

Town of Easton, Massachusetts

Procedure and Documents required for **New Alcohol Retail License (Restaurant)**

Please note the following is based on application requirements of the Massachusetts Alcoholic Beverages Control Commission (ABCC) and the Town of Easton.

1. **Form 43 – Completed by the town** and signed at the hearing if license is approved by the Selectmen – An original and copy is sent with the application; one copy is kept on file.
2. **Retail License application.** Please note the ABCC has “bundled “the required forms listed below for your application. Please [click here](#) to access the application. **Please do not leave any section blank; all questions must be answered completely and accurately.**
3. **Monetary Transmittal Form (page prior to Retail License Application)**
4. \$200 Fee. If using the ABCC’s Electronic payment system [Epay](#), you will need to Select **the link for Retail License** and then select “**filing fee.**” **You will need to provide the Payment Confirmation Number to the Selectmen’s Office for your application.** If you are paying by check, payment is submitted to our office with the \$200 check or money order payable to the Commonwealth of Massachusetts or Alcoholic Beverage Control Commission. Submit a separate payment, check or cash, (check payable to the Town of Easton) for the filing fee - \$40 as of 9/1/10.
5. Be sure to attach as required “**A Vote of the Entity**” authorizing all requested transactions. The vote should include the appointment of a Manager and include approval to conduct and operate a business at the chosen location.
6. **All MANAGERS must be United States Citizens**, and must be at least 21 years of age. Proof of Citizenship or Naturalization must be provided (U.S. Passport, Birth Certificate or Naturalization Papers). See the attached Citizenship and Residency Requirements.
7. CORI must be completed for the Manager. Click [here](#) for the fillable form. A copy of Drivers’ License is required or form of Government issued photographic identification.
8. **Personal Information Form.** If a corporation, the manager must complete the form. IF a partnership each partner must complete the form. Important note: **Each individual listed in §10 (Interests in the License) of the Retail License application must complete this form.** This includes all individuals involved in the entity (e.g. corporate stockholders, directors, officers and LLC members and managers), any person or entity with a direct or indirect, beneficial or financial interest in this license (e.g. landlord with a percentage rent based on alcohol sales). Directly under the Retail License application form is a link to the [Personal Information Form](#) if additional forms are needed.

9. When the application is submitted in complete form with all required payments and attachments, the Board of Selectmen's Office will schedule a hearing. The hearing will be advertised in the local paper. The applicant is responsible for the fee for the advertisement. The Form 43 (completed by the Selectmen's Office) will note the date of the advertisement and the name of the publication.

10. Applicant must **notify abutters via Certified Mail/Return Receipt Requested**. The Applicant will obtain the List of Abutters from the [Assessors Office](#) (the application is online) and pay the required fee. The applicant will complete the certified/return receipt mailing, mailing copies of the hearing notice; a copy of the hearing notice is obtained from the Selectmen's Office. The returned/signed green cards must be submitted to the Selectmen's Office one week prior the hearing date.
 - a. **NOTE.** Churches, synagogues, hospitals and public or private elementary or secondary schools located within 500 feet of the premises of a liquor-serving establishment must be notified by registered mail. In all cases, whether the license is protested or not, the licensing authority (Board of Selectmen) must determine in writing after the hearing that the premises is not detrimental to the educational and spiritual activities of such school or church, if approving the application.

11. **A copy of the floor plan** (must be to scale) must be included. Indicate clearly **locked area for liquor storage**. The required description of the licensed premises should include the location of all entrances and exits, and include the dimensions and square footage of each room. Total square footage of licenses premises should be included. **Please limit this description to three sentences.**

12. If the applicant is leasing the premises, the applicant must submit **a copy of the final lease** or documents evidencing a legal right to occupy the premises.

13. Include **Purchase and Sale** documents of premises. **Documents verifying sources of financing.** Submit any and all records, documents, affidavits including loan agreements that explain the source(s) of money for this transaction. Sources of cash should include a minimum of three (3) months of bank statements.

14. If a corporation or an LLC, submit **Articles of Organization**. If a corporation/LLC, submit Certificate of Good Standing. Click [here](#) to order this certificate online from the Secretary of State.

