

# HOUSE . . . . . No. 3691

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Substituted by the House, on motion of Mr. Speliotis of Danvers, for a bill with the same title (House, No. 3368). July 27, 2015.

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## The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court  
(2015-2016)

An Act authorizing the town of Tyngsborough to grant additional licenses for the sale of alcoholic beverages.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the  
2           licensing authority of the town of Tyngsborough may: (i) grant 4 additional licenses for the sale  
3           of all alcoholic beverages to be drunk on the premises pursuant to section 12 of said chapter 138;  
4           (ii) 2 additional licenses for the sale of wines and malt beverages to be drunk on the premises  
5           pursuant to said section 12 of said chapter 138; and (iii) 2 additional licenses for the sale of all  
6           alcoholic beverages not to be drunk on the premises pursuant to section 15 of said chapter 138, to  
7           operators and locations to be determined by the licensing authority in accordance with this  
8           section. The licenses shall be subject to this section and to all of said chapter 138 except said  
9           section 17.

10           (b) The licensing authority of the town of Tyngsborough shall restrict the licenses  
11           authorized by this act in the following manner: (i) 1 license for the sale of all alcoholic beverages  
12           to be drunk on the premises pursuant to said section 12 of said chapter 138 shall be restricted to  
13           an entity located in the town center, a designated economic development zone which is 2,000

14 feet from the intersection of Middlesex road and Kendall road, and with a maximum of 50 seats;  
15 (ii) 1 license for the sale of all alcoholic beverages to be drunk on the premises pursuant to said  
16 section 12 of said chapter 138 shall be restricted to an entity located in said town center with a  
17 maximum of 75 seats; (iii) 1 license for the sale of all alcoholic beverages to be drunk on the  
18 premises pursuant to said section 12 of said chapter 138 shall be restricted to an entity located in  
19 said town center with a maximum of 100 seats; (iv) 1 license for the sale of wines and malt  
20 beverages to be drunk on the premises pursuant to said section 12 of said chapter 138 shall be  
21 restricted to an entity located in said town center with a maximum of 50 seats; and (v) 2 licenses  
22 for the sale of all alcoholic beverages not to be drunk on the premises pursuant to said section 15  
23 of said section 138 shall be restricted to entities located on the east side of the Merrimack river;  
24 provided, however, 1 license for the sale of all alcoholic beverages to be drunk on the premises  
25 or 1 license for the sale of wines and malt beverages to be drunk on the premises granted  
26 pursuant to this subsection shall also be restricted to an entity with frontage on Kendall road,  
27 Middlesex road, or Pawtucket boulevard; and such frontage shall be as required by the zoning  
28 by-laws of the town of Tyngsborough or by variance, or shall be a legal pre-existing,  
29 nonconforming lot.(c) The licensing authority of the town of Tyngsborough shall not approve the  
30 transfer of any license issued pursuant to this section to any other person, partnership,  
31 corporation, limited liability company, organization or other entity for a period of 3 years from  
32 the date of original issuance. The licensing authority may approve the transfer of any license  
33 issued pursuant to this section to another location provided that the license shall remain subject  
34 to any restriction set forth in subsection (b) that applied to such license as initially issued.

35 (d) If a license granted pursuant to this section is cancelled, revoked or no longer in use,  
36 the license shall be returned physically, with all of the legal rights, privileges and restrictions

37 pertaining thereto, to the licensing authority and the licensing authority may then grant the  
38 license to a new applicant under the same conditions specified in this section if the applicant files  
39 with the licensing authority a letter from the department of revenue and a letter from the  
40 department of unemployment assistance indicating that the license is in good standing with those  
41 departments and that all applicable taxes, fees and contributions have been paid.

42 SECTION 2. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the  
43 licensing authority of the town of Tyngsborough may grant 6 additional licenses for the sale of  
44 all alcoholic beverages to be drunk on the premises pursuant to section 12 of said chapter 138.  
45 The licenses shall be subject to all of said chapter 138, except said section 17.

46 (b) The licensing authority of the town of Tyngsborough shall not approve the transfer of  
47 a license issued pursuant to this section to: (i) any other person, partnership, corporation, limited  
48 liability company, organization or other entity for a period of 3 years from the date of original  
49 issuance or; (ii) any other location.

50 (c) If the license granted pursuant to this section is cancelled, revoked or no longer in use,  
51 it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining  
52 thereto, to the licensing authority and the licensing authority may then grant the license to a new  
53 applicant at the same location under the same conditions as specified in this section if the  
54 applicant files with the licensing authority a letter from the department of revenue and a letter  
55 from the department of unemployment assistance indicating that the license is in good standing  
56 with those departments and that all applicable taxes, fees and contributions have been paid.

57 SECTION 3. This act shall take effect upon its passage.