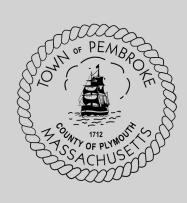


# Opening a Business in the Town of Pembroke

What Business Owners Need to Know to Successfully Open or Expand a Business in Pembroke



# Opening a Business in Pembroke

# What Business Owners Need to Know to Successfully Open or Expand a Business in Pembroke, Massachusetts

# 2017

Prepared for the Town of Pembroke by the staff of the

**Old Colony Planning Council** 

**70 School Street** 

Brockton, MA 02301

Prepared under the Supervision of

**Pasquale Ciaramella** 

**Executive Director** 

With funding from

**Massachusetts Department of Housing and Community Development** 

**District Local Technical Assistance Program.** 

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# **TOWN OF PEMBROKE**

OFFICE OF BOARD OF SELECTMEN/TOWN ADMINISTRATOR 100 CENTER STREET PEMBROKE, MASSACHUSETTS 02359

Dear Prospective Business Owner,

The Town of Pembroke has prepared this guide to assist folks interested in doing business in Pembroke.

Included in this guide you will find information on each department and from which department you might require a license and/or permit. While it is not an exhaustive instruction manual for all Pembroke licenses and permits, it does include the most commonly required ones.

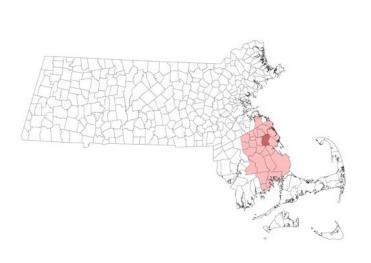
Thank you for your interest in Pembroke. We wish you success in your business endeavors.

Sincerely,

Edwin J. Thorne Town Administrator

#### **About Pembroke**

Pembroke was formerly part of Duxbury. It was incorporated as a separate town in 1712. Located in eastern Massachusetts, the town is bordered by Hanson to the east, Halifax, Kingston and Plympton to the south, Duxbury to the west, and Hanover, Marshfield and Norwell to the north. According to the United States Census Bureau, the town has a total area of 23.48 square miles with a land area of 21.78 square miles. Massachusetts Route 3 passes through the town's northeast corner and there is an exit from Route 3 at Route 139. The town's other state routes include Routes 14, 27, 36, 53 and 139. There is no scheduled bus service in town, but the Greater Attleboro-Taunton Regional Transit Authority (GATRA) provides demand response (Dial-A-Ride) service for people with disabilities and seniors in town. GATRA also provides shuttle services to the Hanson Massachusetts Bay Transportation Authority (MBTA) commuter rail station. The MBTA has commuter rail stations in the nearby towns of Halifax, Hanson and Kingston. The nearest national and international airport is Logan International Airport in Boston.





#### Pembroke Demographic Snapshot (2015)

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Population	18,081	
Households	6,309	
Median Age	41.0	
Median Household Income	\$90,790	
Per Capita Income	\$38,119	
Labor Force (16+)	10,325*	
Population Per Square Mile (2010)*	81.9	
Land Area in Square Miles*	21.78	

Source: 2011-2015 American Community Survey 5-Year Estimates

\*2010 US Census

#### **Guide Overview**

The Town of Pembroke welcomes you to a prosperous town that would love to help your business be as successful as possible. This guide has been created to help existing and prospective business owners in the Town of Pembroke. We hope to make the process of opening your own business in our town easier and less stressful with the use of this guide. Please know that many contacts listed in this guide are more than happy to help you during any part of this process.

It is important to note that this guide is not meant to serve as instruction to every type of business that could possibly open in Pembroke. Though there is a lot of useful and valuable information in this guide, it is important to read the guide in its entirety and choose the information in it that pertains to your particular type of business. There are several parts to this guide that do pertain to every business type. Potential business owners should realize they may need to look elsewhere to find more specific information on their certain type of business.

This guide's purpose is to be a tool for success. By following it you will be sure to cover all of the requirements necessary to begin your new business in Pembroke.