15. [Town of Easton General Application](#). Please note the hours of operation and currently, as of 9/1/10, Restaurant Liquor sales on Sundays are permitted only beginning at 12:00 noon. Restaurants are allowed to sell and serve liquor until 1:00 am.

16. **Workers' Compensation Insurance.** Before issuance of a license, a copy of the certificate of liability insurance – showing period of coverage and policy number – must be submitted. [The Workers' Compensation Affidavit](#) must also be complete and submitted.

- a. NOTE: **The Certificate of Insurance must also show the mandatory minimum amount of liquor liability coverage** (NOT REQUIRED FOR PACKAGE STORES) as mandated by the State. [Click here](#) for information on this requirement.

The ABCC retail license application must be filled out completely with all required attachments in order for the application to be accepted by our office. After the application is accepted, it will be forwarded to other town departments requesting comment. You will be informed of any issues prior to the hearing. However, at this time, please contact directly the Board of Health, Inspectional Services, and the Town Clerk for any permits/licenses required by these departments to determine requirements of these departments. For contact information for these departments, [click here](#).

Please note the processing length and approval process will take approximately six to nine weeks. Following approval by the Board of Selectmen and approval by the ABCC, the prorated fee for the new liquor license will be due. Please see the attached annual fee schedule.

If you plan to offer entertainment at your establishment, you must apply for an [Entertainment License](#). Please note that there are two annual Entertainment licenses: a Monday through Saturday annual, and an annual Sunday.

For additional information on this process, and important information related to Alcohol License regulations and requirements, please visit the [Alcoholic Beverages Control Commission \(ABCC\)](#) website. If you have difficulty using the online forms, **please call (508) 230-0501 for assistance or email kminsky@easton.ma.us**.

Thank you.

The Easton Board of Selectmen strongly urge all alcohol licensees to have all employees trained in methods of observation and detection to avoid selling or serving to intoxicated persons and/or minors.

MATRIX FOR RETAIL LICENSE TRANSACTIONS

Revised 8/24/10

Existing License

Alteration of Premises
Form 43 Transmittal Form \$200 Fee Newspaper Notice Abutter Notification Petition for a Change of License *Floor Plans *Legal Right to Occupy (if needed) *Supporting Financial Records (if needed) *Vote of Corporate Board

Change of Corp. Name
Form 43 Transmittal Form \$200 Fee Petition for a Change of License *Amended Art. of Org. *Vote of Corporate Board

Change of License Type
Form 43 Transmittal Form \$200 Fee Newspaper Notice Petition for a Change of License *Vote of Corporate Board

Change of Location
Form 43 Transmittal Form \$200 Fee Newspaper Notice Abutter Notification Petition for a Change of License *Floor Plans *Legal Right to Occupy *Supporting Financial Records (if needed) *Vote of Corporate Board

Change of Manager
Form 43 Transmittal Form \$200 Fee Petition for a Change of License *Manager's Form *Personal Information Form *Vote of Corporate Board

Cordials & Liqueurs
Form 43 Transmittal Form \$200 Fee Newspaper Notice Abutter Notification Petition for a Change of License *Vote of Corporate Board

New Officers/Directors
Form 43 Transmittal Form \$200 Fee Petition for Transfer of Ownership Application with: *Personal Information Form *Statement of Change to Art. of Org. *Vote of Corporate Board

New Stockholders
Form 43 Transmittal Form \$200 Fee Newspaper Notice Petition for Transfer of Ownership Application with: *Personal Information Form *Supporting Financial Records *Vote of Corporate Board

Pledge of License
Form 43 Transmittal Form \$200 Fee Petition for a Change of License *Pledge Agreement *Promissory Note *Supporting Financial Records (if needed) *Vote of Corporate Board

Pledge of Stock
Form 43 Transmittal Form \$200 Fee Petition for a Change of License *Pledge Agreement *Promissory Note *Supporting Financial Records (if needed) *Vote of Corporate Board

