



**OFFICE OF SELECT BOARD
333 WASHINGTON STREET
BROOKLINE, MA 02445
(617) 730-2200**

**AMENDED APPROVAL PROCEDURE FOR THE TEMPORARY EXTENSIONS OF LICENSED PREMISES FOR OUTDOOR SEATING (COMMONWEALTH OF MASSACHUSETTS COVID-19 ORDER NOS. 35 AND 50)
(Voted: October 6, 2020)**

The following procedure is established to accommodate existing restaurants temporarily extend the licensed premises under the restaurant's common victualler and liquor license to include additional outside seating areas, pursuant to the Covid-19 Order Nos. 35 and 50 issued by Governor Charles D. Baker.

Restaurants will be expected to demonstrate that the extended premises and operations within them comply with all applicable laws, regulations and guidelines, including, but not limited to, Covid-19 Order Nos. 35 and 50 of Governor Charles D. Baker; the Commonwealth's "Safety Standards and Checklist: Restaurants"; the Town's Prepared Food Sales Regulations; in the case of liquor licenses, the ABCC's "Guidelines for Extension of Premises to Patio and Outside Areas" and the Town's Sales of Alcoholic Beverages Regulations; and any guidelines issued by the Town Administrator or designee.

- 1. New Applications:** Restaurants seeking a temporary extension of premises for the first time are encouraged to begin the process by preliminarily vetting the contemplated extended area with the following Town departments:
 - Planning Department's Economic Development Office
 - Transportation Division of DPW
 - Building Department
 - Fire Prevention Division of the Fire Department
 - Health Department
- 2. All Applications (including for additional periods beyond previously approved temporary extension of premises periods):** Unless waived by the Town Administrator, restaurants shall submit a completed application form to Tiffany Souza, tsouza@brooklinema.gov, of the Select Board's Office.

The application process established by the Select Board's Office may include the following components:

- Restaurants seeking to extend the premises licensed under a liquor license must attach to the application proof that the applicant's liquor liability insurance policy required by Mass. Gen. Laws ch. 138, s. 12 and Section B(7) of the Town's Sales of Alcoholic Beverages Regulations covers the proposed extended premises for the period of the temporary extension, and that the Town is listed as an additional insured.
 - Restaurants seeking to extend the premises onto private property will be required to submit proof of consent by the third party to such use, such as a lease or other agreement.
 - Restaurants seeking to extend the premises onto public property will be required to submit with the application proof that the applicant has secured, and that there is in effect during the premises expansion, a general liability policy naming the Town as an additional insured in a minimum amount of \$250,000.00/\$500,000.00.
 - Restaurants seeking to install any permanent or semi-permanent item in the public way will need to have obtained an occupancy permit from the Town's DPW.
 - In addition, restaurants seeking to extend the premises onto public property may be required to execute a license agreement with the Town. In the event that the Town Administrator deems a license agreement necessary, the Select Board authorizes the Town Administrator or designee together with the Select Board Chair or designee (who will be another Select Board member) to determine its terms and execute it.
 - The Town will waive fees relating to the submission and processing of this application.
 - The Select Board's Office may seek a report and other input from Town Departments, including, but not limited to, the Health Department, the Building Department, the Fire Department, the Department of Public Works, and Town Counsel's Office, prior to action on the application. The Town may request additional information from the applicant if deemed necessary.
3. The Select Board authorizes the Town Administrator or designee to approve applications for extensions of premises subject to such conditions (including hours of operation) as the Town Administrator or designee deems reasonable and proper. The Select Board hereby approves all premises extensions approved by the Town Administrator or designee pursuant to the authority set forth in this paragraph.
 4. The Town will provide the applicant with documentation of approval of an extension of premises issued under this Procedure. An approval may be exercised upon filing of notice thereof with the Town Clerk. The applicant is responsible for filing the notice of approval with the Town Clerk.
 5. During the effective period of the Commonwealth's Covid-19 Order Nos. 35 and 50, the Select Board authorizes the Town Administrator or designee together with the Select Board Chair or

designee (who will be another Select Board member) to modify or cancel an extension of premises for good cause, after notice and the opportunity to be heard by the Licensee.

6. The Select Board's Office will promptly submit to the ABCC notifications of approval of liquor license premises extensions issued under this procedure, along with the plan or diagram showing the premises extension that it received from the licensee in connection with the application process. The Select Board's Office will promptly notify the ABCC of any modification or cancelation of liquor license premises extensions made pursuant to this procedure.
7. There shall be no temporary extensions of premises under this Procedure in effect during any time period not permitted by the Commonwealth of Massachusetts Covid-19 Order Nos. 35 and 50, as Governor Charles D. Baker may amend them. The Town Administrator or designee may further define the periods of temporary extensions of premises as may be consistent with Covid-19 Order Nos. 35 and 50 and amendments thereto. Upon the expiration of a temporary extension of the premises, whether by operation of Covid-19 Order Nos. 35 and 50 and any amendments thereto or by a decision of the Town Administrator or designee, the licensed premises will revert back to their form preceding the Commonwealth of Massachusetts Covid-19 State of Emergency.