



OFFICE OF THE
SELECT BOARD
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Town of Dunstable Liquor License Policies and Regulations

INTRODUCTION

The Town of Dunstable has voted to allow liquor licenses for the sale of alcoholic beverages On Premise and Off Premise (M.G.L. Ch. 138 Ch. 12).

The Dunstable Select Board will serve as the liquor licensing authority (LLA) of the Town of Dunstable. Under Massachusetts General Law, the LLA acts on behalf of the State (the Alcohol Beverage Control Commission (ABCC)) which authorizes the issuance of liquor licenses.

The LLA has a broad discretion and a range of conditions that it can impose on a liquor license holder, including on an establishment's hours of operation, trash collection and management, parking availability, signage and other items, as deemed appropriate.

LICENSE TYPES

Types of Alcohol Licenses that can be granted by the Dunstable Select Board via the ABCC:

1. On premise pouring license.
 - a. All Alcohol
 - b. Wine & Malt
2. Off premise license which is defined as a "package store license."
 - a. All Alcohol
 - b. Wine & Malt

Additional licenses that can be granted exclusively by the Dunstable Select Board:

1. A "Carry In" license. The Commonwealth allows licensed food establishments, through local control, the ability to have patrons carry in alcoholic beverages for their consumption on premises.
2. A Special License (One Day). A special license may be issued for the sale of wines and/or malt beverages to any enterprise however, special licenses for the sale of all alcoholic beverages may be issued to non-profit organizations only.
3. A Farmer's Market License. A Farmer's Market license may be issued for the sale of wine manufactured by a licensed Farmer-Winery at approved agricultural events in Massachusetts.

APPLICATIONS

1. Applications regarding premises not actually in existence at the time of application will not be approved unless and until a building permit has been issued by the Town of Dunstable and the applicant has filed with the application a plan showing the actual dimensions of the premises which are to be constructed on which the licensee is to be exercised. If construction of the premises is not completed at the time the license is approved, the license may be approved on

the condition that construction shall be completed and as-built plans shall be filed prior to the issuance of the license.

2. Approvals of applications by the LLA are valid for six months from the date of approval by the ABCC. If such time expires before the license is issued, due to the applicant's failure to meet all the conditions imposed by the LLA, the license will be declared invalid and not be issued, and the license fee will not be refunded. Applicants who wish to re-apply shall be considered "new applicants" and not as a renewal and be reheard by the LLA.

REGULATIONS

1. Licenses issued by the LLA shall be posted in a conspicuous place easily viewed by the public where they can be read without difficulty and without the assistance of employees at the premise.
2. The licensee is responsible for ensuring that all employees who work in the public areas of the premises read the Rules and Regulations of the LLA, and comply with all rules and law.
3. Any licensee closing a place of business, whether on temporarily or permanently, must notify the LLA.
4. Any licensee changing managers, whether on temporarily or permanently, must notify the LLA and follow the ABCC process.
5. License manager must have current TIPS/BAT certification.
6. No manager or employees shall consume alcoholic beverages while on duty.
7. The hours of operation shall be restricted to those set by the LLA and stated on the face of the license.
8. Premises located within a radius of 500 feet of a school or church shall not be licensed to sell alcoholic beverages unless the LLA determines in writing and after a hearing that the premises are not detrimental to the educational and spiritual activities of that church or school, unless the premises are those of an innholder or unless the parts of the buildings are located ten or more floors above street level. The 500- foot distance under this § 16C is measured in a straight line from Page 6 of 21 the nearest point of the church or school to the nearest point of the premises to be licensed, as outlined in ABCC regulation 204 CMR 2.11.
9. Licensees issued a "Package Store" license shall not sell single servings of Alcohol (commonly known as NIPS) nor single servings of Wine or Malt.
10. The licensed premise shall be subject to inspection by the members of the LLA, if deemed necessary, and its duly authorized agents, the Building Commissioner, and Public Safety officers.
11. Licensees shall make all reasonable and diligent efforts to ensure that illegal activities not occur at the licensed premise.

12. The Town of Dunstable, the local licensing authority, requires that any establishment seeking a "Carry In" license to have patrons bring in only beer and wine, fill out the application form, and pay the filing fee.
13. The Town of Dunstable, the local licensing authority, is permitted to issue a one-day license to the responsible manager of any indoor or outdoor activity or enterprise. This type of license may be issued only to a natural person, although this natural person may be a person acting on behalf of a corporation, partnership, or other entity. No person may be granted such licenses permitting sales on an aggregate of more than 30 days in any calendar year.
14. Special License for Sale of All Alcoholic Beverages (including wine and/or malt) may be issued only to a person acting on behalf of a non-profit organization, per MGL, CHAPTER 138, SECTION 14).
15. Special License for Sale of Wine and/or Malt Beverages, or both, may be issued to any person who is conducting an activity or enterprise for profit.
16. Municipal entities requesting a Special License will not be assessed a fee or required to hold a hearing.
17. Any conditions the Select Board impose on the license, once issued, will be the responsibility of the Building Commissioner and/or Public Safety Officers to enforce any violation of these conditions.
18. Upon report of a violation, a hearing is required before the Select Board can vote to suspend or revoke the license. Continued infractions could result in loss of license.
19. The LLA and any enforcement designees (the Police Department) may at any time make investigation on its own initiative as to the compliance with license requirements.
20. In general, in matters of the first offense, the Board shall consider the issuance of a letter of reprimand to the owner, a copy of which shall be placed on file in the license record of the Select Board's Office. In matters of a second offense within the period of 12 calendar months, the Board shall consider the issuance of a suspension for a period of 1-14 calendar days and shall state the period of suspension. In matters of a third or subsequent offense within 12 months, the board shall consider a second suspension for a period of 1-30 calendar days and/or revocation of the license. All of the above considerations shall serve as guidelines to the Select Board in their deliberations regarding charges brought against the establishment, owner, proprietor, or other operators concerning infractions of the liquor laws of the Commonwealth and the Town of Dunstable. Each case shall be considered upon its individual merits.