



CITY OF SOMERVILLE, MASSACHUSETTS
LAW DEPARTMENT

April 13, 2011

The Honorable Board of Aldermen
City Hall
Somerville, MA

Re: Board Order #190960

Dear Honorable Board Members:

You have requested that this office advise as to the process for increasing the number of beer and wine licenses available in the City of Somerville. I have reviewed applicable general and special laws pertaining to liquor licenses and conclude that only an act of the state legislature would result in an increase to the quantity of licenses available.

Chap. 5 of the Acts of 2000 provides that the number of licenses available for the sale of wine and malt beverages to be drunk on-premises (i.e. restaurants, hotels, bars, etc.), under MGL c. 138, s. 12, "shall be calculated pursuant to" MGL c. 138, s. 17. Section 17 imposes a quota on the number of alcoholic beverage licenses a city may issue based upon its population as determined by the most recent federal census. Presently, the quota for on-premises, annual wine and malt beverage licenses is sixteen. Of those sixteen, I am informed that fifteen have been issued and one is pending at the Alcoholic Beverages Control Commission.

An increase in the number of licenses above the quota limit would require the city to file a home rule petition with the state legislature and the passage of special legislation.

Please contact me with any additional questions. Thank you.

Sincerely,

Jason D. Grossfield
Assistant City Solicitor