

HOUSE No. 4428

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, April 19, 2018.

The committee on Consumer Protection and Professional Licensure to whom was referred the petition (accompanied by bill, House, No. 4068) of Frank I. Smizik (by vote of the town) that the town of Brookline be authorized to grant thirty-five additional licenses for the sale of all alcoholic beverages to be drunk on the premises and five additional licenses for the sale of wines and malt beverages to be drunk on the premises, reports recommending that the accompanying bill (House, No. 4428) ought to pass [Local Approval Received].

For the committee,

TACKEY CHAN.

HOUSE No. 4428

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act authorizing the town of Brookline to grant 35 additional licenses for the sale of all alcoholic beverages to be drunk on the premises and 5 additional licenses for the sale of wines and malts to be drunk on the premise.

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 Brookline may grant 12 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 four Target Commercial Areas, as those areas are
5 defined by the town’s zoning map, as it existed as of January 31, 2018, upon approval of and
6 under conditions set by the licensing authority of the town of Brookline. A license granted
7 pursuant to this act shall be clearly marked on its face “Target Commercial Area, Brookline
8 Village” or “Target Commercial Area, Coolidge Corner” or “Target Commercial Area, JFK
9 Crossing” or “Target Commercial Area, Washington Square” and shall be subject to all of said
10 chapter 138 except said section 17.

11 (b) The licensing authority shall restrict the 12 licenses authorized in this section to four
12 Target Commercial Areas as follows:

13 (1) Three licenses for the sale of all alcoholic beverages to be drunk on the premises
14 shall be issued to the entities within the Brookline Village Target Commercial Area , which shall
15 include parcels on and immediately bordering River Road, Brookline Avenue, Pearl Street,
16 White Place, Station Street, Washington Street Court, Holder Street, Linden Street and
17 intersecting Harvard Street, as the borders and encompassing all property therein, as those areas
18 are shown on the map; provided, however, that for the purposes of this paragraph, map shall
19 mean the parcel specific corridor areas designated as “Brookline Village”, dated January 31,
20 2018, a copy of which is on file in the office of the Brookline town clerk;

21 (2) Five licenses for the sale of all alcoholic beverages to be drunk on the premises shall
22 be issued to the entities within the Coolidge Corner Target Commercial Area, which shall
23 include parcels on and immediately bordering Waldo Street, Harvard Street, Centre Street,
24 Webster Street, and interesting Beacon Street, as the borders and encompassing all property
25 therein, as those areas are shown on the map; provided, however, that for the purposes of this
26 paragraph, map shall mean the parcel specific corridor areas designated as “Coolidge Corner”,
27 dated January 31, 2018, a copy of which is on file in the office of the Brookline town clerk;

28 (3) One license for the sale of all alcoholic beverages to be drunk on the premises shall be
29 issued to the entities within the JFK Crossing Target Commercial Area, which shall include
30 parcels on and immediately bordering Columbia Street, Thorndike Street, Coolidge Street, Fuller
31 Street, Clarence Street, Centre Street, and intersecting Harvard Street, as the borders and
32 encompassing all property therein, as those areas are shown on the map; provided, however, that
33 for the purposes of this paragraph, map shall mean the parcel specific corridor areas designated
34 as “JFK Crossing”, dated January 31, 2018, a copy of which is on file in the office of the
35 Brookline town clerk; and

36 (4) Three licenses for the sale of all alcoholic beverages to be drunk on the premises shall
37 be issued to the entities within the Washington Square Target Commercial Area, which shall
38 include parcels on and immediately bordering Salisbury Road, Westbourne Terrace, Washington
39 Street, Winthrop Road, and Tappan Street and intersecting Beacon Street, as the borders and
40 encompassing all property therein, as those areas are shown on the map; provided, however, that
41 for the purposes of this paragraph, map shall mean the parcel specific corridor areas designated
42 as “Washington Square”, dated January 31, 2018, a copy of which is on file in the office of the
43 Brookline town clerk.

44 (c) A license granted under this section shall only be exercised in the dining room of a
45 Common Victualer and in such other public rooms or areas as may be deemed reasonable and
46 appropriate by the licensing authority as certified in writing.

47 (d) The licensing authority of the town of Brookline shall not approve the transfer of a
48 license granted pursuant to this section to a location outside of the town’s four Target
49 Commercial Areas, but it may grant a license to a new applicant within the four Target
50 Commercial Areas if the applicant files with the licensing authority a letter from the department
51 of revenue and a letter from the department of unemployment assistance indicating that the
52 license is in good standing with those departments and that all applicable taxes, fees and
53 contributions have been paid.

54 (e) The licenses assigned to the four Target Commercial Areas shall not be sold or
55 transferred by the licensee. If a licensee terminates or fails to renew a license granted under this
56 section or if any such license is cancelled, revoked or no longer in use, it shall be returned
57 physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the

58 licensing authority and the licensing authority may then grant the license to a new applicant in
59 the town's four Target Commercial Areas under the same conditions as specified in this section.

60 (f) All licenses granted pursuant to this act shall be issued within 2 years after the
61 effective date of this act; provided, however, that a license originally granted within that time
62 period maybe granted to a new applicant pursuant to subsection (d) or (e) thereafter.

63 SECTION 2. This act shall take effect upon its passage.