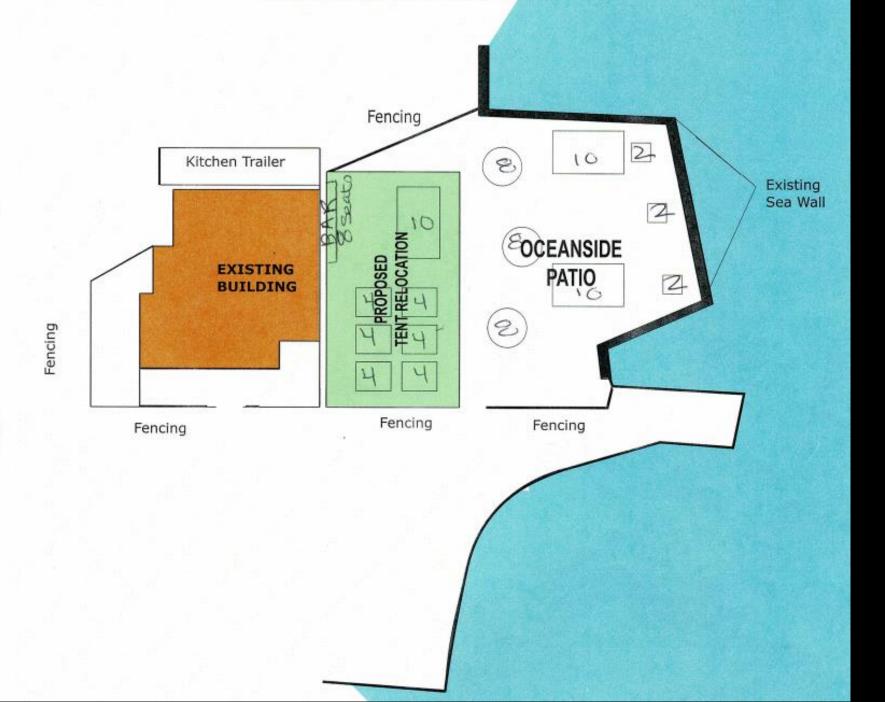


JAME LOCATION OF EXISTING tent



Special Permit 2019 – 11: Off the Hook Staff Report: October 21, 2019

- **Applicant:** James and Mary Moraux of West Island Marina and Off the Hook, Inc.
- Project Location: 56 Goulart Memorial Drive, Long Island (between Sconticut Neck and West Island). Map 42, Lot 23B (2.89 acres) owned by Nasketucket Holdings LLC c/o James L. Moraux.
- **Proposal:** Current Proposal is to replace a 20' by 50' canvas tent with a 20' by 50' steel framed pavilion. The property needs to update a 2005 Special Permit to update site plan and ensure all local permits are in conformance with one another at the marina and restaurant.
- Zoning: Long Island is zoned B for Business.

Special Permit 2019 – 11: Off the Hook Staff Report: October 21, 2019

- **Project History:** The Marina was last approved by the Planning Board for a Special Permit in 2005 for an expansion to an existing marina consisting of 101 boat slips, 65 commercial moorings and an 8-seat eatery.
- The Special Permit included the marina and eatery use, parking use determination, parking layout and parking pavement waiver. However, the owner, David Hebert, appealed the decision.
- Much of the work had been done in the 1990's and was reviewed when an engineer asked for the town to signify that the property was in compliance.
- The current owners bought the marina and restaurant in November 2015.
- They have applied to several town offices (noted below) for permits and licenses.
- They were unaware that the property needed to also modify the 2005 Special Permit on the property.

Project Summary:

- The Applicant is seeking to replace a 20' by 50' canvas tent with a 20' by 50' steel frame pavilion at the suggestion of the Building Inspector in order to be more efficient and safer during storms.
- The Board of Selectmen control the Alcohol and Entertainment licensing including hours.
- The Board of Health approved (2018) an increase in seating for the restaurant to 94.
- The Building Occupancy is listed at 35 but all seating is outdoors. New pavilion will need permit.

Off the Hook: 2018-2019 Licenses

- Alcohol Beverage Control Commission (ABCC) All Alcohol License (State)
- Common Victualler's License (BoS)
- Public Entertainment License on Sunday (BoS)
 - 1:00 pm to 10:00 pm
 - 1:00 to 11:30 pm the day before all Holidays
- Restricted Music License Weekdays
 - 8:00 am to 1:00 am M-F
 - 8:00 am to 12:00 pm Sat.
- All Alcoholic Beverage License (BoS)
 - 8:00 am 2:00 am Mon Sat
 - 10:00 2:00 am Sunday
- Fairhaven Board of Health (July 30, 2018)
 - Allowed increase in seating capacity to 94 Seats.
- Fairhaven Conservation Commission
 - Determination of Applicability for Tent approved with condition (No dumping in resource area)

2005 Special Permit Conditions:

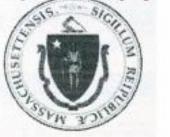
- All site development shall be carried out in accordance with the plan marked "Exhibit A".
- The PB hereby approves a parking determination for the marina use of 1 space per every 2 slips/moorings.
- The PB hereby approves a waiver to Section 198.27.C.2, to allow for a gravel parking area.
- Prior to issuance of...permit, applicant shall submit 4 sets of revised plan that note the approved parking ratio.
- All exterior lighting shall have cut-off fixtures so no glare is emitted beyond the property or into public RoW.
- Special Permit approval shall be void after two years ...
- Building permits must be secured prior to construction...

