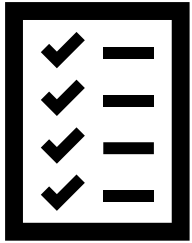
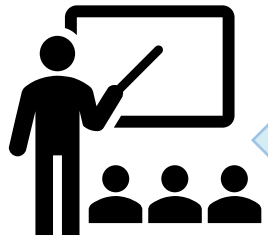


Alcohol Compliance



Alcohol Compliance
Checks



Training and
Intervention Procedures
(TIPS)



Alcohol Compliance Summary | 2017 - 2022

business	license type	May2017 TIPS	Nov2017 TIPS	Nov2018 cc	June2019 cc	Oct2019 cc	dec2021 cc	jan2022 TIPS	april2022 cc	june2022 TIPS	nov2022 TIPS	dec2022 cc
3 Squares (now closed)					Fail		NA	NA	NA	NA	NA	NA
Bertucci's	On-premise				Fail		Pass	0	Pass	0	0	Fail
Bin Ends	Off-premise	1					Fail	6	Pass	0	0	Pass
Blue on Highland	On-premise	2					Pass	0	Pass	0	0	Pass
Cappella	On-premise						Fail	0	Pass	0	0	Fail
The Center Cafe (now closed)		2										
Cook Needham	On-premise						Fail	4	Pass	0	0	Fail
French Press Bakery	On-premise						Not open	0	Pass	0	0	Fail
Fuji Steakhouse	On-premise	2					Fail	1	Pass	0	0	Pass
Gari	On-premise	2					Pass	0	Pass	0	0	Pass
Gordons Fine Wines	Off-premise						Not open for business yet		Not open for business yet	0	0	Not open for business yet
Hearth Pizzeria	On-premise						Fail	2	Pass	0	0	Pass
Hungry Coyote	On-premise						Fail	1	Suspended license	0	3	Suspended license
Latina Kitchen and Bar	On-premise						Pass	0	Fail	0	0	Pass
Little Spoon	On-premise						Not open for business yet		Pass	0	1	Fail
Mandarin Cuisine	On-premise	1			Fail		Pass	0	Pass	1	0	Pass
Masala Art	On-premise						Pass	0	Pass	0	0	Pass
Needham Fine Wines	Off-premise						Pass	0	Fail	0	0	Fail
Needham Golf Club	On-premise						Not open	0	Pass	0	0	Not accessible

Alcohol Compliance Summary | 2017 - 2022

business	license type	May2017 TIPS	Nov2017 TIPS	Nov2018 cc	June2019 cc	Oct2019 cc	dec2021 cc	jan2022 TIPS	april2022 cc	june2022 TIPS	nov2022 TIPS	dec2022 cc
Needham Wine & Spirits	Off-premise						Pass	0	Pass	0	1	Pass
Ray's New Garden	On-premise				Fail		Fail	2	Fail	0	1	Pass
Pancho's Taqueria	On-premise						Fail	0	Pass	0	0	Fail
Residence Inn	On-premise				Fail	Fail	Fail	0	Not open	0	0	Pass
Reveler Beverage	Off-premise						Pass	2	Fail	1	0	Fail
Rice Barn	On-premise	1	1				Fail	2	Pass	0	0	Not open
Sheraton Needham	On-premise				Fail		Not open	0	Not open	0	0	Fail
Spiga	On-premise						Pass	0	Pass	0	0	Pass
The Farmhouse	On-premise						Pass	0	Pass	0	5	Pass
Homewood Suites	On-premise				Fail		Not open	0	Not open	0	0	Not open
The James	On-premise						Fail	2	Pass	0	0	Pass
The Needham General Store	Off-premise						Pass	0	Fail	2	0	Pass
V.F.W.	On-premise	3					Not open	2	Not open	2	2	Pass
Village Club	On-premise						Not accessible	1	Not accessible	0	0	Not open
Vinodivino	Off-premise				Pass		Pass	0	Pass	0	0	Fail
Volante Farms	On-premise						Pass	1	Pass	3	0	Pass
Totals		May2017 TIPS	Nov2017 TIPS	Nov2018 cc	June2019 cc	Oct2019 cc	dec2021 cc	jan2022 TIPS	april2022 cc	june2022 TIPS	nov2022 TIPS	dec2022 cc
		13 attendees	1 attendee	8 failures	7 failures	1 failure	11 failures	26 attendees (2sessions)	5 failures	9 attendees	13 attendees	10 failures

Alcohol Compliance Checks

Compliance check	Sales to minor violations	Businesses checked	% of sales violations
November 2018	8	26	30.7%
June 2019	7	26	26.9%
October 2019	1	28	3.6%
December 2021	11	26	42.3%
April 2022	5	26	19.2%
December 2022	10	28	35.7%

Checks were conducted on a weekday, between 4:30 – 8:00pm.

Alcohol Compliance Checks: Underage Operatives

- Two underage operatives recruited per check*
- 19 – 20 years of age
- In-state and out-of-state residents (2021-22)
- Presented their own I.D. when proof of age requested*

* With the exception of first check conducted in 2018

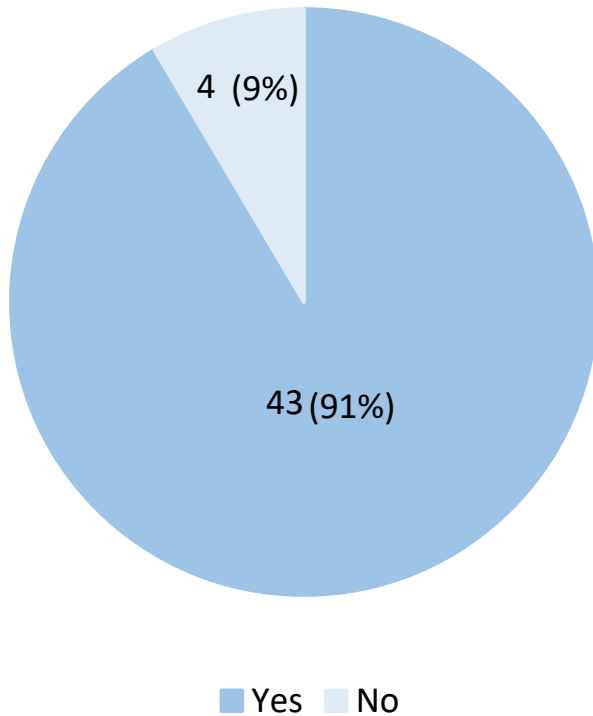
Training and Intervention Procedures for Servers (TIPS)

- In 2022, 48 Needham alcohol licensee staff attended in-person TIPS.
- Overall, employees who attended TIPS did not sell to an underage operative in a subsequent compliance check.*

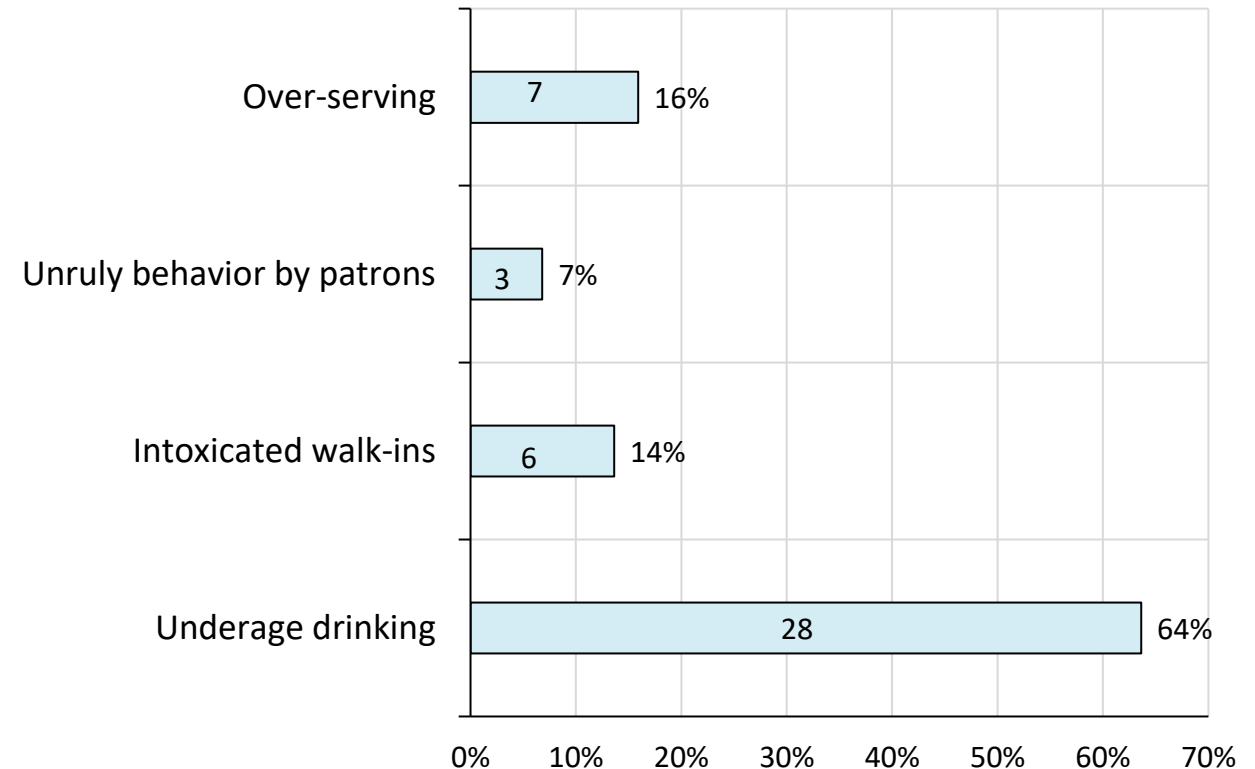
*One person who attended TIPS in 2022 was identified as selling to an operative in a subsequent compliance check reports.

Official TIPS Survey results: 2022 Trainings*

Do you believe alcohol server training should be required by law?



At your organization, the biggest alcohol-related concern is:



*Data includes participants from Dedham

Tracking the Data

- ❖ Our process is evolving
- ❖ There were variations in the process and data collection from 2017-2022
 - ❖ Difficult to compare recent & historical data
- ❖ Moving forward:
 - Consistent process + expansion of data collection =
 - Ability to identify trends over time



Alcohol regulations: comparing defined penalties

Town	Offense #1	Offense #2	Offense #3	Offense #4	Offense #5	Offense #6
Needham	Written warning or 1 day suspension	1-3 day suspension	3-5 day suspension, public hearing required.	5-10 day suspension, public hearing required. Licensee required to provide the Board with satisfactory written plan, under signature of the manager of record and any person or entity holding more than a 10% ownership interest in the license, to assure that a further offense will not occur.	10 day min. suspension, public hearing required. Based on relevant circumstances as determined by the Board, the Board may order a longer suspension of any length, imposition of conditions on or other modifications of the license, disqualification of the manager of record, compulsory initiation by the licensee of transfer of ownership to a responsible party to be approved by the Board, non-renewal, or revocation of the license.	
Natick	Currently, these are not clearly defined in any documents. The Select Board is currently updating alcohol policies including penalties. Maybe done early 2023					
Dedham	Written warning to 3 day suspension	3-6 day suspension	7-10 day suspension	10 day suspension to revocation	10 day suspension to revocation	
Walpole	Warning up to a 2 day suspension	Warning up to a 3 day suspension	Warning up to a (7) day suspension	Warning up to a 2 week suspension or Revocation		
Medway	Written warning	1 day suspension	3 day suspension	6 day suspension		
Framingham	1-3 day suspension	4-6 day suspension	7-15 day suspension	16-30 day suspension	31 day to 1 year suspension or revocation, regardless of amount of penalty suspended	revocation of license for remaining period of current license and one year beyond
Ashland	1-3 day suspension	4-6 day suspension	7-15 day suspension	16-30 day suspension	31 days to 1 year suspension, or revocation, regardless of amount of penalty suspended	revocation of license for remaining period of current license and one year beyond

