



TOWN OF ACTON
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 929-6611
Fax (978) 929-6350

Steven L. Ledoux
Town Manager

September 26, 2014

The Acton Beacon:
Attn: Legal Notices

Please place the following Public Hearing Notice in the Thursday, October 15, 2014 edition of the Acton Beacon in the Legal Section. *Please send bill to:*

Concord Brewery, Inc.
Peter Daniel
179 Great Road, Suite 212
Acton, MA 01720
617-999-9859

Very truly yours,

Lisa Tomyl
Town Manager's Office

Please confirm receipt to: [ltomyl@acton - ma.gov](mailto:ltomyl@acton-ma.gov)

LEGAL NOTICE
TOWN OF ACTON

The Acton Board of Selectmen will hold a public hearing notice on **November 2, 2015 at 7:50 PM** in the Francis Faulkner Hearing Room 204 at the Town Hall, 472 Main Street, Acton on the application of Concord Brewery, Inc., d/b/Rapscallion, 5 Strawberry Hill Rd, Acton MA . under chapter 140 , section 183A of the Massachusetts General Laws for an entertainment license. The application can be inspected at Town Hall during normal business hours.

Acton Board of Selectmen



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Town Manager

INTERDEPARTMENTAL COMMUNICATION

August 7, 2015

To: Board of Health, Building Department, Collectors Department, Fire Department, Planning Department, Police Department

From: Lisa Tomyl

Subject: Live Entertainment Application

Please provide your comments for live acoustic music proposed at 5 Strawberry Hill Road, Rapsallion Table to Tap once a month by September 21, 2015.

From: [Frank Widmayer](#)
To: [Lisa Tomyl](#)
Subject: RE: Entertainment License Application, RapsCALLION
Date: Friday, August 14, 2015 9:46:31 AM

Lisa,

I am recommending that the Board of Selectmen approve the license request.

I'm hoping that this addition will not exacerbate the current parking situation.

Regards,
Frank

Frank J. Widmayer III
Chief of Police

From: Lisa Tomyl
Sent: Monday, August 10, 2015 9:26 AM
To: Health Department; Building Department; Fire Department; Planning Department; Police Department
Subject: Entertainment License Application, RapsCALLION

Please provide you comments/recommendations by September 21.

Regards,

Lisa Tomyl
Executive Assistant
Office of the Town Manager
472 Main Street
Acton, MA 01720
(p) 978.929.6611
(f) 978.929.6350
ltomyl@acton-ma.gov



TOWN OF ACTON
Health Department
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 929-6632
Fax (978) 929-6630

REVISED

September 8, 2015

TO: Lisa Tomyl, Town Manager's Office

FROM: Sheryl Ball, Health Inspector

RE: Live Entertainment License – Rapsallion – Table to Tap– 5 Strawberry Hill Road, Acton, MA

The Health Department has reviewed the application for a Live Entertainment License for Rapsallion – Table to Tap– 5 Strawberry Hill Road, Acton, MA and has the following comment:

1. This facility is currently approved for 75 seats and the total seats may not increase unless the septic system is upgraded.

Lisa Tomyl

From: Roland Bartl
Sent: Thursday, September 10, 2015 10:55 AM
To: Lisa Tomyl
Cc: Planning Department; Health Department; 'Peter Daniel'
Subject: RE: Entertainment License Application, RapsCALLION
Attachments: RE: RapsCALLION Follow up

Hi, Lisa:

Zoning Background:

- The site has been operated as a restaurant for many years. Restaurants requires a special permit; we found no special permit in the record. Therefore, we deem it preexisting non-conforming for zoning purposes, i.e. grandfathered for the number of seats that the Town has previously approved pursuant to other laws and regulations. The record indicates that the Board of Health has approved the restaurant for 75 seats. Under grandfathering, this is also the zoning limit.
- The site is located in the Limited Business District (LB) where the number of parking spaces are limited by formula in proportion to the size of the property. The site has 30 parking spaces, which exceeds the zoning limit. Based on the record (including a decades old site plan special permit) and the site conditions, we deem the 30 parking spaces to be pre-existing non-conforming, i.e. grandfathered for 30 parking spaces.

Mid-August observation:

- Following up on a complaint related to off-site parking by RapsCALLION customers, we asked the owner for a site inspection. He was quite accommodating. We counted a total of 109 seats – 88 indoors and 21 outdoors. We informed the owner of the 75 seat limit and suggested that, short of removing the excess seating, he might look into filing for a restaurant special permit to increase the number of seats above 75; but absent a variance, the maximum zoning limit with a permit would be 90 seats (based on the limited parking – 1 space for each three seats). He would also have to work with the Health Department regarding the seating limit of 75, which is likely based on the septic system's capacity. We asked that the owner address the seating issue by filing the necessary permit applications with the Town by September 30.
- Recently, the owner made some site improvements. One of the improvements involved the addition of a gravel parking area, which violates the conditions of the site plan special permit (no further development without Selectmen approval) and increased the non-conforming number of parking spaces. In addition, the zoning bylaw requires that parking spaces must be paved. We advised the owner that most of the newly graveled area must be returned to landscape area with grass at a minimum. We agreed to a smaller portion near the building to remain as a walkway from the parking lot to the kitchen and storage area entrances; this was in recognition of the owners restoration to lawn of a nearby area of comparable size. We could not tell without a more detailed survey/engineering assessment if a site plan amendment might be possible to accommodate the new gravel area as a loading/unloading space for delivery vehicles. We advised the owner that he must restore the graveled parking spaces (minus the walkway area) to landscaping be completed by September 1. He agreed verbally and stated that it would not be a big deal to rake of the gravel and let the grass grow back. To this date nothing has been done except for a chain that is blocking access to the gravel area. A recent communication with the owner on this matter is attached. It does not inspire us with confidence that this issue will be resolved quickly.

