



City Council AGENDA

Monday, March 16, 2026 - 6:15 PM

Regular Meeting
Agawam Senior Center
954 Main Street
Agawam, MA 01001

A. Agenda Items

- 1) **ZC-2026-1** - Petition for Zone Change by Sergey Dikan for property located at 515 Mill Street, Feeding Hills section of Agawam, Hampden County, Massachusetts (Assessor Parcel H10-2-19) and Mikhail Ashlaban and Tamara Ashlaban for property located at 533 Mill Street, Feeding Hills section of Agawam, Hampden County, Massachusetts (Assessor Parcel H10-1-4) from the Residence A-2 District, the Business B District, and the Agricultural District to the Residence A-2 District
- 2) **TR-2026-11** - A Resolution to accept the provisions of Massachusetts General Laws Chapter 138, Section 12D which allows for the conversion of on-premises wine and malt beverages licenses to on-premises all alcoholic beverages licenses (Sponsored by Mayor Johnson)

B. Any other business that may legally come before the Committee

C. Adjournment

**PETITION FOR ZONE CHANGE BY SERGEY DIKAN FOR PROPERTY
LOCATED AT 515 MILL STREET, FEEDING HILLS SECTION OF AGAWAM,
HAMPDEN COUNTY, MASSACHUSETTS (ASSESSOR PARCEL H10-2-19)
AND
MIKHAIL ASHLABAN AND TAMARA ASHLABAN FOR PROPERTY
LOCATED AT 533 MILL STREET, FEEDING HILLS SECTION OF AGAWAM,
HAMPDEN COUNTY, MASSACHUSETTS (ASSESSOR PARCEL H10-1-4)
FROM THE RESIDENCE A-2 DISTRICT, THE BUSINESS B DISTRICT, AND THE
AGRICULTURAL DISTRICT TO THE RESIDENCE A-2 DISTRICT**

WHEREAS, Sergey Dikan (“Dikan”) is the owner of a parcel of land located at 515 Mill Street, Feeding Hills Section of Agawam, Hampden County, Massachusetts (Assessor Parcel H10-2-19) which is more particularly described in a deed to Dikan which is recorded in the Hampden County Registry of Deeds in Book 24346, Page 391; and

WHEREAS, Mikhail Ashlaban and Tamara Ashlaban (collectively “Ashlaban”) are the owners of a parcel of land located at 533 Mill Street, Feeding Hills Section of Agawam, Hampden County, Massachusetts (Assessor Parcel H10-1-4) which is more particularly described in a deed to Ashlaban which is recorded in the Hampden County Registry of Deeds in Book 20091, Page 539; and

WHEREAS, Dikan and Ashlaban have jointly submitted a Petition to change the zoning on 515 Mill Street (Assessor Parcel H10-2-19) and 533 Mill Street (Assessor Parcel H10-1-4) dated January 26, 2026 which was received on January 28, 2028 from being split zoned with portions of the parcels in the Residence A-2 District, the Business B District, and the Agricultural District to the Residence A-2 District; and

WHEREAS, Dikan and Ashlaban indicate in their Petition that *“The proposed zoning amendment is intended to allow for residential development on the site, consistent with the character of surrounding uses... [and it]... would support the applicant’s plan to divide the subject property for residential use and improve/upgrade the existing right-of-way ...”*; and

WHEREAS, Dikan and Ashlaban further indicate in their Petition that the zone change *“will be desirable and without substantial detriment to the public good”*; and

NOW THEREFORE, the Agawam City Council hereby resolves to change the zoning of land located at 515 Mill Street, Feeding Hills Section of Agawam, Hampden County, Massachusetts (Assessor Parcel H10-2-19) which is more particularly described in a deed to Sergey Dikan which is recorded in the Hampden County Registry of Deeds in Book 24346, Page 391 and the land located at 533 Mill Street, Feeding Hills Section of Agawam, Hampden County, Massachusetts (Assessor Parcel H10-1-4) which is more particularly described in a deed to Mikhail Ashlaban and Tamara Ashlaban which is recorded in the Hampden County Registry of Deeds in Book 20091, Page 539, from the Residence A-2 District, the Business B District, and the Agricultural District to the Residence A-2 District.

Dated this _____ day of _____, 2026.

PER ORDER OF THE AGAWAM CITY COUNCIL

Anthony J. Russo, President

APPROVED AS TO FORM AND LEGALITY



Christopher S. Cappucci, Solicitor

Request for Zoning Map Amendment

Under Town of Agawam Zoning Ordinance § 180-3 – Districts enumerated; Building Zone Map.

Proposed Residence A-2 (RA-2) Zoning District

Project Location:

515 Mill Street & 533 Mill Street
Agawam, Massachusetts 01001
(Assessor's Parcel IDs: H10-2-19 & H10-1-4)

Submitted To:

Town of Agawam City Council
36 Main Street
Agawam, Massachusetts 01001

Applicant(s) & Property Owner(s):

Of 515 Mill Street
Sergey Dikan
114 Birch Hill Road
Agawam, Massachusetts 01001

Of 533 Mill Street
Mikhail Ashlaban
533 Mill Street
Agawam, Massachusetts 01001

RLA Project File No. 250105

January 26, 2026

R LEVESQUE ASSOCIATES, INC.