Please note that information is subject to change and the most up to date information can be found on the Town of Pembroke's website at: <a href="https://www.pembroke-ma.gov">www.pembroke-ma.gov</a>

# **Step-by-Step Guide to Starting a Business**

Before this guide goes into the specifics of Pembroke, here is a basic summary of the steps any potential business owner must understand everywhere.

#### Step 1:

Plan Ahead. Are you on the right track to starting your business? Are you healthy enough to put in long hours or will the addition of too much stress put you over the edge? Do you have enough credit/are you financially stable enough to put your money into a new business? Are you able to take responsibility for your own actions? Are you informed on business techniques/do you have business wing skills? If you answered no to any of these questions, you may want to rethink opening your business at this point in time. Wait a little longer so that you can answer "yes" to all of these questions. Your business will be more successful in the end because of it.

#### Step 2:

Create a Business Plan. Every successful business needs a plan. Write out your businesses future by creating ideas of how to grow revenues and avoid going out of business if something were to happen. Create goals for your business and find a way to make your products unique from competitors in the same market. Create a sales strategy and decide on a management and organization that will fit your business. Creating a business plan will help you to identify problems that you might stumble upon in your business before you actually run into them.

#### Step 3:

**Ask for Outside Help**. Take some extra business courses. Ask fellow business owners what they have encountered that made owning a business difficult. Get counseling or take a training class. Any of these sources of outside help can help increase your success.

#### Step 4:

**Choose a Name.** Create a name for your business. Make sure you are not using a name that another business already has. Create something unique that draws people's attention and also relates to what you are selling. A good name can make all the difference.

#### **Step 5:**

**Choose a location.** Choose a location that is right for your business. Make sure that there people in the area you choose that are in need of what you are selling. Even within a certain town, one side of town might be more appropriate for your business than the other side due to land formations or water ways. It is also necessary to verify the zoning for the specific location to make sure that it is accepted by the town for you to start your business there.

#### Step 6

**Secure Financing.** Make sure that you have the finances to fund starting your own business. Use money you have saved, money given to you from family, or money to fund your business through loans to begin your business. Any of these options are perfectly fine as long as you have enough funding to open your business and keep it running before you begin making a solid income from it.

#### Step 7

**Choose a Business Structure.** Each type of business structure has different legal and tax implications. It is necessary to choose the one that fits your particular business. The different types of business structures are sole proprietorship, limited liability, cooperative, partnership or corporation. Any of these types are different from each other and should be researched before deciding on which type.

#### Step 8

**Obtain a Federal Employer Tax ID Number.** Obtain a free "Employer Identification Number from the IRS. This number is needed if you have employees, if you operate a business as a cooperation or partnership, of if you file tax returns for Employment, excise, alcohol, Tobacco, or Fire Arms. You can obtain an "Employer Tax ID Number" for free at <a href="https://www.irs.gov">www.irs.gov</a>.

#### Step 9

**File for a Business Certificate.** Make sure you file for a business certificate through the town you are opening a business in. See more information on page 8.

#### Step 10

**Register with the State.** Make sure to register with the state you are opening in if you are a cooperation, nonprofit organization, limited-liability company or partnership. For the state of Massachusetts, more information about this can be found at <a href="https://www.mass.gov">www.mass.gov</a>.

#### Step 11

**Know the Tax Regulations.** Taxes are a vital part of owning a business. Make sure that you are familiar with the tax rules in the state you are opening a business in. For the state of Massachusetts, more information about this can be found at <a href="www.mass.gov">www.mass.gov</a>.

#### **Step 12**

**Acquire Licenses and Permits.** Business owners must be sure to file for and obtain all the necessary licenses and permits for your particular business. Sometimes the required licenses and permits change so it is necessary to keep up to date with them.

#### **Business Certificate**

#### What is a Business Certificate?

A business certificate is the public record of the name and address of the owner(s) of a business, and is commonly referred to by the name "D.B.A." (Doing Business As) or Sole Proprietorship. Its purpose is primarily for consumer protection and public information. Lenders will typically request a copy of your business certificate.

