

Restaurant Temporary Outdoor Seating and Liquor License Expansion

Overview:

On June 1, 2020 Governor Baker issued COVID-19 Order No. 35 titled: Order Clarifying the Progression of the Commonwealth's Phased Workplace Re-Opening Plan and Authorizing Certain Re-Opening Preparations at Phase II Workplaces, COVID-19 Order No. 35. Section 4 of this order allows for "Outdoor Table Service" which is defined as "service that is provided outside the restaurant building envelope, whether on a sidewalk, patio, deck, lawn, parking area, or other outdoor space." Indoor dining is still prohibited. The order also allows for approval of a temporary liquor license premises revision without a public hearing, abutter notification or approval from the ABCC. Under this order, the Rowley Board of Selectmen is responsible for setting up a process for approving all outdoor table service, and for approving temporary liquor license premises revisions. Approvals issued under Section 4 expire on November 1, 2020 unless the Order is rescinded sooner.

On September 10, 2020, Governor Baker issued COVID-19 Order No. 50. Pursuant to this Order, local licensing authorities ("LLA") may approve requests for expansion of outdoor table service or extensions of earlier granted approvals issued pursuant to Section 4 of COVID-19 Order No. 35, from November 1, 2020, for any period up to and until sixty (60) days after the end of the state of emergency. The LLA may issue extensions automatically to all licensees, or may do so on request from individual licensees.

In an effort to make this process easier for Rowley restaurants, the Town has developed the following guidance which includes the minimum requirements from all relevant Town departments. Additionally, the Town has streamlined the process to include only one application form, and any usual Town application and permit fees related to these changes will be waived.

The State of Massachusetts will be publishing guidance and updates throughout the re-opening process (www.mass.gov). All State requirements must be met, as they cannot be waived or reduced by the Town.

Please carefully review all guidance documents issued by the State as well as the Town requirements listed below. The Town's application form can be found at the end of this document.

State Guidance Documents:

1. Governor Baker's COVID-19 Order No. 35 (see section 4)
2. ABCC September 11, 2020 Advisory Regarding Extension of Allowance of Outdoor Table Service
3. Governor Baker's COVID-19 Order No. 50
4. MA Restaurants COVID-19 Safety Standards
5. MA Restaurants COVID 19 Checklist

6. ABCC June 1, 2020 Advisory Regarding LLA Approval of Outdoor Seating
7. ABCC July 28, 2015 Advisory Regarding Guidelines for Patio and Outdoor Areas

Town Requirements:

Site plan/sketch: Please submit a site plan showing location of outdoor seating area and any tent(s) relative to buildings and parking, tables and seating, fencing and barriers, hand sanitizing stations, and worker's sanitizing stations. Hand drawn plans are acceptable but all distances must be indicated on plan.

COVID-19 Plan approved by Board of Health: Please provide a COVID-19 Plan approved by the Health Department for the proposed seating area.

Permission of Property Owner: Please provide signed approval of the property owner to add proposed outdoor seating.

Tents: If installing a tent over 200 square feet, a joint Tent Permit must be obtained from the Building Department and Fire Department.

- A certificate of flame resistance must be submitted and approved
- All tents must comply with 780 CMR sections 108, 34, 10 and chapter 24 of the International fire code (Tent rental companies should be familiar with codes.)
- Tents must have an approved fire extinguisher on site
- Exit signage and lighting may be required
- Portable heaters must be inspected and approved and carbon monoxide detectors may be required
- Proper ventilation of tents must be reviewed by the Health Department prior to the issuance of the tent permit.

Fencing / Barriers: All outdoor eating areas must be encompassed by fencing/barriers. Areas in parking lots must have barriers that can resist the impact of a motor vehicle. Must provide description of all fencing/barriers.

Signage: Non-illuminated signs may be attached to tent or fencing / barriers.

Clear Access: Fire lanes, exits, hydrants, fire department connections, and other features of fire protection must be kept clear.

ADA Compliance: All areas shall comply with ADA. Any seating located on a public sidewalk or walkway must maintain 5 feet of clear access. Pedestrian access to and from tents or seating areas must have clearly designated access ways.

Occupant Load: Occupancy of outdoor seating areas cannot exceed COVID-19 mandatory standards set by the State and any subsequent adjustments, not to exceed 2/3 of the total of existing space.