A LAND PLANNING SERVICES COMPANY

40 School Street, Westfield, MA 01085

p 413.568.0985 · f 413.568.0986 · www.rlaland.com



TABLE OF CONTENTS

SECTION

1. PETITION LETTER
2. LOCUS MAP
3. DEED REFERENCES

LIST OF APPENDICES

APPENDICES

APPENDIX A: SITE PLAN

I. PETITION LETTER



January 26, 2026

Rosemary Sandlin, Council President
Town of Agawam City Council
36 Main Street
Agawam, Massachusetts 01001

**RE: Request for Zoning Map Amendment – Proposed Residence A-2 (RA-2) Zoning District
515 Mill Street & 533 Mill Street
Agawam, Massachusetts 01001
(Assessor's Parcel IDs: H10-2-19 & H10-1-4)
RLA Project File No. 250105**

Dear President Sandlin and Councilors:

On behalf of the applicants and property owners, Sergey Dikan and Mikhail Ashlaban, R Levesque Associates, Inc. is submitting this Request for Zoning Map Amendment for the above-referenced properties and right-of-way in Agawam, Massachusetts.

PROPERTY DESCRIPTION

The subject properties are located south of Mill Street and consist of approximately $6.6 \pm$ acres. 515 Mill Street is owned by Sergey Dikan and is recorded in the Hampden County Registry of Deeds under Book 24346, Page 391. 533 Mill Street is owned by Mikhail Ashlaban and is recorded in the Hampden County Registry of Deeds under Book 20091, Page 539. Copies of the deed references are included within this petition packet under Section 3. According to the Town of Agawam online Assessor's database, the subject properties are split zoned, with the northern portions located within the Residence A-2 (RA-2) zoning district. The southern portion of 515 Mill Street is located within the Business B (BB) zoning district. The southern portion of 533 Mill Street is located within the Agricultural (AG) zoning district. A Locus Map depicting the location and current zoning is included within this petition packet under Section 2.

ZONING MAP AMENDMENT PETITION

The petitioners respectfully request that the Town of Agawam City Council grant the above-referenced Zoning Map Amendment under the Massachusetts General Laws Chapter 40A Section 5 to amend the Town of Agawam Building Zone Map to allow for the entirety of the subject properties and right-of-way to be rezoned to the Residence A-2 (RA-2) zoning district, as promulgated under Article III of the local zoning regulations.



STATEMENT OF PURPOSE

The proposed zoning amendment is intended to allow for residential development on the site, consistent with the character of surrounding uses. The proposed zoning map amendment to Residence A-2 (RA-2) would support the applicants' plan to divide the subject properties for residential use and improve / upgrade the existing right-of-way.

STATEMENT OF JUSTIFICATION

Facts to support a finding that the proposed Zoning Map Amendment will be desirable and without substantial detriment to the public good:

1. The applicant intends to rezone from a business-oriented zoning district to a residential-oriented zoning district to allow for future development and improvements at this site.
2. There is no significant impact to the neighborhood in requesting the proposed Zoning Map Amendment as similar residential areas currently exist within the general vicinity of the subject properties.
3. The subject properties are well suited for residential use and have ample space to utilize for construction.
4. The subject properties are located in a primarily residentially utilized neighborhood, and the proposed residential use of the site better aligns with the neighborhood than the existing allowable business uses.
5. The subject properties are already partially zoned Residence A-2 (RA-2) and are bound by other Residence A-2 (RA-2) zoned properties, therefore the proposed zoning map amendment does not constitute spot zoning.

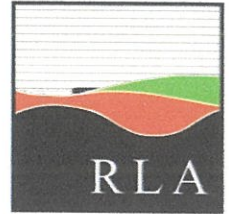
CONCLUSION

Understanding the above, the proposed Zoning Map Amendment is not detrimental to the public good and does not substantially derogate from the intent of and purpose of the Town of Agawam Zoning Ordinance. Based on the foregoing, and all the supplemental information attached, the applicant respectfully requests that the Town of Agawam City Council grant the requested Zoning Map Amendment under the Town of Agawam Zoning Ordinance to Residence A-2 (RA-2).

R LEVESQUE ASSOCIATES, INC.

40 School Street, P.O. BOX 640, Westfield, MA 01085

p 413.568.0985 · f 413.568.0986 · www.rlaland.com



Applicants and Property Owners:


Mr. Sergey Dikan
515 Mill Street


Mr. Mikhail Ashlaban
533 Mill Street

As required, a copy of this submission has been provided electronically via email to the Town of Agawam City Council and Planning Board. We are requesting to be placed on the City Council's next available agenda. Should you have any questions or comments regarding this submission, please do not hesitate to contact our office at your earliest convenience.

