



TOWN OF SHREWSBURY
100 MAPLE AVENUE
SHREWSBURY, MASSACHUSETTS 01545-5398

Temporary Extension of Premises for Outdoor Dining
Guidelines and Application Requirements

The Town of Shrewsbury has developed the following guidance for the temporary use of a private parking lot or land adjacent to your restaurant to allow for outdoor dining to increase business activity and revenues in a safe and responsible way during the COVID-19 pandemic.

Please be aware that this temporary expansion of premises is only effective through November 1, 2020, or until the Governor's Order of June 1, 2020 is rescinded, whichever is sooner, at which time will revert to the original licensed premise.

Before the private parking lot or land is used for the benefit of the restaurant, the owner or his/her/their designee, shall submit the following information to the Board of Selectmen for approval. Please feel free to reach out to the following individuals with any questions:

Name	Email Address	Contact for Questions About...
Alexandria Martinez, Administrative Assistant to the Board of Selectmen	amartinez@shrewsburyma.gov	Application, Licensing, Liquor licensing
Kerry Stockwell, Health Department	kstockwell@shrewsburyma.gov	COVID safety for staff and customers, reopening inspection
Patty Sheehan, Building Inspector Dale Blue, Electrical Inspector John Zachariewicz, Assistant Building Inspector	psheehan@shrewsburyma.gov dblue@shrewsburyma.gov jzachariewicz@shrewsburyma.gov	Tent Permit/Site Plan
Bernard Cahill, Town Planner Aidas Rudis, Assistant Town Planner	bcahill@shrewsburyma.gov arudis@shrewsburyma.gov	Site Plan Review
Seth Colby, Deputy Fire Chief	scolby@shrewsburyma.gov	Tent Permit/Site Plan
Lt. Nick Perna, Police Department	nperna@pd.ci.shrewsbury.ma.us	Safety/Inspection
For additional information regarding COVID safety and sector-specific guidance for reopening, go to: https://www.mass.gov/info-details/reopening-massachusetts		

Application Requirements:

Please email to amartinez@shrewsburyma.gov or send via mail with attention to:
Board of Selectmen, 100 Maple Avenue, Shrewsbury, MA 01545

- I. **Application Form** – fill out the attached application form and include it with your submittal. **There is no application fee.**

- II. **Outdoor Alcohol Sales Application** - if applicable - if currently licensed to serve/pour alcohol on-premises.
- III. **Tent Permit** - if applicable - If installing a tent, a Tent Permit must be obtained from the Building Department. A tent permit fee will still be required. 50% of the cover's perimeter must be open, meaning a top and two side coverings are acceptable.
 - a. A certificate of flame resistance must be submitted and approved.
 - b. 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.)
 - c. Tents must have an approved fire extinguisher on site.
 - d. Exit signage, emergency lighting and lights are required.
 - e. Portable heaters must be inspected and approved and carbon monoxide detectors may be required.
- IV. **Permission of Property Owner**, if applicable – If the parking lot is not owned by the restaurant, submit a letter of permission from the owner of the parking lot indicating permission to use it for outdoor dining.
- V. **Site Plan** – submit a drawing showing the parking lot you would like to use for outdoor dining that includes the following information (please adhere to state guidance):
 - a. Dimensions of the entire parking lot. Include the total number of spaces and handicap spaces that will remain available for parking.
 - b. Dimensions of the portion of the parking lot to be used for outdoor dining. Include the number of spaces that will be used for dining.
 - c. Locations of curb cuts with ramps to the parking lot, if applicable.
 - d. Layout of tables and chairs.
 - i. Tables must be 6' apart to facilitate social distancing.
 - ii. Identify the number of seats per table and 6' radius around each table.
 - iii. The size of a party seated at a table cannot exceed 6 people.
 - e. Dimensions of tables.
 - f. Description of proposed furniture. Must be smooth, durable, and easy to clean.
 - g. Photo or description of barriers to be used to protect diners from vehicles and their locations (i.e. at entrance(s) to parking lots, around the portion of the lot being used for outdoor dining, etc.).
 - h. Locations of directional signage, and signage posted to employ social distancing and hygiene protocols.
 - i. The outdoor dining area and barriers must be accessible and meet ADA and Massachusetts Architectural Access Board's regulations. <https://www.mass.gov/law-library/521-cmr>. This information is also included in this guidance packet.
 - j. Alternative Parking Area(s) – describe or indicate on the site plan, other areas where customers could park when visiting your establishment. Indicate whether you will rely on street parking.
- VI. **Outdoor Dining COVID-19 Safety Protocol Plan** – fill out the attached form and include it with your submittal
- VII. **Outdoor Dining COVID-19 Safety Protocol Affidavit** – review the attached affidavit and include the signed document with your submittal.
- VIII. **Insurance - Workers Compensation Affidavit**
 - a. Proof of Liquor Liability Insurance including the extended premises area (if serving alcohol).
- IX. **Inspection** – All temporary outdoor dining areas shall be inspected by the inspection team prior to occupancy.

