

9/25/06 (7)

TOWN OF ACTON

Building Department

**INTERDEPARTMENTAL COMMUNICATION**

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**To:** Board of Selectmen **Date:** September 21, 2006  
**From:** Garry A. Rhodes, Building Commissioner   
**Subject:** 124 Main Street  
Application of an Entertainment license

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I am concerned about the extent of the request. It appears the request is open ended and without limits. If the request is granted as requested and then used to that extent it would create a new exterior use. Such a use would create a violation of the Acton Zoning Bylaw.

I am also concerned about the limited parking on site. I would suggest if the Board grants the request it should be on a trial bases to assess the impact to the neighborhood. I would also recommend the Police be consulted for the need for a detail.

# Town of Acton License or Permit Application

For Town Use Only

*Continued*  
*Pay \$50*  
*4/20*  
*\$50*

To the Licensing Authorities of Acton:

*police, fire  
building, health*

The undersigned hereby makes application for the following described license, in accordance with the provisions of the General Laws, and amendments thereto.

*[Signature]*

Please indicate the License or Permit for which application is being made

Auction Entertainment One Day Liquor Common Victualler Class 1 or 11  
Automated Amusement 24 Hour Permit Fair or Sale Concert Other \_\_\_\_\_

Name of Organization/Applicant Acton Coffee & Ice Cream LLC  
Location of Event 124 Main St, Acton  
Name of Owner of Premises Frank Chen

**DESCRIPTION OF EVENT** (i.e.; Fee or donation charged?, Name of operators of event? Purpose of event? Parking availability?)

Play Jazz under the tree in my parking lot behind my building by local student bands on weekend evenings (7-9 pm)  
parkings available in my parking lot as well as MBTA parking lots.  
Weekends outdoor BBQ may be provided.

Date of Event: (year round) Hours of Event or Operation 7-9 pm on wed

Name of person making application Frank Chen

Occupation Owner of shop

Residential Address 136 Virginia Farme Ln, Carlisle, MA 01741

Business Address 124 Main St, Acton, MA 01720

Telephone: Home 978 287 4435 Business 978-264-0900

E-Mail Address: actoncoffee@yahoo.com

Date of Naturalization, if not born in U.S. 1998

Have you ever been arrested for any law violation? No

Male or female \_\_\_\_\_

If so, when \_\_\_\_\_

Date of Birth 7/30/1963

Where \_\_\_\_\_

Place of Birth China

State Briefly \_\_\_\_\_

Father's Name Fupo Chen

Mother's Maiden Name Lan

Height 5 ft. 8" Inches

Weight 175 lb

Complexion asian (oriental)

Hair black

Eyes brown

References (names and addresses)  
Kathy Zhang of Carlisle, MA  
Jie Li of Acton, MA  
James Eldrige, Acton, MA  
Anne Forbes, Acton, MA

Signature of Applicant *[Signature]*

Bo's Agent  
9/1/06

# Town of Acton License or Permit Application

For Town Use Only

*pd*

To the Licensing Authorities of Acton:

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Please indicate the License or Permit for which application is being made

Auction Entertainment One Day Liquor Common Victualler Class 1 or 11  
Automated Amusement 24 Hour Permit Fair or Sale Concert Other \_\_\_\_\_

Name of Organization/Applicant ACTON COFFEE & ICE CREAM  
Location of Event 124 Main St, Acton, MA 01720  
Name of Owner of Premises Frank Chen

**DESCRIPTION OF EVENT** (i.e.; Fee or donation charged?, Name of operators of event? Purpose of event? Parking availability?)  
Music under the historical tree in south Acton village.  
BBQ to be served during the music events. (Jazz music)

Date of Event: year-round Hours of Event or Operation evenings (4-9 pm)  
Name of person making application Frank Chen

Occupation shop owner  
Residential Address 136 Virginia Farms Ln, Carlisle, MA 01741  
Business Address 124 Main St, Acton, MA 01720  
Telephone: Home 978-264-0900 Business retail  
E-Mail Address: frank @ good school realty.com

Date of Naturalization, if not born in U.S. 10/1999

Have you ever been arrested for any law violation?  
If so, when NO  
Where \_\_\_\_\_  
State Briefly \_\_\_\_\_

Male or female Male  
Date of Birth 7/30/1963  
Place of Birth china  
Father's Name Fo Bo Chen  
Mother's Maiden Name LAN  
Height 5 ft. 9 Inches  
Weight 175 lb  
Complexion Asian  
Hair Black  
Eyes Brown

References (names and addresses)  
Care Hu, 14 Cothran Acton  
James Glavin, State representative  
Anne F. Historical committee  
Xiao Zhang, Carlisle 1/1/06

Signature of Applicant *[Signature]*

## Maryjane Kenney

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**From:** Frank Widmayer  
**Sent:** Thursday, August 10, 2006 3:09 PM  
**To:** Maryjane Kenney  
**Subject:** RE: Entertainment License - Frank Chen

Maryjane,

I am in favor of allowing the events, but I think the Board of Selectmen should consider a few limits to make sure it stays under control.