Some Potential Key Planning Issues

• <u>Wastewater</u>: Board of Health approved Restaurant seating for 94. All seating is outdoor. Seating within new pavilion included

- <u>Parking</u>: 2005 SP required a lot of parking that is not normally required except on occasion. 2005 Plan lists the following:
 - 1 parking space per 2 berths = 83
 - 2.5 parking spaces per eatery seat = 4
 - 2.5 parking spaces per Down the Hatch = 98
 - Total parking spaces required in 2005 = 126
 - Off the Hook combines Eatery & Alcohol with 94 seats total





The Commonwealth of Massachusetts Alcoholic Beverages Control Commission

Licensing Authority Certification

Municipality: Fairhaven

ABCC Commission Decision

APPROVED

Ralph Sacramone Executive Director

Date of Commission Decision: 03/08/2019

License Information:

Applicant Name/DBA:

Off the Hook, Inc. / Off The Hook

. . .

License Number (if applicable):

04740-RS-0384

Premises Address:

56 Goulart Memorial Drive Fairhaven MA 02719

Record Number:

2019-000214-RT-APP

Manager Name:

Mary K. Moraux

Class:

Annual

Granted Under Special Legislation?

Yes O No ⊙

Category:

All Alcoholic Beverages

On / Off Premises:

On-Premises Consumption

ng Ist

Is there a pledge on this license?

X

Yes ⊙ No

Type:

Restaurant

Is this license under a management agreement?

Yes O No ⊙

Transaction Type:

New/Transfer License:

Transfer

If Transfer, License Number of License to be Transferred:

00025-RS-0384

Application Contact:

Name: John A. Markey

Title: Attorney

Phone: (508) 993-9711

Email: jmarkey@msmw-law.com



Commonwealth Of Massachusetts Department Of The State Treasurer Alcoholic Beverages Control Commission 239 Causeway Street, 1st Floor Boston, Massachusetts 02114

2019 Retail License Renewal

Retuin Electise Renewal

License Number: 00025-RS-0384

Municipality: FAIRHAVEN

License Name:

Dt Hatch Inc

License Class: Annual

DBA:

Down The Hatch

License Type: Restaurant

Premises Address: 56 Goulart Memorial Drive Fairhaven,

License Category: All Alcoholic Beverages

MA 02719

Manager:

Mary Kathleen Moraux

I hereby certify and swear under penalties of perjury that:

- 1. I am authorized to sign this renewal pursuant to M.G.L. Chapter 138;
- 2. The renewed license is of the same class, type, category as listed above;
- 3. The licensee has complied with all laws of the Commonwealth relating to taxes; and
- 4. The premises are now open for business (if not, explain below).

Dead Company

Signature

11/1/2018

Date

NUMBER		FEE
73	THE COMMONWEALTH OF MASSACHUSETTS	\$25.00
	Town of Fairhaven	
This is to Co	ertify that Off The Trook, Inc., d/l/a Of	o The Hook
	56 Doulant Memorial Nh	we
	IS HEREBY GRANTED A	the contraction
C	COMMON VICTUALLER'S LICENSE	
in said	and at that place	
December thirty-	first 20	ion of the laws of
the Commonweal	th respecting the licensing of common victuallers. This li	cense is issued in
conformity with t	he authority granted to the licensing authorities by General I	Laws, Chapter 140,
Bos Co	mmon Victualler's Licens Whereof, the undersigned have be reunto affixed their office	se 2019
	1.24	
2040	amf Vat	Title
2019		Licensing
	1 Misch (· Authorities
mould 15	2010 - >	"1
mand is	2017 (Not +16)	10
FORM 348 H&W	HOBBS & WARREN TM	(OVER)