Responsibilities of the Restaurant

The restaurant, through its owner and/or manager, is responsible for the following as it pertains to the use of the parking lot for outdoor dining:

1. Adherence to the plans and documents submitted, reviewed, and approved;
2. Food and Alcoholic beverages may not be served outside of a licensed establishment unless and until an application to extend the licensed premises has been approved.
3. The outdoor area must be contiguous to the licensed premises with either (a) a clear view of the area from inside the premises, or (b) the licensee may commit to providing management personnel dedicated to the area.
4. Procurement of tables, chairs, disinfecting stations, and any other physical items that will be used in the outdoor dining area;
5. Procurement and installation of temporary safety barriers to protect diners from vehicles; and
6. Provide evidence of liability insurance to the Town covering the new dining space.

Rights of the Town of Shrewsbury

The Town of Shrewsbury reserves the right to revoke its permission to allow the use of the parking lot for outdoor dining for the following reasons:

1. The application is for a business, which does not have the appropriate licensure for service of food and where applicable, alcohol, including all requisite licenses/permits, such as: alcohol license for on-premises consumption, common victualler, or food permit
2. The operation of the outdoor dining area is not in compliance with submitted safety protocols;
3. The outdoor dining area is not facilitating safe passage in accordance with Americans with Disability Act requirements.
4. The Board of Health, Chief of Police, and/or their designees determine that the operation of the outdoor dining area is negatively impacting public health and safety.
5. The Governor's COVID-19 Order No. 35 of June 1, 2020 is rescinded.



TOWN OF SHREWSBURY

100 MAPLE AVENUE
SHREWSBURY, MASSACHUSETTS 01545-5398

Application for Temporary Extension of Premises for Outdoor Dining

1. Applicant and Restaurant Information

Business Name: _____ ABCC License #: _____

Business Address: _____

Telephone: _____ Cell Phone: _____

Manager: _____ Email Address: _____

Property Owner: _____

2. Hours of Operation for Outdoor Dining Area(s)

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday

3. Location(s) of outdoor dining area(s) proposed. *Note: Indicate Yes or No.*

Deck	Lawn	Parking Lot	Patio	Sidewalk	Other (specify):

4. Proposed Outdoor Capacity and Parking Spaces. *Note: Tables must be at least 6 feet apart to facilitate social distancing.*

Number of Seats	Number of Tables	On Site Parking Spaces Proposed

5. Alcohol Sales and Consumption (On-Premises):

If your establishment is currently licensed to serve/pour alcohol on premises please complete the [Outdoor Alcohol Sales Application](#) to extend your premises to allow the sale and consumption of alcohol in the outdoor dining area.

By signing this form the Applicant acknowledges that he/she understands and will comply with all applicable liquor regulations set forth by the Local Licensing Authority (BOS) of the Town of Shrewsbury, Alcoholic Beverages Control Commission, and any other local or state authority.

Applicant Signature

Date

FOR INTERNAL USE ONLY. PREMISES MEETS EXTENSION REQUIREMENTS

Building: _____ Health: _____ Police: _____ Fire: _____ Planning: _____

This License has been APPROVED DENIED Date: _____

Inspection Completed: _____ Date: _____

**TOWN OF SHREWSBURY
OUTDOOR DINING COVID-19 SAFETY PROTOCOL PLAN**

I. Social Distancing. Check the boxes to certify that you have:

- Ensured that all persons, including employees and customers in the outdoor dining area, remain at least six feet apart to the greatest extent possible.
- Established protocols to ensure that employees can practice adequate physical distancing.
- Posted signage for safe physical distancing.
- Required face coverings or masks for all employees that cover their mouth and nose.