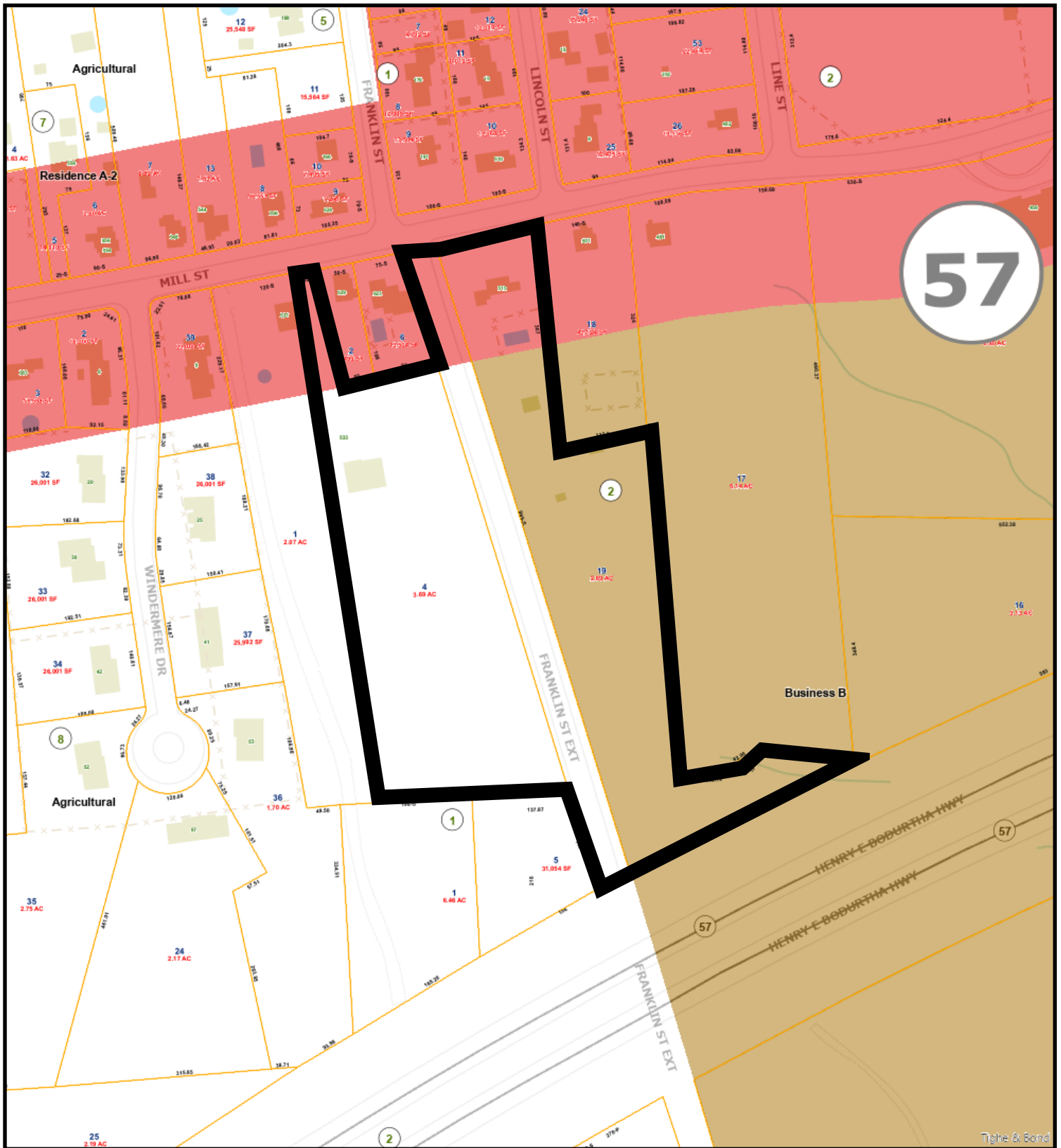
Sincerely,

R LEVESQUE ASSOCIATES, INC.


Nina Fazio
Permitting Coordinator

2. LOCUS MAP

(SOURCE: TOWN OF AGAWAM GIS)



Locus Map

1/28/2026 10:56:04 AM

Scale: 1"=200'

Scale is approximate

The information depicted on this map is for planning purposes only.
It is not adequate for legal boundary definition, regulatory
interpretation, or parcel-level analyses.



3. DEED REFERENCES

(SOURCE: HAMPDEN COUNTY REGISTRY OF DEEDS)

MASSACHUSETTS STATE EXCISE TAX
HAMPDEN COUNTY REGISTRY OF DEEDS
Date: 01-07-2022 @ 02:46pm
Ctl#: 300 Doc#: 1366
Fee: \$1,071.60 Cons: \$235,000.00

KNOW ALL PERSONS BY THESE PRESENTS

THAT I, Yegor Muravskiy, of 515 Mill Street, Feeding Hills, Massachusetts, individually,

For consideration of and in full consideration paid Two Hundred Thirty Five Thousand and 00/100 (\$235,000.00) Dollars

GRANTS TO Sergey Dikan, of 114 Birch Hill Road, Agawam, Massachusetts, with **WARRANTY COVENANTS**

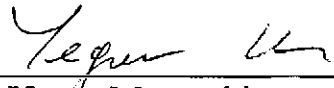
The property described on Exhibit A which is attached hereto and made a part hereof.

BEING the same premises conveyed to Yegor Muravskiy herein by deed of Shirley G. Drenzek, dated December 23, 2017 and recorded in the Hampden County Registry of Deeds in Book 22008, Page 291.

As per M.G.L. Chapter 188, sect. 13, the Grantor, under oath and subject to the pains and penalties of perjury, does hereby depose, state and certify that: (i) I release all rights of Homestead in the subject realty, (ii) that no spouse, non-owner spouse, former spouse, or any other person resides in the home, and (iii) at the time of delivery of this deed, no spouse, former spouse, or any other person is entitled to claim the benefit of an existing estate of homestead.

(signature page to follow)

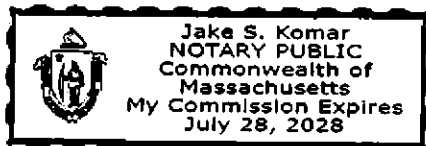
This Deed is intended to take effect as a sealed instrument this 4 day of January, 2022.


