveillance, in which stated he did. The video clearly showed the incident and he gave Sgt. Fuller a tape as evidence when asked for such. Mr. Le was very apologetic and cooperative over the incident.

Sgt. Fuller stated he approached the underaged female who confirmed that she had presented an id of her friend's about six months ago. She had been purchasing alcohol there ever since. She did not have any other ids on her except her own driver's license, which showed she was 20 years old. He seized the video tape and alcohol as evidence.

Solicitor Lane asked Mr. Le if he wished to speak.

Mr. Le apologized for the incident and stated he would make sure it would not happen again.

Solicitor Lane stated there has been an admission. He asked for the Board to make a finding.

Chief Leary made a MOTION for a finding that there was a sale of alcohol to an underaged person. Chief Thomas seconded. UNANIMOUSLY VOTED

Solicitor Lane stated the incident was a first offense for B&K Liquors. The guidelines call for a 1-3 day suspension, commencing on the 3rd Thursday following the assessment.

Chief Thomas stated he is disturbed that the location has had a reputation for underaged sales. The previous owner had the same. He doesn't understand how difficult it can be to id everyone.

Chief Leary stated he recalls when they took over the business. There was a significant amount of discussion regarding the past incidents. Everyone should be carded; there is no excuse.

Chief Leary subsequently made a MOTION to suspend the All Alcoholic Package Store License for 2 days. Mr. Richards seconded.

Chief Thomas stated he would have asked for a firmer sentence.

Mr. Marino asked counsel if they could ask for a pledge of id?

Solicitor Lane replied they could ask for one, but it could not be a license contingency.

Officer King stated there is technology that is available, but if the clerk doesn't ask for an id, it is useless.

Chairman Fryer stated there is a MOTION before the body; all in favor? SO VOTED (4-1, Chief Thomas)

Solicitor Lane stated the license will be suspended for 2 days, on February 8 & 9, 2007.

APPLICATION OF TOPPER BARCLAYS, INC. D/B/A BLUE POINTE FOR AN ALL ALCOHOLIC RESTAURANT/COMMON VICTUALLER LICENSE, 61 WASHINGTON ST.

Mr. Todd Barclay, President/Manager, and Attorney Dave Gressham were present.

Mr. Richards read the departmental referrals in to the record. The Health Department reported no communication of prospective business owner. Officer King reported no public safety objection. Mr. Richards reported the use of the premises as a restaurant is permitted in the B-2 Zone in which it is located. The allocated parking has been approved by BZA for 55 seats. Accordingly, provided the seating capacity is limited to 55 seats, the application conforms to all applicable Town Zoning and Building Regulations and may be granted. The Municipal Finance Department reported outstanding personal property taxes from past businesses residing at the location. Lt. White reported. Life and Safety plans were submitted and reviewed with revisions by Fire Alarm Superintendent. Fire Department approvals subject to inspection of Ansul system, fire alarm system, emergency lighting, exit signs and means of egress.

Mr. Marino stated Mr. Barclay has since spoken to the health inspector.

Mr. Richards also read correspondence in to the record supporting the application from Senator Robert Hedlund.

Attorney Gressham stated Mr. Barclay proposes opening a 53 seat American bistro. There is onsite parking; 17 spaces in the rear parking lot. The Municipal Lot is available across the street for additional parking as well as on street parking. The Board of Zoning Appeals variance was recently granted.

Chief Thomas asked for the training background of the staff.

Attorney Gressham stated Mr. Barclay is serve-safe certified. He and the wait staff/bartenders will become T.I.P.s certified as well.

Mr. Bob Luongo, Economic Development Coordinator, spoke in favor of the application, stating the establishment will add to the Weymouth Landing area and the up and coming Greenbush line.

Officer King noted his concern of patrons parking on the corner of the street outside of the building.

Mr. Richards made a MOTION to approve the All Alcoholic Restaurant license. Chief Thomas seconded. UNANIMOUSLY VOTED

Mr. Richards made a MOTION to approve the Common Victualler license. Chief Thomas seconded. UNANIMOUSLY VOTED

APPLICATION OF ST. GEORGE ENTERPRISES, INC. D/B/A GIO'S ROAST BEEF & PIZZA FOR A COMMON VICTUALLER LICENSE, 176 MIDDLE ST.

