

Minutes of the Board of Licensing Commissioners for their meeting held on Tuesday, April 11, 2006, at the Weymouth Town Hall, Chambers, 75 Middle Street

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

Chairman Fryer called the meeting to order at 2 PM.

APPLICATION OF EURO, INC. FOR A CHANGE OF D/B/A ON THEIR ALL ALCOHOLIC RESTAURANT/Common Victualler License, JUKE BOX LICENSE, ANNUAL ENTERTAINMENT LICENSE & SUNDAY ENTERTAINMENT LICENSE, 910-920 WASHINGTON ST.

Attorney Rocco DiFazio and Mrs. Lisa Axios, owner, were present.

Mr. Richards read the departmental referrals in to the record. The Health Department reported they need to review plans for grease trap issues, updates, etc. They have not met with the owner yet. Lt. White reported he is awaiting a fire alarm certification prior to approval. Officer King reported no public safety objection. Mr. Richards reported no objection.

Attorney DiFazio stated his client is applying for a change of d/b/a. When they came before the Board for the approval of the transfer, they were approved as Waters Edge. They would like to change the name to Cannolis.

Mr. Richards stated the building plans are coming along. It is being made handicapped accessible.

Mrs. Axios stated they hope to open in the next few months.

Mr. Richards made a motion to approve the d/b/a change on the All Alcoholic Restaurant/CV license. Chief Thomas seconded. UNANIMOUSLY VOTED

Mr. Richards made a motion to approve the d/b/a change on the Juke Box license. Chief Thomas seconded. UNANIMOUSLY VOTED

Mr. Richards made a motion to approve the d/b/a change on the Annual and Sunday Entertainment licenses. Chief Thomas seconded. UNANIMOUSLY VOTED

DISCUSSION RE: MAURA, INC. D/B/A NEXT PAGE CAFÉ RE: LIVE ENTERTAINMENT ON THE PREMISES, 550 BROAD ST.

Chief Thomas stated since the last meeting the Police Department received two noise complaints and an arrest on the property for drinking on the property. There was also a drug arrest involving a patron who brought drugs onto the premises, which had nothing to do with the owner of the restaurant.

Mr. Richards stated he is meeting with Mr. Page this afternoon regarding their proposed plans. They have modified the noise level and are doing everything they can to control it. They hired an engineer, who proposed moving the bar area. They are going to move the air conditioning wall unit now that they have central air.

APPLICATION OF FRANCO'S PIZZA, INC. FOR A CHANGE OF LOCATION OF THEIR WINE & MALT RESTAURANT/COMMON VICTUALLER LICENSE, JUKE BOX LICENSE, VIDEO GAME LICENSE & SUNDAY ENTERTAINMENT LICENSE TO 130 MAIN ST.

Mr. and Mrs. Dominic Bitto were present.

Mr. Richards read the departmental referrals in to the record. The Health Department reported they went over plans with owner. Mr. Bitto said he will be installing a new grease trap; 3-bay sink; slop sink and hand wash sink; also self-closers on toilet room doors/ok for 80 seats; no objection. Officer King reported no public safety objection for the change of location. Lt. White reported the Fire Department requests a full NFPA 25 sprinkler system inspection be performed to ensure proper coverage. Occupancy will require adequate portable fire extinguishers. Occupancy will require Ansul system installation permit and inspection prior to approval; inspected on March 24, 2006.

Mr. Bitto stated they are being forced to move from their current location to 130 Main Street, which is also located within the same plaza. It is next door to Building 19. They have been in business for 22 years. They will have the same floor plan and parking plan.

Lt. White arrived to the meeting at 2:15 PM.

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

Mr. Richards made a motion to approve the change of location of the Wine & Malt Restaurant/Common Victualler license to 130 Main Street. Chief Thomas seconded.
UNANIMOUSLY VOTED

Mr. Richards made a motion to approve the new address for the Juke Box license. Chief Thomas seconded.
UNANIMOUSLY VOTED

Mr. Richards made a motion to approve the new address for the Video Game license and Sunday Entertainment license. Chief Thomas seconded. UNANIMOUSLY VOTED

APPLICATION OF FDN, INC. D/B/A YE OLDE BRICK GRILLE FOR A VIDEO GAME LICENSE, 2 COMMERCIAL ST.

Mr. John McCarthy, President of FDN, Inc. was present.

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; inspection completed on March 24, 2006. Mr. Richards reported no objection.

Chief Thomas asked what company provides the machine.

Mr. McCarthy replied Action Jackson, who also manages pool tables and other entertainment.

Chairman Fryer asked for a description of the machine.

Mr. McCarthy replied it is a hunting game. He instructed the purpose of the game.

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

Mr. Richards made a motion to approve a Video Game license to Ye Olde Brick Grille for one hunting machine at 2 Commercial Street. Chief Thomas seconded. UNANIMOUSLY VOTED

APPLICATION OF MIDWAY AUTOMOTIVE CORP. FOR A CLASS II AUTO DEALER LICENSE, 1076 MAIN ST.

