

HOUSE No. 3788

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, June 30, 2017.

The committee on Consumer Protection and Professional Licensure to whom was referred the joint petition (accompanied by bill, House, No. 2787) of Thomas P. Walsh, Joan B. Lovely and Theodore C. Speliotis (with the approval of the mayor and city council) that the city of Peabody be authorized to grant twenty licenses for the sale of all alcoholic beverages to be drunk on the premises, reports recommending that the accompanying bill (House, No. 3788) ought to pass [Local Approval Received].

For the committee,

JENNIFER E. BENSON.

HOUSE No. 3788

The Commonwealth of Massachusetts

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

An Act authorizing the city of Peabody to grant 20 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 city of Peabody may grant 9 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 operators and locations to be determined by the licensing authority in accordance with this
5 section. The licenses shall be subject to all of said chapter 138 except said section 17.

6 (b) The licensing authority shall restrict the licenses authorized in this section as follows:

7 (1) Four licenses for the sale of all alcoholic beverages to be drunk on the premises shall
8 be issued to the entities within the Downtown Peabody area, using Foster street, Main street,
9 Howley street, Walnut street, Washington street, Railroad avenue and Central street as the
10 borders and encompassing all property therein, as those areas are shown on the map; provided,
11 however, that for the purposes of this paragraph and paragraph 1 of section 2 of this act, “map”
12 shall mean the map entitled “Downtown Area”, dated August, 2014, a copy of which is on file in
13 the office of the Peabody city clerk.

(2) Four licenses for the sale of all alcoholic beverages to be drunk on the premises shall be issued to the entities within the Interstate 95, Route 1 and Route 114 corridors, which shall include all parcels on and immediately bordering interstate highway Route 95, United States highway Route 1 and state highway Route 114; as those areas are shown on the map; provided, however, that for the purposes of this paragraph and paragraph 2 of section 2 of this act, “map” shall mean the map entitled “Interstate 95, Route 1, and Route 114 Area,” dated August, 2014, a copy of which is on file in the office of the Peabody city clerk; and

(3) One license for the sale of all alcoholic beverages to be drunk on the premises shall be issued to the entities within the Centennial Park area, which shall include Centennial drive, Corporation way, Technology drive, Summit street, First avenue and Second avenue; as those areas are shown on the map; provided, however, that for the purposes of this paragraph and paragraph 3 of section 2 of this act, “map” shall mean the map entitled “Centennial Park Area”, dated August, 2014, a copy of which is on file in the office of the Peabody city clerk.

(c) A license granted pursuant to this section shall be clearly marked on its face “Downtown Area or Interstate 95, Route 1 and Route 114 Area or Centennial Park Area Only”. Licenses shall only be granted to parcels as allowed by the zoning ordinance for the city of Peabody.

(d) The licensing authority shall not approve the transfer of any license granted pursuant to this section to any other location outside any of the areas described in subsection (b) but it may grant the license to a new applicant at a location within an area described in subsection (b) if the applicant files with the licensing authority a letter from the department of revenue and a letter

from the department of unemployment assistance indicating that the license is in good standing with those departments and that all applicable taxes, fees and contributions have been paid.

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

SECTION 2. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the city of Peabody may grant 11 additional licenses for the sale of all alcoholic beverages to be drunk on the premises pursuant to section 12 of said chapter 138 to operators and locations to be determined by the licensing authority in accordance with this section. The licenses shall be subject to all of said chapter 138 except said section 17.

(b) The licensing authority shall restrict the licenses authorized in this section as follows:

(1) Six licenses for the sale of all alcoholic beverages to be drunk on the premises shall be issued to the entities within the Downtown Peabody area, using Foster street, Main street, Howley street, Walnut street, Washington street, Railroad avenue and Central street as the borders and encompassing all property therein, as those areas are shown on the map;

(2) Three licenses for the sale of all alcoholic beverages to be drunk on the premises shall be issued to the entities within the interstate 95, route 1 and route 114 corridors, which shall include all parcels on and immediately bordering interstate highway route 95, United States highway route 1 and state highway route 114; as those areas are shown on the map; and

(3) Two license for the sale of all alcoholic beverages to be drunk on the premises shall be issued to the entities within the Centennial Park area, which shall include Centennial drive, Corporation way, Technology drive, Summit street, First avenue and Second avenue; as those areas are shown on the map.

(c) A license granted pursuant to this section shall be clearly marked on its face “Downtown Area or Interstate 95, Route 1 and Route 114 Area or Centennial Park Area Only”. Licenses shall only be granted to parcels as allowed by the zoning ordinance for the city of Peabody.

(d) The licensing authority shall not approve the transfer of any license granted pursuant to this section to any other location outside any of the areas described in subsection (b) but it may grant the license to a new applicant at a location within an area described in subsection (b) if the applicant files with the licensing authority a letter from the department of revenue and a letter from the department of unemployment assistance indicating that the license is in good standing with those departments and that all applicable taxes, fees and contributions have been paid.

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

SECTION 3. (a) Notwithstanding section 3 of chapter 133 of the acts of 2014 or any other general or special law to the contrary, the licensing authority of the city of Peabody, may approve the transfer of the license for the sale of all alcoholic beverages to be drunk on the premises originally granted to an establishment located at 88 Main street pursuant to said chapter

133 to an establishment located at 2 Main street. Such license shall continue to be subject to all of chapter 138 of the General Laws, except section 17.

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

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

SECTION 3. Sections 1 and 3 of this act shall take effect upon its passage.

SECTION 4. Section 2 of this act shall take effect on January 1, 2019 or upon the issuance of all the licenses authorized in section 1, whichever occurs first.