Alcohol regulations: comparing defined penalties

Town	Offense #1	Offense #2	Offense #3	Offense #4	Offense #5	Offense #6
Braintree	From warning up to a 1-3 day suspension, served on consecutive days	from warning up to a 4-7 day suspension, served on consecutive days	30-day suspension to be served on 30 consecutive days	Show Cause hearing to revoke license		
Stoughton	1 day suspension	5 day suspension	7 day suspension	revocation of license		
Franklin	3-5 day suspension, 1-3 days to be served, with balance held in abeyance for 2 years	5-7 day suspension, 3-5 days to be served, with balance held in abeyance for 3 years	7-10 day suspension, 5-7 days to be served, with balance held in abeyance for 5 years			
Wellesley	1-3 day suspension	3-7 day suspension	7-12 day suspension	revocation of license		
Foxboro	Letter of reprimand and/or suspension up 3 days or both	3 -10 days suspension	10 to 30 day suspension	Revocation of license		
Medford	1-3 day suspension. Roll back in hours: Warning to 7 days	3-14 day suspension. Roll back in hours: 7 days to 21 days	14-30 day suspension Roll back in hours: 21 days to 35 days	30 days to revocation. Roll back in hours: 35 days to permanent		
Melrose	Warning to 2 consecutive day suspension	3-7 consecutive day suspension	10 or more consecutive day or revocation of license	10 or more consecutive day or revocation of license	10 or more consecutive day or revocation of license	
Wakefield	Warning to two consecutive days' suspension of license.	3-7 consecutive days' suspension of license	7 or more consecutive days' suspension or revocation of license	7 or more consecutive days' suspension or revocation of license	7 or more consecutive days' suspension or revocation of license	

Town	Link to alcohol regulations
Needham	http://ma-needham.civicplus.com/DocumentCenter/View/845/BOS Alcohol Regs 08182020?bidId=
Natick	https://www.natickma.gov/DocumentCenter/View/7887/General-On-Premises-Rules-and-Regs#:~:text=
Dedham	Regulations obtained from Asst. Town Manager; not yet available on town website.
Walpole	https://www.walpole-ma.gov/sites/g/files/vyhli1381/f/uploads/2021_policies_procedures_manual.pdf
Medway	https://www.townofmedway.org/sites/g/files/vyhli1381/f/uploads/liquor_policy-final amended 11-3-14.pdf
Framingham	https://www.framinghamma.gov/DocumentCenter/View/44254/FINAL-Amended-and-Restated-Rev-8-Framingham-Rules-Regulations-Governing-Alcoholic-Beverages-Board-Approved-121321?bidId=
Ashland	https://www.ashlandmass.com/DocumentCenter/View/1650/Board-of-Selectmen-Alcohol-Policy-
Braintree	https://braintreema.gov/DocumentCenter/View/372/Policies-and-Regulations-Governing-Liquor-Licenses-Rev-Jun-2011-PDF
Stoughton	https://ecode360.com/12491273
Franklin	https://ecode360.com/10433492
Wellesley	https://www.wellesleyma.gov/DocumentCenter/View/26439/Proposed-Modifications-to-Alcohol-Regulations-Clean-Copy---Updated-11222021-PDF
Foxboro	https://cdn5-hosted.civiclive.com/UserFiles/Servers/Server_15207780/File/Boards%20and%20Committees/Board%20of%20Selectmen/Alcohol%20Regulations.pdf
Medford	https://www.medfordma.org/boards-commissions/license-commission/liquor-licenses
Melrose	https://www.cityofmelrose.org/sites/g/files/vyhli1381/f/uploads/melrose_liquor_licensing_rules_regulations_amended_3-30-15.pdf
Wakefield	https://ecode360.com/28531896?highlight=revocable&searchId=35249188818407725#28531896

LEGAL NOTICE

TOWN OF NEEDHAM

Notice of Public Hearing

Proposed Amendment to Town Alcohol Regulations

The Needham Select Board will hold a public hearing on Tuesday, March 14, 2023, at 6:15 p.m. in the Select Board Chambers, Needham Town Hall, 1471 Highland Avenue, to gather input regarding a proposed amendment to Town Alcohol Regulations relative to bar service, staff training requirements, hours of service, and other administrative changes to the current Regulations. The proposed regulations are available at <https://www.needhamma.gov/515/Alcohol-Licensing>

The Select Board invites all residents and interested parties to provide input at this meeting either in-person or via Zoom.

Select Board

Zoom Information:

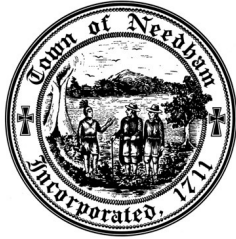
<https://us02web.zoom.us/j/85183601452?pwd=T1did0pEUU1tUnNWS1VNcUIUT05MZz09>

Passcode: 008785

Webinar ID: 851 8360 1452

March 2, 2023

This legal notice is also posted on the Massachusetts Newspaper Publishers Association's (MNPA) website at [http:// masspublicnotices.org/](http://masspublicnotices.org/)



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TOWN OF NEEDHAM

REGULATIONS FOR THE SALE OF ALCOHOLIC BEVERAGES

[insert table of contents]

The Needham Select Board, acting as local licensing authority pursuant to the provisions of Massachusetts General Laws Chapters 138 and 140 and other relevant legal authority, promulgates these regulations applicable to the sale and distribution of alcoholic beverages in the Town of Needham. These regulations are in addition and supplemental to all other legal requirements, including but not limited to applicable State and Federal law and regulations.

I. TYPES OF LICENSES TO BE GRANTED IN NEEDHAM

The Town of Needham issues the types of alcoholic beverages licenses listed below. All licenses shall comply with Chapter 138 of the Massachusetts General Laws, and Chapter 204 of the Code of Massachusetts Regulations, as they relate to the specific type of license.

- 1.1 Innholders All Alcoholic Beverages: issued to qualified applicants to sell all alcoholic beverages in a hotel dining area with a seating capacity of not less than ninety-nine (99) persons and a living capacity of not less than fifty (50) rooms, under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. The Service of alcoholic beverages to the room of any registered guest is prohibited unless otherwise authorized by the Select Board. (M.G.L. c.138, s.11, D; 11/7/72 election)
- 1.2 Restaurant All Alcoholic Beverages: issued to qualified applicants to sell all alcoholic beverages in a restaurant and/or function room under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. (M.G.L. c.138, s.11, E; 11/4/80 election; M.G.L. c.138, s.12; Chapter 32 of the Acts of 2014; 4/8/2014 election)
- 1.3 Restaurant Wine and Malt Beverages: issued to qualified applicants to sell only wine and malt beverages in a restaurant under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. (M.G.L. c.138, s.12; Chapter 169 of the Acts of 2001; 11/8/01 election)
- 1.4 Club and Veterans' Organization All Alcoholic Beverages: issued to qualified applicant Clubs existing under Chapter 180 of Massachusetts General Laws and Veterans' Organizations duly chartered or authorized by the Laws of the United States or the Commonwealth of Massachusetts to sell all alcoholic beverages under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. (M.G.L. c.138, s.12; 11/8/88 election)
- 1.5 One-Day-Special Event: issued to qualified applicants of non-profit status to sell all alcoholic beverages; or to sell wine and malt beverages only; or to qualified applicants of for-profit status to sell wine and malt beverages only under the

applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. (M.G.L. c.138, s.14)

- 1.6 Package Store All Alcoholic Beverages: issued to qualified applicants to sell all alcoholic beverages in packages not to be consumed on the premises under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. (Chapter 207 of the Acts of 2012; Approved 11/6/2012 election)
- 1.7 Package Store Wine and Malt Beverages: issued to qualified applicants to sell wine and malt beverages in packages not to be consumed on the premises under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages and any and all conditions stipulated for the specific license. (Chapter 207 of the Acts of 2012; Approved 11/6/2012 election)
- 1.8 Farmer Series Pouring Permit: issued to qualified applicants to sell malt beverages, for consumption on the grounds of a licensed farmer-brewery pursuant to M.G.L. c.138, §19C, as well as on the grounds of the farm operated as appurtenant and contiguous to, and in conjunction with, such farm, and in accordance with the applicable regulations of the Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages and any and all conditions stipulated for in the specific license. For purposes of this policy, the word “license”, “Licensee”, and “licensed premises” shall include a “Farmer Series Pouring Permit”, “Farmer Series Pouring Permittee”, and “premises subject to a Farmer Series Pouring Permit”, respectively, unless otherwise noted.

II. COMPLIANCE

- 2.1 The issuance of a license by the Select Board for the sale of alcoholic beverages under M.G.L. c. 138 applies only to said sales and does not release the ~~licensee~~Licensee from compliance, nor does it assume compliance with the rules, regulations, requirements and procedures of other government boards, agencies or bodies having jurisdiction.
- 2.2 Failure to comply with these regulations, the laws of the Commonwealth of Massachusetts, the Regulations of the Alcoholic Beverages Control Commission (ABCC) or the Town’s bylaws may result in the revocation, suspension or cancellation of the license.

III. ~~SPECIAL LICENSE PROVISIONS~~ (applicable to Restaurants only)

- ~~3.1 Bar Service The sale or service of alcoholic beverages for consumption at any~~

~~unapproved Bar Service Area is prohibited. For the purposes of these regulations, Bar Service Area is defined as service across a counter at which alcoholic drinks are prepared to patrons who may or may not be waiting to dine. Bar Service Areas are permitted only in locations expressly approved and authorized by the Select Board. Such authorization may be granted under the following conditions:~~

- ~~a) The Board makes a finding that it is in the best interest of the Town to allow the service of alcoholic beverages in the Bar Service areas;~~
- ~~b) No more than a total of fifteen (15) seats or twenty percent (20%) of the total seats in the premises, whichever is less, shall be allowed in the Bar Service area(s), except that the Board may after hearing, with notice pursuant to M.G.L. Chapter 138 section 15A, authorize a greater number where such seats are intended for food service customers as part of the licensee's business plan;~~
- ~~c) The seats in the Bar Service areas are included when calculating the number of seats in the premises;~~
- ~~d) All food and beverages on the menu served in the public dining room shall be available for service to the patrons in the Bar Service areas; and~~
- ~~e) Each licensee with bar seating shall annually as part of its license renewal application provide the Select Board with a statement certified by a Certified Public Accountant as to the percentage the annual sales for the previous period of October 1 September 30 of alcoholic beverages compared to the total annual sales of food and alcoholic beverages. If the percentage exceeds thirty five percent (35%), the Select Board may investigate to determine whether the service of alcoholic beverages has become more than incidental to the service of food on the premises. If the Board determines that the sale of alcoholic beverages has become more than incidental to the sale of food on the premises, it may after hearing modify the license to require the licensee to reduce its amount of Bar Service Area seating.~~

IV.III. GENERAL RULES AND REGULATIONS APPLICABLE TO HOLDERS OF LICENSES TO SELL ALCOHOLIC BEVERAGES WITHIN THE TOWN

This section shall apply to any and all alcoholic beverages licenses issued by the Select Board.

3.1 Hours of Operation

- 3.1.1 No patron shall be served or sold alcoholic beverages ~~within the licensed premises~~ before or after the hours stated in the license.

~~3.1.2 On-Premises Consumption~~

~~3.1.2~~

- 3.1.2.1 The hours during which the sale of all alcoholic beverages to be consumed on the premises may be made by any licensee ~~Licensee~~ shall be from 11:00 a.m. to 11 p.m. ~~on secular days Monday through Saturday~~ and from 10:00 a.m. to

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11 p.m. on Sundays, unless otherwise determined by the Select Board or further limited by statute or regulation.

3.1.2.2 Except for alcohol sold by a Farmer Series Pouring Permittee, the hours during which the sale of all alcoholic beverages may be made in a dining room are further limited to the time when the dining room is open and food service is available to the public. No alcoholic beverages shall be sold or served in a dining room before the dining room is open and food service is available, or after the dining room has been closed and food service has been suspended to the public.

3.1.2.3 No alcoholic beverages shall be served within the licensed premises during the fifteen (15) minutes preceding the hours stated on the license at which service of alcoholic beverages must cease.

3.1.2.4 All bottles, glasses, containers, etc., shall be cleared from all tables and bars within thirty (30) minutes of the established closing hour and all patrons will be off the licensed premises within forty-five (45) minutes of the established closing hour.