Mr. Malak Awad, President, was present.

Mr. Richards read the departmental referrals in to the record. The Health Department reported the need to discuss possible updates/repairs to the establishment, as well as health regulations, with the proposed licensee. Officer King reported no public safety objection. Mr. Richards reported the premises as a restaurant is permitted in the B-1 Zone in which it is located. The proposed 20 seat capacity is the same as the former occupant and therefore, the existing parking is adequate per subsection 120-69 of the Town's Zoning Ordinance. Accordingly, the requested license conforms to all applicable requirements of the Town's Zoning and Building Regulations and may be granted. Lt. White reported restaurant must maintain Ansul system according to manufacturer's instructions. They must also keep means of egress clear.

Mr. Awad stated he is purchasing the existing business. Everything will remain the same except they will be adding seafood to the menu.

Mr. Richards made a MOTION of approval. Chief Thomas seconded. UNANIMOUSLY VOTED

APPLICATION OF BACASABLANCA, INC. D/B/A EXPRESS PIZZA FOR A FOOD VENDOR LICENSE, 583 NORTH ST.

Mr. Brahim Abed, President, was present.

Mr. Richards read the departmental referrals in to the record. The Health Department reported the site needed updates. Officer King reported no objection. Mr. Richards reported the use of the premises as a food vendor (retail store) is permitted in the B-2 Zone in which it is located and is permitted per Subsection 120-69 of the Town's Zoning Ordinances. Accordingly, the application conforms to all applicable requirements of the Town's Zoning and Building Regulations and the requested license may be granted. Lt. White reported all fire protection systems must have current inspection certification by appropriate contractor. Fire Department approvals subject to inspection of ansul system, emergency lights, exit signs, and means of egress.

Mr. Abed stated Domino's Pizza went out of business. He will operate a similar type of business from the location.

Mr. Marino informed Mr. Abed he needs to meet with the Health Department to become compliant prior to opening. He also stated new dumpster regulations will be in effect soon. There shall be no trash pick up between the hours of 9 PM – 7 AM.

Chairman Fryer opened the public hearing for comments; there were none.

Mr. Richards made a MOTION to approve the license. Chief Leary seconded. UNANIMOUSLY VOTED

APPLICATION OF THOMAS FARRELL & KIMBERLY MORANO D/B/A SUBWAY FOR A COMMON VICTUALLER LICENSE, 740 MIDDLE ST.

Ms. Kimberly Morano was present.

Mr. Richards read the departmental referrals in to the record. The Health Department reported they must have food handling certifications and meet all other Health Department requirements. Officer King reported no public safety objection. Mr. Richards reported the use of the premises as a restaurant is permitted in the B1 Zone in which it is located. Accordingly, the proposal conforms to all applicable requirements of the Town of Weymouth Zoning Ordinances and the requested license may be granted. Lt White reported no fire & life safety issues.

Ms. Morano stated they will be reopening in 1-2 weeks. The prior owner was closed due to financial issues.

Mr. Marino stated the Board of Health needs to review the regulations with you.

Chief Thomas questioned why they were located in Walmart.

Ms. Moran stated Walmart signed a deal with Subway nationwide.

Chairman Fryer opened the public hearing for comments; there were none.

Mr. Marino informed the applicant the manager appointment needs to be noted to the Licensing Board.

Mr. Richards made a MOTION of approval. Chief Thomas seconded. UNANIMOUSLY VOTED

Mr. Richards made a MOTION to take the approval of a Fortune Teller's License out of order. Chief Leary seconded. UNANIMOUSLY VOTED

- Fortune Teller's License: Mary Bonner, The Benefics, 99 Bridge St.

Ms. Mary Bonner was present as well as Ms. Annette Milton, owner.

Ms. Bonner stated she is a Milton resident and will be performing "Angel Card readings" once to twice a month.

