

SELECT BOARD Meeting Agenda

5:45 p.m. June 28, 2022

NEEDHAM TOWN HALL SELECT BOARD CHAMBERS & ZOOM

Pursuant to Chapter 22 of the Acts of 2022, meetings of public bodies may be conducted virtually provided that adequate access is provided to the public.

To listen and view this virtual meeting on a phone, computer, laptop, or tablet, download the “Zoom Cloud Meeting” app in any app store or at www.zoom.us. At the above date and time, click on “Join a Meeting” and enter the meeting or click the link below to join the webinar:

<https://us02web.zoom.us/j/86292653911?pwd=c3g5MENwUWlGMlhmWWRBSDcobVgzdz09>

Passcode: 710279

One tap mobile: +16465588656,,86292653911#

Webinar ID: 862 9265 3911

1.	5:45	Joint Meeting with Trustees of the Needham Free Public Library: Appointment of Trustee - Select Board - Trustees of the Needham Free Public Library
2.	5:55	Recognition of Fire Chief Dennis Condon
3.	6:00	Public Hearing: Grant of Location – 7 Starr Ridge Joanne Callender, Eversource
4.	6:00	Public Hearing: Grant of Location – 1607 Central Avenue - Joanne Callender, Eversource - Trip Pace, Contractor/Homeowner
5.	6:00	Public Hearing: Alcohol License Hearing – New Garden Inc., d/b/a New Garden Restaurant - Raymond So, Manager - John Schlittler, Chief of Police
6.	6:45	Public Hearing: Proposed Alcohol Regulations Changes – Breweries Katie King, Assistant Town Manager/ Operations
7.	7:00	Public Hearing: Dangerous Dog Hearing (continued from April 13, 2022) Diana Rasoul-Agha, Dog Owner
8.	7:15	Town Engineer Sign Order of Taking for Town Way (Form 3) for Hutter Ridge Road
9.	7:20	Town Manager Town Manager Report

10.	7:25	Board Discussion Committee Reports
11.	7:30	Executive Session: Exception 2 and 3

APPOINTMENTS

1.	Committee Reappointments	See attached
----	--------------------------	--------------

CONSENT AGENDA *=Backup attached

1.	Accept the following donation made to the Needham Health Division, Gift of Warmth Program: \$300 from the Christ Episcopal Church.					
2.	Accept the following donation made to the Needham Community Revitalization Trust Fund: \$1000 from the Petrini Corporation.					
3.	Accept the following donations received by the Needham Public Library: The Dedham Savings Bank donated \$49.99 to buy a Kindle Fire as a prize for the Summer Reading Program, Ann MacFate donated \$300 in honor of Irene MacFate, the Needham Community Council donated \$300 for English language learner (ELL) books, and Anna Giraldo-Kerr donated a copy of <i>His Name is George Floyd</i> by Robert Samuels and Toluse Olorunnipa (est. value \$20).					
4.	In accordance with Section 20A (b) of the Town Charter, authorize the Town Manager to designate Katie King as Acting Town Manager for the period August 12, 2022 through September 2, 2022 inclusive.					
5.	In accordance with Section 20 C of the Town Charter, approve the Town Manager’s appointment of Thomas M. Conroy as Fire Chief.					
6.*	Approve Round 2 Economic Development ARPA Grant awards contingent on any pending compliance with federal, state and local law and regulations.					
7.*	Approve a Weekday Entertainment License for Needham Golf Club for remainder of 2022.					
8.*	The Town of Needham Select Board positively endorses the Minuteman Regional Vocational Technical School Committee to appropriate \$500,000.00 from certified excess and deficiency to be transferred to the Capital Stabilization Fund. This transfer will support Minuteman’s expansion capacity plans. This action will result in an amendment (increase) to the FY2022 Minuteman Regional Vocational Technical School District’s approved budget but will not change the assessment already established with the Town of Needham. The Minuteman Regional Vocational Technical School Committee will not act on this appropriate unless it is positively endorsed by two-thirds of the member towns.					
9.	Grant permission for the following residents to hold block parties:					
Name		Address	Party Location	Party Date	Party Rain Date	Party Time
Robert Petitt		80 Robinwood Ave.	Robinwood Ave.	7/4/22	N/A	3pm-9pm



**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 06/28/2022

Agenda Item	Joint Meeting with Trustees of the Needham Free Public Library: Appointment of Trustee
Presenter(s)	Select Board & Trustees of the Needham Free Public Library

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
Marcus Nelson, Vice Chair of the Select Board attended a special meeting of the Trustees of the Needham Free Public Library on June 21, 2022 and interviewed several candidates for a current vacancy on the Board of Trustees. Mr. Nelson and the Trustees recommend that Erhardt Graeff be appointed to serve the remainder of the term until the next Town Election.	
2.	VOTE REQUIRED BY BOARD OF SELECTMEN
<i>Suggested Motion:</i> That the Select Board and Board of Trustees of the Needham Free Public Library vote to appoint Erhardt Graeff to the Trustees of the Needham Free Public Library until the next Town Election to be held on April 11, 2023.	
3.	BACK UP INFORMATION ATTACHED
a. Letter dated March 16, 2022 from Theodora K. Eaton, Town Clerk b. Letter dated April 1, 2022 from Robert Petitt, Chair (outgoing), Trustees of the Needham Free Public Library	



Theodora K. Eaton, MMC
Town Clerk

TOWN OF NEEDHAM

Office of the Town Clerk

1471 Highland Avenue, Needham, MA 02492-0909

Telephone (781) 455-7500 x216

Fax (781) 449-1246

Email: Teaton@needhamma.gov

March 16, 2022

Select Board and Trustees of Needham Public Library
Town of Needham
1471 Highland Avenue
Needham, MA 02492

Dear Members of the Board of Selectmen and the Trustees of Needham Public Library:

It is with sadness that I write this letter regarding the vacancy on the Trustees of Needham Public Library. Trustee Richard C. "Rick" Hardy was in a biking accident and passed away on March 8, 2022.

Once again and, I would like to outline the methodology for filling a vacancy on an elected board under Massachusetts General Laws Chapter 41, Section 11, Subsection 81A:

"The remaining members (Trustees of Needham Public Library) write to the Select Board, within one month of the vacancy, informing them of the vacancy. Then, the Select Board, with the remaining members of the Trustees of Needham Public Library, after one week's public notice, fill the vacancy by roll call vote. If the remaining members do not inform the Select Board within one month, the Select Board fill the vacancy by themselves. In either case, a majority vote of all the officials eligible to vote is required to select a replacement. Whoever is selected must be a registered voter in the town and perform the duties of the office until the next Annual Town Election (Tuesday, April 11, 2023) or until another person is qualified."

If you have any questions, please don't hesitate to contact me.

Sincerely,

Theodora K. Eaton, MMC,
Town Clerk

Cc: Kate Fitzpatrick, Town Manager
Kim Hewitt, Director
Matthew D. Borrelli, Chairman, Select Board
Robert A. Petitt, Chairman, Trustees of Needham Public Library

**BOARD OF TRUSTEES
OF THE
NEEDHAM FREE PUBLIC LIBRARY**

April 1, 2022

Select Board
Town of Needham
1471 Highland Avenue
Needham, MA 02492

Dear Members of the Select Board:

As you have all heard by now, the Board of Trustees of the Needham Free Public Library (the “Board”) has a vacancy caused by the death of Richard C. Hardy in a bicycling accident on March 8, 2022. All of us on the Board are greatly saddened by Rick’s sudden passing, as he was a friend and colleague to many of us in the Library community. His legacy of service for the betterment of our town and its institutions serves as an inspiration to us all.

This letter constitutes formal notice of the foregoing vacancy by the remaining members of the Board pursuant to Chapter 41, Section 11, Subsection 81A of the Massachusetts General Laws. We look forward to working with the Select Board to fill this vacancy for a term lasting until the next Annual Town Election on April 11, 2023. Please do not hesitate to reach out to Rob Petitt at (207) 939-3161 to start coordinating that process.

Regards,

Robert A. Petitt, Chair (outgoing)

Kay Cahill, Vice Chair (incoming Chair starting April 13, 2022)

Anna Giraldo-Kerr, Secretary

Carol J. Thomas

Jay M. Fialkov

Thomas M. Harkins

**Certificate Of
Appreciation**

**From The
Town of Needham, Massachusetts
Select Board**

Awarded to:

DENNIS X. CONDON

**In recognition of 36 years of service to the
Needham Fire Department, culminating in 8
years as Fire Chief. Your legacy will be felt by
members of the Department, Town, and
residents for years to come. Congratulations on
your retirement!**

Signed this 28th day of June, 2022

Marianne Cooley, Chair

Marcus Nelson, Vice Chair

Kevin Keane, Clerk

Matthew Borrelli

Heidi Frail



**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 6/28/2022

Agenda Item	Public Hearing: Eversource Grant of Location: 7 Starr Ridge
Presenter(s)	Joanne Callender, Eversource Representative

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
Eversource Energy requests permission to install approximately 14 feet of conduit in Central Avenue. This work is necessary to provide electric service to 7 Starr Ridge, Needham, MA. The Department of Public Works has approved this petition, based on Eversource Energy's commitment to adhere to the Town's regulation that all conduit installed must be 3" schedule 40 minimum; and, that when buried, that conduit must be placed at 24" below grade to the top of the conduit.	
2.	VOTE REQUIRED BY SELECT BOARD
Suggested Motion: That the Select Board approve and sign a petition from Eversource Energy to install approximately 14 feet of conduit in Central Avenue.	
3.	BACK UP INFORMATION ATTACHED
a. DPW Petition Review b. Letter of Application c. Order d. Petition e. Petition Plan f. Photos of Site g. Notice Sent to Abutters h. List of Abutters	

TOWN OF NEEDHAM
PUBLIC WORKS DEPARTMENT

NEEDHAM, MA 02492 Telephone: (781) 455-7550

www.needhamma.gov/dpw

TO: Kristin Scoble, Select Board Office

FROM: DPW Office

DATE:

RE:

For Select Board Meeting of

Abutters list & labels at Assessors Office.

Please email confirmation date & time of hearing

GRANT OF LOCATION PETITION REVIEW

DATE OF FIELD REVIEW: 6-16-22

REVIEWER: R.A.W.

SITE LOCATION: #7 STARR RIDGE ROAD

UTILITY REQUESTING: EVERSOURCE

Conduit Work Area Description

☒ A Sidewalk/Grass Strip Crossing Only Peer Review _____

B Work Within Paved Road Perpendicular Crossing Peer Review _____

C Work Within a Plaza Area/Landscaped Island/Parallel Along Roadway

Peer Review _____ Div. Head Review _____

D Other Peer Review _____ Div. Head Review _____

☒ Petition Plan Consistent with Field Review

☐ Old Pole Removed N/A

☒ Diameter of Conduit 3"

☐ Cables Transferred to New Pole N/A

☒ Depth of Conduit

☐ New Riser on Pole No

☒ Utility Conflicts

☐ Visible Trench Patch across Road/Sidewalk No

☒ Crossing Perpendicular to Road

☒ Abutters List Complete

☒ Public Road

☒ Photos Included

☐ Double Pole N/A

Department Head _____

COMMENTS:

NO TRENCH VISIBLE, NO RISER ON POLE AS OF YET

NO SIDEWALK IN THIS AREA.

TOWN OF NEEDHAM
PUBLIC WORKS DEPARTMENT

NEEDHAM, MA 02492 Telephone: (781) 455-7550

www.needhamma.gov/dpw

TO: Kristin Scoble, Select Board Office

FROM: DPW Office

DATE:

RE:

For Select Board Meeting of

Abutters list & labels at Assessors Office.

Please email confirmation date & time of hearing

GRANT OF LOCATION PETITION REVIEW

DATE OF FIELD REVIEW: 6-16-22

REVIEWER: R. W. W.

SITE LOCATION: #7 STARR RIDGE ROAD

UTILITY REQUESTING: EVERSOURCE

Conduit Work Area Description

☒ A Sidewalk/Grass Strip Crossing Only

tar
Peer Review _____

B Work Within Paved Road Perpendicular Crossing

Peer Review _____

C Work Within a Plaza Area/Landscaped Island/Parallel Along Roadway

Peer Review _____ Div. Head Review _____

D Other

Peer Review _____ Div. Head Review _____

☒ Petition Plan Consistent with Field Review

☐ Old Pole Removed N/A

☒ Diameter of Conduit 3"

☐ Cables Transferred to New Pole N/A

☒ Depth of Conduit

☐ New Riser on Pole No

☒ Utility Conflicts

☐ Visible Trench Patch across Road/Sidewalk No

☒ Crossing Perpendicular to Road

☒ Abutters List Complete

☒ Public Road

☒ Photos Included

☐ Double Pole N/A

Department Head _____

COMMENTS:

NO TRENCH VISIBLE, NO RISER ON POLE AS OF YET
NO SIDEWALK IN THIS AREA.

okay to proceed- tar 6/22/22

June 15, 2022

Select Board
Town Hall
1471 Highland Avenue
Needham, MA 02192

RE: Central Avenue
Needham, MA
W.O.# 8996175

Dear Members of the Board:

The enclosed petition and plan are being presented by the NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY for the purpose of obtaining a Grant of Location to install approximately 14 feet of conduit in Central Ave.

The reason for this work is to upgrade the underground electric service to 7 Starr Ridge.

If you have any further questions, contact Joanne Callender at (781) 314-5054.
Your prompt attention to this matter would be greatly appreciated.

Very truly yours,

Richard M. Schifone

Richard M. Schifone, Supervisor
Rights and Permits

RMS/wls
Attachments

**ORDER FOR LOCATION FOR CONDUITS AND MANHOLES
Town of NEEDHAM**

WHEREAS, **NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY** has petitioned for permission to construct a line for the transmission of electricity for lighting, heating or power under the public way or ways of the Town thereafter specified, and notice has been given and a hearing held on said petition as provided by law.

It is ORDERED that **NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY** be and hereby is granted permission to construct and a location for, such a line of conduits and manholes with the necessary wires and cables therein under the following public way or ways of said Town:

Central Avenue - Northwesterly from pole 8/192, approximately 175 feet south of Starr Ridge, install approximately 14 feet of conduit.

W.O.# 8996175

All construction work under this Order shall be in accordance with the following conditions:

1. Conduits and manholes shall be located as shown on the plan made by **T. Thibault**, **dated June 15, 2022** on the file with said petition.
2. Said Company shall comply with the requirements of existing by-laws and such as may hereafter be adopted governing the construction and maintenance of conduits and manholes.
3. All work shall be done to the satisfaction of the Select Board or such officer or officers as it may appoint to supervise the work.

1	_____	
2	_____	
3	_____	
4	_____	
5	_____	

Select Board
the Town of
NEEDHAM

CERTIFICATE

We hereby certify that the foregoing Order was adopted after due notice and a public hearing as prescribed by Section 22 of Chapter 166 of the General Laws (Ter. Ed.), and any additions thereto or amendments thereof, to wit: after written notice of the time and place of the hearing mailed at least seven days prior to the date of the hearing by the Selectmen to all owners of real estate abutting upon that part of the way or ways upon, along or across which the line is to be constructed under said Order, as determined by the last preceding assessment for taxation, and a public hearing held on the _____ day of _____ 2022 at _____ in said Town.

1	_____	
2	_____	
3	_____	
4	_____	
5	_____	

Select Board
the Town of
NEEDHAM

CERTIFICATE

I hereby certify that the foregoing are true copies of the Order of the **Select Board** of the Town of **NEEDHAM**, Massachusetts, duly adopted on the _____ day of _____, 2022 and recorded with the records of location Orders of said Town, Book _____, Page _____ and of the certificate of notice of hearing thereon required by Section 22 of Chapter 166 of the General Laws (Ter.Ed.) and any additions thereto or amendments thereof, as the same appear of record.

Attest: _____
Clerk of the Town of **NEEDHAM**, Massachusetts

**PETITION OF NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY
FOR LOCATION FOR CONDUITS AND MANHOLES**

To the **Select Board** of the Town of **NEEDHAM** Massachusetts:

Respectfully represents **NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY** a company incorporated for the transmission of electricity for lighting, heating or power, that it desires to construct a line for such transmission under the public way or ways hereinafter specified.

WHEREFORE, your petitioner prays that, after due notice and hearing as provided by law, the Board may by Order grant to your petitioner permission to construct, and a location for, such a line of conduits and manholes with the necessary wires and cables therein, said conduits and manholes to be located, substantially as shown on the plan made by **T. Thibault, dated June 15, 2022** and filed herewith, under the following public way or ways of said Town:

Central Avenue - Northwesterly from pole 8/192, approximately 175 feet south of Starr Ridge, install approximately 14 feet of conduit.

W.O.# 8996175

**NSTAR ELECTRIC COMPANY
dba EVERSOURCE ENERGY**

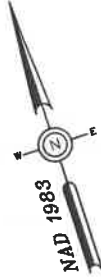
By: Richard M. Schifone

Richard M. Schifone, Supervisor
Rights & Permits

Dated this ____ day of _____

Town of **NEEDHAM** Massachusetts

Received and filed _____ 2022



APPROX. P.

#1607 CENTRAL AVE

APPROX. PT.
OF PICKUP

#7 STARR RIDGE

R.O.W.

R.O.W.

14±

INSTALL 1 - 3" PVC PIPE
SCHEDULE 40
NO CONCRETE

8/192

8/191

EOP

EOP

APPROX. 175'± TO
STARR RIDGE

CENTRAL AVE

APPROX. EDGE OF PAVEMENT (EOP)

EOP

APPROX. RIGHT OF WAY (R.O.W.)

R.O.W.

#1600 CENTRAL AVE

#77 BRIDLE TRAIL RD

APPROX. P.

SECTION - 1



SECTION OF PROPOSED LINE
1-IRON PIPE OR
1-PVC CONDUIT (SCH.40)
OR 1-FIBRE DUCT

FIGURE - 1

BY YOUR USE OF THE INFORMATION CONTAINED IN THIS MAP, YOU AGREE THAT NO WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, IS GIVEN WITH RESPECT TO THE INFORMATION. NEITHER NSTAR ELECTRIC COMPANY, NSTAR GAS COMPANY NOR ITS PARENTS, AFFILIATES, OFFICERS, DIRECTORS, SHAREHOLDERS, EMPLOYEES OR AGENTS (COLLECTIVELY THE "NSTAR ENTITIES") SHALL BE LIABLE FOR ANY LOSS OR INJURY CAUSED IN WHOLE OR IN PART BY USE OF THIS INFORMATION, OR IN RELIANCE UPON IT, TO THE MAXIMUM EXTENT ALLOWED BY LAW. YOU AGREE BY YOUR ACCEPTANCE OF THE INFORMATION TO RELEASE, INDEMNIFY AND HOLD THE NSTAR ENTITIES HARMLESS FROM ANY SUCH LOSS OR INJURY.

THE INFORMATION MAY NOT REPRESENT A SURVEY, MAY NOT BE THE MOST COMPLETE AND IS SUBJECT TO CHANGE WITHOUT NOTICE. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE INFORMATION, EITHER EXPRESSED OR IMPLIED. UNAUTHORIZED ATTEMPTS TO MODIFY THE INFORMATION OR USE THE INFORMATION FOR OTHER THAN ITS INTENDED PURPOSES ARE PROHIBITED.