3.1.3 —Off-Premises Consumption:

3.1.3

The hours during which the sale of all alcoholic beverages to be consumed off the premises may be made by any ~~licensee~~Licensee shall be from 9:00 a.m. to 10:00 p.m., Monday through Saturday, including legal holidays, and 12:00 noon to 6:00 p.m. on Sundays, unless otherwise determined by the Select Board. 8:00 a.m. to 11:00 p.m. or 8:00 a.m. to 11:30 p.m. on days preceding a legal holiday, unless otherwise determined by the Select Board or further limited by statute or regulation
Holiday sales hours are further limited to the holiday schedule set by the ABCC.

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3.1.4 —Adjustments:

3.1.4

The Board may adjust hours for individual and/or classifications of ~~licensee~~Licensees upon receipt of their request(s) for consideration of special circumstances and/or occasions. — 4.1 — Fire — Safety — Inspections
(applicable to Restaurants, Innholders & Clubs only)

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~~3.1.5 Chapter 304 of the Acts of 2004, An Act Relative to Fire Safety In the Commonwealth, requires that every license holder under M.G.L. Chapter 138 Section 12 must submit as a precondition of renewal of the license "a valid certificate of inspection issued by a local inspector and signed by the head of the fire department for the city, town or district in which the premises is located." No license shall be issued for the sale of alcoholic beverages in the Town until such time as a copy of the valid certificate of inspection has been filed with application.~~

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Employees and Staff

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3.1 4.2 Hours of Operation

4.2.1 The hours during which the sale of all alcoholic beverages to be consumed on the premises may be made by any licensee shall be from 11:00 a.m. to 11 p.m. on secular days and from 10:00 a.m. to 11 p.m. on Sundays, unless otherwise determined by the Select Board.

4.2.2 The hours during which the sale of all alcoholic beverages to be consumed off the premises may be made by any licensee shall be from 9:00 a.m. to 10:00 p.m., Monday through Saturday, including legal holidays, and 12:00 noon to 6:00 p.m. on Sundays, unless otherwise determined by the Select Board. Holiday sales hours are further limited to the holiday schedule set by the ABCC.

3.1.6

3.1.7 4.2.3 The Board may adjust hours for individual and/or classifications of licensees upon receipt of their request(s) for consideration of special circumstances and/or occasions.

3.1.83.1.5

4.2.4 Except for alcohol sold by a Farmer Series Pouring Permittee, the hours during which the sale of all alcoholic beverages may be made in a dining room are further limited to the time when the dining room is open and food service is available to the public. No alcoholic beverages shall be sold or served in a dining room before the dining room is open and food service is available, or after the dining room has been closed and food service has been suspended to the public.

4.2.5 No patron shall be served or sold alcoholic beverages within the licensed premises before or after the hours stated in the license.

4.2.6 No alcoholic beverages shall be served for on premises consumption within the licensed premises during the fifteen (15) minutes preceding the hours stated on the license at which service of alcoholic beverages must cease.

4.2.7 All bottles, glasses, containers, etc., shall be cleared from all tables and bars within thirty (30) minutes of the established closing hour and all patrons will be off the licensed premises within forty five (45) minutes of the established closing hour.

4.2.8 With the exception of the licenseeLicensee and the manager, all employees shall vacate the licensed premises no later than sixty (60) minutes after the official closing hour designated on the alcohol license.- Bona fide employees of the licensed establishment may remain upon or enter upon the licensed premises outside of the regular hours of operation while actually engaged in cleaning, staff meetings or trainings, opening, closing or preparing for the current or next day's business, but they may not dispense or consume any alcoholic beverage during such non-public hours. In any instance wherein a licenseeLicensee will have employees working on the licensed premises in excess of sixty (60) minutes before or after the serving times, the licenseeLicensee shall

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cause notification of the fact to be given by telephone to the Needham Police Department along with the estimate as to how long the work party will be on the premises. This provision shall not limit employees from being on the premises to produce malt beverages in accordance with a license issued pursuant to G.L. c.138, §19C or §19D.

~~3.2~~ ~~3.3~~ ~~4.3~~ Payment of Charges and Taxes

Applicants and ~~licensee~~Licensees must pay, in full, all taxes and charges owed to the Town on a current basis prior to the issuance of a new license, the transfer of an existing license and/or the annual renewal of a license.

~~3.3~~ ~~4.4~~ Filing and Application Requirements (excludes ~~One-Day~~ Special Event Licenses)

3.3.1 Application for New and Transfer of License.

In addition to the ABCC Application package, Applicants shall provide:

- a. Proof of insurance;
- b. All fees;
- c. Completed and unexpired alcohol awareness training certificate for proposed managers of record;
- d. Copies of any other license issued by the Town of Needham and the ABCC to them for use at the proposed licensed premises, including, but not limited to G.L. c.138, §19C, §19D, §22; and
- e. Any additional information the Select Board shall request.

3.3.2 Application for Renewed License

In addition to the ABCC Renewal Application Form, Applicants shall provide:

- a. Proof of insurance;
- b. Completed and unexpired alcohol awareness training certificates for all employees, including manager of record;
- c. Certificate of inspections, where required; and
- d. Any additional information the Select Board shall request (see Section 5.4 and Section 5.6).

~~34.34.34~~ Abutter Notification

When conducting a public hearing to consider the issuance of a license to sell or serve wine, malt and/or alcoholic beverages, the Board shall require the ~~applicant~~Applicant to notify all owners of property within a 300-foot radius of the premises to be licensed.

~~34.34.42~~ Insurance

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No license shall be issued for the sale of alcoholic beverages (~~Special Event one-day special~~ licenses excluded) in the Town until such time as the ~~applicant~~ Applicant shall present to the Select Board a certificate of insurance showing that the ~~applicant~~ Applicant carries the following policies of insurance from an insurance company licensed by the Department of Insurance of the Commonwealth of Massachusetts as follows: workers' compensation insurance as required by M.G.L. Chapter 152; and liquor liability insurance in the minimum amount of \$100,000 per person/\$1,000,000 aggregate for personal injury and \$100,000 per occurrence for property damage. Licensees shall notify the Board no later than ten (10) days prior to the cancellation or material change of said coverage. The Board may, pursuant to M.G.L. c.138, §§64A, 64B, 67 increase the minimum amount of required insurance coverage. Failure to maintain such coverage during the license period shall be grounds for revocation.

34.34.53 *Fees*

All license fees of the Board are incorporated in these rules and regulations as Attachment I, Schedule of Town of Needham Liquor License Fees. These fees shall be non-refundable.

34.34.53.1 Filing Fees All required filing fees shall be paid in full at such time as the application is filed. ~~The Board's filing fee shall be paid by check, made payable to the "Town of Needham." Filing fees required by the Commission must be by certified check or bank treasurers check made payable to the "Commonwealth of Massachusetts" and/or the "Alcoholic Beverages Control Commission."~~ Filing fees shall not be pro-rated for any reason.

34.34.53.2 License Fees All license fees for the initial issuance of a new license, or for the transfer of an existing license, for a change in the structural composition of a licensed premises, and/or for the annual renewal of a license shall be paid in full prior to the issuance of the license. ~~The payment of the license fee shall be by cash, certified check or bank treasurer's check payable to "Town of Needham."~~ The initial license fee will be pro-rated based on the number of months remaining in the calendar year at the time of occupancy.

34.34.64 *Floorplans — On Premises Licenses and Signage (M.G.L. Ch 138 s.12 and Farmer Series Pouring Permittee)*

34.34.64.1 When a submittal of a floorplan is required by the ABCC,
Applicants for a new or amended license shall submit ~~With the exception of applicants for package store licenses and a one-day special events license and without limiting the application of~~

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~~Chapter 6 of the State Building Code, applicants or licensees shall submit to the Board along with the application for license, an architectural floor plan, drawn to scale, that includes the following information, which will be clearly marked:~~

- a) the net floor area (net floor area shall be the area of the rooms measured between the interior walls exclusive of stairways, service bars, hallways, etc.) and dimensions of the existing room or rooms and exterior premises requested to be licensed including dining rooms, function rooms, exterior premises and rooms in which alcoholic beverages are to be stored;
- b) the location of any proposed Bar Service Areas, cocktail lounges ~~(for innkeepers license only)~~, or other area where patrons may stand while consuming alcohol;
- c) areas in which seats or benches are to be securely fastened to the floor and areas in which the seats and tables are moveable;
- d) entrances and exits;
- e) kitchens and/or food preparation areas;
- f) take out areas;
- g) storage areas;
- h) restrooms;
- i) cash register areas;
- ~~j) all rooms not being requested to be licensed shall be labeled as to their function, such as, kitchen, coatroom, lobby, etc.;~~
- ~~jk) total occupant load;~~
- ~~kl) areas where food trucks or other mobile food vendors may be parked for the purposes of serving patrons;~~
- m) outdoor service areas, showing location of seats, tables, trash cans, and physical barriers to segregate the licensed premises from non-licensed areas; and
- ~~n) any other licensed spaces not covered by the above. , or in relevant cases, exterior premises for which approval of the Board for the sale of alcoholic beverages is requested. Approval of the use of exterior space will only be allowed if there is a physical barrier and signage restricting the transportation or possession of any alcohol, wine, or malt beverage beyond the limitation of the barrier.~~

34.34.64.2.2 The number and location of all seats, chairs, and stools upon or within the licensed premises must be approved in writing by the Board. In no event shall the total number of seats, chairs, and stools upon the licensed premises exceed the maximum seating capacity nor the maximum occupancy capacity of the licensed premises.

34.34.64.3 Where outdoor service is proposed, the Applicant shall

provide draft signage that will be posted around the licensed premises to aid in restricting the transportation or possession of any alcohol, wine, or malt beverage beyond the limitation of the barrier.

3.3.6.4 No physical alteration, the effect of which would be to constitute a change in the description of the licensed premises as shown on the license, shall be made without prior written approval of the Board.

3.4 Management and Trainings (excludes Special Event Licenses)4.4.4.4

~~Outdoor seating shall be excluded from the seating capacity used to determine the type of license granted to applicant.~~

4.5.5 Floor Plans Off Premise Licenses (M.G.L. Ch 138 s. 15)

4.5.5.1 ~~Applicants for a package store license shall submit to the Board along with the application for license, an architectural floor plan, drawn to scale, that includes the following information, which will be clearly marked:~~

- ~~a) the net floor area (net floor area shall be the area of the rooms measured between the interior walls exclusive of stairways, service bars, hallways, etc.) and dimensions of the existing room or rooms and exterior premises requested to be licensed;~~
- ~~b) gross floor area of the premises and those portions of the premises proposed to be dedicated to the sale, storage or display of alcoholic beverages;~~
- ~~e) entrances and exits;~~
- ~~d) storage areas;~~
- ~~e) restrooms;~~
- ~~f) cash register areas.~~

4.5.5.2 Applicants shall submit a plan for signage including window display signs.

3.4.1 Management.

At all times that the licensed premises are open for the sale or service of alcoholic beverages, the ~~licensee~~Licensee shall have on the premises a manager or assistant manager who has successfully completed an in-person alcoholic beverages server training program satisfactory to the Select Board. The onsite manager/assistant manager shall be responsible for compliance with all applicable laws of the Commonwealth of Massachusetts concerning the sale of alcoholic beverages and the Town's rules and regulations for the provision and consumption of alcoholic beverages. The designated manager/assistant manager shall have full authority to make decisions concerning the operation of the establishment.

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3.4.2 Employee Roster

A current employee roster shall be available upon request to the Town for all licensed establishments. ~~An updated employee roster shall be provided to the~~

Town within 45 days of the hiring of a new employee subject to the training requirements of 3.4.3.

3.4.3 *Trainings*

3.4.3.1 All managers, assistant managers, and bartenders shall ~~be required to~~ attend ~~an in-person alcoholic beverage server training program~~ satisfactory to the Select Board ~~within 30 days of employment and~~ once every two years thereafter ~~once every two years~~. ~~There shall be an un-expired certificate of program completion on file with the Select Board at all times; provided that for new employees, the certificate may be provided concurrently with the employee roster required under Section 3.4.2.~~

3.4.3.2 On-Premises Licensees Only:

~~All employees not covered by Section 3.4.3.1 Newly hired employees shall complete a Town-approved training program upon within 30 days of employment, or provide proof of training certification at a Town-approved course within the last three years. All such employees must complete an approved program once every three years. There shall be an un-expired certificate of program completion on file with the Select Board at all times; provided that for new employees, the certificate may be provided concurrently with the employee roster required under Section 3.4.2.~~

3.4.3.3 Off-Premises Licensees Only:

~~Any employee engaged in the sale and handling of alcoholic beverages must complete Select Board-approved courses in alcohol safety training within 30 days of employment, or provide proof of training certification at a Town-approved course within the last three years, and have on file with the licensee, and available for inspection by the Town, a copy of current training certification and proof of age. All such employees must complete an approved program once every three years. There shall be an un-expired certificate of program completion on file with the Select Board at all times; provided that for new employees, the certificate may be provided concurrently with the employee roster required under Section 3.4.2.~~

3.4.3.4 It is the obligation of the ~~licensee~~ license manager to inform all employees about the rules and regulations of the ~~Needham~~ Select Board, the ~~Alcoholic Beverages Control Commission~~ ABCC, and any and all applicable Massachusetts laws.

