



Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, Massachusetts 02150-2358

Jean M. Lorizio, Esq.
Chairman

DECISION

HARE RAM CORP.
D/B/A MILE 10 PROVISIONS
54 EAST CENTRAL STREET, UNIT B
NATICK, MA 01760
LICENSE#: 90765-PK-0768
HEARD: 06/25/2025

This is an appeal of the action of the City of Natick License Commission ("Local Board" or "Natick") in denying the change of category application (the "Application") of Hare Ram Corp. dba Mile 10 Provisions ("Licensee" or "Mile 10") located at 54 East Central Street, Unit B, Natick, MA 01760. The Licensee timely appealed the Local Board's decision to the Alcoholic Beverages Control Commission ("Commission" or "ABCC") and a hearing was held on Wednesday, June 25, 2025.

The following documents are in evidence:

1. Map;
 2. wickedlocal.com Article;
 3. natickreport.com Article.
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- A. 2025 Application for Change of License Classification;
 - B. Local Board's 2025 Notice of Public Hearing;
 - C. 2025 Natick Police Review of Mile 10 Provisions;
 - D. Local Board Meeting Minutes, May 14, 2025;
 - E. Local Board's Decision, May 15, 2025;
 - F. ABCC Notice of Appeal Hearing, June 25, 2025;
 - G. Mile 10's 2023 Application for All Alcohol License;
 - H. Local Board Meeting Minutes, December 3, 2023;
 - I. 2023 Emails to Select Board in Opposition to License;
 - J. 2023 MASSPACK Correspondence in Opposition to License;

- K. 2023 Natick Police Review of Mile 10 Provisions;
- L. Local Board's Decision;
- M. Local Board Meeting Minutes, February 26, 2024;
- N. Local Board Meeting Minutes, March 6, 2024;
- O. 2024 Licensing Certification;
- P. Town of Natick Alcohol Policy;
- Q. Photographs of Plaza at 54 East Central Street, Natick, MA;
- R. Map of Natick Liquor Stores;
- S. 2022 Town of Natick Policy Statement for Issuance of Licenses;
- T. Thumb drive with Video Excerpt of Local Board's Hearing, May 14, 2025.

There is one audio recording of this hearing. Two witnesses testified before the Commission.

FINDINGS OF FACT

1. Hare Ram Corp. dba Mile 10 Provisions is a Massachusetts corporation which holds a § 15 wines and malt beverages retail package store license and operates its business at 54B East Central Street in Natick, Massachusetts. (Testimony, Exhibit A)
2. Mr. Neel Patel is the sole officer and director of the Licensee entity, Hare Ram Corp. and is the manager of record. (Exhibits A, O)
3. On or about March 24, 2025, Mile 10 filed an application with the Local Board petitioning to change the category of its § 15 license from wines and malt beverages to all-alcoholic beverages. Id.
4. The Natick Police Department reviewed the Application and submitted a request to the Local Board to question the public need for the change in category given the location of Mile 10 "...between two long established retail liquor stores". (Testimony, Exhibit C).
5. On Wednesday, May 14, 2025, the Local Board held a public hearing regarding the Licensee's Application. (Testimony, Exhibit B, D, T)
6. At the May 14th hearing, the Local Board heard from the Licensee as to his application and business plan and discussed public need relative to the proposed business overview and the store's proximity to existing package stores licensed to sell all alcoholic beverages. (Testimony, Exhibits D, T)
7. By decision dated May 15, 2025, the Local Board denied Mile 10 Provision's change of category application, finding, "... a grant of the requested license was not in the public interest that requires such licensing to serve public need and in such a manner as to protect the common good." The decision further stated "...there are an adequate number of stores, at least two other all alcohol retailers within close proximity where the public may obtain the different sorts of beverages consistent with this application." (Exhibit E)

8. The Local Board cited in its decision, the two existing § 15 all-alcoholic beverages retail package stores within close proximity of Mile 10:
 - i. Dion's Liquors, located 0.4 miles away; and
 - ii. Town Line Liquors, Inc., located 0.6 miles away. (Testimony, Exhibit E)
9. Mile 10 timely appealed the Local Board's decision to the Alcoholic Beverages Control Commission. (Ex. F)

DISCUSSION

Licenses to sell alcoholic beverages are a special privilege subject to public regulation and control for which States have especially wide latitude pursuant to the Twenty-First Amendment to the United States Constitution. Connolly v. Alcoholic Beverages Control Comm'n., 334 Mass. 613, 619 (1956), Opinion of the Justices, 368 Mass. 857, 861 (1975). The procedure for the issuance of licenses to sell alcoholic beverages is set out in M.G.L. c. 138. Licenses must be approved by both the local licensing authorities and the Commission. M.G.L. c. 138, §§12, 67; Beacon Hill Civic Assn. v. Ristorante Toscano, Inc., 422 Mass. 318, 321 (1996).

The statutory language is clear that there is no right to a liquor license. As Section 23 provides in pertinent part,

[t]he provisions for the issue of licenses and permits [under c. 138] imply no intention to create rights generally for persons to engage or continue in the transaction of the business authorized by the licenses or permits respectively, but are enacted with a view only to serve the public need and in such a manner as to protect the common good and, to that end, to provide, in the opinion of the licensing authorities, an adequate number of places at which the public may obtain, in the manner and for the kind of use indicated, the different sorts of beverages for the sale of which provision is made.

M.G.L. c. 138, § 23.

A local licensing authority has discretion to determine public convenience, public need, and public good, with respect to whether to grant a license to sell alcoholic beverages. Donovan v. City of Woburn, 65 Mass. App. Ct. 375, 378-379 (2006); Ballarin, Inc. v. Licensing Bd. of Boston, 49 Mass. App. Ct. 506, 510-511 (2000).