MASS. LAW

REQUIRES 72 HOURS ADVANCE NOTICE TO UTILITY COMPANIES
BEFORE DIGGING BY ANYONE. CALL DIG-SAFE 1-888-344-7233

C#

Ward #

Work Order # 8996175

Surveyed by: N/A

Research by: JC

Plotted by: SJ

Proposed Structures: SJ

Approved: T THIBAUT

P#

NSTAR EVERSOURCE
ELECTRIC
d/b/a

1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125

Plan of CENTRAL AVE/ STARR RIDGE

NEEDHAM

Showing PROPOSED CONDUIT LOCATION

Scale 1"=20'

SHEET 1 of 1

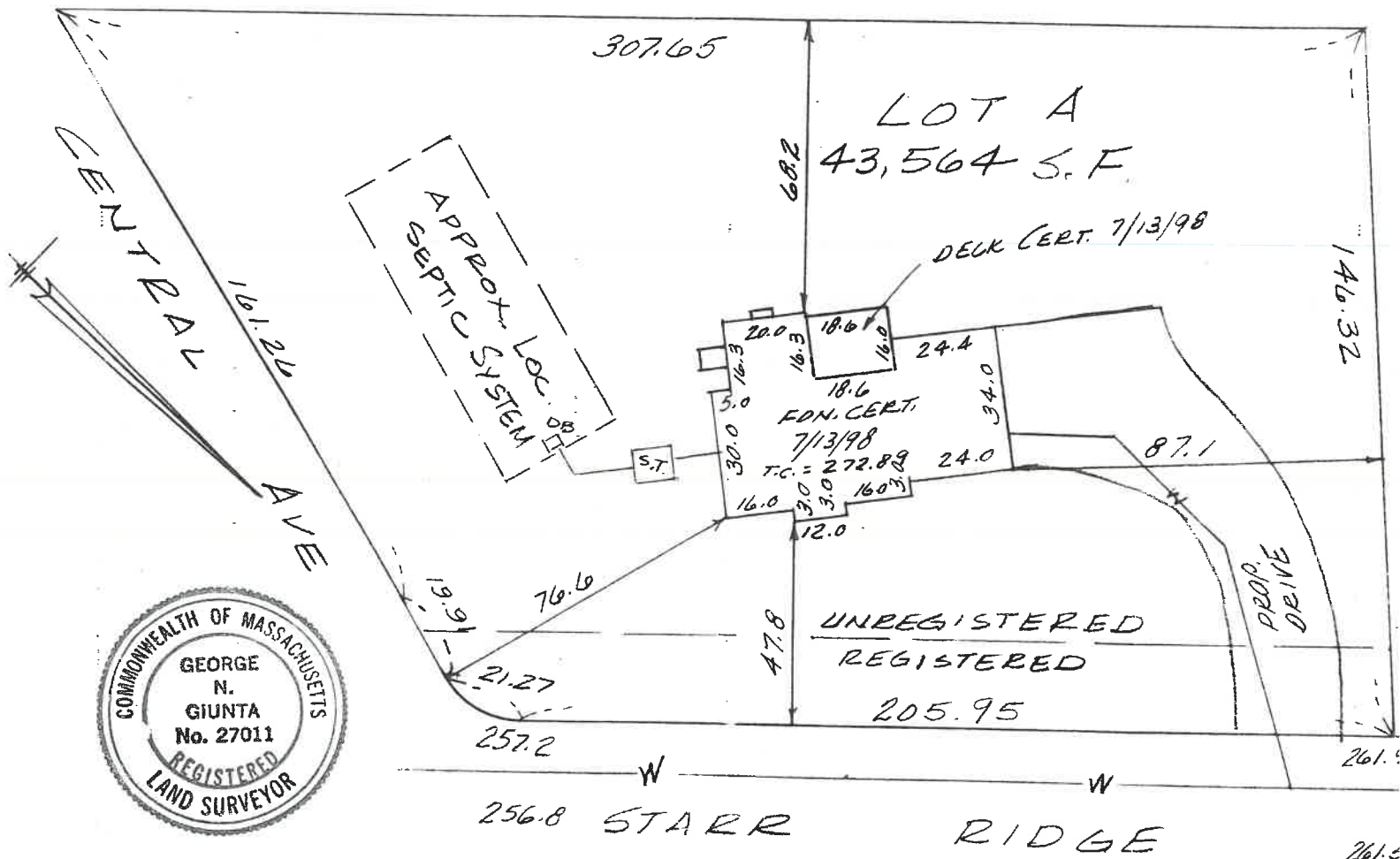
Date June 15, 2022

TOWN OF NEEDHAM, MASSACHUSETTS

Building Inspection Department

Building Permit No. _____ At No. 7 LOT A STARR RIDGE
Lot Area 43,564 S.F. Zoning District "A"
Owner TRUDEAU DEVELOPMENT CORP. Builder SAME

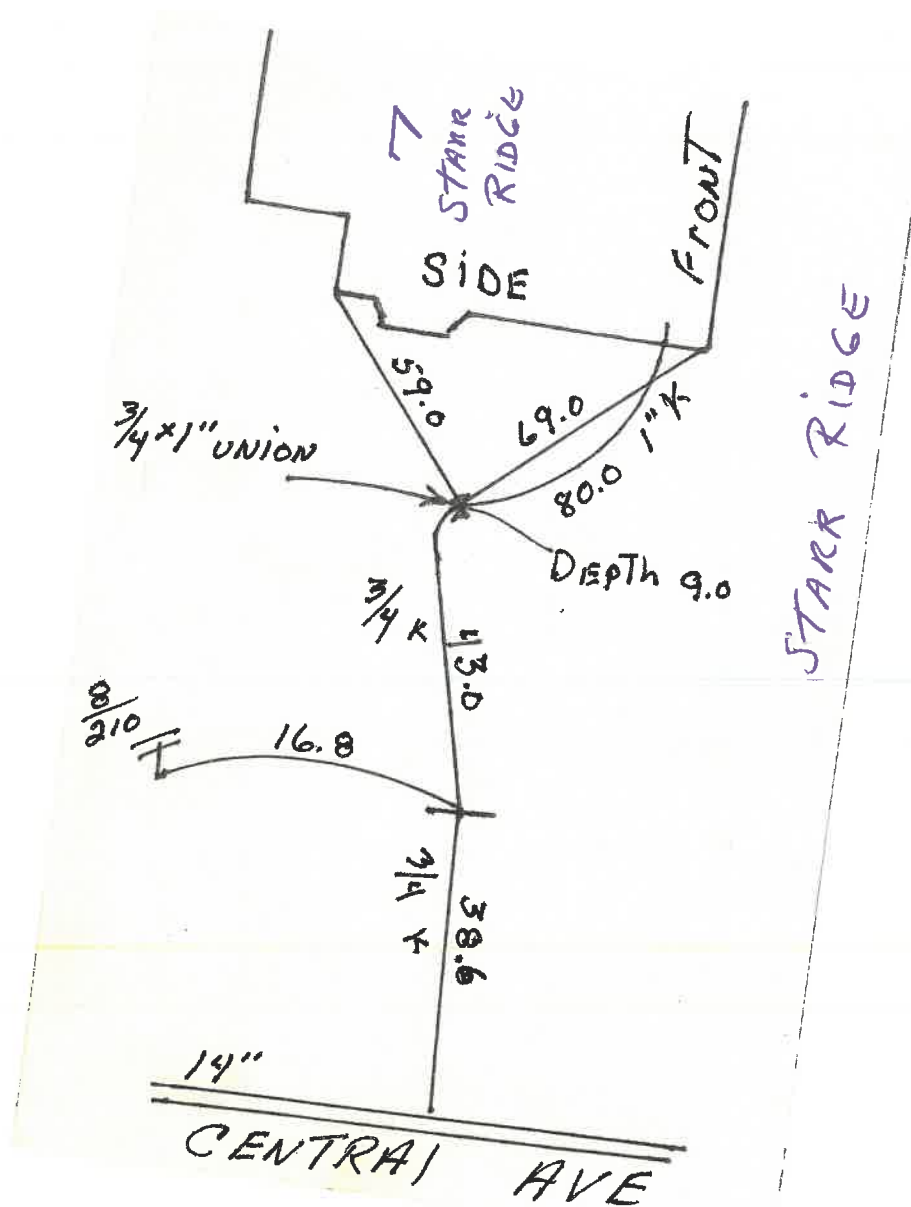
PLOT PLAN
40' Scale



Note: Plot Plans shall be drawn in accordance with Sections 7.2.1 and 7.2.2 of the Zoning By-Laws for the Town of Needham. All plot plans shall show existing structures and public utilities, including water mains, sewers, drains, gaslines, etc.; driveways, Flood Plain and Wetland Areas, lot dimensions, dimensions of proposed structures, sideline offsets and setback distances, (allowing for overhangs) and elevation of top of foundations and garage floor. For new construction, elevation of lot corners at street line and existing and approved street grades shall be shown for grading along lot line bordering streetline. For pool permits, plot plans shall also show fence surrounding pool with a gate, proposed pool and any accessory structures*, offsets from all structures and property line, existing elevations at nearest house corners and pool corners, nearest storm drain catch basin (if any) and, sewage disposal system location in unsewered area.
(*Accessory structures may require a separate building permit — See Building Code)

I hereby certify that the information provided on this plan is accurately shown and correct as indicated.

The above is subscribed to and executed by me this 13th day of JULY 19 98.
Name _____ Registered Land Surveyor No. 27011
Address 281 CHESTNUT STREET City NEEDHAM State MA. Zip 02192 Tel. No. 444-5936
Approved _____ Director of Public Works Date _____
Approved _____ Building Inspector Date _____

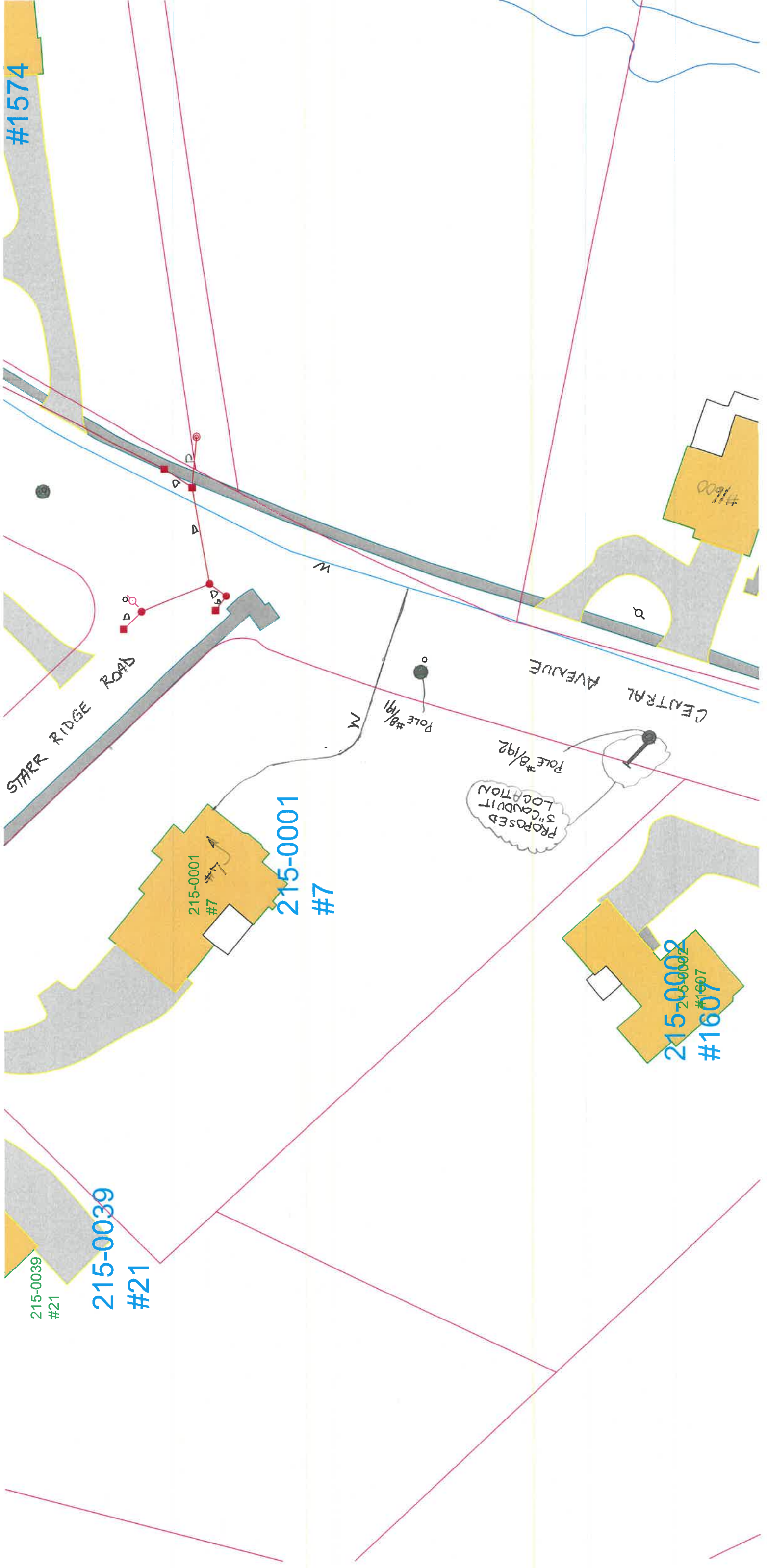


215-0039
#21

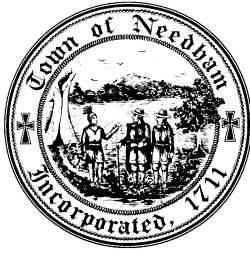
215-0001
#7

215-0002
#1607

#1574







NOTICE

To the Record

You are hereby notified that a public hearing will be held **at 6:00 p.m. on June 28, 2022, via Zoom and in person at Powers Hall, Town Hall, 1471 Highland Avenue, Needham, MA 02492** upon petition of Eversource Energy dated **June 15, 2022** to install approximately 14 feet of conduit in Central Ave. This work is necessary to provide electric service to 7 Starr Ridge, Needham, MA.

A public hearing is required, and abutters should be notified.

If you have any questions regarding this petition, please contact Joanne Callender, Eversource Energy representative at (781) 314-5054.

Marianne B. Cooley
Marcus A. Nelson
Kevin Keane
Matthew D. Borrelli
Heidi Frail

SELECT BOARD

You are invited to a Zoom webinar.

<https://us02web.zoom.us/j/86292653911?pwd=c3g5MENwUWlGMlhmWWRBSDc0bVgzdz09>

Passcode: 710279

Webinar ID: 862 9265 3911

Dated: June 22, 2022

7 STARR RIDGE

PARCEL ID	OWNER NAME 1	OWNER NAME 2	MAILING ADDRESS	CITY	ST	ZIP
199/213.0-0002-0000.0	NEEDHAM MARSHFIELD PROPERTIES LLC		P. O. BOX 920486	NEEDHAM	MA	02492-
199/212.0-0008-0000.0	FRASCOTTI, JOHN		77 BRIDLE TRAIL RD	NEEDHAM	MA	02492-
199/215.0-0001-0000.0	O'CONNELL, ANDREW B. &	O'CONNELL, JULIE L	7 STARR RIDGE	NEEDHAM	MA	02492-
199/307.0-0005-0000.0	SAVENOR, MARC		36 STARR RIDGE	NEEDHAM	MA	02492-
199/215.0-0002-0000.0	BARD, JENNIFER H		1607 CENTRAL AVE	NEEDHAM	MA	02492-
199/215.0-0039-0000.0	SULLIVAN, TIMOTHY W. &	SULLIVAN, KATHRYN E	21 STARR RIDGE	NEEDHAM	MA	02492-
199/307.0-0003-0000.0	RIZZO, ROBERT J &	RIZZO, LIVIA F	8 STARR RIDGE	NEEDHAM	MA	02492-
199/212.0-0007-0000.0	PENNINGTON, GEORGE F. &	PENNINGTON, NUALA	1574 CENTRAL AVE	NEEDHAM	MA	02492-
199/213.0-0078-0000.0	HANIFIN, NOAH P		1600 CENTRAL AVE	NEEDHAM	MA	02492-
199/307.0-0004-0000.0	SHULMAN, SETH A. & AMY E. TRS		18 STARR RIDGE RD	NEEDHAM	MA	02492-

Certified as list of parties in interest under Mass. General Laws and Needham Zoning By-Law, to the Best of our knowledge
for the Needham Board of Assessors.....



**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 6/28/2022

Agenda Item	Public Hearing: Eversource Grant of Location: 1607 Central Avenue
Presenter(s)	Joanne Callender, Eversource Representative

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
Eversource Energy requests permission to install approximately 22 feet of conduit in Central Avenue. This work is necessary to provide electric service to 1607 Central Avenue, Needham, MA. The Department of Public Works has approved this petition, based on Eversource Energy's commitment to adhere to the Town's regulation that all conduit installed must be 3" schedule 40 minimum; and, that when buried, that conduit must be placed at 24" below grade to the top of the conduit.	
2.	VOTE REQUIRED BY SELECT BOARD
Suggested Motion: That the Select Board approve and sign a petition from Eversource Energy to install approximately 22 feet of conduit in Central Avenue.	
3.	BACK UP INFORMATION ATTACHED
a. DPW Petition Review b. Letter of Application c. Order d. Petition e. Petition Plan f. Photos of Site g. Notice Sent to Abutters h. List of Abutters	

TOWN OF NEEDHAM
PUBLIC WORKS DEPARTMENT

NEEDHAM, MA 02492 Telephone: (781) 455-7550

www.needhamma.gov/dpw

TO: Kristin Scoble, Select Board Office

FROM: DPW Office

DATE:

RE:

For Select Board Meeting of

Abutters list & labels at Assessors Office.

Please email confirmation date & time of hearing

GRANT OF LOCATION PETITION REVIEW

DATE OF FIELD REVIEW: 6-15-2022

REVIEWER:

R.A.W.

SITE LOCATION: #1607 CENTRAL AVENUE

UTILITY REQUESTING:

EVERSOURCE

Conduit Work Area Description

☒ A Sidewalk/Grass Strip Crossing Only

Peer Review tar

B Work Within Paved Road Perpendicular Crossing

Peer Review _____

C Work Within a Plaza Area/Landscaped Island/Parallel Along Roadway

Peer Review _____ Div. Head Review _____

D Other

Peer Review _____ Div. Head Review _____

☒ Petition Plan Consistent with Field Review

☐ Old Pole Removed N/A

☒ Diameter of Conduit 3"

☐ Cables Transferred to New Pole N/A

☒ Depth of Conduit

☒ New Riser on Pole

☒ Utility Conflicts

☒ Visible Trench Patch across Road/Sidewalk

☒ Crossing Perpendicular to Road

☒ Abutters List Complete

☒ Public Road

☒ Photos Included

☐ Double Pole N/A

Department Head _____

COMMENTS:

THE RISER IS ATTACHED TO THE POLE, THERE IS NO OVERHEAD CONNECTION AS OF YET. THERE IS NO SIDEWALK IN FRONT OF PROPERTY. IT APPEARS THAT THE R.O.W. IS MORE THAN 10 FEET FROM THE EDGE OF THE PAVEMENT.

Okay to proceed, property owner is available to attend meeting -tar 6/22/22

June 14, 2022

Select Board
Town Hall
1471 Highland Avenue
Needham, MA 02192

RE: Central Avenue
Needham, MA
W.O.# 7928515

Dear Members of the Board:

The enclosed petition and plan are being presented by the NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY for the purpose of obtaining a Grant of Location to install approximately 22 feet of conduit in Central Ave.

The reason for this work is to provide electric service to 1607 Central Avenue.

If you have any further questions, contact Joanne Callender at (781) 314-5054. Your prompt attention to this matter would be greatly appreciated.

