

Minutes of the Board of Licensing Commissioners for their meeting held on Tuesday, June 10, 2008, at the Weymouth Town Hall, Chambers, 75 Middle Street

Attendance: Chairman Jeffrey Richards, Director of Municipal Licenses & Inspections; Fire Chief Robert Leary; Police Chief James Thomas; Daniel McCormack, Chemical Specialist; Town Solicitor George E. Lane, Jr., Licensing Officer Brian King and Lisa VanWinkle, Secretary

Mr. Richards called the meeting to order at 2 PM as Chairman.

APPROVAL

- One-Day Food Vendor Permits: 4th of July Event
- Carnival Permit: "It's 2 Cool" for 4th of July Event

Mrs. Lee Hultin, Assistant to the Mayor, presented the request for food vendor permits and a carnival permit for the annual 4th of July Celebration to be held Saturday, June 28, 2008 at the George Lane Beach parking lot.

Mr. Richards noted the approved food vendors of the 4th of July Committee include: Costaco, Inc.; Weymouth Band Parents Association; The Yummy Cart; Egypt Country Store; Papa John's Pizza and James Cadin.

Chief Leary made a MOTION of approval of the One-Day Food Vendor Permits and Carnival Permit. Chief Thomas seconded. UNANIMOUSLY VOTED

APPLICATION OF SAKHR MASSOUD D/B/A OLD COUNTRY PIZZERIA FOR A COMMON VICTUALER LICENSE, 1515 COMMERCIAL ST.

Attorney Rocci DiFazio and Mr. Sakhr Massoud were present.

Mr. Richards said Board of Zoning Appeals case #2989 of November 28, 2007 has allowed the use of the premises as a restaurant only with no future allowance for any other associated licenses. The existing parking is adequate per subsection 120-69 for the proposed twenty-four seats. Accordingly, the license request conforms to all applicable requirements of the Town of Weymouth Zoning Ordinance and Building Regulations may be granted. He continued to read the departmental referrals into the record. Lt. Charles White reported changes to fire alarm system and sprinkler system in addition to all new cooking installations are subject to Fire Department inspection, review and approval. Emergency lights, exit signs and fire extinguishers are required. The Municipal Finance Department reported outstanding personal property taxes from a previous establishment. Mr. David Kaplan reported the Health Department required necessary application and fees as well as any other filing requirements. Officer King reported no public safety objection.

Attorney DiFazio informed the Board that Mr. Massoud will be leasing the old Curves location for a sit-down restaurant. The hours of operation will be from 10 AM – 11 PM. They would like 26 seats, although, they applied for 24. There is ample parking. The trash will be picked up at least once a week after 7:30 AM. They are not seeking beer & wine at this time. They received the

Zoning Board's approval for the proposal.

Mr. Richards announced the public hearing; no comments were made.

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

APPLICATION OF FRESH TOMATO ENTERPRISES, INC. D/B/A ACAPULCO'S MEXICAN FAMILY RESTAURANT FOR AN ANNUAL ENTERTAINMENT LICENSE, 1073 MAIN ST.

Mr. Juan Sanchez, Manager, was present for Acapulco's.

Mr. Richards stated the use of the premises as a restaurant is currently only permitted in the HT Zone in which it is located by Special Permit. The restaurant use existed prior to the ordinance change and was extended by Special Permit #2239 dated June 28, 1993, and therefore, does not require further Board action as the proposal does not change the total capacity. The proposal provides adequate parking for the existing 185 seats. The live entertainment does not change the existing zoning status of the subject premises. Accordingly, the proposal conforms to all applicable requirements of the Town's Zoning and Building regulations and the requested license may be granted. He continued to read the departmental referrals into the record. The Municipal Finance Department reported FY2008 personal property and real estate tax balances. Mr. Kaplan, Health Inspector, reported no objection provided ambient noise levels do not exceed current nuisance regulations for noise (Board of Health Regulation #17). Officer King reported no public safety objection. Lt. White reported he inspected the establishment on May 5, 2008; no fire and life safety issues were noted.

Mr. Richards stated the proposed hours of entertainment are: 6 PM – 11 PM. They need to be cognizant of the music noise levels in courtesy of the neighbors. The outside piping of music needs to be kept lowered or eliminated entirely.

Mr. McCormack said per noise regulations, if having live bands and DJ, noise levels need to be kept to a reasonable level.

