

Temporary Outdoor Dining Area Application

The Town of Easton would like to assist businesses in increasing activity and revenues during the COVID-19 pandemic.

This application is to be used if you would like to use a private parking lot or land adjacent to your restaurant to allow for outdoor dining temporarily during the COVID-19 pandemic in accordance with Select Board Policy #38 – Temporary Outdoor Dining Policy and Governor Charlie Baker’s COVID-19 Order # 35, which expire on November 1, 2020. **This approval process is only available to those restaurants which have received all local approvals, including the maintenance of all current requisite inspections, necessary to operate as a restaurant and, where applicable, serve alcohol for consumption on premises, and which are in full compliance with the Town of Easton bylaws, rules, regulations.**

Before the private parking lot or privately owned land is used for the benefit of the restaurant, the owner or his/her/their designee, shall submit the following information to the Town and it will be reviewed. The Town is prepared to expedite this process as much as possible in order to assist the business community.

The following information below is needed.

For additional information regarding COVID safety and sector-specific guidance for reopening, go to: <https://www.mass.gov/info-details/reopening-massachusetts>

Please contact the Department of Planning and Economic Development at 508-230-0641 with questions or email us at the address below.

Complete form and email with all required attachments to restaurants@easton.ma.us.

REQUIRED APPLICATION DOCUMENTS

- I. **Basic Information** – fill out the attached **TEMPORARY OUTDOOR DINING LICENSE APPLICATION** and include it with your submittal.
- II. **Letter of Permission, 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.
- III. **Letter(s) of Acknowledgement, if applicable** – If other businesses and/or residents share the use of the parking lot, submit letter(s) of acknowledgement of this plan from all other users.
- IV. **Plan** – submit a drawing showing the parking lot you would like to use for outdoor dining that includes the following information:
 - a. Dimensions of the entire parking lot. Include the total number of spaces and handicap spaces.

- 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.

NOTE: Tables must be 6' apart to facilitate social distancing.

- e. Dimensions of tables.
- f. Photo or description of barriers to be used to protect diners from vehicles and their locations (i.e. at entrance(s) to parking lot, around the portion of the lot being used for outdoor dining, etc.).
- g. Plan for tenting.

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>. **50% of the perimeter any tent/cover must be open.**

- V. **Alternative Parking Area(s)** – describe or indicate on the plan, other areas where customers could park when visiting your establishment; indicate whether you will rely on street parking
- VI. **State-Mandated COVID-19 Control Plan Documents** – these documents are mandated by the Commonwealth of Massachusetts / Mass. Department of Public Health for Outdoor Restaurant Use and must be included in your application
 - a. MA COVID-19 Control Plan Basic Checklist for ALL business types
<https://www.mass.gov/doc/covid-19-reopening-control-plan-template/download>
 - b. MA COVID-19 Public Compliance / Attestation Poster
<https://www.mass.gov/doc/compliance-attestation-poster-english/download>
 - c. MA COVID-19 RESTAURANT SPECIFIC Checklist <https://www.mass.gov/doc/restaurants-checklist-english/download>
- VII. **Outdoor Dining COVID-19 Safety Protocol Affidavit** – review the attached affidavit and include the signed document with your submittal.
- VIII. **Insurance Certificate**

*** PLEASE REFER TO SELECT BOARD POLICY # 38 TEMPORARY OUTDOOR DINING POLICY FOR FURTHER INFORMATION**

TOWN OF EASTON
TEMPORARY OUTDOOR DINING LICENSE APPLICATION

Application Fee

Waived

BASIC INFORMATION

1. Business name: _____

2. Business address: _____

3. Business phone number: _____

4. Owner/manager: _____

5. Owner/manager email address: _____

6. 24-hour contact number (In case of issues outside of normal business hours): _____

7. Business hours of operation: _____

8. Is this business currently approved to operate as a restaurant?

YES NO

9. Do you have a current common victualler license?

YES NO

10. Are all inspections current and valid?

YES NO

11. Who owns the parking lot? _____

Owner Address: _____

*If the business owner is not the owner of the parking lot, submit a letter from the owner authorizing the use of the lot by the restaurant.

12. How many OTHER businesses share the parking lot besides the restaurant? _____
of Users

If the restaurant is not the only user of the parking lot, the other users of the lot must indicate their knowledge and support of the use of the lot for outdoor dining by submitting signed acknowledgement of the restaurant's plans.

13. How many tables and chairs would you like to put in the outdoor dining area? _____
of Tables

of Chairs

NOTE: Tables must be at least 6' apart to facilitate social distancing.

