

HOUSE No. 4184

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, April 11, 2016.

The committee on Consumer Protection and Professional Licensure to whom was referred the petition (accompanied by bill, House, No. 3336) of Denise Provost, Timothy J. Toomey, Jr. and Christine P. Barber (with the approval of the mayor and city council) that the city of Somerville be authorized to issue sixty five additional licenses for the sale of alcoholic beverages, reports recommending that the accompanying bill (House, No. 4184) ought to pass [Local Approval Received].

For the committee,

JENNIFER E. BENSON

HOUSE No. 4184

The Commonwealth of Massachusetts

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

An Act further regulating the sale of alcoholic beverages in the city of Somerville.

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. The first sentence of the first paragraph of section 3 of chapter 381 of the
2 acts of 2012 is hereby amended by striking out the number “12” and inserting in place thereof
3 the following number: - 27.

4 SECTION 2. The first sentence of the first paragraph of section 3 of chapter 381 of the
5 acts of 2012 is hereby further amended by striking out the number “12” and inserting in place
6 thereof the following number: 32.

7 SECTION 3. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the
8 licensing commission of the city of Somerville may grant 12 additional licenses for the sale of all
9 alcoholic beverages to be drunk on the premises pursuant to section 12 of said chapter 138 and 6
10 additional licenses for the sale of wines and malt beverages to be drunk on the premises pursuant
11 to said section 12 of said chapter 138, to operators and locations to be determined by the
12 licensing commission in accordance with this section. The licenses shall be subject to this section
13 and all of said chapter 138 except said section 17.

14 (b) The licensing commission of the city of Somerville shall restrict the licenses
15 authorized by this section in the following manner:

16 (i) 2 licenses for the sale of all alcoholic beverages to be drunk on the premises and 1
17 license for the sale of wines and malt beverages to be drunk on the premises granted pursuant to
18 this subsection shall be restricted to entities within the Transformative Areas of the Inner Belt,
19 Brickbottom and Boynton Yards as bounded by the city of Boston boundary line, the city of
20 Somerville boundary line, Washington street east of McGrath Highway, McGrath Highway,
21 Somerville avenue, Webster avenue and Prospect street.

22 (ii) 10 licenses for the sale of all alcoholic beverages to be drunk on the premises and 5
23 licenses for the sale of wines and malt beverages to be drunk on the premises granted pursuant to
24 this subsection shall be restricted to entities within the Enhancement Areas as defined by the
25 areas within Union Square bounded by School street, Bow street, Washington street, train line
26 and Somerville avenue; Davis Square as bounded by Willow avenue, Orchard street, Jay street,
27 Simpson avenue, the city of Cambridge boundary line and Morrison avenue; Ball Square as
28 bounded by the city of Medford boundary line, Powder House circle, Broadway street, Cedar
29 street and the train line; Gilman Square as bounded by Dartmouth street, train line, Stickney
30 avenue and Walnut street; Lowell street as bounded by Vernon street, Albion street and Lowell
31 street; Northwest Somerville as bounded by the city of Medford boundary line, Mystic Valley
32 parkway and Boston avenue; Teele Square as bounded by Broadway street, Paulina street and
33 Endicott avenue; Broadway as bounded from Main street to the city of Boston boundary line;
34 Magoun Square as bounded by William street, the city of Medford boundary line, Medford
35 street, Norwood avenue and Broadway street; Highland avenue as bounded by Medford street

36 and Willow avenue; Somerville avenue as bounded by Porter street and School street; and
37 Beacon street as bounded by the city of Cambridge and Oxford street .

38 (c) The licenses assigned to the Transformative Areas and Enhancement Areas shall not
39 be sold or transferred by the licensee. If a licensee terminates or fails to renew its license under
40 this section, the license shall revert to the licensing commission. The licensing commission of the
41 city of Somerville shall not approve the transfer of a license granted pursuant to this section to a
42 location outside of the city’s Transformative Areas and Enhancement Areas but it may grant a
43 license to a new applicant within the Transformative Areas or Enhancement Areas if the
44 applicant files with the licensing commission a letter from the department of revenue and a letter
45 from the department of unemployment assistance indicating that the license is in good standing
46 with those departments and that all applicable taxes, fees and contributions have been paid. A
47 license granted pursuant to this section shall be clearly marked on its face “Transformative Areas
48 or Enhancement Areas Only”.

49 (d) If a license granted pursuant to this section is cancelled, revoked or no longer in use it
50 shall be returned physically, with all of the legal rights, privileges and restrictions pertaining
51 thereto, to the licensing commission and the licensing commission may then grant the license to
52 a new applicant at a location within the Transformative Areas or Enhancement Areas under the
53 same conditions specified in this section.

54 SECTION 4. (a) Notwithstanding section 17 of chapter 138 of the General Laws,
55 the licensing commission of the city of Somerville may grant 4 additional licenses for the sale of
56 all alcoholic beverages to be drunk on the premises pursuant to section 12 of said chapter 138
57 and 1 additional license for the sale of wines and malt beverages to be drunk on the premises

58 pursuant to said section 12 of said chapter 138. The licenses shall be subject to all of said chapter
59 138 except said section 17.

60 (b) Once issued, the licensing commission shall not approve the transfer of a license
61 granted pursuant to this section to any other location but it may grant the license to a new
62 applicant at the same location if the applicant files with the licensing commission a letter from
63 the department of revenue and a letter from the department of unemployment assistance
64 indicating that the license is in good standing with those departments and that all applicable
65 taxes, fees and contributions have been paid.

