



CITY OF TAUNTON

LICENSE COMMISSION MEETING

MINUTES OF THE MEETING

July 15, 2015

7:00 p.m.

PRESENT:

Chairman Peter Lamb

Commissioner Bruce Thomas

For the Police Department:

Detective Lt. Daniel McCabe

Detective Dennis Smith

Meeting was called to order at 7:04 p.m. by Chairman Lamb.

1. Minutes from the meetings of June 4, 2015 and June 24, 2015. Motion made by Commissioner Thomas to accept the minutes. Motion was seconded by Commissioner Lamb. Motion passed unanimously.
2. **BaHa Brothers Pub and Restaurant, Inc. d/b/a BaHa Brothers Sandbar Grill** – Application for an Alteration of Premise: Appearing before the Board was Attorney Brad Louison, Manager Jessie Morgan, and corporate Vice President, Joseph O’Connell. Attorney Louison stated that this was an application for alteration of premise for use of an outside patio, 30 people seating which would have smoking, eating and drinking. Back in 2010, the City Council granted a special permit for a waiver of the parking and the expansion of the function room and the patio. In 2012, the licensee put forth an application although they were not sure where they were going to put it and then they withdrew the application. Unfortunately, the applicants erroneously constructed the patio before coming before this Board. They have all the exhibits and the cost is roughly \$5,000. They have a building permit and a separate permit for the flooring and all the abutters were notified. Any issues with the parking go with the approval of the City Council special permit. Chairman Lamb asked City of Taunton Board of License Commissioners - Meeting Minutes 07/15/2015

Attorney Louison if he had reviewed the License Commission's rules and regulations. Yes. Chairman Lamb stated that in Section 2.15, it explains what is required by the Board. Chairman Lamb read into the record from page 16 "There shall be no increase in maximum seating capacity within or upon the Licensed Premises, or to any area under the direction and control of the Licensee, without the prior written approval of the Commission based upon new plans submitted by the applicant or Licensee as required in Section A above and Sections C, D, and E below". Chairman Lamb then stated that the paragraph continued on to explain what is required; and then in Section D, the second to last paragraph states "No license shall issue until the Commission's independent approval and all approvals of all applicable City departments has issued in writing. The applicant or Licensee shall provide the Commission with copies of approvals of all applicable City departments. Approval of plans and/or the issuing of permits by the City's Board of Health, Fire Department, or City Council does not constitute approval by the Commission. The Commission must grant separate and independent written approval before any work is commenced, with the sole exception of emergency repairs". Chairman Lamb then stated that looking through the packet, we have two sets of plans. One is a drawing and one is, I believe, the 2013 parking plan. My understanding that looking through this plan, there were 3 spaces that have been eliminated. Chairman Lamb asked if that was correct. Attorney Louison agreed, however, he stated that it was his understanding that this was part of the waiver that was granted by the City Council. Chairman Lamb stated that he wasn't sure because the plan that is dated in 2013 has been signed off by the Taunton Fire Department and the other departments. The Board and applicants review and discuss the plans. Chairman Lamb asked if they had written approval from the Building department. Mr. O'Connell stated yes. Commissioner Thomas asked if they did, because it was his understanding that they had just applied yesterday. Commissioner Thomas asked again if they had a building permit. Yes, stated Mr. O'Connell. Mr. Thomas stated that he was told that they had just applied yesterday. Mr. O'Connell stated no, I have it and handed Commissioner Thomas a document. Commissioner Thomas stated that this was not a building permit, but rather an application. Chairman Lamb stated that this was an incomplete package. He further stated that he did not have enough information to continue on with this application. Commissioner Thomas reviewed the permit application. Commissioner Thomas reiterated the events of the last few meetings. Chairman Lamb reminded the applicants that in May they were sent a letter and asked to come in to make sure we were all clear. He further added that this was a very contentious matter and we want to be clear. Attorney Louison stated that he had a permit in his hand for the outside patio. Chairman Lamb explained that that permit has been closed out. Mr. O'Connell stated that they had gone to the Building Inspector, Bob Pirozzi and he informed them that they could start building without the permit. Commissioner Thomas stated that no, he did not. If he said that you could build, he would have given you a permit. You do not have a permit. Chairman Lamb stated that the bottom line is you don't have a building permit and it is not a complete packet. If we had a building permit then we could see the parking plan and see if it is comparable to the approved permit from

2011. Commissioner Thomas asked why the outside patio was being placed in the same spot. Mr. O'Connell stated that they had wanted to put it on the other side and we were told we couldn't do it. Commissioner Thomas asked who told them they couldn't put it there. Mr. O'Connell stated the building department. They stated it was too congested and that's why we went back to the original location. Commissioner Thomas stated that you need a building permit. Mr. O'Connell stated that they had one. Everyone signed off on it. Commissioner Thomas asked to see the permit. Mr. O'Connell produced a document. Commissioner Thomas stated that this is an application; and then asked where is the permit? Mr. O'Connell was unable to produce a permit. Chairman Lamb stated that there were two issues: one was the building department. The second issue was the approval from the City's planning office and that is who controls the parking, etc. The Board would need written approval from the City's planning office that this plan clarifies what is happening. Chairman Lamb went on to say "It appears to us that these spaces were omitted from the 2013 plan. There is conflicting information. Given that there is a special permit overlaying the property, I think it is important that we get clarification." Attorney Louison stated that he understood what Chairman Lamb was saying; that they needed to determine if this is a correct plan and a building department permit. Discussion between Attorney Louison and Chairman Lamb as to what is needed by the Board. Attorney Louison asked if the Board would consider tabling the matter until the next meeting. Chairman Lamb stated that they could table it. Commissioner Thomas made a motion to table the application for the alteration of premise for the BaHa Brothers until August 26, 2015. Chairman Lamb added that he would like the paperwork in as soon as possible, not the day before the meeting. Chairman Lamb seconded the motion. Motion passed.

