

Minutes of the Board of Licensing Commissioners for their meeting held on Tuesday, March 24, 2009, at the Weymouth Town Hall, Chambers, 75 Middle Street

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

Chairman Fryer called the meeting to order at 2 PM.

Mr. Richards made a MOTION to take the Carnival Permit approvals out of order as Mrs. Lee Hultin, Assistant to the Mayor, was present. Chief Leary seconded. UNANIMOUSLY VOTED

APPROVALS

Mrs. Hultin explained that the same carnival will occur as in the past from April 22-26, 2009 at the Weymouth High School. She assured the Licensing Board that abutters would be notified accordingly and all applicants will appear before the Mayor in an effort to resolve any outstanding issues.

- Carnival Permit: Dean & Flynn d/b/a Fiesta Shows “Weymouth Carnival: 4/22-26”

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

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

Mr. Richards made a MOTION to approve a five day Food Vendor Permit for Dean and Flynn d/b/a Fiesta Shows. Motion seconded by Acting Chief Callahan. UNANIMOUSLY VOTED

- One-Day Sunday Entertainment Permit: Dean & Flynn d/b/a Fiesta Shows

Mr. Richards made a MOTION for the approval of a one day Sunday Entertainment License for Dean and Flynn d/b/a Fiesta Shows. Motion was seconded by Acting Chief Callahan. UNANIMOUSLY VOTED

- One-Day Wine & Malt Permit: Saint Jerome Parish, 632 Bridge St.

Mr. Richards made a MOTION for approval of a One-Day Wine & Malt Permit for St. Jerome Parish for an Alleluia Social to be held on April 11, 2009 from 9 PM – 12 AM. Mr. Marino seconded. UNANIMOUSLY VOTED

- Fundraiser (Poppy) Permit: Wessagusset Post #1399, 601 Broad St.

Mr. Richards made a MOTION for approval of the Poppy Permit for the Wessagusset V.F.W. Post’s annual Buddy Poppy Drive on May 1-3 and May 8-10, 2009 at the locations of Stop & Shop, Walmart, Shaw’s and Johnnie’s Foodmaster. Chief Leary seconded. UNANIMOUSLY VOTED

DISCUSSION – QUARTERLY REVIEW – COLONIAL BOWL, 1055 MAIN ST.

Ms. Lynne Burbine appeared before the Licensing Board to explain that she has spoken with Mrs. Rose Cochrane, Assistant Treasurer, and worked out an amenable payment schedule. Solicitor Lane noted that the agreement is \$20,000 down and a monthly agreed upon sum in an effort to pay off this debt, of which Mr. James Wilson, Chief Financial Officer, has approved. Solicitor Lane suggested continuance of the review to keep abreast of the situation.

Mr. Richards MOTIONED to continue the review in three months for an additional review of the matter. Chief Leary seconded. UNANIMOUSLY VOTED

REVIEW OF DECISION – CHANGE OF OPERATIONAL HOURS – GRANTED FOR A TRIAL PERIOD (9/30/08): BRIDGE STREET PIZZERIA, INC. D/B/A BRIDGE STREET PIZZERIA & SPORTS BAR, 117 BRIDGE ST.

Mr. Richards read a letter from Mr. Christopher Asirvatham, owner, into the record, which informed the Board that they do not wish to pursue a change of operational hours due to market conditions.

Mr. Richards MOTIONED for the removal of public hearing. Acting Chief Callahan seconded. UNANIMOUSLY VOTED

APPLICATION OF 777 AUTO LLC FOR A CLASS II AUTO DEALER LICENSE, 1076 MAIN ST.

Mr. Richards stated the use of the premises as an auto dealer already exists and the request does not change the zoning or building regulations. Therefore, as the license request proposed no physical change to the structure or premises, the application conforms to all applicable zoning and building regulations and may be granted. He continued to read the departmental referrals into the record. Officer King reported no public safety objection. Mr. Dan McCormack, Chemical Inspector, reported this is a newly proposed facility with no current chemical storage. The owner of this facility must contact me to complete the hazardous materials form prior to storage of hazardous materials on site. The owner must also comply with all local, state and federal chemical storage/disposal requirements.

Mr. Svetlin Popov and Mr. Hristo Grozdanov, co-owners, introduced themselves to the Board, stating they have a comparable business at 1563 Washington Street in Braintree and will be moving to Weymouth with the Board's approval. They are pursuing the positive change to expand their growing business.

