



## THE CITY OF SPRINGFIELD, MASSACHUSETTS

MAYOR DOMENIC J. SARNO

*HOME OF THE BASKETBALL HALL OF FAME*

June 5, 2020

### **NOTICE BY MAYOR DOMENIC J. SARNO TO ALL APPLICANTS FOR TEMPORARY EXTENSION OF LICENSED PREMISES ONTO OUTDOOR SPACE**

Dear applicants:

On June 1, 2020, Governor Charles D. Baker issued an Executive Order that authorized Restaurants to provide outdoor table service at the commencement of Phase II of the Commonwealth's phased re-opening of workplaces.

If the public health data reflects continued positive progression, restaurants will be authorized at a later date and by a subsequent Phase II Order to commence indoor table service. In each case, restaurants will be required to comply with sector-specific COVID-19 workplace safety rules for restaurants. Pursuant to that Executive Order, I am establishing the process for approving requests for expansion of outdoor table service, including in the description of licensed premises, as described in this Notice and the attachments accompanying this Notice. The process was developed with the assistance of various City Departments and will be modified from time to time.

Under this Process, "Outdoor table service" shall mean service that is provided outside the restaurant building envelope, whether on a sidewalk, patio, deck, lawn, parking area, or other outdoor space. Outdoor table service may be provided under awnings or table umbrellas or other cover from the elements, provided, however, that at least 50 percent of the perimeter of any covered dining space must remain open and unobstructed by any form of siding barriers at all times.

Under the Governor's Executive Order, requests for expansion of outdoor table service, including in the description of licensed premises as described below, shall go into effect upon filing of this notice with the city clerk, without complying with any otherwise applicable recording or certification requirements.

In order to provide improved opportunities for outdoor table service, for any type of license that permits the sale of alcoholic beverages for on-premises consumption, the License Commission acting as a local licensing authority ("LLA") may grant approval for a change in the description of the licensed premises for the purpose of permitting outdoor alcohol service as the LLA may deem reasonable and proper, and issue an amended license to existing license holders, without further review or approval by the Alcoholic Beverages Control Commission ("ABCC") prior to issuance. Upon approval of an amended license, the LLA shall provide notice of the amended license to the ABCC. Nothing in this Order shall prevent the ABCC from exercising its statutory or regulatory enforcement authority over any such amended license issued.

On November 1, 2020 or the date the Governor's Order is rescinded, whichever is sooner, any approval issued under this Process including any amended license issued by an LLA as a result of this Order, shall automatically revert back to its status prior to the approval of the change for expansion of outdoor table service or in the description of a licensed premises.

Pursuant to the Governor's Order, an application from a licensee that serves alcohol for on-premises consumption, (which includes restaurants, bars, hotels, general-on-premises, clubs, war veterans' clubs, continuing care retirement communities, pub-brewers (M.G.L. c. 138, §§ 12 and 19D), farmer-series pouring permits, and manufacturers' pouring permits (M.G.L. c. 138, §§ 19(b), 19B(n), 19C(n), and 19E(o))), the LLA may alter the description of the licensee's licensed premises to expand for outdoor seating that the LLA deems "reasonable and proper". The LLA does not need to comply with M.G.L. c. 138, § 15A, and therefore does not need to provide advance notice to abutters or hold a public hearing on the application. LLAs must continue to follow the ABCC's guidelines issued in 2015 for the approval of outdoor seating. Upon approval from the LLA, the LLA may issue the amended license forthwith. The LLA must provide notice by mail to the ABCC on all application approvals.

The ABCC continues to retain supervision and oversight of all alcohol licensees, including those that expand their licensed premises pursuant to this Order. As always, all licensees must ensure that they comply with the laws of the Commonwealth of Massachusetts, and that sales of alcoholic beverages take place only as authorized by federal, state, and local law.