Yegor Muravskiy

COMMONWEALTH OF MASSACHUSETTS

County of Hampden

On this 4 day of January, 2022, before me, the undersigned notary public, personally appeared Yegor Muravskiy and proved to me through satisfactory evidence of identification, which was Driver License to be the person whose name is signed on the preceding and acknowledged to me that they signed it voluntarily for its stated purpose and who swore, subscribed and affirmed to me that the contents of the document are truthful and accurate to the best of their knowledge and belief.



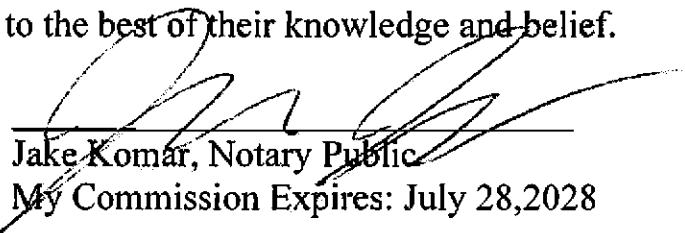

Jake Komar, Notary Public
My Commission Expires: July 28, 2028

EXHIBIT "A"**Parcel II:**

The land in Agawam, Hampden County, Massachusetts as shown on a Plan of Land entitled "Mill Street Extension, Agawam, Mass," dated June 1988 by Smith Associates Surveyors, Inc., and owned by Double "D" Realty, Inc., said Plan having been recorded in Hampden County Registry of Deed in Book of Plans 262, Page 129, said land being bounded and described as follows:

Beginning at the intersection of the westerly side-line of Franklin Street Extension with the northerly side-line of the Re-Location of Route 57, running thence

- | | |
|-----------|---|
| WESTERLY | along the northerly side-line of the Re-Location of Route 57, an arc distance of one hundred ninety-five and 69/100 (195.69) feet; |
| NORTHERLY | by land now or formerly of one Saralli, two hundred thirty-six and 36/100 (236.36) feet; |
| EASTERLY | by land now or formerly of one Saralli, one hundred thirty-seven and 77/100 (137.77) feet; |
| SOUTHERLY | along the westerly side-line of Franklin Street Extension to the point of beginning, one hundred fifty-five and 15/100 (155.15) feet. |

Containing thirty-one thousand fifty-six (31,056) square feet or approximately 0.71 acres.

Together with all the right, title and interest of the Grantors herein, if any in and to the Franklin Street Extension as shown on the above-referenced plan, hereby specifically disclaiming any warranty or covenant of title as to said Franklin Street Extension, further representing that the land hereby conveyed lacks any right of access or frontage on a public way and by accepting this deed, the Grantees acknowledge that any right of access to the land must be across their property adjacent to said land.

All subject to restrictions, easements, rights of way and other charges of record, if any.

PARCEL 1:

the land in Agawam, Hamden County, Massachusetts, bounded and described as follows:

Beginning at the North Eastern corner of Perkins Ave., and the South side of Mill St., and running thence Easterly on Mill Street about one hundred fifty (150) feet to a stone; thence Southerly on land now or formerly of one Voudren about three hundred thirty and $7/100$ (330.07) feet; thence Easterly on last named land about one hundred thirty-two and $5/10$ (132.5) feet; thence Southerly on land of Bruni, now or formerly, about five hundred sixteen and $80/100$ (516.80) feet; thence Easterly on land of said Bruni about two hundred fifty-nine and $30/100$ (259.30) feet; thence Southerly one hundred forty (140) feet to lot number 27 of Perkins' Little Farms continuing Westerly three hundred fifty (350) feet to Easterly side of Perkins Ave., thence Northerly one thousand forty one and $9/100$ (1041.09) feet on the Easterly side of Perkins Ave., to the South side of Mills St., the place of the beginning, which includes lots numbers 10 to 26 (inclusive of Perkins' Little Farms).

Subject to restrictions and easements of record if any.

FIDUCIARY'S D E E D

Property Address:
533 Mill Street
Feeding Hills, MA 01030

MASSACHUSETTS STATE EXCISE TAX
HAMPDEN COUNTY REGISTRY OF DEEDS
Date: 11-07-2013 @ 03:07pm
Ct1#: 251 Doc#: 71464
Fee: \$843.60 Cons: \$185,000.00

KNOW ALL MEN BY THESE PRESENTS, that I, **John A. Mercadante**, individually, a married man of 523 Mill Street, Feeding Hills, MA 01030 and **John A. Mercadante**, as **Personal Representative of the Estate of Gaetano L. Mercadante**, by License of the Probate Court. See Hampden County Probate Court, Docket No.: HD12P2321

FOR CONSIDERATION PAID AND IN FULL CONSIDERATION OF **One Hundred Eighty Five Thousand and 00/100 (\$185,000.00) Dollars**

grant to **Mikhail Ashlaban and Tamara Ashlaban**, husband and wife, both of 5 Ogden Street, Chicopee, MA 01013, as tenants by the entirety

**FOR THE PROPERTY DESCRIPTION SEE EXHIBIT A ATTACHED
HERETO AND MADE A PART HEREOF.**

BEING a portion of the same premises conveyed to the late John Saralli and Carmella E. Saralli by deed of Hugh D. Flynn dated December 18, 1946 and recorded in the Hampden County Registry of Deeds in Book 1849, Page 474.

