



TOWN OF HOPKINTON

OFFICE OF
BOARD OF APPEALS

TOWN HALL
18 MAIN STREET - ROOM 207
HOPKINTON, MASSACHUSETTS 01748-3209

WAYNE R. DAVIES, Chairman
ROBERT W. FOSTER, Vice Chairman
ROSS D. GINSBERG, Clerk

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October 29, 2003

Re: **Application for Special Permit** filed by The Gibson Grille, 167 West Main Street, Hopkinton, MA 01748 regarding property located at **167 West Main Street**, (Parcel I.D. Map R23, Block 90, Lot 0; **Middlesex South Registry of Deeds Book 37457, Page 338**) **Hopkinton, MA 01748** (hereinafter the "Property").

Introduction

The Massachusetts Zoning Act having been duly complied with regarding notice, a Public Hearing was held on October 22, 2003 at 8:00 PM in the Hopkinton Town Hall.

Requested Relief

The Applicant previously filed an Application for a Special Permit to permit certain entertainment in the Property, to wit a DJ and karaoke on Thursday, Friday and Saturday evenings between the hours of 8:00pm and 12:00am and a live band and singer of no more than seven (7) people for special occasions. A hearing was originally held on June 4, 2003 after which a Special Permit dated June 7, 2003 was granted with conditions (hereinafter the "June 7th Special Permit"). By its terms, the June 7th Special Permit limited such forms of entertainment to the east end of the building. The Applicant seeks a Special Permit on the same terms and conditions as the June 7th Special Permit except that Applicant asks that the limitation that such entertainment be limited to the east end of the building be deleted.

Decision

Based on the application, presentation of the petitioner, and evidence at the public hearing, a Special Permit is granted pursuant to §210-24C of the Zoning Code subject to the following terms and conditions:

1. The Special Permit is granted for two years, and shall not run with the land.
2. Pyrotechnics displays are expressly prohibited.
3. All entertainment must be confined within the building and, while such entertainment is occurring, no exterior door may be open longer than necessary to permit normal ingress and egress.
4. The Applicant shall not exceed limits on capacity imposed by the Director of Municipal Inspections or any other government official in accordance with the provisions of the State Building Code and/or other applicable laws.
5. No entertainment activities shall be permitted unless the Applicant has been granted by the Board of Selectmen an entertainment license that is valid and in effect at the time of such entertainment activities.
6. When this Special Permit takes effect upon recording at the Registry of Deeds in accordance with MGL c. 40A s. 11, the June 7th Special Permit will be superceded in its entirety and shall be of no further force or effect.

On motion to grant the Special Permit, the Special Permit was granted as aforesaid by the following vote.

Wayne R. Davies, Chairman	Yes
Robert W. Foster, Vice Chairman	Yes
Ross D. Ginsberg, Clerk	Yes
Thomas J. Garabedian	Yes
Patricia J. Rackauskis	Yes

The **Application for Special Permit** is hereby *Granted*.

Appeal of this Decision, if any, shall be made pursuant to MGL c. 40A s. 17 and shall be filed within twenty (20) days after the date of filing of this Decision with the office

of the Town Clerk. No Variance or Special Permit, or any extension, modification, or renewal thereof, shall take effect until a copy of the decision bearing the certification of the town clerk that twenty days have elapsed after the decision has been filed in the office of the town clerk and no appeal has been filed, shall be recorded at the Middlesex District Registry of Deeds in Cambridge, Massachusetts in accordance with MGL c. 40A s. 11.

Ross D. Ginsberg
Clerk, Board of Appeals