

Memo

Devens
Enterprise
Commission

Date: April 26, 2024
To: **Devens Enterprise Commission**
Cc:
From: Neil Angus, Director
RE: **Sterling Street Brewery Farmer Series Pour Permit Application**

Owner: King Devens LLC
Applicant: Mass Brewing LLC dba Sterling Street Brewery
Location: 57 Jackson Road (Parcel ID# 013.0-0021-0.100.0) (building #65 Jackson Road)
Zoning: Innovation & Technology Business Zone

Request: Mass Brewing LLC dba Sterling Street Brewery is applying to the DEC, for a Farmer Series Pouring Permit to authorize the sale of malt beverages at the new Canteen/Amenities building located at 65 Jackson Road, part of the King Street Properties campus. The Applicant recently obtained a Farmer-Brewery License from the State Alcoholic Beverages Control Commission (ABCC) under MGL c.138 s.19 which authorizes them to manufacture and brew, keep and expose for sale and to sell in kegs, casks, barrels, bottles or other containers malt beverages containing not more than twelve percent alcohol by weight. This Farmer-Brewery license is issued directly by the state, so it does not count towards the number of licenses the DEC is currently authorized to issue under Chapter 498.

The Farmer Series Pouring Permit is an on-premises approval by the local licensing authority that allows the licensee to sell, pour, and sample the malt beverages it manufactures on its premises. This only permits the licensee to sell its own products and no other alcoholic beverages may be sold under this pour permit. A copy of the floor plan indicating areas where alcohol will be served is attached, along with a copy of the capacity and egress plan.

Sterling Street Brewery is sharing a kitchen with FLIK who operates the kitchen for breakfast and lunch during the weekdays. Sterling Street Brewery will operate the kitchen and taproom during the afternoon and evenings during the week and lunch and dinner on weekends as follows:

Monday-Thursday 4PM-9PM
Friday 4PM-10PM
Saturday 12-10PM
Sunday 12PM-8PM

The shared kitchen facilities have been inspected and the DEC has issued Common Victualler Licenses to both FLIK and Sterling Street. To help ensure responsible consumption of alcohol, all servers will be required to be TIPS (Training for Intervention Procedures) certified and food service will need to be available to patrons at all times that alcohol is served for on-premises consumption.

As a condition of any pour permit, the sale and consumption of alcoholic beverages should be restricted to the permitted area only. In addition to the interior tap room, the applicant is proposing a seasonal outdoor seating/consumption area that will be required to be fully blocked off with controlled access to ensure compliance with ABCC licensing requirements. In accordance with the *ABCC Guidelines for Extension of Premises to Patio and Outdoor Areas*, any authorized sales and/or consumption in a patio or outdoor area shall meet the following requirements:

1. Access to toilet facilities meeting all requirements of the current edition of the State Building Code and State Sanitary Code are available to all customers of the license premises.

2. An on-duty employee of the licensed premises is designated as the person responsible for control of the outdoor area;
3. Licensees shall ensure that patrons leave the licensed premises in an orderly manner and do not linger outside the licensed premises for more than 60 minutes after closing. All tables and service locations shall be cleared of alcoholic beverages within 30 minutes after the closing hour.

Staff have met with the Applicant, the Devens Public Safety Officer, building owner, and the State Police to review the proposed operations to ensure the proper safety protocols are in place. 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. Like licenses, Pour Permits are granted to an entity/corporation with a named person who is in charge of managing the permit. In this case, Brian Mason, co-owner, is listed as the manager. The Application includes Criminal Offender Record Information (CORI) Request forms from the owner and manager. The ABCC has performed criminal background checks for the issuance of the 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 Farmer Series Pour Permit subject to the following conditions:

1. Brian Mason is the pour permit and license manager and has full responsibility for the proper operation of the licensed premises, whether present or not.
2. This pour permit authorizes Sterling Street Brewery to pour, and sample the malt beverages it manufactures on its premises (none more than twelve percent alcohol by weight). No other alcoholic beverages may be sold under this pour permit.
3. The hours during malt beverages may be poured, sold and consumed are Monday-Thursday from 4PM-9PM, Friday from 4PM-10PM, Saturday from 12PM-10PM, and Sunday from 12PM-8PM. Outside of these times, any areas where malt beverages are stored shall be secured to prevent access by the public.
4. The licensee shall control the pouring and sale of malt beverages to persons not under the age of twenty-one (21) and shall not pour or sell malt beverages to individuals who are under the influence of drugs, or to an intoxicated person. Prior to any malt beverages sales or pouring, the manager and all employees who sell and pour malt beverages shall undertake TIPS (Training for Intervention Procedures). A copy of the TIPS certification for each employee shall be maintained on the licensed premises at all times.
5. The pouring, sale, and consumption of malt beverages shall be restricted to the permitted area only as depicted on the floor plan submitted with the application. The outdoor seating/consumption area shall be sufficiently barricaded off with controlled access to ensure compliance with ABCC licensing requirements. In accordance with the *ABCC Guidelines for Extension of Premises to Patio and Outdoor Areas*, consumption in a patio or outdoor area shall meet the following requirements:
 - a. Access to toilet facilities meeting all requirements of the current edition of the State Building Code and State Sanitary Code are available to all customers of the license premises.
 - b. An on-duty employee of the licensed premises is designated as the person responsible for control of the outdoor area;
 - c. Licensees shall ensure that patrons leave the licensed premises in an orderly manner and do not linger outside the licensed premises for more than 60 minutes after closing. All tables and service locations shall be cleared of alcoholic beverages within 30 minutes after the closing hour.
6. Food service shall be available to patrons at all times that alcohol is served for on-premises consumption.
7. The Permittee 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 and completed and signed Form 43, would then be sent to the ABCC for their review and final approval before the DEC can issue the actual Pour Permit.

Attachments:

- [Proposed Floor Plan/Serving and Consumption Areas](#)
- [Menu](#)
- [Narrative](#)