II. Hygiene Protocols. Check the boxes to certify that you have:

- Provided hand washing capabilities throughout the workplace.
 - Ensured frequent hand washing by employees and provided adequate supplies to do so.
 - Provided regular sanitization of high touch areas, such as workstations, equipment, screens, tables and chairs, perimeter barriers, doorknobs, restrooms.
 - Implemented additional procedures. Please describe them here:
-

III. Staffing and Operations. Check the boxes to certify that you have:

- Provided training for employees regarding the social distancing and hygiene protocols.
 - Ensured employees who are displaying COVID-19-like symptoms do not report to work.
 - Implemented additional procedures. Please describe them here:
-

IV. Cleaning and Disinfecting. Check the boxes to certify that you have:

- Established and maintained cleaning protocols specific to the outdoor dining area.
 - Ensured that when an active employee is diagnosed with COVID-19, cleaning and disinfecting is performed
 - Prepared to disinfect all common surfaces at intervals appropriate to said workplace.
 - Implemented additional procedures. Please describe them here:
-
-

Signature of Owner/Manager

Print Name

Date

**TOWN OF SHREWSBURY
OUTDOOR DINING COVID-19 SAFETY PROTOCOL AFFIDAVIT**

I, _____ (name) being the owner or manager of _____ (name of restaurant) located at _____ (address), Shrewsbury, MA, acknowledge and accept the responsibilities of maintaining a clean and safe outdoor dining experience for guests and for staff in the outdoor dining area through the diligent adherence to the Outdoor Dining COVID-19 Safety Protocol Plan submitted along with any and all mandatory state safety standards for workplaces and outdoor dining.

Signature of Applicant

Date

Print Name

**TOWN OF SHREWSBURY
REQUIREMENTS FOR ACCESSIBILITY**

Dining must be accessible and meet ADA and Massachusetts Architectural Access Board's regulations. <https://www.mass.gov/law-library/521-cmr>

521 CMR 17.00: RESTAURANTS

17.2 SEATING

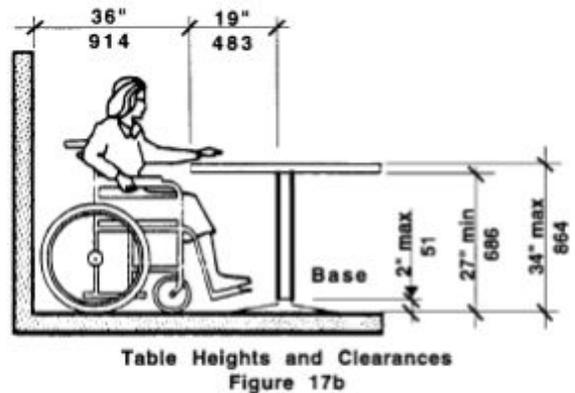
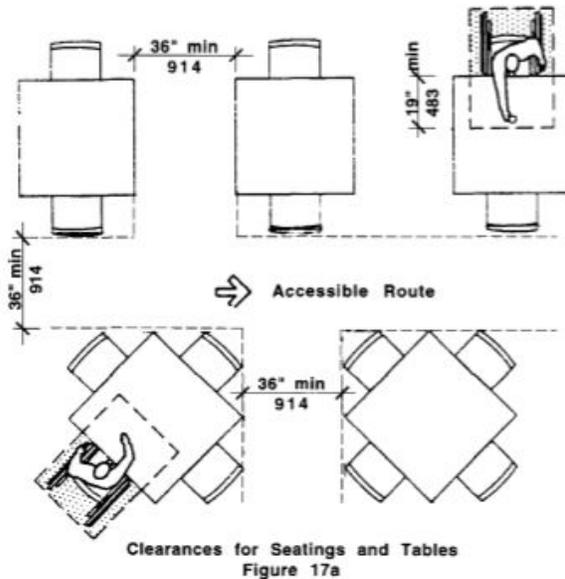
At least 5% but not less than one, of the tables shall be accessible, be on an accessible route, and in compliance with the following:

17.2.2 A 36-inch (36" = 914mm) access aisle shall be provided between all accessible tables. No seating shall overlap the access aisle. See Fig. 17a.