Very truly yours,

Richard M. Schifone

Richard M. Schifone, Supervisor
Rights and Permits

RMS/wls
Attachments

ORDER FOR LOCATION FOR CONDUITS AND MANHOLES
Town of NEEDHAM

WHEREAS, **NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY** has petitioned for permission to construct a line for the transmission of electricity for lighting, heating or power under the public way or ways of the Town thereafter specified, and notice has been given and a hearing held on said petition as provided by law.

It is ORDERED that **NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY** be and hereby is granted permission to construct and a location for, such a line of conduits and manholes with the necessary wires and cables therein under the following public way or ways of said Town:

Central Avenue - Westerly from pole 8/193, approximately 250 feet north of Pine Street, install approximately 22 feet of conduit.

W.O.# 7928515

All construction work under this Order shall be in accordance with the following conditions:

1. Conduits and manholes shall be located as shown on the plan made by **T. Thibault, dated June 6, 2022** on the file with said petition.
2. Said shall comply with the requirements of existing by-laws and such as may hereafter be adopted governing the construction and maintenance of conduits and manholes.
3. Company All work shall be done to the satisfaction of the Select Board or such officer or officers as it may appoint to supervise the work.

1	_____	
2	_____	
3	_____	
4	_____	
5	_____	

Select Board
the Town of
NEEDHAM

CERTIFICATE

We hereby certify that the foregoing Order was adopted after due notice and a public hearing as prescribed by Section 22 of Chapter 166 of the General Laws (Ter. Ed.), and any additions thereto or amendments thereof, to wit: after written notice of the time and place of the hearing mailed at least seven days prior to the date of the hearing by the Selectmen to all owners of real estate abutting upon that part of the way or ways upon, along or across which the line is to be constructed under said Order, as determined by the last preceding assessment for taxation, and a public hearing held on the _____ day of _____ 2022 at _____ in said Town.

1	_____	
2	_____	
3	_____	
4	_____	
5	_____	

Select Board
the Town of
NEEDHAM

CERTIFICATE

I hereby certify that the foregoing are true copies of the Order of the **Select Board** of the Town of **NEEDHAM**, Masssachusetts, duly adopted on the _____ day of _____, 2022 and recorded with the records of location Orders of said Town, Book _____, Page _____ and of the certificate of notice of hearing thereon required by Section 22 of Chapter 166 of the General Laws (Ter.Ed.) and any additions thereto or amendments thereof, as the same appear of record.

Attest: _____
Clerk of the Town of **NEEDHAM**, Massachusetts

**PETITION OF NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY
FOR LOCATION FOR CONDUITS AND MANHOLES**

To the **Select Board** of the Town of **NEEDHAM** Massachusetts:

Respectfully represents **NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY** a company incorporated for the transmission of electricity for lighting, heating or power, that it desires to construct a line for such transmission under the public way or ways hereinafter specified.

WHEREFORE, your petitioner prays that, after due notice and hearing as provided by law, the Board may by Order grant to your petitioner permission to construct, and a location for, such a line of conduits and manholes with the necessary wires and cables therein, said conduits and manholes to be located, substantially as shown on the plan made by **T. Thibault, dated June 6, 2022** and filed herewith, under the following public way or ways of said Town:

Central Avenue - Westerly from pole 8/193, approximately 250 feet north of Pine Street, install approximately 22 feet of conduit.

W.O.# 7928515

**NSTAR ELECTRIC COMPANY
dba EVERSOURCE ENERGY**

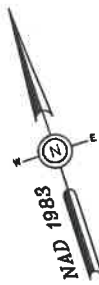
By: Richard M. Schifone

Richard M. Schifone, Supervisor
Rights & Permits

Dated this ____ day of _____

Town of **NEEDHAM** Massachusetts

Received and filed _____ 2022



#7

#7

APPROX. PT.
OF PICKUP

#1607

CUSTOMER TO INSTALL
1-3" PVC PIPE
SCHEDULE 40, NO CONCRETE
SECTION 1 FIG. 1 22'±

APPROX. ROW

APPROX. ROW

STATUTORY RIGHT OF WAY

EOP

LANDSCAPE AREA/NO SIDEWALK

8/193

EOP

APPROX. 250'±
TO PINE ST

CENTRAL AVE

EOP

APPROX. ROW

ASPHALT SIDEWALK

APPROX. ROW

BACK OF SIDEWALK

BACK OF SIDEWALK

#1618

#1600

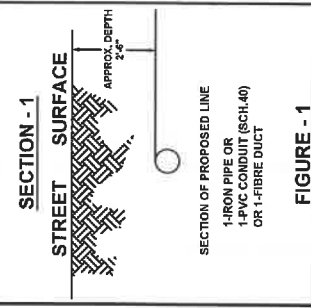


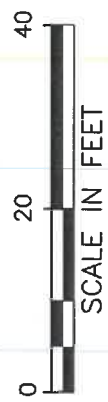
FIGURE - 1

BY YOUR USE OF THE INFORMATION CONTAINED IN THIS MAP, YOU AGREE THAT NO WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, IS GIVEN WITH RESPECT TO THE INFORMATION. NEITHER NSTAR ELECTRIC COMPANY, NSTAR GAS COMPANY NOR ITS PARENTS, AFFILIATES, OFFICERS, DIRECTORS, SHAREHOLDERS, EMPLOYEES OR AGENTS (COLLECTIVELY THE "NSTAR ENTITIES") SHALL BE LIABLE FOR ANY LOSS OR INJURY CAUSED IN WHOLE OR IN PART BY USE OF THIS INFORMATION, OR IN RELIANCE UPON IT, TO THE MAXIMUM EXTENT ALLOWED BY LAW. YOU AGREE BY YOUR ACCEPTANCE OF THE INFORMATION TO RELEASE, INDEMNIFY AND HOLD THE NSTAR ENTITIES HARMLESS FROM ANY SUCH LOSS OR INJURY.

THE INFORMATION MAY NOT REPRESENT A SURVEY, MAY NOT BE THE MOST COMPLETE AND IS SUBJECT TO CHANGE WITHOUT NOTICE. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE INFORMATION, EITHER EXPRESSED OR IMPLIED. UNAUTHORIZED ATTEMPTS TO MODIFY THE INFORMATION OR USE THE INFORMATION FOR OTHER THAN ITS INTENDED PURPOSES ARE PROHIBITED.

MASS. LAW
REQUIRES 72 HOURS ADVANCE NOTICE TO UTILITY COMPANIES
BEFORE DIGGING BY ANYONE. CALL DIG-SAFE 1-888-344-7233

C#	NSTAR EVERSOURCE ELECTRIC d/b/a 1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125		
Ward #			
Work Order #	7928515		
Surveyed by:	N/A		
Research by:	JC		
Plotted by:	LM		
Proposed Structures:	LM		
Approved:	T THIBAUT		
P#	Scale	1"=20'	Date
	SHEET	1 of 1	JUNE 6, 2022



TOWN OF NEEDHAM, MASSACHUSETTS

Building Inspection Department

Assessor's Map & Parcel No. 199215000200000

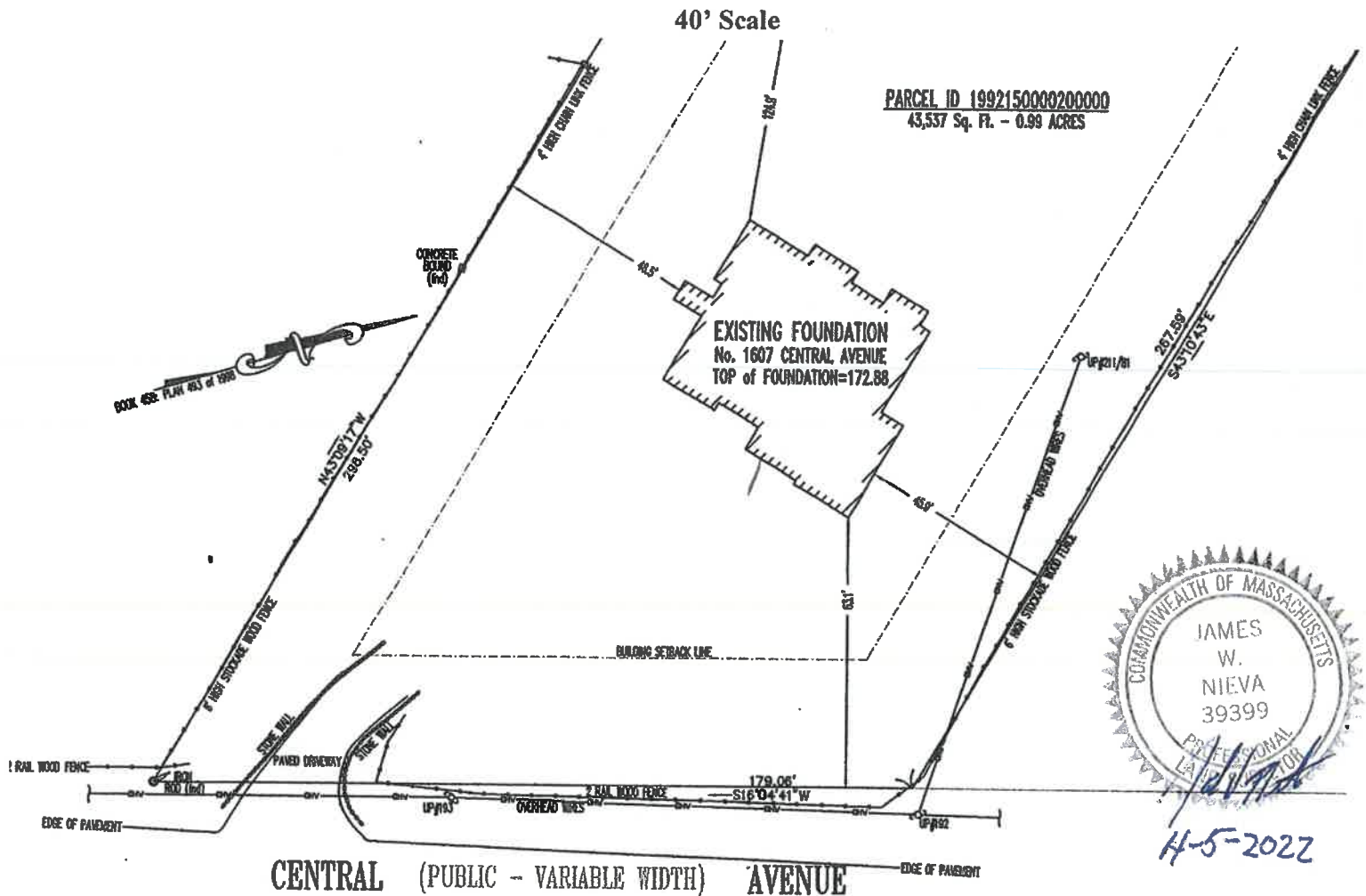
Building Permit No. _____ Zoning District "SRA" Single Residence A

Lot Area 43,537 Address 1670 Central Street

Owner Jennifer H. Bard Builder _____

PROPOSED PLOT PLAN **FOUNDATION ASBUILT** FINAL ASBUILT DEMO PLAN

CIRCLE ONE THAT APPLIES



Note: Plot Plans shall be drawn in accordance with Sections 7.2.1 and 7.2.2 of the Zoning By-Laws for the Town of Needham. All plot plans shall show existing structures and public & private utilities, including water mains, sewers, drains, gas lines, etc.; driveways, septic systems, wells, Flood Plain and Wetland Areas, lot dimensions, lot size, dimensions of proposed structures, sideline, front and rear offsets and setback distances, (measured to the face of structure) and elevation of top of foundations and garage floor. For new construction, lot coverage, building height calculations proposed grading and drainage of recharge structures. For pool permits, plot plans shall also show fence surrounding pool with a gate, proposed pool and any accessory structures*, offsets from all structures and property lines, existing elevations at nearest house corners and pool corners, nearest storm drain catch basin (if any) and, sewage disposal system location in areas with no public sewer. (*Accessory structures may require a separate building permit — See Building Code)

I hereby certify that the information provided on this plan is accurately shown and correct as indicated.

The above is subscribed to and executed by me this 5 day of April 20 22

Name James W. Nieva Registered Land Surveyor No. 39399

Address 206 Dedham Street, City Norfolk State MA Zip 02056 Tel. No. (508) 384-3990

Approved _____ Director of Public Works Date _____

Approved _____ Building Inspector Date _____

No Ent. Required.

Eng's Copy

154

TOWN OF NEEDHAM, MASS.
Building Inspection Department

Sewer ☐
Water ☐
Drain ☐

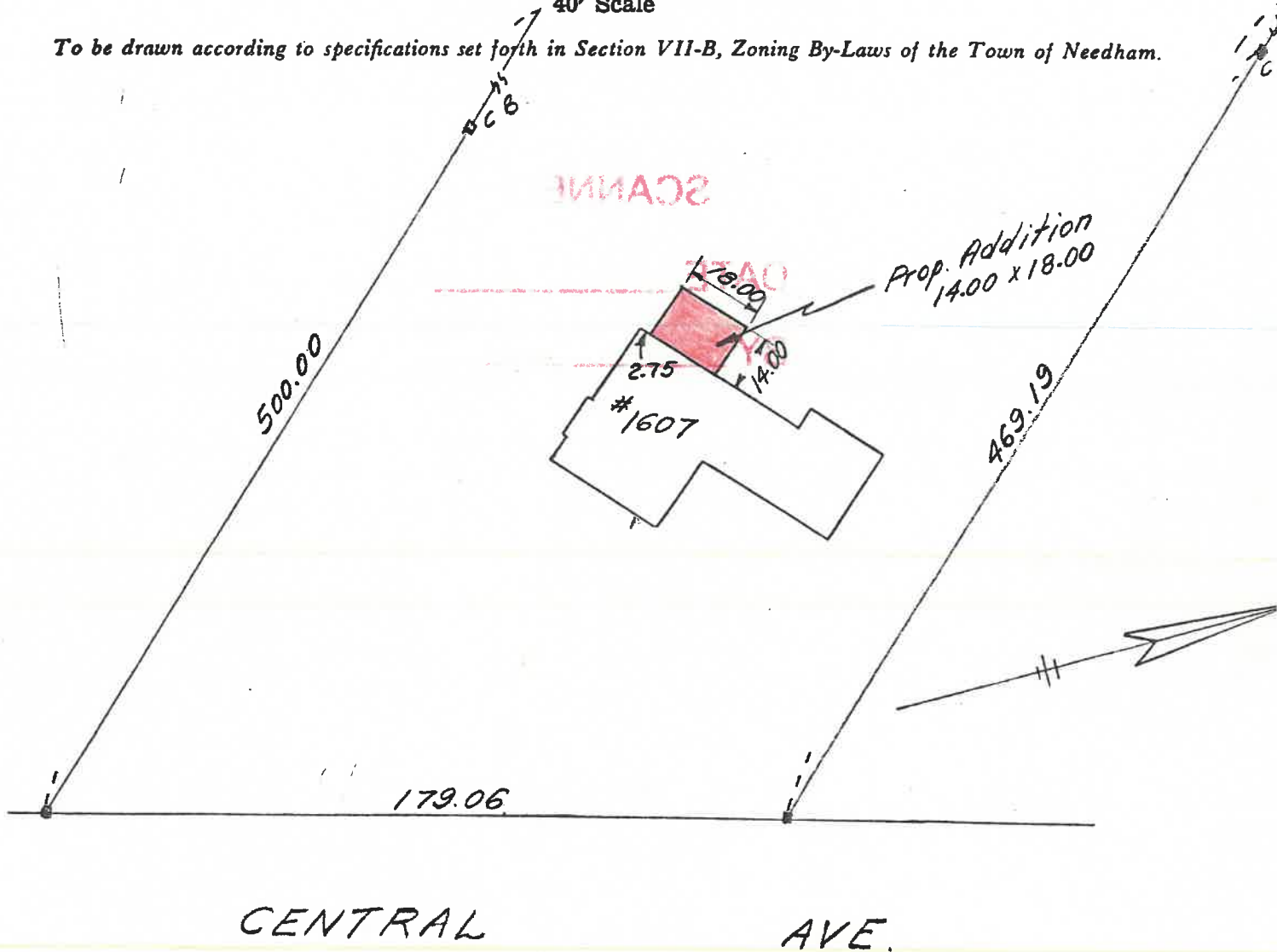
Building Permit No. 2372 At No. 1607 Central Ave.

Lot Area 3.516 Acres Zone Setback 30' (Addition)

Owner George R. Leroux Builder David Wagstaff

PLOT PLAN
40' Scale

To be drawn according to specifications set forth in Section VII-B, Zoning By-Laws of the Town of Needham.



Assessors Office

I hereby certify that the existing and approved street grades, existing sewers, drains, gas lines, water mains and other Public Utilities are accurately shown on this plan and that the dimensions, side line offsets and setback distances (allowing for overhangs), elevation of the top of the foundation and garage floor, and elevations at lot corners on street line for grading along lot line bordering the street are correct as indicated on this plan.

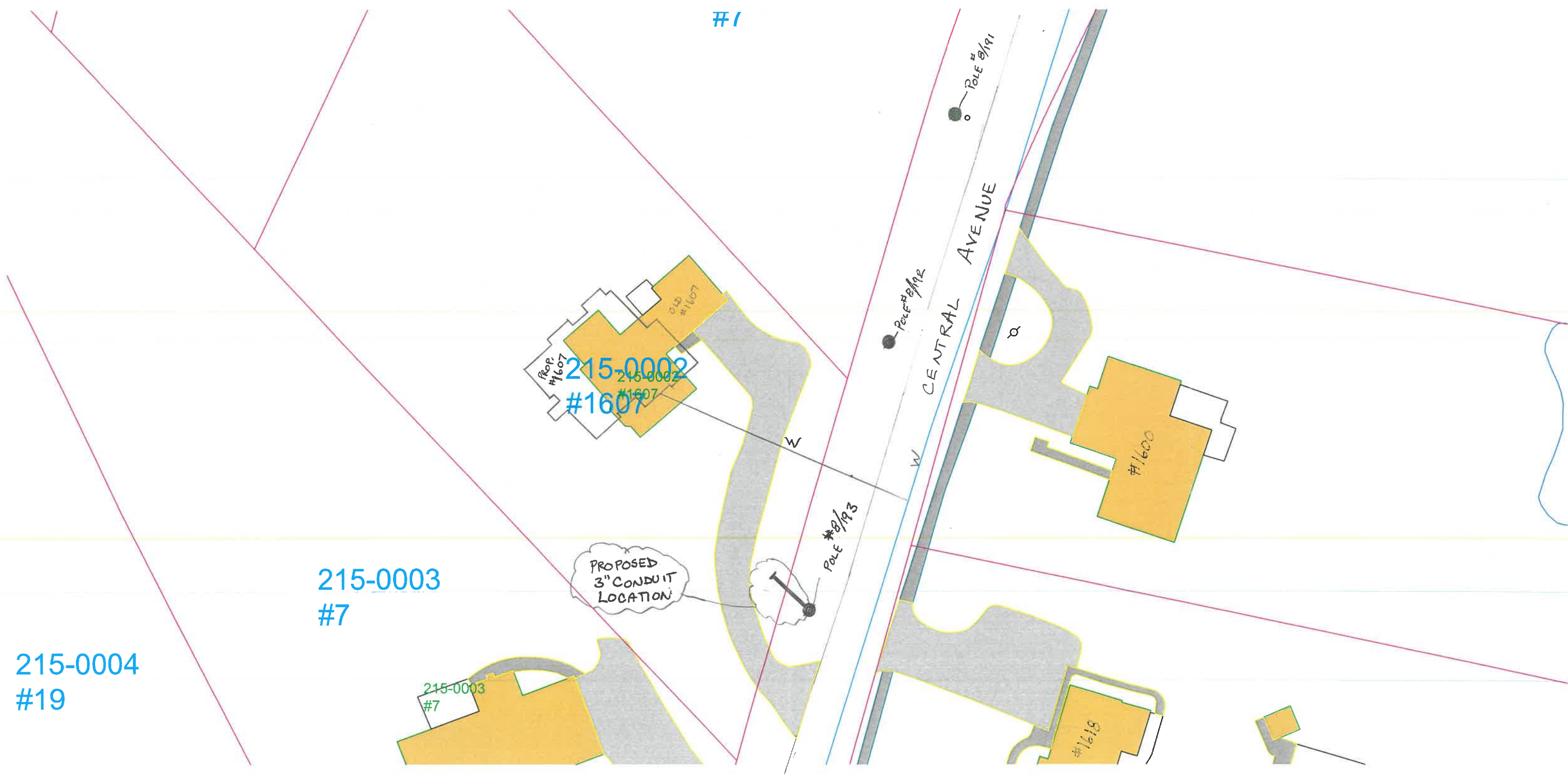
The above is subscribed to and executed by me this 16th day of Sept 1972

Approved [Signature] Supt. of Public Works Date 9/18/72

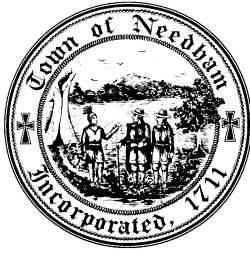
Approved [Signature] Building Inspector Date 9/18/72

Occupancy permit will not be issued until the conditions as to lines and grades and drainage facilities have been fully complied with.

