



Paul E. Cohen
Town Manager

Office of the Town Manager
50 Billerica Road
Chelmsford, MA 01824-2777

Phone: (978) 250-5202

To: Select Board
From: Kristina Bruce, Support Services Coordinator
Date: July 20, 2022
Re: **Licensing Policy Clarifications & Process Considerations**

Policies

To ensure that expected timelines are accurately communicated to applicants, I am seeking clarification on certain Select Board licensing policies.

- Does Select Board Policy Section 3-2, “Approval of New or Transferred Alcohol Beverage Licenses” apply only to new and transferred licenses or does it also apply to certain license amendment transactions?
- Please provide clarification on the application of Select Board Policy Section 3-3, “Petitions to Review Conditions Placed on Alcoholic Beverage Licenses.”

Process Considerations

The following is provided for the Board’s information when considering license approvals and contingencies.

- The Departmental Sign-Off Sheet has been replaced with a new Departmental Review Sheet. Rather than a signature line for each department, you will now see a comment section where departments can note any concerns and indicate any further requirements they might have (permits, inspections, violation corrections, etc.).

This new form will reduce delays and ease the process for applicants. However, some applications will come to the Board prior to other departmental issues being addressed. The Board has at its discretion the option to approve applications with contingencies based on those comments. However, it should be noted that the Board of Health, Fire Department, and Building Department each have independent authority to close an establishment or prevent them from opening to the public due to missing permits, code violations, or health and safety concerns that fall under their purview.

- Alcohol licensing occurs in three phases:
 - Phase 1 - Local Licensing Authority approval (up to 4 weeks)

Phase 2 - Alcoholic Beverages Control Commission (ABCC) approval (6 – 8 weeks)
Phase 3 – Local issuance of the license

- The requirements checklists provided in Select Board packets are organized by ABCC Requirements, Additional Town Requirements, and requirements Prior to Issuance. Many items in the “Prior to Issuance” category can be completed while awaiting ABCC approval. I do not issue licenses until all listed requirements are met.
- The Town does not run CORI checks for alcohol licensees since the ABCC does them.

Enc: Select Board Policies Excerpt
Annotated ABCC Monetary Transmittal Form 2022
New Departmental Review Sheet

The Board shall support and assist the Assessor in their attempt to enforce compliance relative to the collection of information from commercial and industrial property owners as required by law; and shall support efforts to establish a regional data bank that may be used to assist in the valuation of commercial and industrial properties for tax purposes.

The Board shall receive regular reports regarding the compliance of commercial and industrial property owners to submit annual income and expense reports to the Assessor as required by law. Owners that fail to meet the legal requirement of providing such information shall be fined in accordance with statute.

The Board shall support legislative proposals that seek fair and equitable valuations for commercial, industrial, and personal property.

3 LICENSING

3-1 LICENSE PERMITS VS. TAX DELINQUENCY

It shall be the policy of the Town of Chelmsford to deny the application for any license or permit to any individual, business or corporation that is in tax delinquency with the Town. The Town Manager, their administration and the various licensing boards and agencies in the Town will develop and enforce the necessary procedures to implement this policy within the framework of the prevailing local and state laws.

Furthermore, it shall be the policy of the Town of Chelmsford not to renew any license or permit previously granted to any individual, business or corporation that is in tax delinquency with the Town. Again, the Town Manager, their administration and the various licensing boards and agencies in the Town will develop and enforce the necessary procedures to implement this policy within the framework of the prevailing local and state laws.

3-2 APPROVAL OF NEW OR TRANSFERRED ALCOHOL BEVERAGE LICENSES

The Chelmsford Select Board recognizes that paramount among its responsibilities as the licensing authority for the issuance of alcohol beverage licensing for package stores and restaurants is the preservation of public safety, while at the same time reflecting due concern for the convenience and needs of Town residents. In furtherance of this responsibility, the Board recognizes that after a public hearing on license applications, additional information might be required and/or new information might become available which would necessitate the Board's consideration prior to any formal vote.

Therefore, with respect to its consideration for approval of any application filed with the Board for the issuance of a new or transfer of ownership of an existing alcohol beverage license, whether for a package store or restaurant, the Select Board shall, as a matter of policy, postpone any final vote on the application until the next meeting of the Board. The Board may waive this policy at its discretion.

This policy shall be attached to the Town of Chelmsford's application forms so as to place all

applicants on notice of the Board's policy.

3-3 PETITIONS TO REVIEW CONDITIONS PLACED ON ALCOHOLIC BEVERAGE LICENSES

Prior to amendment of any condition or restriction placed on an alcoholic beverage license, the Petitioner shall notify the abutters, in the same manner as required for an original application for license, of the time and place of the hearing specifying the substance of the petition.

3-4 PACKAGE STORE LICENSE APPROVAL

The Chelmsford Select Board recognizes that paramount among its responsibilities as the licensing authority for the issuance of the licensing of package stores is the preservation of public safety while at the same time reflecting due concern for the convenience and needs of Town residents.

With respect to its consideration of any application filed with the Board for the issuance or transfer of any license for the retail sale of alcohol (package store), the Board shall be required to consider, and make specific findings of fact with respect to, the following factors:

- a. Experience of the prospective licensee and manager in the responsible distribution of alcoholic beverages to the public;
- b. Safeguards that the prospective licensee commits to install in its premises as a condition of licensure to guard against the sale of alcoholic beverages to minors or to persons already under the influence of alcohol;
- c. Whether the specific area of Town in which the prospective licensee seeks to locate its license premises is already served by other licensed premises.