Gaetano L. Mercadante died on October 17, 2012.

For Grantors title see Hampden County Probate Court Docket No. 182123.

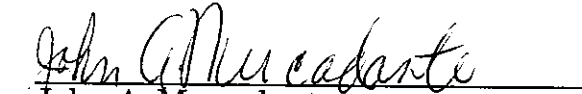
Subject to the restriction that during the lifetime of John A. Mercadante, Grantee may only subdivide the property into two building lots by accessing the frontage from Mill Street.

The grantor agrees that there will not be any implied easement reserved on account of grantor's property at the rear of the property conveyed.

The grantor recognizes that the grantor's remaining property will be landlocked and the grantor covenants that he will not claim any easement of necessity or any other type of easement for ingress or egress to and from the landlocked property over, across, and upon the grantee's property. The grantor hereby waives the right to claim any type of easement.

This property is not homestead property or the principal residence of the grantor or any other person so entitled.

WITNESS my hand and seal this 31 day of October, 2013.


John A. Mercadante

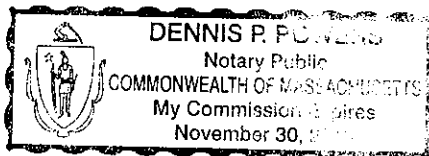
John A. Mercadante,
Personal Representative of Estate of
Gaetano L. Mercadante

COMMONWEALTH OF MASSACHUSETTS

Hampden, ss.

October 31, 2013

On this 31st day of October, 2013, then personally appeared the above-named **John A. Mercadante and John A. Mercadante, Personal Representative of Estate of Gaetano L. Mercadante** proved to me through satisfactory evidence of identification being (check whichever applies): ☐ driver's license or other state or federal governmental document bearing a photographic image, ☐ oath or affirmation of a credible witness known to me who knows the above signatory, or ☐ my own personal knowledge of the identity of the signatory, to be the persons whose names are signed on the preceding document, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose.





Notary Public
My Commission Exp:

EXHIBIT "A"

The land in Agawam, Hampden County, Massachusetts bounded and described as follows:

First Parcel: Beginning at a stone bound at the northwest corner thereof and running thence southerly by land of N. G. King to a stone bound; thence southerly by land of W. E. Flower to a stone bound; thence southerly by land formerly of Sarah Flower to a stone bound; thence southerly by land of Aaron Hayes to a stone bound; thence southerly by land of heirs of John Taylor to a stake on an old ditch; thence along said ditch easterly by land of J. Diegel and L. Hatscher to a stone bound twelve (12) rods; thence northerly on a line of stone bounds by land of estate of J. Strong and F. M. West Box Company one hundred twenty-two (122) rods to a stone bound; thence westerly by land of Domenico Pisano and George Bourdo twelve (12) rods to the place of beginning.

Second Parcel: A certain tract of land bounded and described as follows:-

Beginning at the southeast corner thereof, at a stone bound; and running thence westerly by land of W. E. Flower, about six hundred thirty (630) feet to a stone bound; thence northerly by land of estate of Michelina Mercadante about three hundred seventy (370) feet to a stone bound; thence easterly by land of D. Pisano, L. Mercadante formerly, Alice St. John, and George Bourdo, about six hundred thirty (630) feet to a stone bound; thence southerly by land of grantees about three hundred seventy-eight (378) feet to stone bound at the place of beginning. Containing five acres of land, more or less. Said premises are subject to a right of way, as now used and located by adjoining land owners.

Third Parcel: A certain lot of land bounded and described as follows:-

Beginning at the northwest corner of the tract hereby conveyed at an iron pipe on the southerly side of Mill Street, and running thence easterly along Mill Street about one hundred twenty-three feet six inches (123' 6") to a stone bound; thence southerly in a straight line by land now or formerly of the F. M. West Box Company about eight hundred thirty (830) feet to a stone bound; thence westerly by land now or formerly of said Box Company and land now or formerly of Mercadante about two hundred three (203) feet; thence northerly by land now or formerly of Mercadante about seven hundred eighty-nine (789) feet to the place of beginning; containing three acres of land, more or less; excepting from the above described premises the following tract of land bounded and described as follows:-

Beginning at the northwest corner thereof at an iron pipe in the southerly side of Mill street distant forty-one feet three inches (41' 3") easterly from a stone bound at the northeast corner of land now or formerly of George Boudreau and running thence southerly in a straight line along other land of grantees one hundred seventy-five (175) feet to an iron pipe; thence easterly parallel with Mill Street fifty-two (52) feet to an iron pipe; thence northerly parallel with the westerly line above described one hundred seventy-five (175) feet and thence westerly by Mill street fifty-two (52) feet to the point of beginning.

Fourth Parcel: Beginning at a stone bound on the south side of Mill Street and running thence easterly along said Street forty-one (41) feet and three (3) inches to an iron pipe; thence southerly by land formerly of Giuseppe Pisano about seven hundred eighty-nine (789) feet to land formerly of Vincenzo Mercadante et al, thence westerly by said land formerly of Vincenzo Mercadante et al sixty-nine (69) feet to land now or formerly of George Bourdo at a stone monument; thence northerly by land now or formerly of said Bourdo about seven hundred eighty-nine (789) feet to the place of beginning. Containing one acre in area.

