

HOUSE No. 4089

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

AN ACT AUTHORIZING THE TOWN OF WESTWOOD TO GRANT THREE LICENSES FOR THE SALE OF WINE AND MALT BEVERAGES TO FOOD STORES. ..

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

1 AN ACT AUTHORIZING THE TOWN OF WESTWOOD TO GRANT THREE
2 LICENSES FOR THE SALE OF WINE AND MALT BEVERAGES TO FOOD STORES.

3 SECTION I. Notwithstanding section 17 of chapter 138 of the General Laws, the
4 licensing authority of the town of Westwood may grant to each of three food stores a license for
5 the sale of wine and malt beverages, not to be drunk on the premises, under section 15 of said
6 chapter 138. Except as otherwise provided herein, such licenses shall be subject to all of said
7 chapter 138, except said section 17.

8 For the purposes of this act, a "food store" shall mean a grocery store or supermarket with
9 a floor area of more than 1,000 square feet which sells at retail, food for consumption on or off
10 the gross premises either alone or in combination with grocery items or other non durable items
11 typically found in a grocery store and sold to individuals for personal family or household use;
12 provided, however, that such food store shall carry fresh and processed meats, poultry, dairy

13 products, eggs, fresh fruits and produce, baked goods and baking ingredients, canned goods and
14 dessert items.

15 Notwithstanding the foregoing, a food store shall not be a convenience store, specialty
16 store, or any store that sells gasoline; provided, however, that the board of selectmen shall
17 determine whether an applicant is a food store under this act. In making such determination, the
18 board of selectmen shall consider such factors as the volume of sales, actual or proposed, and the
19 extent and range of merchandise offered for sale. The holder of a license under this act may sell
20 wine and malt beverages alone or in combination with any other items offered for sale and must
21 be located in a commercial zoning district. The amount of any initial or renewal fee for such
22 license shall be determined by the licensing authority issuing or renewing that license.

23 Notwithstanding any general or special law or any rule or regulation to the contrary, the
24 licensing authority shall not approve the transfer of the license to any other location, but the
25 license may be granted at the same location if an applicant for the license files with the licensing
26 authority a letter or written document from the department of revenue indicating that the license
27 is in good standing with said department and that all applicable taxes have been paid.

28 If a license granted under this act is cancelled, revoked or no longer in use, it shall be
29 returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to
30 the licensing authority which may grant the license to a new applicant at the same or other
31 appropriate location and under the same conditions as specified in this act.

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