Memo

Devens Enterprise Commission

Date: September 24, 2024

To: **Devens Enterprise Commission**

Cc:

From: Neil Angus, Director

RE: **Transfer of Alcohol Licenses and Common Victualler Licenses Applications**

Transfer of Alcohol Licenses:
Hitesh Patel (applicant) has submitted a request to transfer the following licenses:

- 27 Andrews Parkway: Wine and Malt Alcoholic Beverages License Transfer from Devens Hospitality, LLC (DBA SpringHill Suites by Mariott), Manager Maura Peeler, to 27 Andrews Operating, LLC (DBA SpringHill Suites Devens Commons Center), Manager Hitesh Rawal.

- 31 Andrews Parkway: All Alcoholic Beverages License transfer from DCCC, LLC (DBA Devens Common Center), Manager Maura Peeler, to DCC Center Operating, LLC. (DBA Devens Common Center), Manager Mahesh Patel.

- 59 Andrews Parkway: All Alcoholic Beverages License transfer from Devens Inn, LLC (DBA Hilton Garden Inn), Manager Jon Mehlmann, to 298 Queen City Operating, LLC (DBA Hilton Garden Inn Devens Common), Manager Dhruvil Rawal.

59 Andrews Parkway recently sold and 27 and 31 Andrews Parkway are in the process of closing. The current owner (Robert Walker) has authorized the Applicants to submit these transfer requests in advance of the closings. These licenses should not be transferred until the new owners take possession (this can be a condition of any approval).

The existing licenses were issued subject to the following conditions:

1. The Hours during which Alcoholic Beverages may be sold are: from 11:00 a.m. to 1:00 a.m. Sunday through Saturday
2. License can be cancelled if any change in ownership
3. Conform to provisions of the liquor control act, Chapter 132 of the General Laws.
4. License expires Dec. 31, 2024

Staff have corresponded with our Health Agent, Devens Public Safety Officer, building owner, and the State Police to review the premises and ensure there have been no significant incidents on any of these premises. The Devens Fire Department has been working with current management to ensure they have a Crowd Manager – this is a specific requirement under the new Fire Code (527 CMR 1.00) for venues that hold over 100 people. The state police have performed background checks on all proposed managers and no issues were flagged. The ABCC will conduct background checks also prior to state issuance of any transfer of the Alcohol licenses.

The transfer process involves the DEC voting to transfer the license and sending all supporting information to the State Alcohol Beverage Control Commission who will conduct the required background check, etc. Then the State will send the license back to the DEC to distribute to the new owner.

Common Victualler License Requests:
The Applicant is also applying for new Common Victualler licenses for the same food service in all three premises. There are no changes to the menus, floor plan, serving areas, or hours of operation – everything is to remain as is.

A new license requires a food service permit from our agent: Nashoba Associated Boards of Health. Assuming there are no changes in equipment, this should be a straightforward permit issuance. A final copy of the updated food service permit for each address will be required as a condition of any approval of the Common Victualler Licenses. All Common Victualler Licenses are also required to conform to all the provisions of Chapter 140, section 1 through 11 inclusive, of the General Laws (innholder responsibilities, food service and safety). This is listed on all licenses.

Recommended Actions: If the Commission is satisfied that all questions and concerns have been adequately addressed, Staff would recommend closing the hearing and the approving the transfer of the three licenses subject to the same conditions as the existing licenses for each respective property, in the name of the LLC, DBA and stated Manager on each ABCC application:

1. The Hours during which Alcoholic Beverages may be sold are from 11:00 a.m. to 1:00 a.m. Sunday through Saturday).
2. The Licensee shall, in all respects, conform to all the provisions of Chapter 138 of the General Laws, as amended.
3. The Licenses shall expire on December 31, 2024.

These approvals, 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 licenses**. In the event any of these conditions are modified by the ABCC review, the Commission should authorize DEC staff to review such changes and if appropriate, accept them administratively, and issue the licenses accordingly. The DEC should also authorize staff to submit the licenses for 27 and 31 Andrews Parkway to the ABCC once the property transfers to the Applicant are complete.**

A separate motion should be made for the approval of the new Common Victualler Licenses, subject to the following conditions for all three properties:

1. The license holder shall obtain a food service permit from the Nashoba Associated Boards of Health prior to the Common Victualler License becoming effective. A copy of the food service permit shall be submitted to the DEC.
2. The licensee shall in all respects, conform to all the provisions of Chapter 140, section 1 through 11 inclusive, of the General Laws, as amended, and any rules and regulations made hereunder by the licensing authorities. All three licenses will expire December 31, 2024, unless suspended earlier, canceled, or revoked.