

Staff Report

Date: June 14, 2022
To: **Devens Enterprise Commission**
From: Neil Angus, Environmental Planner
RE: **Marty's Corner Café Request for Carry-In Liquor Permit**

Applicant: Martha E. Twomey
Owner: Anne Ferguson
Location: 176 Jackson Road, Devens MA (Parcel ID 20-3-400)
Zoning: Business Community Service, Open Space and Recreation

Overview:

The owner of Marty's Corner Café is seeking a Carry-In Permit to enable patrons to bring their own beer or wine into the café. The DEC adopted a Carry-In policy back in 2010. The policy enables full service restaurants (one which provides meals for consumption at tables served by wait staff) which have a common victualler license, to request such a permit.

In order to obtain a carry-in permit, there are a number of requirements that the restaurant must meet. These include:

- Restaurant must provide full table service (not just counter service) serviced by wait staff and have a valid Common Victualler's License.
- Patrons are allowed to carry in a limited amount of wine and beer for personal consumption and the manager is responsible for ensuring patrons comply with this.
- Patrons bringing in alcoholic beverages for their personal consumption must order food.
- Any outdoor areas where alcohol is being consumed must be clearly designated and have a sufficient barrier to control the entry and exiting of patrons.
- Wait staff serving a patron with carry-in alcoholic beverages must be 18 years of age or older. Bus staff under the age of 18 shall not be allowed to clear from the tables containers from which a carry-in alcoholic beverages was poured or consumed.
- The Manager is responsible for ensuring staff verify the age of anyone consuming beer or wine.
- An onsite Manager must be trained in an alcohol management or server training course (TIPS)

The Applicant is aware of these and has committed to meeting them. The Devens Public Safety Officer and State Police have been made aware of these requirements and they have no major concerns. Their yearly review would be part of any permit renewals as well.

Decision:

If the DEC is comfortable that all issues have been addressed, Staff would recommend the Commission consider including the following conditions as part of any permit approval:

1. The Applicant shall provide written confirmation that the café operations include full table service (not just counter service) serviced by wait staff prior to issuance of the permit.
2. Patrons are allowed to carry in only wine and beer for personal consumption. No more than one 750 milliliters (ML) container of wine for every one or two patrons over the age of 21, or two containers of beer containing up to 24 ounces of beer in total, per patron over the age of 21, is permitted for consumption.
3. Patrons bringing in alcoholic beverages for their personal consumption must order food.

4. Outdoor areas where alcohol is being consumed must have a sufficient barrier to control the entry and exiting of patrons. Outdoor consumption of alcohol is restricted to this area only.
5. This permit for carry-in alcoholic beverages is valid for one year and must be reapplied for annually at the time of renewal of the Common Victualler's license. This permit is not valid without a Common Victualler's license.
6. This permit is issued in the name of the current manager (Marth E. Twomey) and cannot be transferred to a new manager without the prior approval of the DEC.
7. Wait staff serving a patron with carry-in alcoholic beverages must be 18 years of age or older. Bus staff under the age of 18 shall not be allowed to clear from the tables containers from which a carry-in alcoholic beverages was poured or consumed.
8. The Manager must verify the age of any individual consuming the alcoholic beverage who appears under the age of 30. Patrons under the age of 21 shall not be allowed to consume carry-in alcoholic beverages.
9. An onsite Manager must be trained in an alcohol management or server training course (TIPS) and proof of training shall be submitted to the licensing authority.
10. The permit, once issued, must be visibly posted in the establishment.

These conditions are essential to ensure compliance with state requirements and to ensure the safety of the community and this establishment, all patrons and staff. Failure to comply with any of these conditions would be grounds for suspending or revoking this permit.

The small scale of this facility (4 tables outside and 4 tables inside) and daytime only operating hours, should minimize any potential for issues.

