

Minutes of the Board of License Commissioners for their meeting held on Tuesday, September 28, 2004, at Weymouth Town Hall in the Chambers

Attendance: Chairman Franklin Fryer, Town Clerk; Clerk Jeffrey Richards, Director of Municipal Licenses & Inspections; Fire Chief Robert Leary; Richard Marino, Director of Public Health; Police Chief James Thomas; 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 KCNB, LLC D/B/A KC'S PUB & GRILL (ALL ALCOHOLIC RESTAURANT/COMMON VICTUALLER LICENSE) FOR ALTERATIONS TO THE LICENSED PREMISES AT THE LOCATION OF 1284 WASHINGTON ST.

Mr. Nick Akoury, President/Manager, was present.

Mr. Richards read the departmental referrals into the record. The Municipal Finance Department reported personal property taxes as current. The Health Department reported no objections. Officer King, Police Department, reported no public safety objection to the requested alterations to the licensed premises as long as the only access to the enclosed area is through a door to be installed where there is a window present. There should be no access to the area from the parking lot or sidewalk.

Mr. Richards stated the alterations may be granted in accordance with the Zoning Board of Appeals Case #2811 with the following conditions: A. The floor plan is not increased. B. Access is available only from inside the bar. C. There will be no live music, speakers, piped in music of any kind. D. Curb stops will be placed at parking spots #3, 4 & 5 E. If the applicant wants to enclose the patio, he must apply to the BZA for approval. The plans read as follows: "9 foot high enclosure with no roof to be placed under existing roof overhang; made out of 1" welded steel tubing and covered with fire resistant vinyl."

Mr. Akoury stated the addition's purpose is to provide a smoking area where patrons may go with drink in hand as they weren't able to do in the parking lot. He confirmed there will be no direct access to the area from the parking lot.

Chief Leary questioned where the access way will be.

Mr. Richards replied in accordance with the plans.

Mr. Richards made a motion to approve the application for alterations to the licensed premises in accordance with the Zoning Board of Appeals Case #2811 and required building permits. Chief Thomas seconded. UNANIMOUSLY VOTED

**APPLICATION OF TONG CHAO ZHANG D/B/A FORTUNE COOKIE RESTAURANT
FOR A COMMON VICTUALLER LICENSE, 1025 MAIN ST.**

Attorney Peter Lim was present on behalf of Tong Chao Zhang.

Mr. Richards read the departmental referrals into the record. The Municipal Finance Department reported Yangtze Wok, previous owner, owes 2003/2004 and possibly FY2005 personal property taxes. Yangtze Wok disappears from water/sewer account in 2002; would need to know name of subsequent owner to trace responsibility. The Health Department okayed the request pending receipt of required food handling certification. Officer King, Police Department, reported no public safety objection to the requested change of ownership. Mr. Richards, Inspector of Buildings, reported no objection.

Solicitor Lane reminded the Board of the ordinance relating to outstanding taxes and stated if the Board was to approve the license that it should be subject to the payment of outstanding taxes.

Attorney Lim stated the application was for a change of ownership only; hours of operation and seating will remain the same.

Mr. Richards made a motion to approve the application with the condition that all outstanding taxes are paid to date and the Certificate of Occupancy is not issued until payment is received. Chief Leary seconded. UNANIMOUSLY VOTED

APPROVALS

- Minutes: 8/24/04

Mr. Marino made a motion of approval. Chief Leary seconded. UNANIMOUSLY VOTED

- One-Day Liquor Permit: Immaculate Conception Church

Mr. Richards stated the application was for a One-Day Permit to be able to serve wine and malt at a parish function on October 16, 2004 from 5 PM – 9 PM. He made a motion of approval. Chief Leary seconded. UNANIMOUSLY VOTED

- Permits for Weymouth Day

Mr. Richards read correspondence from the Mayor's Office regarding the event scheduled for October 2, 2004 from 9 AM – 7 PM. Mr. Richards made a motion to approve a One-Day Food Vendor Permit for East Weymouth Neighborhood Association, Weymouth Band Parents Association and M&M Concessions, as well as a One-Day Entertainment Permit for the event. Chief Leary seconded. UNANIMOUSLY VOTED

CHAIRMAN'S REPORT

- Meeting schedule

Mr. Richards made a motion to schedule the next meeting for Tuesday, October 19, 2004 at 2 PM. Chief Leary seconded. UNANIMOUSLY VOTED

NEW/OLD BUSINESS

- Illegal Tattoo Parlor

Chief Thomas noted that with the help of the Health Department an illegal tattoo parlor was shut down on Bridge Street in North Weymouth over the weekend.

- Next Page Café

Mr. Marino stated that the Board of Health made an inspection over the weekend of the decibel level of noise emitted from live entertainment being held at the establishment of the Next Page Café, 550 Broad Street. The decibel levels from the street and sidewalk were within the limit; although, the level measured near the Crawford's, direct abutter, near exceeded the acceptable limit. He said Mr. Crawford was present during the testing and claimed that the band was one of the quieter bands that had been at the establishment.

Mr. Marino stated more discussion will take place at the future meeting of the Board when the Pages are due back.

Chief Thomas stated he went to the bar in civilian clothes on Friday, September 24, 2004 at 11:45 PM to witness the surroundings. Noise from the outside of the establishment in front was not offensive. He entered through the rear door and the interior noise was loud to his ears in his opinion. His department will be investigating further within the neighborhood to support previous allegations.

ADJOURNMENT

Mr. Richards made a motion to adjourn the meeting at 2:25 PM. Chief Leary seconded. UNANIMOUSLY VOTED

Respectfully submitted,

Lisa VanWinkle, Recording Secretary