



Article: 28

Warrant Article Title:

HOME RULE LEGISLATION / ADDITIONAL ON PREMISES ALL ALCOHOL LICENSES

Warrant Article Text:

To see if the Town will vote to authorize the Select Board to file Home Rule Legislation that would grant the Town additional licenses for the sale of all alcoholic beverages to be drunk on the premises pursuant to Section 12 of Chapter 138 of the General Laws; or take any action related thereto.

Requested By:

the Select Board

Report Excerpt:

Vote and comment to Town Meeting - Favorable Action (4-0)
Mr. Helmuth recused himself.

The Board voted unanimously to recommend favorable action on this article, which seeks authorization to file home rule legislation that would grant the town ten additional licenses for the sale of all alcoholic beverages to be drunk on the premises pursuant to G.L. c. 138, §12, increasing the total number of licenses from twenty to thirty.

Although the Select Board acts as the town's local licensing authority for the sale of alcoholic beverages, changes to the number of available licenses requires legislative approval. From the initial issuance of all alcohol licenses in 2005, the Town has filed special legislation for a set number of licenses that is below

the default number of fifty otherwise allowed under state law based on the Town's population.

Of the twenty available licenses, the Town has issued sixteen, with applications for two additional licenses currently pending before the Board. Going forward, it is expected there will be additional demand for all alcohol licenses since the Board recently reduced from fifty to twenty the minimum seating capacity for premises that seek all alcohol licenses. It is the Board's hope that the increase in the number of licenses will allow for further growth in the number of restaurants in Town while also avoiding the creation of a secondary market for licenses once all of the current licenses have been issued.

Consistent with the Board's prior practice to seek Town Meeting approval to file home rule legislation that would permit the Board to place the question of whether to increase the number of licenses on the ballot for a town wide vote. If approved and passed by the state legislature, it is expected that this matter would be on the ballot for the town's 2027 Annual Town Election.

NOTE: the vote language has been corrected to match the Select Board Report. In Section 2 the original annotated warrant had text regarding increasing the number of licenses by five.

Vote Language:

That the Town does hereby request and authorize the Select Board to file Home Rule Legislation to provide substantially as follows:

“AN ACT TO INCREASE THE NUMBER OF ALL-ALCOHOL LICENSES FOR RESTAURANTS IN THE TOWN OF ARLINGTON

Section 1. Notwithstanding any general or special law to the contrary including without limitation Sections 11A and 17 of Chapter 138 of the General Laws and Chapter 398 of the Acts

and Resolves of 2014, the Select Board in the Town of Arlington shall cause to be placed upon the official ballot used in the Town of Arlington at its annual Town Meeting to be held in the year 2027 the following question: 'Shall the Select Board be authorized to grant an additional ten licenses for a total of thirty for the sale therein of all-alcoholic beverages by restaurants and function rooms having a seating capacity of not less than twenty persons?'

Yes No

Section 2. If a majority of the votes cast in said Town in answer to said question is in the affirmative, said Town shall be taken to have increased from twenty to thirty the number of licenses in the Town of all-alcoholic beverages to be drunk on the premises of restaurants and function rooms having a seating capacity of not less than twenty persons. Said thirty licenses shall be subject however, to all the other provisions of said Chapter 138, except those that provide for a limitation as to the number of licenses permitted or the wording of the question posed to the voters.

Section 3. This Act shall take effect upon its passage.”

[Select Board Report](#)