

Minutes of the Board of Licensing Commissioners for their meeting held on Tuesday, March 13, 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; and Lisa VanWinkle, Secretary

Chairman Fryer called the meeting to order at 2 PM.

APPLICATION OF MAURA, INC. D/B/A NEXT PAGE CAFÉ FOR ALTERATIONS TO THE LICENSED PREMISES (ALL ALCOHOLIC RESTAURANT/COMMON VICTUALLER), 550 BROAD ST.

Chief Thomas made a MOTION to take item #8 out of order. Mr. Richards seconded.
UNANIMOUSLY VOTED

Attorney DiFazio and Mrs. Maura Page were present.

Attorney DiFazio explained the Page's are interested in making alterations to the licensed premises. They will be removing a wall and extending the bar around (u-shaped); installing a ceiling sounding board and any other changes noted on the plans. With such renovations the patrons will be in the later of the building alleviating noise from the front of the building.

Mr. Richards stated the Building Department was involved in reviewing the plans. The renovations are an attempt to alleviate noise emitting from the establishment.

Chairman Fryer stated the Page's have been before the Board in the past involving neighbor's concerns. Hopefully, this will be the end of that.

Chairman Fryer stated it was a public hearing and asked if anyone wished to speak.

Mr. David Crawford, direct abutter-Broad Street, spoke stating the noise level has been excessive and they are having bands on days outside of what they are licensed for. He believed the side window should be removed. He also noted that there is noise on the outside of the property as well. This is from the patrons loitering in the parking lot and revving of motorcycle engines. He suggested limiting parking to one side of the street. The noise level from the bands gets louder as the night goes on. This is unreasonable and he would like to see this alleviated.

Mr. Marino suggested tape recording the noise when it is unreasonable. He noted that the lot line is where they are trying to respect; inside is less important. He believes the Board needs something more than subjective testimony.

Chief Leary stated he went to the location one evening and noted the decibel levels. The level was higher near the A/C unit at which time he suggested removing the unit, of which was done.

Mr. Richards made a MOTION to approve the renovations as submitted on the plans. Chief Thomas seconded. UNANIMOUSLY VOTED

APPLICATION OF WEYMOUTH MOTOR SALES, INC. D/B/A WEYMOUTH HONDA FOR A CLASS I/II AUTO DEALER LICENSE, 875 WASHINGTON ST.

Mr. Harvey Gordon, owner/manager, was present.

Mr. Richards read the departmental reports into the record. Officer King reported no public safety objection. Mr. Daniel McCormack, Chemical Specialist – Health Department, reported chemical storage in excess of 25 pounds or 50 gallons will require a hazardous materials permit from the Health Department. He is to be contacted for a copy of the registration packet. Mr. Richards reported the building and use of 875 Washington Street was constructed in a B-2 Zone and now is considered a pre-existing non-conforming condition. The current Larry's operation is a retail business with an auto related use and manufacturing of goods for resale. The use of the building for retail sales and service of new and used motorcycles, ATVs, personal water craft and power equipment and automotive service would be considered a use similar to what is existing. The storage of cars on the lot while waiting for service is considered accessory to the automotive use and would be allowed. However, no open lot storage of automobiles or any other items are allowed and all sales related items are required to be located entirely within the inside of the structure. The loading and unloading of vehicles is restricted to be performed entirely on the property during general business hours.

Mr. Richards also read a letter into the record received from an abutter, Mark and Yoshie Picciotto, 19 Lane Avenue. It stated they do not object to the license application but would like to see the lot policed for trash. They suggested a fence be erected along the back property line so as to lessen the commercial impact of the business on their property. They also requested that trash that has been dumped at the corner of the property be removed.

Mr. Gordon told the Board he wishes to be able to use the building for sales of motorcycles, ATVs, power equipment and to service all types of vehicles. He understands that there is to be no outside storage of vehicles.

Mr. Richards asked Mr. Gordon if he would be amenable to installing a fence across the back of the property.

Mr. Gordon stated he would.

Mr. Marino questioned the disposed material in the wetland as the letter had stated.

Mr. Gordon replied that he thought the current owner had cleaned up a portion of that.

Chairman Fryer stated it was a public hearing and asked for comments.

Mr. Robert Luongo, Economic Development Planner, stated appropriate signage will be needed; chain link fence and landscaping needs to be upgraded; overall he supports the application.