#### Who must file a Business Certificate?

Any person conducting business in the Commonwealth of Massachusetts under any title other than the real name of the person conducting the business, whether individually or as a partnership, must file a Business Certificate in the Town Clerk's office of every town or city that the business person or partnership is located.

Businesses who file with the Secretary of State's Office do not need to file with the town. Certain other associations and partnerships may also be exempt. To find these other exemptions, view Massachusetts General Laws Chapter 110, section 5.

#### How do I file or renew a Business Certificate?

Business Certificates can be obtained at the Pembroke Town Clerk's Office. The fee for a Business Certificate is \$40.00. Business Certificates must be renewed every four years for \$40.00.

# What do I do if I discontinue or withdraw from the business or move to another location?

If you are no longer in business or if you move out of town, you should notify the Pembroke Town Clerk's Office. The Town Clerk will then notify the Town Assessor's Office. This is should be done as soon as possible to avoid personal property taxes on your business because these personal property taxes cannot be adjusted until Pembroke's Assessors receives notification of your withdrawal from business.

#### What is the penalty for failing to file a Business Certificate?

The requirement to file a Business Certificate is a State Law. Failure to do so is punishable by a fine of up to \$300.00 per month of violation.

#### Where can I find a Business Certificate for the Commonwealth of Massachusetts?

You can find a Business Certificate for the Commonwealth of Massachusetts in the Pembroke Town Clerk's Office. The Town Clerk will type a Certificate which will be signed by you. It will need to be notarized which the Town Clerk can do for you.

#### **Building Permit**

#### Who needs to get a Building Permit?

Building permits are issued to licensed contractors and business owners to allow construction work. If you are making any structural changes to an existing dwelling, or building a new dwelling, you will need to pull a permit. This includes but is not limited to:

- Any structural project
- Remodeling
- Additions
- Finishing a basement or 3 season room
- Installing a new roof, siding, windows, or doors
- Swimming pool (above ground or in-ground)
- Deck
- Shed (larger than 200 square feet) \*\*\* must meet set back requirements

#### Where do I get a Building Permit?

Pembroke's Inspector of Buildings issues Building Permits. You can find the building Permit Application at the Pembroke Town Hall in the Building and Inspectional Service's Office and on the Building Department's webpage: <a href="https://www.pembroke-ma.gov/building-inspectional-services">www.pembroke-ma.gov/building-inspectional-services</a>.

#### **Opening a Restaurant**

#### What do you need to open a Restaurant?

You need a Business Certificate from the Pembroke Town Clerk's Office. Business Certificates have a fee of \$40.00. You will also need a Food Establishment Permit from the Board of Health and a Special Permit from the Zoning Board of Appeals (ZBA).

#### Is your Restaurant going to have seating?

If so, you will need a Common Victualler License from Pembroke's Board of Selectmen.

#### Is your Restaurant going to serve alcohol?

If so, you will need an Alcoholic Beverage License that is approved by Pembroke's Board of Selectmen and the Massachusetts Alcoholic Beverages Control Commission (ABCC). There are many different types of Alcoholic Beverage Licenses depending on the type of alcohol being sold and whether it is being made at the restaurant or elsewhere. Applications for these licenses have filing fees of \$100.00 to the Town of Pembroke and \$200.00 to the ABCC. These fees are in addition to the cost of the liquor licenses and are in addition to the Common Victualler fee mentioned above.

#### Are you going to put up a new outside sign?

If so, you need a sign permit from Pembroke's Office of Building and Inspectional Services. Sign Permit fees vary on the type of sign being built.

# **Alcoholic Beverage License**

#### What is an Alcoholic Beverage License?

An Alcoholic Beverage License is required for establishments handling alcoholic beverages including retail pouring or package sales

#### Who needs to get an Alcoholic Beverage License?

Any business that sells, stores, distributes, serves, or delivers alcohol must have an Alcoholic Beverage License.