N
1"=40'







NOTICE

To the Record

You are hereby notified that a public hearing will be held **at 6:00 p.m. on June 28, 2022, via Zoom and in person at Powers Hall, Town Hall, 1471 Highland Avenue, Needham, MA 02492** upon petition of Eversource Energy dated **June 14, 2022**, to install approximately 22 feet of conduit in Central Ave. This work is necessary to provide electric service to 1607 Central Avenue, Needham, MA.

A public hearing is required, and abutters should be notified.

If you have any questions regarding this petition, please contact Joanne Callender, Eversource Energy representative at (781) 314-5054.

Marianne B. Cooley
Marcus A. Nelson
Kevin Keane
Matthew D. Borrelli
Heidi Frail

SELECT BOARD

You are invited to a Zoom webinar.

<https://us02web.zoom.us/j/86292653911?pwd=c3g5MENwUWlGMlhmWWRBSDc0bVgzdz09>

Passcode: 710279

Webinar ID: 862 9265 3911

Dated: June 22, 2022

1607 CENTRAL AVENUE

PARCEL ID	OWNER NAME 1	OWNER NAME 2	MAILING ADDRESS	CITY	ST	ZIP
199/213.0-0002-0000.0	NEEDHAM MARSHFIELD PROPERTIES LLC		P. O. BOX 920486	NEEDHAM	MA	02492-
199/212.0-0008-0000.0	FRASCOTTI, JOHN		77 BRIDLE TRAIL RD	NEEDHAM	MA	02492-
199/215.0-0001-0000.0	O'CONNELL, ANDREW B. &	O'CONNELL, JULIE L	7 STARR RIDGE	NEEDHAM	MA	02492-
199/213.0-0003-0000.0	FENTON, COLIN P. &	FENTON, AUDREY M	17 CARLTON DR.	NEEDHAM	MA	02492-
199/215.0-0002-0000.0	BARD, JENNIFER H		1607 CENTRAL AVE	NEEDHAM	MA	02492-
199/215.0-0039-0000.0	SULLIVAN, TIMOTHY W. &	SULLIVAN, KATHRYN E	21 STARR RIDGE	NEEDHAM	MA	02492-
199/213.0-0078-0000.0	HANIFIN, NOAH P		1600 CENTRAL AVE	NEEDHAM	MA	02492-
199/215.0-0003-0000.0	SCHARF, STEPHEN &	SCHARF, TAMARA	7 PINE ST	NEEDHAM	MA	02492-
199/213.0-0002-0000.0	NEEDHAM MARSHFIELD PROPERTIES LLC		P. O. BOX 920486	NEEDHAM	MA	02492-
199/212.0-0008-0000.0	FRASCOTTI, JOHN		77 BRIDLE TRAIL RD	NEEDHAM	MA	02492-
199/215.0-0001-0000.0	O'CONNELL, ANDREW B. &	O'CONNELL, JULIE L	7 STARR RIDGE	NEEDHAM	MA	02492-
199/213.0-0003-0000.0	FENTON, COLIN P. &	FENTON, AUDREY M	17 CARLTON DR.	NEEDHAM	MA	02492-
199/215.0-0002-0000.0	BARD, JENNIFER H		1607 CENTRAL AVE	NEEDHAM	MA	02492-
199/215.0-0039-0000.0	SULLIVAN, TIMOTHY W. &	SULLIVAN, KATHRYN E	21 STARR RIDGE	NEEDHAM	MA	02492-
199/213.0-0078-0000.0	HANIFIN, NOAH P		1600 CENTRAL AVE	NEEDHAM	MA	02492-
199/215.0-0003-0000.0	SCHARF, STEPHEN &	SCHARF, TAMARA	7 PINE ST	NEEDHAM	MA	02492-

Certified as list of parties in interest under Mass. General Laws and Needham Zoning By-Law, to the Best of our knowledge
for the Needham Board of Assessors.....



**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 6/28/2022

Agenda Item	Public Hearing: Alcohol License Hearing – New Garden Inc., d/b/a New Garden Restaurant
Presenter(s)	• Raymond So, Manager • John Schlittler, Chief of Police

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
The Select Board, as the local licensing authority, will hold a public hearing in accordance with the provisions of M.G.L. c. 138 Sections 12, 34, 64, and 67 and Town of Needham Alcohol Regulations. The purpose of the hearing will be to consider the modification, suspension, revocation, or cancellation of the Section 12 Restaurant All Alcohol License for New Garden Inc., d/b/a New Garden Restaurant. Representatives of the Police Department will be present to provide evidence.	
2.	VOTE REQUIRED BY SELECT BOARD
a. Move that the Select Board _____ <i>[finds OR does not find]</i> sufficient evidence that, on April 1, 2022, New Garden Inc., d/b/a New Garden Restaurant violated 204 CMR 2.05(2) permitting an illegality on the licensed premises, to wit: Chapter 138, Section 34, sale or delivery of an alcoholic beverage to a person under twenty-one years of age; <i>(should such evidence be found)</i> and b. Move that the Select Board suspend New Garden Inc., d/b/a New Garden Restaurant's Section 12 Restaurant All Alcoholic Liquor License for a period of _____ days to be served _____ <i>[immediately and consecutively OR consecutively on set dates in the future to be provided to the Board in writing];</i> and c. Move that the Select Board authorize the Town Manager to draft and send notice of the Select Board's decision to the Licensee and to the Alcoholic Beverages Control Commission.	



**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

3.

BACK UP INFORMATION ATTACHED

- a. Violation Notice
- b. Five-Year Lookback Summary of Compliance Check Violations by New Garden Inc., d/b/a New Garden Restaurant and Penalties Imposed
- c. M.G.L. Chapter 138 Sections 12, 34, 64, and 67
- d. Town of Needham Alcohol Regulations



TOWN OF NEEDHAM
Town Hall
1471 Highland Avenue
Needham, MA 02492-2669

**Office of the
Town Manager**

Telephone: (781) 455-7500
Email: OTM@NeedhamMA.gov

June 22, 2022

Raymond So
New Garden Inc., d/b/a New Garden Restaurant
40 Chestnut Place
Needham, MA 02492

7021 1970 0001 6226 1515

Dear Raymond So:

On May 20th, 2022 you met with the Chair and Vice Chair of the Needham Select Board and me to discuss the report by the Needham Police Department that your staff served alcoholic beverages to a person under twenty-one years of age during a compliance check on April 1st, 2022, in violation of Massachusetts General Laws, Chapter 138, Section 34.

You provided an account of the encounter, prior violations, and steps taken to ensure that future service to underage persons does not occur, to include a discussion on TIPS certification for all service staff and new practices and procedures employed by your establishment. While we appreciate your seriousness in addressing this matter, the number of compliance check failures at your establishment over the prior five years requires the Board to hold a public hearing to deliberate the penalty that may be enforced for this most recent violation.

This letter is to inform you that **your public hearing will take place on Tuesday, June 28th, 2022 at 6:00 PM in Needham Town Hall, Select Board Chambers.** Should unforeseen circumstances leave you unable to attend in person, please contact my staff by email at mtucker@needhamma.gov and kscoble@needhamma.gov to receive a Zoom link.

The Town of Needham takes its responsibility for licensing liquor establishments seriously. The Select Board is committed to ensuring that the Town remains a community where only safe, responsible service of alcoholic beverages is permitted. If you have any questions, please do not hesitate to contact our office.

Respectfully,

Kate Fitzpatrick
Town Manager

cc: Select Board
John Schlittler, Chief of Police
Tim McDonald, Director of Health and Human Services
Myles Tucker, Support Services Manager

Name	Section	Type	Address	Penalty
New Garden Inc., d/b/a New Garden Restaurant	Section 12	All Alcoholic	40 Chestnut Place	6-4-2019 (T) Warning
New Garden Inc., d/b/a New Garden Restaurant	Section 12	All Alcoholic	40 Chestnut Place	12/1/2021 (T) one-day suspension served on Tues 2/28/22
New Garden Inc., d/b/a New Garden Restaurant	Section 12	All Alcoholic	40 Chestnut Place	4/6/2022 - TBD

Part I ADMINISTRATION OF THE GOVERNMENT**Title XX** PUBLIC SAFETY AND GOOD ORDER**Chapter 138** ALCOHOLIC LIQUORS**Section 12** LICENSES AUTHORIZING SALE OF BEVERAGES TO BE DRUNK ON PREMISES; VETERANS' ORGANIZATIONS, CORPORATIONS, ETC.; SUSPENSION OR REVOCATION; HOURS OF SALE; LIQUEURS AND CORDIALS; LIQUOR LEGAL LIABILITY INSURANCE REQUIREMENT

Section 12. A common victualler duly licensed under chapter one hundred and forty to conduct a restaurant, an innholder duly licensed under said chapter to conduct a hotel, a pub brewer, a continuing care retirement community and a keeper of a tavern as defined by this chapter, in any city or town wherein the granting of licenses under this section to sell all alcoholic beverages or only wines and malt beverages, as the case may be, is authorized by this chapter, subject however, in the case of a tavern, to the provisions of section eleven A, may be licensed by the local licensing authorities, subject to the prior approval of the commission, to sell to travelers, strangers and other patrons and customers not under twenty-one years of age, such beverages to be served and drunk, in case of a hotel or restaurant or continuing care retirement community licensee, only in the dining room or dining rooms and in such other public rooms or areas of a hotel as the local licensing authorities may deem reasonable

and proper, and approve in writing; and provided further, that the limitations relative to service and consumption in a restaurant or hotel or continuing care retirement community only in the dining rooms and such other public rooms or areas deemed reasonable and proper by the local licensing authority shall not be deemed to preclude the restaurant or hotel from allowing a patron to retain and take off the premises only so much as may remain of a bottled wine purchased by the patron in conjunction with a meal and not totally consumed by the patron during such meal; provided further, that the limitations relative to service and consumption in a tavern, club or war veterans' organization licensed pursuant to this section shall not be deemed to preclude the tavern, club or war veterans' organization from allowing a patron, member or guest, as the case may be, to retain and take off the premises only so much as may remain of a bottled wine purchased by the patron, member or guest in conjunction with a meal and not totally consumed by the patron, member or guest during such meal; provided further, that all such wine bottles shall be resealed in accordance with regulations promulgated by the commission and transported in a manner authorized in section 24I of chapter 90 when carried in a motor vehicle, as defined in section 1 of said chapter 90; provided, that no tavern license shall be granted to the holder of a hotel license hereunder. Such sales may also be made, by an innholder licensed hereunder, to registered guests occupying private rooms in his hotel, and in the dining room or dining rooms and in such other public rooms or areas of buildings on the same premises as the hotel and operated as appurtenant and contiguous to and in conjunction with such hotel, and to registered guests occupying private rooms in such buildings and in the case of condominium accommodations that are located appurtenant and contiguous to and also upon the same premises as a hotel, sales may be

made by the hotel licensee as the local licensing authorities may deem reasonable and proper, and approve in writing. Such sales may also be made by a continuing care retirement community licensed hereunder, to residents or guests of residents in rooms in a continuing care retirement community, and in the dining rooms and in such other public rooms or areas of buildings on the same premises as the continuing care retirement community and operated as appurtenant and contiguous to and in conjunction with such continuing care retirement community, and to guests of residents in such buildings; provided, however, that such sales may be made by the continuing care retirement community licensee as the local licensing authorities may deem reasonable and proper and approve in writing. Such sales may be made by a restaurant licensee at such stands or locations in a sports arena, stadium, ball park, race track, auditorium or in any one building at an airport as the local licensing authority may deem reasonable and proper, and approve in writing. A local licensing authority may grant a license for the sale of all alcoholic beverages or a license for the sale of wines and malt beverages at any location on the grounds of a golf course as it deems reasonable and proper. Upon an application for a restaurant license, the local licensing authorities may in their discretion grant such a license authorizing the sale of alcoholic beverages on all days of the week or one authorizing such sale on secular days only, and the decision of such authorities as to which of the two types may be granted upon any particular application shall be final. During such time as the sale of such alcoholic beverages is authorized in any city or town under this chapter, the authority to grant innholders' and common victuallers' licenses therein under chapter one hundred and forty shall be vested in the local licensing authorities; provided, that if a person applies for the renewal of both a common

victualler's license or an innholder's license under said chapter one hundred and forty and a hotel or a restaurant license, as the case may be, under this section and the local licensing authorities refuse to grant said common victualler's or innholder's license or fail to act on the applications therefor within a period of thirty days, such applicant may appeal therefrom to the commission in the same manner as provided in section sixty-seven and all the provisions of said section relative to licenses authorized to be issued by local licensing authorities under this chapter shall apply in the case of such common victualler's license or innholder's license.

If a license granted under this section to a person holding a license as an innholder or common victualler is suspended or revoked for any particular cause, no action shall be taken on account thereof by such authorities with respect to such innholder's or common victualler's license prior to the expiration of the period provided for an appeal under section sixty-seven in case no such appeal is taken, or prior to the disposition of any such appeal so taken, nor thereafter, except for further cause, in case such disposition is in favor of the appellant. Any club in any city or town wherein the granting of licenses to sell alcoholic beverages, or only wines and malt beverages, as the case may be, is authorized under this chapter may be licensed by the local licensing authorities, subject to the approval of the commission, to sell such beverages to its members only, and also, subject to regulations made by the local licensing authorities, to guests introduced by members, and to no others. A member of a club licensed under this section may bring wine to be consumed on the premises with a meal purchased at the club, unless the club objects, which it may do at its sole discretion. At all times the club shall control the handling, serving and dispensing of wine in accordance with this chapter and may refuse to

pour wine for any patron for any reason or for no reason, regardless of whether bottles are opened or unopened. Unopened bottles shall be returned to the patron who shall remove such bottles from the premises at the conclusion of the event, and open bottles shall be returned and resealed in accordance with regulations promulgated by the commission and transported in a manner authorized by section 24I of chapter 90 when carried in a motor vehicle, as defined in section 1 of said chapter 90. The club shall set and charge a reasonable corkage fee, which shall be added to the member's meal expense. Such fee shall be set at not less than \$30 and shall be applied to each bottle of wine that is opened.

The local licensing authorities of any city or town wherein the granting of licenses under this section to sell all alcoholic beverages or only wines and malt beverages, as the case may be, is authorized by this chapter, may, subject to the approval of the commission and irrespective of any limitation of number of licenses contained in section seventeen, issue a license to any corporation the members of which are war veterans and which owns, hires or leases in such city or town a building, or space in a building, for the use and accommodation of a post of any war veterans' organization incorporated by the Congress of the United States, to sell such beverages to the members of such post only, and also, subject to regulations made by the local licensing authorities, to guests introduced by such members and to no others.

The local licensing authorities may determine in the first instance, when originally issuing and upon each annual renewal of licenses under this section, the amount of the license fee, for a tavern license or for any other license under this section for the sale of all alcoholic beverages, or for any other license under this section for the sale of wines and malt beverages, and provided that nothing herein shall prevent such authorities

from establishing license fees differing in amounts within the limitations aforesaid for restaurant licenses authorizing such sale on secular days only. If different license fees are so established the fee for licenses authorizing the sale of alcoholic beverages on all days of the week shall not be more than twenty-five per cent higher than the fee for licensing such sale on secular days only. Before issuing a license to any applicant herefor under this section, or before a renewal of such license, the local licensing authority shall cause an examination to be made of the premises of the applicant to determine that such premises comply in all respects with the appropriate definition of section one and that the applicant is not less than twenty-one years of age and a person of good character in the city or town in which he seeks a license hereunder. No license shall be issued to any applicant who has been convicted of a violation of a federal or state narcotic drugs law.

The local licensing authorities may accept the surrender of a license issued under this section and may issue in place thereof to the same licensee any other form of license authorized under this section, and may allow as a credit on the fee for the new license the license fee paid for the license surrendered but no refund shall be authorized. Different licenses issued as aforesaid for any portion of the same license year to the same licensee shall count as one license for the purposes of section seventeen.

The hours during which sales of such alcoholic beverages may be made by any licensee as aforesaid shall be fixed by the local licensing authorities either generally or specially for each licensee; provided, however, that no such sale shall be made on any secular day between the hours of two and eight o'clock antemeridian and that, except as provided in section thirty-three, no such licensee shall be barred from making such sales on any such day after eleven o'clock antemeridian and before eleven

o'clock postmeridian, and no tavern shall be kept open on any such day between one o'clock antemeridian and eight o'clock antemeridian; provided, further, that any such licensee or his manager shall not be prohibited from being on the licensed premises at any time; provided, further, that the employees, contractors or subcontractors shall not be prohibited from being upon such premises at any time for the purpose of cleaning, making renovations, making emergency repairs to or providing security for, such premises or preparing food for the day's business or opening or closing the business in an orderly manner. The licensing authority shall not decrease the hours during which sales of such alcohol beverages may be made by a licensee until after a public hearing concerning the public need for such decrease; provided, however, that a licensee affected by any such change shall be given 2 weeks notice of the public hearing.

No license issued under this section shall be subject to any condition or requirement varying the occupancy of the licensed premises as certified by any person or state or local agency charged with the administration or enforcement of the state building code or any of its rules or regulations.

No person, firm, corporation, association or other combination of persons, directly or indirectly, or through any agent, employee, stockholder, officer or other person, or any subsidiary whatsoever, licensed under the provisions of sections eighteen or nineteen shall be granted a license under this section.

In cities and towns which vote to authorize under section eleven the granting of licenses for the sale of all alcoholic beverages, specific licenses may nevertheless be granted under this section for the sale of wines or malt beverages only, or both. The licensing authorities may

refuse to grant licenses under this section in certain geographical areas of their respective cities or towns, where the character of the neighborhood may warrant such refusal.

All malt beverages sold by a licensee under this section containing not more than three and two tenths per cent of alcohol by weight shall be expressly sold as such.

No malt beverage shall be sold on draught from a tap, faucet or other draughting device, unless there shall plainly appear on or attached to such device, in legible letters, the brand or trade name of the malt beverage so sold therefrom.

