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Via E-mail Only

February 13, 2024

John "Marty" Doggett, Chairman  
Salisbury Planning Board  
5 Beach Road  
Salisbury, Massachusetts 01952

Re: Feedback on Engineering Comments  
Application for Major Modification of a Site Plan Approval  
Outdoor Patio  
11 North End Boulevard

Dear Chairman Doggett and Members of the Board:

Reference is made to the above-captioned matter. In that connection and again in advance of the Board's continued public hearing on the Application, I write to address certain comments received from the Board's consulting engineer, Joseph J. Serwatka, P.E., on or about January 7, 2024. A copy of Mr. Serwatka's letter is annexed hereto, for the Board's convenience.

First, with respect to Comment Nos. 1 and 2, the outdoor patio area will be "independent" from Ten's Show Club inasmuch as the two operations will be distinct, one from the other. Whereas Ten's Show Club is an adult entertainment venue, the patio will offer – seasonally – a container bar, food truck(s), games and music. The existing facility's restrooms will serve the patio, however, so as to avoid the use of portable restroom facilities that were deemed prohibited by the Town's Building Inspector and which are disfavored by neighboring residents. For that reason, however, the patio will be age-restricted to those over 21 and monitored accordingly.

Next, Mr. Serwatka identifies certain shortcomings with regard to the plan(s) submitted to the Board, including: the absence of a stamp and signature by a qualified professional; a failure to identify the names of adjacent streets; a lack of specificity as to fencing and plantings (e.g. style and species, respectively); a lack of clarity with respect to existing and proposed parking, entrance(s) and exit(s); and the omission of parking space dimensions and handicapped designation(s). See Comment Nos. 3 through 8. Several of these issues were addressed on updated plan(s) heretofore submitted to the Board; others are address on a further updated version of the plan submitted to the Board herewith, see Attachment G. As regards any continuing omission(s) from the plan, the Applicant requests waiver(s) such that the Board may accept the updated plan as final and proceed to act on the pending Application. Note that specifics relative to fencing and plantings are referenced in my February 7, 2024 letter and shown in the Attachments thereto.

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Also, in Comment No. 9, Mr. Serwatka notes that a supplemental lighting plan had been promised but not yet provided. A photometric plan has since been submitted, with my aforementioned February 7, 2024 letter, as have specification or data sheets for the proposed fixtures.

Finally, as to Comment No. 11, noise is a topic that was discussed at some length during the Board's January 10, 2024 meeting, after Mr. Serwatka's letter was sent to the Board. Project adjustments have since been made to further mitigate sound, particularly for the residential property or properties situated westerly of the Locus. These adjustments are summarized in my February 7, 2024 letter. They are in addition to my client's commitment to limit the hours-of-operation of the outdoor patio area consistent with representations made to the Town's Select Board during the alcoholic beverages licensing process.

We trust that the foregoing will satisfy the Board.

Respectfully submitted,

MJF Bowery Corp.,  
by its attorney,

  
Adam J. Costa

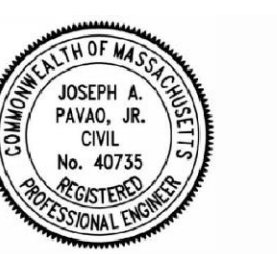
AJC/fhs  
cc: Client

Attachment G



PROJECT:  
**PROPOSED OUTDOOR  
OCCUPANCY PLAN**  
11 NORTH END BLVD.  
SALISBURY, MA 01952

PREPARED FOR:  
**FIORE MARKET  
REALTY, LLC**  
125 FOREST STREET  
READING, MA 01867



*Joseph A. Pavao Jr.*  
2/12/2024

REGISTERED ENGINEER

PROJECT NO: 23-004  
DRAWN BY: J. MORETTI  
DATE OF ISSUE: 2/12/2024  
SCALE: 1"=10'-0"

REVISIONS

NO.	DATE	DESCRIPTION
1	3/22/23	OCCUPANCY CHART
2	9/27/23	HANDICAP PARKING STALL
3	1/4/24	REVISED HANDICAP PARKING STALL
4		