Mr. Richards announced the public hearing for comment.

Mr. Daniel Follett, Derby Street, came forward, noting that the neighbors had concerns regarding the past license holder and complaints of loud music and unruly patrons. The current establishment was brought to the Licensing Board as a family restaurant. He is opposed to the granting of the license, but if granted, conditions should be implemented to limit the music to family-style music with no rock-n-roll or karaoke. He submitted a petition signed by the neighboring residents. Entertainment is to cease at 10 PM. He also submitted police reports listing the establishment address with specific dates of incidents.

Chief Leary stated he could understand the residents' concerns. The Board has concerns regarding

a repeat situation of the previous licensee as well. He has been pleased with Acapulco's so far.

Mr. Follett stated he has heard music from the outside due to music being piped out by the entrance way.

Chief Leary asked the applicant to respond to the concerns.

Mr. Sanchez stated they are applying for Mexican music—Mariachi bands.

Chief Thomas questioned if it would be for Mexican music only.

Mr. Sanchez replied yes.

Mr. McCormack stated the application has live music/DJ. He asked for clarification as to whether an amplification system would be used and recorded music.

Mr. Sanchez confirmed it would be for live Mariachi bands.

Officer King stated the police incident reports are for the site address, but it doesn't necessarily mean that it is specific to the establishment. It could be calls received for motor vehicle accidents, etc.

Chief Leary made a MOTION to approve an Annual Entertainment license for live music consisting of a Mariachi band without recorded music or amplification system. The hours are: 6 PM – 10:30 PM. There shall be no more outside music. Chief Thomas seconded. UNANIMOUSLY VOTED

APPLICATION OF AUTOLUX, LLC FOR A CLASS II AUTO DEALER LICENSE, 767 MAIN ST.

Attorney Michael Heineman and Mr. Ibrahim Koussa, owner, were present.

Mr. Richards stated the use of the premises for the retail sales of automobiles is permitted in the B-1 Zone in which it is located. The existing parking and repair facilities are adequate for the ten cars requested. As the proposal has met the necessary requirements, the requested license may be granted. Mr. McCormack reported the facility is in good standing with the Health Department; no objections. Officer King reported no public safety objection to the request. Lt. Charles White, Fire Prevention Coordinator, reported as of May 5, 2008 during an inspection, all permits appeared to be in order. Fire extinguishers must be securely mounted. No fire and life safety issues were noted.

Attorney Heineman stated Mr. Koussa is purchasing the current business and a portion of the property will be leased for the auto dealer business. There will be a minor delay in the purchase, which will be approved contingent upon JDBDJR, Inc. turning in their license.

Mr. Richards announced that it was a public hearing.

Mr. MacDonald, direct abutter of 11 Adams Place, stated that junk cars have been stored on the property. He stated there should be restrictions on the license. The 10 cars being stored apply to the auto dealer license.

Mr. Richards stated that is a zoning issue; complaints may be reported to his office regarding such.

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

APPLICATION OF TRICIA DOYLE D/B/A GRILLE EIGHTEEN FOR A COMMON VICTUALLER LICENSE, 119 MAIN ST.

Mrs. Tricia Doyle, owner, was present.

Mr. Richards stated the use of the restaurant is permitted in the B-1 Zone in which it is located. The proposed eighteen (18) seat capacity is the same as a former occupant and therefore, the existing parking is adequate per Subsection 120-69 of the Town's Zoning Ordinances. Accordingly, the license request conforms to all applicable requirements of the Town's Zoning and Building Regulations and may be granted. He continued to read the departmental referrals. Mr. Kaplan reported application and fees applicable to Health Department have not been submitted. The Municipal Finance Department reported personal property tax balances from prior occupants.

Mrs. Doyle stated she operated a store in Duxbury and would like to stay in the South Shore area as their family is located here. The proposed hours of operation are: Monday-Saturday: 10 AM – 10 PM; Sunday: 11 AM – 7 PM.

Mr. Richards made an announcement that it was a public hearing. No comments were made.

Chief Thomas made a MOTION to approve the Common Victualler license as there had been a restaurant at the location in the past. Chief Leary seconded. UNANIMOUSLY VOTED

APPLICATION OF FRATELLI'S PASTRY SHOP, INC FOR A FOOD VENDOR LICENSE, 1350 WASHINGTON ST.

