

**HOUSE . . . . . No. 4759**

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OFFICE OF THE GOVERNOR  
**COMMONWEALTH OF MASSACHUSETTS**  
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**MAURA T. HEALEY**  
GOVERNOR

**KIMBERLEY DRISCOLL**  
LIEUTENANT GOVERNOR

*June 13, 2024*

To the Honorable Senate and House of Representatives,

Pursuant to the provisions of Article II, Section 8, Paragraph 1, Clause (2) of the Amendments to the Constitution, as appearing in Article LXXXIX of said Amendments, I am filing for your consideration the attached legislation entitled An Act authorizing the town of Weston to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises.

At the request of the Town of Weston’s Select Board, I am filing this special legislation to remove a legal barrier preventing the Town from completing an important project rehabilitating the historic Josiah Smith Tavern and Barn as a restaurant. In recent years, Weston has invested approximately \$14,000,000, including Community Preservation Act funding, to renovate the Tavern and Barn consistent with a historic preservation restriction. I understand that this project, ongoing for nearly two decades, has been considered by several town meetings. At this time, the project is nearing completion, and it is hoped that a restaurant will open in October of this year.

In furtherance of the project, Chapter 515 of the Acts of 2008 permitted Weston to grant a liquor license for the sale of all alcoholic beverages at the Tavern and Barn. That legislation, however, also limited the universe of permissible recipients of the liquor license to just one entity: a non-profit corporation “known as the Josiah Smith Tavern Corporation” and charged with “assist[ing], promot[ing] and support[ing] the historic renovation and reuse of the Josiah Smith Tavern and Barn.” I understand that, today, the “Josiah Smith Tavern Corporation” exists in name only and, as the restaurant project is currently contemplated, has no planned role.

I am informed by Weston’s Town Manager that a restauranteur has signed a Letter of Intent to invest the funding needed to build out, and then operate, the Tavern as a restaurant. The restauranteur is prepared to execute a sublease for the property. For the project to proceed, Weston must now issue a liquor license, following all appropriate procedures, to the restauranteur. Unfortunately, under Chapter 515 of the Acts of 2008, Weston is prohibited from doing so. That earlier legislation permits the Town to grant the liquor license to the non-profit corporation, but it does not permit the Town to grant the license directly to the now-designated restauranteur as required by the Alcoholic Beverages Control Commission.

The special legislation I am filing today would repeal Chapter 515 of the Acts of 2008 and replace it with language allowing Weston to grant a license to a responsible manager at the Josiah Smith Tavern. The language tracks that of many similar bills and, importantly, limits the exercise of the license to the Tavern location only. The project components contemplated in Chapter 515 of the Acts of 2008 are no longer appropriate based upon the passage of time, and that special act is no longer appropriate to accomplish its intended purpose. Approval of the new legislation I am filing will allow Weston to grant a liquor license to a responsible manager at the Josiah Smith Tavern and, thereby, to accomplish its long-standing goal to revitalize this important historic property.

Respectfully submitted,

Maura T. Healey,  
*Governor*

**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Third General Court  
(2023-2024)**  
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An Act authorizing the town of Weston to grant an additional license 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 or any  
2 other general or special law to the contrary, the licensing authority of the town of Weston may  
3 grant a license for the sale of all alcoholic beverages to be drunk on the premises to BU West,  
4 LLC., located at the Josiah Smith Tavern and Barn, 358 Boston Post Road, Weston. The license  
5 shall be subject to all of said chapter 138 except said section 17.

6           (b) A license granted under this act shall only be exercised in the dining room of a  
7 common victualler and such other public rooms or areas as may be deemed reasonable and  
8 appropriate by the select board as certified in writing.

9           (c) The licensing authority shall not approve the transfer of a license granted pursuant to  
10 this act to any other location, but it may grant the license to a new applicant at the same location  
11 if the applicant files with the licensing authority a letter from the department of revenue and a  
12 letter from the department of unemployment assistance indicating that the license is in good

13 standing with those departments and that all applicable taxes, fees and contributions have been  
14 paid.

15 (d) If a licensee terminates or fails to renew the license granted under this act or any such  
16 license is cancelled, revoked or no longer in use, it shall be returned physically, with all of the  
17 legal rights, privileges and restrictions pertaining thereto, to the licensing authority which may,  
18 within 3 years of such return, then grant the license to a new applicant at the same location and  
19 under the same conditions as specified in this section, otherwise such license shall dissolve.

20 (e) The license granted pursuant to this act shall be issued within 1 year after the effective  
21 date of this act; provided, however, that a license that is originally granted within that time  
22 period may be granted to a new applicant under subsections (c) and (d) thereafter.

23 SECTION 2. Chapter 515 of the Acts of 2008 is hereby repealed.

24 SECTION 3. This act shall take effect upon its passage.