



CITY OF SOMERVILLE, MASSACHUSETTS

CITY CLERK'S OFFICE

KATJANA BALLANTYNE
MAYOR

KIMBERLY M. WELLS
CITY CLERK

MEMORANDUM

To: Honorable City Council
From: Kimberly M. Wells, City Clerk
Date: September 8, 2025
Re: Item #25-1317: Licensing Commission requesting the acceptance of Massachusetts General Laws, Chapter 138, Section 12D, to allow current wine and malt beverages license holders to apply to convert to a non-transferable all forms alcohol license.

On July 4, 2025, Governor Healey signed "An Act Making Appropriations for the Fiscal Year 2026 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements, and for Certain Permanent Improvements," into law as Chapter 9 of the Acts of 2025. Chapter 9 includes the addition of Section 12D to Chapter 138 of the Massachusetts General Laws.

If § 12D is accepted by the City Council, the city may allow wine and malt beverages license holders to convert their license to a non-transferable *all forms* alcoholic beverages license. A wine and malt beverages license limits the license holder to the sale of only wine and beer, while an all forms alcoholic beverages license allows the sale of liquor and mixed drinks as well. Wine and malt beverages licenses are further limited in Somerville by an 11:00 p.m. end of service for alcohol, compared to 1:00 a.m. for all forms. Only restaurants are eligible to apply for this conversion, not packaged alcohol stores.

The number of alcohol service licenses available in each municipality is capped by state law. If M.G.L. c. 138, § 12D is accepted, the city may allow a current wine and malt license holder to convert to an all forms alcoholic beverages license without further reducing the total number of available all forms licenses.

Conversion will require an application and fee, review and approval by city staff, a public hearing and approval by the Licensing Commission, and approval by the Alcoholic Beverages Control Commission (ABCC). Conversion to an all forms license would remove the restrictions on time and meal service applicable to a wine and malt beverages license, and would increase the annual fee for the license. The converted license may not be transferred, and reverts to the original category of wine and malt beverages license when returned to the city.



The Licensing Commission voted at its August 19, 2025 meeting to recommend that the City Council accept M.G.L. c. 138, § 12D. As Somerville has, historically, made both wine and malt beverages and all forms licenses available to licensees, acceptance of this section is unlikely to significantly change the makeup of the city's neighborhoods. Allowing wine and malt licensees to convert to all forms has the potential to substantially benefit the city's economy by allowing restaurants to diversify their menus and enhance a diner's overall experience. Moreover, most of the city's restaurants with alcohol service are small businesses, and accepting this change will promote their growth. Acceptance of § 12D will require no changes to the licensing amendment process and will not create any notable administrative burden. In light of the above, I recommend that the City Council vote to accept the provision M.G.L. c. 138, § 12D.