

Minutes of the Board of License Commissioners for their meeting held on Tuesday, March 7, 2006, at the Tufts Library, Jones Room, 46 Broad 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 and Lisa VanWinkle, Secretary

Chairman Fryer called the meeting to order at 2 PM.

APPLICATION OF SUGAR MOUNTAIN, INC. FOR A COMMON VICTUALLER LICENSE, 773 BROAD ST.

Mr. Richards read the departmental referrals in to the record. The Municipal Finance Department reported outstanding personal property taxes from a prior business. The Health Department reported the need for application, fee, insurance form, plans and food handler certification. A walk-through was performed and code requirements were discussed. Officer King reported no public safety objection. Lt. Charles White reported occupant was notified of need to add exit signs, keep rear door unbolted during operating hours and have the existing fire extinguishers serviced. Inspection conducted on March 2, 2006. Mr. Richards reported the use of the premises as a retail store (food vendor) is permitted in the B-2 Zone in which it is located. Accordingly, the proposal conforms to all applicable requirements of the Town's Zoning and Building Regulations and the requested food vendor's license may be granted.

Mr. Richards also read a letter in to the record from abutter Mr. Tom Condon. He stated he had no objection to the application but cited problems in the past with trash removal.

Mrs. Fagan stated she and her children will be operating the store. She is a pastry chef and a cake decorator. They will offer cake, ice cream and candy.

Solicitor Lane informed the Board the applicant would not be subject to the outstanding personal property taxes, as the tenant was not the owner of the property.

Mr. Richards questioned Mrs. Fagan how she would handle the trash.

Mrs. Fagan replied she does not intend to keep the trash outside. She will put it in the back of the store and bring it home at night.

Mr. Marino stated he never had a prior complaint regarding the former operator.

Chief Thomas asked that the signage be kept to a minimum in the window for public safety reasons.

Mrs. Fagan replied her sign would be see-through.

Chief Leary commented that he would be happy to have an ice cream shop near the fire station, serving chocolate frappes.

Chairman Fryer opened the public hearing for comments.

Mr. Robert Casimiro spoke from the East Weymouth Neighborhood Association, welcoming the business into the square.

Mr. Richards made a motion to approve the Common Victualler license. Mr. Marino seconded.
UNANIMOUSLY VOTED

APPLICATION OF PARK AVENUE MARKET – ACE HARDWARE, INC. FOR THE TRANSFER OF THE WINE & MALT PACKAGE STORE LICENSE OF THEODORE HAWKES, 39 PARK AVE.

Mr. Richards read the departmental referrals in to the record. The Health Department reported no objections. Officer King reported no public safety objection. Lt. White reported no fire protection issues at the time of the inspection of March 2, 2006. Mr. Richards reported no objection.

Attorney Henry Levin was present on behalf of Mr. Theodore Hawkes, who stated the transfer application was strictly for a change from an individual ownership to a corporation. An expansion is being planned for the hardware area as well.

Chief Thomas reminded the business owner to police the property for trash.

Attorney Levin stated they have trash removal every two weeks, which may increase if the business demands so.

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

Mr. Richards made a motion to approve the Wine & Malt Package Store license transfer. Chief Leary seconded. UNANIMOUSLY VOTED

APPLICATION OF PARK AVENUE MARKET – ACE HARDWARE, INC. FOR A FOOD VENDOR LICENSE, 39 PARK AVE.

Mr. Richards made a motion to approve the issuance of a Food Vendor license to the new corporation. Chief Leary seconded. UNANIMOUSLY VOTED

APPLICATION OF MCDONALD'S CORPORATION FOR ALTERATIONS TO THE LICENSED PREMISES UNDER THEIR COMMON VICTUALLER LICENSE AT THE LOCATION OF 705-709 BRIDGE ST.