In any city or town wherein the granting of licenses under this section to sell alcoholic beverages or wines and malt beverages is authorized, a person may be granted a general on-premise license by the local licensing authorities, subject to the prior approval of the commission, authorizing him to sell alcoholic beverages without food to patrons and customers subject to all other relevant provisions of this chapter, provided that such beverages shall be sold and drunk in such rooms as the licensing authorities may approve in writing. The annual license fee for such general on-premise license shall be determined by the local licensing authority. For the purposes of section eleven an affirmative vote on subdivision A or B shall be considered an authorization for the granting of general on-premise licenses in a city or town.

A common victualler who holds a license pursuant to this section may provide on premises sample wine or malt beverage tasting; provided however, that such licensee shall not solicit orders for wine or malt for off premises consumption; and provided further, that any such wine

tasting shall be limited to one ounce per serving and any such malt beverage tasting shall be limited to two ounces per serving and food shall be served in conjunction with any such wine or malt beverage tasting.

In any city or town which votes to accept the provisions of this paragraph, a common victualler, who holds a license under this section to sell wines and malt beverages may, upon written approval, also sell liqueurs and cordials pursuant to said license, subject, however, to all other licensing provisions of this chapter.

A common victualler who holds a license for the sale of all alcoholic beverages or holds a license for the sale of wines and malt beverages and who also holds pursuant to this section written approval to sell liqueurs and cordials pursuant to his license may provide on-premises sample liqueurs and cordials tasting; provided however, that a licensee shall not solicit orders for liqueurs and cordials for off-premises consumption; and provided, further, that any such liqueurs and cordials tasting shall be limited to 1/4 of an ounce per serving and food shall be served in conjunction with any liqueurs and cordials tasting.

A common victualler who holds a license for the sale of all alcoholic beverages may provide on premises sample alcoholic beverages tasting; provided, however, that a licensee shall not solicit orders for alcoholic beverages for off-premises consumption; and provided further, that any tasting of alcoholic beverages, other than wines and malt beverages, shall be limited to 1/4 of an ounce per serving and food shall be served in conjunction with any alcoholic beverages tasting.

No license shall be issued or renewed under this section until the applicant or licensee provides proof of coverage under a liquor legal liability insurance policy for bodily injury or death for a minimum

amount of \$250,000 on account of injury to or death of 1 person, and \$500,000 on account of any 1 accident resulting in injury to or death of more than 1 person. Proof of the insurance coverage required by this section shall be made by filing a certificate of insurance in a form acceptable to the local licensing authority. The insurance shall be subject to sections 5 and 6 of chapter 175A of the General Laws.

Part I ADMINISTRATION OF THE GOVERNMENT**Title XX** PUBLIC SAFETY AND GOOD ORDER**Chapter 138** ALCOHOLIC LIQUORS**Section 34** SALE, DELIVERY OR FURNISHING ALCOHOLIC BEVERAGES
TO PERSONS UNDER TWENTY-ONE YEARS OF AGE;
EMPLOYMENT OF PERSONS UNDER EIGHTEEN YEARS OF
AGE

Section 34. No person shall receive a license or permit under this chapter who is under 21 years of age. Whoever makes a sale or delivery of any alcoholic beverage or alcohol to any person under 21 years of age, either for his own use or for the use of his parent or any other person, or whoever, being a patron of an establishment licensed under section 12 or 15, delivers or procures to be delivered in any public room or area of such establishment if licensed under section 12, 15, 19B, 19C or 19D or in any area of such establishment if licensed under said section 15, 19B, 19C or 19D any such beverages or alcohol to or for use by a person who he knows or has reason to believe is under 21 years of age or whoever procures any such beverage or alcohol for a person under 21 years of age in any establishment licensed under section 12 or procures any such beverage or alcohol for a person under 21 years of age who is not his child, ward or spouse in any establishment licensed under said section 15, 19B, 19C or 19D or whoever furnishes any such beverage or alcohol for

a person under 21 years of age shall be punished by a fine of not more than \$2,000 or by imprisonment for not more than one year or both. For the purpose of this section the word "furnish" shall mean to knowingly or intentionally supply, give, or provide to or allow a person under 21 years of age except for the children and grandchildren of the person being charged to possess alcoholic beverages on premises or property owned or controlled by the person charged. Nothing in this section shall be construed to prohibit any person licensed under this chapter from employing any person 18 years of age or older for the direct handling or selling of alcoholic beverages or alcohol.

Notwithstanding the provisions of clause (14) of section 62 of chapter 149, a licensee under this chapter may employ a person under the age of 18 who does not directly handle, sell, mix or serve alcohol or alcoholic beverages.

Part I ADMINISTRATION OF THE GOVERNMENT**Title XX** PUBLIC SAFETY AND GOOD ORDER**Chapter 138** ALCOHOLIC LIQUORS**Section 64** SUSPENSION OR REVOCATION OF LICENSE; HEARING;
NOTICE; DISQUALIFICATION; SURRENDER OF LICENSE;
REFUNDS

Section 64. The licensing authorities after notice to the licensee and reasonable opportunity for him to be heard by them, may modify, suspend, revoke or cancel his license upon satisfactory proof that he has violated or permitted a violation of any condition thereof, or any law of the commonwealth. If at any hearing a licensee is charged with serving or selling alcohol or alcoholic beverages to a person under twenty-one years of age, written notice of said allegations shall be sent by the licensing authorities to the parent or guardian of such person. If the license is revoked, the licensee shall be disqualified to receive a license for one year after the expiration of the term of the license so revoked, and if he is the owner of the premises described in such revoked license, no license shall be issued to be exercised on said premises for the residue of the term thereof.

If it appears to the commission that a license has been issued under this chapter by the local licensing authorities in excess of the quota prescribed by section seventeen or in violation of section sixteen A or any other provision of this chapter, the commission shall, after notice to said authorities and to the holder of such license and after reasonable opportunity for them to be heard by it, revoke such license, whereupon such license shall be surrendered to said authorities, and the decision of the commission shall be final and conclusive. The holder of a license so revoked shall not be subject to prosecution for any sales theretofore made by him under such license on the ground that such license was illegally issued. The city or town whose licensing authorities issued any license so revoked shall forthwith refund to the holder thereof the entire fee paid therefor and authority is hereby granted to such city or town to pay the same out of any funds available.

Part I ADMINISTRATION OF THE GOVERNMENT**Title XX** PUBLIC SAFETY AND GOOD ORDER**Chapter 138** ALCOHOLIC LIQUORS**Section 67** APPEALS ON REFUSAL TO GRANT OR REVOCATION OF
LICENSE; HEARING; NOTICE OF APPROVAL; REVOCATION
BY COMMISSION; REAPPEAL

Section 67. Any applicant for a license who is aggrieved by the action of the local licensing authorities in refusing to grant the same, or by their failure to act within the period of thirty days limited by section sixteen B, or any person who is aggrieved by the action of such authorities in modifying, suspending, cancelling, revoking or declaring forfeited the same, may appeal therefrom to the commission within five days following notice of such action or following the expiration of said period, upon petition in writing, setting forth all the material facts in the case.

The commission shall hold a hearing upon each such appeal, requiring due notice to be given to all interested parties. The decision of the commission shall be made not later than thirty days after the completion of the hearing.

If the commission approves the action of the local licensing authorities it shall issue notice to them to that effect, but if the commission disapproves of their action it shall issue a decision in writing advising

said local authorities of the reasons why it does not approve, and shall then remand the matter to the said local authorities for further action. The commission shall not in any event order a license to be issued to any applicant except after said applicant's application for license has first been granted by the local authorities.

Pending a decision on the appeal, the action of the local licensing authorities shall have the same force and effect as if the appeal had not been taken. Upon the petition of twenty-five persons who are taxpayers of the city or town in which a license has been granted by such authorities, or who are registered voters in the voting precinct or district wherein the licensed premises are situated, the commission shall, or upon its own initiative the commission may, investigate the granting of such a license or the conduct of the business being done thereunder, and shall, after a hearing, modify, suspend, revoke or cancel such license if, in its opinion, circumstances warrant.

If the local licensing authorities fail to suspend, revoke, cancel or declare forfeited a license or to perform any other disciplinary act when lawfully ordered so to do by the commission upon appeal or otherwise, within such reasonable time as it may prescribe, the commission may itself revoke such license or perform such act, with the same force and effect as if issued or performed by the local licensing authorities, but no license shall be issued by the commission except in ratification of a prior issuance to the same party by the local authorities.

In any case in which the commission finds during said hearing that the licensee pursuant to section 12 has served or sold alcohol or alcoholic beverages to either a person under 21 years of age in violation of section 64 or to an intoxicated person in violation of section 69 within the 24

months immediately preceding the date of the alleged violation which is the subject of the hearing, said commission may, in addition to any other sanctions or conditions it may impose, require as a condition precedent to any modification, reinstatement or renewal of said license thereafter that the licensee provide a certificate of insurance for liquor liability of the licensee to a limit of not less than \$100,000 to any one person and \$200,000 to all persons; provided, however, that if the licensee is required to obtain insurance coverage under said section 12, then the licensing authority may increase the limits set by said section 12. In any other case in which the commission may act pursuant to this section, it may increase, but not decrease, the limits of liquor liability insurance, if any, required by the local licensing authorities as a condition precedent to the modification, reinstatement or renewal of a license.

After receipt by the local licensing authorities of a decision from the commission as set forth in the third paragraph hereof, any applicant for renewal of a license or any licensee who is aggrieved by the action of the local licensing authorities modifying, cancelling, revoking or declaring forfeited a license or failing to issue a license, which would in effect renew for one year a license held during the previous year by the applicant may, if the said local licensing authority fails within five days after receipt of said decision to take the action recommended therein, again appeal to the commission, upon petition in writing setting forth all the material facts in the case. In the event of such reappeal, the commission shall hold a hearing on such reappeal, requiring due notice to be given to all interested parties. If the commission, on such reappeal approves the action of the local licensing authorities, it shall issue notice to them to that effect, but if the commission disapproves their action, it shall issue a decision in writing advising said local authorities of the

reasons why it does not approve. This decision of the commission on reappeal shall be final; provided, that in no event shall the commission order the local licensing authorities to issue any licenses to an applicant not a party to the appeal. If the local licensing authorities fail to issue a license which would have the effect of renewing for one year a license held by the applicant during the previous year, subject to the limitation set forth herein, or to perform any other act when lawfully ordered so to do by the commission upon reappeal, within such time as it may prescribe, the commission may itself, after such reappeal, issue such license to a party to the appeal or perform such act, with the same force and effect as if issued or performed by the local licensing authorities.

Hearings by the commission on appeals as required by the provisions of this section may be held in the discretion of the commission when required by public convenience or shall be held upon written request of twenty-five persons who are taxpayers of the city or town in which the license is intended to be exercised, in the nearest of the following cities or towns to the city or town in which the license is intended to be exercised:—Pittsfield, Greenfield, Springfield, Worcester, Fitchburg, Boston, Barnstable, New Bedford, Brockton, Lowell or Salem.

Upon the receipt of such appeal the commission shall forthwith notify the local licensing authorities thereof by mailing registered mail and said request shall be made within ten days of such mailing.



TOWN OF NEEDHAM

REGULATIONS FOR THE SALE OF ALCOHOLIC BEVERAGES

- I. Types of Licenses to be Granted in Needham
- II. Compliance
- III. Special License Provisions
- IV. General Rules and Regulations Applicable to Holders of Licenses to Sell Alcoholic Beverages within the Town
- V. Rules and Regulations for the Sale of Alcoholic Beverages by Innholders
- VI. Rules and Regulations Applicable to the Sale of Alcoholic Beverages in Restaurants and Function Rooms
- 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)
- VIII. Rules and Regulations applicable to One-Day Special Event Licenses
- IX. Rules and Regulations applicable to Package Stores
- X. Violations – Determination of Penalties

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)

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 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. 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 Board to eligible restaurants, clubs, veterans' organizations, innholders licensees, package stores and, with noted exceptions, one-day special event licensees. The Licensing Board reserves the right to add to, amend, modify or revoke these rules and regulations at such time or times as the Licensing Board deems appropriate.

Subject to further limitations fixed or from time to time modified by the Select Board with respect to a particular license, the General Laws of Massachusetts and the regulations of the Alcoholic Beverages Control Commission, the following rules and regulations shall be in full force and effect:

- 4.1 Fire Safety Inspections (applicable to Restaurants, Innholders & Clubs only)
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.
- 4.2 Hours of Operation
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. 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. 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.

- 4.2.1 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.
- 4.2.2 No patron shall be served or sold alcoholic beverages within the licensed premises before or after the hours stated in the license.
- 4.2.3 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.
- 4.2.4 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.
- 4.2.5 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, 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.

4.3 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.

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

4.4.1 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

4.4.2 Insurance

No license shall be issued for the sale of alcoholic beverages (one day special 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.

4.4.3 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.

4.4.3.1 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.

4.4.3.2 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.

4.4.4 Floorplans – On Premises Licenses (M.G.L. Ch 138 s.12)

4.4.4.1 With the exception of applicants for package store licenses and a one-day special events license and without limiting the application of 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 and cocktail lounges (for innkeepers license only);
- 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) all rooms not being requested to be licensed shall be labeled as to their function, such as, kitchen, coatroom, lobby, etc.;

- j) total occupant load; and
- k) other spaces, 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.

4.4.4.2 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.

4.4.4.3 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.

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;
- c) 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.

4.6 General and Miscellaneous Provisions

4.6.1 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 (k). This does not apply to package stores.

- 4.6.2 No licensee shall sell alcoholic beverages in any part of the premises not specified on this license. 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.
- 4.6.3 The licensed premises must be well lighted at all times.
- 4.6.4 There shall be no indecent or immoral entertainment on the licensed premises.
- 4.6.5 Gambling, lotteries, or other illegal machines or games are prohibited except as otherwise permitted by law.
- 4.6.6 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.
- 4.6.7 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 and one day licenses are excluded from this provision.
- 4.6.9 No licensed restaurant or package store may permit the use of any amusement service such as electronic games on the premises.
- 4.6.10 Service of alcoholic beverages shall be by a server/wait person (applicable to on premise licensees only).
- 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.
- c) 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.

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

V. RULES AND REGULATIONS FOR THE SALE OF ALCOHOLIC BEVERAGES BY INNOLDERS

Subject to further limitations fixed or from time to time modified by the Select Board with respect to a particular license, the General Laws of Massachusetts and the regulations of the Alcoholic Beverages Control Commission, the following rules and regulations shall be in full force and effect:

- 5.1 No application for an alcoholic beverage license shall be accepted except from qualified owners of a hotel having a dining room capacity of not less than ninety-nine [99] persons and living capacity of not less than fifty [50] rooms.
- 5.2 Each applicant shall submit to the Select Board with each application for a license a floor plan of the building or that portion of the building on which is clearly marked and designated the location of the proposed seating arrangement, service bars,

dining rooms, function rooms or other rooms in which approval of the Select Board for the sale of alcoholic beverages is requested.

- 5.3 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.
- 5.4 The Service of alcoholic beverages to the room of any registered guest is prohibited unless otherwise authorized by the Select Board.

VI. RULES AND REGULATIONS APPLICABLE TO THE SALE OF ALCOHOLIC BEVERAGES IN RESTAURANTS AND FUNCTION ROOMS

Subject to further limitations fixed or from time to time modified or amended by the Select Board acting as the duly constituted Licensing Board of the Town of Needham with respect to this class of license, the General Laws of Massachusetts and the Regulations of the Alcoholic Beverages Commission, the following rules and regulations shall be in full force and effect:

- 6.1 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.
- 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.
- 6.4 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 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.
- 6.5 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.

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:

- 7.1 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 Licensing Board.
- 7.2 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.
- 7.3 Each 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 Board.
- 7.4 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.
- 7.5 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.

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.

- 8.1 Request for the sale of alcohol under a Special License is limited to between the hours of 11:00 a.m. and 12:00 a.m. on secular days and 12:00 p.m. and 12:00 a.m. on Sundays.
- 8.2 One-Day licenses are exempt from the legal notice and publication requirements.

- 8.3 No special event license will be granted to a licensed premise of any person whose application for a license is pending before the licensing authorities.
- 8.4 No person shall be granted a special license for more than 30 days in a calendar year.
- 8.5 Forms and documentation required for One-Day Special License:
- a) ABCC Notice of Approval of Special License (completed by the Town)
 - b) Town of Needham Select Board Event Information Sheet
 - c) Descriptive information about the event (invitation, flyer, letter of explanation, etc.)
 - d) Written indication of the manner by which service, sale, delivery, and/or dispensing of alcoholic beverages are to be controlled.
 - e) Written evidence of the owner's permission to use the proposed licensed premises.
 - f) Proof of Non-profit Status (if request is for all alcoholic beverages).
 - g) Sketch/floorplan of the proposed licensed premises detailing where alcohol will be served, sold, delivered, and/or dispensed.
 - h) 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) 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)
- 8.6 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 One-Day License where sale of alcoholic beverages is taking place.

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

9.1 General Provisions

- 9.1.1 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.
- 9.1.2 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.

- 9.1.3 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.
- 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.
- 9.1.8 Section 15 licenses may be granted to food stores as defined in these regulations, but will not be granted to convenience stores.
- 9.1.9 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.
- 9.1.10 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.
- 9.1.11 "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.

9.2 Hours Of Operation

9.2.1 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.

9.2.2 All transactions for the sale of alcoholic beverages must be completed on or before the closing hour set out in this section.

9.2.3 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.

9.3 Consumption On Premises Prohibited Except Sample Tastings

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.

9.5 Food Store Alcohol License Requirements

9.5.1 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.

- 9.5.2 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 the premises and those portions of the premises proposed to be dedicated to the sale, storage or display of alcoholic beverages. The licensee may not materially change the portions of its premises dedicated to sale, storage or display of alcoholic beverages without the approval of the Select Board. The licensee may not be open for business except during its licensed hours for sale of alcoholic beverages unless it has applied for and received approval by the Select Board of plan to properly secure all alcoholic beverages on the premises from public access during that time.
- 9.5.4 Regular sales and operation of the food store must continue during all times when the sales of wine and malt beverages are permitted.
- 9.5.5 Package store licenses issued to food stores shall be limited to wine and malt beverages only.

X. VIOLATIONS – DETERMINATION OF PENALTIES

- 10.1 Any violation of the Town's Liquor Regulations, Regulations of the Alcoholic Beverages Control Commission, and/or General Laws Chapter 138 may be grounds for action by the Select Board (Board), as Local Licensing Authority, including the modification, suspension, revocation, nonrenewal or cancellation of a license.
- 10.2 In determining the appropriate action in any given case, the Board will consider the

violation alleged, the facts of the case, other relevant factors including the licensee's prior record, and aggravating or mitigating circumstances.

- 10.3 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.
- 10.4 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.
- 10.5 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.
- 10.6 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.
- 10.7 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.
 - 10.7.1 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. 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
 - 10.7.2 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.
 - 10.7.3 Compliance Check Violation Guideline Penalties:
 - 10.7.3.1 FIRST OFFENSE:
Written warning, or Suspension of one day.
 - 10.7.3.2 SECOND OFFENSE:
Suspension, one to three days.

- 10.7.3.3 THIRD OFFENSE:
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 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.
- 10.7.3.5 FIFTH OFFENSE:
Public hearing required.
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, 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.

