

HOUSE No. 4429

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. 4254) of Colleen M. Garry and Eileen M. Donoghue (by vote of the town) that the town of Tyngsborough be authorized to grant 6 additional licenses for the sale of all alcoholic beverages to be drunk on the premises, reports recommending that the accompanying bill (House, No. 4429) ought to pass [Local Approval Received].

For the committee,

TACKEY CHAN.

HOUSE No. 4429

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

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 grant 4 additional licenses for the sale of
3 all alcoholic beverages to be drunk on the premises pursuant to section 12 of said chapter 138 to
4 establishments located within the town’s “Economic Development Zone-Middlesex Road,” as
5 those areas are defined by the town’s zoning map, as it existed as of March 2018, upon approval
6 of and under conditions set by the licensing authority of the town of Tyngsborough. A license
7 granted pursuant to this act shall be clearly marked on its face “Economic Development Zone-
8 Middlesex Road” and shall be subject to all of said chapter 138 except said section 17.

9 (b) The licensing authority shall restrict the 4 licenses authorized in this section to two
10 locations within the town’s Economic Development Zone-Middlesex Road as follows:

11 (1) Three licenses for the sale of all alcoholic beverages to be drunk on the premises
12 shall be issued to the entities within Tyngsborough Crossing Plaza, located at 440 Middlesex
13 Road, which shall include parcels on and immediately bordering Middlesex Road, Pondview

14 Place, and Chisholm Road, as the borders and encompassing all property therein, as those areas
15 are shown on the map; provided, however, that for the purposes of this paragraph, map shall
16 mean the parcel specific corridor area designated as “B3-Upper”, dated March 2018, a copy of
17 which is on file in the office of the Tyngsborough town clerk; and

18 (2) One license for the sale of all alcoholic beverages to be drunk on the premises shall
19 be issued to the entity located at 324 Middlesex Road, which shall include parcels on and
20 immediately bordering south of Chisholm Road and Bryan Lane, as the borders and
21 encompassing all property therein, as those areas are shown on the map; provided, however, that
22 for the purposes of this paragraph, map shall mean the parcel specific corridor areas designated
23 as “B3-Lower”, dated March 2018, a copy of which is on file in the office of the Tyngsborough
24 town clerk.

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

28 (d) The licensing authority of the town of Tyngsborough shall not approve the transfer of
29 a license granted pursuant to this section to a location outside of the town’s Economic
30 Development Zone-Middlesex Road, but it may grant a license to a new applicant within the
31 Economic Development Zone-Middlesex Road if the applicant files with the licensing authority
32 a letter from the department of revenue and a letter from the department of unemployment
33 assistance indicating that the license is in good standing with those departments and that all
34 applicable taxes, fees and contributions have been paid.

35 (e) The licenses assigned to the Economic Development Zone-Middlesex Road shall not
36 be sold or transferred by the licensee. If a licensee terminates or fails to renew a license granted
37 under this section or if any such license is cancelled, revoked or no longer in use, it shall be
38 returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to
39 the licensing authority and the licensing authority may then grant the license to a new applicant
40 in the town's Economic Development Zone-Middlesex Road under the same conditions as
41 specified in this section.

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

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