Mr. Richards stated Ms. Carole Keenan, Fountain Lane abutter, contacted their office stating she was opposed to the issuance of the license as the area is already congested. Mr. Richards further stated that the abutters were notified and the application is in order, including the bond. He stated that a condition is to maintain current auto repair piece to which the applicant agreed.

Mr. Marino noted that they have to register with the Health Department for gas storage/hazardous material.

Firefighter Myers requested that they clearly display the street number at the location.

Chairman Fryer announced the public hearing and asked if there were any comments from the public; none.

Mr. Richards made a MOTION for the approval of the Class II Auto Dealer license for 52 vehicles. Chief Leary seconded. UNANIMOUSLY VOTED

APPLICATION OF GREAT MEALS, INC. D/B/A FRESSERS DELICATESSEN FOR A FOOD VENDOR LICENSE, 541 MAIN ST.

Mr. Richards noted due to the failure of the applicant to properly notify the abutters, the public hearing could not be held.

Mr. Richards made a MOTION to withdraw the application. Chief Leary seconded. UNANIMOUSLY VOTED

APPLICATION OF RIVERWAY RESTAURANT GROUP, INC. D/B/A TIO JUAN'S MARGARTIA'S MEXICAN RESTAURANT FOR A CHANGE OF MANAGER ON THEIR ALL ALCOHOLIC RESTAURANT/COMMON VICTUALLER LICENSE, 765 BRIDGE ST.

Mr. Richards stated he had no zoning or safety objection to the proposed change of manager. He continued to read the departmental referrals into the record. Mrs. Mary Williamson, Health Inspector, reported no objection to the change of owner as long as the establishment has the same owner. Officer King reported no public safety objection.

Mr. Jorge Adrian introduced himself to the Board as the proposed manager, stating he was recently hired. He has 22 years of experience and is also TIPs certified.

Mr. Richards made a MOTION to approve Mr. Adrian as the manager of Tio Juan's Margarita's Mexican Restaurant. Mr. Marino seconded. UNANIMOUSLY VOTED

APPROVALS

- Minutes: February 24, 2009

Mr. Richards made a MOTION of approval. Acting Chief Callahan seconded. SO VOTED (Mr. Marino abstained)

CHAIRMAN'S REPORT

- Next Meeting

Mr. Richards made a MOTION to schedule the next meeting for Tuesday, April 28, 2009 to be held at 2 PM in the Chambers. Chief Leary seconded. UNANIMOUSLY VOTED

CORRESPONDENCE

- Dept. of Industrial Accidents: Stop Work Order – Banjo's II, LLC, 655 Bridge St.

Mr. Richards noted that no action on the Board's behalf is required because the Department of Industrial Accidents of the Commonwealth of Massachusetts has issued a stop work order and the establishment is not opened. They have yet to turn in their operating licenses to the town. This could be subject to Licensing Board approval in the future, should they reopen. Solicitor Lane suggested continuing the matter until the next meeting at which time Mr. Richards would issue an update.

Mr. Richards made a MOTION to continue the matter for April 28th. Chief Leary seconded. UNANIMOUSLY VOTED

NEW/OLD BUSINESS

- Draft Operational Policy – Entertainment Licenses

Mr. Marino made a MOTION to withdraw the item. Mr. Richards seconded. UNANIMOUSLY VOTED

- Video Game Regulations (Tabletop Machines)

Officer King stated he has recently returned to work and will resume his inspections next week.

Mr. Richards made a MOTION to continue the matter for the April 28, 2009 agenda. Acting Chief Callahan seconded. UNANIMOUSLY VOTED

- Incident – Sons of Italy, 54 Whitman St.

Mr. Richards noted that an incident had occurred which was brought to the Mayor's attention. Acting Chief Callahan is currently reviewing in conjunction with Chief Leary and will give an update at the next meeting.

Mr. Richards MOTIONED for a continuance to April 28th. Acting Chief Callahan seconded. UNANIMOUSLY VOTED

EXECUTIVE SESSION

Solicitor Lane stated there was no reason to convene in Executive Session.

ADJOURNMENT

Mr. Richards made a MOTION to adjourn at 2:20 PM. Acting Chief Callahan seconded.
UNANIMOUSLY VOTED

Respectfully submitted,

Lisa VanWinkle,
Recording Secretary