THE COMMONWEALTH OF MASSACHUSETTS State Fee, \$_50,00 Municipal Fee, \$_117.02 019 Entertainme UBLIC ENTERTAINMENT ON SUNDAY The Name of the Establishment is in or on the property at No. (address) The Licensee or Authorized representative. Many accordance with chapter 136 of the General Laws, as amended, hereby request a license for the following program or entertainment: DATE TIME Proposed dancing or game, sport, fair, exposition, play, entertainment or public diversion :00 DM Regulated Addivities 9m . Mayor/ Chairman of Board of Selectman. (City of Town) Fees per occurrence (Individual Sunday(s)): Regular Hours (Sunday 1:00pm - Midnight): \$2.00 Special Hours (Sunday 12:00 am- Midnight): \$5.00. Annual Fee (For Operating on every Sunday in Calendar year): Regular Hours (Sunday 1:00pm - Midnight): \$50.00 Speciel Hours (Sunday 12:00 am- Midnight): \$100.00 This license is granted and accepted, and the entertainment approved, upon the understanding that such entertainment that the licensee shall comply with the laws of the Commonwealth applicable to licensed entertainments, and also to the following terms and conditions: The licensee shall at all fines allow any person designated in writing by the Mayor, Board of Selectmen, or Commissioner of Public Sofety, to enter and inspect his place of amusement and view the exhibitions and performances therein; shall permit regular police officers, detailed by the Commissioner of Public Safety or Chief of the local Police Department to enter and be about this place of amusement during performances therein; may employ to preserve order in his place of amusement only regular or special police officers designated therefore by the Chief of Police, and shall pay to said Chief of Police for the services of the regular police officers such amount as shall be fixed by him; shall permit at all times to enter and be about his place of amisement such members of the Fire Department as shall be detailed by the Chief of the Fire Department to guard against fire; shall keep in good condition, go as to be easily accessible, such standpipes, hose, axes, chemical extinguishers and other apparatus as the fire department may require; shall allow such members of the fire department in case of any fire in such place, to exercise exclusive control and direction of his employees and of the means and apparatus provided for extinguishing fire therein; shall permit no obstruction of any nature in any aisle, passageway or stairway of the licensed premises, nor allow any person therein to remain in any aisle passageway or stairway during an entertainment; and shall conform to any other rules and regulations at any time made by the Mayor or Board of Selectmen. This license shall be kept on the premise where the entertainment is to be held, and shall be surrendered to any regular police officer or authorized representative of the Department of Do not write in this box Public Safety. This license is issued under the provisions of Chapter 136 of the General Laws, as amended, and is subject to revocation at any time by the Mayor, Board of Selectmen, or Commissioner of Public Safety. This application and program must be signed by the licensee or authorized representative of entertainment to be held. No Change to be made in the program without permission of the authorities granting and approving the license.

2019 Public Entertainment License on Sunday 1:00 pm to 10:00 pm 1:00 to 11:30 pm the day before all Holidays

The Name of th	e Establishment	10 m h + m	
		resentative. May K. Monay Manager in the General Laws, as amended, hereby request a license for the following program or entertainment:	
DATE	TIME	Proposed dancing or game, sport, fair, exposition, play, entertainment or public diversion	7
1-6-19	1:00 PM	Live Entertainment - music	,
to	to	APR 1 2 2018	
12-29-19	io:copm	may Remain open until Hours Remod 5-6-19 Regulated Advition	es
6-19		11- 11:30 pm Theday before all Hofidays	
Fees per occurren	ice (Indivilua Si	miday(s)): Regular Hours (Sunday 1:00pm - Midnight): \$2.00 Special Hours (Sunday 12:00 am- Midnight): \$5.00. Annual Fee (For	

2019 Off the Hook Restricted Music License Weekdays

8:00 am to 1:00 am M-F 8:00 am to 12:00 pm Sat.

The state of the s
CHAPTER 140 Section bean
THIS CERTIFIES that the Licensing Board of the Town of Fairhaven
grants to Off The Hook, Inc.
diffe Of The Hook
To 80 Exercised on Week-Days Only
Between the hours of 8:00 n.m. and 12:00 p.m. (mldnight) Saturday 8:00 n.m. and 1:00 n.m. Monday through Friday
A LICENSE FOR CONCERTS OF INSTRUMENTAL, RADIO AND VUCAL MUSIC ONLY at .56 Day hat Memorial : Drive in sold Town.
This license is in effect, March 15 0.10
and expires December 31, 2019.
Subject to the provisions of the Lews of the Commonwealth
of Massachusetts.
IN TESTIMONY WHEREOF, WE hereunto affix our official
signatures this 15th day of March 2019.
Janif Val
Muy St.
BOARD OF STIFFE
EXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

2019 Alcohol License

LICENSE ALCOHOLIC BEVERAGES

The Licensing Board of The Town of Fairhaven Massachusetts

2019

Hereby Grants A
RESTAURANT
License to Expose, Keep for Sale, and to Sell
ALL ALCOHOLIC BEVERAGES

To Be Drunk On The Premises

To: Off The Hook, Inc., d/b/a OFF THE HOOK, 56 Goulart Memorial Drive, Mary Kathleen Moraux, Manager.

The hours during which Alcoholic Beverages may be sold are...