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

SELECT BOARD

ACTING AS

NEEDHAM LICENSING BOARD

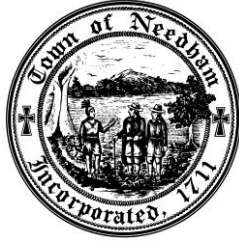


**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 06/28/2022

Agenda Item	Public Hearing: Proposed Alcohol Regulations Changes - Breweries
Presenter(s)	Katie King, Assistant Town Manager/Operations

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
The Town is proposing to allow breweries in Needham to further diversify our business inventory and offer an additional amenity to residents and visitors. The Planning Board is advancing a zoning amendment for the Special Town Meeting in the fall, which would define brewery business types and determine where each could be located by special permit. The Select Board oversees liquor licenses for all establishments that sell alcohol in Needham and must update the Town's liquor license policies to allow for breweries. The Select Board welcomes public comments on proposed changes to the Town's <i>Regulations for the Sale of Alcoholic Beverages</i>, which would determine how breweries would be licensed locally. Written comments can be sent to otm@needhamma.gov until Friday, July 15. The Assistant Town Manager will review language changes made based on the Board's previous feedback.	
2.	VOTE REQUIRED BY SELECT BOARD
<i>For discussion only.</i>	
3.	BACK UP INFORMATION ATTACHED
a. Alcohol License Regulations - Proposed Changes 6/23/2022 b. License Type Comparison Chart c. 2022 Select Board Fee Schedule	



TOWN OF NEEDHAM

REGULATIONS FOR THE SALE OF ALCOHOLIC BEVERAGES

- I. Types of Licenses to be Granted in Needham
- II. Compliance
- III. Special License Provisions
- IV. General Rules and Regulations Applicable to Holders of Licenses to Sell Alcoholic Beverages within the Town
- V. Rules and Regulations for the Sale of Alcoholic Beverages by Innholders
- VI. Rules and Regulations Applicable to the Sale of Alcoholic Beverages in Restaurants and Function Rooms
- 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)
- VIII. Rules and Regulations applicable to One-Day Special Event Licenses
- IX. Rules and Regulations applicable to Package Stores
- X. Rules and Regulations Applicable to Farmer Series Pouring Permittees
- XI. -Violations – Determination of Penalties

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 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 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. 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 Board to eligible restaurants, clubs, veterans' organizations, innholders licensees, package stores, farmer series pouring permittees, and, with noted exceptions, one-day special event licensees. The Licensing Board reserves the right to add to, amend, modify or revoke these rules and regulations at such time or times as the Licensing Board deems appropriate.

Subject to further limitations fixed or from time to time modified by the Select Board with respect to a particular license, the General Laws of Massachusetts and the regulations of the Alcoholic Beverages Control Commission, the following rules and regulations shall be in full force and effect:

- 4.1 Fire Safety Inspections (applicable to Restaurants, Innholders & Clubs only)
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.
- 4.2 Hours of Operation
~~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.

4.2.1 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.

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.

4.2.4 ~~Except for alcohol sold by a Farmer Series Pouring Permittee, the~~ 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 ~~3~~ 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 ~~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.

4.2.8 ~~5~~ 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, 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.

4.3 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.

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

4.4.1 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

4.4.2 Insurance

No license shall be issued for the sale of alcoholic beverages (one day special 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.

4.4.3 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.

4.4.3.1 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.

4.4.3.2 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.

4.4.4 Floorplans – On Premises Licenses (M.G.L. Ch 138 s.12 [and Farmer Series Pouring Permittee](#))

4.4.4.1 With the exception of applicants for package store licenses and a one-day special events license and without limiting the application of 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, ~~and~~ 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) all rooms not being requested to be licensed shall be labeled as to their function, such as, kitchen, coatroom, lobby, etc.;
- j) total occupant load;
- [k\) areas where food trucks or other mobile food vendors may be parked for the purposes of serving patrons; and](#)
- ~~l)~~ other spaces, 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.

4.4.4.2 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.

4.4.4.3 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.

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;
- c) 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.

4.6 General and Miscellaneous Provisions

4.6.1 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-~~(1k)~~. This does not apply to package stores and sales conducted pursuant to G.L. c.138, §19C or §19D.

4.6.2 No licensee shall sell alcoholic beverages in any part of the premises not specified on ~~its~~this license, 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.

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

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

- 4.6.5 Gambling, lotteries, or other illegal machines or games are prohibited except as otherwise permitted by law.
- 4.6.6 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.
- 4.6.7 Except for Farmer Series Pouring Permittees, fFood 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.
- 4.6.10 Service of alcoholic beverages shall be by a bartender/server/wait person (applicable to on premise 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.

- c) 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.

4.6.12 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.

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

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

Subject to further limitations fixed or from time to time modified by the Select Board with respect to a particular license, the General Laws of Massachusetts and the regulations of the Alcoholic Beverages Control Commission, the following rules and regulations shall be in full force and effect:

- 5.1 No application for an alcoholic beverage license shall be accepted except from qualified owners of a hotel having a dining room capacity of not less than ninety-nine [99] persons and living capacity of not less than fifty [50] rooms.

- 5.2 Each applicant shall submit to the Select Board with each application for a license a floor plan of the building or that portion of the building on which is clearly marked and designated the location of the proposed seating arrangement, service bars, dining rooms, function rooms or other rooms in which approval of the Select Board for the sale of alcoholic beverages is requested.
- 5.3 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.
- 5.4 The Service of alcoholic beverages to the room of any registered guest is prohibited unless otherwise authorized by the Select Board.

VI. RULES AND REGULATIONS APPLICABLE TO THE SALE OF ALCOHOLIC BEVERAGES IN RESTAURANTS AND FUNCTION ROOMS

Subject to further limitations fixed or from time to time modified or amended by the Select Board acting as the duly constituted Licensing Board of the Town of Needham with respect to this class of license, the General Laws of Massachusetts and the Regulations of the Alcoholic Beverages Commission, the following rules and regulations shall be in full force and effect:

- 6.1 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.
- 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.
- 6.4 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 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.

Commented [IF1]: As a reminder, this does not apply to Farmer Series Pouring Permits.

- 6.5 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.

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:

- 7.1 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 Licensing Board.
- 7.2 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.
- 7.3 Each 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 Board.
- 7.4 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.
- 7.5 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.

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.

- 8.1 Request for the sale of alcohol under a Special License is limited to between the hours of 11:00 a.m. and 12:00 a.m. on secular days and 12:00 p.m. and 12:00 a.m. on Sundays.
- 8.2 One-Day licenses are exempt from the legal notice and publication requirements.
- 8.3 No special event license will be granted to a licensed premise of any person whose application for a license is pending before the licensing authorities.
- 8.4 No person shall be granted a special license for more than 30 days in a calendar year.
- 8.5 Forms and documentation required for One-Day Special License:
- a) ABCC Notice of Approval of Special License (completed by the Town)
 - b) Town of Needham Select Board Event Information Sheet
 - c) Descriptive information about the event (invitation, flyer, letter of explanation, etc.)
 - d) Written indication of the manner by which service, sale, delivery, and/or dispensing of alcoholic beverages are to be controlled.
 - e) Written evidence of the owner's permission to use the proposed licensed premises.
 - f) Proof of Non-profit Status (if request is for all alcoholic beverages).
 - g) Sketch/floorplan of the proposed licensed premises detailing where alcohol will be served, sold, delivered, and/or dispensed.
 - h) 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) 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)
- 8.6 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 One-Day License where sale of alcoholic beverages is taking place.

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

9.1 General Provisions

- 9.1.1 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,

Commented [IF2]: As a reminder, this does not apply to brew pubs or breweries, as those are licensed under the ABCC's rules.

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.

- 9.1.2 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.
- 9.1.3 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.
- 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.
- 9.1.8 Section 15 licenses may be granted to food stores as defined in these regulations, but will not be granted to convenience stores.
- 9.1.9 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.
- 9.1.10 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.

- 9.1.11 “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.

9.2 Hours Of Operation

- 9.2.1 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.

- 9.2.2 All transactions for the sale of alcoholic beverages must be completed on or before the closing hour set out in this section.

- 9.2.3 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.

9.3 Consumption On Premises Prohibited Except Sample Tastings

- 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.

9.5 Food Store Alcohol License Requirements

- 9.5.1 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.
- 9.5.2 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 the premises and those portions of the premises proposed to be dedicated to the sale, storage or display of alcoholic beverages. The licensee may not materially change the portions of its premises dedicated to sale, storage or display of alcoholic beverages without the approval of the Select Board. The licensee may not be open for business except during its licensed hours for sale of alcoholic beverages unless it has applied for and received approval by the Select Board of plan to properly secure all alcoholic beverages on the premises from public access during that time.
- 9.5.4 Regular sales and operation of the food store must continue during all times when the sales of wine and malt beverages are permitted.
- 9.5.5 Package store licenses issued to food stores shall be limited to wine and malt beverages only.

X. RULES AND REGULATIONS APPLICABLE TO FARMER SERIES POURING PERMITTEES

10.1 Applicants

Applicants for a Farmer Series Pouring Permit shall hold a Farmer-Brewery License (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 of such ABCC license.

10.2 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.

10.3 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

10.4 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.

10.5 Food Service

The Permittee shall ensure that food service is available to its patrons at all times 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

- 110.1** Any violation of the Town's Liquor Regulations, Regulations of the Alcoholic Beverages Control Commission, and/or General Laws Chapter 138 may be grounds for action by the Select Board (Board), as Local Licensing Authority, including the modification, suspension, revocation, nonrenewal or cancellation of a license.

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

110.3 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.

110.4 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.

110.5 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.

110.6 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.

110.7 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.

110.7.1 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. 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

110.7.2 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.

110.7.3 Compliance Check Violation Guideline Penalties:

110.7.3.1 FIRST OFFENSE:
Written warning, or Suspension of one day.

110.7.3.2 SECOND OFFENSE:

Suspension, one to three days.

110.7.3.3 THIRD OFFENSE:
Public hearing required.
Suspension, three to five days.

110.7.3.4 FOURTH OFFENSE:
Public Hearing required.
Suspension, Five (5) to Ten (10) 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.

110.7.3.5 FIFTH OFFENSE:
Public hearing required.
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, 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.

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

SELECT BOARD

ACTING AS

NEEDHAM LICENSING BOARD

	Existing Select Board Regulations		Proposed Additions to Select Board Regulations	
Business Type	Package Store	Restaurant	Brew Pub	Microbrewery
State (ABCC) Liquor License type	M.G.L. c.138, §15	M.G.L. c.138, §12	M.G.L. c.138, §19D Pub Brewery license	M.G.L. c.138, §19C Farmer-Brewery license
Local (Select Board) Liquor License type	§15 - Package Store All Alcoholic Beverages or Package Store Wine and Malt Beverages License	§12 - Restaurant All Alcoholic Beverages or Restaurant Wine and Malt Beverages License	§12 - Restaurant All Alcoholic Beverages or Restaurant Wine and Malt Beverages License	§19C - Farmer Series Pouring Permit
Local license counts towards Town quota?	Yes	Yes	Yes	No
On-premises consumption allowed?	No	Yes (per local license)	Yes (per local license); can sell malt beverages that they produce, and other forms of alcohol made by others (subject to if they have an All Alcohol vs. Wine and Malt license)	Yes (per local permit); can only sell malt beverages produced by the brewery or produced for the brewery and sold under the brewery brand (per state)
Off-premises consumption allowed?	Yes (per local license)	“To go” alcohol currently allowed under state law until April 1, 2023. Restrictions apply.	Yes (per state license); can sell what they produce to licensed wholesalers, manufacturers, and retailers. Can sell by the bottle (not to exceed 2 gallons) direct to consumers for off-premises consumption. “To go” alcohol currently allowed under state law until April 1, 2023. Restrictions apply.	Yes (per state license); can sell what they produce to licensed wholesalers, manufacturers, and retailers, as well by the bottle direct to consumers.
Abutter notifications	Same rules apply to all.	Same rules apply to all.	Same rules apply to all.	Same rules apply to all.
Violations/penalties	Same penalties apply to all (see Select Board Policy, Section XI)	Same penalties apply to all (see Select Board Policy, Section XI)	Same penalties apply to all (see Select Board Policy, Section XI)	Same penalties apply to all (see Select Board Policy, Section XI)
Alcohol Safety Training Requirements	Same for all (see Section 4.6.11)	Same for all (see Section 4.6.11)	Same for all (see Section 4.6.11)	Same for all (see Section 4.6.11)

	Existing Select Board Regulations		Proposed Additions to Select Board Regulations	
Business Type	Package Store	Restaurant	Brew Pub	Microbrewery
Food requirement, % of sales restrictions	n/a	Yes, must hold a Common Victualler's license; alcohol sales cannot exceed 35% of total sales.	Yes, must hold a Common Victualler's license; alcohol sales cannot exceed 35% of total sales.	Permittee must ensure that food service is available to patrons at all times that alcohol is served for on-premises consumption. Permittee can operate a kitchen, partner with a food truck or other restaurant, allow for patrons to bring food in or another arrangement subject to Select Board approval. No % of sales restrictions.
Hours of operation	Monday - Saturday: 9 am - 10 pm; Sunday: 12 pm - 6 pm; unless otherwise determined by the Select Board.	Monday - Saturday: 11 am - 11 pm; Sunday: 10 am - 11 pm; unless otherwise determined by the Select Board.	On-premises consumption: Monday - Saturday: 11 am - 11 pm Sunday: 10 am - 11 pm; unless otherwise determined by the Select Board. <i>Set by ABCC - Sales for off-premises consumption: 8am and 11pm or between 8am and 11:30pm on any day immediately preceding a legal holiday, except when otherwise restricted by the ABCC.</i>	On-premises consumption: Monday - Saturday: 11 am - 11 pm Sunday: 10 am - 11 pm; unless otherwise determined by the Select Board. <i>Set by ABCC - Sales for off-premises consumption: 8am and 11pm or between 8am and 11:30pm on any day immediately preceding a legal holiday, except when otherwise restricted by the ABCC.</i>
Fees	See fee schedule	See fee schedule	Recommendation to align with Restaurant fees (either All Alcoholic or Wine/Malt based on Section 12 license type)	Recommendation to add a Farmer Pouring License Fee for clarity and set the rate to match the Restaurant wine/malt fee.



Schedule of Town of Needham *FEES*

CALENDAR YEAR **2022**

Town of Needham Fees: Checks payable to Town of Needham

ON PREMISE ALCOHOLIC BEVERAGE

\$2,262	Innholders
\$2,012	Restaurants - All Alcoholic
\$ 750	Restaurants –Wine /Malt
\$ 255	Clubs
\$ 150	New License/Transfer License (On Premise & Off Premise Licenses)
\$ 100	Change in License (On Premise & Off Premise Licenses)
	Includes: Change of Manager
	Pledge of License/Stock
	Alteration of Premises
	New Officer/Director
	Change of Corporate Name or D/B/A
	Most other changes

OFF PREMISE PACKAGE STORE

<u>Initial</u>	<u>Renewal</u>	
\$3,500	\$2,500	Retail Package Goods Store, All Kinds of Alcoholic Beverages
\$3,000	\$2,000	Retail Package Goods Store, Wine & Malt Beverages Only

MISC. LICENSES/PERMITS

Automatic Amusement	\$ 50 each machine
Bowling	\$ 10 each lane
Class I and Class II	\$ 200
Common Victualler Licenses	\$ 100
Innkeeper	\$ 25
Livery	\$ 25
Lodging License	\$ 50
One-Day Special Liquor License	\$ 25
Pool Table	\$ 25
Sunday Public Entertainment	\$ 100
Weekday Public Entertainment	\$ 100
Road Race	\$ 25
Second Hand Articles	\$ 25
Sunday Entertainment	\$ 100
Taxi	\$ 10 each cab

Proposed Breweries in Needham Frequently Asked Questions

Why is the Town of Needham considering allowing breweries?

Breweries continue to rise in popularity and according to the Massachusetts Brewers Guild, there is no indication that the market will be oversaturated with them anytime soon. They are a destination business and help draw visitors from a wide geographic area which will help benefit other local businesses. A brewery would add to the diversity of Needham's business inventory and would help infuse new energy into a commercial or industrial area in town. A new brewery would also potentially generate thousands of dollars in meals tax for the Town.

Why does the Town need to adopt special zoning to allow for breweries?

The Town's zoning regulations do not currently allow the multiple types of uses at one site that would be requested by a brewery - such as producing, serving, and bottling of its beer, food service, retail sales, and live entertainment. An amendment to the Town's zoning bylaws would allow for multiple uses on one site.

Where will breweries be located in Needham?

The Planning Board will hold a public hearing on this zoning change in late summer/early fall to discuss the proposed zoning districts in which a brew pub or microbrewery would be allowed. The goal is for the zoning amendment to be included on the warrant for Town Meeting in October.

What is the difference between a brew pub and a microbrewery?

A brew pub is essentially an eat-in restaurant that also brews and sells its own beer. A microbrewery has a different business model in which the production and sale of beer is the primary use.

Will breweries be required to serve food?

Under the proposed changes to the Select Board's alcohol regulations, a brew pub must operate similarly to a full-service restaurant while a microbrewery will be required to make food available, however, it may be supplied by a food truck visiting the establishment, through an outside caterer, through the sale of pre-packaged food items, and/or by the limited menu of food items that are prepared by the microbrewery on site.

Who licenses the manufacturing of beer in Massachusetts?

To open a brewery in Massachusetts, a prospective brewer must first select a site and show proof to federal and state regulators that the zoning at the site allows for such use. The business then seeks federal approval from the Alcohol and Tobacco Tax and Trade Bureau (ATTTB) to manufacture alcohol. After this federal permit is obtained, the business must then apply to the Massachusetts Alcoholic Beverages Control Commission (ABCC) for a license to manufacture and distribute their beer. There are two state licensing options, under M.G.L. c.138, a 19C Farmer-Brewery license or a 19D Pub Brewery license. Under these licenses, the ABCC determines all conditions relative to the production and sale of alcohol for off-premises consumption.

What authority does the Town of Needham have to regulate breweries?

The Select Board is the local licensing authority for the Town of Needham. All breweries must be granted a license from the Select Board to sell alcohol to consumers for on-premises consumption. A Pub Brewery licensee (brew pubs) would seek a Section 12 license from the Select Board, the same license required by restaurants to serve alcohol in Needham. A Farmer-Brewery licensee (microbreweries) must obtain a Farmers Series Pouring Permit from the Select Board. The proposed changes to the Board's regulations adds a new section to create rules and regulations applicable to Farmer Series Pouring Permittees (see Section X).

Will the liquor license granted to a brewery be counted towards the Town's license quota from the state?

A microbrewery will be required to obtain a different type of license from the Town, a section 19C Farmers Series Pouring Permit, which will not count towards the Town's quota of liquor licenses. Brew pubs will be required to obtain a section 12 liquor license from the Select Board which is the same type of license required by restaurants in Needham to serve alcohol, therefore, it will count towards the Town's quota of liquor licenses.

Will breweries be treated the same as restaurants as it relates to alcohol service standards and safety requirements?

Yes. The same regulations that are required of restaurants which have alcohol licenses will also be required of both brew pubs and microbreweries including hours of operation for on-premises consumption, alcohol safety training requirements for staff and managers, penalties for license violations, and licensing fees.

What will be changing for existing alcohol license holders?

There is one proposed change to the Select Board's alcohol regulations that would impact existing alcohol license holders. This change is in section 4.6.12, which would require that "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".

How can I comment on the Select Board's draft policy changes to its alcohol regulations?

The Select Board is holding a public hearing on Tuesday, June 28 at 5:45 PM in Town Hall and via Zoom. Written comments will also be accepted through Friday, July 15. Please e-mail otm@needhamma.gov with the subject line "Brewery Comments."