Overhead Cover: All areas where food will be present must be under cover (tent, umbrella, building overhang etc.) Food traveling between covered areas must be covered.

Tables and Chairs: No tablecloths may be used and tables must be washable. Please submit photo of proposed tables and chairs.

Hand Sanitizing Stations: Hand sanitizing stations shall be at all entrances/exits and periodically maintained and stocked.

Workers' Sanitizing Station: A workers' sanitizing station (containing all of the elements of the currently required indoor station) with the addition of disposable gloves and masks must be present in the outdoor seating area.

Trash Barrels: Covered trash barrels are required in outdoor seating area.

Alcohol Monitoring: Restaurants serving alcohol must properly monitor all entrance and exit points. There must be a clear view of the outdoor seating area from inside the premises, or, alternatively, management personnel must be dedicated to the area.

Insurance: If seating is in the public way, a certificate of liability insurance naming the Town of Rowley as an additional insured is required.

Hours of Operation: All temporary outdoor seating areas must be closed by 10:00 PM unless later hours are approved in advance by the Board of Selectmen.

Entertainment: No live entertainment will be allowed in temporary seating areas unless approved by the Board of Selectmen.

Inspection: All temporary outdoor seating spaces shall be inspected by the Town's outdoor inspection team prior to occupancy.

Duration: Approvals for temporary outdoor seating areas and related tent permits will expire sixty (60) days after the end of the state of emergency.

HOW TO PROCEED

Complete application form: After carefully reviewing all relevant guidance, please fill out the attached application form. Your application will be circulated to relevant Town departments for review and comments.

Receive Initial Approval: Once your application has been approved by the Town Administrator, you will be notified that you may begin installation of the proposed outdoor seating area in accordance with the approved or amended application materials.

Inspection: Once installation is complete, contact Building Inspector Ken Ward at 978-948-2186 and Health Director Frank Marchegiani at 978-948-2231 to request an inspection.

Final Approval and Occupancy: Upon successful inspection(s), a certificate of occupancy will be issued for the new area, and an amended Food Permit or Alcohol License will be issued.

Please contact the Town with any questions.

Building Inspector:

Ken Ward
(978) 948-2186
ken.ward@townofrowley.org

Health Department:

Frank Marchegiani
(978) 948-2231
frank@townofrowley.org

Fire Department

Chief James Broderick
(978) 948-3812
firechief@rowleyfiredept.com

Police Department:

Chief Scott Dumas
(978) 948-7644
Scott.dumas@rowleypolice.com

Town Administrator / Board of Selectmen Office:

Deborah Eagan – Town Administrator
(978) 948-2705
debbie@townofrowley.org

Amy Lydon /Natalie Lovett- Assistant Town Administrators
(978) 948-2372
amy.lydon@townofrowley.org
Natalie.lovett@townofrowley.org

Application for Restaurant Temporary Outdoor Seating and Liquor License Expansion

Applicant's Name (corporate name if corporation)

Doing Business As, if different

Street Address

Mailing Address, if different

Telephone _____ Email _____

Name of On-Site Manager:

Detailed description of outdoor area (such as dimensions, seating capacity, maximum occupancy): Please attached required Site Plan or Sketch as specified above.

Description of seating plan, please include the number of seats and tables:

Does the location hold an alcoholic beverage license YES NO

If yes, will the applicant be serving alcohol on the premises?

Please attach COVID-19 Plan approved by Board of Health.

Are you installing a tent? If yes, provide number of tents, dimensions of tent and a copy of tent permit.

Is proposed outdoor seating area on private property or in a public right of way? If on private property provide a copy of written consent by the property owner. If in a public right of way provide a certificate of general liability insurance with limits of \$2,000,000 per occurrence with a \$2,000,000 Annual Aggregate. The Town is to be named as an Additional Insured. An additional license may be required if public right of way area is to be used.

Description of fencing/barriers to be used around seating area:

Application for expansion of premises licensed to serve alcohol:

Note that the outdoor area must comply with the attached 2015 ABCC Advisory on Patios and Outdoor Seating. Please attach a narrative on how you will comply with this advisory.

Approvals for temporary outdoor seating areas and related tent permits will expire sixty (60) days after the end of the state of emergency.

Date

Signature of Applicant

Date

Signature of Property Owner

Approved by:

Deborah Eagan, Town Administrator

Date: _____