17.2.3 Clear floor space as defined in 521 CMR 5.00: DEFINITIONS shall be provided at each seating space. Such clear floor space shall not overlap knee space by more than 19 inches (19" = 483mm). See Fig. 17a.

17.2.4 Knee Clearances: If seating for people in wheelchairs is provided at tables or counters, knee spaces at least 27 inches (27" = 686mm) high, 30 inches (30" = 762mm) wide, and 19 inches (19" = 483mm) deep shall be provided. See Fig. 17b.

17.2.5 Height of Tables or Counters: The tops of accessible tables and counters shall be from 28 inches to 34 inches (28" to 34" = 711mm to 864mm) above the finish floor or ground. See Fig 17b.



ACCEPTABLE BARRIERS

Barriers placed around the perimeter of the outdoor dining area must meet the following requirements:

- Height: Between 36" – 38" in height
- Not Permanent: Free-standing, stable, and easily removed
- Continuous Rail: They must have a continuous rail 2" to 6" from the sidewalk or parking space surface
- Base: The base of the barrier must be flat, with less than ½" thickness and placed so that it extends less than 6" into the areas around the outdoor dining area.

SAMPLES OF ACCEPTABLE BARRIERS





AMENDMENT-Change or Alteration of Premises Information

Change of Location

- Chg of Location/Alteration of Premises Application
- Financial Statement
- Vote of the Entity
- Supporting financial records
- Legal Right to Occupy
- Floor Plan
- Abutter's Notification
- Advertisement

Alteration of Premises

- Chg of Location/Alteration of Premises Application
- Financial Statement
- Vote of the Entity
- Supporting financial records
- Legal Right to Occupy
- Floor Plan
- Abutter's Notification
- Advertisement

1. BUSINESS ENTITY INFORMATION

Entity Name

Municipality

ABCC License Number

Please provide a narrative overview of the transaction(s) being applied for. Attach additional pages, if necessary.

APPLICATION CONTACT

The application contact is the person who should be contacted with any questions regarding this application.

Name

Title

Email

Phone

2. ALTERATION OF PREMISES

2A. DESCRIPTION OF ALTERATIONS

Please summarize the details of the alterations and highlight any specific changes from the last-approved premises.

2B. PROPOSED DESCRIPTION OF PREMISES

Please provide a complete description of the proposed premises, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. You must also submit a floor plan.

Total Sq. Footage

Seating Capacity

Occupancy Number

Number of Entrances

Number of Exits

Number of Floors

AMENDMENT-Change or Alteration of Premises Information

3. CHANGE OF LOCATION

3A. PREMISES LOCATION

Last-Approved Street Address

Proposed Street Address

3B. DESCRIPTION OF PREMISES

Please provide a complete description of the premises to be licensed, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. You must also submit a floor plan.

Total Sq. Footage

Seating Capacity

Occupancy Number

Number of Entrances

Number of Exits

Number of Floors

3C. OCCUPANCY OF PREMISES

Please complete all fields in this section. Please provide proof of legal occupancy of the premises. (E.g. Deed, lease, letter of intent)

Please indicate by what means the applicant has to occupy the premises

Landlord Name

Landlord Phone

Landlord Email

Landlord Address

Lease Beginning Date

Rent per Month

Lease Ending Date

Rent per Year

Will the Landlord receive revenue based on percentage of alcohol sales?

Yes No

APPLICANT'S STATEMENT

I, the: sole proprietor; partner; corporate principal; LLC/LLP manager
Authorized Signatory

of
Name of the Entity/Corporation

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.
- (10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature:

Date:

Title:

ADDITIONAL INFORMATION

Please utilize this space to provide any additional information that will support your application or to clarify any answers provided above.

CORPORATE VOTE

The Board of Directors or LLC Managers of
Entity Name
duly voted to apply to the Licensing Authority of and the
City/Town
Commonwealth of Massachusetts Alcoholic Beverages Control Commission on
Date of Meeting

For the following transactions (Check all that apply):

- Alteration of Licensed Premises
- Change of Location
- Other

“VOTED: To authorize
Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted.”

