

HOUSE No. 4068

The Commonwealth of Massachusetts

PRESENTED BY:

Frank I. Smizik

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act authorizing the town of Brookline to grant 35 additional licenses for the sale of all alcoholic beverages to be drunk on the premises and 5 additional licenses for the sale of wines and malts to be drunk on the premise.

PETITION OF:

NAME:

Frank I. Smizik

DISTRICT/ADDRESS:

15th Norfolk

HOUSE No. 4068

By Mr. Smizik of Brookline, a petition (accompanied by bill, House, No. 4068) of Frank I. Smizik (by vote of the town) that the town of Brookline be authorized to grant thirty-five additional licenses for the sale of all alcoholic beverages to be drunk on the premises and five additional licenses for the sale of wines and malt beverages to be drunk on the premise. Consumer Protection and Professional Licensure. [Local Approval Received.]

The Commonwealth of Massachusetts

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

An Act authorizing the town of Brookline to grant 35 additional licenses for the sale of all alcoholic beverages to be drunk on the premises and 5 additional licenses for the sale of wines and malts to be drunk on the premise.

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 Brookline
3 may grant 35 additional licenses for the sale of all alcoholic beverages to be drunk on the
4 premises, and 5 additional licenses for the sale of wines and malt beverages to be drunk on the
5 premises pursuant to section 12 of chapter 138, provided, however, that such licenses are issued
6 to an establishment that holds a Common Victuallers license pursuant to section 2 of chapter 140
7 of the General Laws. The licenses granted under this section shall be subject to all of said chapter
8 138 except said section 17.

9 (b) The licensing authority shall restrict the licenses authorized by this section in the
10 following manner:

11 (i) 1 license for the sale of all alcoholic beverages may be granted to an entity
12 located at the parcel depicted on page 59 of the Town of Brookline Assessor’s Atlas, as block
13 number 238, lot number 01; (“Map 1”);

14 (ii) 2 licenses for the sale of all alcoholic beverages may be granted to entities located
15 at the parcels depicted on page 29B of the Town of Brookline Assessor’s Atlas, as block number
16 138, parcel numbers 01 and 02. (“Map 2”);

17 (iii) 1 license for the sale of all alcoholic beverages may be granted to an entity
18 located at the parcel depicted on page 29B of the Town of Brookline Assessor’s Atlas as block
19 number 135, lot number 01. (“Map 2”);

20 (iv) 4 licenses for the sale of all alcoholic beverages may be granted to entities located
21 at the parcels depicted on page 29B of the Town of Brookline Assessor’s Atlas as block 135, lot
22 numbers 10-11, 12-13, 14, 15, 17-18, and 19-22. (“Map 2”);

23 (v) 3 licenses for the sale of all alcoholic beverages may be granted to entities located
24 at the parcels depicted on page 9 of the Town of Brookline Assessor’s Atlas as block number
25 045, lot numbers 01, 11 and 02-01. (“Map 3”);

26 (vi) 5 licenses for the sale of all alcoholic beverages may be granted to entities located
27 at the parcels depicted on page 122A of the Town of Brookline Assessor’s Atlas as block number
28 425, lot numbers 07, 07-01, 07-09, 10, 10-01, 11 and 12.(“Map 4”);

29 (vii) 4 licenses for the sale of all alcoholic beverages may be granted to entities located
30 at the parcel depicted on page 8 of the Town of Brookline Assessor’s Atlas as block number 042,
31 lot number 11-01. (“Map 5”);

32 (viii) 15 licenses for the sale of all alcoholic beverages may be granted to entities
33 located in any of the “Development Opportunity Areas,” the boundaries of which are shown on a
34 map titled “Development Opportunity Areas (Map 6-A, 6-B, and 6-C)” dated August 2017;

35 (ix) 5 licenses for the sale of wines and malt beverages may be granted to entities
36 located in any of the “Development Opportunity Areas,” the boundaries of which are shown on a
37 map titled shown on a map titled “Development Opportunity Areas (Map 6-A, 6-B, and 6-C)”
38 dated August 2017.

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

42 (d) Once issued, the licensing authority shall not approve the transfer of the licenses
43 to any other location but it may grant the licenses to new applicants at the same location if the
44 applicants file with the licensing authority a letter from the department of revenue and a letter
45 from the division of unemployment assistance indicating that the licenses are in good standing
46 with the department and that all applicable taxes, fees, and contributions have been paid.

47 (e) If a licensee terminates or fails to renew a license granted under this section or if
48 any such license is cancelled, revoked or no longer in use, it shall be returned physically, with all
49 of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority and the
50 licensing authority may then grant the license to a new applicant at a parcel or within the
51 development opportunity areas under the same conditions as specified in this section.

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