Mr. Warren Smith, Lane Avenue, questioned if Weymouth Honda is buying the entire building and if the trailer business would remain. He requested that test drives be restricted on Lane Avenue as it is a small side street with a lot of children.

Mr. Gordon replied he is purchasing the entire building. The trailer truck that is there has nothing to do with him.

Mr. Kenneth Campbell, Lane Avenue, also spoke questioning if the testing of motorcycles would be done on Lane Avenue.

Mrs. Yoshie Picciotto, Lane Avenue, stated she submitted the letter that was read into the record earlier. She wished that the Board would take into consideration her concerns. She also noted that the rear of the property can only be accessed by that property. Test driving of Lane Avenue should be prohibited as it is a residential neighborhood with children.

Mr. and Mrs. John Campbell, 23 Lane Avenue, asked that speed limit signs are installed as well as stop signs to alleviate hot wheeling. The kids who live in the neighborhood walk to and from school; this is a public safety concern.

Mrs. Lorraine Callahan, 23 Lane Avenue, stated there are no sidewalks on the street and there is a school at the end of their street.

Chief Thomas questioned who is responsible for the tires that are on the land adjoining the properties.

Mrs. Picciotto stated the land abuts her property and replied that Larry's Glass is responsible for it.

The current owner of Larry's Glass spoke stating there had been a lot of tires and debris on the property for years. He just recently got rid of the tires, but didn't know what was currently there.

Mr. Richards suggested that he would have the Conservation Agent come out to review the area with him. He asked Mr. Gordon if he could coordinate with his sales staff to make sure test drives would not be taken down Lane Avenue.

Mr. Gordon stated test drives of the big bikes would be down Route 53, but he could see that some customers may want to drive the scooters there.

Chairman Fryer asked for the hours of operation.

Mr. Gordon stated 8 AM – 8 PM six days per week; closed Sundays except for special sales. He requested the closing hour of 9 PM instead as his employees will be onsite until such time, closure to the public would be between 6 PM – 8 PM.

Chief Thomas stated he hears that 99 % of the time there will be no test driving on Lane Avenue—he wants to hear that there will be no test driving. He will make sure the Town posts such.

Chief Leary stated there is a potential for a lot of negativity. What he has seen with Weymouth Honda is that they are a good neighbor. He is sure if there are any concerns they would be willing to conform.

Mr. Marino made a MOTION to grant the license with a condition that there is no test driving/business activity on Lane Avenue; enclosed dumpster area; installed fence in rear area; and clean up of rear property. The hours of operation shall be 8 AM – 9 PM. Mr. Richards seconded. UNANIMOUSLY VOTED

APPLICATION OF NEW ENGLAND WILDLIFE CENTER FOR A COMMON VICTUALLER LICENSE, 500 COLUMBIAN ST.

Mr. Gregory Mertz, Manager, was present.

Mr. Richards read the departmental referrals into the record. The Municipal Finance Department reported no Real Estate bill in system. Up to date with water bills. The Health Department reported no objections. Officer King reported no public safety objection.

Mr. Mertz stated they would like to have an area on the right-hand side of the lobby to be able to sell drinks, cookies, and sandwiches to the public.

Mr. Marino stated the Health Department utilizes the New England Wildlife Center to help with rabies control. He wanted to make sure there is not a conflict of interest.

Solicitor Lane stated there was not.

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

APPLICATION OF WEYMOUTH-HINGHAM MOTOR SALES, INC. D/B/A TOYOTA/SCION OF WEYMOUTH – TUFANKJIAN SUZUKI OF WEYMOUTH FOR A D/B/A NAME CHANGE ON THEIR CLASS I/II AUTO DEALER LICENSE, 710-740 BRIDGE ST.

Mr. Charles Tufankjian, President, stated he would like to amend their name to include “Tufankjian Suzuki of Weymouth”. They are in the process of moving their Toyota vehicles to a new location in Braintree, as there isn’t enough space for the entire business.

Mr. Richards made a MOTION of the approval of the change of d/b/a. Chief Leary seconded. UNANIMOUSLY VOTED

APPLICATION OF TRIGONA, INC. D/B/A JIMMY'S BROAD STREET DINER FOR A WINE & MALT RESTAURANT/COMMON VICTUALLER LICENSE TRANSFER, 122 BROAD ST.

Mr. Jon Aieta, Cassis & Cayer, and Mr. Emmanuel Costomiris, proposed owner/manager, were present.

