

# Memo

Devens  
Enterprise  
Commission

**Date:** December 19, 2022

**To:** **Devens Enterprise Commission**

**Cc:**

**From:** Peter Lowitt, Director, Neil Angus Environmental Planner

**RE:** **MPG Corporation (Rapid Refill) Retail Beer and Wine License Application**

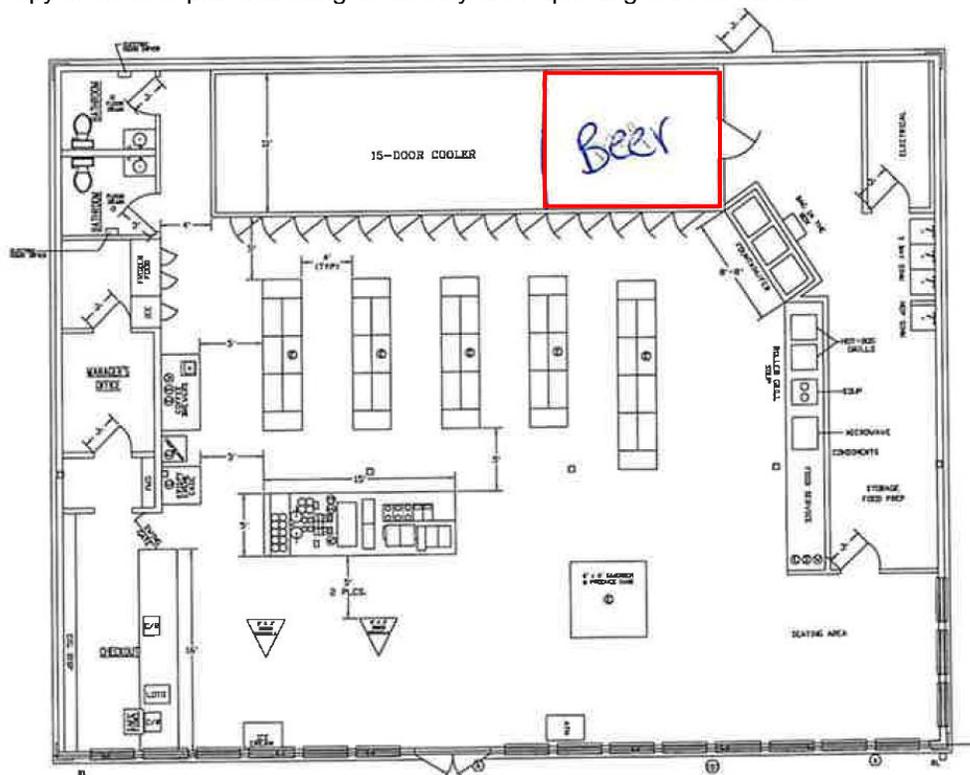
**Owner:** Devens Development, LLC

**Applicant:** MPG Corporation (dba: Rapid Refill)

**Location:** 4 Andrews Parkway, Devens, MA

**Zoning:** Business/Community Services District

**Request:** MPG Corporation (doing business as "Rapid Refill" service center located at 4 Andrews Parkway in the Devens Common development is seeking an Alcoholic Beverages Control Commission (ABCC) license to sell beer and wine in a portion of the convenience store. The MA Legislature recently passed Chapter 222 of the Acts of 2022 which allow the DEC, acting in its capacity as the local licensing authority, to issue one (1) retail license for the sale of wine and malt beverages. The Applicant has submitted a completed license application, including a copy of the floor plan indicating areas they are requesting to be licensed:



The applicant has indicated that they would have locks on each of the 5 cooler doors so customers cannot access anything in them during hours when alcohol is not permitted to be sold. They would train all staff on these procedures so they are aware when locks should be put on and taken off. The Applicant also stated they would cover any alcohol displayed in other parts of the store during hours when alcohol is not permitted to be sold. The license is typically restricted to only the areas shown on the site plan.

As this is a new license request, there are no prior reports from the State Police regarding any incidents or misconduct at the proposed location. The State police have raised concerns about the availability of alcohol at a motor vehicle service station and the increased potential for drinking and driving. Single-serve alcoholic beverages can potentially increase this risk, in addition to additional litter concerns as people seek to get rid of the containers as soon as they are finished. To address these concerns, staff has consulted with legal counsel and drafted a condition that would prohibit the sale of single serve alcoholic beverages.

The requested hours of operation are Monday through Saturday, from 8AM to 11PM and Sundays from 10AM to 11PM. The station and store are currently open from 5AM to 10PM seven days a week so they would likely have to change their hours of operation.

Licenses are granted to an entity/corporation with a named person who is in charge of managing the license. MPG Corporation voted to name Sandra Mehrtens as the license manager. The Application includes Criminal Offender Record Information (CORI) Request forms from the owner, shareholders and manager. The ABCC will perform criminal background checks prior to issuing the final license.

**Recommended Action:** The Applicant has submitted all the required paperwork. If the Commission is satisfied that all concerns have been adequately addressed, Staff would recommend the granting of the license subject to the following conditions:

1. Sandra Mehrtens is the license manager and has full responsibility for the proper operation of the licensed premises, whether present or not.
2. The sale of wines and malt beverages shall be limited to the five (5) doors on the right side of the existing 15-door cooler as depicted on the floor plan submitted with the application.
3. The hours during which wines and malt beverages may be sold are from 8:00 a.m. to 11:00 p.m Monday through Saturday, and 10AM to 11PM on Sunday. Outside of these times, the area where wines and malt beverages are permitted to be located shall be secured to prevent access by the public.
4. No-onsite consumption of alcohol is permitted.
5. Licensee shall not sell or distribute or offer for sale or distribution single serve alcoholic beverages.
6. The licensee shall control the sale of wines and malt beverages to persons not under the age of twenty-one (21) and shall not sell wines and malt beverages to individuals who are under the influence of drugs, or to an intoxicated person. Prior to any wines and malt beverages sales, the manager and all employees who sell wines and malt beverages shall undertake Beverage Alcohol Training (BAT) for package stores. A copy of the BAT certification for each employee shall be maintained on the licensed premises at all times.
7. The licensee shall, in all respects, conform to all the provisions of the Liquor Control Act, Chapter 138 of the General Laws, as amended, and any rules and regulations of the Devens Enterprise Commission.

This conditional approval, along with the full application, would then be sent to the ABCC for their review and approval.