#### Where do I get an Alcoholic Beverage License?

Alcoholic Beverage Licenses must be approved by Pembroke's Board of Selectmen, as well as the Massachusetts Alcoholic Beverages Control Commission (ABCC). Pembroke's Board of Selectmen, acting as the local licensing board, ultimately issues the license.

#### How do I get an Alcoholic Beverage License?

The Town of Pembroke accepts the forms and license applications now available on the Commonwealth of Massachusetts Alcoholic Beverages Control Commission's web site under "Retail Licenses" at <a href="www.mass.gov/abcc/forms.htm">www.mass.gov/abcc/forms.htm</a>. Choose the option that applies to your establishment. "New License Application" is the first option on the page; other change or transfer application options are listed by type with their matrix of documents

Complete the application online, print it and then sign it for submission for submission to the Selectmen's office with the rest of the required paperwork. All paperwork in the matrix must be submitted with the exception of the Form 43 which is prepared in the Selectmen's office. A Certificate of Good Standing from the Massachusetts Department of Revenue is required.

In addition to the ABCC Application, the following documents are required:

- A Common Victualer's License application
- The Special Permit to Operate a Liquor Establishment (from the Zoning Board of Appeals)
- The Fire Certificate/Certificate of Occupancy (from the Building Department)
- A Liquor Liability Insurance Certificate (obtain this form from your insurance company)
- Server Training Certificate (manager must complete a server training course such as ServSafe or TIPS).

Once all of these documents are complete, bring them to the Selectmen's office with proof of identification in the form of a government issued identification to complete the CORI Acknowledgement Form. If the manager and president are two different people, each must complete and sign his or her own CORI Acknowledgement Form.

#### Are there any fees associated with an Alcoholic Beverage License?

Yes. With the paperwork being submitted, the applicate must include two checks: one made payable to the Town of Pembroke in the amount of \$100.00 for processing and advertising and one payable to the Commonwealth of Massachusetts in the amount of \$200.00. You may pay this fee online directly to the ABCC by using their EPAY feature but remember to put the EPAY confirmation number on your application. The fee for the license may be paid when the license is picked up.

The date and time of the public hearing before the Board of Selectmen will be set and the advertisement will be placed in the local newspaper by the Selectmen's office.

The Town of Pembroke has no quota for on-premises, Section 12, pouring licenses for restaurants.

Below is a list of the current licenses available in the Town of Pembroke as of December 2016:\*

#### Current Licenses Available in Pembroke – December, 2016

# in Use	Туре	Allowed	Available
2	CLUB All Alcohol	No Quota	No Quota
2	CVWM (Common Victualer Wine & Malt) Restaurant	5	3
16	CVVA (Common Victualer All Alcohol) Restaurant	No Quota	No Quota
1	GOPAA (General On Premises)	No Quota	No Quota
5	PKAA (Package All Alcohol)	5	0
4	PKWM (Package Wine and Malt)	5	1
30	Total Liquor Licenses in Pembroke		

<sup>\*</sup>This list is updated on an annual basis at the end of the calendar year per the Pembroke Office of Town Administrator.

#### **Common Victualler License**

All New and Transferred Licenses: To operate a restaurant, a Special Permit from the ZBA (Zoning Board of Appeals) is required. The Board of Selectmen will not accept any applications until the conclusion of the ZBA public hearing. Please contact Michele Dowling (781-293-3864) in Room #3 to begin the process of obtaining the Special Permit.

#### Procedure:

- Receive your Zoning Board of Appeals decision and plan to submit with your application.
- Complete and file an application for a Common Victualler's License at the Board
  of Selectmen's office; the fee is \$75.00. The license is renewed annually on
  January 1. This application includes a Workers' Compensation Insurance Affidavit
  and an iCORI authorization form; your submission will be incomplete without
  these.
- Make application for several food licenses at the Board of Health's office.
- Make appointment with the Building Inspector and Health Agent for inspection
  of the premises. After inspections are completed and approved, the Board of
  Selectmen will issue the license. Licenses are renewed annually.
- File Sign Permit Application with the Building Department; the fee is \$4 per square foot. Please do not have your sign made until it is approved.
- File a business certificate with the Town Clerk after Common Victualler's License is issued.

