



MILFORD SELECT BOARD

Room 11, Town Hall, 52 Main St. (Route 16), Milford, Massachusetts 01757-2679

Phone 508-634-2303 Fax 508-634-2324

Temporary Outdoor Seating Application

Name of Applicant _____

Name of Business _____

Business Address _____

Applicant Email _____

Applicant Phone Number _____

Description/Location of Temporary Outdoor Seating Area _____

Proximity of temporary outdoor seating area to licensed business _____

Hours of Operation for temporary outdoor seating area _____

Occupancy of temporary outdoor seating area _____

Number of Tables _____ Number of Chairs _____

Will **ALCOHOL BE SERVED** in the temporary outdoor seating area? Yes ____ No ____

If alcohol will be served in the temporary outdoor seating area, and the temporary outdoor seating area is not clearly visible from the business premises, there must be a designated employee monitoring the area at all times. AT NO TIME should an individual be allowed to leave the temporary outdoor seating area with any form of alcoholic beverage.

Will there be any form of entertainment in the temporary outdoor seating area? If yes, describe said entertainment: _____

Will there be a tent/covering: Yes _____ No _____

If yes, please list the below information:

Number of Tents/Coverings _____

Dimension of Tents/Coverings _____

The premises must be enclosed by a fence, rope, or other means to prevent access from a public walkway.

What type of enclosure will be used around the temporary outdoor seating area? Please include dimensions of barriers being used: _____

You must submit a sketch of the temporary outdoor seating area noting the following:

- **Dimensions of temporary outdoor seating area**
 - **Noting locations and dimensions of all tents/coverings**
- **Distance between the entrance to your restaurant and the temporary outdoor seating area**
- **Layout of tables and chairs**
- **Location of barriers**
- **Seating Capacity**
- **Maximum Occupancy**

RESPONSIBILITIES OF THE LICENSEE

The restaurant, through its owner and/or manager, is responsible for the following as it pertains to outdoor dining:

- 1. Adherence to the plans and documents submitted, reviewed, and approved;**
- 2. Procurement of tables, chairs, and any other physical items that will be inside the outdoor dining area;**
- 3. Procurement and installation of temporary safety barriers to be placed around the perimeter of the outdoor dining area identifying the space and providing a buffer from pedestrian traffic; and**
- 4. All licensees shall be required to provide to the town a Certificate of Liability Insurance providing coverage for fire, premises liability, and liquor liability with reasonable limits of coverage, except that liquor liability shall have minimum coverage of \$1,000,000 per occurrence and \$2,000,000 in the aggregate, whereas the policy shall carry an endorsement that the Town of Milford shall be notified by the insurer no less than ten days prior to the cancellation of said coverage. The Town of Milford shall be named as the additional insured. Licenses will not be issued without one.**
- 5. All persons issued a Special License must purchase the alcohol from a wholesaler licensed pursuant to G. L. c. 138, §§ 18, 19, 19B, or 19C, or from a holder of a special permit to sell issued under G. L. c. 138, § 22A. A list of approved sellers can be found on the ABCC website. You cannot obtain the alcohol from a package store and cannot have the alcohol donated to you unless you were granted a Charity Wine/Auction license. Visit <https://www.mass.gov/orgs/alcoholic-beverages-control-commission> for more information.**
- 6. Pursuant to the Milford Planning Board interim outdoor seating order enacted on June 2, 2020, any business establishment serving the general public that is otherwise in compliance with the Milford Zoning Bylaw, will not be required to receive amended site plan approval to provide interim outdoor seating for the duration of the Governor's re-opening provisions, provided however that any such interim outdoor seating shall not exceed 50% of the approved permanent indoor seating for each such establishment. This does not affect any approvals necessary from the Board of Health or from the Building Official.**

RIGHTS OF THE TOWN OF MILFORD

The Town of Milford reserves the right to revoke its permission to allow the outdoor dining area for the following reasons:

- 1. The operation of the outdoor dining area is not in compliance with submitted safety protocols;**
- 2. The operation of the outdoor dining area is negatively impacting pedestrian travel and/or is not facilitating safe passage in accordance with Americans with Disability Act requirements;**
- 3. The Health Agent, Chief of Police, Fire Chief, Building Commissioner and/or their designees determine that the operation of the outdoor dining area is negatively impacting public health and safety.**

AFFIDAVIT OUTDOOR DINING

I, _____ (write name) being the owner or manager of _____ (name of restaurant) located at _____ Milford, MA acknowledge and accept the responsibilities of maintaining a clean and safe outdoor dining experience for guests and for staff in the temporary outdoor dining area.

Signature of applicant

Date

Print Name

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.

