

TOWN OF BELMONT  
OFFICE OF THE SELECT BOARD  
455 CONCORD AVENUE  
BELMONT, MASSACHUSETTS 02478

## ALCOHOLIC BEVERAGES POLICIES, RULES AND REGULATIONS:

Adopted by vote of the Board of Selectmen on June 14, 2004 for restaurants  
Adopted by vote of the Board of Selectmen in 2007 for retail establishments  
Ch. 388 of MGL added December 16, 2010  
As amended through February, 2018  
As amended February 9, 2026

### 1. POLICY STATEMENT, RESTAURANTS

The Town of Belmont is a welcoming town in the heart of the Boston metro area that offers a high quality of life, plentiful opportunity and a close-knit community. It is the goal of the Select Board to further support vibrant commercial centers and corridors, sustain a wide variety of highly desirable dining opportunities, and boost commercial success in the Town of Belmont. The Select Board, as the Local Licensing Authority, will issue alcohol licenses under this policy to qualified applicants who similarly strive to create vibrant, welcoming environments that are an asset to the neighborhood and the community. It is the policy of the Town to both enhance the dining experience of individuals patronizing Belmont restaurants and to foster economic development of appropriate business areas in the Town by encouraging and promoting foot traffic and the support and development of collateral businesses in those areas where restaurants are located. Licenses will not be granted to an establishment whose principal business activity is a take out restaurant and/or which maintains a drive-in or drive-through service.

### 2. GENERAL RULES AND REGULATIONS

Subject to further limitations fixed, modified, or amended by the Select Board acting as the duly constituted licensing Board of the Town of Belmont with respect to alcohol beverage licenses, the General and Special Laws of Massachusetts and the Regulations of the Alcoholic Beverage Control Commission, and all other applicable laws, these following Rules and Regulations will be in full force and effect for Alcohol Licenses:

Any Alcohol License issued by the Belmont Select Board shall be processed in accordance with the procedures and shall be subject to the Rules and Regulations for such licenses described herein. The Select Board may adopt further Rules and Regulations and all such changes shall apply to existing license holders from the date of the adoption. The Select Board may attach such additional conditions and restrictions, other than those stated herein, to each such license as it deems to be in the public interest.

All such licenses shall also be issued contingent upon the continued compliance by the licensee with all appropriate Federal, State and Municipal laws, regulations, licenses and permits that may pertain to the operation of premises including but not limited to the State Building and Fire Codes, and Common Victualer License requirements.

Property occupied by the licensee, whether owned or leased by the licensee, shall conform with all Town bylaws and codes. No licensee shall be allowed to discriminate service to patrons on the basis of race, color, creed, disability, place of national origin, citizenship, sex, religion, sexual orientation, or on any basis prohibited by state law.

Any license issued for the sale in any manner of any alcoholic beverages shall be issued on the condition that there shall be strict compliance with all of these Rules and Regulations. The failure to comply with these Rules and Regulations and Town bylaws and codes shall be a sufficient cause or grounds for refusing to grant the license, and for suspending, canceling, or revoking a license already granted.

### 3. NUMBER OF LICENSES

The Select Board is authorized to issue liquor licenses up to the number specified by state law.

### 4. LOCAL LICENSING AUTHORITY

The Select Board serves as the Local Licensing Authority (LLA) for the Town of Belmont.

### 5. FILING OF APPLICATION

All license application forms, including but not limited to: the Alcoholic Beverage Control Commission general application, Form C for Financing, Form A, -Criminal Record Release Form, and the Department of Revenue Release Form, must be complete before being processed by the Select Board. Complete application material must be provided for each individual whose name appears on the application. An application shall be considered "complete" and accepted by the Town when it has been filed in accord with these procedural instructions and all forms required have been fully completed and executed under such conditions and rules as determined by the Select Board. The application filing fee and annual license fee must be paid with good funds at the time that the original application is filed. No license application shall be considered complete, until documentation has been provided by the Town Treasurer stating that all outstanding local, state and federal taxes that are due and payable including, without limiting the foregoing the remission to the proper taxing authorities of sales taxes, excise taxes, and withheld federal and state income taxes, as well as all other payments due to the Town and to Belmont Light, have been paid in full.