I suggest:

- A tighter schedule of days instead of "year-round".
- A specific number of performers or a range such as two to five.
- Whether to allow electronic amplification or not.
- A limit on the number of cars and/or a requirement that parking be at the commuter lot, etc.
- Make it clear that no alcohol is allowed at the events.
- In the event of a large turnout and/or traffic issues, one or more detail officers may be required as determined by the Chief of Police or his designee.

Regards,  
Frank

Frank J. Widmayer III  
Chief of Police  
(978) 263-2911

-----Original Message-----

**From:** Maryjane Kenney  
**Sent:** Thursday, August 10, 2006 11:40 AM  
**To:** Frank Widmayer; Robert Craig; Doug Halley  
**Subject:** FW: Entertainment License - Frank Chen

Frank/Bob/Doug

Please send any comments for the Board of Selectmen's meeting.  
Thanks Maryjane

-----Original Message-----

**From:** ath-mgr-wcp90@acton-ma.gov [mailto:ath-mgr-wcp90@acton-ma.gov]  
**Sent:** Thursday, August 10, 2006 11:26 AM  
**To:** Maryjane Kenney  
**Subject:** Entertainment Lic - Frank Chen

Please see the attached document.

Sent by: Guest [ath-mgr-wcp90@acton-ma.gov]  
Number of Images: 1  
Attachment File Type: PDF

Device Name: ATH-MGR-WCP90

**Maryjane Kenney**

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**From:** Heather Hasz  
**Sent:** Monday, August 14, 2006 12:55 PM  
**To:** Maryjane Kenney  
**Cc:** Doug Halley  
**Subject:** Acton Coffee & Ice Cream - Entertainment License

The Health Department has reviewed the application submitted by Acton Coffee & Ice Cream for an entertainment license. At this time, the Health Department is working with Mr. Chen on the requirements for increasing his food service on site. The Department will continue to work with him on these issues throughout the development of his outdoor food preparation activities to ensure compliance with the Food Code.

The Department recommends approval of the entertainment license.

Regards

Heather Hasz, CEHT, CFSP  
Health Agent  
Acton Board of Health

## Maryjane Kenney

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**From:** Robert Craig  
**Sent:** Friday, August 11, 2006 9:55 AM  
**To:** Maryjane Kenney  
**Subject:** RE: Entertainment License - Frank Chen

**Importance:** High

Maryjane: I have no objections to this license. If the cooking is done outside using LP Gas a separate permit from this department will be required.

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**Sent:** Thursday, August 10, 2006 11:40 AM  
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Frank/Bob/Doug

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## Christine Joyce

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**From:** Garry Rhodes  
**Sent:** Thursday, June 08, 2006 10:25 AM  
**To:** 'frank@goodschoolrealty.com'  
**Cc:** Christine Joyce; Heather Marceau  
**Subject:** RE: music under the tree

Mr. Chen,

I have not spoken with Hancock Associates. If they tried to contact me the message was lost. When they are ready please have them contact me. I do not feel a permanent outdoor grill facility would comply the definition of Restaurant under Acton Zoning s. 3.5.5. An temporary grill as part of musical performance would be allowed subject to Board of Health approval. If you held an outdoor musical performance you would need an Entertainment License for the Board of Selectmen and if food is sold Board of Health approval. Garry Rhodes Building Commissioner

-----Original Message-----

From: frank@goodschoolrealty.com [mailto:frank@goodschoolrealty.com]  
Sent: Tuesday, May 30, 2006 12:05 PM  
To: Building Department  
Subject: music under the tree

Dear Mr. Rhodes,

I think email may be the best way to save you some time on my questions.

I would like to explore the idea to have musical performance in my parking lot under the historical tree during weekend evenings once the parking lot is finished. Please let me know the possibility and what I need to do.

Thanks.

Frank