**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 6/28/2022

Agenda Item	Public Hearing: Dangerous Dog Hearing (continued from April 13, 2022)
Presenter(s)	Diana Rasoul-Agha, Dog Owner

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
Chief Schlittler has requested that the Select Board hold a dangerous dog hearing in accordance with MGL c. 140 Section 157 and Town By-Law 3.7.5 on a complaint about a dog by the name of “Axel” residing at 233 West Street in Needham.	
2.	VOTE REQUIRED BY SELECT BOARD
<i>Suggested Motion:</i> “Move that the Board take the following action _____.”	
3.	BACK UP INFORMATION ATTACHED
a. Select Board Hearing Order, Dated April 20, 2022 b. Select Board Hearing Order, Dated January 13, 2022	



**Office of the
Town Manager**

**TOWN OF NEEDHAM
Town Hall
1471 Highland Avenue
Needham, MA 02492-2669**

**Telephone: (781) 455-7500
Email: OTM@NeedhamMA.gov**

**DANGEROUS DOG HEARING
TOWN OF NEEDHAM SELECT BOARD
DECISION, FINDINGS OF FACT
AND RECORD OF PROCEEDINGS**

COMPLAINANT: John Schlittler, Chief of Police

DOG OWNER: Diana Rasoul-Agha, 233 West Street, Needham MA 02492

NAME AND DESCRIPTION OF DOGS: Maya and Axel, both Alaskan Malamutes

DATES OF HEARING: 1/11/2022

MEMBERS PRESENT: Matthew Borrelli, Chair; Marianne Cooley, Vice Chair;
Marcus Nelson, Clerk (via Zoom); Daniel Matthews; and Kevin Keane

The following is a detailed record of all proceedings relative to the dangerous dog complaint filed by John Schlittler, Chief of Police against the above-referenced dogs, in accordance with Massachusetts General Laws Chapter 140, Section 157:

I. COMPLAINT

On December 21st, 2021 the complaint was presented to the Board.

II. NOTICE

On January 4th, 2022, notice was sent by Kristin Scoble, Administrative Specialist, to the above-named owner of the dogs in question.

III. HEARING

On January 11th, 2022, the Select Board held a hearing at Needham Town Hall and via Zoom, at which time the Complainant testified under oath. All those interested were given an opportunity to be heard. The following evidence was submitted at the hearing:

1. Public testimony by Complainant, John Schlittler, Chief of Police.
2. Public testimony by Dog Owner, Diana Rasoul Agha, and her minor daughter.
3. Public testimony by resident and owner of dog allegedly bitten by Axel and/or Maya, Lisa Madkins.

4. Public testimony by resident, Maureen Walsh.
5. Public testimony by resident and owner of dog allegedly bitten by Axel and/or Maya, Esther Jesurum.
6. Needham Police Department Incident Report (Incident #: 21NEE-1254-OF) of report made on 10/16/2021.
7. Needham Police Department Incident Report (Incident #: 21NEE-1492-OF) of report made on 12/10/2021.
8. Needham Police Department Incident Report (Incident #: 21NEE-151-OF) of report made on 12/16/2021.

IV. FINDINGS and DETERMINATION

The Select Board considered all evidence and testimony presented at the public hearing, and finds that on multiple occasions and without justification Maya and Axel have (a) attacked domestic dogs causing physical injury, and (b) behaved in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury to other dogs.

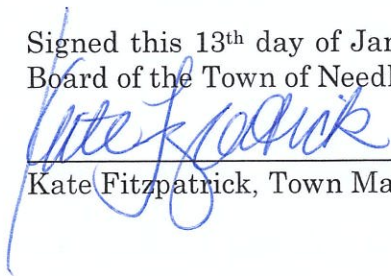
Based on the credible evidence and testimony presented at the public hearing, the Board determines pursuant to M.G.L. c.140, §157 that Maya and Axel are DANGEROUS DOGS.¹

V. ORDERS

The Board makes the following orders:

1. The Board orders that when removed from the premises of the owner or the premises of the person keeping the dogs, the dogs shall be securely and humanely muzzled and restrained with a chain or other tethering device;
2. The Board orders that the owner or keeper of the dogs provide proof of additional skilled training to rectify the violent tendencies of the dogs; and
3. The Board orders that the owner or keeper of the dog take steps to secure the home in which the dogs reside to ensure there are no additional inadvertent releases of the dogs out of the home.

Signed this 13th day of January 2021 by the Town Manager on behalf of the Select Board of the Town of Needham.



Kate Fitzpatrick, Town Manager

¹ The term "dangerous dog" is defined by M.G.L. c.140, §36A as "a dog that either: (i) without justification, attacks a person or domestic animal causing physical injury or death; or (ii) behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic or owned animal."



**Office of the
Town Manager**

**TOWN OF NEEDHAM
Town Hall
1471 Highland Avenue
Needham, MA 02492-2669**

**Telephone: (781) 455-7500
Email: OTM@NeedhamMA.gov**

**DANGEROUS DOG HEARING
TOWN OF NEEDHAM SELECT BOARD
DECISION, FINDINGS OF FACT
AND RECORD OF PROCEEDINGS**

COMPLAINANT: John Schlittler, Chief of Police

DOG OWNER: Diana Rasoul-Agha, 233 West Street, Needham MA 02492

NAME AND DESCRIPTION OF DOGS: Axel, Alaskan Malamute

DATES OF HEARING: 4/13/2022

MEMBERS PRESENT: Marianne Cooley, Chair; Marcus Nelson, Vice Chair; Kevin Keane, Clerk; Heidi Frail, Member; Matthew Borrelli, Member.

The following is a detailed record of all proceedings relative to the dangerous dog complaint filed by John Schlittler, Chief of Police against the above-referenced dogs, in accordance with Massachusetts General Laws Chapter 140, Section 157:

I. COMPLAINT

On March 14, 2022, the complaint was presented to the Board.

II. NOTICE

On March 14, 2022, notice was sent by Myles Tucker, Town of Needham Support Services Manager, to the above-named owner of the dog in question, with a follow-up notice stating a minor correction to the notice on April 7, 2022.

III. HEARING

On April 13, 2022, the Select Board held a hearing pursuant to M.G.L. c.140, §157 at Needham Town Hall and via Zoom, at which time the Complainant testified under oath. All those interested were given an opportunity to be heard. The following evidence was submitted at the hearing:

1. Public testimony by Complainant, John Schlittler, Chief of Police
2. Public testimony by Counsel for Dog Owner, Jeremy Cohen

3. Public testimony by Dog Owner, Diana Rasoul Agha
4. Public testimony by resident, Susan Risner, of 243 Warren Street
5. Public testimony by resident, Lauren Roth, 41 Bobsled Drive
6. Notice of public hearing sent to Diana Rasoul-Agha, dated March 22, 2022
7. Correction to notice of public hearing sent to Diana Rasoul-Agha dated April 7, 2022
8. Needham Police Department Incident Report (Incident #: 22NEE-246-OF) of report made on 3/15/2022
9. Update to Needham Police Department Incident Report (Incident #: 22NEE-246-OF) of report made on 3/18/2022
10. Email from Diana Rasoul Agha to Needham Police Officer Matthew Palmer dated March 30, 2022
11. Written description of March 14, 2022 incident provided by Kimberly Andrews, with attached pictures of her dog Lucy following said incident
12. Email to the Select Board from resident Christina Mathews, 12 Bobsled Drive
13. Dangerous Dog Hearing Decision, Findings of Fact, and Record of Proceedings, dated January 13, 2022 (and the evidence itemized in that decision, including public testimony by Complainant John Schlittler, Chief of Police; public testimony by Dog Owner, Diana Rasoul-Agha, and her minor daughter; public testimony by resident and owner of dog allegedly bitten by Axel and/or Maya, Lisa Madkins; public testimony by resident Maureen Walsh; public testimony by resident and owner of dog allegedly bitten by Axel and/or Maya, Esther Jeserum; Needham Police Department Incident Report (Incident #: 21NEE-1254-OF) of report made on 10/16/2021; Needham Police Department Incident Report (Incident #: 21NEE-1492-OF) of report made on 12/10/2021; and Needham Police Department Incident Report (Incident #: 21NEE-151-OF) of report made on 12/16/2021).

IV. FINDINGS and DETERMINATION

The Select Board considered all evidence and testimony presented at the public hearing and finds that on multiple occasions and without justification Axel has (a) attacked domestic dogs causing physical injury, and (b) behaved in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury to other dogs.

Based on the credible evidence and testimony presented at the public hearing, the Board determines pursuant to M.G.L. c.140, §157 that Axel is a DANGEROUS DOG.¹

V. ORDERS

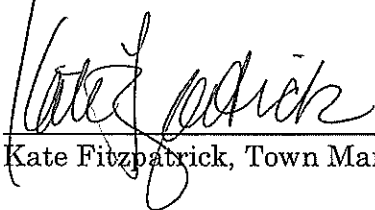
The Board suspends the hearing until its May 10, 2022 regularly scheduled meeting (or an alternative date to be scheduled thereafter), and ORDERS the following, effective immediately:

1. That Axel be confined to the premises of its owner, Ms. Diana Rasoul-Agha of 233 West Street; and provided that “confined” shall mean securely confined indoors or confined outdoors in a securely enclosed and locked pen or dog run area at 233 West Street. Such pen or dog run shall have a secure roof and, if such enclosure has no floor secured to the sides thereof, the sides shall be embedded into the ground for not less than 2 feet; and within the confines of such pen or dog run, a dog house or proper shelter from the elements shall be provided to protect the dog; and
2. That a fence sufficient to prevent escape be erected around the premises; and
3. That when removed from said premises, Axel shall be securely and humanely muzzled and restrained by an adult (18-years old or older) with a chain or other tethering device having a minimum tensile strength of 300 pounds and not exceeding 3 feet in length; and
4. That Axel be neutered, unless the owner provides the Select Board with written evidence that a veterinarian is of the opinion that Axel is unfit for alterations because of a medical condition; and
5. That a behavioral analysis be conducted on Axel by a certified animal behaviorist, and a copy of the written report be submitted to the Select Board; and
6. That Axel’s owner, Diana Rasoul-Agha, provide proof of insurance in an amount of not less than \$100,000 insuring her against any claim, loss, damage or injury to persons, domestic animals or property resulting from the acts, whether intentional or unintentional, of Axel, or proof that reasonable efforts were made to obtain such insurance if a policy has not been issued; and further that Ms. Rasoul-Agha, shall upon request of the Select Board, produce such policy or proof of efforts to obtain such insurance; and

¹ The term “dangerous dog” is defined by M.G.L. c.140, §36A as “a dog that either: (i) without justification, attacks a person or domestic animal causing physical injury or death; or (ii) behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic or owned animal.”

7. That Axel's owner, Ms. Diana Rasoul-Agha of 233 West Street pay all veterinary bills resulting from the March 14, 2022 incident, or reimburse the victim dog's owner for bills previously paid, as applicable, within fourteen (14) days of receipt of this Order; and
8. That Axel's owner, Ms. Diana Rasoul-Agha of 233 West Street, provide the Chief of Police a weekly update in writing on the status relating to Axel and with each specific condition included in this Decision; and
9. That all other orders included in the Select Board's Decision dated January 13, 2022 shall remain in full force and effect, namely:
 - a. That the owner of the dog provide proof of additional skilled training to rectify the violent tendencies of the dog; and
 - b. That the owner take steps to secure 233 West Street to ensure there are no additional inadvertent releases of the dogs out of the home.

Signed this 20th day of April 2022 by the Town Manager on behalf of the Select Board of the Town of Needham.

A handwritten signature in black ink, appearing to read "Kate Fitzpatrick", is written over a horizontal line.

Kate Fitzpatrick, Town Manager



**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 6/28/2022

Agenda Item	Sign Order of Taking for Town Way (Form 3) for: – Hutter Ridge Road
Presenter(s)	Thomas Ryder, Town Engineer

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
	Hutter Ridge Road has been accepted as a town way at the May 2022 Town Meeting. Hutter Ridge Road is located off of Webster Street.
2.	VOTE REQUIRED BY SELECT BOARD
	<u><i>Suggested Motion:</i></u> <i>“That the Board vote to approve and sign the Order of Taking for Town Way (Form 3) for Hutter Ridge Road.”</i>
3.	BACK UP INFORMATION ATTACHED
	1. <i>Original of Forms 3 for Hutter Ridge Road</i> 2. <i>Copy of Form 2 for Hutter Ridge Road</i> 3. <i>Copy of Acceptance Plan of Hutter Ridge Road</i>

Town of Needham

IN SELECT BOARD



FORM 3

WHEREAS, in the opinion of Select Board of the Town of Needham the public necessity and convenience require that a town way be laid out, in the location hereinafter described, which is substantially the present location of a way known as Hutter Ridge Road

from Webster Street

to end – distance of 651 feet westerly

WHEREAS, said Select Board, having first complied with all preliminary requirements described by law, held a hearing at 6:00 o'clock P.M. of the 26th day of April 2022

WHEREAS said Select Board did on the 26th day of April 2022 approve said layout, verified by our signatures, as shown on the plan dated March 2, 2022, attached hereto and by reference made a part thereof.

It is thereby

ORDERED that said Hutter Ridge Road

From Webster Street

To End - a distance of 651 feet westerly

Be and the same is hereby laid out, under the provisions of law authorizing the assessment of betterments as a town way of the Town of Needham as shown on said plan, and it is further

ORDERED that an easement in and over the following described parcel of land be and the same is hereby taken for all purposes of a town way.

Hutter Ridge Road Description

Beginning at a drillhole in a concrete bound in the westerly sideline of Webster Street, a public way as accepted in 1910, Thence running N4°-55'-10"W a distance of 59.67 feet to a drillhole in a concrete bound at the point of curvature of a curve having a radius of 20.00 feet and a central angle 83°-30'-32"; thence running northwesterly and westerly by said curve a distance of 29.15 feet to a drillhole in a concrete bound at the point of tangency of said curve; thence running N88°-25'-42"W a distance of 196.62 feet to a drillhole in a concrete bound at the point of curvature of a curve having a radius of 400.00 feet and a central angle of 15°-01'-02"; thence running westerly and southwesterly by said curve a distance of 104.84 feet to a drillhole in a concrete bound at the point of tangency of said curve; thence running S76°-33'-15"W a distance of 225.00 feet to a drillhole in a concrete bound at the point of curvature of a curve having a radius of 50.00 feet and a central angle of 255°-31'-14"; thence running southwesterly, westerly, northwesterly, northerly, northeasterly, easterly and southeasterly by said curve a distance of 222.98 feet to a drillhole in a concrete bound at the point of reverse curvature of a curve having a radius of 30.00 feet and a central angle of 75°-31'-21"; thence running southeasterly, easterly, and northeasterly by said curve a distance of 39.54 feet to a drillhole in a concrete bound at the point of tangency of said curve; thence running N76°-33'-15"E a distance of 147.54 feet to a drillhole in a

concrete bound at the point of curvature of a curve having a radius of 440.00 feet and a central angle of 9°-28'-54";thence running northeasterly and easterly by said curve a distance of 72.81 feet to a drillhole in a concrete bound at the point of compound curvature of curve having a radius of 440.00 feet and a central angle of 5°-32'-08";thence running easterly and southeasterly by said curve a distance of 42.51 feet to a drillhole in a concrete bound at the point of tangency of said curve; thence running S88°-25'42"E a distance of 187.51 feet to a drillhole in a concrete bound at the point of curvature of a curve having a radius of 20.00 feet and a central angle of 96°-29'-28"; thence running southeasterly, easterly, northeasterly, northerly, and northwesterly by said curve a distance of 33.68 feet to a drillhole in a concrete bound, at the point of tangency of said curve; thence running N4°-55'-10"W a distance of 7.79 feet to a drillhole in a stone bound, said bound being in the westerly side of Webster Street; thence turning and running by said Webster Street S4°-55'-10"E a distance of 88.31 feet to a drillhole in a concrete bound; thence running by said Webster Street S4°-55'-10"E a distance of 59.67 feet to the point of beginning.

For further reference, see plan to be recorded herewith entitled: "Acceptance plan of Hutter Ridge Road; in Needham, MA; scale 1 in.=30 feet; Thomas P. Ryder, Town Engineer, Date March 2, 2022".

The following named persons and mortgagees are believed to be the owners of the fee thereof and said Select Board do hereby assess and award as the damages sustained by said owners of land, rights and interests caused by the laying out, grading and construction of said way, whether for land taken or for damages to the remining lands:

Lot #	Owners	Residences Address	Amount
7	Scott and Barbara St. John	25 Hutter Ridge Road, Needham, MA 02492	None
6	Igor Kozhemiakin	18 Hutter Ridge Road, Needham, MA 02492	None
5	50 Hutter Ridge Road Realty Trust, Samuel Sichko, Trustee	50 Hutter Ridge Road, Needham, MA 02492	None
4	Joseph P. and Pamela P. Fallon	44 Hutter Ridge Road, Needham, MA 02492	None
3	Kelli T. and Christopher D. Connors	40 Hutter Ridge Road, Needham, MA 02492	None
2	David and Dara Grossman	26 Hutter Ridge Road, Needham, MA 02492	None
1	Nicholas Scola	522 High Rock Street, Needham, MA 02492	None
U	Petrini Corp. and Southfield Assoc.	187 Rosemary Street, Needham, MA 02494	None

And the Select Board hereby adjudge that all abutting lots on said Hutter Ridge Road from Webster Street, westerly to end – a distance of 651 feet as shown on said plan which is attached hereto and made a part hereof, will receive benefit or advantage other than the general advantage to the community from said improvement.

And it is hereby estimated that the several abutting lots shown on said plan will be assessed the following amounts:-

Lot #	Owners	Residences Address	Amount
7	Scott and Barbara St. John	25 Hutter Ridge Road, Needham, MA 02492	None
6	Igor Kozhemiakin	18 Hutter Ridge Road, Needham, MA 02492	None
5	50 Hutter Ridge Road Realty Trust, Samuel Sichko, Trustee	50 Hutter Ridge Road, Needham, MA 02492	None
4	Joseph P. and Pamela P. Fallon	44 Hutter Ridge Road, Needham, MA 02492	None
3	Kelli T. and Christopher D. Connors	40 Hutter Ridge Road, Needham, MA 02492	None
2	David and Dara Grossman	26 Hutter Ridge Road, Needham, MA 02492	None
1	Nicholas Scola	522 High Rock Street, Needham, MA 02492	None
U	Petrini Corp. and Southfield Assoc.	187 Rosemary Street, Needham, MA 02494	None

And it is further

ORDERED: That the trees located within the proposed berm upon the land taken for purposes of town way are hereby taken and are not to be removed by abutting owners. But, other trees, structures and fences appurtenant thereto which may obstruct the construction of said way are not taken and the owners are allowed sixty (60) days from the adoption of this order to remove the same.

Select Board of Needham

Marianne B. Cooley, Chair

Marcus A. Nelson, Vice Chair

Kevin Keane, Clerk

Heidi Frail, Member

Matthew Borrelli, Member

June 28, 2022

Notice of Intention of
Street Lay-out



Town of Needham

IN SELECT BOARD

FORM 2

Dear sir or Madam:

WHEREAS, in the opinion of Select Board of the Town of Needham the public convenience and necessity require that Hutter Ridge Road should be ~~laid out, graded and~~ accepted under the provisions of law authorizing the assessment of betterments from Webster Street to end — distance of 651 feet westerly

WHEREAS, said Select Board intend to layout said street as public way, it is therefore

ORDERED that a hearing be held thereon and that the 26th day of April 2022 at 6:00 o'clock P.M. in the Select Board office at the Town Hall in said Needham, be and the same is hereby assigned as the time and place for hearing all parties interested therein.

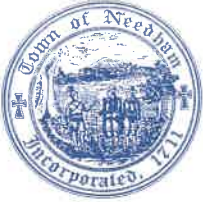
It is further

ORDERED that seven (7) days at least prior to the laying out of said way a written notice of the intention of the Select Board shall be left by them at the usual place of abode of owners of land rights and interests which will be taken for such purpose, or delivered to said owners in person, or to their tenants or authorized agents.