It is well-settled that the test for public need includes an assessment of public want and the appropriateness of a liquor license at a particular location. Ballarin, 49 Mass. App. Ct. at 511. The Appeals Court held that "[n]eed in the literal sense of the requirement is not what the statute is about. Rather the test includes an assessment of public want and the appropriateness of a liquor license at a particular location." Ballarin, 49 Mass. App. Ct. at 511-512. In Ballarin, the Court identified factors to be considered when determining public need:

Consideration of the number of existing licenses in the area and the views of the inhabitants in the area can be taken into account when making a determination, as

well as taking into account a wide range of factors- such as traffic, noise, size, the sort of operation that carries the license and the reputation of the applicant. Id.

The Appeals Court has held that a local board may deny a license even if the facts show that a license lawfully could be granted. Donovan, 65 Mass. App. Ct. at 379. "Neither the [local board's] broad discretion nor the limitations on judicial review, however, mean that the [local board] can do whatever it pleases whenever it chooses to do so. See Id. "Instead, '[w]here the factual premises on which [the board] purports to exercise its discretion is not supported by the record, its action is arbitrary and capricious and based upon error of law, and cannot stand.'" Id. (quoting Ruci v. Client's Sec. Bd., 53 Mass. App. Ct. 737, 740 (2002)). A Board must state the reasons for its decision to deny the granting of a liquor license. M.G.L. c. 138, § 23. "Adjudicatory findings must be 'adequate to enable [a court] to determine (a) whether the . . . order and conclusions were warranted by appropriate subsidiary findings, and (b) whether such subsidiary findings were supported by substantial evidence.'" Charlesbank Rest. Inc. v. Alcoholic Beverages Control Comm'n, 12 Mass. App. Ct. 879, 880 (1981) (quoting Westborough v. Dep't of Pub. Util., 358 Mass. 716, 717-718 (1971)). General findings are insufficient, and if the licensing board does not make sufficient findings, "it remain[s] the Commission's obligation to articulate the findings of fact, which were the basis of the conclusions it drew," and not merely adopt the findings of the board. Charlesbank Rest. Inc., 12 Mass. App. at 880.

In reviewing the decision of a denial by a local licensing authority, the Commission gives "reasonable deference to the discretion of the local authorities" and determines whether "the reasons given by the local authorities are based on an error of law or are reflective of arbitrary or capricious action." Great Atlantic & Pacific Tea Co., Inc. v. Board of License Comm'rs of Springfield, 387 Mass. 833, 837, 838 (1983); see Ballarin, 49 Mass. App. Ct. 506, 512 (2000) (when reviewing the local licensing authority's authority, court does not assess the evidence but rather "examine[s] the record for errors of law or abuse of discretion that add up to arbitrary and capricious decision-making"). However, while this discretion of the local licensing authority is broad, "it is not untrammelled." Ballarin, 49 Mass. App. Ct. at 511.

Here, the Local Board fulfilled its responsibility regarding this application. It held a public hearing at which it heard from the Licensee, reviewed Mile 10's application and took public comment. The Local Board discussed the question of public need for a § 15 all alcoholic beverages retail package store at the location. (Exhibit T)

The City of Natick made findings which the Commission finds are supported by the record of the proceedings before the Local Board. The Local Board found this area is adequately served by existing licenses, with one retail package store located approximately .4 miles away, and another .6 miles away. As a result, the Local Board determined there is no public need for an additional package store.

The record demonstrates the Local Board considered a Ballarin factor, the number of existing dispensaries in the area of the proposed location, in its decision to deny this application. Ballarin, 49 Mass. App. Ct. at 511.

The Massachusetts Appeals Court has held that once a local board determines that an area is adequately served by the number of existing dispensaries, it need go no further. Town of

Middleton v. Alcoholic Beverages Control Comm'n, 64 Mass. App. Ct. 1108 (2005) (memo and order pursuant to Rule 1:28)

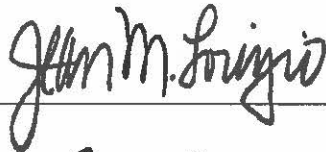
Local licensing authorities are recognized as having expertise regarding the problems affecting the regulation of alcoholic beverages. Great Atl. & Pac. Tea Co, Inc., v. Board of License Comm'n of Springfield, 387 Mass. 833, 837 (1983). A local board may deny a license even if the facts show that a license could be lawfully granted. Donovan v. City of Woburn, 65 Mass. App. Ct. 375, 379 (2006). Because the Local Board's decision is supported by the evidence before them at the public hearing, and was based on a "logical analysis," its disapproval of Mile 10's application for a change of category of its § 15 license is not arbitrary and capricious and must be affirmed. Great Atl. & Pac. Tea Co, Inc., v. Board of License Comm'n of Springfield, 387 Mass. 833, 839-840 (1983).

CONCLUSION

The Alcoholic Beverages Control Commission **APPROVES** the action of the City of Natick License Commission in denying the change of category application of Hare Ram Corp. dba Mile 10 Provisions.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

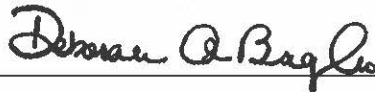
Jean M. Lorizio, Chairman, _____



Crystal Matthews, Commissioner _____



Deborah Baglio, Commissioner _____



Dated: May 15, 2026

You have the right to appeal this decision to the Superior Courts under the provisions of Chapter 30A of the Massachusetts General Laws within thirty (30) days of receipt of this decision.

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2025-000078-ad-enf

Cc: Neel Patel, Licensee
David A. DeLuca, Esq.
Local Licensing Board
Frederick G. Mahony, Chief Investigator
Administration, File