Mr. John Milone, owner, was present.

Mr. Richards stated the use of the premises for a food vendor (take-out only) location is permitted in the HT Zone in which it is located. Accordingly, the license conforms to all applicable requirements of the Town's Zoning and Building Ordinances and may be granted. He continued to read the departmental referrals into the record. The Municipal Finance Department reported a utility balance. Officer King reported no public safety objection. Mrs. Williamson reported no health objections--she reviewed plans and will be doing a site inspection the week of May 26th. Mr. Milone will provide copies of food manager certifications. She believes he will be a good operator.

Mr. Milone stated he is applying for a Food Vendor license in conjunction with Previte's Meat

Shop. He will be selling retail bakery items. They are hopeful to be opening in August. Everything will be prepared at their Quincy location. The dumpster will be shared by Previte's. He is in the process of becoming food safety certified per Board of Health regulations.

Chief Leary made a MOTION of approval for a Food Vendor License. Chief Thomas seconded.
UNANIMOUSLY VOTED

APPLICATION OF VB DINING GROUP, INC. D/B/A PEPPERCORNZ FOR AN ALL ALCOHOLIC RESTAURANT LICENSE TRANSFER, 1037 MAIN ST.

APPLICATION OF VB DINING GROUP, INC. D/B/A PEPPERCORNZ FOR A PLEDGE OF THE ALL ALCOHOLIC RESTAURANT LICENSE TO SOUTH SHORE COOPERATIVE BANK

APPLICATION OF VB DINING GROUP, INC. D/B/A PEPPERCORNZ FOR A COMMON VICTUALLER LICENSE, 1037 MAIN ST.

APPLICATION OF VB DINING GROUP, INC. D/B/A PEPPERCORNZ FOR ANNUAL ENTERTAINMENT AND SUNDAY ENTERTAINMENT LICENSES, 1037 MAIN ST.

Ms. Linda Varasso, proprietor, was present.

Mr. Richards stated the use of the premises as a restaurant is permitted in the B-1 Zone in which it is located. The proposed seventy-eight (78) seat capacity is the same as the former occupant and therefore, the existing parking is adequate per Subsection 120-60 of the Town's Zoning and Building Regulations and may be granted. He continued to read the departmental referrals into the record. Mr. Kaplan reported applications, fees and necessary Board of Health prerequisites needed to be met. Officer King reported no public safety objection to the requested license. Ms. Varasso has run a trouble free restaurant with a Wine & Malt license for a number of years in the town. The Municipal Finance Department reported no balance.

Ms. Varasso stating they are looking into entering into an agreement to purchase Reggio Italian Ristorante. They are excited to expand their business as they have been wishing to do. They submitted a supplemental application for the approval of the pledge of the All Alcoholic Restaurant license to obtain financing.

Mr. Richards announced the public hearing for comment; none.

Officer King questioned if the current business would be kept open (Columbian Street).

Ms. Varasso replied no, they will surrender the Wine & Malt Restaurant license.

Mr. McCormack asked if they have any plans for installing new kitchen equipment.

Ms. Varasso replied they plan to swap out some equipment. Upgrades, interior renovations will

require a 24 hour closing period. Their employees are TIPS certified and she will become certified as well.

Chief Thomas made a MOTION to approve the transfer of the All Alcoholic Restaurant license of GTC, Inc. to V.B. Dining Group, Inc. d/b/a Peppercornz. Chief Leary seconded.
UNANIMOUSLY VOTED

Chief Thomas made a MOTION of approval for the pledge of the All Alcoholic Restaurant license to South Shore Cooperative Bank. Chief Leary seconded. UNANIMOUSLY VOTED

Chief Thomas made a MOTION of approval for the Common Victualler license. Chief Leary seconded. UNANIMOUSLY VOTED

Chief Thomas made an additional MOTION of approval for Annual and Sunday Entertainment licenses for acoustical and background music. Chief Leary seconded. UNANIMOUSLY VOTED

**VIOLATION HEARING TO CONSIDER MODIFICATION, SUSPENSION,
REVOCATION OR CANCELLATION OF THE ALL ALCOHOLIC RESTAURANT,
COMMON VICTUALLER, ANNUAL ENTERTAINMENT, SUNDAY ENTERTAINMENT,
JUKE BOX AND VIDEO GAME LICENSES OF BRIDGE STREET PIZZERIA, INC.
D/B/A BRIDGE STREET PIZZERIA & SPORTS BAR, 117 BRIDGE ST.**

Solicitor Lane stated Bridge Street Pizzeria was brought in for a hearing as a result of non-compliance with worker's compensation requirements under Chapter 152 of Massachusetts General Laws. To date they have not received a response from Mr. Asirvatham, owner, regarding the requirement. He stated the Board received a fax from MacDonald Insurance Agency, Inc. which stated Bridge Street Pizzeria had applied for Worker's Compensation insurance.

