



Application for Temporary Outdoor Dining Permit & Alcoholic Beverage License Amendment

Name of Business: _____

Name of Applicant: _____

Business Address: _____

Email Address: _____

Phone Number: _____

Authority: COVID-19 Order No. 35; Vote of the Board of Selectmen on March 23, 2021.

Purpose: This is an application for a temporary permit and alcoholic beverage license amendment to allow food and alcoholic beverage service at dining establishments to help offset the impact of the occupancy restrictions related to the Commonwealth’s COVID-19 State of Emergency.

Term: Permit will expire on October 31, 2021 or when the Massachusetts COVID-19 State of Emergency expires, whichever comes sooner.

Fee: There is no filing fee.

Required Supporting Documentation:

The following documents must be submitted with this application.

1. Site Plan: A sketch or diagram depicting the proposed outdoor dining area and expanded license premises, to include:
 - a. Floor plan, including the number and location of tables and chairs
 - b. Approximate dimensions of outdoor dining area
 - c. Barriers separating dining area from parking areas, sidewalk, etc.
 - d. Pedestrian access points
 - e. Outdoor lighting to be installed, if any
2. Copy of the business’ COVID-19 Control Plan
3. Proof of authorization or agreement to use proposed outdoor dining area
 - a. Only if outdoor dining area is NOT within business premises or will be in shared area (i.e. shared parking lot)
4. Proof of Insurance for expanded liquor license, if planning to serve alcohol
5. Signed COVID-19 Safety Affidavit



TOWN OF MILLBURY *BOARD OF HEALTH*

MUNICIPAL OFFICE BUILDING • 127 ELM STREET • MILLBURY, MA 01527-2632 • TEL. 508 / 865-472

1. Provide a description of the outdoor dining area (seating plan, occupancy, means of enclosure from public, hygiene protocols, signage, accessibility, etc)

2. The outdoor dining area will be located (check all that apply):

On the business premises

On shared area of property (i.e. shared parking lot)

Adjacent property

Public sidewalk

3. Proposed occupancy:

Number of Tables:

Number of Seats:

4. Will alcohol be served in the outdoor dining area?

Yes

No

If yes, provide Liquor License Number:

Name:

Emergency Contact #:

5. Hours of Operation for Temporary Outdoor Seating Area:

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday



TOWN OF MILLBURY BOARD OF HEALTH

MUNICIPAL OFFICE BUILDING • 127 ELM STREET • MILLBURY, MA 01527-2632 • TEL. 508 / 865-472

6. Will the outdoor dining area be ADA accessible, including access to indoor restroom facilities?

Yes No

7. Will tents, umbrella, or other coverings be used?

Yes No

If yes, approval from the building inspector and fire department is required.

8. Will the outdoor dining area reduce the number of existing off-street parking?

Yes No

If yes, how many spaces will be temporarily eliminated?

9. Will an amplifier be used for any live or pre-recorded music?

Yes No

Completed applications can be submitted to the Town Manager’s Office by:

(1) Emailing Amy Fleming at afleming@townofmillbury.net or

(2) Dropping off a hard copy in the drop box outside Town Hall

For Questions Regarding:	Contact	Email
Liquor Licensing	Jayne Marie Davolio, Town Clerk	jdavolio@townofmillbury.net
Board of Health Requirements & COVID-19 Requirements		millburyboh@townofmillbury.net
Building Code, Zoning, ADA Accessibility	Paul Stringham, Building Inspector	pstringham@townofmillbury.net

Additional information regarding COVID-19 safety and sector-specific guidance for reopening:

<https://www.mass.gov/info-details/reopening-massachusetts>

*Reminder: Indoor dining service remains prohibited until further order from the Governor (per ABCC Advisory, issued June 7, 2020) *



TOWN OF MILLBURY *BOARD OF HEALTH*

MUNICIPAL OFFICE BUILDING • 127 ELM STREET • MILLBURY, MA 01527-2632 • TEL. 508 / 865-472

AFFIDAVIT

OUTDOOR DINING – COVID-19 SAFETY CERTIFICATON

I, _____ (Print name), being the owner or manager of
_____ (Dining establishment) located at
_____, Millbury, MA, acknowledge and accept the
responsibilities of maintaining a clean and safe outdoor dining experience for guests and staff
through 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.

Authorized Signature (Owner/Manager)

Date

Print Name



Temporary Outdoor Dining Checklist

Occupancy

- Per table occupancy AND physical distance between tables shall be in accordance with current state orders.
- Masks shall be worn at all times by staff and customers, except when customers are seated at their tables.
- Total proposed occupancy shall not exceed an establishment's normal occupancy limit.
- Hours of operation shall not exceed current operating hours.

Physical Barriers

- At least 50% of the perimeter of any covered dining space shall remain open and unobstructed by any form of siding or barriers at all times.
- Outdoor dining areas shall be distinguished from their surroundings by some form of perimeter fence or barrier.

Parking and Circulation

Use of fire lanes is prohibited. Egress points and fire hydrants shall not be blocked. Normal vehicular traffic circulation shall not be impeded.

Sidewalks

- If the outdoor dining area includes the use of a public sidewalk, a minimum four (4) foot right of way shall be maintained for the general use of pedestrians, in accordance with ADA regulations.
- Only sidewalk areas immediately adjacent to the building premises are permitted for outdoor dining use.
- No anchoring, drilling, or other permanent marking is permitted.

Tents, Umbrellas, and other Coverings

Approval shall be obtained from the Building Department and Fire Department. Approved items shall be secured or weighted to the ground and shall be secured or taken down in inclement weather.

Propane/generators

Approval shall be obtained from the Building Department and Fire Department.

Smoking

Smoking is not permitted in any outdoor dining area.

ADA Accessibility

Outdoor dining areas shall be accessible and meet ADA and Massachusetts Architectural Board's regulation. See [521 CMR 17.00: Restaurants](#)

Additional guidance on social distancing, hygiene protocols, staffing & operations, and cleaning and disinfecting can be found on the [MA COVID-19 Restaurant Checklist](#).



Temporary Outdoor Dining – Additional Resources

MA COVID-19 Checklist for Restaurants – Found [HERE](#)

MA COVID-19 Safety Standards for Restaurants – Found [HERE](#)

MA COVID-19 Control Plan Template – Found [HERE](#)

All businesses must submit a written control plan to the State for operation during the COVID-19 reopening period.

MA COVID-19 Mandatory Safety Standards for Workplaces – Found [HERE](#)

Alcoholic Beverages Control Commission (ABCC) Advisory Regarding Local Licensing Authorities' Approval of Outdoor Seating (Issued September, 2020) – Found [HERE](#)

ABCC Advisory Regarding Guidelines for Extension of Premises to Patio and Outdoor Areas (Issued August 6, 2015) – Found [HERE](#)

Governor Baker's COVID-19 Order No. 35 – Clarifying the Progression of the Commonwealth's Phased Workplace Re-Opening Plan and the Authorizing Certain Re-Opening Preparations at Phase II Workplaces – Found [HERE](#)