From: Mon.-Saturday 8:00 AM-2:00 AM

Sunday 10:00 AM-2:00 AM

AMENDED LICENSE-AS OF January 1, 2004

LICENSE ALCOHOLIC BEVERAGES

The Licensing Board of The Town of Fairhaven Massachusetts

2019

Hereby Grants A
RESTAURANT
License to Expose, Keep for Sale, and to Sell
ALL ALCOHOLIC BEVERAGES

To Be Drunk On The Premises

To: Off The Hook, Inc., d/b/a OFF THE HOOK, 56 Goulart Memorial Drive, Mary Kathleen Moraux, Manager.

On the following described premises: Consist of a first floor, inside area with a total of 1,430 Sq. Ft. with two rooms; an outside area with approx. 3,100 Sq. Ft. includes one outside tent/patio area. The second floor inside area includes one office with 300 Sq. Ft., the premise includes a number of two entrances/exits, a proposed seating capacity of 85 and proposed occupancy of 145.

This license is granted and accepted upon the express condition that the licensee shall, in all respects, conform to all the provisions of the Liquor Control Act, Chapter 138 of the General Laws, as amended, and any rules or regulations made hereunder by the licensing authorities.*This license expires December 31st, 2019* unless earlier suspended, cancelled or revoked.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their official signatures this 13th of March 2019.

The hours during which Alcoholic Beverages may be sold are...

From: Mon.-Saturday 8:00 AM-2:00 AM Sunday 10:00 AM-2:00 AM

*** AMENDED LICENSE-AS OF January 1, 2004***

"Said Licensee shall certify in writing, on the first business day of each quarter, beginning January 1, 2004, that all employees who sell or serve alcohol within said establishment, have completed a TIPS (Training for Intervention Program) Program. Said Licensee shall send, by certified mail, such certification, along with a list of all employees who sell or serve alcohol with their individual TIPS completion dates, to The Licensing Board."

Lic. No. 00025-RS-0384 \$1,000.00 Pd. LICASIA TARD

2018 Board of Health Approves 94 seats for Off the Hook



Town of Fairhaven Board of Health

Town Hall • 40 Center Street • Fairhaven, MA 02719 Telephone: (508) 979-4023 ext. 125 • Fax: (508) 979-4079

Memorandum

Date: July 30, 2018

To: James and Mary Moraux

From: Mary Freire-Kellogg, Health Agent

RE: For Your Records – Approval for Seating Increase – 56 Goulart Memorial Drive

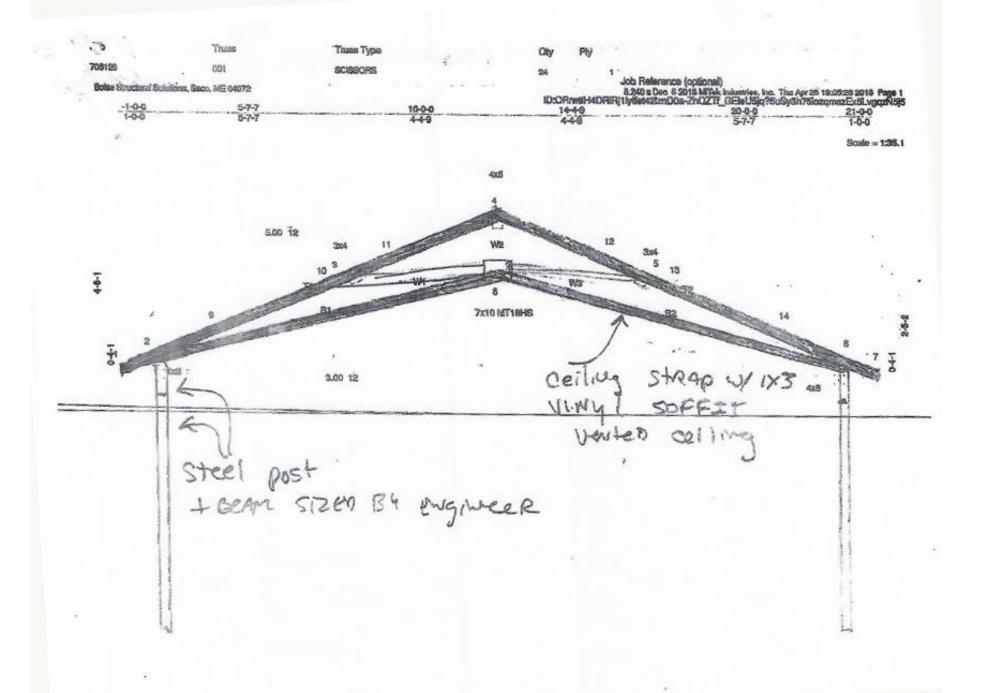
On July 26, 2018, the Board of Health heard your request to increase seating capacity to 94 seats at the establishment "Off the Hook" located at 56 Goulart Memorial Drive. Please accept this letter as written approval from the Board of Health regarding the request.