Seasonal License to Annual License
Form 43 Transmittal Form \$200 Fee Newspaper Notice Abutter Notification Application with: *Art. of Organization *Floor Plans *Legal Right to Occupy *Manager's Form *Personal Information Form *Supporting Financial Records *Vote of Corporate Board

Transfer/Issuance of Stock
Form 43 Transmittal Form \$200 Fee Newspaper Notice Petition for Transfer of Ownership Application with: *Personal Information Form *Purchase & Sale Agreement *Supporting Financial Records *Vote of Corporate Board

Transfer of License
Form 43 Transmittal Form \$200 Fee Newspaper Notice Petition for Transfer of Ownership Application with: *Art. of Organization *Legal Right to Occupy *Manager's Form *Personal Information Form *Purchase & Sale of Business *Supporting Financial Records *Vote of Corporate Board

No Fee Transactions
Change of DBA Form 43 No Fee Transmittal Form Petition for a Change of License *Business Certificate *Vote of Corporate Board

Change of Hours
Form 43 No Fee Transmittal Form *Vote of Corporate Board

MATRIX FOR RETAIL LICENSE TRANSACTIONS

Revised 8/24/10

New License

New License
Form 43
Transmittal Form
\$200 Fee
Newspaper Notice
Abutter Notification
Application with:
*Art. of Organization
*Floor Plans
*Legal Right to Occupy
*Manager's Form
*Personal Information Form
*Supporting Financial Records
*Vote of Corporate Board

Pouring Permit

Pouring Permit
Form 43
Transmittal Form
\$200 Fee
Newspaper Notice
Abutter Notification
Application with:
*Art. of Organization
*Copy of the ABCC License Section 19B, 19C or 19E
*Floor Plans
*Legal Right to Occupy
*Manager's Form
*Personal Information Form
*Supporting Financial Records
*Vote of Corporate Board

Special Licenses (No Fee)

Charity Wine License
Form 43
Transmittal Form
Application
*Certificate of Good Standing from MA Secretary of State
*Certificate of Solicitation from MA Attorney General's Office
*Letter of Consent from Section 12 Licensee (if needed)

Citizenship And Residency Requirements

Citizenship and residency requirements are found in M.G.L. c. 138 § 15, first paragraph and §26, first paragraph, and 204 CMR 2.01 (1). Below is summary of those requirements.

	U.S. Citizen	MA Resident
<u>Section 12 (On-Premise)</u>		
Individual	YES - ALL	NO
Partnership	ALL	NO
Corporation	Majority Cannot Be Aliens	NO
Manager	YES	NO

<u>Section 15 (Off-Premise)</u>		
Individual	YES	YES
Partnership	ALL	ALL
Corporation	All Directors	Majority of Directors
Manager	YES	NO

Minimum Number Of Directors

A requirement for a minimum number of directors for any Massachusetts corporation is established in M.G.L. c. 156B § 47. Below is a summary of this requirement:

<u>Shareholders</u>	<u>Minimum Number of Directors Required</u>
1	1
2	2
3	3
4+	3

**Town of Easton
2010-2011 License Fees**

<u>License</u>	<u>Type</u>	<u>Fee</u>
One-Day	All	\$ 80.00
One-Day	Wine & Malt	40.00
Restaurant	All	2,500.00
Restaurant	Wine & Malt	1,250.00
Package Store	All	1,750.00
Package Store	Wine & Malt	1,150.00
Club		1,150.00
Auctioneer		40.00
Junk Dealer		50.00
Car Licenses	Class I	200.00
Car Licenses	Class II	200.00
Car Licenses	Class III	200.00
Vehicles for Hire/Taxi	Per Vehicle	80.00
Common Victualler		75.00
Jukebox & Electronic Game	Per Game	35.00
Entertainment	Sunday	50.00
Entertainment	Annual	50.00
Entertainment	One-Day	30.00
Fortune Teller		50.00
Lodging House		40.00
Billiard Table – per table	Each table - up to 3	80.00
Billiard Table – per table	Each table - over 3	20.00
Liquor Filing Fee **		40.00
Other Filing Fee **		25.00
Constable Application **		50.00

**** Filing fees are for original licenses only - not renewals**