

SENATE No. 2381

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

Senate, October 24, 2019

The committee on Consumer Protection and Professional Licensure, to whom was referred the petition (accompanied by bill, Senate, No. 2188) of Donald F. Humason, Jr. and Daniel R. Carey (with approval of the mayor and city council) for legislation to authorize the city of Easthampton to grant 8 additional licenses for the sale of all alcoholic beverages to be drunk on the premises, 4 additional licenses for the sale of wine and malt beverages to be drunk on the premise and 2 additional licenses for the sale of wine and malt beverages to be drunk off the premises,- reports the accompanying bill (Senate, No. 2381).

For the committee,
Paul R. Feeney

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act authorizing the city of Easthampton to grant 8 additional licenses for the sale of all alcoholic beverages to be drunk on the premises, 4 additional licenses for the sale of wine and malt beverages to be drunk on the premise and 1 additional license for the sale of wine and malt beverages not 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 the provisions of section 17 of chapter 138 of the
2 General Laws, the licensing authority of the city of Easthampton may grant 8 additional licenses
3 for the sale of all alcoholic beverages to be drunk on the premises under section 12 of chapter
4 138, 4 additional licenses for the sale of wine and malt beverages to be drunk on the premises
5 under section 12 of chapter 138, and 1 additional license for the sale of wine and malt beverages
6 not to be drunk on the premises under section 15 of chapter 138 to establishments located within
7 the following three development zones, as those areas are defined by the town’s zoning map,
8 existing as of January, 2015, upon approval of and under conditions set by the licensing authority
9 of the town of Easthampton. A license granted under this act shall be clearly marked on its face
10 “Downtown Business District,” “Mill Industrial District” or “Highway Business District,” and
11 shall be subject to all of said chapter 138 except said section 17.

12 (b) The licensing authority shall restrict the 13 licenses authorized in this section
13 to the three zoned areas as follows:

14 (1) Three licenses for the sale of all alcoholic beverages to be drunk on the premises and
15 two licenses for the sale of wine and malt beverages to be drunk on the premises shall be issued
16 to establishments located within the Downtown Business District, to comprise the area to include
17 portions of Main street, Union street and Payson Ave., as those areas are designated as
18 Downtown Business District (DB) on the map; provided, however, that for the purposes of this
19 paragraph, map shall mean the parcel specific corridor areas designated as Downtown Business
20 District (DB), dated January 2015, a copy of which is on file in the office of the Easthampton
21 town clerk;

22 (2) Three licenses for the sale of all alcoholic beverages to be drunk on the premises and
23 two licenses for the sale of wine and malt beverages to be drunk on the premises shall be issued
24 to the establishments located within the Mill Industrial District, this District being identified as
25 extending from Payson Avenue on the southern border, between the Lower Mill Pond located on
26 the eastern border, Pleasant Street as the western border, and the Manhattan River as the northern
27 most boarder, as those areas are designated as Mill Industrial District (MI) on the map; provided,
28 however, that for the purposes of this paragraph, map shall mean the parcel specific corridor
29 areas designated as Mill Industrial District (MI), dated January,2015, a copy of which is on file
30 in the office of the Easthampton town clerk; and

31 (3) Two licenses for the sale of all alcoholic beverages to be drunk on the premises and
32 one license for the sale of wine and malt beverages not to be drunk on the premises shall be
33 issued to establishments located within the Highway Business District, to comprise the area to

34 include portions of Northampton Street (Route 110), portions of I-91 and East Street located
35 between the Oxbow River to the north west, the Connecticut River to the north east, and Mt.
36 Tom State Reservation to the south, a portion of South Main Street on the boarder of
37 Southampton and Easthampton, and a portion of the Residential Rural A zone in the south east of
38 Easthampton on the boarder of Holyoke, as those areas are designated as Highway Business
39 District (HB) on the map; provided, however, that for the purposes of this paragraph, map shall
40 mean the parcel specific corridor areas designated as Highway Business District (HB), dated
41 January, 2015, a copy of which is on file in the office of the Easthampton town clerk.

42 (c) A license for the sale of all alcoholic beverages, or for wine and malt beverages to be
43 drunk on the premises under section 12 of chapter 138 granted under this section to an
44 establishment shall only be exercised in the dining room of a Common Victualer and in such
45 other public rooms or areas as may be deemed reasonable and appropriate by the licensing
46 authority as certified in writing.

47 (d) The licensing authority shall not approve the transfer of a license granted under this
48 act to a location outside of said license's initial zoned area as defined in either paragraph (1), (2),
49 or (3) of subsection (b) but it may grant a license to a new applicant within that initial zoned area
50 as defined in either paragraph (1), (2), or (3) of subsection (b) if the applicant files with the
51 licensing authority a letter from the department of revenue and a letter from the department of
52 unemployment assistance indicating that the license is in good standing with those departments
53 and that all applicable taxes, fees and contributions have been paid.

54 (e) If any license granted under this section is cancelled, revoked or no longer in use, it
55 shall be returned physically, with all of the legal rights, privileges and restrictions pertaining

56 thereto, to the licensing authority and the licensing authority may then grant the license to a new
57 applicant under the same conditions as specified in this act.

58 (f) All licenses granted under this act shall be issued within 3 years after the effective
59 date of this act; provided, however, that a license originally granted within that time period
60 maybe granted to a new applicant under subsection (d) or (e) thereafter.

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