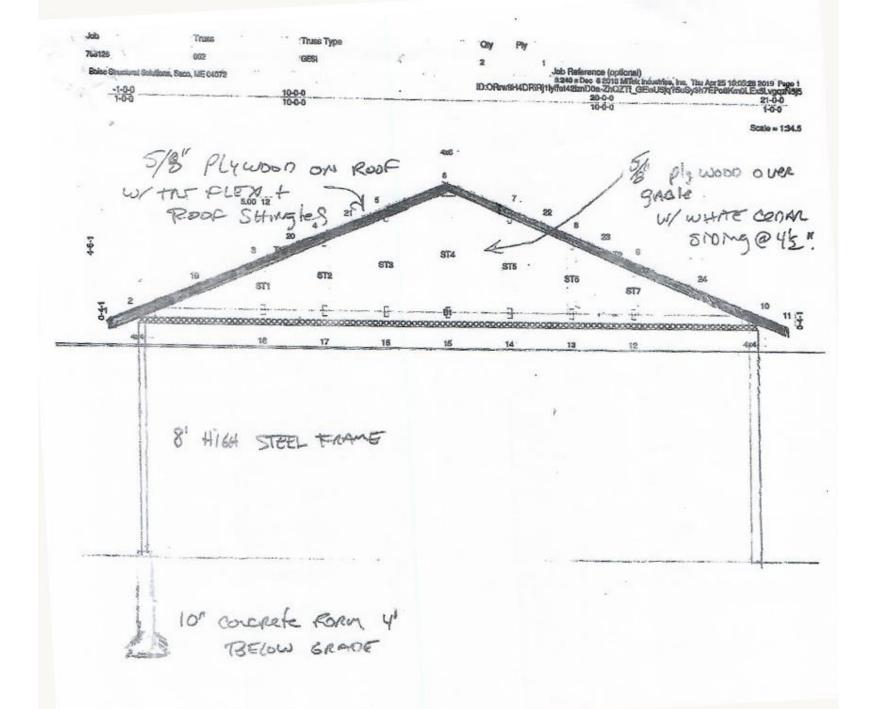
If you plan to further increase seating, please make an additional request to the Board of Health.

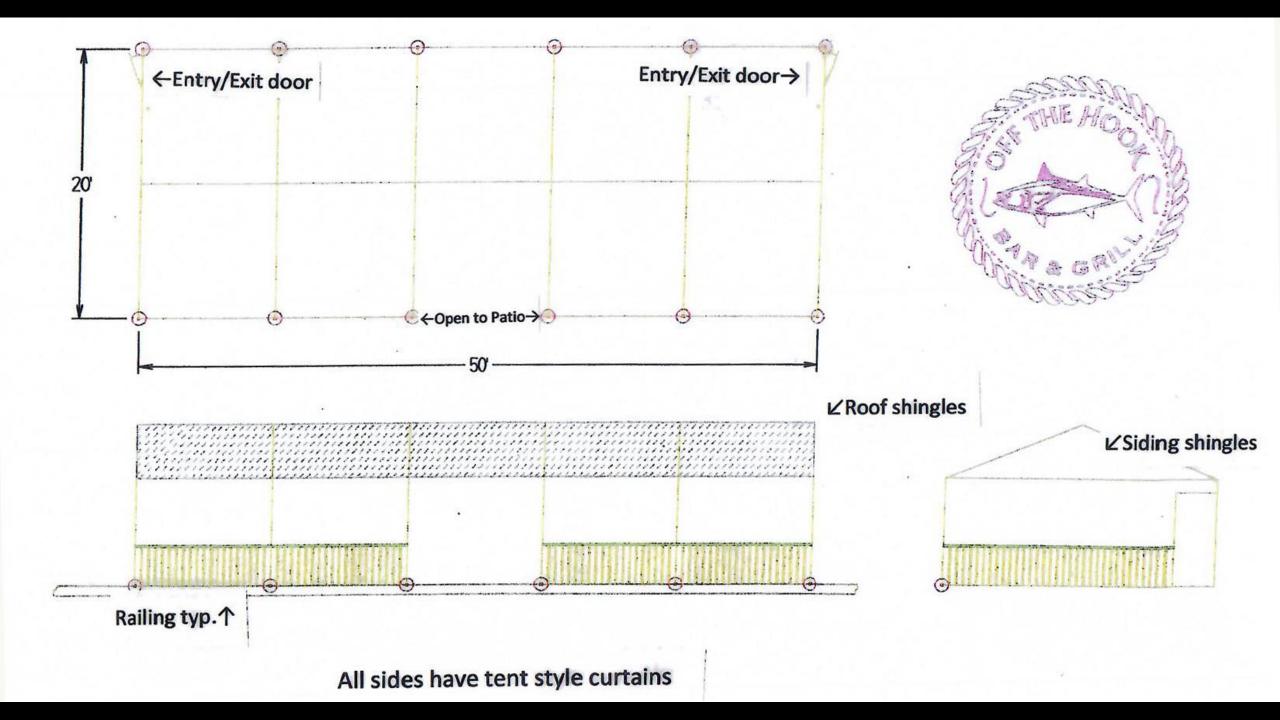
If you have any further questions, please do not hesitate to contact our office.

