

SENATE No. 2379

Senate, Tuesday, June 28, 2016 – Text of the Senate amendment (Senator Jehlen) to the House Bill further regulating the sale of alcoholic beverages in the city of Somerville (House, No. 4184).

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

1 SECTION 1. Section 3 of chapter 381 of the acts of 2012 is hereby amended by striking
2 out, in line 2, the figure “12” and inserting in place thereof the following figure: - 22.

3 SECTION 2. Said section 3 of said chapter 381 is hereby further amended by striking out
4 the figure “22”, inserted by section 1, and inserting in place thereof the following figure:- 27.

5 SECTION 3. (a) Notwithstanding section 17 of chapter 138 of the General Laws or any
6 other general or special law to the contrary, the licensing commission of the city of Somerville
7 may grant 12 additional licenses for the sale of all alcoholic beverages to be drunk on the
8 premises pursuant to section 12 of said chapter 138 and 6 additional licenses for the sale of wines
9 and malt beverages to be drunk on the premises pursuant to said section 12 of said chapter 138 to
10 operators and locations to be determined by the licensing commission in accordance with this
11 section. The licenses shall be subject to all of said chapter 138 except said section 17.

12 (b) The licensing commission shall restrict the licenses authorized in this section as
13 follows:

14 (i) 2 licenses for the sale of all alcoholic beverages to be drunk on the premises
15 and 1 license for the sale of wines and malt beverages to be drunk on the premises shall be
16 restricted to entities within the Transformative Areas of the Inner Belt, Brickbottom and Boynton
17 Yards, as those areas are shown on the map; provided, however, that for the purposes of this
18 section and section 5, “map” shall mean the map entitled “Somerville Proposed Liquor License
19 Area Locations”, dated June, 2016, a copy of which is on file in the office of the Somerville city
20 clerk; and

21 (ii) 10 licenses for the sale of all alcoholic beverages to be drunk on the premises
22 and 5 licenses for the sale of wines and malt beverages to be drunk on the premises shall be
23 restricted to entities within the Enhancement Areas of Union Square, Davis Square, Ball Square,
24 Gilman Square, Lowell Street, Northwest Somerville, Teele Square, Broadway, Magoun Square,
25 Highland Avenue, Somerville Avenue and Beacon Street, as shown on the map.

26 (c) A license granted pursuant to this section shall be clearly marked on its face
27 “Transformative Areas or Enhancement Areas Only”.

28 (d) The licensing commission shall not approve the sale or transfer of a license granted
29 under this section. If a licensee terminates or fails to renew a license granted under this section or
30 if any such license is cancelled, revoked or no longer in use, it shall be returned physically, with
31 all of the legal rights, privileges and restrictions pertaining thereto, to the licensing commission
32 and the licensing commission may then grant the license to a new applicant at a location within
33 the transformative areas or enhancement areas under the same conditions as specified in this
34 section.

35 SECTION 4. (a) Notwithstanding section 17 of chapter 138 of the General Laws or any
36 other general or special law to the contrary, the licensing commission of the city of Somerville
37 may grant 4 additional licenses for the sale of all alcoholic beverages to be drunk on the premises
38 pursuant to section 12 of said chapter 138 and 1 additional license for the sale of wines and malt
39 beverages to be drunk on the premises pursuant to said section 12 of said chapter 138. The
40 licenses shall be subject to all of said chapter 138 except said section 17.

41 (b) Once issued, the licensing commission shall not approve the transfer of a license
42 granted pursuant to this section to any other location but it may grant the license to a new
43 applicant at the same location if the applicant files with the licensing commission a letter from
44 the department of revenue and a letter from the department of unemployment assistance
45 indicating that the license is in good standing with those departments and that all applicable
46 taxes, fees and contributions have been paid.

47 (c) If a license granted pursuant to this section is cancelled, revoked or no longer in use, it
48 shall be returned physically, with all legal rights, privileges and restrictions pertaining thereto, to
49 the licensing commission and the licensing commission may then grant the license to a new
50 applicant at the same location under the same conditions as specified in this section.