No licensee shall allow any employee to sell, or participate in the stocking, handling, or preparation for sale of beverage alcohol until such employee has viewed a town-approved training video and signed a statement, a copy of which is to be maintained by the licensee, confirming that the employee has viewed that training video and that the employee acknowledges their obligation to

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abide by the rules and regulations of the Needham Select Board, the Alcoholic Beverages Control Commission, and Massachusetts laws regarding the sale of alcohol.

~~In addition, all employees who are engaged with the direct handling, selling, storing or the preparation for the display of any alcoholic beverages are required to watch annually a Town-approved training video as part of the license renewal process.~~

~~3.4.5 Any employee engaged in the sale and handling of alcoholic beverages must complete Select Board approved courses in alcohol safety training and have on file with the licensee, and available for inspection by the Town, a copy of current training certification and proof of age. Licensee will provide an approved training program certificate of completion for the manager to the Town with the application.~~

~~3.4.6 No licensee shall allow any employee to sell, or participate in the stocking, handling, or preparation for sale of beverage alcohol until such employee has viewed a town approved training video and signed a statement, a copy of which is to be maintained by the licensee, confirming that the employee has viewed that training video and that the employee acknowledges their obligation to abide by the rules and regulations of the Needham Select Board, the Alcoholic Beverages Control Commission, and Massachusetts laws regarding the sale of alcohol.~~

34.56 General and Miscellaneous Provisions

34.56.1 There shall be no alcoholic beverages taken from the premises of an establishment licensed under M.G.L. c.138, §12, except for deliveries for the operation of the business as controlled by G.L. c.138, and with the exception of partially consumed bottles of wine that are purchased with a meal and resealed in accordance with 204 CMR 2.18 or sales conducted pursuant to G.L. c.138, §19C or §19D. ~~No alcoholic beverages shall be taken from the building so approved in the licenses, with exception of approved exterior seating noted on floorplan, as noted in section 4.4.4.1(i). This does not apply to package stores and sales conducted pursuant to G.L. c.138, §19C or §19D.~~

34.56.2 No ~~licensee~~Licensee shall sell alcoholic beverages in any part of the premises not specified on its license or such other license issued by the ABCC, including a license issued by the Alcoholic Beverages Control Commission only. No change of such area or location shall be made without prior written approval of the Select Board. The licensed premises shall meet and fully comply with all health standards and regulations applicable to the sale of alcoholic beverages.

34.56.3 The licensed premises must be well lighted at all times.

34.56.4 There shall be no indecent or immoral entertainment on the licensed premises.

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~~34.56.5~~ Gambling, lotteries, or other illegal machines or games are prohibited except as otherwise permitted by law.

~~34.56.6~~ The licensed premises shall be subject, at all times, to inspection by members of the Select Board, the Town Manager, Inspector of Buildings, Board of Health or its representatives, Police Department, Fire Department, or any other department or official of the town so directed by the Select Board.

~~34.56.7~~ Food service shall be available in all areas where alcoholic beverages are to be served for consumption on premises.

~~4.6.8~~ Meals must be served on solid dinnerware with silverware accompanying the same. No paper plates or plastic cutlery is permitted. Alcoholic beverages may be consumed only from glassware. Package stores, Farmer Series Pouring Permittees, and one day licenses are excluded from this provision.

~~4.6.9~~ No licensed restaurant, Farmer Series Pouring Permittee, or package store may permit the use of any amusement service such as electronic games on the premises.

~~34.56.8.40~~ Service of alcoholic beverages shall be by a bartender/server/wait person (applicable to on premise ~~licensee~~Licensees only, including Farmer Series Pouring Permittees).

~~4.6.11~~ At all times that the licensed premises are open for the sale or service of alcoholic beverages, the licensee shall have on the premises a manager or assistant manager who has successfully completed an in-person alcoholic beverage server training program satisfactory to the Select Board. The onsite manager/assistant manager shall be responsible for compliance with all applicable laws of the Commonwealth of Massachusetts concerning the sale of alcoholic beverages and the Town's rules and regulations for the provision and consumption of alcoholic beverages. The designated manager/assistant manager shall have full authority to make decisions concerning the operation of the establishment.

~~a) A current employee roster shall be available upon request to the Town for all licensed establishments. It is the obligation of the licensee to inform all employees about the rules and regulations of the Needham Select Board, the Alcoholic Beverages Control Commission, and any and all applicable Massachusetts laws.~~

~~b) Any employee engaged in the sale and handling of alcoholic beverages must complete Select Board approved courses in alcohol safety training and have on file with the licensee, and available for inspection by the Town, a copy of current training certification and proof of age. Licensee~~

~~will provide an approved training program certificate of completion for the manager to the Town with the application.~~

~~e) All managers, assistant managers, and bartenders shall be required to attend an in-person alcoholic beverage server training program satisfactory to the Select Board once every two years. Newly hired employees shall complete a Town-approved training program upon employment, or provide proof of training certification at a Town-approved course within the last three years. In addition, all employees who are engaged with the direct handling, selling, storing or the preparation for the display of any alcoholic beverages are required to watch annually a Town-approved training video as part of the license renewal process.~~

~~d) No licensee shall allow any employee to sell, or participate in the stocking, handling, or preparation for sale of beverage alcohol until such employee has viewed a town-approved training video and signed a statement, a copy of which is to be maintained by the licensee, confirming that the employee has viewed that training video and that the employee acknowledges his/her obligation to abide by the rules and regulations of the Needham Select Board, the Alcoholic Beverages Control Commission, and Massachusetts laws regarding the sale of alcohol.~~

~~34.56.912~~ Licensees shall make all reasonable and diligent efforts to ensure that loitering, disorder, disturbances or illegality of any kind does not occur at the licensed premises. The ~~licensee~~Licensee shall ensure that business in the licensed premises is conducted in a responsible manner so that no activity shall detract from the quality of life in the Town generally, or in the neighborhood in which the licensed premises are located. The ~~licensee~~Licensee may be held responsible for such activity, whether present or not. Licensees shall at all times maintain the immediate and surrounding area outside the licensed premises in a state of cleanliness and upkeep.

~~34.56.1013~~ —The alcoholic beverage license must be prominently displayed and available for public viewing inside the premises.

3.5.11 Licensees shall at all times maintain the immediate and surrounding area outside the licensed premises in a state of cleanliness and upkeep.

3.5.12 The alcoholic beverage license must be prominently displayed and available for public viewing inside the premises.

3.5.13 The Licensee shall request proof of identification prior to any alcohol sale where the individual purchasing alcohol appears under the age of 30 and confirm the authenticity of the identification card through the use of a digital card scanner.

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and incidental part of a Common Victualler's primary and principal business endeavor of preparing and serving food to the public in a restaurant and function room.

~~6.2~~ The issuance of alcoholic licenses will be utilized so as to both enhance the dining experience of individuals patronizing Needham restaurants and to foster the economic development of business areas in the Town by encouraging and promoting foot traffic in those areas where restaurants are located. The Board will consider when deciding upon a license application the foregoing factors and any other matter deemed appropriate by the Board including by way of description but not limitation: proximity to residential neighborhoods, traffic, parking, appropriateness of menu and other aesthetic considerations including the physical layout of the interior of the establishment. Licenses will not be granted to establishments whose principal business activity is fast food, take-out, or which has any "drive-through" component.

~~6.3~~ ~~No function room may be separately licensed.~~

56.24 Common Victualler's License

No alcohol license will be issued to any ~~applicant~~Applicant unless such ~~applicant~~Applicant is the ~~licensee~~Licensee named in a common victualler's license and has operated a restaurant ~~and function rooms~~ for the twelve-month period immediately preceding the filing of an application. ~~When deemed appropriate by the Select Board this provision may be waived.~~

56.35 Food Service

Service of food must be available in all areas in which alcoholic beverages are to be served. ~~Where a function room is available, the service of alcoholic beverages is permitted as authorized herein and may be closed to the general public.~~ Meals must be served on solid dinnerware with silverware accompanying the same. No paper plates or plastic cutlery is permitted.

5.4 Fire Safety Inspections

Chapter 304 of the Acts of 2004, An Act Relative to Fire Safety in the Commonwealth, requires that every license holder under M.G.L. Chapter 138 Section 12 must submit as a precondition of renewal of the license "a valid certificate of inspection issued by a local inspector and signed by the head of the fire department for the city, town or district in which the premises is located." No license shall be issued for the sale of alcoholic beverages in the Town until such time as a copy of the valid certificate of inspection has been filed with application.

5.5 Bar Service

The sale or service of alcoholic beverages for consumption at any unapproved Bar Service Area is prohibited. For the purposes of these regulations, Bar Service Area is defined as service across a counter at which alcoholic drinks are prepared to patrons

approved and authorized by the Select Board. -Such authorization may be granted under the following conditions:

- g)a) The Board makes a finding that it is in the best interest of the Town to allow the service of alcoholic beverages in the Bar Service areas
- g)b) No more than a total of fifteen (15) seats or twenty percent (20%) of the total seats in the premises, whichever is less, shall be allowed in the Bar Service area(s), except that the Board may authorize a greater number where such seats are intended for food service customers as part of the ~~licensee~~Licensee's business plan;
- h)c) The seats in the Bar Service areas are included when calculating the number of seats in the premises;
- i)d) All food and beverages on the menu served in the public dining room shall be available for service to the patrons in the Bar Service areas. ~~;~~ and

5.6 Reporting

j) ~~Each licensee with bar seating shall annually as part of its license renewal application~~ Licensees shall provide the Select Board with a statement certified by a Certified Public Accountant as to the percentage the annual sales for the previous period of October 1-September 30 of alcoholic beverages compared to the total annual sales of food and alcoholic beverages. If the percentage exceeds ~~thirty-five~~fifty percent (50~~35~~%), the Select Board may investigate to determine whether the service of alcoholic beverages has become more than incidental to the service of food on the premises. -If the Board determines that the sale of alcoholic beverages has become more than incidental to the sale of food on the premises, it may after hearing ~~modify the license to require the licensee to reduce its amount of Bar Service Area seating~~ require the Licensee to reduce its alcohol sales or take any other action permitted by law, including suspension or revocation of the license.

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VII. RULES AND REGULATIONS APPLICABLE TO CLUBS AND VETERANS ORGANIZATIONS ~~SEEKING AND ISSUED ALCOHOLIC BEVERAGE LICENSES WITHIN THE TOWN AUTHORIZED BY SPECIAL ACT OF THE GENERAL COURT (CHAPTER 3 OF THE ACTS OF 1977)~~

~~Licenses issued by the Needham Select Board shall be subject to the minimum requirements of G.L. Chapter 138, Regulations of the Alcoholic Beverage Commission and the following regulations of the local Licensing Board and any amendments thereto hereinafter adopted:~~

- 67.1 Every club ~~applicant~~Applicant to be eligible to be licensed to sell any or all alcoholic beverages within the Town of Needham must be a corporation duly organized and existing under Chapter 180 of the General Laws of the Commonwealth of Massachusetts and has maintained club facilities for not less than three (3) years prior to the filing of an application. The within provisions may be waived by the ~~Licensing~~ Select Board.

67.3 Each ~~applicant~~Applicant shall furnish ~~the Licensing Board with~~ a copy of its Charter or other legal evidence of its eligibility as herein specified when requested by the ~~Licensing Select~~ Board.

67.4 Each eligible club and veteran's organization must have the exclusive legal right to the possession and enjoyment of indoor facilities of not less than 2,000 square feet of floor space on one or more floors and which may consist of one or more rooms.