66 (c) If a license granted pursuant to this section is cancelled, revoked or no longer in use, it
67 shall be returned physically, with all legal rights, privileges and restrictions pertaining thereto, to
68 the licensing commission and the licensing commission may then grant the license to a new
69 applicant at the same location under the same conditions as specified in this section.

70 SECTION 5. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the
71 licensing commission of the city of Somerville may grant 15 additional licenses for the sale of all
72 alcoholic beverages to be drunk on the premises pursuant to section 12 of said chapter 138 and 7
73 additional licenses for the sale of wines and malt beverages licenses to be drunk on the premises
74 pursuant to said section 12 of said chapter 138, to operators and locations to be determined by
75 licensing commission in accordance with this section. The licenses shall be subject to this section
76 and all of said chapter 138 except said section 17.

77 (b) The licensing commission of the city of Somerville shall restrict the licenses
78 authorized by this section in the following manner:

79 (i) 5 licenses for the sale of all alcoholic beverages to be drunk on the premises and 2
80 licenses for the sale of wines and malt beverages to be drunk on the premises granted pursuant to
81 this subsection shall be restricted to entities within the Transformative Areas of the Inner Belt,
82 Brickbottom and Boynton Yards as bounded by the city of Boston boundary line, the city of
83 Somerville boundary line, Washington street east of McGrath Highway, McGrath Highway,
84 Somerville avenue, Webster avenue and Prospect street.

85 (ii) 10 licenses for the sale of all alcoholic beverages to be drunk on the premises and 5
86 licenses for the sale of wines and malt beverages to be drunk on the premises granted pursuant to
87 this subsection shall be restricted to entities within the Enhancement Areas as defined by the
88 areas within Union Square bounded by School street, Bow street, Washington street, train line
89 and Somerville avenue; Davis Square as bounded by Willow avenue, Orchard street, Jay street,
90 Simpson avenue, the city of Cambridge boundary line and Morrison avenue; Ball Square as
91 bounded by the city of Medford boundary line, Powder House circle, Broadway street, Cedar
92 street and the train line; Gilman Square as bounded by Dartmouth street, train line, Stickney
93 avenue and Walnut street; Lowell street as bounded by Vernon street, Albion street and Lowell
94 street; Northwest Somerville as bounded by the city of Medford boundary line, Mystic Valley
95 parkway and Boston avenue; Teele Square as bounded by Broadway street, Paulina street and
96 Endicott avenue; Broadway as bounded from Main street to the city of Boston boundary line;
97 Magoun Square as bounded by William street, the city of Medford boundary line, Medford
98 street, Norwood avenue and Broadway street; Highland avenue as bounded by Medford street
99 and Willow avenue; Somerville avenue as bounded by Porter street and School street; and
100 Beacon street as bounded by the city of Cambridge and Oxford street .

101 (c) The licenses assigned to the Transformative Areas and Enhancement Areas shall not
102 be sold or transferred by the licensee. If a licensee terminates or fails to renew its license under
103 this section, the license shall revert to the licensing commission. The licensing commission of the
104 city of Somerville shall not approve the transfer of a license granted pursuant to this section to a
105 location outside of the city’s Transformative Areas and Enhancement Areas but it may grant a
106 license to a new applicant within the Transformative Areas or Enhancement Areas if the
107 applicant files with the licensing commission a letter from the department of revenue and a letter
108 from the department of unemployment assistance indicating that the license is in good standing
109 with those departments and that all applicable taxes, fees and contributions have been paid. A
110 license granted pursuant to this section shall be clearly marked on its face “Transformative Areas
111 or Enhancement Areas Only”.

112 (d) If a license granted pursuant to this section is cancelled, revoked or no longer in use it
113 shall be returned physically, with all of the legal rights, privileges and restrictions pertaining
114 thereto, to the licensing commission and the licensing commission may then grant the license to
115 a new applicant at a location within the Transformative Areas or Enhancement Areas under the
116 same conditions specified in this section.

117 SECTION 6. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the
118 licensing commission of the city of Somerville may grant 4 additional licenses for the sale of all
119 alcoholic beverages to be drunk on the premises pursuant to section 12 of said chapter 138 and 1
120 additional license for the sale of wines and malt beverages to be drunk on the premises pursuant
121 to said section 12 of said chapter 138. The licenses shall be subject to all of said chapter 138
122 except said section 17.

123 (b) Once issued, the licensing commission shall not approve the transfer of a license
124 granted pursuant to this section to any other location but it may grant the license to a new
125 applicant at the same location if the applicant files with the licensing commission a letter from
126 the department of revenue and a letter from the department of unemployment assistance
127 indicating that the license is in good standing with those departments and that all applicable
128 taxes, fees and contributions have been paid.

129 (c) If a license granted pursuant to this section is cancelled, revoked or no longer in use, it
130 shall be returned physically, with all legal rights, privileges and restrictions pertaining thereto, to
131 the licensing commission and the licensing commission may then grant the license to a new
132 applicant at the same location under the same conditions as specified in this section.

133 SECTION 7. The administrative fee charged by the city of Somerville for such licenses
134 shall be the same amount as the administrative fee charged by the city for existing licenses
135 granted for the respective category for such licenses. The licenses granted under this section shall
136 be subject to all applicable ordinances of the city.

137 SECTION 8. Sections 1, 3 and 4 shall take effect upon passage.

138 SECTION 9. Sections 2 shall take effect on January 1, 2019 or upon the issuance of all
139 licenses as allocated under section 1 of this act.

140 SECTION 10. Section 5 shall take effect on January 1, 2019 or upon the issuance of all
141 licenses as allocated under section 3 of this act.

142 SECTION 11. Section 6 shall take effect on January 1, 2019 or upon the issuance of all
143 licenses as allocated under section 4 of this act.