### 6. ORIGINAL APPLICATION FILING FEE

A filing fee of \$250 will be required and must be paid at the time of filing of the original application for an Alcohol License. Filing fees must be paid before acceptance of the application by the Town. Original application filing fees are non-refundable once an application has been accepted by the Select Board for processing. A filing fee of \$100 will be required and must be paid at the time of filing for renewal, or any change that requires reprocessing the license application, including changes in ownership, management or service area.

### 7. ANNUAL LICENSE FEE

The annual license fee for a Wine and Malt Beverage Restaurant or for a Retail License shall be \$2,500. The annual license fee for an All Alcohol Retail License shall be \$4,000, and for an All Alcohol Restaurant shall be \$3,200. Payment must be made with good funds at the time the

application or renewal is filed. The annual license fee shall be refunded if an original or renewal license is not issued.

## 8. DURATION OF LICENSE

Alcohol Licenses once issued are valid until December 31 of each year. Licensees must apply for license renewal each succeeding calendar year.

## 9. RENEWALS

It shall be the responsibility of the licensee to file a renewal application for the following calendar year during the 30 day period before December 1st of each year. Renewal applications can be obtained from the Office of the Select Board. A renewal filing fee of \$100 and the applicable annual license fee will be required and must be paid at the time of filing of any renewal application. Renewal applications must update all previously filed statements and plans to reflect current circumstances. Failure to submit all materials for renewal before December 1st shall result in a loss of license and any subsequent license request must then be treated as a completely new application.

## 10. TRANSFERS

No license shall be transferrable, either to a different location or to a different license holder. Any license that the license holder is seeking to so transfer shall revert to the Town, such that the Town may re-issue said license following the procedures stated herein for the issuance of a new license. Transfers of ownership to trustees in bankruptcy, foreclosures by or transfers to mortgagees having an interest in the license, court appointed receivers or assignees for the benefit of creditors and those taking title or possession of the licensed premises by, through or under them will be deemed to be a prohibited transfer of the license under these Rules and Regulations.

## 11. NOTIFICATION OF ABUTTERS AND HEARING

Upon acceptance of any application for approval or transfer of an Alcohol License and a preliminary determination having been made that the tendered documents are sufficiently complete so as to warrant consideration of the merits of the applications, the Select Board will hold at least one public hearing. The public hearing shall be conducted within thirty days of acceptance of a complete application subject to the initial application filing period described herein. The applicant will be required to comply with the appropriate provisions of M.G.L. c. 138 including, but not limited to sections 15A and 16C relative to notification of abutters, hospitals, churches and schools within a 500 foot radius of the furthest points of the property sought to be licensed. In addition to the requirements of the above statute, the applicant or transferee shall be required to notify all residents who have not otherwise been notified as abutters within a five hundred 500 foot radius of the furthest points of the property sought to be licensed. Said notification requirement shall be satisfied by either hand delivery of said notice, or by certified mail, return receipt requested, to each abutter, hospital, church, school, residence or place of business within the designated area on or before three days before the first public hearing regarding the license application at the Select Board. Strict compliance with the notification provision of these laws shall be adhered to, and shall be the sole responsibility of the applicant. Within ten days after the filing of any such application, the applicant shall cause a notice thereof to be published one time at the expense of the applicant. Such notice shall be published in a

local newspaper in Belmont or, if no newspaper is published in Belmont, then in a newspaper published within the Commonwealth of Massachusetts providing general circulation in Belmont, or if there is no newspaper providing general circulation in Belmont, then in a daily newspaper published in Middlesex County. After such publication, the name of the newspaper publishing such notice shall be noted by the Select Board on the application for a license. The notice shall set forth the name of the applicant in full, the kind of license applied for, a description of the location and area where the license is intended to be exercised, designating, if practicable, the street and number, and the date, time, and location of the public hearing. Before the first public hearing, the applicant shall present compliance with this notification requirement in the form of a written, notarized affidavit stating the properties required to be so notified, the properties which were so notified, the method of notification, the name and address of all persons who made notice by hand delivery, and all proofs of mailing stamped by the United States Postal Service and all return receipts for certified mail notices.

