

HOUSE No. 4832

By Mr. McMurtry of Dedham, petition of Paul McMurtry (by vote of the town) for legislation to authorize the town of Westwood to grant a license for the sale of wine and malt beverages at a supermarket or grocery store. Consumer Protection and Professional Licensure. [Local Approval Received.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Eight.

AN ACT RELATIVE TO THE TOWN OF WESTWOOD TO GRANT A LICENSE FOR THE SALE OF WINE AND MALT BEVERAGES AT A FOOD STORE, 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. Notwithstanding Section 17 of Chapter 138 of the
2 General Laws, or any other general or special law to the contrary,
3 the licensing authority of the town of Westwood may grant a license
4 for the sale of wine and malt beverages at a food store, not to be
5 drunk on the premises, under Section 15 of said Chapter 138. Except
6 as otherwise provided herein, such license shall be subject to all of
7 said Chapter 138 except said Section 17.

8 For the purposes of this act, a “food store” shall mean a grocery
9 store or supermarket with a gross floor area of more than 100,000
10 square feet which sells at retail, food for consumption on or off the
11 premises either alone or in combination with grocery items or other
12 non durable items typically found in a grocery store and sold to indi-
13 viduals for personal family or household use; provided, however,
14 that such food store shall carry fresh and processed meats, poultry,
15 dairy products, eggs, fresh fruits and produce, baked goods and
16 baking ingredients, canned goods and dessert items. Notwith-
17 standing the foregoing, a food store shall specifically exclude a con-
18 venience store or specialty store; provided, however, that the board
19 of selectmen shall determine whether an applicant is a food store
20 under this act. In making the determination, the board of selectmen
21 shall consider such factors as the volume of sales, actual or pro-

22 posed, and the extent and range of merchandise offered for sale. The
23 holder of the license under this act may sell wine and malt beverages
24 alone or in combination with any other items offered for sale and the
25 licensed premises must be located in the mixed use overlay zoning
26 district. The amount of any initial or renewal fee for such license
27 shall be determined by the licensing authority issuing or renewing
28 that license.

29 Notwithstanding any general or special law or any rule or regula-
30 tion to the contrary, the licensing authority shall not approve the
31 transfer of the license to any other location, but the license may be
32 granted to a new operator at the same location if an applicant has
33 followed any and all rules prescribed by the board of selectmen as
34 the licensing authority related to the application and procedures for
35 approval of such a transfer including filing a complete application
36 for the transfer of the license to the new operator at the same loca-
37 tion, and filing a letter in writing from the department of revenue
38 evidencing that the license is in good standing with said department
39 and that any and all applicable taxes have been paid.

40 If the license granted under this section is cancelled, revoked or
41 no longer in use, it shall be returned physically, with all of the legal
42 rights, privileges and restrictions pertaining thereto, to the licensing
43 authority of the town of Westwood, which may grant the license to a
44 new operator at the same location and under the same conditions as
45 specified in this section.

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