67.5 Each ~~licensee~~Licensee hereunder acting by and through its Board of Directors or other governing body shall appoint a manager or bartender who is of good moral character and a responsible person. The manager or bartender will be in charge during open hours acting for and on behalf of the Board of Directors or other governing Board. Acting for and on behalf of the Board of Directors the manager or bartender shall be responsible for the conduct of the members and guests, accountable for keeping order and the prevention of undue noise and disturbances on the licensed premises and the neighborhood.

6.6 Section 5.3 of these policies shall apply to all clubs and veterans' organizations.

VIII. RULES AND REGULATIONS APPLICABLE TO ~~ONE-DAY~~ SPECIAL EVENT LICENSES

~~The Board will review requests for One-Day Special Event Licenses in accordance with section 14 of Chapter 138 of the General Laws after receipt of the following documentation. A public hearing is not required for the issuance of a One-Day Special Event License.~~

78.1 Hours of Sale

Request for the sale of alcohol under a ~~Special~~ Event License is limited to between the hours of 11:00 a.m. and 12:00 a.m. on ~~secular days~~ Monday through Saturday, and 12:00 p.m. and 12:00 a.m. on Sundays.

78.2 Notice

~~One-Day Special Event~~ Licenses are exempt from the legal notice and publication requirements.

78.3 Eligibility

7.3.1 No ~~S~~pecial ~~E~~vent ~~L~~icense shall be granted to any person while their application for an ~~will be granted to a licensed premise of any person whose application for a~~ On-Premises ~~license is pending before the licensing authorities~~ Select Board.

7.3.2

8.4 No person shall be granted a ~~S~~pecial Event License for more than 30 days in a calendar year.

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- d)c) _____ Written indication of the manner by which service, sale, delivery, and/or dispensing of alcoholic beverages are to be controlled.
- e)d) _____ Written evidence of the owner's permission to use the proposed licensed premises.
- f)e) Proof of Non-profit Status (if request is for all alcoholic beverages).
- g)f) Sketch/floorplan of the proposed licensed premises detailing where alcohol will be served, sold, delivered, and/or dispensed.
- h)g) _____ Designation and identification in writing of all individuals who will serve, sell, deliver, and/or dispense alcoholic beverages and evidence of whether or not said individuals have completed in the past three years an appropriate Massachusetts alcoholic beverages server training program.
- i)h) Acknowledgement that the person holding the special license has purchased the alcoholic beverages from a licensed wholesaler/importer, manufacturer, farmer-winery, farmer-brewery or special permit holder. A person holding a section 14 license cannot purchase alcoholic beverages from a package store. (MGL Ch. 138, Sec 14, 23; 204 CMR 7.04)

78.6 Conditions

_____ The ~~One-Day~~ Special Event Manager shall provide for the orderly and safe conduct of the event, shall be responsible for the proper sale, service, delivery, dispensing and consumption of alcoholic beverages, shall be physically present during the duration of the entire event and shall sign the Event Information Sheet. The ~~One-Day~~ Special Event Manager shall display such ~~Special Event One-Day~~ License where sale of alcoholic beverages is taking place.

7.7 Alcohol Training

The Select Board may require the Special Event Manager or individuals serving or handling alcohol at the event to complete a training program to prevent service to underage or intoxicated persons.

VIIIX. RULES AND REGULATIONS APPLICABLE TO PACKAGE STORES **(M.G.L. CH 138, SEC. 15)**

89.1 General Provisions

- 89.1.1 Employees at the licensed premises on which a Section 15 license is exercised must be 21 years of age except that such ~~licensee~~Licensees may employ a person under the age of 21 who does not directly handle, sell, store, or prepare for display any alcoholic beverages. Notwithstanding the foregoing, food store employees 18 years of age or older may handle, store, or prepare any alcoholic beverages for display.
- 89.1.2 No seating, chairs, stools, or tables for use by customers or patrons shall be placed or permitted by a retail package store ~~licensee~~Licensee upon or within the licensed premises, or upon any area under the direction and control of the ~~licensee~~Licensee without the Select Board's consent.

~~89.1.3~~ Where the liquor licenses are granted to serve the public, ~~licensee~~Licensees shall be open to the public and, except in exigent circumstances, operate on all days and hours in accordance with the terms of the issued liquor license. The closing of the licensed premises to the public, for a period of five (5) consecutive days or more, or for any period totaling ten (10) days during the calendar year without the prior approval of the Select Board may be deemed to be an abandonment of the Liquor License and sufficient grounds for revocation of the Liquor License.

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~~9.1.4~~ No consumption of alcoholic beverages shall be permitted on the premises outside of the licensed hours of operation.

~~9.1.5~~ Licensees shall make all reasonable and diligent efforts to ensure that loitering, disorder, disturbances or illegality of any kind does not occur at the licensed premises. The licensee shall ensure that business in the licensed premises is conducted in a responsible manner so that no activity shall detract from the quality of life in the Town generally, or in the neighborhood in which the licensed premises are located. The licensee may be held responsible for such activity, whether present or not.

~~9.1.6~~ Licensees shall at all times maintain the immediate and surrounding area outside the licensed premises in a state of cleanliness and upkeep.

~~9.1.7~~ The licensing of liquor establishments, and what constitutes the public convenience in Needham, will be subject to the informed discretion of the Select Board. In determining suitability for licenses, the Select Board will consider the proximity of the proposed premises to neighborhoods, especially residential neighborhoods, and other sensitive areas as determined by the Board.

~~89.1.48~~ ~~Section 15 Package Store L~~licenses may be granted to food stores as defined in these regulations, but will not be granted to convenience stores.

~~89.1.59~~ Alcohol-related signage displayed so that it is visible to the public will be limited. As a condition of the license, the ~~licensee~~Licensee will comply with the Town of Needham Sign By-law, as from time to time amended.

~~89.1.640~~ Advertisement at local sporting events or school events and sponsorships of sporting teams where participant's uniforms carry the name, logo or advertisement for any business which derives more than 25% of its gross revenues from the sale of alcoholic beverages is prohibited.

~~89.1.711~~ "Nips" or bottles of spirits containing fewer than eight (8) fluid ounces shall not be located in an area directly accessible by customers, and shall be offered for sale upon the request of a customer from a location within the premises to which customers do not have direct access, such as behind

89.2.23 Hours for product deliveries to establishment and/or pick-up of bottle returns should be arranged so that activity does not interfere with the quiet enjoyment of the neighborhood.

89.3 Consumption On Premises Prohibited Except Sample Tastings

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9.3.1 Consumption of alcoholic beverages within or upon the retail package store licensed premises, or upon any area under the direction and control of the licensee, by any person is strictly prohibited except for sample tasting.

9.4 Limitations On Transferability Of Off Premises Section 15 Licenses

9.4.1 An application for a transfer of ownership at the same location or transfer of location may be granted by the Board after a public hearing in compliance with these regulations and state law.

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89.45 Food Store Alcohol License Requirements

89.45.1 A food store is defined as a grocery store or supermarket, which sells at retail, food for consumption on or off the gross premises, whether alone, or in combination with grocery items or other non-durable items typically found in a grocery store and sold to individuals for personal, family or household use. Such food store shall carry fresh and processed meats, poultry, dairy products, eggs, fresh fruits and produce, baked goods and baking ingredients, canned goods and dessert items. Notwithstanding the foregoing, a food store for the purposes of these regulations shall not be a convenience store, any business that sells gasoline, or a business which derives more than 25% of its gross revenues from the sale of alcoholic beverages. The retail space used to display alcoholic beverages shall not exceed twenty-five percent (25%) of the total retail space on the premises. The Select Board shall determine whether an applicant is a food store as set out herein and in compliance with any and all requirements.

89.45.12 A convenience store is defined as an establishment that sells at retail food and other non-durable items to individuals more on a daily basis, such as but not limited to small quantities of food, candy, newspapers, and tobacco products. Convenience stores are frequently open with only one staff member on duty at a time, are usually open later than 10:00 p.m. and may or may not sell gasoline. The Select Board reserves the right to consider each of these factors when determining if an applicant will be considered a convenience store.

9.5.3 Any applicant for a Section 15 License (whether for an original application, change of ownership or change of location) must provide with the application materials, a floor plan evidencing the gross floor area of

Applicants for a Farmer Series Pouring Permit shall hold a Farmer-Brewery License (M.G.L. c.138, §19C) from the ABCC at all times. If an Applicant for a Permit does not have a valid ABCC Farmer-Brewery License at the time of Application, issuance of the Permit shall be conditioned on submittal-receipt of such ABCC license.

9.2 Purpose

The issuance of Farmer Series Pouring Permits shall be utilized so as to foster the economic development of the Town by encouraging and promoting patronage in those areas where Farmer Series Pouring Permittees are located. The Select Board shall consider when deciding upon a license application the foregoing factors and any other matter deemed appropriate by the Board including by way of description but not limitation: proximity to residential neighborhoods, traffic, parking, community engagement, and other aesthetic considerations including the physical layout of the interior of the establishment.

9.3 Water Station

At all times, there shall be a free, self-service water station for patrons and customers to use without staff assistance. This provision may be waived by the Select Board upon a showing of good cause and only if a sign is posted by the bar stating that tap water is available upon request and free of charge.

9.4 Occupancy

Where required by the Select Board, the ~~licensee~~Licensee shall delegate a staff member to keep and maintain an accurate count of all individuals occupying the premises to ensure compliance with building code occupancy limits.

9.5 Food Service

The Permittee shall ensure that food service is available to its patrons at all times that alcohol is served for on-premises consumption. The Permittee may satisfy this provision by (i) holding a Common Victualler's license and operating a full-service kitchen; (ii) arranging for food to be brought onto the premises by mobile food truck vendors; (iii) contracting with nearby restaurants; (iv) allowing patrons to have food delivered for consumption on the premises; or (v) such other arrangement as the Select Board deems appropriate. The Permittee shall submit a plan for food service with its application.

XI. VIOLATIONS —~~DETERMINATION OF PENALTIES~~

104.1 Violations

Any violation of the License terms and conditions, these Town's Liquor Regulations, the Regulations of the Alcoholic Beverages Control Commission, the laws of the Commonwealth, including and/or General Laws Chapter 138, or the Town's General Bylaws may be grounds for action by the Select Board ~~(Board), as Local Licensing~~

10.2 Suggested Orders

Except as provided in Section 10.3, the suggested orders listed below shall be a guide for the Select Board. The Board, in its discretion, may impose an order that is more lenient or more severe than suggested by the guidelines when the facts surrounding a violation so warrant. The suggested order shall not be construed as to limit the Select Board's ability to consider alternative dispositions, further conditions on a license, or alternative sanctions (e.g., rolling back service hours or non-punitive written warnings).

Offense	Suggested Order
1 st Offense	One to five day suspension
2 nd Offense	Six to ten day suspension
3 rd Offense	Ten days to 30 day suspension
4 th Offense	Revocation

11.2 In determining the appropriate action in any given case, the Select Board ~~shall~~will consider the violation ~~alleged~~, the facts of the case, other relevant factors including the ~~licensee~~Licensee's prior record, and aggravating or mitigating circumstances.

~~11.3 In ordering suspensions, the Select Board may, within its discretion, order a suspension with one or more days to be served and the remainder to be held in abeyance for such time as the Select Board may determine.~~

~~11.4 A licensee shall have a right to notice and public hearing before modification, suspension, revocation, nonrenewal or cancellation of a license by the Board, except that the Board may under emergency circumstances as allowed by Law suspend the license pending hearing.~~

~~11.5 A licensee may waive its right to hearing, and the Board in such cases may make findings and act without hearing on recommendation of the Town Manager. The Board may, however, require that a hearing be held notwithstanding such a waiver, in which case the licensee shall have notice of hearing and an opportunity to be heard before action is taken on modification, suspension, revocation, nonrenewal or cancellation of a license, except that Select Board may under emergency circumstances as allowed by Law suspend the license pending hearing.~~

~~11.6 On the days when Suspension of License is being served, the Licensee will publicly post at its public entrance(s) a notice of the Suspension in a form as the Board or Town Manager may direct. The Board may also post notice of violation hearings, findings, decisions, and orders to the Town's website and Town's social media.~~

10.31.7 Compliance Checks

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	Based on relevant circumstances as determined by the Board, the Board may order a longer suspension of any length, imposition of conditions on or other modifications of the license, disqualification of the manager of record, or compulsory initiation by the Licensee, of transfer of ownership to a responsible party to be approved by the Board.
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11.7.210.4. Training

All employees involved in the improper sale of alcohol shall complete another training course in accordance with Section 3.4.3, notwithstanding when the course was last completed. The new training shall be completed within 30 days of the issuance of the Select Board's decision and proof of completion shall be provided to the Select Board.