Excepting parcels conveyed by deed recorded as aforesaid in Book 3546, Page 427 and Book 2732, Page 129.

APPENDIX A: SITE PLAN

SITE PLAN ENTITLED "PLAN FOR PROPOSED ZONE CHANGE"

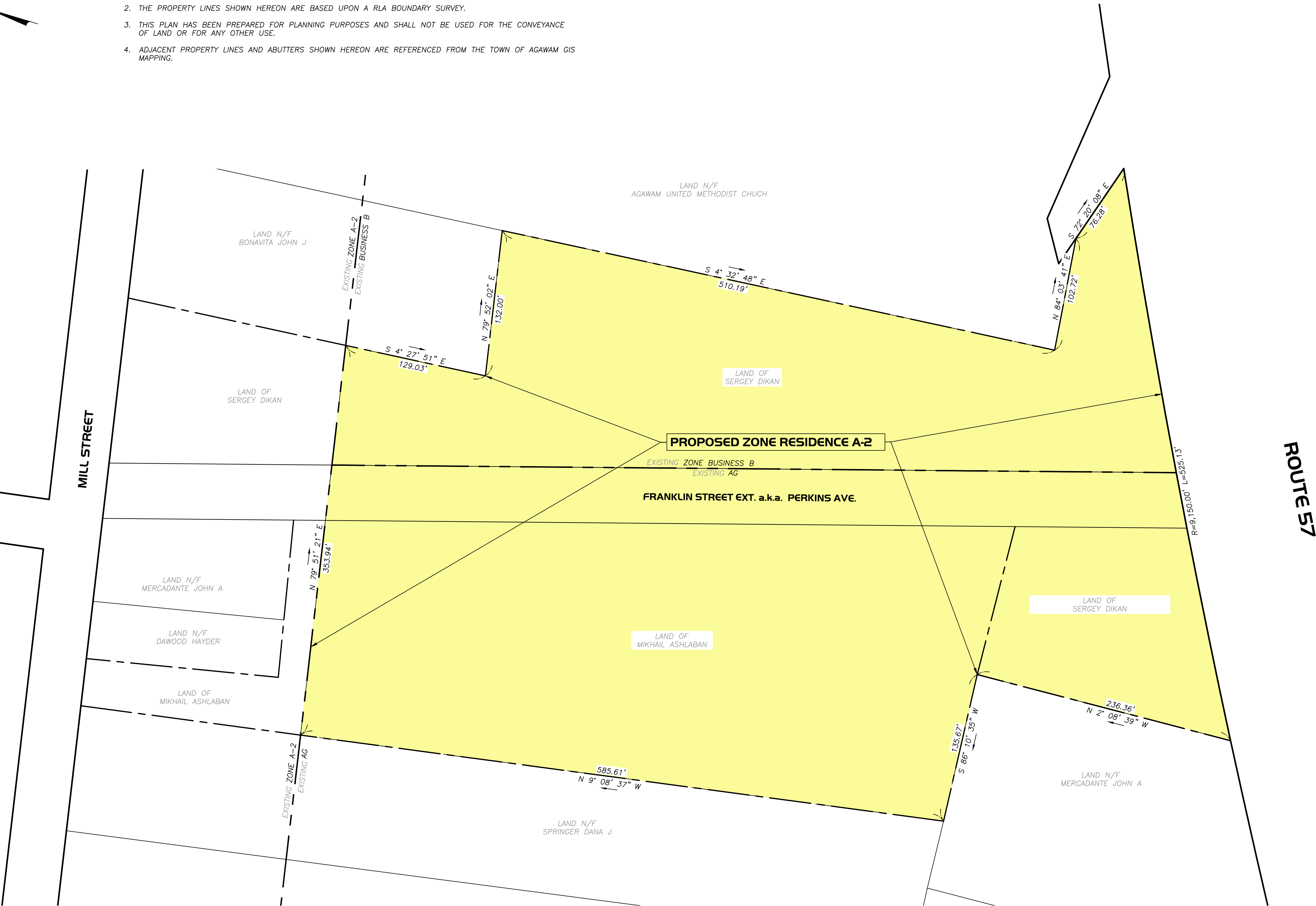
PREPARED FOR SERGEY DIKAN

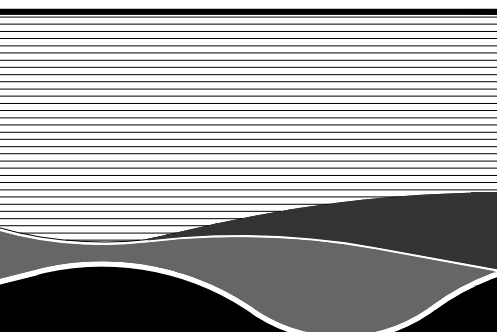
PREPARED BY R LEVESQUE ASSOCIATES, INC.

DATED JANUARY 27, 2026

NOTES

1. THE RECORD OWNER OF THE SUBJECT PARCEL IS SERGEY DIKAN (515 MILL ST.) AND MIKHAIL & TAMARA ASHLABAN (533 MILL ST.). SEE HAMPDEN COUNTY REGISTRY OF DEEDS BOOK 24346 PAGE 391 (515 MILL ST). DEEDS BOOK 20091 PAGE 539 (533 MILL ST.)
2. THE PROPERTY LINES SHOWN HEREON ARE BASED UPON A RLA BOUNDARY SURVEY.
3. THIS PLAN HAS BEEN PREPARED FOR PLANNING PURPOSES AND SHALL NOT BE USED FOR THE CONVEYANCE OF LAND OR FOR ANY OTHER USE.
4. ADJACENT PROPERTY LINES AND ABUTTERS SHOWN HEREON ARE REFERENCED FROM THE TOWN OF AGAWAM GIS MAPPING.





