

HOUSE No. 3691

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

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.