

Minutes of the Board of Licensing Commissioners for their meeting held on Tuesday, September 22, 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 Timothy Carr; Richard Marino, Director of Health; Town Solicitor George E. Lane, Jr., Lisa VanWinkle, Secretary; Licensing Officer Brian King and Fire Fighter Justin Myers

Chairman Fryer called the meeting to order at 2 PM.

APPROVALS

Mrs. Lee Hultin, Assistant to the Mayor, was present for the approval, stating the Great Pumpkin Give-a-Wey event would be held on Saturday, October 3, 2009 at the Weymouth Town Hall/Libby Field from 12 PM – 4 PM. There will be activities such as tables from local civic groups and nonprofit organizations, food concession, music, pumpkin patch, field games, hay rides, pumpkin carving contest, Farmers' Market and inflatable rides.

- One-Day Food Vendor Permits: Great Pumpkin Give-a-Wey

Mr. Richards made a MOTION for the approval of One-Day Food Vendor Permits for October 3, 2009: Weymouth Band Parents; Troop 92; Weymouth High School Culinary Arts; Olympic Pizza; and Bob's Muffin Shop. Mr. Marino seconded. UNANIMOUSLY VOTED

Chief Leary arrived to the meeting at 2:05 PM.

- One-Day Entertainment Permit: Great Pumpkin Give-a-Wey

Mr. Richards made a MOTION of approval for the One-Day Entertainment Permit for October 3, 2009. Mr. Marino seconded. UNANIMOUSLY VOTED

APPLICATION OF DLT, LLC D/B/A STOP & SAVE FOR A FOOD VENDOR LICENSE, 69 BROAD ST.

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

APPLICATION OF BARBARA & THOMAS MULREY D/B/A KELLEY'S FROSTIE VILLAGE FOR A COMMON VICTUALLER LICENSE, 2-4 UNION ST.

Mr. Richards stated the use of the premises as a restaurant is current and permitted in the B21 Zone in which it is located. The applicant submitted a reduced seating plan and the proposed hours of operation are for: 10 AM – 10 PM. He continued to read the departmental referrals into the record. The Municipal Finance Department reported outstanding personal property taxes. Officer King reported no public safety objection. Mr. Kaplan, Health Inspector, reported the need for the applicant to contact the Health Department in order to file necessary departmental documents/fees.

Mr. John Kelly and Mrs. Barbara Mulrey were present. Mr. Kelly stated he was Mrs. Mulrey's father and that he has operated a similar business in South Boston for 43 years. They have never been cited by the Health Department while operating during those years. They are moving the business closer to home.

Chairman Fryer announced the public hearing for comments.

An abutter spoke as to the concern that area parking is limited during the day. Spots in the square should be available for the patrons, although, the business owners utilize them. He also mentioned that parking is available in the municipal lot across the street.

Mr. Richards made a MOTION to approve the Common Victualler license at 2-4 Union Street. Mr. Marino seconded.

Solicitor Lane stated personal property taxes have been reported as outstanding by the Municipal Finance Department. Approval would be contingent upon payment of such by the existing business.

Chairman Fryer stated there is a MOTION before the body; all in favor? UNANIMOUSLY VOTED

APPLICATION OF CBI ENTERPRISES INCORPORATED D/B/A LIL BRAZIL FOR A COMMON VICTUALLER LICENSE, 532 POND ST.

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 fifty-five seat capacity has adequate parking for the proposed use. 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 into the record. Municipal Finance reported outstanding personal property taxes and motor vehicle excise taxes. Officer King reported no public safety objection to the request. Mr. Kaplan, Health Inspector, reported the need for the applicant to contact the Health Department in order to file necessary departmental documents/fees.

Mr. Richards stated the floor plan submitted is similar to what was there originally.

Chairman Fryer announced the public hearing for comment.

Mr. John Dudek, 10 Plain Terrace, came forward, stating there has been numerous problems in the past affecting the location of Plain Terrace. Therefore, the residents vehemently oppose the application. There has been loitering at the location, trash, and conditions encroaching upon their private space. Lighting glares into their kitchen.

Mr. Richards stated the lighting could be addressed per zoning regulations. The dumpster is enclosed and should be kept locked.