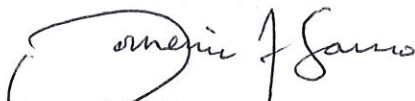
The Board of License Commissioners shall revoke, suspend, cancel, or refuse to issue or re-issue a temporary extension license to any persons that it determines have failed to comply with the requirements set out herein, or of M.G.L. c. 138, of any duly promulgated state or local regulations, or any additional reasonable requirements which the Board may make with respect to the license or to the conduct of business by the holder of the special license.



All applicants are henceforth on notice of their obligations under the laws of the Commonwealth of Massachusetts and the City of Springfield. The Board of License Commissioners reserves the right to deny all special licenses it deems as not in the interest of the public good.

All questions should be directed to Licensing Director for the City of Springfield, Attorney Alesia Days, at (413) 787-6140, or the ABCC Executive Director Ralph Sacramone at (617) 727-3040 x 731.

Respectfully,

  
Domenic J. Sarno  
Mayor

Original: File with City Clerk  
Copy: To all applicants

ATTACHMENTS ACCOMPANYING THIS NOTICE.

1. LICENSE COMMISSION GUIDANCE FOR APPLICATION FOR TEMPORARY EXTENSION OF LICENSED PREMISES ONTO OUTDOOR SPACE.
2. APPLICATION FOR TEMPORARY EXTENSION OF LICENSED PREMISES ONTO OUTDOOR SPACE
3. RESTAURANT MA COVID-19 WORKPLACE SAFETY STANDARDS.
4. RESTAURANT MA COVID-19 CHECK LIST.

I acknowledge receipt of a copy of the foregoing document and all attachments.

Dated: \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE AUTHORIZED AGENT OF APPLICANT

LICENSING  
DEPARTMENT  
36 Court Street, Room 305  
Tel. (413) 787-6140  
Fax (413) 787-6528



THE CITY OF  
SPRINGFIELD, MASSACHUSETTS

## LICENSE COMMISSION GUIDANCE FOR APPLICATION FOR TEMPORARY EXTENSION OF LICENSED PREMISES ONTO OUTDOOR SPACE

Pursuant to the Governor's Executive Order, applicable guidance from the Commonwealth of Massachusetts, input from various municipal Departments and in accordance with the Mayor's approval, the Springfield Board of License Commissioners hereby provides the following information to all persons seeking a temporary extension of licensed premises to outdoor space pursuant to the guidelines and orders of the Governor's COVID-19 State of Emergency and guidance issued by the ABCC:

- Applications for temporary modifications of Liquor Licenses do not need to be submitted to the State's Alcoholic Beverages Control Commission (ABCC). Review and approval of a modified permit from the ABCC will be made at the local level and notification to the State will be made by the City of Springfield.
- Applications can be submitted via email to [License@SpringfieldCityhall.com](mailto:License@SpringfieldCityhall.com). If applicant does not have access to email an appointment can be made at (413) 787-6140 to drop off the application to the Licensing Department located at 36 Court Street Room 305.
- Hours of operation will be at the request of the business / property owner but at a maximum shall reflect the current operating hours of applicant's business. Based upon the location of the business and surrounding zoning, the City may reduce the hours of operation. Businesses with existing approvals for outdoor dining / alcohol sales will need to complete the temporary permit application and abide by the approved hours of operation. No alcohol sales will be allowed between 2:00 a.m. and 8:00 a.m. or to anyone under the age of twenty-one (21) years.
- **ALL LICENSES MUST BE DISPLAYED IN A CONSPICUOUS PLACE AT ALL TIMES. ALL ALCOHOL MUST BE REMOVED FROM THE SITE IMMEDIATELY UPON EXPIRATION OF THE TEMPORARY LICENSE.**
- All businesses must meet the following requirements before reopening: **COVID-19 control plan template** – Template that satisfies the written control plan requirement for self-certification.
  - All businesses in the state of MA must develop a written control plan outlining how its workplace will comply with the mandatory safety standards for operation in the COVID-19 reopening period. This template may be filled out to meet that requirement. Control plans **do not** need to be submitted for approval but must be kept on premise and made available in the case of an inspection or outbreak. All individually listed businesses must complete a control plan, even if the business is part of a larger corporation or entity. Here is a link to the template:
  - <https://www.mass.gov/doc/covid-19-reopening-control-plan-template/download>
- **Compliance attestation poster** – Poster that customer facing businesses are required to print, sign, and post in an area within the business premises that is visible to workers and visitors. The

following link to the poster that should be displayed in an area within the business premises that is visible to employees and visitors.