3-4.1 Mixed Use Package Store Licenses

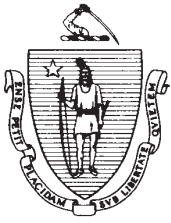
It shall be the policy of the Chelmsford Select Board not to issue any alcohol licenses to establishments which are defined by law as "food stores" including but not limited to retail vendors such as convenience stores, grocery stores, supermarkets, shops, clubs, outlets, or warehouse type sellers, that sell food to consumers to be eaten elsewhere.

3-5 CARRY-IN ALCOHOL CONSUMPTION

Anyone requesting permission to allow patrons to bring their own alcohol on premise must submit an application, and schedule a public hearing in the same manner that a Restaurant Alcohol License requires.

The holder of this license may apply for a One Day Beer and Wine License for special events, in which case the rules for that license take precedence.

License renewal will follow the same rules and schedule as other alcohol license requirements.



The Commonwealth of Massachusetts
 Alcoholic Beverages Control Commission
 95 Fourth Street, Suite 3, Chelsea, MA 02150
www.mass.gov/abcc

RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION
 MONETARY TRANSMITTAL FORM

APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE LOCAL LICENSING AUTHORITY.

ECRT CODE: RETA

Please make \$200.00 payment here: <https://www.mass.gov/epay-for-online-payments-abcc>

PAYMENT MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL

EPAY CONFIRMATION NUMBER

A.B.C.C. LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY)

ENTITY/ LICENSEE NAME

ADDRESS

CITY/TOWN

STATE

ZIP CODE

For the following transactions (Check all that apply):

- | | | | |
|--|--|--|---|
| <input checked="" type="checkbox"/> New License | <input checked="" type="checkbox"/> Change of Location | <input checked="" type="checkbox"/> Change of Class (i.e. Annual / Seasonal) | <input type="checkbox"/> Change Corporate Structure (i.e. Corp / LLC) |
| <input checked="" type="checkbox"/> Transfer of License | <input checked="" type="checkbox"/> Alteration of Licensed Premises | <input checked="" type="checkbox"/> Change of License Type (i.e. club / restaurant) | <input type="checkbox"/> Pledge of Collateral (i.e. License/Stock) |
| <input type="checkbox"/> Change of Manager | <input type="checkbox"/> Change Corporate Name | <input checked="" type="checkbox"/> Change of Category (i.e. All Alcohol/Wine, Malt) | <input type="checkbox"/> Management/Operating Agreement |
| <input type="checkbox"/> Change of Officers/
Directors/LLC Managers | <input checked="" type="checkbox"/> Change of Ownership Interest
(LLC Members/ LLP Partners,
Trustees) | <input checked="" type="checkbox"/> Issuance/Transfer of Stock/New Stockholder | <input type="checkbox"/> Change of Hours |
| | | <input type="checkbox"/> Other <input type="text"/> | <input type="checkbox"/> Change of DBA |

Above transactions marked with an "X" require a public hearing.

ALCOHOLIC BEVERAGES CONTROL COMMISSION
 95 Fourth Street, Suite 3
 Chelsea, MA 02150-2358



SELECT BOARD
Town Offices
50 Billerica Road
Chelmsford, MA 01824-2777

Phone: (978) 250-5202

DEPARTMENTAL REVIEW SHEET
FOR SELECT BOARD LICENSE APPLICATIONS

Please complete this form and attach the floor or parking plan, if required. Submit this form with your complete application packet to the Select Board office, and departmental comments will be obtained internally. Departments may request additional information as needed.

For planning purposes, you may contact any departments prior to completing your application. For any renovations, alterations, or new buildings, a preliminary review with the Building Commissioner is strongly recommended.

Application Type:

New License

Transfer of Existing License

Current Licensee _____

Amendment to Existing License

Amendment Type(s) _____

License Type _____

Name of Business _____

Premises Address _____

Application Contact: Name: _____ Phone #: _____

E-mail Address: _____

Existing Use of Premises _____ Capacity** _____

Proposed Use of Premises _____ Capacity** _____

** Seating capacity for restaurants and number of cars for sale for auto dealers

Do you plan to make any renovations or physical alterations to the premises?

No Yes - Proposed Changes _____

A preliminary review with the Building Commissioner is strongly recommended

Plans Attached -**Floor plans** are required for new/transfer Common Victualler & Alcohol licenses and for amendments involving alterations to the premises.

-Parking plans are required for Auto Dealer licenses

TO BE COMPLETED BY TOWN PERSONNEL ONLY

Please indicate if your department has any concerns with this Select Board license application, citing specific codes if applicable. You may also note any requirements your department will have from this applicant.

Building Department/ADA – Reviewer Name: _____ Date _____
Room LL01 - 8:30 – 10:00 AM or by appointment – 978-250-5225

Notes:

Community Development – Reviewer Name: _____ Date _____
Room LL01 – 978-250-5231

Notes:

Board of Health – Reviewer Name: _____ Date _____
Room 102 – 978-250-5241

Notes:

Tax Collectors Office – Reviewer Name: _____ Date _____
Room 104 – 978-250-5210

Notes:

Fire Prevention Office – Reviewer Name: _____ Date _____
Town Offices – Room LL03 – by appointment only 978-244-3361

Notes:

Only required for applications involving outdoor seating or at the request of other departments:

Police Department – Reviewer Name: _____ Date _____

2 Olde North Rd – by appointment only 978-256-2521 x124

Notes: