

HOUSE No. 4418

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, June 22, 2016.

The committee on Consumer Protection and Professional Licensure to whom was referred the petition (accompanied by bill, House, No. 184) of Carolyn C. Dykema, Danielle W. Gregoire and James B. Eldridge (by vote of the town) for legislation to authorize the town of Westborough to adopt certain alcoholic beverage licensure laws, reports recommending that the accompanying bill (House, No. 4418) ought to pass [Local Approval Received].

For the committee,

JENNIFER E. BENSON.

HOUSE No. 4418

The Commonwealth of Massachusetts

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

An Act authorizing the town of Westborough to grant additional licenses for the sale of all alcoholic beverages to be drunk on the premises.

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 Westborough may grant 8 additional licenses for the sale of all
3 alcoholic beverages to be drunk on the premises pursuant to section 12 of said chapter 138 to
4 establishments located within the town's Highway Business (BA), Downtown Business (BB),
5 Gateway 2 (G2), Mixed Use District (MUD), Downtown Planning Overlay District (DPOD),
6 Industrial A (IA), Industrial B (IB), Mixed Use Industrial (IC) and Industrial D Overlay (ID)
7 zoning districts, as those districts are defined by the town's zoning map, as it existed as of
8 October 21, 2014, upon approval of and under conditions set by the licensing authority of the
9 town of Westborough. The licenses shall be subject to all of said chapter 138 except said section
10 17.

11 (b) The licensing authority shall not approve the transfer of a license granted pursuant to
12 this act to a location outside of the town's Highway Business (BA), Downtown Business (BB),
13 Gateway 2 (G2), Mixed Use District (MUD), Downtown Planning Overlay District (DPOD),

14 Industrial A (IA), Industrial B (IB), Mixed Use Industrial (IC) and Industrial D Overlay (ID)
15 zoning districts as set forth in subsection (a), but it may grant a license to a new applicant within
16 the town’s Highway Business (BA), Downtown Business (BB), Gateway 2 (G2), Mixed Use
17 District (MUD), Downtown Planning Overlay District (DPOD), Industrial A (IA), Industrial B
18 (IB), Mixed Use Industrial (IC) and Industrial D Overlay (ID) zoning districts if the applicant
19 files with the licensing authority a letter from the department of revenue and a letter from the
20 department of unemployment assistance indicating that the license is in good standing with those
21 departments and that all applicable taxes, fees and contributions have been paid. A license
22 granted under this act shall be clearly marked on its face “Highway Business (BA), Downtown
23 Business (BB), Gateway 2 (G2), Mixed Use District (MUD), Downtown Planning Overlay
24 District (DPOD), Industrial A (IA), Industrial B (IB), Mixed Use Industrial (IC) and Industrial D
25 Overlay (ID) Zoning Districts Only”.

26 (c) If a license granted pursuant to this act is cancelled, revoked or no longer in use, it
27 shall be returned physically, with all of the legal rights, privileges and restrictions pertaining
28 thereto, to the licensing authority and the licensing authority may then grant the license to a new
29 applicant at a location within the Highway Business (BA), Downtown Business (BB), Gateway 2
30 (G2), Mixed Use District (MUD), Downtown Planning Overlay District (DPOD), Industrial A
31 (IA), Industrial B (IB), Mixed Use Industrial (IC) and Industrial D Overlay (ID) zoning districts
32 under the same conditions as specified in this act.

33 SECTION 2. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the
34 licensing authority of the town of Westborough may grant 8 additional licenses for the sale of all
35 alcoholic beverages to be drunk on the premises pursuant to section 12 of said chapter 138 to
36 establishments located within the town's Highway Business (BA), Downtown Business (BB),

37 Gateway 2 (G2), Mixed Use District (MUD), Downtown Planning Overlay District (DPOD),
38 Industrial A (IA), Industrial B (IB), Mixed Use Industrial (IC) and Industrial D Overlay (ID)
39 zoning districts, as those districts are defined by the town's zoning map, as it existed as of
40 October 21, 2014, upon approval of and under conditions set by the licensing authority of the
41 town of Westborough. The licenses shall be subject to all of said chapter 138 except said section
42 17.

43 (b) The licensing authority shall not approve the transfer of a license granted pursuant to
44 this act to a location outside of the town's Highway Business (BA), Downtown Business (BB),
45 Gateway 2 (G2), Mixed Use District (MUD), Downtown Planning Overlay District (DPOD),
46 Industrial A (IA), Industrial B (IB), Mixed Use Industrial (IC) and Industrial D Overlay (ID)
47 zoning districts as set forth in subsection (a), but it may grant a license to a new applicant within
48 the town's Highway Business (BA), Downtown Business (BB), Gateway 2 (G2), Mixed Use
49 District (MUD), Downtown Planning Overlay District (DPOD), Industrial A (IA), Industrial B
50 (IB), Mixed Use Industrial (IC) and Industrial D Overlay (ID) zoning districts if the applicant
51 files with the licensing authority a letter from the department of revenue and a letter from the
52 department of unemployment assistance indicating that the license is in good standing with those
53 departments and that all applicable taxes, fees and contributions have been paid. A license
54 granted under this act shall be clearly marked on its face "Highway Business (BA), Downtown
55 Business (BB), Gateway 2 (G2), Mixed Use District (MUD), Downtown Planning Overlay
56 District (DPOD), Industrial A (IA), Industrial B (IB), Mixed Use Industrial (IC) and Industrial D
57 Overlay (ID) Zoning Districts Only".

58 (c) If a license granted pursuant to this act is cancelled, revoked or no longer in use, it
59 shall be returned physically, with all of the legal rights, privileges and restrictions pertaining

60 thereto, to the licensing authority and the licensing authority may then grant the license to a new
61 applicant at a location within the Highway Business (BA), Downtown Business (BB), Gateway 2
62 (G2), Mixed Use District (MUD), Downtown Planning Overlay District (DPOD), Industrial A
63 (IA), Industrial B (IB), Mixed Use Industrial (IC) and Industrial D Overlay (ID) zoning districts
64 under the same conditions as specified in this act.

65 SECTION 3. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the
66 licensing authority of the town of Westborough may grant 6 additional licenses for the sale of all
67 alcoholic beverages to be drunk on the premises pursuant to section 12 of said chapter 138 to
68 establishments located within the town's Highway Business (BA), Downtown Business (BB),
69 Gateway 2 (G2), Mixed Use District (MUD), Downtown Planning Overlay District (DPOD),
70 Industrial A (IA), Industrial B (IB), Mixed Use Industrial (IC) and Industrial D Overlay (ID)
71 zoning districts, as those districts are defined by the town's zoning map, as it existed as of
72 October 21, 2014, upon approval of and under conditions set by the licensing authority of the
73 town of Westborough. The licenses shall be subject to all of said chapter 138 except said section
74 17.

75 (b) The licensing authority shall not approve the transfer of a license granted pursuant to
76 this act to a location outside of the town's Highway Business (BA), Downtown Business (BB),
77 Gateway 2 (G2), Mixed Use District (MUD), Downtown Planning Overlay District (DPOD),
78 Industrial A (IA), Industrial B (IB), Mixed Use Industrial (IC) and Industrial D Overlay (ID)
79 zoning districts as set forth in subsection (a), but it may grant a license to a new applicant within
80 the town's Highway Business (BA), Downtown Business (BB), Gateway 2 (G2), Mixed Use
81 District (MUD), Downtown Planning Overlay District (DPOD), Industrial A (IA), Industrial B
82 (IB), Mixed Use Industrial (IC) and Industrial D Overlay (ID) zoning districts if the applicant

83 files with the licensing authority a letter from the department of revenue and a letter from the
84 department of unemployment assistance indicating that the license is in good standing with those
85 departments and that all applicable taxes, fees and contributions have been paid. A license
86 granted under this act shall be clearly marked on its face “Highway Business (BA), Downtown
87 Business (BB), Gateway 2 (G2), Mixed Use District (MUD), Downtown Planning Overlay
88 District (DPOD), Industrial A (IA), Industrial B (IB), Mixed Use Industrial (IC) and Industrial D
89 Overlay (ID) Zoning Districts Only”.

90 (c) If a license granted pursuant to this act is cancelled, revoked or no longer in use, it
91 shall be returned physically, with all of the legal rights, privileges and restrictions pertaining
92 thereto, to the licensing authority and the licensing authority may then grant the license to a new
93 applicant at a location within the Highway Business (BA), Downtown Business (BB), Gateway 2
94 (G2), Mixed Use District (MUD), Downtown Planning Overlay District (DPOD), Industrial A
95 (IA), Industrial B (IB), Mixed Use Industrial (IC) and Industrial D Overlay (ID) zoning districts
96 under the same conditions as specified in this act.

97 SECTION 4. Section 1 shall take effect upon passage.

98 SECTION 5. Section 2 shall take effect on January 1, 2018 or upon the issuance of all
99 licenses as allocated under section 1 of this act.

100 SECTION 6. Section 3 shall take effect on January 1, 2019 or upon the issuance of all
101 licenses as allocated under section 2 of this act.