Sincerely,

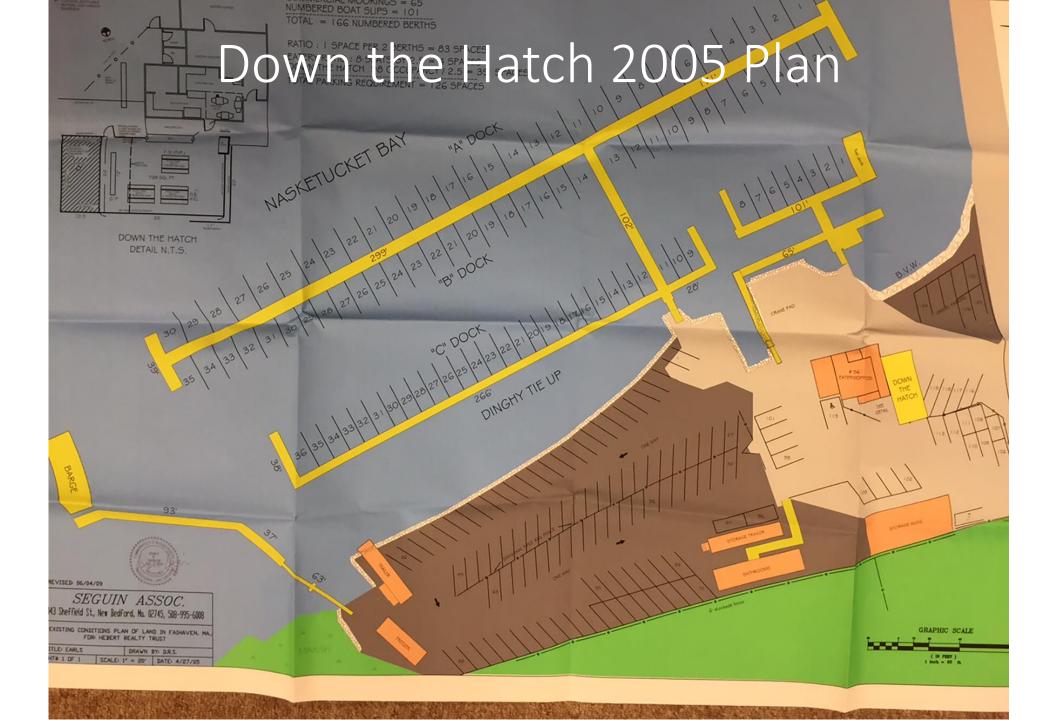
Mary Freire-Kellogg Health Agent

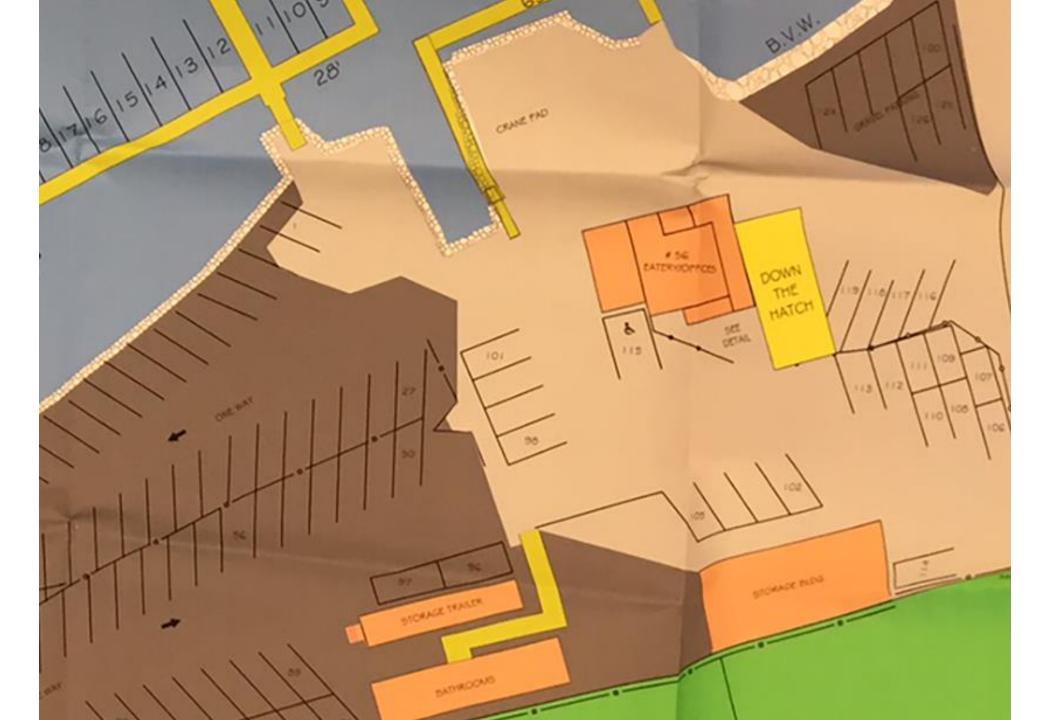




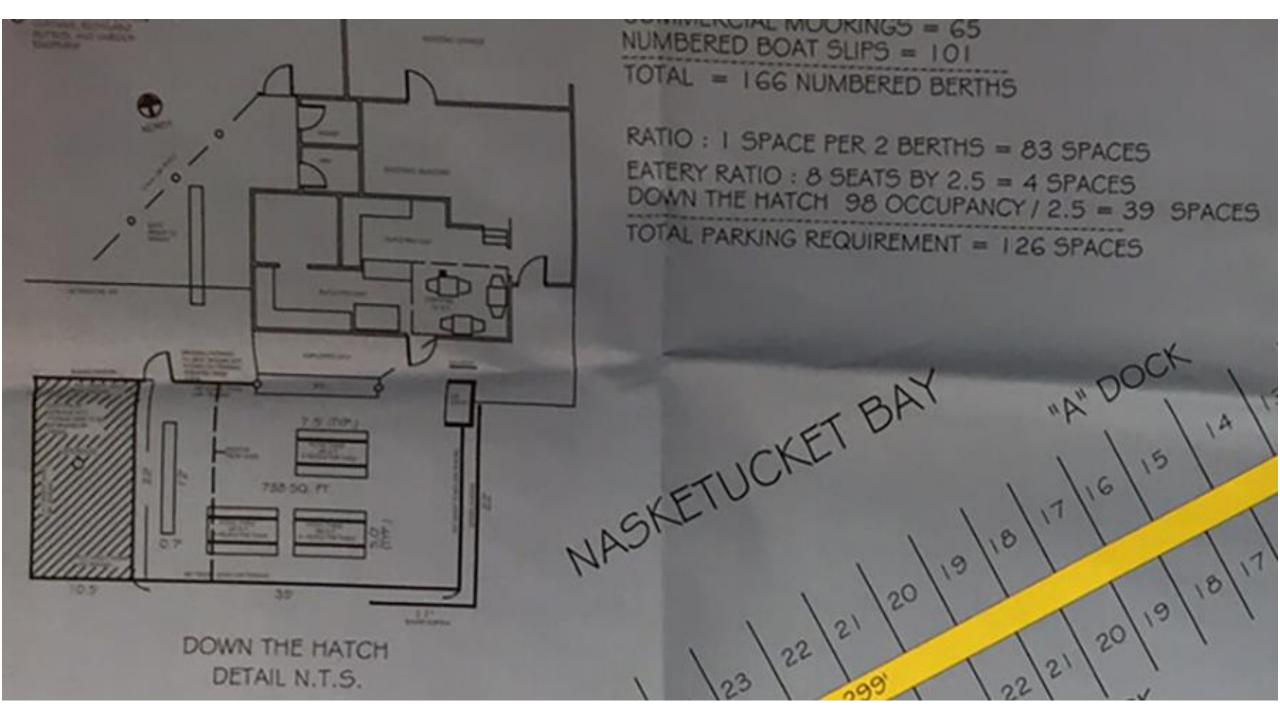