## 12. EXERCISE OF LICENSE

Construction or alteration of any newly licensed premises shall commence within 45 days and be in full operation within four months after the date of the final license approval unless a longer period is authorized by the Select Board. Thereafter, said licensee shall continuously operate the licensed premises in accordance with the terms and conditions of their license. The closing of the licensed premises for any reason for a period of seven consecutive days or more without prior approval of the Select Board shall be deemed to be an abandonment of the license and sufficient grounds for cancellation of the license by vote of the Select Board, in which event said license shall revert to the Town, such that the Town may re-issue said license following the procedures stated herein for the issuance of a new license, and subject to any applicable limitations under Federal or State law.

## 13. OWNERSHIP AND INTEREST

The licensee shall disclose in its application the true corporate name of the applicant, its state of incorporation and the names and addresses of (a) its current corporate officers and directors if a corporation, (b) its current managers if a limited liability company, (c) its current partners if a partnership, (d) or its current trustees if a trust. The licensee shall indicate the true names and residential addresses of any owners holding five percent or more of the outstanding corporate stock or the true names of the owners of five percent or more of the beneficial equity in the applicant if the stock is held by trustees or straws for the benefit of others, or if the applicant entity has no stock. If the licensed corporation is owned or controlled by another corporation, the true names and addresses of the owners of five percent or more of this holding corporation shall also be listed. The failure of a licensee or applicant to notify the Select Board of any changes in the corporate ownerships within seven days of the occurrence of such change shall be deemed a violation of the license and be sufficient cause for its revocation or suspension.

No corporation organized under the laws of the Commonwealth, or of any other state or foreign country, shall be given a license to sell, in any manner, any alcoholic beverages unless such corporation shall notify the Select Board that it has appointed, by vote of its Board of Directors or other similar governing persons or board, as manager of the licensed establishment, a qualified person legally permitted to hold that role, by properly authorized and executed written delegation the full authority and control of the premises described in the license application of such corporation and control of all business therein relative to alcoholic beverages as the licensee itself could, in any way, have or exercise if the licensee were a natural person resident

in the Commonwealth; nor unless such manager is, with respect to character, satisfactory to the Select Board. The appointment of such a manager of a licensed establishment, any such change in such a manager, must be approved by the Select Board.

#### 14. FINANCIAL INFORMATION

As part of any license application, the applicant must supply complete financial statements and disclosures concerning the corporations and/or persons having an interest proposed license for the purpose of determining the financial responsibility, financial interest, and financial capability of the applicant to operate the licensed establishment. This shall include bank or other statements of such persons from a financial institution showing the origin of the funds being used to purchase and/or operate the establishment, and bank statements from such persons for the three months before to the filing of the application, a Certificate of Good Standing from the Massachusetts Department of Revenue, a Certificate of Legal Existence from the Corporations Division of the Massachusetts Secretary of State, the purchase and sale agreement and lease (if applicable) regarding the establishment, any and all documents evidencing any loans being obtained to finance the establishment, and any other requirements as the Select Board may require.

#### 15. BUILDING AND SITE PLANS

In addition to the above forms, each application must contain the following information shown on a plans or plans drawn to scale by an architect or an engineer. The Select Board may request Town departments and agencies to review the plans and advise the Board as to any concerns or issues involving the jurisdiction of the department or agency.