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10.5 Prior Violations

In calculating the number of prior offenses under this guideline, the Select Board will consider determined violations occurring within the five (5) years preceding the date of current violation.

11.7.3 Compliance Check Violation Guideline Penalties:

10.6 SECOND OFFENSE: Hearings

~~Suspension, one~~

~~10.6.1 A Licensee shall have a right to three days.~~

~~10.7.3.3 THIRD OFFENSE:~~

~~Public notice and public hearing required.~~

~~Suspension, three to five days.~~

~~10.7.3.4 FOURTH OFFENSE:~~

~~Public Hearing required.~~

~~Suspension, Five (5) to Ten (10) Days~~

~~Licensee shall be required as a condition before modification, suspension, revocation, nonrenewal or cancellation of the license to provide the Board with a satisfactory written plan, under signature of the manager of record and any person or entity holding more than a 10% ownership interest in the license, to assure by the Board, except that a further offense will not occur.~~

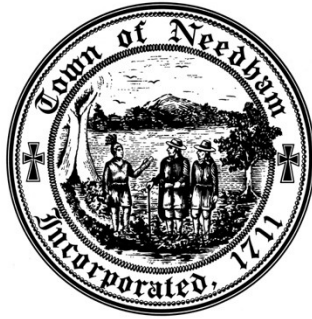
~~10.7.3.5 FIFTH OFFENSE:~~

APPROVED: 6/14/77
Amended and revised: 11/18/97
Amended and revised: 2/9/99
Revised fee schedule: 12/7/99
Revised fee schedule: 12/5/00
Revised and approved: 8/20/02
Fee changes 12/21/04
Addition of Liquor
Liability Insurance: 1/25/05
Addition of One-Day License: 1/25/05
Amended and revised: 11/14/06
Amended and revised: 6/22/10
Amended and revised: 12/18/12
Amended and revised: 5/13/14
Amended and revised: 9/10/2014
Amended and revised: 11/9/2016
Amended and revised: 7/25/2017
Amended and revised: 8/18/2020
Amended and revised: 7/26/2022

SELECT BOARD

ACTING AS

NEEDHAM LICENSING BOARD



TOWN OF NEEDHAM

REGULATIONS FOR THE SALE OF ALCOHOLIC BEVERAGES

[insert table of contents]

The Needham Select Board, acting as local licensing authority pursuant to the provisions of Massachusetts General Laws Chapters 138 and 140 and other relevant legal authority, promulgates these regulations applicable to the sale and distribution of alcoholic beverages in the Town of Needham. These regulations are in addition and supplemental to all other legal requirements, including but not limited to applicable State and Federal law and regulations.

I. TYPES OF LICENSES TO BE GRANTED IN NEEDHAM

The Town of Needham issues the types of alcoholic beverages licenses listed below. All licenses shall comply with Chapter 138 of the Massachusetts General Laws, and Chapter 204 of the Code of Massachusetts Regulations, as they relate to the specific type of license.

- 1.1 Innholders All Alcoholic Beverages: issued to qualified applicants to sell all alcoholic beverages in a hotel dining area with a seating capacity of not less than ninety-nine (99) persons and a living capacity of not less than fifty (50) rooms, under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. The Service of alcoholic beverages to the room of any registered guest is prohibited unless otherwise authorized by the Select Board. (M.G.L. c.138, s.11, D; 11/7/72 election)
- 1.2 Restaurant All Alcoholic Beverages: issued to qualified applicants to sell all alcoholic beverages in a restaurant and/or function room under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. (M.G.L. c.138, s.11, E; 11/4/80 election; M.G.L. c.138, s.12; Chapter 32 of the Acts of 2014; 4/8/2014 election)
- 1.3 Restaurant Wine and Malt Beverages: issued to qualified applicants to sell only wine and malt beverages in a restaurant under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. (M.G.L. c.138, s.12; Chapter 169 of the Acts of 2001; 11/8/01 election)
- 1.4 Club and Veterans' Organization All Alcoholic Beverages: issued to qualified applicant Clubs existing under Chapter 180 of Massachusetts General Laws and Veterans' Organizations duly chartered or authorized by the Laws of the United States or the Commonwealth of Massachusetts to sell all alcoholic beverages under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. (M.G.L. c.138, s.12; 11/8/88 election)
- 1.5 Special Event: issued to qualified applicants of non-profit status to sell all alcoholic beverages; or to sell wine and malt beverages only; or to qualified applicants of for-profit status to sell wine and malt beverages only under the applicable regulations of

Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. (M.G.L. c.138, s.14)

- 1.6 Package Store All Alcoholic Beverages: issued to qualified applicants to sell all alcoholic beverages in packages not to be consumed on the premises under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. (Chapter 207 of the Acts of 2012; Approved 11/6/2012 election)
- 1.7 Package Store Wine and Malt Beverages: issued to qualified applicants to sell wine and malt beverages in packages not to be consumed on the premises under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages and any and all conditions stipulated for the specific license. (Chapter 207 of the Acts of 2012; Approved 11/6/2012 election)
- 1.8 Farmer Series Pouring Permit: issued to qualified applicants to sell malt beverages, for consumption on the grounds of a licensed farmer-brewery pursuant to M.G.L. c.138, §19C, as well as on the grounds of the farm operated as appurtenant and contiguous to, and in conjunction with, such farm, and in accordance with the applicable regulations of the Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages and any and all conditions stipulated for in the specific license. For purposes of this policy, the word “license”, “Licensee”, and “licensed premises” shall include a “Farmer Series Pouring Permit”, “Farmer Series Pouring Permittee”, and “premises subject to a Farmer Series Pouring Permit”, respectively, unless otherwise noted.

II. COMPLIANCE

- 2.1 The issuance of a license by the Select Board for the sale of alcoholic beverages under M.G.L. c. 138 applies only to said sales and does not release the Licensee from compliance, nor does it assume compliance with the rules, regulations, requirements and procedures of other government boards, agencies or bodies having jurisdiction.
- 2.2 Failure to comply with these regulations, the laws of the Commonwealth of Massachusetts, the Regulations of the Alcoholic Beverages Control Commission (ABCC) or the Town’s bylaws may result in the revocation, suspension or cancellation of the license.

III. GENERAL RULES AND REGULATIONS APPLICABLE TO HOLDERS OF LICENSES TO SELL ALCOHOLIC BEVERAGES WITHIN THE TOWN

This section shall apply to any and all alcoholic beverages licenses issued by the Select Board.

3.1 Hours of Operation

3.1.1 No patron shall be served or sold alcoholic beverages before or after the hours stated in the license.

3.1.2 On-Premises Consumption

3.1.2.1 The hours during which the sale of all alcoholic beverages to be consumed on the premises may be made by any Licensee shall be from 11:00 a.m. to 11 p.m. Monday through Saturday and from 10:00 a.m. to 11 p.m. on Sundays, unless otherwise determined by the Select Board or further limited by statute or regulation.

3.1.2.2 Except for alcohol sold by a Farmer Series Pouring Permittee, the hours during which the sale of all alcoholic beverages may be made in a dining room are further limited to the time when the dining room is open and food service is available to the public. No alcoholic beverages shall be sold or served in a dining room before the dining room is open and food service is available, or after the dining room has been closed and food service has been suspended to the public.

3.1.2.3 No alcoholic beverages shall be served within the licensed premises during the fifteen (15) minutes preceding the hours stated on the license at which service of alcoholic beverages must cease.

3.1.2.4 All bottles, glasses, containers, etc., shall be cleared from all tables and bars within thirty (30) minutes of the established closing hour and all patrons will be off the licensed premises within forty-five (45) minutes of the established closing hour.

3.1.3 Off-Premises Consumption

The hours during which the sale of all alcoholic beverages to be consumed off the premises may be made by any Licensee shall be from 8:00 a.m. to 11:00 p.m. or 8:00 a.m. to 11:30 p.m. on days preceding a legal holiday, unless otherwise determined by the Select Board or further limited by statute or regulation.

3.1.4 Adjustments

The Board may adjust hours for individual and/or classifications of Licensees upon receipt of their request(s) for consideration of special circumstances and/or occasions.

3.1.5 Employees and Staff

With the exception of the Licensee and the manager, all employees shall vacate the licensed premises no later than sixty (60) minutes after the official closing hour designated on the alcohol license. Bona fide employees of the licensed

establishment may remain upon or enter upon the licensed premises outside of the regular hours of operation while actually engaged in cleaning, staff meetings or trainings, opening, closing or preparing for the current or next day's business, but they may not dispense or consume any alcoholic beverage during such non-public hours. In any instance wherein a Licensee will have employees working on the licensed premises in excess of sixty (60) minutes before or after the serving times, the Licensee shall cause notification of the fact to be given by telephone to the Needham Police Department along with the estimate as to how long the work party will be on the premises. This provision shall not limit employees from being on the premises to produce malt beverages in accordance with a license issued pursuant to G.L. c.138, §19C or §19D.

3.2 Payment of Charges and Taxes

Applicants and Licensees must pay, in full, all taxes and charges owed to the Town on a current basis prior to the issuance of a new license, the transfer of an existing license and/or the annual renewal of a license.

3.3 Filing and Application Requirements (excludes Special Event Licenses)

3.3.1 Application for New and Transfer of License.

In addition to the ABCC Application package, Applicants shall provide:

- a. Proof of insurance;
- b. All fees;
- c. Completed and unexpired alcohol awareness training certificate for proposed managers of record;
- d. Copies of any other license issued by the Town of Needham and the ABCC to them for use at the proposed licensed premises, including, but not limited to G.L. c.138, §19C, §19D, §22; and
- e. Any additional information the Select Board shall request.

3.3.2 Application for Renewed License

In addition to the ABCC Renewal Application Form, Applicants shall provide:

- a. Proof of insurance;
- b. Completed and unexpired alcohol awareness training certificates for all employees, including manager of record;
- c. Certificate of inspections, where required; and
- d. Any additional information the Select Board shall request (see Section 5.4 and Section 5.6).

3.3.3 Abutter Notification

When conducting a public hearing to consider the issuance of a license to sell or serve wine, malt and/or alcoholic beverages, the Board shall require the Applicant to notify all owners of property within a 300-foot radius of the premises to be licensed.

3.3.4 Insurance

No license shall be issued for the sale of alcoholic beverages (Special Event licenses excluded) in the Town until such time as the Applicant shall present to the Select Board a certificate of insurance showing that the Applicant carries the following policies of insurance from an insurance company licensed by the Department of Insurance of the Commonwealth of Massachusetts as follows: workers' compensation insurance as required by M.G.L. Chapter 152; and liquor liability insurance in the minimum amount of \$100,000 per person/\$1,000,000 aggregate for personal injury and \$100,000 per occurrence for property damage. Licensees shall notify the Board no later than ten (10) days prior to the cancellation or material change of said coverage. The Board may, pursuant to M.G.L. c.138, §§64A, 64B, 67 increase the minimum amount of required insurance coverage. Failure to maintain such coverage during the license period shall be grounds for revocation.

3.3.5 Fees

All license fees of the Board are incorporated in these rules and regulations as Attachment I, Schedule of Town of Needham Liquor License Fees. These fees shall be non-refundable.

3.3.5.1 Filing Fees All required filing fees shall be paid in full at such time as the application is filed. Filing fees shall not be pro-rated for any reason.

3.3.5.2 License Fees All license fees for the initial issuance of a new license, or for the transfer of an existing license, for a change in the structural composition of a licensed premises, and/or for the annual renewal of a license shall be paid in full prior to the issuance of the license. The initial license fee will be pro-rated based on the number of months remaining in the calendar year at the time of occupancy.