51 SECTION 5. (a) Notwithstanding section 17 of chapter 138 of the General Laws or any
52 other general or special law to the contrary, the licensing commission of the city of Somerville
53 may grant 15 additional licenses for the sale of all alcoholic beverages to be drunk on the
54 premises pursuant to section 12 of said chapter 138 and 7 additional licenses for the sale of wines
55 and malt beverages licenses to be drunk on the premises pursuant to said section 12 of said

56 chapter 138 to operators and locations to be determined by licensing commission in accordance
57 with this section. The licenses shall be subject to all of said chapter 138 except said section 17.

58 (b) The licensing commission of the city of Somerville shall restrict the licenses
59 authorized in this section as follows:

60 (i) 5 licenses for the sale of all alcoholic beverages to be drunk on the premises
61 and 2 licenses for the sale of wines and malt beverages to be drunk on the premises granted
62 pursuant to this subsection shall be restricted to entities within the Transformative Areas of the
63 Inner Belt, Brickbottom and Boynton Yards, as shown on the map; and

64 (ii) 10 licenses for the sale of all alcoholic beverages to be drunk on the premises
65 and 5 licenses for the sale of wines and malt beverages to be drunk on the premises shall be
66 restricted to entities within the Enhancement Areas of Union Square, Davis Square, Ball Square,
67 Gilman Square, Lowell Street, Northwest Somerville, Teele Square, Broadway, Magoun Square,
68 Highland Avenue, Somerville Avenue and Beacon Street, as shown on the map.

69 (c) A license granted pursuant to this section shall be clearly marked on its face
70 “Transformative Areas or Enhancement Areas Only”.

71 (d) The licensing commission shall not approve the sale or transfer of a license granted
72 under this section. If a licensee terminates or fails to renew a license granted under this section
73 or if any such license is cancelled, revoked or no longer in use, it shall be returned physically,
74 with all of the legal rights, privileges and restrictions pertaining thereto, to the license
75 commission and the licensing commission may then grant the license to a new applicant at a

76 location within the transformative areas and enhancement areas under the same conditions as
77 specified in this act.

78 SECTION 6. (a) Notwithstanding section 17 of chapter 138 of the General Laws or any
79 other general or special law to the contrary, the licensing commission of the city of Somerville
80 may grant 4 additional licenses for the sale of all alcoholic beverages to be drunk on the premises
81 pursuant to section 12 of said chapter 138 and 1 additional license for the sale of wines and malt
82 beverages to be drunk on the premises pursuant to said section 12 of said chapter 138. The
83 licenses shall be subject to all of said chapter 138 except said section 17.

84 (b) Once issued, the licensing commission shall not approve the transfer of a license
85 granted pursuant to this section to any other location but it may grant the license to a new
86 applicant at the same location if the applicant files with the licensing commission a letter from
87 the department of revenue and a letter from the department of unemployment assistance
88 indicating that the license is in good standing with those departments and that all applicable
89 taxes, fees and contributions have been paid.

90 (c) If a license granted pursuant to this section is cancelled, revoked or no longer in use, it
91 shall be returned physically, with all of the legal rights, privileges and restrictions pertaining
92 thereto, to the licensing commission and the licensing commission may then grant the license to
93 a new applicant at the same location under the same conditions as specified in this section.

94 SECTION 7. The administrative fee charged by the city of Somerville for a license
95 granted pursuant to sections 3 to 6, inclusive, shall be the same amount as the administrative fee
96 charged by the city for existing licenses granted for the respective category for such licenses. A

97 license granted pursuant to said sections 3 to 6, inclusive, shall be subject to all applicable
98 ordinances of the city.

99 SECTION 8. Sections 1, 3, 4 and 7 shall take effect upon their passage.

100 SECTION 9. Section 2 shall take effect on January 1, 2019 or upon the issuance of all of
101 the licenses authorized in section 3 of chapter 381 of the acts of 2012, whichever first occurs.

102 SECTION 10. Section 5 shall take effect on January 1, 2019 or upon the issuance of all
103 of the licenses authorized in section 3, whichever first occurs.

104 SECTION 11. Section 6 shall take effect on January 1, 2019 or upon the issuance of all
105 of the licenses authorized in section 4, whichever first occurs.