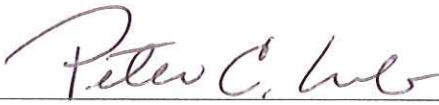
3. **Holy Ghost Society of East Taunton** – Chairman Lamb asked Detective Lieutenant McCabe if he had a chance to look at the premises. Detective Lieutenant McCabe stated yes. He further added that he had a conversation with Mr. Joe DeMoura and they have nothing up right now. On the O'Connor Street side, there is a double gate at the street and the Holy Ghost wants to open up one side of the gate across the back so it blocks off the parking lot about one third of the way and then they want to make a PVC style fence; he called it a cow fence. Detective Lieutenant McCabe stated that he had no idea and the licensee did not have it there. This fence would cover up most of the driveway with a small pathway for people to walk close to the building. On the other side of the building near the low building where they run the feast out of, the licensee proposed they would do the same thing close that low building, but instead of using a PVC fence, they would use hurricane fence tied together with poles cemented in white buckets. Which is what we discussed a year ago, stated Chairman Lamb. Detective Lieutenant McCabe stated yes. In the back field they also have the hurricane fence with the white buckets and they are just going to extend that further down. The dumpster is located at the end of the low building behind the bathrooms, so the fence will be extended to that point. Chairman Lamb asked about the walkway to the asphalt. Detective Lieutenant McCabe stated that he would have to contact the

Investigator Velez from the ABCC. Detective Lieutenant McCabe stated that Mr. DeMoura had discussed putting a pathway from the asphalt to the building to the pit area and if that is done, then it will be contiguous. Detective Lieutenant McCabe stated that he stood in the pit area and could see the window from the bar, so one could also see the pavilion area from the bar, but that the windows had blinds and the blinds would need to be removed. Chairman Lamb and Detective Lieutenant McCabe both stated that this arrangement was manageable. Detective Lieutenant McCabe also stated that it doesn't need to be a permanent fix, so that they could take the fencing down when they didn't have a function, but that should be made a condition upon any license approval. Detective Lieutenant McCabe also stated that he thought there may be a problem with the three separate pathways leading into the area. The problem with that is it may not be acceptable unless they have someone standing at each of the entrances to stop people from coming in, or bringing things in. Because it is a licensed premise, people should not be bringing in their coolers. Chairman Lamb said, "okay, we have an update."

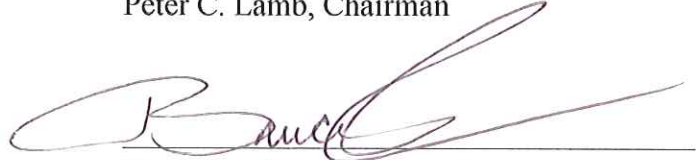
4. **Round One Entertainment, Inc.** – Communication requesting a request for reduction of the amusement fees. Chairman Lamb read the letter into the record. Chairman Lamb stated that he had some discussions regarding the fees and we need to clarify whether or not this Board has the authority to reduce the fees. This may be a municipal council matter. Chairman Lamb suggested taking it under advisement and at the next meeting the Board can make a decision and let them know. Commissioner Thomas agreed.
5. **Old Business** – UR of Taunton MA, LLC d/b/a Uno Chicago Grill – Chairman Lamb explained that there was a previously submitted application for the change of officers, directors and a transfer of stock. The application notice needed to be published in the newspaper; however, we inadvertently neglected to do that. That notice has since been published and the Board just needed to vote again. Commissioner Thomas made a motion to approve the application UR of Taunton, MA LLC. Chairman Lamb seconded the motion. Motion passed unanimously.

Detective Lieutenant McCabe stated that he believed that the ninety day extension for Benjamin's would be good up until August 19, 2015, so the Board may want them to come in for the next meeting. Chairman Lamb agreed. Commissioner Thomas stated that he was not available for a meeting on August 19 and would the Board consider moving the meeting to August 26, 2015. Commissioner Thomas made a motion to adjourn. Chairman Lamb stated that he would second the motion and if the meeting was moved to August 26, 2015, provided that all the appropriate parties were notified. Motion passed unanimously.

Meeting adjourned at 7:40 p.m.

A handwritten signature in cursive script, appearing to read "Peter C. Lamb", written above a horizontal line.

Peter C. Lamb, Chairman

A handwritten signature in cursive script, appearing to read "Bruce M. Thomas", written above a horizontal line.

Bruce M. Thomas, Commissioner