



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

OUTDOOR DINING PROGRAM APPLICATION
(For outdoor seating as of April 1, 2021)

DATE: _____

ADDRESS OF LICENSED PREMISES: _____

APPLICANT: _____

INDIVIDUAL/PARTNERSHIP/CORPORATION

D/B/A: _____

TYPE OF LIQUOR LICENSE: _____ All Kinds _____ Beer and Wine _____ None

LIQUOR LICENSEES: PLEASE ATTACH PROOF THAT THE LICENSEE'S LIQUOR LIABILITY INSURANCE POLICY REQUIRED BY MASSACHUSETTS GENERAL LAWS c. 138, s. 12 AND SECTION B(6) OF THE TOWN'S LIQUOR REGULATIONS COVERS THE PROPOSED EXTENDED PREMISES, AND THAT THE TOWN IS LISTED AS AN ADDITIONAL INSURED.

ARE YOU SEEKING AN EXTENSION OF PREMISES WITH REGARD TO AN **EXISTING** ENTERTAINMENT LICENSE? _____ NO _____ YES _____ TYPE OF ENTERTAINMENT

DAYS AND HOURS OF OUTDOOR TABLE SERVICE:

DAYS: _____ HOURS: _____

DAYS: _____ HOURS: _____

DAYS: _____ HOURS: _____

NUMBER OF OUTDOOR TABLES AND SEATS: _____

NUMBER OF INDOOR SEATING DURING MONTHS OF OUTDOOR SERVICE: _____

LOCATION OF OUTDOOR TABLES AND SEATS: _____

PROPOSED EXTENDED PREMISES MUST COMPLY WITH ALL STATE AND LOCAL COVID-19 REQUIREMENTS, INCLUDING THE COVID-19 ORDER NOS. 35 AND 50 OF GOVERNOR CHARLES D. BAKER, AS AMENDED, AND THE COMMONWEALTH'S "SAFETY STANDARDS AND CHECKLIST: RESTAURANTS". FOR MORE INFORMATION, SEE "TOWN OF BROOKLINE PHASE 1-4 REOPENING PACKET – RESTAURANTS", FOUND AT: <https://www.brooklinema.gov/DocumentCenter/View/21901>.

PROPOSED EXTENDED PREMISES MUST COMPLY WITH ALL OTHER LEGAL REQUIREMENTS, INCLUDING, BUT NOT LIMITED TO: **THE TOWN OF BROOKLINE'S OUTDOOR DINING REGULATIONS AND GUIDELINES**, THE TOWN OF BROOKLINE'S PREPARED FOOD SALES REGULATIONS, THE TOWN OF BROOKLINE'S SALES OF ALCOHOLIC BEVERAGES REGULATIONS AND THE ABCC'S PATIO GUIDELINES, IF THERE WILL BE ALCOHOL SALES; AND THE LAWS GOVERNING ACCESS BY PEOPLE WITH DISABILITIES.

The applicant may be fined or be subject to disciplinary action for any violations occurring on the premises. The applicant must obtain and maintain any and all other permits, licenses, authorizations, etc. to allow the expansion of the premises.

1) What type of outdoor dining configuration are you proposing? (See Outdoor Seating Configurations section of the Town of Brookline's Outdoor Dining Program Regulations and Guidelines effective April 1, 2021 for reference.)

- Façade Seating:** Outdoor seating located on the sidewalk immediately adjacent to a building
- Curbside Seating:** Outdoor seating located on the sidewalk along the curb
- On-Street Seating:** Outdoor seating located in parking spaces in front of a restaurant storefront.
 - *Protective concrete jersey barriers required for on-street seating. Contact Todd Kirrane, Transportation Administrator, tkirrane@brooklinema.gov to request review of your location and installation of the jersey barriers.*
- Combination Façade & Roadway Seating**
- Combination Curbside & Roadway Seating**

2) Are the outdoor seating areas proposed in this application currently included in your Common Victuallers and/or liquor license? (i.e. Did you have these outdoor seating areas pre-COVID?)