RLA

R LEVESQUE ASSOCIATES INC

Landscape Architects
Civil Engineers - Land Surveyors
Environmental Consultants

ph: 413.568.0985 fax: 413.568.0986

40 School Street
Westfield, MA 01085
rlaland.com

PLAN FOR PROPOSED ZONE CHANGE

515 Mill Street and 533 Mill Street
Parcel ID: H10-2-19 and H10-I-04
Agawam, MA.



PREPARED FOR:

Sergey Dikan
114 Birch Hill Road
Agawam, MA 01001

ISSUANCE DATE: January 27, 2026

REVISIONS:	DATE:

DRAFTED BY: T.A.

UNAUTHORIZED ALTERATION OF THIS DOCUMENT IS A VIOLATION OF MASSACHUSETTS STATE LAW

SCALE: As Noted

RLA PROJ. NUMBER: 250105

DRAWING#	REV.
Z-1	



Town of Agawam

Planning Board

1000 Suffield Street
Agawam, MA 01001
Telephone:
413-786-0400 ext. 8245
Fax: 413-786-9927

March 6, 2026

Anthony J. Russo, President
Anthony R. Suffriti, Vice President
George Bitzas, Councilor
Edward Borgatti, Councilor
Cecilia P. Calabrese, Councilor
Thomas D. Hendrickson, Councilor
Peter T. McNair, Councilor
Dino R. Mercadante, Councilor
Christine Rickman, Councilor
Robert E. Rossi, Councilor
Rosemary Sandlin, Councilor

Agawam City Council
36 Main Street
Agawam, MA 01001

Dear Councilors:

At its duly called meeting held on March 5, 2026 the Agawam Planning Board voted 4 – 0 to send a positive recommendation to the City Council regarding the proposed zone change at 515 & 533 Mill Street.

If you have any questions, please contact this office at 413-786-0400, extension 8245.

Sincerely,

Frank DeStefano, Vice Chairperson
Agawam Planning Board

cc: Clerk, Solicitor, File

**A RESOLUTION TO ACCEPT THE PROVISIONS OF
MASSACHUSETTS GENERAL LAWS CHAPTER 138, SECTION 12D
WHICH ALLOWS FOR THE CONVERSION OF
ON-PREMISES WINE AND MALT BEVERAGES LICENSES TO
ON-PREMISES ALL ALCOHOLIC BEVERAGES LICENSES**

(Sponsored by Christopher C. Johnson, Mayor)

WHEREAS, Governor Maura Healey signed “An Act Making Appropriations for the Fiscal Year 2026...” which created Massachusetts General Laws Chapter 138, §12D, which permits local liquor licensing boards to allow on-premises wine and malt beverage license holders to trade in their license for a non-transferable on-premises all alcoholic beverages license; and

WHEREAS, Section 12D is a local acceptance statute which must be accepted by the City Council and approved by the Mayor prior to any on-premises wine and malt beverage license holders being able to trade in their license for an on-premises all alcoholic beverages license; and

WHEREAS, the Town of Agawam’s acceptance of this local option statute will support the holders of on-premises local wine and malt licenses by allowing them to expand their offerings by securing an on-premises all-alcoholic license which will help bolster the vitality of our business community, and ensure the continued vibrancy of our local economy; and

WHEREAS, upon acceptance of Section 12D, any on-premises wine and malt beverage license holder seeking to trade in their license for an on-premises all alcoholic beverages license pursuant to M.G.L. Chapter 138, §12D will be required to submit an application for a change of license category to the Agawam Licensing Commission Board for approval locally and then gain approval from the Massachusetts Alcoholic Beverages Control Commission (ABCC), and

WHEREAS, the Agawam Licensing Commission has voted to recommend that the Town of Agawam accept the provisions of Massachusetts General Laws Chapter 138, §12D; and

WHEREAS, it is in the best interests of the Town of Agawam to accept the provisions of Massachusetts General Laws Chapter 138, §12D; and

NOW THEREFORE, BE IT RESOLVED BY THE AGAWAM CITY COUNCIL that the City of Agawam hereby accepts the provisions of Massachusetts General Laws Chapter 138, §12D allowing holders of on-premises wine and malt licenses to trade in their license for a non-transferable on-premises all alcoholic beverages license.

Dated this ____ day of _____, 2026.

PER ORDER OF THE AGAWAM CITY COUNCIL

Anthony J. Russo, President

APPROVED AS TO FORM AND LEGALITY

Christopher S. Cappucci, City Solicitor

TO: Mayor Johnson & Agawam City Council
FROM: Agawam License Commission
DATE: February 23, 2026

The Agawam License Commission voted, at its February 18th meeting (unanimously), to approve a positive recommendation the “opting-in” of MGL c 138, section 12D for the municipality of Agawam.

In accordance with the opinion of our Agawam City Solicitor (Chris Capucci), this option requires a recommendation vote from the ALC and formal acceptance or rejection by the Agawam City Council.

We are providing the caption of the legislation along with a general narrative and highlights.

