

MEMO

TO: DEC
FROM: Peter Lowitt, FAICP Director
Date: November 30, 2021
RE: Common Victualler and Liquor License Renewals for 2022

Common Victualler licenses fall under the DEC's Board of Health responsibilities. All food preparation facilities such as restaurants were inspected during their construction by our BOH agent, Nashoba Associated Boards of Health and annually thereafter. They are issued a Common Victualler license each year they are in operation by the Commission. The DEC sends Common Victualler License Renewal Applications to license holders in November for a hearing at the December morning public meeting date. As part of their application submittal to the DEC, each Applicant provides a copy of the licensee's latest Permit to Operate a Food Service Establishment issued by the Nashoba Associated Boards of Health (NABH). These permits require a full inspection of the food service areas to ensure proper handling, storage and operation. All eleven (11) food service establishments in Devens have been inspected, have valid food service permits from NABH and there have been no reported issues.

Five (5) of the Common Victualler License holders also have Alcoholic Beverages Licenses that also need to be renewed annually. DEC sends out the annual license renewal applications, combining this with the liquor license renewal applications where appropriate.

MGL Chapter 498 of the Acts of 1993 section 11 (Powers and Responsibilities of the Commission) 5 (h) as amended allows the Commission to issue five liquor licenses. All annual alcoholic beverages licensees are required to renew their alcoholic beverages licenses by filing them with the DEC by November 30th of each year. They must be signed by an authorized corporate officer and filed with the DEC by November 30th. Licensees signing the renewal must provide their taxpayer identification number, FID, or EIN number on the renewal application as required by statute. On premises licensees must provide proof of the required liquor liability insurance to the Commission. Licensees must provide a copy of the required Fire Safety Inspection Certificate to the DEC.

All five (5) liquor license holders have submitted all the required paperwork. Staff reached out to the State Police as well to ascertain if there have been any issues with the license holders. There have not been any issues reported by the State Police for 2021.

The granting of a retail liquor license involves a three-step process under M.G.L. c. 138. &&15A, & 16 B:

1. Step One is the granting of an application by the LLA (DEC);
2. Step Two is approval by the ABCC;
3. Step Three is the issuance of a retail license by the LLA.

Step One: In step one, the application is submitted to the LLA (DEC), the LLA is required by law to note the date and hour your application is filed with it. The LLA must act on the application within 30 days of it being filed. If the LLA grants the license, the application shall be forwarded to the ABCC **no later than 3 days following approval**.

Step Two: Review and Approval by ABCC and notification to LLA.

Step Three: once the LLA (DEC) receives the ABCC's approval of an application, it must issue the license within 7 days.

Staff recommends granting all liquor licenses and common victuallar licenses for the following establishments/Applicants:

Liquor Licenses and Common Victuallas License :

Mexican Grill Inc. (Bandoleros) 4 Ryans Way
Hilton Garden Inn 59 Andrews Parkway
Springhill Suites by Marriot 27 Andrews Parkway
Devens Conference Center 31 Andrews Parkway
Red Tail Golf Course 15 Bulge Road

Common Victualler License Renewal

Marty's Corner Café and Deli 176 Jackson Road
Rapid Refill 4 Andrews Parkway
Sodexo Management Inc (BMS) 38 Jackson Road
Pizza Bella 8 Andrews Parkway
Dunkin Donuts 26 Andrews Parkway
Tara Vista Behavioral Health Center 85 Patton Road.