Mr. Michael Deveney, President of Midway Automotive Corp., was present.

Mr. Richards read the department referrals into the record. The Health Department reported if automotive chemicals will be stored at the site in excess of 50 gallons or 25 pounds, the facility must register those with the Health Department as required in the Town of Weymouth Code of Ordinances Section 7-401. Please contact Dan McCormack for further information. Lt. White reported the Fire Department requires a new permit to store liquefied petroleum gas (propane) be obtained and requests that heating equipment receive service prior to occupancy. Officer King reported no public safety objection. A check with the Town of Abington showed nothing negative in Mr. Deveney's business file. Mr. Richards reported 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 proposes no physical change to the structure or premises, the application conforms to all applicable zoning and building regulations and may be granted.

Mr. Deveney stated he plans on having the same number of vehicles as Jannell did; 52. He has been licensed in Abington for five years now. There is a one-bay garage onsite in Weymouth, but he plans on servicing the vehicles at the Abington location.

Mr. Richards stated repair facilities should be provided onsite per bylaw.

Mr. Deveney stated that wouldn't be an issue. He could move one of his servicemen to the new location.

Chief Thomas stated the license would be for 52 vehicles. The Police Department performs inspections of the businesses throughout town and expects the license holder to abide by licensing requirements.

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

Mr. Richards made a motion to approve the issuance of a Class II Auto Dealer to Midway Automotive Corp. at the location at 1076 Main Street for 52 vehicles. Chief Thomas seconded. UNANIMOUSLY VOTED

DISCUSSION RE: JOSEPH HINES D/B/A B&D CATERING/GO-GO'S DELI, 82 POND ST.

Mr. Joseph Hines appeared before the Board at their request. He stated the roof and ceiling repairs should be completed by April 30th. He filed a Building Permit to make necessary repairs.

Mr. Richards confirmed the permit filing.

Mr. Marino stated he and Mary Williamson have been in discussion and have been awaiting the Building Permit filing. They will not need to re-inspect the food operation.

Chief Thomas asked that the licensee inform the Board when the work is completed.

APPROVALS

- Minutes: 3/22/06

Mr. Richards made a motion to approve the meeting minutes of March 22, 2006. Mr. Marino seconded. UNANIMOUSLY VOTED

- Fundraiser Permit: Annual Poppy Drive, George R. Bean #79, American Legion Post

Mr. Richards made a motion to approve a fundraising permit for the Ladies Auxiliary of the George R. Bean Post for their Annual Poppy Drive to be held on May 18 – 22, 2006 throughout town. Chief Thomas seconded. UNANIMOUSLY VOTED

- One-Day Wine & Malt Permit: Sacred Heart Parish

Mr. Richards made a motion to approve a One-Day Wine & Malt Permit for a fundraising event held at the Sacred Heart Parish on April 1, 2006. Mr. Marino seconded. UNANIMOUSLY VOTED

CHAIRMAN'S REPORT

- Meeting schedule

Mr. Richards made a motion to schedule their next meeting for May 9, 2006 at 2 PM, to be held in the Chambers. Chief Thomas seconded. UNANIMOUSLY VOTED

- Video Game License fee/Sunday Entertainment License exemption

Mr. Richards read correspondence from the Department of Public Safety stating the law had changed in relation to the licensing of Video Games on Sundays. They are now exempt. In addition, they updated their license fee schedule. They are requesting that all license holders are reimbursed and informed of the new license fees.

Mr. Richards made a motion to approve the reimbursement of \$6,254 for Video Game and Sunday Entertainment License fee amendments. Chief Thomas seconded. UNANIMOUSLY VOTED

Mr. Richards made a motion to approve the reimbursement of \$1,950 for Coin-Operated Device License fee amendments. Chief Thomas seconded. UNANIMOUSLY VOTED

- Cathay Center Restaurant- status of license

Chairman Fryer stated he requested that a letter be sent to the licensee asking for the status of the construction. He heard that a decision had been made not to build a new building. They are awaiting an answer.

Mr. Richards stated under the zoning bylaw the property owner has two years to reconstruct a burnt building. This will expire December 2006.

CORRESPONDENCE

- Results of Liquor Compliance Operation of Package Stores held on 3/21/06

Chief Thomas announced that the Weymouth Police Department conducted a sting of all package stores throughout the town. Two stores were found to sell to the underaged accomplice: Quick 6 Discount Liquors, 321 Bridge St. and Brady's, 1516 Commercial Street.

- Officer King RE: closing of Burger King, 655 Bridge St.

Mr. Richards read the correspondence, stating Burger King, 655 Bridge Street, had closed. He stated he heard a similar business is looking to take over the location.

ADJOURNMENT

Mr. Richards made a motion to adjourn the meeting at 2:50 PM. Mr. Marino seconded. UNANIMOUSLY VOTED

Respectfully submitted by Lisa VanWinkle, Recording Secretary