#### **Opening a Retail Store**

#### What do you need to open a Retail Store?

You will need a Business Certificate from the Pembroke Town Clerk's Office to open a Retail Store. Business Certificates have a fee of \$40.00 and are good for four years.

#### Are you going to put up a new sign outside?

If so, you will need a Sign Permit from Pembroke's Office of Building and Inspectional Services. Sign Permit fees vary on the type of sign being built.

#### Are you going to build a new building or remodel an existing building?

If so you will need a Building Permit from Pembroke's Office of Building and Inspectional Services. Building Permit fees vary on the value of construction being done.

#### Where can I find all of these forms?

You can find most of these necessary forms for opening your retail store at www.pembroke-ma.gov.

Any forms you cannot find on the Pembroke town website can be found in the department offices that you are to turn the particular forms into.

# **Opening a Medical Center**

#### What do you need to open a Medical Center?

You will need a Business Certificate from the Pembroke Town Clerk's Office to open a Medical Center. Business Certificates have a fee of \$40.00 and are good for four years.

#### Are you going to put up a new sign outside?

If so you will need a Sign Permit from Pembroke's Office of Building and Inspectional Services. Sign permit fees vary on the type of sign being built.

#### Are you going to build a new building or remodel an existing building?

If so you will need a Building Permit from Pembroke's Office of Building and Inspectional Services. Building Permit fees vary on the value of construction being done.

#### Where can I find all of these forms?

You can find most of these necessary forms for opening a medical center at <a href="https://www.pembroke-ma.gov">www.pembroke-ma.gov</a>

Any forms you cannot find on the Pembroke town website can be found in the department offices that you are to turn the particular forms into.

# **Opening an Assisted Living Center**

#### What do you need to open an Assisted Living Center?

You will need a Business Certificate from the Pembroke Town Clerk's Office to open an Assisted Living Center. Business Certificates have a fee of \$40.00 and are good for four years.

#### Are you going to put up a new sign outside?

If so you will need a Sign Permit from Pembroke's Office of Building and Inspectional Services. Sign permit fees vary on the type of sign being built.

#### Are you going to build a new building or remodel an existing building?

If so you will need a Building Permit from Pembroke's Office of Building and Inspectional Services. Permit fees vary on the value of construction being done.

#### Where can I find all of these forms?

You can find most of the necessary forms for opening an assisted living center at www.pembroke-ma.gov.

Any forms you cannot find on the Pembroke town website can be found in the relevant department office.

#### **Board of Health**

Below is a list of forms and applications needed by Pembroke's Board of Health, if your business involves such a type of work:

- Body Art Establishment License Application
- Body Art Practitioner License Application
- Food Establishment Permit Application
- Inspection Permit Application
- Installers Permit Application
- Livestock Permit Application
- Porta-Potty Permit Application
- Pumping Permit Application
- Special Permit Application
- Trash Pick-Up Permit Application
- Well Installation Permit Application
- Well Repair Permit Application

#### You can find any of these forms at:

Pembroke's Board of Health Office or at <a href="www.pembroke-ma.gov/board-health/pages/license-permit-applications">www.pembroke-ma.gov/board-health/pages/license-permit-applications</a>.

# **Board of Selectmen/Town Administrator**

Below is a list of forms and applications needed by Pembroke's Board of Selectmen, if your business involves such a type of work:

Available Online (Pembroke-ma.gov/town-administrator/pages/licenses-permits

- Alcohol License Annual
- Alcohol License- Special or One Day
- Common Victualer License
- Live Entertainment License (Monday through Saturday)
- Sunday Entertainment License
- Door-to-Door Solicitation Permit (Two step permit application process: Selectmen grant application, photo permits approved and issued by Police Department)