Chief Thomas asked where they had insurance prior to this. He also asked if there was any documentation showing coverage since they opened.

Mr. Asirvatham noted they had coverage prior to January. He stated there was a problem with the previous insurance company they submitted the paperwork to.

Solicitor Lane stated this is a serious matter. There has been no documentation since January of 2008.

Mr. McCormack noted the timeline even went back further to September 2007.

Chief Thomas asked if Mr. Asirvatham had any employees who sought relief under the worker's compensation policy.

Mr. Asirvatham replied no.

Mr. McCormack stated Donna Muscillo, Health Secretary, received the affidavit form with their

renewal but did not receive the certificate of insurance. Mr. Asirvatham failed to provide proof of insurance and never received a food permit from the Health Department for 2008.

Chief Thomas told Mr. Asirvatham this was a major mistake on his part.

Solicitor Lane recommended a license suspension until the Health Permit has been issued.

Councilor Victor Pap spoke on behalf of the license holder. He asked that there be leniency as the license holder is a good neighbor to North Weymouth and has cleaned up the property and run a good business since taking it over.

Chief Thomas replied they have to have a same playing field for all license holders. He made a MOTION to suspend all license until the matter is rectified. Chief Leary seconded.

UNANIMOUSLY VOTED

Mr. Richards stated they are required to have proper licenses in place and insurance prior to reopening.

Officer King notified Mr. Asirvatham of the closing procedure.

VIOLATION HEARING TO CONSIDER MODIFICATION, SUSPENSION, REVOCATION OR CANCELLATION OF THE COMMON VICTUALLER LICENSE OF SUN BUSINESS, INC. D/B/A MANHATTAN DELI, 1690 MAIN ST.

Solicitor Lane stated this is the same situation as the previous hearing. The license holder has failed to submit required worker's compensation insurance certificate.

Mr. McCormack stated the health permit was issued for the location.

Chief Thomas made a MOTION to suspend the Common Victualler license until receipt of worker's compensation insurance certificate. Chief Leary seconded. UNANIMOUSLY VOTED

APPLICATION OF SULLIVAN'S SANDTRAP, INC. D/B/A THE SAND TRAP FOR AN ALL ALCOHOLIC RESTAURANT LICENSE TRANSFER, 327 BRIDGE ST.

APPLICATION OF SULLIVAN'S SANDTRAP, INC. D/B/A THE SAND TRAP FOR A PLEDGE OF THE ALL ALCOHOLIC RESTAURANT LICENSE AT 327 BRIDGE ST.

APPLICATION OF SULLIVAN'S SANDTRAP, INC. D/B/A THE SAND TRAP FOR A COMMON VICTUALLER LICENSE, 327 BRIDGE ST.

APPLICATION OF SULLIVAN'S SANDTRAP, INC. D/B/A THE SAND TRAP FOR A VIDEO GAME LICENSE, 327 BRIDGE ST.

Attorney Ronald Whitney and Mr. John Sullivan were present.

Mr. Richards read the departmental referrals into the record. Mr. Kaplan, Health Inspector, reported that the establishment would require updates for building, plumbing, fire codes, etc as a new owner. Officer King reported a public safety concern based on the applicant's past history. Mr. Richards stated the requested change complies with the Town's Zoning Ordinance as long as the changes to the interior/exterior are made. The Municipal Finance Department reported no balance.

Solicitor Lane stated he had a discussion with the applicant's attorney regarding applicant's personal information. In accordance with the attorney any matters maybe discussed without the need for executive session.

Chief Thomas stated the applicant's background raises his eyebrows as a public safety official and the Chief of Police of the Town.