3.3.6 Floorplans and Signage

3.3.6.1 When a submittal of a floorplan is required by the ABCC, Applicants for a new or amended license shall submit an architectural floor plan, drawn to scale, that includes the following information, which will be clearly marked:

- a) the net floor area (net floor area shall be the area of the rooms measured between the interior walls exclusive of stairways, service bars, hallways, etc.) and dimensions of the existing room or rooms and exterior premises requested to be licensed including dining rooms, function rooms, exterior premises and rooms in which alcoholic beverages are to be stored;

- b) the location of any proposed Bar Service Areas, cocktail lounge, or other area where patrons may stand while consuming alcohol;
- c) areas in which seats or benches are to be securely fastened to the floor and areas in which the seats and tables are moveable;
- d) entrances and exits;
- e) kitchens and/or food preparation areas;
- f) take out areas;
- g) storage areas;
- h) restrooms;
- i) cash register areas;
- j) all rooms not being requested to be licensed shall be labeled as to their function, such as, kitchen, coatroom, lobby, etc.;
- k) total occupant load;
- l) areas where food trucks or other mobile food vendors may be parked for the purposes of serving patrons;
- m) outdoor service areas, showing location of seats, tables, trash cans, and physical barriers to segregate the licensed premises from non-licensed areas; and
- n) any other licensed spaces not covered by the above.

3.3.6.2 The number and location of all seats, chairs, and stools upon or within the licensed premises must be approved in writing by the Board. In no event shall the total number of seats, chairs, and stools upon the licensed premises exceed the maximum seating capacity nor the maximum occupancy capacity of the licensed premises.

3.3.6.3 Where outdoor service is proposed, the Applicant shall provide draft signage that will be posted around the licensed premises to aid in restricting the transportation or possession of any alcohol, wine, or malt beverage beyond the limitation of the barrier.

3.3.6.4 No physical alteration, the effect of which would be to constitute a change in the description of the licensed premises as shown on the license, shall be made without prior written approval of the Board.

3.4 Management and Trainings (excludes Special Event Licenses)

3.4.1 Management.

At all times that the licensed premises are open for the sale or service of alcoholic beverages, the Licensee shall have on the premises a manager or assistant manager who has successfully completed an in-person alcoholic beverages server training program satisfactory to the Select Board. The onsite manager/assistant manager shall be responsible for compliance with all applicable laws of the Commonwealth of Massachusetts concerning the sale of alcoholic beverages and the Town's rules and regulations for the provision and consumption of alcoholic beverages. The designated manager/assistant

manager shall have full authority to make decisions concerning the operation of the establishment.

3.4.2 *Employee Roster*

A current employee roster shall be available upon request to the Town for all licensed establishments. An updated employee roster shall be provided to the Town within 45 days of the hiring of a new employee subject to the training requirements of 3.4.3.

3.4.3 *Trainings*

3.4.3.1 All managers, assistant managers, and bartenders shall attend an in-person alcoholic beverage server training program satisfactory to the Select Board within 30 days of employment and once every two years thereafter. There shall be an un-expired certificate of program completion on file with the Select Board at all times; provided that for new employees, the certificate may be provided concurrently with the employee roster required under Section 3.4.2.

3.4.3.2 All employees not covered by Section 3.4.3.1 shall complete a Town-approved training program within 30 days of employment, or provide proof of training certification at a Town-approved course within the last three years. All such employees must complete an approved program once every three years. There shall be an un-expired certificate of program completion on file with the Select Board at all times; provided that for new employees, the certificate may be provided concurrently with the employee roster required under Section 3.4.2.

3.4.3.3 It is the obligation of the license manager to inform all employees about the rules and regulations of the Select Board, the ABCC, and any and all applicable Massachusetts laws.

3.5 *General and Miscellaneous Provisions*

3.5.1 There shall be no alcoholic beverages taken from the premises of an establishment licensed under M.G.L. c.138, §12, except for deliveries for the operation of the business as controlled by G.L. c.138, and with the exception of partially consumed bottles of wine that are purchased with a meal and resealed in accordance with 204 CMR 2.18 or sales conducted pursuant to G.L. c.138, §19C or §19D.

3.5.2 No Licensee shall sell alcoholic beverages in any part of the premises not specified on its license or such other license issued by the ABCC. No change of such area or location shall be made without prior written approval of the

Select Board. The licensed premises shall meet and fully comply with all health standards and regulations applicable to the sale of alcoholic beverages.

- 3.5.3 The licensed premises must be well lighted at all times.
- 3.5.4 There shall be no indecent or immoral entertainment on the licensed premises.
- 3.5.5 Gambling, lotteries, or other illegal machines or games are prohibited except as otherwise permitted by law.
- 3.5.6 The licensed premises shall be subject, at all times, to inspection by members of the Select Board, the Town Manager, Inspector of Buildings, Board of Health or its representatives, Police Department, Fire Department, or any other department or official of the town so directed by the Select Board.
- 3.5.7 No licensed restaurant, Farmer Series Pouring Permittee, or package store may permit the use of any amusement service such as electronic games on the premises.
- 3.5.8 Service of alcoholic beverages shall be by a bartender/server/wait person (applicable to on premise Licensees only, including Farmer Series Pouring Permittees).
- 3.5.9 Licensees shall make all reasonable and diligent efforts to ensure that loitering, disorder, disturbances or illegality of any kind does not occur at the licensed premises. The Licensee shall ensure that business in the licensed premises is conducted in a responsible manner so that no activity shall detract from the quality of life in the Town generally, or in the neighborhood in which the licensed premises are located. The Licensee may be held responsible for such activity, whether present or not. Licensees shall at all times maintain the immediate and surrounding area outside the licensed premises in a state of cleanliness and upkeep.
- 3.5.10 The alcoholic beverage license must be prominently displayed and available for public viewing inside the premises.
- 3.5.11 Licensees shall at all times maintain the immediate and surrounding area outside the licensed premises in a state of cleanliness and upkeep.
- 3.5.12 The alcoholic beverage license must be prominently displayed and available for public viewing inside the premises.
- 3.5.13 The Licensee shall request proof of identification prior to any alcohol sale and confirm the authenticity of the identification card through the use of a digital card scanner.

IV. RULES AND REGULATIONS FOR THE SALE OF ALCOHOLIC BEVERAGES BY INNHOLDERS ONLY

- 4.1 Cocktail lounges are permitted with the approval of the Select Board but limited to approved areas by the Select Board with appropriate identification of the specific location documented by the Inspector of Buildings.
- 4.2 The service of alcoholic beverages to the room of any registered guest is prohibited unless otherwise authorized by the Select Board.
- 4.3 Section 5.3 of these policies shall apply to the restaurant and dining areas of the licensed establishment.
- 4.4 With the approval of the Select Board, an Innholder may sell sealed wine and malt beverages at a concession stand in the lobby of the hotel. Such sales shall be to individuals renting rooms at the establishment only and must be consumed within the rented rooms. Any wine and malt beverage purchased at the concession stand must remain sealed until the purchaser has returned to their room.

V. RULES AND REGULATIONS APPLICABLE TO THE SALE OF ALCOHOLIC BEVERAGES IN RESTAURANTS

- 5.1 Purpose
It is the policy and purpose of the Select Board acting as the Licensing Board of the Town of Needham to limit the issuance of alcoholic licenses as an accommodating and incidental part of a Common Victualler's primary and principal business endeavor of preparing and serving food to the public in a restaurant and function room.

The issuance of alcoholic licenses will be utilized so as to both enhance the dining experience of individuals patronizing Needham restaurants and to foster the economic development of business areas in the Town by encouraging and promoting foot traffic in those areas where restaurants are located. The Board will consider when deciding upon a license application the foregoing factors and any other matter deemed appropriate by the Board including by way of description but not limitation: proximity to residential neighborhoods, traffic, parking, appropriateness of menu and other aesthetic considerations including the physical layout of the interior of the establishment. Licenses will not be granted to establishments whose principal business activity is fast food, take-out, or which has any "drive-through" component.
- 5.2 Common Victualler's License
No alcohol license will be issued to any Applicant unless such Applicant is the Licensee named in a common victualler's license and has operated a restaurant for the twelve-month period immediately preceding the filing of an application.

5.3 Food Service

Service of food must be available in all areas in which alcoholic beverages are to be served. Meals must be served on solid dinnerware with silverware accompanying the same. No paper plates or plastic cutlery is permitted.

5.4 Fire Safety Inspections

Chapter 304 of the Acts of 2004, An Act Relative to Fire Safety in the Commonwealth, requires that every license holder under M.G.L. Chapter 138 Section 12 must submit as a precondition of renewal of the license “a valid certificate of inspection issued by a local inspector and signed by the head of the fire department for the city, town or district in which the premises is located.” No license shall be issued for the sale of alcoholic beverages in the Town until such time as a copy of the valid certificate of inspection has been filed with application.

5.5 Bar Service

The sale or service of alcoholic beverages for consumption at any unapproved Bar Service Area is prohibited. For the purposes of these regulations, Bar Service Area is defined as service across a counter at which alcoholic drinks are prepared to patrons who may or may not be waiting to dine. For those establishments with no table service, the Bar Service Area shall include the entire area where patrons may consume alcohol. Bar Service Areas are permitted only in locations expressly approved and authorized by the Select Board. Such authorization may be granted under the following conditions:

- a) The Board makes a finding that it is in the best interest of the Town to allow the service of alcoholic beverages in the Bar Service areas
- b) No more than a total of fifteen (15) seats or twenty percent (20%) of the total seats in the premises, whichever is less, shall be allowed in the Bar Service area(s), except that the Board may authorize a greater number where such seats are intended for food service customers as part of the Licensee’s business plan;
- c) The seats in the Bar Service areas are included when calculating the number of seats in the premises;
- d) All food and beverages on the menu served in the public dining room shall be available for service to the patrons in the Bar Service areas.

5.6 Reporting

Licensees shall provide the Select Board with a statement certified by a Certified Public Accountant as to the percentage the annual sales for the previous period of October 1-September 30 of alcoholic beverages compared to the total annual sales of food and alcoholic beverages. If the percentage exceeds fifty percent (50%), the Select Board may investigate to determine whether the service of alcoholic beverages has become more than incidental to the service of food on the premises. If the Board determines that the sale of alcoholic beverages has become more than incidental to the sale of food on the premises, it may after hearing require the Licensee to reduce its alcohol sales or take any other action permitted by law, including suspension or revocation of the license.

VI. RULES AND REGULATIONS APPLICABLE TO CLUBS AND VETERANS ORGANIZATIONS

- 6.1 Every club Applicant to be eligible to be licensed to sell any or all alcoholic beverages within the Town of Needham must be a corporation duly organized and existing under Chapter 180 of the General Laws of the Commonwealth of Massachusetts and has maintained club facilities for not less than three (3) years prior to the filing of an application. The within provisions may be waived by the Select Board.
- 6.2 Every Veterans organization to be eligible to be licensed to sell any and all alcoholic beverages within the Town of Needham must be duly chartered or authorized by the Laws of the United States or the Commonwealth of Massachusetts.
- 6.3 Each Applicant shall furnish a copy of its Charter or other legal evidence of its eligibility as herein specified when requested by the Select Board.
- 6.4 Each eligible club and veteran's organization must have the exclusive legal right to the possession and enjoyment of indoor facilities of not less than 2,000 square feet of floor space on one or more floors and which may consist of one or more rooms.
- 6.5 Each Licensee hereunder acting by and through its Board of Directors or other governing body shall appoint a manager or bartender who is of good moral character and a responsible person. The manager or bartender will be in charge during open hours acting for and on behalf of the Board of Directors or other governing Board. Acting for and on behalf of the Board of Directors the manager or bartender shall be responsible for the conduct of the members and guests, accountable for keeping order and the prevention of undue noise and disturbances on the licensed premises and the neighborhood.
- 6.6 Section 5.3 of these policies shall apply to all clubs and veterans' organizations.

VII. RULES AND REGULATIONS APPLICABLE TO SPECIAL EVENT LICENSES

- 7.1 Hours of Sale
Request for the sale of alcohol under a Special Event License is limited to between the hours of 11:00 a.m. and 12:00 a.m. on Monday through Saturday, and 12:00 p.m. and 12:00 a.m. on Sundays.
- 7.2 Notice
Special Event Licenses are exempt from the legal notice and publication requirements.
- 7.3 Eligibility
 - 7.3.1 No Special Event License shall be granted to any person while their application for an On-Premises license is pending before the Select Board.