##### 15.1 Building Plans

- a. The net floor area of all areas within the building to be licensed, which shall include the area of the room or rooms measured between the interior walls exclusive of stairways, service counters, and hallways.
- b. The prospective dimensions of each room or rooms requested to be licensed, for restaurants include dining room, function rooms, and rooms in which alcoholic beverages are to be stored.
- c. For restaurants, the location of any proposed service counters, and any seating proposed to be attached to a counter for food and alcohol service.
- d. For restaurants, the area in which seats or benches are to be securely fastened to the floor and/or walls forming what are commonly called booths.
- e. For restaurants, the area in which there are to be moveable or unsecured seats and tables.
- f. For restaurants, the total number and arrangement of.
- g. Entrances and exits.
- h. An architectural rendition of the exterior of the building.
- i. All rooms not being requested to be licensed, if said rooms are to be on the same floor as those rooms to be licensed, shall be labeled as to their function, such as kitchens, coat rooms, toilets, rest rooms, lobby, etc. The actual use of these ancillary areas shall be strictly limited to the uses indicated on said plans.
- j. The precise location of any room designated for private functions where alcohol may be served as provided in Section 20.

## 15.2 Site Plans

Site plans, which shall include but not be limited to showing all curb cuts, egresses, parking areas, exterior lighting and signage, and landscaping, as have been required if necessary and approved by the Planning Board, Board of Appeals, or applicable Town permitting authority.

## 16. HOURS

- a. Restaurant Licenses: The hours during which sales of alcoholic beverages may be made by any restaurant licensee for consumption of alcoholic beverages on the premises shall be limited to the hours of operation as designated on any common victualer's license issued to the licensed premises and during which the dining room/retail establishment is open and full food service is available, provided that in no event shall sales of alcoholic beverages be allowed outside of the hours of 10:00 A.M. to 12:00 A.M. midnight. Monday through Sunday. The Select Board authorizes the Town Administrator to extend licensed alcoholic beverage service hours until 1:00 A.M. on January 1 for that license year, if a licensee requests such an extension in writing.
- b. Retail Licenses: The hours during which sales of alcoholic beverages may be made by a licensee for consumption of alcoholic beverages off the premises shall be from 8:00 A.M. to 11:00 P.M. Monday through Saturday, from 8:00 A.M. to 11:30 P.M. on any day immediately preceding a legal holiday, from 10:00 A.M. to 11:00 P.M. on Sundays and from 12 noon to 11:00 P.M. on Memorial Day. Such sales of alcoholic beverages are not permitted on Christmas Day or Thanksgiving Day.
- c. With respect to the sale and consumption of alcoholic beverages at a restaurant, all beverage/glasses/bottles or other containers must be removed from tables and counters one-half hour after closing time. Patrons must be off premises one-half hour after closing time.

## 17. INSURANCE

All licensees shall be required to provide to the Town a certificate of insurance providing coverage for fire, premises liability, and liquor liability with reasonable limits of coverage, except that liquor liability shall have minimum coverage of \$1,000,000 per occurrence and \$2,000,000 in the aggregate, whereas the policy shall carry an endorsement that the Town of Belmont shall be notified by the insurer no less than ten days before the cancellation of said coverage, and the Town shall be named "an additional insured" The applicant will provide the Town with evidence the necessary insurance is current and fully paid.

## 18. SERVICE OF ALCOHOLIC BEVERAGES IN RESTAURANTS

- a. Food service must be available in all areas where alcoholic beverages are to be served. After two alcoholic beverages have been served and consumed, a third such beverage may be served only with a food order.
- b. Items such as chips, nuts, pretzels or other so-called "snack foods" and/or any other food which are served gratuitously with alcoholic beverages are not sufficient to qualify as food service.
- c. Pitchers of beer may be served only to two or more patrons

- d. Service of alcoholic beverages shall be performed only by authorized staff who have completed an alcohol service training such as ServSafe, Training for Intervention Procedures (TIPS) or equivalent program within the past three years. Servers shall be allowed thirty days to complete the program when first working as a wait person.
- e. Cordials and Liqueurs may not be served in a wine and malt beverage establishment unless and until Chapter 451 of the Acts of 1993 is accepted by the Town and written approval of the same is granted by the Board consistent with said law.