- Yes**
- No**

Licensees with pre-COVID outside seating: Describe additional seating area(s) not included under your pre-COVID Common Victuallers and/or liquor license. _____

3) Please check any of the outdoor seating elements proposed for your outdoor seating area (from April 1 – December 31, 2021):

- | | |
|---|--|
| <input type="checkbox"/> Propane heater (<i>Fire Department approval required</i>) | <input type="checkbox"/> Outdoor lighting elements (e.g. string lights) |
| <input type="checkbox"/> Electric heater (<i>May require electrical permit through the Building Department</i>) | <input type="checkbox"/> Planters |
| <input type="checkbox"/> Tent, canopy, or awning (Less than 120 sq.ft.) | <input type="checkbox"/> Umbrellas |
| <input type="checkbox"/> Tent, canopy, or awning (Greater than 120 sq.ft.) (<i>Building Department approval required</i>) | <input type="checkbox"/> Semi-permanent outdoor seating structure or protective barriers (<i>DPW and possibly Building Department approval required</i>) |
| <input type="checkbox"/> Other – Please specify:
_____ | |

4) Required plans and documentation checklist:

- A description of the proposed plans and a diagram showing the street, sidewalk, or private property area to be used in relation to the restaurant, conforming to the requirements outlined in the Outdoor Dining Program Guidelines and Regulations (effective April 1, 2021) and detailing:**
 - Eye-level photos of the proposed location.
 - Points of access and egress.
 - How the seating area will meet PROWAG and MAAB accessibility compliance including a demonstration that tables will be PROWAG and MAAB accessible to those using wheelchairs.
 - Materials and design for walls separating the outdoor dining between the pedestrians and the outdoor dining area for those on the sidewalk.
 - Professionally designed plans showing proposed heights, dimensions, etc. for applicants seeking to build structures in on-street outdoor seating areas.
 - Size/type of tables, seats, service stations, and any other items proposed to be placed in the proposed premises extension, such as barriers, planters, fans and heaters; fencing or other barriers to separate patrons from high traffic areas including public sidewalks, if 6' separation is not possible.
 - Existing signs, streetlights, parking meters, street furniture and other items in the proposed extended premises.
 - Property line between Town and private property; and location of buildings in relation to property line, along the entire façade of the building.

- **For outdoor seating proposed on public property:**
 - **License Agreement**
 - **Certificate of Liability Insurance:** Restaurants with outdoor seating on public property must provide certificate of liability insurance naming the Town of Brookline as an additionally insured party in the amount of \$500,000/\$1 million providing coverage through December 31, 2021.
 - **Certificate of Liquor Liability Insurance:** A certificate of liquor liability insurance in the amount required by Mass. Gen. Laws Ch. 138, s. 12 and Section B(7) of the Town’s Sales of Alcoholic Beverages Regulations listing the Town as an additional insured, demonstrating coverage of the extended outdoor premises through December 31, 2021.
 - **DPW Occupancy permit** for the installation of any permanent or semi-permanent item on public property
 - **Emergency Notification Contact:** Restaurants must provide the Town with a valid and reliable email address to receive emergency notifications from the Town, such as snow removal, high wind advisory notifications, etc.
- **Proof of consent by third parties:** Restaurants with proposed outdoor seating on the private property of third parties must submit proof of consent by the third party to for such use, such as a lease or other agreement.
- **Fire Department** permit for any proposed propane heating lamps.
- **Building Department permit** for any tents exceeding 120 sq. ft., on-street structures with roofs, etc.

Any approval of this application may be exercised immediately upon filing of the Town’s notice of approval with the Town clerk.

The applicant absolves the Town and its officials, officers, employees, agents and representatives (collectively, the “Town”) from all liability in connection with the applicant’s Town-permitted and licensed outdoor dining, the applicant’s exercise and use of it, and any Town extensions of licensed premises. To the greatest extent permitted by law, the applicant agrees to defend, indemnify and hold harmless the Town of and from any and all claims, liabilities and actions for damages or other relief, whether sounding in contract, tort, or otherwise, on account of or in any way arising out of and/or relating to outdoor dining, including, but not limited to, incidents involving the Town’s negligence. The duty to defend shall immediately accrue and be owing upon the utterance of such a claim by any person or entity regardless of merit and shall not be dependent upon a finding of negligence or any other finding of fact at trial. The duty to defend shall be absolute and will include and shall not be defeated or in any way undermined by the utterance of claims not covered by this agreement.

APPLICANT SIGNATURE: _____ TITLE: _____

NAME (PRINT): _____ 24-HOUR PHONE (CELL): _____

EMAIL ADDRESS: _____