Available in the Selectmen's Office 100 Center Street, Room #10, 781-293-3844

- Class I, Class II, Class III -Auto Dealer's License (site plan required)
- Precious Metals License
- Use of the Town's Roads Permit One Day (with approval of Police and Fire Chiefs)
- Live Event on Town Property Permit One Day (with approval of regulatory board)
- Road Closure Permit (with approval of Police and Fire Chiefs)
- Fishing and Boating Access Permit (with Conservation Commission and Town Landing Committee)
- Roadside Stand Permit
- Temporary Trailer Permit
- Mobile Food Vendor Permit (with approval of regulatory board)
- Ice Cream Vendor Permit (with prior approval of Police Chief)

# **Town Clerk**

Below is a list of forms and applications needed by Pembroke's Town Clerk, if your business involves such a type of work:

• Business Certificate Application

You can find any of these forms at:

Pembroke Town Clerk's Office

# **Building & Inspectional Services**

Below is a list of forms and applications needed by Pembroke's Building and Inspectional Services, if your business involves such a type of work:

- Building Permits
- Electrical Permits
- Gas Permits
- Plumbing Permits
- Sheet Metal Permits
- Wood/Pellet Stove Permits
- Demolition Permits
- Scheduling Inspections
- Occupancy permits

#### You can find any of these forms at:

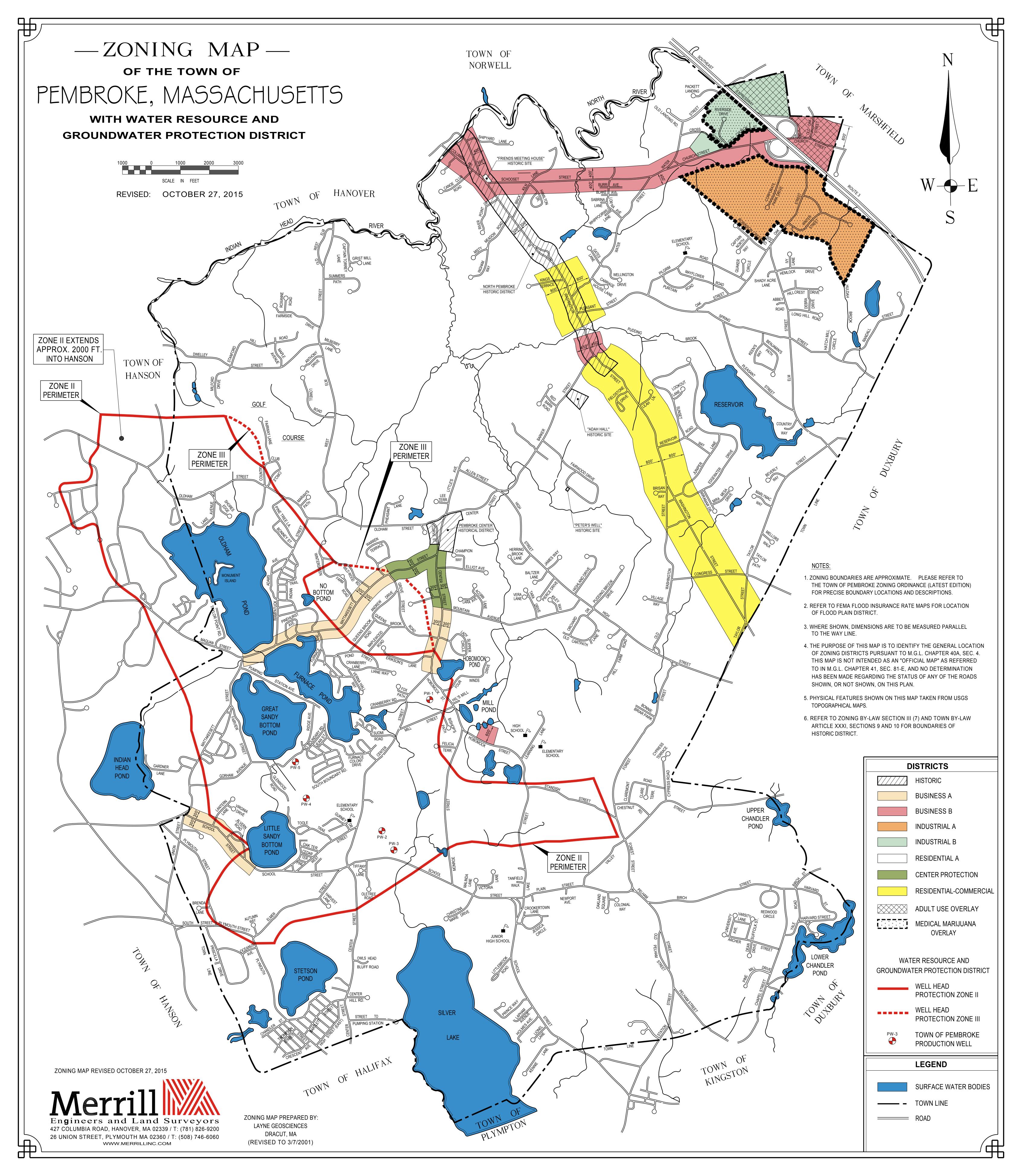
Pembroke's Building & Inspectional Services Office or at <a href="https://www.pembroke-ma.gov/building-inspectional-services">www.pembroke-ma.gov/building-inspectional-services</a>.