Mr. Dudek stated trash manages to get over to their property.

Mr. Marino replied there have been past issues with illegal dumping of trash onto the property. The perpetrators were staked by the Health Department and the Weymouth Police Department. Seagulls shouldn't be an issue if the dumpsters are enclosed. Odors can be treated with odor control equipment. Any future concerns may be addressed by contacting the Health Department.

Mr. Brian Coe stated the dumpster will be locked at night. They never had odor complaints at their current location in Columbian Square. He asked that the neighbors come to him with any concerns.

Mr. Richards made a MOTION to approve the Common Victualler license contingent upon the payment of outstanding taxes to the Town and the issuance of the Certificate of Occupancy. Mr. Marino seconded. UNANIMOUSLY VOTED

APPLICATION OF ALLAN B. NICHOLS FOR A FOOD VENDOR LICENSE, 119 MAIN ST.

Mr. Richards made a MOTION to withdraw the application without prejudice. Chief Leary seconded. UNANIMOUSLY VOTED

APPROVALS

- Minutes: August 25, 2009

Mr. Richards made a MOTION to approve the August 25, 2009 meeting minutes as submitted. Chief Leary seconded. UNANIMOUSLY VOTED

- Carnival Permit: Great Pumpkin Give-a-Wey

Mr. Richards made a MOTION to approve the carnival permit for the Town of Weymouth's Great Pumpkin Give-a-Wey event to be held on October 3, 2009. Chief Leary seconded. UNANIMOUSLY VOTED

- One-Day Liquor License: Immaculate Conception

Mr. Richards made a MOTION to approve a One-Day Liquor License for Immaculate Conception for a parish event to be held on October 30, 2009 from 5 – 9:30 PM. Chief Leary seconded. UNANIMOUSLY VOTED

- One-Day Liquor License: Great R. Bean Post American Legion, 19 Hollis St.

Mr. Richards made a MOTION to approve a One-Day Liquor License for George R. Bean Post for an Oktoberfest charity event (outdoors: parking lot) to be held on September 27, 2009 from 1-8 PM. Chief Leary seconded. UNANIMOUSLY VOTED

CHAIRMAN'S REPORT

- Meeting Schedule

Mr. Richards made a MOTION to schedule the October meeting date for October 20, 2009. Chief Leary seconded. UNANIMOUSLY VOTED

Mr. Richards also made a MOTION to schedule the November meeting date for November 24, 2009. Chief Leary seconded. UNANIMOUSLY VOTED

CORRESPONDENCE

- ABCC Decision – Bridge Street Pizzeria, Inc., 117 Bridge St.

Mr. Richards stated the Commission found the licensee in violation of M.G.L. Chapter 138, section 23—sale of alcoholic beverages other than those purchased from a licensee under section 18 or 19 or from a holder of a special permit under section 22A (3 counts). They suspended the license for 3 days to be held in abeyance for 2 years provided no further violations of Ch. 138 or Commission regulations occur.

Mr. Richards made a MOTION to include the decision on the violation list. Chief Leary seconded.

Solicitor Lane stated the decision is for the suspension to be held with no action unless another violation should occur. He asked that the decision be included on the violation sheet. The Licensing Board would notify the ABCC should another offense occur.

Chairman Fryer stated there is a MOTION before the body; all in favor? UNANIMOUSLY VOTED

NEW/OLD BUSINESS

- Officer King RE: Grill Eighteen, 119 Main St.

Mr. Richards made a MOTION to send a hearing notice to Grill Eighteen for the next meeting. Chief Leary seconded. UNANIMOUSLY VOTED

- Alleged Liquor Violations: Gourmet Oriental, 625 Washington St.

Mr. Richards made a MOTION to schedule a liquor violation hearing on the incident for their next meeting. Chief Leary seconded. UNANIMOUSLY VOTED

ADJOURNMENT

Mr. Richards made a MOTION to adjourn at 2:45 PM. Chief Leary seconded. UNANIMOUSLY VOTED

BOARD OF LICENSING COMMISSIONERS

Tuesday, September 22, 2009

Page 5 of 5

Respectfully submitted,

Lisa VanWinkle,
Recording Secretary