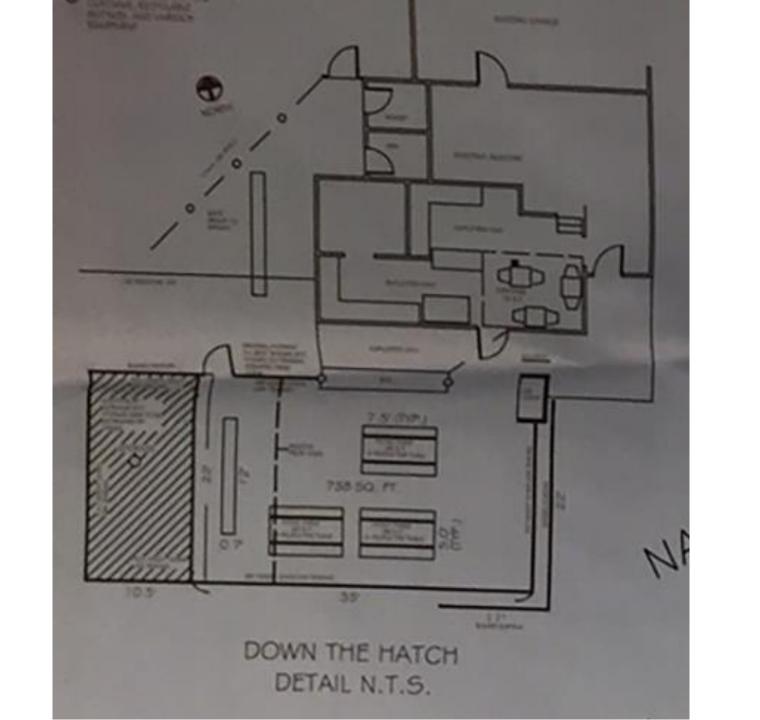
- DEN COL = Section close BY RAIL ENSISTING QUELDING (not connected) TO THAR open to pure











