



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

COMMON VICTUALLER OUTDOOR SEATING LICENSE APPLICATION
(For seating effective April 1, 2022)

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 OUTDOOR SEATING AREA, AND THAT THE TOWN IS LISTED AS AN ADDITIONAL INSURED.

ARE YOU SEEKING AN ENTERTAINMENT LICENSE FOR THE OUTDOOR SEATING AREA?

_____ NO _____ YES _____ TYPE OF ENTERTAINMENT

TYPE OF COMMON VICTUALLER OUTDOOR SEATING LICENSE:

_____ Annual _____ Seasonal [April 1 – November 15]

(Note: Restaurants seeking an annual Outdoor Seating License must comply with applicable plumbing code pertaining to the number of outdoor seats. Please contact the Building Department with questions.)

DAYS AND HOURS OF OUTDOOR TABLE SERVICE:

DAYS: _____ HOURS: _____

DAYS: _____ HOURS: _____

DAYS: _____ HOURS: _____

NUMBER OF OUTDOOR TABLES AND SEATS: _____

NUMBER OF INDOOR SEATS DURING MONTHS OF OUTDOOR SERVICE: _____

LOCATION OF OUTDOOR TABLES AND SEATS: _____

PROPOSED OUTDOOR SEATING MUST COMPLY WITH CONDITIONS OF ALL APPLICABLE TOWN AND STATE LICENSES AND WITH ALL STATE AND LOCAL 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; THE TOWN'S NOISE BY-LAW; 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. applicable to the outdoor seating area.

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, 2022 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.
- Combination Façade & Roadway Seating**
- Combination Curbside & Roadway Seating**
- Other Type of Outdoor Seating Area:** Outdoor seating located on public property that does not fall within any of the previously listed categories (i.e. special outdoor seating cases).

2) Are the outdoor seating areas proposed in this application currently included in your Common

Victuallers and/or liquor license? (NOTE: A liquor license must cover outdoor seating areas if alcohol is served there. This may require a State Alcoholic Beverages Control Commission (ABCC) Alteration of the Premises Application and both Town and State approvals if not already obtained. Contact the Licensing Clerk's office with questions about this requirement.)

- Yes
- No

Explanation: _____

3) Please check any of the outdoor seating elements proposed for your outdoor seating area [Selected elements should be clearly noted on your Outdoor Seating Area Diagram, as well.]:

- | | |
|---|--|
| <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) Please provide a detailed description/narrative of your outdoor seating area. This description should directly reference and supplement any information included in your Outdoor Seating Area Diagram (submitted as a separate attachment).

5) Application Attachments Checklist:

▪ **REQUIRED FOR ALL APPLICANTS:**

- **Outdoor Seating Area Diagram** [*See Outdoor Seating Area Diagram Instructions posted on [Outdoor Customer Areas](#) page.*]
- **License Agreement:** A legal document confirming the terms of the Revocable License Agreement between the Town of Brookline and the Outdoor Seating Licensee.

- **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 during the license period.
 - **Health and Sanitation Plan:** All applicants must submit a detailed trash management and pest control management plan for restaurant establishments and outdoor seating areas for Health Department review and approval.
- **REQUIRED AS APPLICABLE:**
- **Certificate of Liquor Liability Insurance:** For liquor license holders, 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 during the license period.
 - **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.

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 and the applicant’s exercise and use of it. 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: _____