

HEARINGS, MEETINGS, LICENSES
3-9-09



Town of Middleborough
20 Centre Street, Second Floor
Middleborough, Massachusetts 02346

Robert J. Whalen
Building Commissioner
Tel. 508-946-2426
Fax 508-946-2305

March 5, 2009

Middleborough Board of Selectmen
Middleborough Town Offices
10 Nickerson Ave
Middleborough, MA 02346

RE: Class II License for property located at 491 Wareham Street, Assessors Map: 094
Lot: 137.

Dear Honorable Board,

Yesterday I met with Tiffany Cesero of 18 Kayla Circle and we reviewed the new plan for the property located at 491 Wareham Street.

1. This property is located within the General Use Zoning District so the proposed use is allowed.
2. The new site plan shows that the cars would be parked on the center of the property.
3. I would support this request for the ten cars.

Respectfully submitted,

Robert J. Whalen
Building Commissioner
Zoning Enforcement Officer

(Town Seal)

A public hearing will be held in the Selectmen's Meeting Room at the Town Hall, 10 Nickerson Avenue, Middleborough, MA on Monday, March 9, 2009 at 8:00 PM, for the purpose of considering application made by Lands End Enterprises, d.b.a. Farrar's Flat Iron Café, 444 Centre Street for "Live Entertainment" Monday through Saturday from 7 AM to 11 PM and Change of Liquor license from Wines & Malt Beverages to All Alcoholic. Anyone desiring to be heard on this matter should appear at the time and place designated.

Patrick E. Rogers
Steven P. Spataro
Muriel C. Duphily
Marsha L. Brunelle

BOARD OF SELECTMEN

Publish: February 26, 2009

*Payment is being sent to S. Coast Media, 25 Elm St., New Bedford, MA 02740, Adv.
300074



Town of Middleborough
20 Centre Street, Second Floor
Middleborough, Massachusetts 02346

Robert J. Whalen
Building Commissioner
Tel. 508-946-2426
Fax 508-946-2305

February 24, 2009

Middleborough Board of Selectmen
Middleborough Town Offices
10 Nickerson Ave
Middleborough, MA 02346

RE: Live Entertainment and All Alcoholic Beverage Application for Flat Iron Cafe, 444 Centre Street, Middleborough Assessor's Map 50N Lot 5913.

Honorable Board,

I have reviewed the application submitted by Lands End Enterprises, 444 Centre Street for a Live Entertainment and all Alcoholic Beverage License. The owners should be made aware that if this application is granted they would be subject to the requirements of M.G.L. Chapter 148 Section 26G1/2*. The allowable occupant load for this building is 75 persons. The owner should be made aware that M.G.L. Chapter 148 Section 26G1/2* states that any business owner cited for violating the maximum capacity for his place of business shall be subject to a \$10,00.00 fine for the first or second offense. I would support this request as long as it is made clear that at no time the building contain no more than 75 persons.

Respectfully submitted,

Robert J. Whalen
Building Commissioner
Zoning Enforcement Officer

* (See Attached)

RJW/d

The General Laws of Massachusetts

Search the Laws

PART I. ADMINISTRATION OF THE GOVERNMENT

TITLE XX. PUBLIC SAFETY AND GOOD ORDER

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CHAPTER 148. FIRE PREVENTION

Chapter 148: Section 26G1/2. Nightclubs, dance halls, discotheques, bars; adequate system of automatic sprinklers

Section 26G1/2. For the purpose of this section the term "adequate system of automatic sprinklers" shall include: (1) a working automatic sprinkler system; (2) fire alarm system control equipment which provides notice of an emergency within a place of assembly; and (3) adequate monitoring of and reporting of any activation of the automatic sprinkler system and fire alarm equipment, in accordance with the state building code in effect at the time of the installation of such system and equipment.

Every building or structure, or portions thereof, of public assembly, with a capacity of 100 persons or more, that is designed or used for occupancy as a nightclub, dance hall, discotheque, bar, or for similar entertainment purposes, including all rooms, lobbies, and other spaces connected thereto and all means of egress and entrances, including any such public assembly located within a mixed use building or structure, including a building or structure owned or controlled by the commonwealth or a political subdivision thereof, (a) which is existing, or (b) for which an approved building permit was issued before December 1, 2004, shall be protected throughout with an adequate system of automatic sprinklers, in accordance with the state building code.