OFF THE HOOK

The owners of Off the Hook, James and Mary Moraeux, and their attorney, Andrew Ruff sat before the Selectmen to ask for a change in the corporate structure and an alteration of premise. Attorney Ruff explained that the owners are looking to move the tent from the south side to the east side location at 56 Goulart Memorial Drive. They are looking for an increase in occupancy. Mr. and Mrs. Moraeux have moved several dry-docked boats on the lot to allow for more parking.

Chairman Freitas read the public hearing notice. Mr. Murphy and Mr. Espindola feel moving the tent will be a safer location. Mr. Espindola did address concerns about noise on West Island from the music in the tent. The Chair also read a letter from the Fire Department and the Board of Health regarding their concerns. Attorney Ruff explained that most of the music is acoustical and there have not been any complaints for the last 2 years. (Attachment C&D)

The Chair opened for questions from the public. West Island residents JP Lemieux, John Henebury, Scot Pomfret, Herb Butler, Matt Brodo and Antone Medeiros all spoke in favor of Off the Hook. They felt that the Moreux's have done a good job fixing and cleaning up the former Down the Hatch. Robert Hobson feels the owners have done a good job cleaning up the property

but feel there is a parking issue that needs to be addressed. He doesn't have a problem with the music as long as it is shut off at early. Melissa Arrighi is in support of Off the Hook and feels that the Town should help our local businesses, parking is a minor issue compared to what the Police have to deal with daily. Robert Roderiques had the same sentiment regarding the parking and had concerns about the parking fees at Hoppy's Landing across the street. Planning Board member Jeff Lucas had concerns about the increase in seating and felt that the Planning and other Boards should have been contacted. Mr. Rees reminded the Selectmen that tonight's hearing was to approve only for a portion of the permits that will be needed other permits from other Boards will be the responsibility of the applicant. Robert Rizzo feels the tent will block some of the noise but is worried about the music being played too late. He feels otherwise that the changes are all positive. Ruth Souza had some concerns about the tight tank on the property.

Mr. Murphy made a motion to approve the change of officers/directors, change of issuance of stock, change of corporate name and DBA and Alteration of the premise. Mr. Espindola seconded. Vote was unanimous. (3-0)



Fairhaven Board of Selectmen

Meeting Minutes May 6, 2019

OFF THE HOOK

Mary Moreaux, owner of Off The Hook Bar and Grill met with the Board to ask for a change in their Sunday entertainment license. Mr. Espindola made a motion to approve the time change for the Sunday entertainment license from 8 p.m. to 10 p.m. except for pre-holiday Sundays the time will be 11:30 p.m. Mr. Freitas seconded. Vote was unanimous. (3-0)

The Fairhaven Planning Board as required by Massachusetts General Laws Chapter 40A
Section 9 and Town of Fairhaven Zoning By-Laws Section 198-29 requiring Special
Permit Review held Public Hearings on March 22, 2005, April 26, 2005 and
May 24, 2005

PETITIONER:

David Hebert

56 Goulart Memorial Drive

Fairhaven, MA 02719

OWNERS:

Hebert Realty Company, LLC

56 Goulart Memorial Drive

Fairhaven, MA 02719

LOCATION:

56 Goulart Memorial Drive

Map 42, Lot 23B

C#19232

PETITION:

Request for Special Permit approval for a parking lot layout for past expansion to an existing marina consisting of 101 boat slips, 65 commercial moorings and an 8-seat eatery. In addition, a parking determination for the marina use and an exemption of the paving requirement under Section 198-27 has been requested.

Conditions:

- All site development shall be carried out in accordance with the plan marked "Exhibit A".
 (On file at Town Hall).
- 2. The Planning Board hereby approves a parking determination for the marina use of 1 space per every 2 slips/moorings.
- The Planning Board hereby approves a waiver to the pavement parking requirement Section 198.27.C.2, to allow for a gravel parking area.
- 4. Prior to issuance of a building or site development permit, the applicant shall submit 4 sets of revised plan that note the approved parking ratio.
- All exterior lighting shall have cut-off fixtures so no glare is emitted beyond the property line
 or into the public right-of-way.
- Special Permit approval shall be void after two years from the date of approval unless a substantial use thereof or construction has begun.
- Building permits must be secured prior to construction. For further information regarding building permits and/or related building code issues, please contact Wayne Fostin, (508) 979-4019







