Attorney Whitney stated Mr. Sullivan tried to be as candid as possible by submitting the record with his application. He admits that he made errors in his judgment in the past. The latest incident was in 1993 and most of the results were dismissals. In the interim Mr. Sullivan has worked as a bartender at the Sand Trap. He has shown himself to be responsible and regrets his past track record.

Mr. Richards asked if the applicant was aware of the Board of Health requirements as a result of an inspection.

Mr. John Milley, current owner, stated the issues which arose as a result of the December 27th health inspection have been resolved.

Mr. McCormack stated a reinspection will be required prior to the change of hands.

Attorney Whitney said the business will remain the same other than a change of ownership. Mr. Sullivan is a life-long resident, 33 years old and spends the majority of his time at the establishment. He attends the alcohol awareness training of the town every year. In 1934 the establishment was created and in 1971 it became the Sand Trap.

Chief Leary made a MOTION to approve the All Alcoholic Restaurant license transfer. Chief Thomas seconded.

Mr. McCormack added that it be granted pending the inspection of the Board of Health. The MOTION was UNANIMOUSLY VOTED

Chief Leary made a secondary MOTION to approve the pledge of the All Alcoholic Restaurant license to Milley Inc. Mr. McCormack seconded. UNANIMOUSLY VOTED

Chief Leary made a third MOTION for the approval of the Common Victualler license. Mr. McCormack seconded. UNANIMOUSLY VOTED

Chief Leary made a fourth MOTION for the approval of a Video Game license for a bowling machine. Mr. McCormack seconded. UNANIMOUSLY VOTED

LICENSE RENEWALS (EXPIRING JUNE 30TH)

- **Antique Dealers**

Officer King reported all license holders were found to be in compliance during a recent inspection.

Mr. Richards made a MOTION to approve all Antique Dealer license renewals. Chief Leary seconded. UNANIMOUSLY VOTED

- **Auctioneers**

Officer King reported that Bridge Antiques chose not to renew their Auctioneer License.

Mr. Richards made a MOTION to accept the non-renewal. Chief Leary seconded. UNANIMOUSLY VOTED

- **Fortune Tellers**

Officer King reported all license holders were found to be in compliance at his inspection, except Annette Milton and Mary Bonner as The Benefics are out of business. He was unable to inspect Terry Porter's business at 440 Washington Street as no one was ever there. He was unable to inspect the business of Irene Mitchell, 1099 Main Street as well.

Mr. Richards made a MOTION to approve all Fortune Teller license renewals except Virginia Drury, Joanne Nsour and Sandra Tobin. Chief Leary seconded. UNANIMOUSLY VOTED

- **Junk Dealers**

Officer King reported the license holders were found to be in compliance at the inspections.

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

- **Precious Metals**

Officer King reported all license holders were found to be in compliance at an inspection. C.D. Jewelry, 318 Washington Street, is applying for a new license as they let their license lapse last year.

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

APPROVALS

- Minutes: May 13, 2008

Chief Thomas made a MOTION of approval. Chief Leary seconded. UNANIMOUSLY VOTED

- Precious Metals License: C.D. Jewelry, Inc., 318 Washington St.

Officer King stated Mr. Capobianco is interested in reinstating his license. He chose not to renew last year and has decided he would like have a license due to the increase of the gold market.

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

CHAIRMAN'S REPORT

- Future Meeting Schedule

Chief Thomas made a MOTION to schedule the next meeting for Tuesday, August 5, 2008 at 2 PM. Mr. McCormack seconded. UNANIMOUSLY VOTED

CORRESPONDENCE

- Notification of Business Closure During 4th of July Holiday – Basta Bar & Grille, 1166 Washington St.

Mr. Richards stated Mr. Silvestro notified the Board he will be closing for the 4th of July holiday.

Chief Leary made a MOTION to accept the request. Mr. McCormack seconded. UNANIMOUSLY VOTED

NEW/OLD BUSINESS

- Guidelines for Extension of Premises to Patio & Outdoor Areas

Mr. Richards stated the information was distributed to the Zoning Board of Appeals for review. He has not received a response as of yet.

Solicitor Lane stated he would be meeting with Mayor Kay regarding the matter.

The matter was continued for a future deliberation.

ADJOURNMENT

Mr. McCormack made a MOTION to adjourn at 3:55 PM. Chief Thomas seconded.
UNANIMOUSLY VOTED

Respectfully submitted,

Lisa VanWinkle,
Recording Secretary