Mr. Richards made a MOTION of approval. Chief Thomas seconded. UNANIMOUSLY VOTED

APPLICATION OF WOK-N-GRILL, INC. D/B/A WOK-N-GRILL FOR AN ALL ALCOHOLIC RESTAURANT/COMMON VICTUALLER LICENSE TRANSFER/CHANGE OF LOCATION, 35 PLEASANT ST.

APPLICATION OF WOK-N-GRILL, INC. D/B/A WOK-N-GRILL FOR AN ANNUAL ENTERTAINMENT LICENSE, 35 PLEASANT ST.

APPLICATION OF WOK-N-GRILL, INC. D/B/A WOK-N-GRILL FOR A VIDEO GAME LICENSE, 35 PLEASANT ST.

Mrs. Sara Lin, President/Manager, was present.

Mr. Richards read the departmental referrals in to the record. Lt. White reported preliminary inspection was okay, occupancy appears to have an adequate system of automatic sprinklers. Follow-up inspection will be required upon completion of remodeling prior to occupancy to check Ansul system, emergency lighting, exit signs and egress. Officer King reported no objection. The Health Department reported plans/applications have been reviewed; no issues. Mr. Richards reported the use of the premises as a restaurant is permitted in the B-1 Zone in which it is located. The allocated parking and seating capacity of 163 is in conformance to all applicable Town zoning and building regulations and may be granted.

Mrs. Lin stated they applied as Wok-n-Grill, but after speaking with their customers and friends, they decided they would like to keep their name Panda Palace.

Mr. Richards informed Mrs. Lin she would be required to file for a change of d/b/a, as they already applied as Wok-n-Grill. They will schedule the approval for their meeting of February 13, 2007. Abutter notification is required.

Mrs. Lyn stated they will keep the same menu and add a char grill section, as their bar customers seemed to like hamburgers and finger foods. They will have five plasma television screens in the bar. They will have a buffet and similar hours as currently.

Chief Leary asked if they were planning on closing the current location.

Mrs. Lyn replied yes, she heard the landlord plans on demolishing the building.

Mr. Richards asked when they plan on opening the new location.

Mrs. Lyn replied hopefully March 15, 2007.

Officer King stated he received a letter of concern from Mr. Brian Wilkie, owner of Warren's Place. His concern was in regards of overflow of Panda Palace customers coming to his establishment; concerning people coming in who had already been drinking and consuming more at his place.

Chairman Fryer opened the public hearing for comment.

Mr. Robert Luongo, Economic Development Coordinator, stated he was in favor of the application. The space has been vacant for quite a while. The restaurant will be an asset to the area.

Chief Leary stated he had several dealings with Panda Palace with regards to building issues. He believes the proposal is a great step forward for Panda Palace.

Mr. Richards made a MOTION to approve the transfer and change of location of the All Alcoholic Restaurant/Common Victualler licenses. Chief Leary seconded. UNANIMOUSLY VOTED

Mr. Richards made a MOTION to approve the Annual Entertainment license. Chief Leary seconded. UNANIMOUSLY VOTED

Mr. Richards made a MOTION to approve the Video Game license for a Golf Tee machine. Chief Leary seconded. UNANIMOUSLY VOTED

APPROVALS

- Minutes: December 19, 2006

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

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

Mr. Richards made a MOTION of approval for the events to be held on March 17, 2007 and April 22, 2007. Chief Leary seconded. UNANIMOUSLY VOTED

CHAIRMAN'S REPORT

- Next Meeting

Mr. Richards announced the next meeting as Tuesday, February 13, 2007, to be held at 2 PM.

Mr. Richards made a MOTION to schedule the March meeting for March 13, 2007 at 2 PM. Chief Leary seconded. UNANIMOUSLY VOTED

CORRESPONDENCE

Officer King submitted information on TaBasCo's, 1166 Washington Street, suggesting that they be called in for a hearing. The information included documentation on numerous incidents involving drug arrests and other issues of concern.

Mr. Richards stated the item would be scheduled for review at the February 13, 2007 meeting.

ADJOURNMENT

Mr. Richards made a MOTION to adjourn the meeting at 3:10 PM. Chief Leary seconded. UNANIMOUSLY VOTED

Respectfully submitted by Lisa VanWinkle, Recording Secretary