## 18.2 SERVICE AREA REQUIREMENTS FOR RESTAURANTS

- a. The service and consumption of alcoholic beverages shall be limited to those dining rooms, patios, sidewalks, or other public areas pertaining to the premises that are approved by the Board.
- b. Any liquor licensee applying for approval of outdoor seating must comply with the Town of Belmont's Outdoor Dining Policy. No person shall drink, or have in their possession an opened container of any alcoholic beverage as defined in M.G.L. c. 138 while upon any public way or upon any way to which the public has a right of access as invitees or licensees, or any park or playground or private land or place without consent of the owner or person in control thereof.
- c. The location of counters, including counters used by waitstaff solely to obtain alcoholic beverages for service to patrons shall not be changed unless approved by the Select Board and unless an amended plan is submitted to the Board showing the proposed change.
- d. No licensed restaurant may permit the use of gambling devices on the premises. Electronic amusement devices such as electronic games require an entertainment license from the Board. A licensed retail establishment may sell state lottery tickets if approved to do so by the Select Board and the Commonwealth of Massachusetts.
- e. No premises may be licensed that contain any advertisement or sign on the outside facade upon which appears any brand name of an alcoholic beverage product. Signs must comply with Zoning By-law § 5.2: Signs
- f. The sale or service of alcoholic beverages is prohibited in any area not licensed by the Select Board, and no change in such area or location shall be made without prior approval of the Select Board and unless an amended plan is presented to and approved by said Board.
- g. A licensee must ensure a clear view of the interior of the licensed premises from the outside of the building. Licensees may not obstruct a clear view of the interior of the licensed premises from the outside.
- h. No licensed restaurant may permit the sale of tobacco, vaping or marijuana products or paraphernalia, permit any nude entertainment or permit the sale of pornographic items or materials.

## 20. PRIVATE FUNCTIONS

Private functions where alcohol is to be served may be held:

- a. In a portion of licensed premises whose area is in addition to the space required for the seats available to the general public. Such an area must be in addition to the space required for the seats available to the general public and consist of a room or rooms duly licensed for the service of alcoholic beverages and shall be closed to the general public.

- b. In part or all of the licensed premises whose area is part of the space required for the seats available to the general public. Such area for the private function must be made unavailable to the general public while the private function is taking place and no alcohol may be served to any member of the general public.

## 21. INSPECTIONS

The licensed premises shall be subject, at all times, to inspection by members of the Select Board, the Town Administrator, Police and-Fire Departments, Board of Health, the Office of Planning and Building, or their representatives, or any other department or official of the Town so directed or authorized by the Select Board.

## 22. SUPERVISION-PRESENCE

The approved manager of the licensee shall, at all times during which alcoholic beverages are being sold pursuant to the license, be present in the licensed premises and shall be available to the licensing authorities during all such times unless some other person similarly qualified, authorized and satisfactory to the Select Board and whose authority to act in place of such manager shall first have been approved by the Select Board in the manner aforesaid, is present in the premises and is acting in the place of such manager. The full name, residential address, business and home telephone numbers of said manager must be on file in the Select Board's office. Failure to have such information on file and current shall alone be sufficient cause for revocation or suspension of such license.

Within the past two years, all managers for a restaurant establishment must have successfully completed a certified server training program for alcoholic beverages approved by the Select Board before licensing or approval of any change of management, and any other training or certification which the Select Board require.

## 23. ORDER AND DECORUM

The manager or representative shall at all times maintain order and decorum in the premises and in the immediately surrounding area of the premises and shall cooperate in all ways with Town officials including but not limited to representatives from the Office of Planning and Building, Board of Health, and Fire and Police Departments in ensuring safe and orderly facilities. The premises must be kept clean, neat, and sanitary at all times. Outside areas of the premises will likewise be kept in orderly and neat condition.

## 24. VIOLATION OF RULES AND REGULATIONS

Any license issued under these rules and regulations may be suspended or revoked by the Select Board if any of the rules or regulations are violated, for other reasonable cause related to the public good, or for matters regarding the licensee's fitness to hold a license. Suspension or revocation shall be initiated by the Select Board by written notification of such intent to suspend or revoke, sent to the license holder. The Select Board shall hold a Public Hearing upon such suspension or revocation.

The hearing shall be commenced within two weeks of the notice of intent to suspend or revoke said license. If a license is so revoked, then said license shall revert to the Town, such that the

Town may re-issue said license following the procedures stated herein for the issuance of a new license.