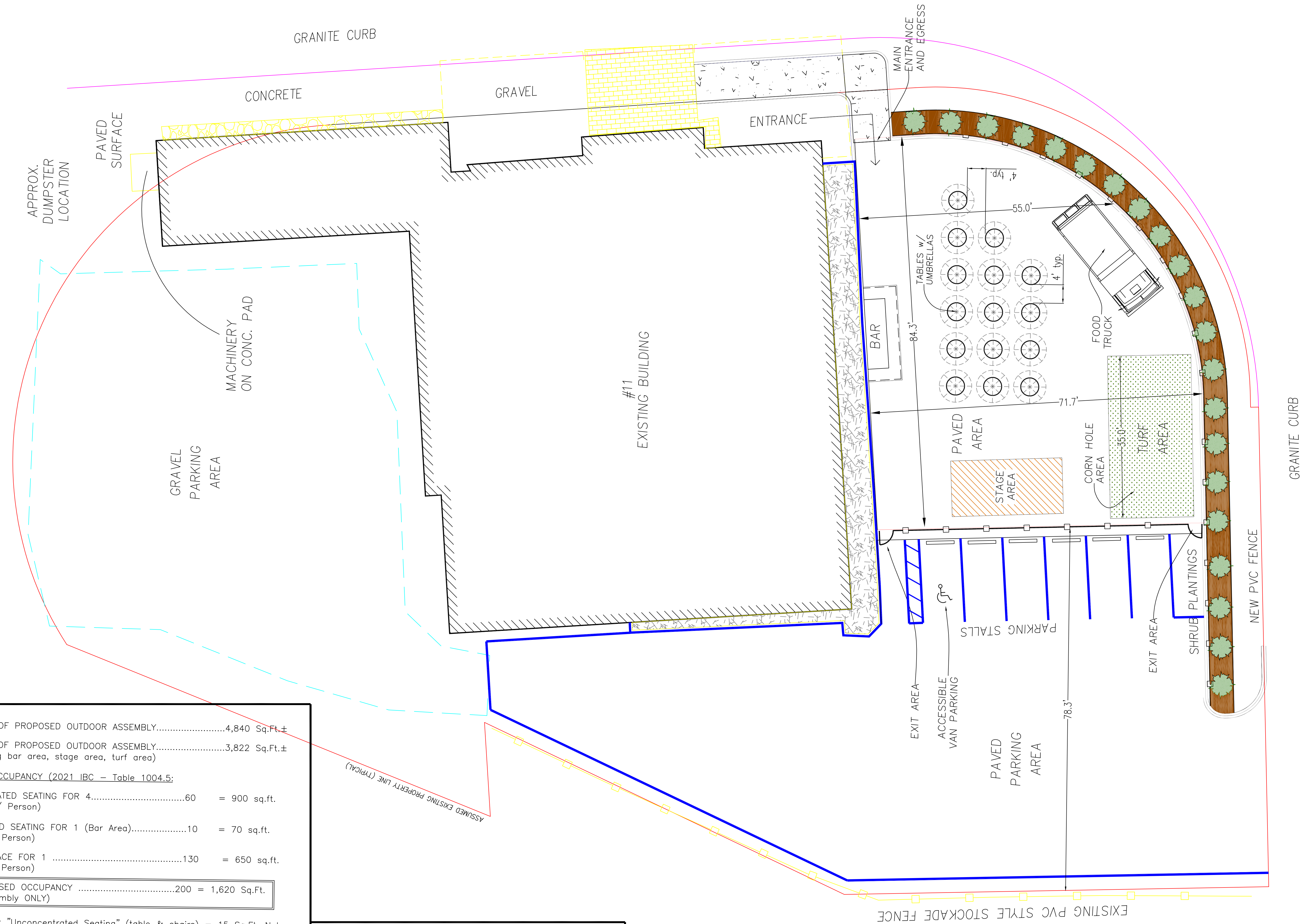
JEFFREY MORETTI / MORETTI DESIGNS, LLC  
HAS NOT BEEN ENGAGED FOR CONSTRUCTION  
SUPERVISION AND ASSUMES NO RESPONSIBILITY  
FOR CONSTRUCTION CONFORMING TO THESE PLANS  
  
WRITTEN DIMENSIONS ON DRAWINGS SHALL  
HAVE PRECEDENCE OVER SCALED DIMENSIONS.  
CONTRACTOR SHALL VERIFY AND BE RESPONSIBLE  
FOR ALL DIMENSIONS AND CONDITIONS ON THIS  
PROJECT. MORETTI DESIGNS, LLC SHALL BE  
NOTIFIED OF ANY VARIATION FROM THESE PLANS  
PRIOR AND DURING CONSTRUCTION.

SHEET TITLE:

**PROP. OUTDOOR  
OCCUPANCY  
PLAN**

SHEET NUMBER

**AI.1**



TOTAL AREA OF PROPOSED OUTDOOR ASSEMBLY.....	4,840 Sq.Ft.±
TOTAL AREA OF PROPOSED OUTDOOR ASSEMBLY.....	3,822 Sq.Ft.±
(Not including bar area, stage area, turf area)	
PROPOSED OCCUPANCY (2021 IBC – Table 1004.5:	
UNCONCENTRATED SEATING FOR 4.....	60 = 900 sq.ft.
(15 Sq. Ft. / Person)	
CONCENTRATED SEATING FOR 1 (Bar Area).....	10 = 70 sq.ft.
(7 Sq. Ft. / Person)	
STANDING SPACE FOR 1 .....	130 = 650 sq.ft.
(5 Sq. Ft. / Person)	
TOTAL PROPOSED OCCUPANCY .....	200 = 1,620 Sq.Ft.
(Outside Assembly ONLY)	

MIN. Sq.Ft. per "Unconcentrated Seating" (table & chairs) = 15 Sq.Ft. Net  
BASED ON TABLE 1004.5 of IBC

MIN. Sq.Ft. per "Concentrated Seating" (chairs only—not fixed) = 7 Sq.Ft. Net  
BASED ON TABLE 1004.5 of IBC

MIN. Sq.Ft. per "Standing Space" = 5 Sq.Ft. Net  
BASED ON TABLE 1004.5 of Mass. IBC

**NOTE:**  
THIS PLAN IS FOR OUTDOOR OCCUPANCY ONLY  
AND IS NOT INTENDED TO REFLECT PROPERTY  
LINES OR OUTDOOR BOUNDARIES.