Any owner of a business designed or used for occupancy as a nightclub, dance hall, discotheque, bar or for similar entertainment purposes to which the second paragraph does not apply shall install a system of automatic sprinklers within the building or structure in accordance with the state building code if the business: (1) violates the maximum capacity for such building or structure, as established by a duly recognized inspector of buildings, building commissioner or local inspector of a city, town or district or other duly recognized local inspector or inspector, as provided in chapter 143, 2 or more times during a 12-month period; or (2) violates the maximum capacity of such building or structure by a number greater than 1/2 of such maximum capacity as established by a duly recognized inspector of buildings, building commissioner or local inspector of a city, town or district or other duly recognized local inspector or inspector, as provided in chapter 143. Any owner of a building or structure required to install automatic sprinklers as a result of a violation of this paragraph shall do so within 1 year of being cited for such violation, and shall be responsible for the full costs of installation. Notwithstanding any general or special law to the contrary, any business owner cited for violating the maximum capacity for his place of business shall be subject to a \$10,000 fine for a first or second offense. A third such offense shall result in the business owner losing his license to operate in the commonwealth, and all food, entertainment and other licenses associated with his business. This paragraph shall be enforced by a duly recognized inspector of buildings, building commissioner or local inspector of a city, town or district or other duly recognized local inspector as provided in chapter 143, or any state official with concurrent jurisdiction.

This section shall not apply to a place of assembly within a building, structure or portions thereof used principally as a house of worship, restaurant, lecture hall, auditorium, state or local government building, educational function facility, or other similar place of assembly. Temporary use of such a building or structure or portions thereof as a nightclub, dance hall, discotheque, bar or for similar entertainment purposes, may be allowed if a permit is issued for such use by the head of the fire department in consultation with the local

building inspector or inspector who may set the terms and conditions to protect against fire and preserve public safety.

Whoever is aggrieved by an interpretation, order, requirement or direction of the head of the fire department under this section, or, whoever is aggrieved by a failure of the head of the fire department to take action under this section, may, within 45 days after the service of notice of such interpretation, order, requirement or direction, or, after 45 days of such failure to act, appeal from such interpretation, order, requirement, direction or failure to act to the automatic sprinkler appeals board as provided in section 201 of chapter 6.

The cost of installing an adequate system of automatic sprinklers pursuant to this section shall be borne in its entirety by the owner of the building or structure.

Except as provided in the third paragraph, the head of the fire department shall enforce this section.

CRANBERRY CAPITAL OF THE WORLD



Phone: 508-946-2405 Fax: 508-946-0058

Town of Middleborough Massachusetts

BOARD OF SELECTMEN

Marsha L. Brunelle Adam M. Bond Patrick E. Rogers Wayne C. Perkins Steven P. Spataro

APPLICATION FOR LICENSE (PLEASE TYPE OR PRINT CLEARLY)

DATE 02/06/09 NAME OF APPLICANT FERRAR'S FLAT / RON CAFE / DEBORAH A. LOCKE ADDRESS OF APPLICANT 444 CENTER ST. ASSESSORS MAP & LOT 50N 5913

NAME OF BUSINESS FERRAR'S FLAT / RON CAFE OWNER OF PROPERTY TO BE LICENSED LOCKE, THOMAS J. & DEBORAH A. ADDRESS OF PROPERTY TO BE LICENSED 444 CENTER ST. ASSESSORS MAP & LOT 50N 5913

TYPE OF LICENSE REQUESTED (Check One)

- 2nd Hand Furniture Class I License Class III License Common Victualler Entertainment X 2nd Hand Clothing Class II License Liquor License X (Conversion from Beer/wine to Full) Automatic Amusement Other

Anticipated Start Date for Business ASAP. Hours requested: Monday thru Saturday 7:00am to 11:00 pm

Has the Applicant previously held a similar license in the Town of Middleborough or elsewhere? If yes, explain:

No

Signature Deborah A. Locke

DATE OF HEARING 3/9 @ 9am APPROVED/DENIED

Do not write below line: To be Completed by Treasurer/Collector:

Please inform this department, as well as the Board of Selectmen, as to whether or not the above listed property owner/applicant/petitioner owes the Town of Middleborough any outstanding taxes and/or municipal charges that remain unpaid for more than one year.

Does Property Owner/Applicant/Petitioner owe Taxes/Municipal Charges? no

FARRAR'S

Judy M. MacDonald
JP