7.3.2 No person shall be granted a Special Event License for more than 30 days in a calendar year.

7.5 Application

The Applicant shall provide the following information and documents to the Select Board:

- a) Town of Needham Select Board Event Information Sheet
- b) Descriptive information about the event (invitation, flyer, letter of explanation, etc.)
- c) Written indication of the manner by which service, sale, delivery, and/or dispensing of alcoholic beverages are to be controlled.
- d) Written evidence of the owner's permission to use the proposed licensed premises.
- e) Proof of Non-profit Status (if request is for all alcoholic beverages).
- f) Sketch/floorplan of the proposed licensed premises detailing where alcohol will be served, sold, delivered, and/or dispensed.
- g) Designation and identification in writing of all individuals who will serve, sell, deliver, and/or dispense alcoholic beverages and evidence of whether or not said individuals have completed in the past three years an appropriate Massachusetts alcoholic beverages server training program.
- h) Acknowledgement that the person holding the special license has purchased the alcoholic beverages from a licensed wholesaler/importer, manufacturer, farmer-winery, farmer-brewery or special permit holder. A person holding a section 14 license cannot purchase alcoholic beverages from a package store. (MGL Ch. 138, Sec 14, 23; 204 CMR 7.04)

7.6 Conditions

The Special Event Manager shall provide for the orderly and safe conduct of the event, shall be responsible for the proper sale, service, delivery, dispensing and consumption of alcoholic beverages, shall be physically present during the duration of the entire event and shall sign the Event Information Sheet. The Special Event Manager shall display such Special Event License where sale of alcoholic beverages is taking place.

7.7 Alcohol Training

The Select Board may require the Special Event Manager or individuals serving or handling alcohol at the event to complete a training program to prevent service to underage or intoxicated persons.

VIII. RULES AND REGULATIONS APPLICABLE TO PACKAGE STORES

8.1 General Provisions

- 8.1.1 Employees at the licensed premises on which a Section 15 license is exercised must be 21 years of age except that such Licensees may employ

a person under the age of 21 who does not directly handle, sell, store, or prepare for display any alcoholic beverages. Notwithstanding the foregoing, food store employees 18 years of age or older may handle, store, or prepare any alcoholic beverages for display.

- 8.1.2 No seating, chairs, stools, or tables for use by customers or patrons shall be placed or permitted by a retail package store Licensee upon or within the licensed premises, or upon any area under the direction and control of the Licensee without the Select Board's consent.
- 8.1.3 Where the liquor licenses are granted to serve the public, Licensees shall be open to the public and, except in exigent circumstances, operate on all days and hours in accordance with the terms of the issued liquor license. The closing of the licensed premises to the public, for a period of five (5) consecutive days or more, or for any period totaling ten (10) days during the calendar year without the prior approval of the Select Board may be deemed to be an abandonment of the Liquor License and sufficient grounds for revocation of the Liquor License.
- 8.1.4 Package Store Licenses may be granted to food stores as defined in these regulations, but will not be granted to convenience stores.
- 8.1.5 Alcohol-related signage displayed so that it is visible to the public will be limited. As a condition of the license, the Licensee will comply with the Town of Needham Sign By-law, as from time to time amended.
- 8.1.6 Advertisement at local sporting events or school events and sponsorships of sporting teams where participant's uniforms carry the name, logo or advertisement for any business which derives more than 25% of its gross revenues from the sale of alcoholic beverages is prohibited.
- 8.1.7 "Nips" or bottles of spirits containing fewer than eight (8) fluid ounces shall not be located in an area directly accessible by customers, and shall be offered for sale upon the request of a customer from a location within the premises to which customers do not have direct access, such as behind a counter.

8.2 Deliveries

- 8.2.1 For all deliveries conducted off the licensed premises, the Licensee shall keep written records including the date of sale, quantities and sizes of items purchased, method of payment transaction, and name and address of purchaser. In addition to the preceding requirements, the amount of the beverages that were delivered, the date and time of delivery, the signature of the person receiving the delivery and the type of identification card used to confirm age. Such written records shall be maintained by the

Licensee within or upon the license premises for a period of not less than one year and must be readily available for inspection by the Town.

- a) Deliveries must be made during the operating hours of the store.
- b) Deliveries shall be made by persons no less than 21 years of age.
- c) A copy of Off-Premises Transportation Permit, license to deliver issued by the ABCC, shall accompany application at time of submittal.

8.2.2 Hours for product deliveries to establishment and/or pick-up of bottle returns should be arranged so that activity does not interfere with the quiet enjoyment of the neighborhood.

8.3 Sample Tastings

Consumption of alcoholic beverages within or upon the retail package store licensed premises, or upon any area under the direction and control of the Licensee, by any person is strictly prohibited except for sample tasting.

8.4 Food Store Alcohol License Requirements

8.4.1 A food store is defined as a grocery store or supermarket, which sells at retail, food for consumption on or off the gross premises, whether alone, or in combination with grocery items or other non-durable items typically found in a grocery store and sold to individuals for personal, family or household use. Such food store shall carry fresh and processed meats, poultry, dairy products, eggs, fresh fruits and produce, baked goods and baking ingredients, canned goods and dessert items. Notwithstanding the foregoing, a food store for the purposes of these regulations shall not be a convenience store, any business that sells gasoline, or a business which derives more than 25% of its gross revenues from the sale of alcoholic beverages. The retail space used to display alcoholic beverages shall not exceed twenty-five percent (25%) of the total retail space on the premises. The Select Board shall determine whether an Applicant is a food store as set out herein and in compliance with any and all requirements.

8.4.1 A convenience store is defined as an establishment that sells at retail food and other non-durable items to individuals more on a daily basis, such as but not limited to small quantities of food, candy, newspapers, and tobacco products. Convenience stores are frequently open with only one staff member on duty at a time, are usually open later than 10:00 p.m. and may or may not sell gasoline. The Select Board reserves the right to consider each of these factors when determining if an Applicant will be considered a convenience store.

8.4.2 Regular sales and operation of the food store must continue during all times when the sales of wine and malt beverages are permitted.

- 8.4.3 Package store licenses issued to food stores shall be limited to wine and malt beverages only.

IX. RULES AND REGULATIONS APPLICABLE TO FARMER SERIES POURING PERMITTEES

9.1 Applicants

Applicants for a Farmer Series Pouring Permit shall hold a Farmer-Brewery License (M.G.L. c.138, §19C) from the ABCC at all times. If an Applicant for a Permit does not have a valid ABCC Farmer-Brewery License at the time of Application, issuance of the Permit shall be conditioned on receipt of such ABCC license.

9.2 Purpose

The issuance of Farmer Series Pouring Permits shall be utilized so as to foster the economic development of the Town by encouraging and promoting patronage in those areas where Farmer Series Pouring Permittees are located. The Select Board shall consider when deciding upon a license application the foregoing factors and any other matter deemed appropriate by the Board including by way of description but not limitation: proximity to residential neighborhoods, traffic, parking, community engagement, and other aesthetic considerations including the physical layout of the interior of the establishment.

9.3 Water Station

At all times, there shall be a free, self-service water station for patrons and customers to use without staff assistance. This provision may be waived by the Select Board upon a showing of good cause and only if a sign is posted by the bar stating that tap water is available upon request and free of charge.

9.4 Occupancy

Where required by the Select Board, the Licensee shall delegate a staff member to keep and maintain an accurate count of all individuals occupying the premises to ensure compliance with building code occupancy limits.

9.5 Food Service

The Permittee shall ensure that food service is available to its patrons at all times that alcohol is served for on-premises consumption. The Permittee may satisfy this provision by (i) holding a Common Victualler's license and operating a full-service kitchen; (ii) arranging for food to be brought onto the premises by mobile food truck vendors; (iii) contracting with nearby restaurants; (iv) allowing patrons to have food delivered for consumption on the premises; or (v) such other arrangement as the Select Board deems appropriate. The Permittee shall submit a plan for food service with its application.

X. VIOLATIONS

10.1 Violations

Any violation of the License terms and conditions, these Regulations, the Regulations of the Alcoholic Beverages Control Commission, the laws of the Commonwealth, including General Laws Chapter 138, or the Town's General Bylaws may be grounds for action by the Select Board, including the modification, suspension, revocation, nonrenewal or cancellation of a license.

10.2 Suggested Orders

Except as provided in Section 10.3, the suggested orders listed below shall be a guide for the Select Board. The Board, in its discretion, may impose an order that is more lenient or more severe than suggested by the guidelines when the facts surrounding a violation so warrant. The suggested order shall not be construed as to limit the Select Board's ability to consider alternative dispositions, further conditions on a license, or alternative sanctions (e.g., rolling back service hours or non-punitive written warnings).

Offense	Suggested Order
1 st Offense	One to five day suspension
2 nd Offense	Six to ten day suspension
3 rd Offense	Ten days to 30 day suspension
4 th Offense	Revocation

In determining the appropriate action in any given case, the Select Board shall consider the violation, the facts of the case, other relevant factors including the Licensee's prior record, and aggravating or mitigating circumstances.

10.3 Compliance Checks

The Town conducts, and expects to continue to conduct, routine compliance checks of Licensees, including, but not limited to, service to underage persons checks using agents of the Needham Police Department. The following schedule of recommended discipline is a guideline intended to illustrate the range of disciplinary action that the Select Board may impose for service to underage violations identified in compliance checks, which are intended to be educational by design. The Select Board is not limited by these guidelines and may impose greater or lesser discipline based on consideration of the violation alleged, the facts of the case, other relevant factors including the Licensee's prior record, and aggravating or mitigating circumstances.

Offense	Suggested Order
1 st Offense	Suspension of one day to be held in abeyance.
2 nd Offense	One to two day suspension.

3 rd Offense	Three to five days.
4 th Offense	Five to ten days. Licensee shall be required as a condition of the license to provide the Board with a satisfactory written plan, under signature of the manager of record and any person or entity holding more than a 10% ownership interest in the license, to assure that a further offence will not occur.
5 th Offense	Minimum ten (10) day suspension. Based on relevant circumstances as determined by the Board, the Board may order a longer suspension of any length, imposition of conditions on or other modifications of the license, disqualification of the manager of record, or compulsory initiation by the Licensee of transfer of ownership to a responsible party to be approved by the Board.

10.4. Training

All employees involved in the improper sale of alcohol shall complete another training course in accordance with Section 3.4.3, notwithstanding when the course was last completed. The new training shall be completed within 30 days of the issuance of the Select Board's decision and proof of completion shall be provided to the Select Board.

10.5 Prior Violations

In calculating the number of prior offenses under this guideline, the Select Board will consider determined violations occurring within the five (5) years preceding the date of current violation.

10.6 Hearings

10.6.1 A Licensee shall have a right to notice and public hearing before modification, suspension, revocation, nonrenewal or cancellation of a license by the Board, except that the Board may under emergency circumstances as allowed by Law suspend the license pending hearing.

10.6.2 A Licensee may waive its right to hearing, and the Board in such cases may make findings and act without hearing on recommendation of the Town Manager. The Board may, however, require that a hearing be

held notwithstanding such a waiver, in which case the Licensee shall have notice of hearing and an opportunity to be heard before action is taken on modification, suspension, revocation, nonrenewal or cancellation of a license, except that Select Board may under emergency circumstances as allowed by Law suspend the license pending hearing.

10.7 Notice of Suspension

On the days when Suspension of License is being served, the Licensee will publicly post at its public entrance(s) a notice of the Suspension in a form as the Board or Town Manager may direct. The Board may also post notice of violation hearings, findings, decisions, and orders to the Town's website and Town's social media.

APPROVED: 6/14/77
Amended and revised: 11/18/97
Amended and revised: 2/9/99
Revised fee schedule: 12/7/99
Revised fee schedule: 12/5/00
Revised and approved: 8/20/02
Fee changes 12/21/04
Addition of Liquor
Liability Insurance: 1/25/05
Addition of One-Day License: 1/25/05
Amended and revised: 11/14/06
Amended and revised: 6/22/10
Amended and revised: 12/18/12
Amended and revised: 5/13/14
Amended and revised: 9/10/2014
Amended and revised: 11/9/2016
Amended and revised: 7/25/2017
Amended and revised: 8/18/2020
Amended and revised: 7/26/2022

SELECT BOARD

ACTING AS

NEEDHAM LICENSING BOARD