A copy of this notice shall be posted in public place in the Town seven (7) days at least before the laying out of said way.

APRIL 13, 2022

Clerk to the Board



Theodora K. Eaton, MMC
Town Clerk

TOWN OF NEEDHAM

Office of the Town Clerk

1471 Highland Avenue, Needham, MA 02492-0909

Telephone (781) 455-7500 x216

Fax (781) 449-1246

Email: Teaton@needhamma.gov

AT THE ANNUAL TOWN MEETING

HELD ON MONDAY, MAY 2, 2022

UNDER ARTICLE 36

It was

VOTED: That the Town vote to accept the following streets or portions thereof, constructed by developers under the requirements of the Subdivision Control Law and as laid out by the Select Board in accordance with plans on file with the Town Clerk, including the taking or acceptance of easements as shown on said plans: Hutter Ridge Road.

Unanimous Consent

A true copy

ATTEST:

Theodora K. Eaton, MMC, Town Clerk

CONCRETE BOUND
TO BE SET (TYP.)

LOT 6
43,790.54 S.F.
1.01 ACRES
BF=18.04
FRONTAGE = 197'
N/F
KOZHEMIKIN, IGOR

LOT 7
43,980.58 S.F.
1.01 ACRES
BF=17.58
FRONTAGE = 150'
N/F
ST. JOHN, SCOTT &
ST. JOHN, BARBARA

LOT 5
43,843.73 S.F.
1.01 ACRES
BF=22.70
FRONTAGE = 150'
N/F
SICHKO, SAMUEL TR.
50 HUTTER RIDGE
ROAD REALTY

STONE BOUND WITH
DRILL HOLE FOUND

STONE BOUND WITH
DRILL HOLE FOUND

STONE BOUND WITH
DRILL HOLE FOUND

STONE BOUND WITH
DRILL HOLE FOUND

STONE BOUND WITH
DRILL HOLE FOUND
AND HELD

STONE BOUND WITH
DRILL HOLE FOUND

STONE BOUND WITH
DRILL HOLE FOUND

LOT 2
46,136.22 S.F.
1.06 ACRES
BF=15.94
FRONTAGE = 173'
N/F
GROSSMAN, DAVID &
GROSSMAN, DARA

LOT 3
49,289.74 S.F.
1.13 ACRES
BF=14.10
FRONTAGE = 155'
N/F
CONNORS, KELLI T. &
CONNORS, CHRISTOPHER D.

LOT 1
46,145.04 S.F.
1.06 ACRES
BF=14.59
FRONTAGE = 214'
N/F
PETRINI CORP. &
SOUTHFIELD ASSOC.

LOT 4
43,729.27 S.F.
1.00 ACRE
BF=15.86
FRONTAGE = 224'
(SOUTH STREET)
ANR LOT
N/F
FALLON, JOSEPH P. &
FALLON, PAMELA P.

SOUTH STREET
(PUBLIC WAY - VARIABLE WIDTH)

HUTTER RIDGE ROAD
(PUBLIC WAY - 40' WIDTH)

WEBSTER ST
(PUBLIC WAY - 40' WIDTH)

FOR REGISTRY USE ONLY

Dir. Public Works

Approved:

Select Board Planning Board
M. Scully *R. D. [Signature]*
M. [Signature] *A. [Signature]*
[Signature] *[Signature]*
[Signature] *[Signature]*

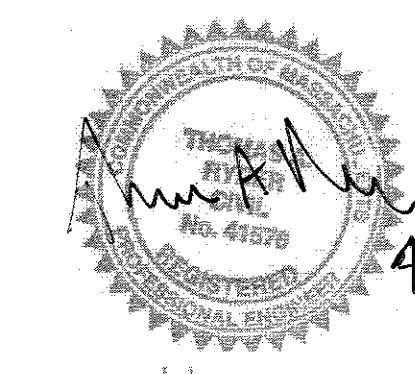


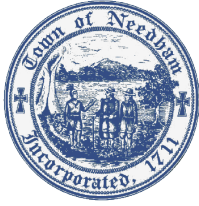
I certify this plan conforms to the rules and
regulation of the Registers of Deeds.
[Signature] **5-25-22**
STEVEN M. HORSFALL, P.L.S. DATE
KELLY ENGINEERING GROUP

Received and Filed: **5-25-22**
Town Clerk: *[Signature]* **K. Eaton**

SCALE: 1" = 30'
30 0 30 60 90 FEET

			Acceptance Plan of HUTTER RIDGE ROAD		Surveyed
			SCALE: 1"=30' DATE: 03-02-2022		Drafted SKL
			HUTTER RIDGE ESTATES NEEDHAM, MA		Checked TAR
			Prepared for: TOWN OF NEEDHAM DEPARTMENT OF PUBLIC WORKS NEEDHAM, MA 02492		Job. No. 2022-01
			NEEDHAM DEPARTMENT OF PUBLIC WORKS ENGINEERING DIVISION 500 Dedham Avenue, Needham, MA 02492 (781) 455-7550		Sheet 1 of 1 Dwg. No.



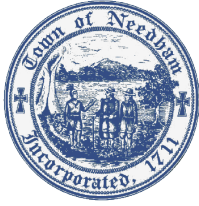


**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 6/28/2022

Agenda Item	Town Manager's Report
Presenter(s)	Kate Fitzpatrick, Town Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
The Town Manager will update the Board on issues not covered on the agenda.	
2.	VOTE REQUIRED BY SELECT BOARD
3.	BACK UP INFORMATION ATTACHED
none	



**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 6/28/2022

Agenda Item	Committee Reports
Presenter(s)	Board Discussion

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
Board members may report on the progress and / or activities of their Committee assignments.	
2.	VOTE REQUIRED BY SELECT BOARD
3.	BACK UP INFORMATION ATTACHED
None	



**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 6/28/2022

Agenda Item	Executive Session
Presenter(s)	

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
	1.) Exception 3: Potential Litigation 2.) Exception 2: Strategy in Preparation for Negotiations with Non-Union Personnel
2.	VOTE REQUIRED BY SELECT BOARD
	<u>Exception 3:</u> To discuss strategy with respect to collective bargaining or litigation, if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares. <u>Exception 2:</u> To conduct strategy sessions in preparation for negotiations with non-union personnel. Not to return to Open Session prior to adjournment
3.	BACK UP INFORMATION ATTACHED
	None.

Reappointments

Appointee	Committee	Term Expiration
Peter Friedenber	Board Of Appeals	6/30/2025
Jon Schneider	Board Of Appeals	6/30/2025
Jeanie Martin	Commission on Disabilities	6/30/2025
Tatiana Swanson	Commission on Disabilities	6/30/2025
Janet C Bernardo	Conservation Commission	6/30/2025
Peter Oehlkers	Conservation Commission	6/30/2025
Jeremy Halpern	Council of Economic Advisors	6/30/2025
Bob Hentschel	Council of Economic Advisors	6/30/2025
Richard Putprush	Council of Economic Advisors	6/30/2025
Michael Wilcox	Council of Economic Advisors	6/30/2025
Richard M. Reilly Sr.	Golf Course Advisory Committee	6/30/2025
Laura W. Dorfman	Historical Commission	6/30/2025
Don Lankiewicz	Historical Commission	6/30/2025
Jennifer Howard Schroeder	Human Rights Committee	6/30/2025
Cynthia A Ganung	Human Rights Committee	6/30/2025
Kerry Hurwitch	Human Rights Committee	6/30/2025
Lee Newman	Metropolitan Area Planning Council	6/30/2025
Marcus J. Hughes	Needham Community Revitalization Trust Fund	6/30/2025
Eric Valentino	Needham Community Revitalization Trust Fund	6/30/2025
Bill Dermody	Needham Community Television Development Corporation	6/30/2025
Michael A. Fraini	Needham Community Television Development Corporation	6/30/2025
Tom Loughran	Needham Community Television Development Corporation	6/30/2025
William F. Connors	Solid Waste Disposal/Recycling Advisory	6/30/2025
Kerry Hurwitch	Technology Advisory Board	6/30/2025
Tom Loughran	Water/Sewer Rate Structure Committee	6/30/2025
John Tallarico	Water/Sewer Rate Structure Committee	6/30/2025

New Appointments

Appointee	Committee	Term Expiration
Dave Herer	Conservation Commission	6/30/2025
Nathaniel Hyman	Human Rights Committee	6/30/2023
Lisa Mesicek	Human Rights Committee	6/30/2023
John Terry	MWRA Advisory Board	6/30/2023
Wendy Segal	Needham Council for Arts and Culture	6/30/2025
John Terry	Water/Sewer Rate Structure Committee	6/30/2023
Massiel Gallardo	Youth Commission	6/30/2024

	A	B	C	D	E	F
1	Business/Organization Name	Business Owner/Executive Director's Name	Business Physical Address	Business Type	Amount Requested	Brief Description of How Grant Will Be Used
2	2nd Hand Rose	Lauri Chmielewski	937 Great Plain Ave.	retail	\$10,000	Rent
3	Bagels' Best, Inc.	Danny Seti	113 Chapel St.	food service/restaurant	\$10,000	Equipment upgrade
4	Closet Exchange	Robert Stark	906 Great Plain Ave.	retail	\$10,000	Operating costs including payroll, rent, utilities, and inventory
5	The Farmhouse Restaurant	Gabriel Sanchez Luz, Dora Tavel-Sanchez Luz	970 Great Plain Ave.	food service/restaurant	\$10,000	Operating costs including payroll, rent and utilities
6	Gari Japanese Fusion Bistro	Gary Huang	1019 Great Plain Ave.	food service/restaurant	\$10,000	Operating costs such as rent and utilities and high inventory costs
7	Hazel's Bakery	Steven Barton	459 Great Plain Ave.	food service/restaurant	\$10,000	Recruitment of new staff and payroll for existing staff
8	La Moda Salon	Mario Piccirilli	951 Great Plain Ave.	hair salon	\$5,000	Operating costs including payroll, rent, utilities, and inventory
9	Needham Community Council	Sandra Robinson	570 Hillside Ave.	non-profit organization	\$10,000	Operating costs including payroll, rent and utilities
10	Needham House of Pizza	Arthur Tzouros	914 Great Plain Ave.	food service/restaurant	\$10,000	Operating costs including rent and payroll
11	Needham Shoe Repair	Sarkis Besnilian	91 Chapel St.	shoe repair	\$5,000	Operating costs including payroll, rent and utilities
12	Plugged In Band Program	Sandra Rizkallah, Executive Director	40 Freeman Place	non-profit organization	\$10,000	COVID Prevention - Improving ventilation and other physical improvements (e.g., plexiglass barriers) to protect our teachers and students during music classes.
13	Three Crown Jewelers	Sandra and Bertil Wikstrom	943 Great Plain Ave.	retail and jewelry/clock r	\$10,000	Operating costs including payroll, rent and utilities
14	Tin Rabbit Decor	Hilary Chandler	85 Chapel St.	retail	\$2,500	Operating costs: rent and inventory
15	Town House of Pizza	Agapi Sfakianakis	892 Highland Ave.	food service/restaurant	\$5,000	Operating costs including payroll, rent and utilities
16	W.O.W. INC.	Erica DeMarco	1110 Great Plain Ave.	retail	\$10,000	Operating costs including payroll, rent and utilities
17				Total Grant Requests for Round 2 \$127,500		



For Calendar Year: _____

TOWN OF NEEDHAM

APPLICATION FOR A WEEKDAY ENTERTAINMENT LICENSE

The undersigned hereby applies for a Weekday Entertainment License in accordance with the provisions of the statutes relating thereto:

Name of Establishment: NEEDHAM GOLF CLUB

Applicant (must be an individual): GEOFFREY PIVA - GENERAL MANAGER

If Business is a Corporation / Corporate Name and Officers: _____

NEEDHAM GOLF CLUB INC - ROBERT ERNST, President

If Business is not a Corporation, Name of Owner: -

Address of Establishment: 49 Green St.

Mailing Address: Same Telephone Number: 781-444-5548

Email Address: GPIVA@NEEDHAMGOLFCLUB.COM Fax Number: _____

Describe the type of entertainment at your Establishment: _____

Summer Concert Series - July 16, July 30, August 20
September 10

Signature of Applicant: [Signature] Date: 6/22/22

A certificate of insurance showing evidence that the applicant has workers' compensation insurance must be included with this completed application.

Pursuant to M.G.L. Ch. 62C, Sec. 49A:

I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all state tax returns and paid all state taxes required under law.

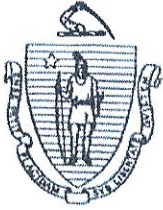
[Signature]
Signature of Applicant (Mandatory)

04-1655650
Either a Social Security Number
Or Federal Identification Number
Must Be Supplied

By Corporate Officer
(If applicable)

6/22/22
Date (required)

This License will not be issued unless this certification clause is signed by the applicant.



The Commonwealth of Massachusetts
Department of Industrial Accidents
Office of Investigations
600 Washington Street
Boston, MA 02111
www.mass.gov/dia

Workers' Compensation Insurance Affidavit: General Businesses

Applicant Information

Please Print Legibly

Business/Organization Name: NEEDHAM GOLF CLUB

Address: 49 Green Street

City/State/Zip: _____

Phone #: _____

Are you an employer? Check the appropriate box:

1. ☒ I am an employer with 50 employees (full and/or part-time).*
2. ☐ I am a sole proprietor or partnership and have no employees working for me in any capacity.
[No workers' comp. insurance required]
3. ☐ We are a corporation and its officers have exercised their right of exemption per c. 152, §1(4), and we have no employees. [No workers' comp. insurance required]**
4. ☐ We are a non-profit organization, staffed by volunteers, with no employees. [No workers' comp. insurance req.]

Business Type (required):

5. ☐ Retail
6. ☒ Restaurant/Bar/Eating Establishment
7. ☐ Office and/or Sales (incl. real estate, auto, etc.)
8. ☐ Non-profit
9. ☐ Entertainment
10. ☐ Manufacturing
11. ☐ Health Care
12. ☐ Other

*Any applicant that checks box #1 must also fill out the section below showing their workers' compensation policy information.

**If the corporate officers have exempted themselves, but the corporation has other employees, a workers' compensation policy is required and such an organization should check box #1.

I am an employer that is providing workers' compensation insurance for my employees. Below is the policy information.

Insurance Company Name: J. Williams Insurance

Insurer's Address: 14 Wad Road Suite 4

City/State/Zip: Braintree MA 01984

Policy # or Self-ins. Lic. #: 08WELGT3293

Expiration Date: 10/31/22

Attach a copy of the workers' compensation policy declaration page (showing the policy number and expiration date).

Failure to secure coverage as required under Section 25A of MGL c. 152 can lead to the imposition of criminal penalties of a fine up to \$1,500.00 and/or one-year imprisonment, as well as civil penalties in the form of a STOP WORK ORDER and a fine of up to \$250.00 a day against the violator. Be advised that a copy of this statement may be forwarded to the Office of Investigations of the DIA for insurance coverage verification.

I do hereby certify under the pains and penalties of perjury that the information provided above is true and correct.

Signature: [Signature]

Date: 11/10/21

Phone #: 781-444-5548

Official use only. Do not write in this area, to be completed by city or town official.

City or Town: _____ Permit/License # _____

Issuing Authority (circle one):

1. Board of Health 2. Building Department 3. City/Town Clerk 4. Licensing Board 5. Selectmen's Office
6. Other _____

Contact Person: _____ Phone #: _____



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

10/29/21

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER J. Williams Insurance Agency Inc. 14 Wood Rd, Suite 4 Braintree, MA 02184	CONTACT NAME: Rob Mattson PHONE (A/C, No, Ext): 781-848-9192 FAX (A/C, No): 781-848-9116 E-MAIL ADDRESS: Rob@jwilliamsinsurance.com
INSURED Needham Golf Club Inc. 49 Green Street Needham, MA 02492	INSURER(S) AFFORDING COVERAGE INSURER A: Philadelphia Insurance Cos INSURER B: Arbella-Protection INSURER C: The Hartford INSURER D: INSURER E: INSURER F:

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC OTHER:			TGA07326495-00	11/01/21	11/01/22	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 3,000,000 PRODUCTS - COMP/OP AGG \$ 3,000,000
B	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☒ SCHEDULED AUTOS ☒ HIRED AUTOS ONLY ☒ NON-OWNED AUTOS ONLY			1020009175	11/01/21	11/01/22	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	☒ UMBRELLA LIAB ☒ OCCUR ☐ EXCESS LIAB ☐ CLAIMS-MADE DED RETENTION \$			PHUB698121	11/01/21	11/01/22	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N	N/A	08WECGT3293	10/31/21	10/31/22	☒ PER STATUTE ☐ OTH-ER E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000
A	LIQUOR LIABILITY			PHPK2053013	11/01/21	11/01/22	Aggregate \$2,000,000 \$1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER TOWN OF NEEDHAM 470 DEDHAM AVE. NEEDHAM, MA 02492	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
---	---

June 22, 2022

Select Board
Town of Needham
1471 Highland Ave
Needham, MA 02492

Re: Appropriation of Excess and Deficiency Funds

The Minuteman Regional Vocational Technical School District FY2021 Excess and Deficiency was certified in the amount of \$1,478,730.00 by the MA Department of Revenue on June 3, 2022. This certification remains valid through June 30, 2022. A decision to appropriate these funds for use may only be done so during the period in which it is certified.

On June 22, 2022, the Minuteman Regional Vocational Technical School Committee voted unanimously to appropriate \$500,000.00 from certified excess and deficiency to be transferred to the Capital Stabilization Fund. This transfer will support Minuteman's expansion capacity plans, while keeping our promise to member towns to do so without any additional borrowings.

This action will result in an amendment (increase) to the FY2022 Minuteman Regional Vocational Technical School District's approved budget. Under CMR 41.05 (5), the Treasurer must submit the proposed amendment to the members of the regional district within seven (7) days of the School Committee vote for the local appropriating authority approval. **The Town of Needham is requested to respond with a statement of endorsement by the Select Board as soon as possible, but no later than the end of the business day on June 29, 2022.** An example is included of a statement that would suffice.

The Minuteman Regional Vocational Technical School Committee will not act on this appropriation unless it is positively endorsed by two-thirds of the member towns. This action will not change the assessment already established with the Town of Needham.

If you have any questions, please contact Nikki Andrade, Business Manager at nandrade@minuteman.org or 781-274-1033.

Respectfully submitted,


Edward A. Bouquillon, Ph.D.
Superintendent-Director
Laurie Elliott
Treasurer

cc: Minuteman Regional Vocational Technical School Committee
Nikki Andrade, Business Manager
Kate Fitzpatrick, Town Manager

June __, 2022

To: Minuteman Regional Vocational Technical School Committee
From: Town of Needham Select Board
Re: Appropriation of Excess and Deficiency Funds

The Town of Needham Select Board positively endorses the Minuteman Regional Vocational Technical School Committee to appropriate \$500,000.00 from certified excess and deficiency to be transferred to the Capital Stabilization Fund. This transfer will support Minuteman's expansion capacity plans.

This action will result in an amendment (increase) to the FY2022 Minuteman Regional Vocational Technical School District's approved budget but will not change the assessment already established with the Town of Needham. The Minuteman Regional Vocational Technical School Committee will not act on this appropriation unless it is positively endorsed by two-thirds of the member towns.

Sincerely,

Town of Needham Select Board

cc: Minuteman Regional Vocational Technical School Committee
Edward A. Bouquillon, Superintendent
Laurie Elliott, Treasurer
Nikki Andrade, Business Manager