A true copy attest,

Corporate Officer /LLC Manager Signature

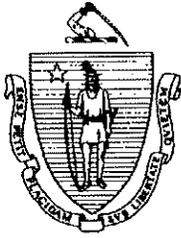
(Print Name)

For Corporations ONLY

A true copy attest,

Corporation Clerk's Signature

(Print Name)



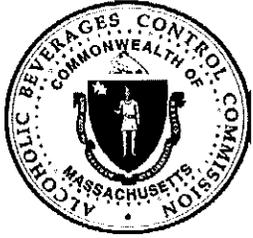
*Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114*

Deborah B. Goldberg
Treasurer and Receiver General

Kim S. Gainsboro, Esq.
Chairman

**GUIDELINES FOR EXTENSION OF PREMISES TO
PATIO AND OUTDOOR AREAS**

1. Alcoholic beverages cannot be served outside of a licensed establishment unless and until an application to extend the licensed premises has been approved.
2. An application to extend the premises must describe the area in detail, including dimensions, seating capacity, and maximum occupancy.
3. The premises must be enclosed by a fence, rope, or other means to prevent access from a public walkway.
4. The outdoor area must be contiguous to the licensed premises with either (a) a clear view of the area from inside the premises, or, alternatively (b) the licensee may commit to providing management personnel dedicated to the area.
5. The applicant must have a lease or documents for the right to occupy the proposed area.
6. The licensing authorities should consider the type of neighborhood and the potential for noise in the environs.
7. Preferred are outdoor areas where alcohol is served to patrons who are seated at the tables and where food is also available.



*Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, Massachusetts 02150*

Jean M. Lorizio, Esq.
Chairman

**ALCOHOLIC BEVERAGES CONTROL COMMISSION ADVISORY REGARDING
LOCAL LICENSING AUTHORITIES' APPROVAL OF OUTDOOR SEATING**

On June 1, 2020, Governor Charlie Baker issued an Order Clarifying the Progression of the Commonwealth's Phased Workplace Re-Opening Plan and Authorizing Certain Re-Opening Preparations at Phase II Workplaces, which, in part, details the process for reopening establishments for on-premises consumption. The text of the Governor's Order can be found [HERE](#).

When the Governor declares that the Commonwealth has entered Phase II of its reopening plan all licensees for on-premises consumption of alcohol may commence outdoor table service only. Indoor service will remain prohibited until further order from the Governor.

The Governor's Order also grants the local licensing authorities ("LLA") the authority to expand alcohol licensees' licensed premises for outdoor seating in an expedited process.

Pursuant to the Governor's Order, on application from a licensee that serves alcohol for on-premises consumption¹, the LLA may alter the description of the licensee's licensed premises to expand for outdoor seating that the LLA deems "reasonable and proper." The LLA does not need to comply with M.G.L. c. 138, § 15A, and therefore does not need to provide advance notice to abutters or hold a public hearing on the application. LLAs must continue to follow the ABCC's guidelines issued in 2015 for the approval of outdoor seating, which can be found [HERE](#).

ABCC approval is not required on these applications. Upon approval from the LLA the LLA may issue the amended license forthwith. The LLA must provide notice by mail to the ABCC on all application approvals. For further guidance on the process of approving and issuing these amended licenses LLAs should consult with their counsel.

Please be aware that all expanded premises approved pursuant to this Order are only effective through November 1, 2020, or until the Order is rescinded, whichever is sooner, and revert to their original licensed premises on that date.

The ABCC continues to retain supervision and oversight of all alcohol licensees, including those that expand their licensed premises pursuant to this Order. As always, all licensees must ensure that they comply with the laws of the Commonwealth of Massachusetts, and that sales of

¹ This includes restaurants, bars, hotels, general-on-premises, clubs, war veterans' clubs, continuing care retirement communities, pub-brewers (M.G.L. c. 138, §§ 12 and 19D), farmer-series pouring permits, and manufacturers' pouring permits (M.G.L. c. 138, §§ 19(b), 19B(n), 19C(n), and 19E(o)).

alcoholic beverages take place only as authorized by federal, state, and local law. All questions should be directed to Executive Director Ralph Sacramone at (617) 727-3040 x 731.

(Issued June 1, 2020)