

HOUSE No. 3368

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 grant 10 additional licenses for the sale of
3 all alcoholic beverages to be drunk on the premises pursuant to section 12 of said chapter 138
4 and 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 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 subsection
8 (c). The licenses shall be subject to all of said chapter 138 except said section 17.

9 (b) A license granted under subsection (c) shall not be transferrable to any other person,
10 corporation or organization for 3 years after the original issuance date. A transfer in violation of
11 this act shall render the license void.

12 (c) The licensing authority of the town of Tyngsborough shall restrict the licenses
13 authorized by subsection (a) in the following manner: (i) 1 license for the sale of all alcoholic

14 beverages to be drunk on the premises pursuant to said section 12 of said chapter 138 shall be
15 restricted to an entity located in the town center, a designated economic development zone which
16 is 2,000 feet from the intersection of Middlesex road and Kendall road, and with a maximum of
17 50 seats; (ii) 1 license for the sale of all alcoholic beverages to be drunk on the premises pursuant
18 to said section 12 of said chapter 138 shall be restricted to an entity located in such town center
19 with a maximum of 75 seats; (iii) 1 license for the sale of all alcoholic beverages to be drunk on
20 the premises pursuant to said section 12 of said chapter 138 shall be restricted to an entity
21 located in such town center with a maximum of 100 seats; (iv) 1 license for the sale of wines and
22 malt beverages to be drunk on the premises pursuant to said section 12 of said chapter 138 shall
23 be restricted to an entity located in such town center with a maximum of 50 seats; and (v) 2
24 licenses for the sale of all alcoholic beverages not to be drunk on the premises pursuant to said
25 section 15 of said section 138 shall be restricted to entities located on the east side of the
26 Merrimack river. A license for the sale of all alcoholic beverages to be drunk on the premises or
27 for the sale of wines and malt beverages to be drunk on the premises granted pursuant to this
28 subsection shall also be restricted to an entity with frontage on Kendall road, Middlesex road, or
29 Pawtucket boulevard; and such frontage shall be as required by the zoning by-laws of the town
30 of Tyngsborough or by variance, or shall be a legal pre-existing, nonconforming lot.

31 (d) Notwithstanding any general or special law, rule or regulation to the contrary, the
32 licensing authority of the town of Tyngsborough may approve the transfer of a license granted
33 pursuant to subsection (a) to any other location, except as otherwise provided in this act.

34 (e) If a license granted pursuant to this act is cancelled, revoked or no longer in use, the
35 license shall be returned physically, with all of the legal rights, privileges and restrictions
36 pertaining thereto, to the licensing authority which may then grant the license to a new applicant

37 provided, that the applicant for the license shall file with the licensing authority a letter from the
38 department of revenue and a letter from the department of unemployment assistance indicating
39 that the licensee is in good standing with those departments and that all applicable taxes, fees and
40 contributions have been paid.

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