Recent Application:

- At the beginning of this week, the owner filed an application for a restaurant special permit to allow 90 seats. As usual, the review process will include departmental distribution for review and comments including Health, Fire, and Building Departments.

The Planning Department does not object to the issuance of the entertainment license. However, the owner should recognize that correcting the ongoing zoning violations must be a high priority and at the license hearing or meeting commit to the Board of Selectmen to a date by which zoning compliance will be achieved.

Roland Bartl, AICP
Planning Director
Town of Acton
472 Main Street
Acton, MA 01720
978-929-6631

From: Lisa Tomyl
Sent: Monday, August 10, 2015 9:26 AM
To: Health Department; Building Department; Fire Department; Planning Department; Police Department
Subject: Entertainment License Application, RapsCALLION

Please provide you comments/recommendations by September 21.

Regards,

Lisa Tomyl
Executive Assistant
Office of the Town Manager
472 Main Street
Acton, MA 01720
(p) 978.929.6611
(f) 978.929.6350
ltomyl@acton-ma.gov

Lisa Tomyl

From: Norman Franks
Sent: Tuesday, September 15, 2015 5:02 PM
To: Lisa Tomyl; Health Department; Building Department; Fire Department; Planning Department; Police Department
Subject: RE: Entertainment License Application, RapsCALLion

Based on the age of the building and the spacing of the floor joists it is the recommendation of the Building department that a Structural Engineer evaluate the structural integrity of the building at 5 Strawberry Hill rd. It is also **not** recommended that the occupancy is increased or an entertainment license be issued until the recommendations of the engineer are implemented, approved and verified.

Thank you
Norman Franks
Local Inspector

From: Lisa Tomyl
Sent: Monday, August 10, 2015 9:26 AM
To: Health Department; Building Department; Fire Department; Planning Department; Police Department
Subject: Entertainment License Application, RapsCALLion

Please provide you comments/recommendations by September 21.

Regards,

Lisa Tomyl
Executive Assistant
Office of the Town Manager
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ltomyl@acton-ma.gov

Lisa Tomyl

From: Robert Hart
Sent: Tuesday, September 15, 2015 6:44 PM
To: Norman Franks
Cc: Lisa Tomyl; Health Department; Building Department; Fire Department; Planning Department; Police Department
Subject: Re: Entertainment License Application, Rapscaillon

I agree with Norman. I would like to add a sprinkler review by a fire protection engineer. I have asked for this review during the recent up fit and have not received any documentation to date.

Respectfully,
Robert Hart
Deputy Fire Chief
Acton Fire Department

On Sep 15, 2015, at 5:02 PM, Norman Franks <nfranks@acton-ma.gov> wrote:

Based on the age of the building and the spacing of the floor joists it is the recommendation of the Building department that a Structural Engineer evaluate the structural integrity of the building at 5 Strawberry Hill rd. It is also **not** recommended that the occupancy is increased or an entertainment license be issued until the recommendations of the engineer are implemented, approved and verified.

Thank you
Norman Franks
Local Inspector

From: Lisa Tomyl
Sent: Monday, August 10, 2015 9:26 AM
To: Health Department; Building Department; Fire Department; Planning Department; Police Department
Subject: Entertainment License Application, Rapscaillon

Please provide you comments/recommendations by September 21.

Regards,

Lisa Tomyl
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ltomyl@acton-ma.gov

From: [Patrick Futterer](#)
To: [Lisa Tomyl](#)
Subject: RE: entertainment license - RapsCALLION
Date: Tuesday, September 15, 2015 10:00:20 AM

Lisa the Fire Department has no issue with the license as long as they continue to conform to all Town rules and regulations as needed.

Respectfully,

Patrick J. Futterer, EFO, CFI
Fire Chief
Acton, MA 01720
Phone: 978-929-7411
Fax: 978-266-2885



From: Lisa Tomyl
Sent: Tuesday, September 15, 2015 9:44 AM
To: Patrick Futterer
Subject: RE: entertainment license - RapsCALLION

Sure – thanks!

From: Patrick Futterer
Sent: Tuesday, September 15, 2015 9:43 AM
To: Lisa Tomyl
Subject: RE: entertainment license - RapsCALLION

I do not remember receiving one. Can you resend it?

Respectfully,

Patrick J. Futterer, EFO, CFI
Fire Chief
Acton, MA 01720
Phone: 978-929-7411
Fax: 978-266-2885