Regarding ABCC Advisory

“The creation of MGL c 138, section 12D – which permits Local Boards to allow MGL c138, section 12 (on premises) wines and malt beverages license holders to trade in their licenses for a non-transferable MGL c 138, section 12 (on premises) all alcoholic beverages license.”

In Massachusetts, the phrase "sec 12 wine and malt conversion" refers to a new law that allows on-premises license holders to upgrade their wine and malt beverage license to an all-alcoholic beverages license. This is possible under a local option defined by Chapter 138, Section 12D of the Massachusetts General Laws.

A Chapter 138 , section 12 license refers to an “on premise” (restaurant/pub/tavern) license for either all alcohol and wine & malt. This option does NOT pertain to any section 15 license (package store).

Key provisions of the law

- **A new path for all-alcohol licenses:** This law provides a pathway for businesses to acquire an all-alcohol license in cities and towns where no new "all-alcohol" licenses are available, often due to population-based quotas.
- **A local option, not mandatory:** The conversion is not automatic. It must first be adopted by the local municipality, in this case The Agawam License Commission vote of recommendation , then to the City Council for review and approval or not.
- **Non-transferable:** A key compromise of the law is that the new, upgraded "all-alcohol" license is non-transferable. This means it cannot be sold or transferred (in its all alcohol converted form) to a new owner if the business closes or is sold, which is a major difference from traditional, more valuable transferable licenses.
- **Economic incentive:** The law was passed to help businesses broaden their offerings and potentially increase revenue. For some restaurants, an all-alcohol license can attract more customers and boost sales of higher-priced cocktails and spirits.
- **No new licenses created:** This process does not increase the total number of all-alcohol licenses in a municipality. Instead, it converts an existing wine and malt license into an all-alcohol license, effectively replacing it.
- **Ownership Provision:** Though the converted license cannot be transferred/sold as an all alcohol license, the owner may also convert it back to its original wine & malt license type and then is able to transfer/sell it.

The Agawam License Commission held a public hearing on November 10, 2025 to explain this option to the public, Section 12 license holders, and city councilors. Input and comments received were predominately positive and supporting this local option for business owners.



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**ALCOHOLIC BEVERAGES CONTROL COMMISSION (“ABCC”) ADVISORY
REGARDING LOCAL BOARD’S ABILITY TO ALLOW M.G.L. c. 138, § 12 (ON-
PREMISES) WINES AND MALT BEVERAGES LICENSE HOLDERS TO TRADE IN
THEIR LICENSE FOR A M.G.L. c. 138, § 12 (ON-PREMISES) ALL ALCOHOLIC
BEVERAGES LICENSE PURSUANT TO M.G.L. c. 138, § 12D**

On June 30, 2025, Governor Maura Healey signed (in part) “An Act Making Appropriations for the Fiscal Year 2026...” creating M.G.L. c. 138, § 12D which permits Local Boards to allow M.G.L. c. 138, § 12 (on-premises) wines and malt beverages license holders to trade in their license for a non-transferable M.G.L. c. 138, § 12 (on-premises) all alcoholic beverages license. M.G.L. c. 138, § 12D became effective July 1, 2025. The text of the law can be found [HERE](#).

Local Boards must accept the new law prior to allowing M.G.L. c. 138, § 12 (on-premises) wines and malt beverages license holders to trade in their license for a M.G.L. c. 138, § 12 (on-premises) all alcoholic beverages license pursuant to M.G.L. c. 138, § 12D. M.G.L. c. 138, § 12 (on-premises) wines and malt beverages license holders requesting a trade in for a M.G.L. c. 138, § 12 (on-premises) all alcoholic beverages license must submit [an application for a change of license category](#) to the Local Board. Change of license category amendments require ABCC approval and must comply with the “Liquor Control Act” (M.G.L. c. 138) including but not limited to advertisement, abutters’ notification requirements and Local Board hearing. Local Boards may charge a reasonable fee that shall not be excessive and may also establish additional requirements.

When a M.G.L. c. 138, § 12 (on-premises) wines and malt beverages license is traded in for a M.G.L. c. 138, § 12 (on-premises) all alcoholic beverages license pursuant to M.G.L. c. 138, § 12D, the M.G.L. c. 138, § 12 (on-premises) all alcoholic beverages license is non-transferable upon issuance. If a M.G.L. c. 138, § 12 (on-premises) all alcoholic beverages license issued pursuant to M.G.L. c. 138, § 12D is cancelled, revoked or no longer in use by the license holder, a M.G.L. c. 138, § 12 (on-premises) wines and malt beverages license must be granted by the Local Board before a M.G.L. c. 138, § 12 (on-premises) all alcoholic beverages license may be issued pursuant to M.G.L. c. 138, § 12D.

A M.G.L. c. 138, § 12 (on-premises) license for wines and malt beverages traded in for a M.G.L. c. 138, § 12 (on-premises) all alcoholic beverages license pursuant to M.G.L. c. 138, § 12D does not increase the total number of licenses authorized pursuant to M.G.L. c. 138, § 17 or any other general or special law.

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As always, all licensees must ensure that they comply with the laws of the Commonwealth of Massachusetts, and that sales of alcoholic beverages take place only as authorized by federal, state, and local law.

Questions concerning this Advisory may be directed to Ralph Sacramone, Executive Director of the Massachusetts Alcoholic Beverages Control Commission at (617) 727- 3040 x 731.

(Issued 8/5/2025)