14. Will you be using umbrellas? YES NO

15. Will you be using a tent? YES NO

If yes, what are the dimensions _____

*Note: Refer to Executive Order COVID-19, No. 35: 50% of the cover's perimeter must be open; It is recommended that photos of the proposed tent be provided. Tents over 700 square feet (or tents over 400 square feet with any side walls) require a permit from the [Building Department](#) prior to installation.

16. Describe the type of barrier/fencing which will surround the seating area:*** _____

*** Note: Refer to [ABCC Patio Guidance](#); It is recommended that photos of the proposed barrier/fence be provided.

17. Will there be food preparation or storage occurring in the exterior area of the premises?

YES

NO

If so, please describe the type and location of such storage and preparation: _____

18. Will there be lighting in the exterior area of the premises?

YES

NO

If so, please describe the type and location of such lighting: _____

19. Does this business have a current license for on-premises alcohol consumption under G.L. c. 138 § 12 (Pouring License)?

YES

NO

If so, what type of license do you currently hold?

Restaurant

Hotel

Club

Tavern

General-on-Premises

Other

** Refer to Executive Order COVID-19, No. 35: Approvals are limited to those businesses which serve food.*

20. Will you be serving alcohol in the outdoor dining area?

YES

NO

TOWN OF EASTON LIABILITY DISCLAIMER

By exercising the privileges of this Outdoor Seating Approval in serving persons with food and alcoholic beverages, the Applicant is potentially exposed to significant liability for injuries and damages to the persons served or to others who are injured or damaged by the persons served. Your acceptance and exercise of this Outdoor Seating Approval will be deemed to be acknowledgement that you are aware of this potential liability.

You are encouraged to discuss the risks associated with exercising your privileges of this Outdoor Seating Approval and the appropriate precautions to avoid injuries, damage and liability to others with your legal advisor.

The Town of Easton, its employees, officers and affiliates shall not be liable to the Licensee to others if injury or damage shall result from the exercise of this Outdoor Seating Approval.

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

Signature of Applicant: _____

Date: _____

**AFFIDAVIT
OUTDOOR DINING COVID-19 SAFETY PROTOCOL**

I, _____, being the owner or manager of _____
Print Owner/Manager Name Print Restaurant Name
located at _____ Easton, MA, acknowledge
Print Address

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

(FOR INTERNAL TOWN OF EASTON USE ONLY)

APPROVALS

Fire

Health

Building

Economic Development

Planning

Other: _____

Approved

Denied

Approved subject to the following conditions: _____

Connor Read, Town Administrator

Date

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

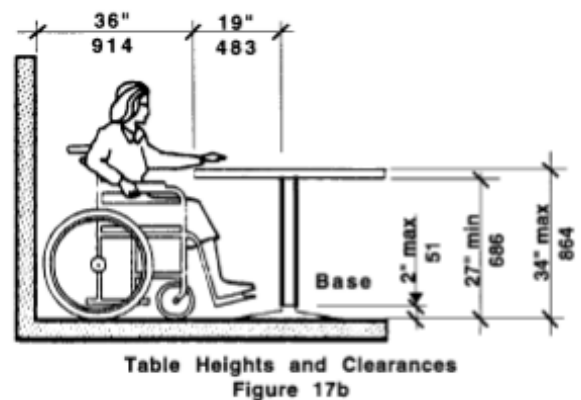
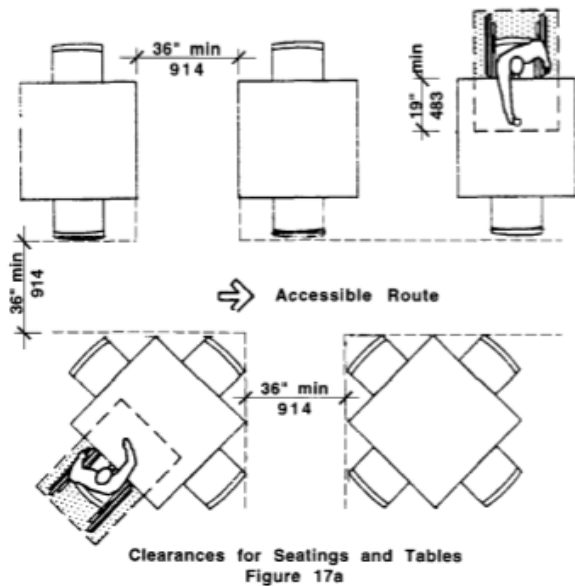
At least 5%, but not less than one, of the tables shall be accessible, be on an accessible route, and in compliance with the following:

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 1/2" thickness and placed so that it extends less than 6" into the areas around the outdoor dining area.

SAMPLES OF ACCEPTABLE BARRIERS