Mr. Richards read the departmental referrals in to the record. The Health Department reported no objections. However, no walk-through was done prior to construction. Grease control and other possible requirements will be determined after the walk-through. On February 22, 2006 Attorney Cohen stated current building will be razed. They will meet with contractor prior to construction. Lt. White reported rear egress blocked significantly with trash due to broken dumpster, manager

stated that he would remove trash. Alternative storage must be identified to keep egress free and clear at all times regardless of dumpster status. Officer King reported no public safety objection. The Department of Municipal Finance reported no outstanding taxes. Mr. Richards reported the use of the premises as a restaurant is permitted in the B-1 Zone in which it is located and no change is proposed except the ownership. Accordingly, the request for a 73 seat restaurant conforms to all applicable requirements of the Town's Zoning and Building Regulations and may be granted.

Mr. Marino stated they have been in contact with Attorney Cohen. They will need contact with McDonald's to discuss new regulations involving the grease trap. The Health Department prefers the underground waste trap.

Mr. Richards replied the requirement was a stipulation on the Board of Appeals approval.

Attorney Cohen, Ackins McAuley and Meagan Tully were present. Attorney Cohen stated they have exterior plans and elevations available. The site has been a restaurant since 1970. McDonald's moved in eight years ago. The building is at least 30 years old. McDonald's would like to update the building with their design. Parking spaces will increase from 88 spaces to 90 spaces. They already went before the Zoning Board of Appeals and received their approval. The operational hours will be from 5 AM – 11 PM; with drive-thru open until 1 AM.

Attorney Cohen further stated the current building will be razed and a new building will be constructed 20 feet back from Bridge Street. Trash will be stored in an enclosed area behind the restaurant.

Mr. Marino stated there have been fires within the plaza in the past. He suggested that the landscaping material be something other than bark mulch.

Chief Thomas asked that signage be kept to a minimum in the windows for public safety concerns.

Mr. Richards asked that the outside area be kept free of litter. He noted that the back fence tends to collect a lot of trash.

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

Mr. Richards made a motion to approve the change of premises on the Common Victualler license of McDonald's, 705-709 Bridge Street. Chief Thomas seconded the motion. UNANIMOUSLY VOTED

APPROVALS

- Minutes: 2/14/06

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

- Carnival Permit: Dean & Flynn d/b/a Fiesta Shows

Mrs. Lee Hultin, Assistant to the Mayor, was present on the application. She stated the “Weymouth Carnival” will be held on April 19 – 23, 2006 at the Weymouth High School. The carnival is being held early this year over school vacation. There will be 22 rides; 18 games and 7 food trailers. Operational hours: Wednesday & Thursday: 12 PM – 10:30 PM; Friday & Saturday: 12 PM – 11 PM & Sunday: 12 PM – 8 PM.

Mr. Richards made a motion of approval. Chief Leary seconded. UNANIMOUSLY VOTED

- Food Vendor Permit: Dean & Flynn d/b/a Fiesta Shows

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

- Sunday Entertainment License: Dean & Flynn d/b/a Fiesta Shows

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

- One-Day Liquor Permit: Immaculate Conception Church

Mr. Richards made a motion to approve a One-Day Liquor Permit for Immaculate Conception Church for a St. Patrick’s Day dinner to be held on March 11, 2006 from 5:30 PM – 10 PM. Chief Thomas seconded. UNANIMOUSLY VOTED

CHAIRMAN’S REPORT

- Meeting schedule

Mr. Richards stated the next meeting was scheduled for April 11, 2006 to be held at 2 PM.

CORRESPONDENCE

- Department of Public Safety RE: Sunday Entertainment & Video Games

Officer King read the letter stating that video game machines are now exempt from the regulations.

NEW BUSINESS

Mr. Marino informed the Board that Billy Budd’s Restaurant is non-compliant. They have been operating without a food service permit from the Board of Health. He wished to call them in for a hearing.

ADJOURNMENT

Mr. Richards made a motion to adjourn the meeting at 2:40 PM. Chief Leary seconded.

UNANIMOUSLY VOTED

Respectfully submitted by Lisa VanWinkle, Recording Secretary