# **Fire Department**

Below are the permits and inspections needed by Pembroke's Fire Department, if your business involves such a type of work:

- Sprinkler Permit
- Fire Alarm Permit
- Oil Burner Permit
- Propane Storage Permit
- Tank Installation Permit
- Smoke/CO Detector Permit
- Occupancy/Life Safety Inspections

For more information you can contact: Pembroke's Fire Department, 781-293-2300 www.pembroke-ma.gov/fire-department



#### **Contact Information**

Pembroke Town Offices 100 Center Street Pembroke, MA 02359

Office Hours: Monday: 8:30 AM to 7:00 PM

Tuesday-Friday: 8:30 AM-4:30 PM

#### **Board of Selectmen/Town Administration**

Pembroke Town Hall, Room 10, (781-293-3844)

- Edwin J. Thorne, Town Administrator
- Sabrina Chilcott, Executive Assistant
- Casey Driscoll, Principal Clerk

#### **Town Clerk**

Pembroke Town Hall, Room 11, (781-293-7211)

- Mary Ann Smith, Town Clerk
- Margaret Struzik, Administrative Assistant
- Patricia Cuneo, Administrative Assistant

#### **Building and Inspectional Services**

Pembroke Town Hall, Room 3

- George Verry, Inspector of Buildings, Zoning Enforcement Officer 781-293-3864
- Antonio Marino, Building Inspector, 781-293-3864
- Joseph Stack, Building Inspector, 781-293-3864
- Tracey Grady, Assistant to Building Inspector, 781-293-3864
- Gary Young, Gas Inspector, Plumbing Inspector, 781-293-3864
- Nicholas Zechello, Wiring Inspector, 781-293-3864
- Joseph Suppa, Sealer of Weights and Measures, 781-293-3864

#### **Health Department**

Pembroke Town Hall, Room 4, (781-293-2718)

- Lisa Cullity, Health Agent
- Sheila Landy, Secretary

#### **Planning Board**

Pembroke Town Hall, Room 12, (781-709-1433)

Matthew Heins, Planning Board Assistant

#### **Board of Zoning & Building Appeals**

Pembroke Town Hall, Room 6, (781-293-3864)

• Michele Dowling, Assistant to ZBA

#### **Pembroke Fire Department**

Pembroke Center Fire Station 172 Center Street Pembroke, MA 02359 781-293-2300 (Non – emergency) J. Michael Hill, Fire Chief

#### **Pembroke Police Department**

80 Center Street Pembroke, MA 02359 781-293-6363 (Non-emergency) Richard D. Wall, Police Chief

# **Congratulations!**

#### You're ready to begin your journey as a business owner in Pembroke!

Now that you have all the necessary information to legally open your business in Pembroke, you can begin your dream of owning a successful business. All you have to do is take what we have given you and implement in your process of opening your business. We wish you every success in your adventure and hope that this guide has made it easier for you to open a business in Pembroke.