Mr. Richards read the departmental referrals into the record. The Municipal Finance Department reported taxes as up to date. The Health Department reported no objection. Officer King reported no public safety objection. Mr. Richards reported the use of the premises as a restaurant is permitted in the B-1 Zone in which it is located. Board of Appeals Case #2563 approved the use of the premises for a fifty seat restaurant with twenty-five parking spaces. Accordingly, the proposal conforms to all applicable building and zoning regulations and therefore, the requested license may be granted.

Mr. Aieta stated Mr. Costomiris is looking to take over the business. This is strictly a change of owner/manager. He has experience in the restaurant business, as he just sold his restaurant in Dorchester.

Mr. Richards made a MOTION for an approval of the transfer of the Wine & Malt Restaurant/Common Victualler license. Chief Thomas seconded. UNANIMOUSLY VOTED

APPLICATION OF TRIGONA, INC. D/B/A JIMMY'S BROAD STREET DINER FOR A PLEDGE OF THEIR WINE & MALT RESTAURANT LICENSE TO K & A RESTAURANT CORPORATION

Mr. Richards made a MOTION for the approval of the pledge of the Wine & Malt Restaurant license to K & A Restaurant Corporation. Chief Thomas seconded. UNANIMOUSLY VOTED

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

Mr. Richards read correspondence received into the record, stating the applicant did not meet the legal advertisement requirement. Therefore, the application would need to be continued to a future date for re-advertisement.

Mr. Richards made a MOTION to continue the hearing to the next scheduled meeting. Chief Leary seconded. UNANIMOUSLY VOTED

APPLICATION OF D & B McG, INC. D/B/A MICHELE'S ICE CREAM & SANDWICH SHOPPE FOR A COMMON VICTUALLER LICENSE, 330 BRIDGE ST.

Mr. David McGough, President/Manager, was present.

Mr. Richards read the departmental correspondence into the record. The Health Department reported no objections. The Municipal Finance Department reported taxes as current, but a utility bill was outstanding. Officer King reported no public safety objection. Mr. Richards requested that the box truck currently located on the property be removed prior to the change of ownership.

Mr. McGough stated he is interested in taking over the business. He has owned a beer and wine store in Whitman for the past 10 years and would like to purchase this business. He is hoping this will be a successful venture. The ice cream business is more family oriented and he is selling his package store. He will keep the business similar to what it is now, except in the future, he would like to add seating on the second floor.

Mr. Richards informed Mr. McGough that he would be required to apply before the Zoning Board of Appeals for approval. He also stated he would like to see the truck removed from the property.

Chairman Fryer announced that it was a public hearing and asked for comments; none.

Mr. Richards made a MOTION to approve with the condition that the commercial truck is removed from the site. Chief Leary seconded. UNANIMOUSLY VOTED

APPROVALS

- Minutes: February 13, 2007

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

- Fundraiser Permit: Ladies Auxiliary to the George R. Bean Post #79, American Legion – Annual Poppy Drive

Mr. Richards stated the Annual Poppy Drive will be held at Stop & Shop and Walmart on May 11-13, and 18-20, 2007. He made a MOTION of approval. Chief Leary seconded. UNANIMOUSLY VOTED

- Carnival Permit: Weymouth Carnival

Mrs. Lee Hultin, Assistant to the Mayor, presented the application, stating the carnival would be similar to last year's carnival. It would be held at the Weymouth High School on April 18 – 22, 2007. Numerous rides, events, games and food items would be available. This is a fundraiser towards Weymouth Day.

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

CHAIRMAN'S REPORT

- Meeting Schedule

Mr. Richards made a MOTION to schedule the next meeting for Tuesday, April 3, 2007 at 2 PM. Chief Leary seconded. UNANIMOUSLY VOTED

- Weymouth Auto Brokers, 522 Main St.

Officer King reported Weymouth Auto Brokers, holder of a Class II Auto Dealer license, went out of business.

Mr. Richards made a MOTION to send a letter to the license holder to find out the status of the business and ultimately set up a hearing for a decision. Chief Leary seconded. UNANIMOUSLY VOTED

ADJOURNMENT

Mr. Richards made a MOTION to adjourn the meeting at 3:30 PM. Chief Leary seconded. UNANIMOUSLY VOTED

Respectfully submitted by Lisa VanWinkle, Recording Secretary