

Applicant testified that she can remove the extra seats. Mr. Rosa asked where do the people go when it starts to rain. Mr. Reilly testified that they have the option to get a tent and they also have the porch. The Chairman stated that he understands the Pub area which is inside and the bands, but what about the outside bands? The Applicant testified that down the road she would like to have one person on a guitar will be the background music for the courtyard and or maybe a fundraiser function. The Chairman stated that there is an umbrella already up on one of the tables, which is having over onto the sidewalk, which is public property. Mr. Reilly testified that you are correct and he will take care of that. The people sitting in the back row of the hearing room stated that they were in favor of this petition, but they did not give out their names.

DECISION AND VOTE ON DECISION:

July 1, 2009: Mr. Tansey made a motion to continue the hearing until August 11, 2009 and that the Board needs to see a drawing/report from a Mechanical Engineer, documentation from National Grid, documentation regarding the occupancy load and documentation from Electroswitch regarding the easement for extra parking spaces. Ms. Howes seconded the motion. The vote of the Board was unanimous (5-0) (Robert Manzella, Gregory Tansey, Anton Materna, Rita Howes and Peter McDermott).

August 11, 2009: Ms. Howes made a motion to continue the hearing to Monday, August 17, 2009. Mr. McDermott seconded the motion. The vote of the Board was unanimous. (5-0) (Robert Manzella, Gregory Tansey, Rita Howes, Peter McDermott and Alan McPhee).

August 17, 2009: Ms. Howes made a motion to approve the Special Permit with conditions as listed below:

CONDITIONS:

- (1) The hours of operation shall be Sunday through Thursday 8:00 A.M. to 10:30 P.M. and Friday and Saturday 8:00 A.M. to 11:30 P.M. with last call for food and alcohol one-half hour prior to closing. The owners shall adjust time for the last call so that the closing time shall be adhered to.
- (2) There shall be no owner's, employees or customers or the like in the courtyard and patio area after closing time.
- (3) There shall be no live entertainment except for a one-piece un-amplified instrument.
- (4) Lights are to be placed as not to cast a glare beyond the property line.
- (5) There shall be nothing attached to the fences that will overhang onto the sidewalk on Union Street.
- (6) The Special Permit shall be reviewed after a full season of use so the Board can address any issues that may arise such as lighting, noise, odors and/or parking.