<https://www.mass.gov/doc/compliance-attestation-poster-english/download>

- **Employer and Worker posters** – Posters that businesses can print and display within the business premises to describe the rules for maintaining social distancing, hygiene protocols, and cleaning and disinfecting.

Link to Employer Poster: <https://www.mass.gov/doc/employer-reopening-poster-english/download>

Link to Employee Poster: <https://www.mass.gov/doc/worker-reopening-poster-english/download>

- Restaurants will be required to comply with sector-specific COVID-19 workplace safety rules for restaurants. Those standards and the COVID -19 Checklist are incorporated as required obligations under the temporary license.
- **A Temporary extension license may be granted to any person who has a license under M.G.L. c. 138.** This includes restaurants, bars, hotels, general-on-premises, clubs, war veterans' clubs, continuing care retirement communities, pub-brewers (M.G.L. c. 138, §§ 12 and 19D), farmer-series pouring permits, and manufacturers' pouring permits (M.G.L. c. 138, §§ 19(b), 19B(n), 19C(n), and 19E(o)).
- **All licensees for alcohol served under a temporary extension** must ensure that they comply with the laws of the Commonwealth of Massachusetts, and that sales of alcoholic beverages take place only as authorized by federal, state, and local law. All questions should be directed to Deputy Solicitor and Licensing Director Attorney Alesia Days at (413) 787-6140 [adays@springfieldcityhall.com](mailto:adays@springfieldcityhall.com).

## **GUIDELINES FOR EXTENSION OF PREMISES TO PATIO AND OUTDOOR AREAS**

1. Alcoholic beverages cannot be served outside of a licensed establishment unless and until a temporary application to extend the licensed premises has been approved.
2. An application to extend the premises must describe the area in detail, including dimensions, seating capacity, and maximum occupancy. A sketch plan of the proposed expansion area must be submitted with the application.
3. The premises must be enclosed by a fence, rope, or other means to prevent access from a public walkway. The premises must also be compliant with all ADA (Americans with Disabilities Act) and building code standards with regards to access, egress and code compliance. Proposed areas that are adjacent to or with parking areas, must be fully protected (jersey barriers, planters, etc.) from any circulating traffic. There must be a minimum of 25' clear area around the proposed area from circulating traffic.
4. The outdoor area must be contiguous to the licensed premises with either (a) a clear view of the area from inside the premises, or, alternatively, (b) the licensee may commit to providing management personnel dedicated to the area.
5. The applicant must be the owner of the proposed area or have a lease or documents for the right to occupy the proposed area.

6. No live entertainment or outdoor speakers will be allowed as part of the outdoor seating permit unless an existing permit is in place.
7. No outdoor cooking, no outdoor Bar setup and no indoor seating will be allowed as a part of the outdoor seating permit.
8. If food is proposed to be served, an approved license to operate a food establishment within the City of Springfield must be in place with the existing business.
9. The licensing authorities should consider the type of neighborhood and the potential for noise in the environs.
10. Preferred are outdoor areas where alcohol is served to patrons who are seated at the tables and where food is also available.
11. The applicant is responsible for all maintenance (sweeping, washing, etc.) of the permitted area through the length of the permit regardless of the business operating schedule. Proper trash receptacles must be provided, and trash must be removed from the proposed area and disposed of properly. No trash shall remain in the proposed area during non-operational hours.
12. Restaurants may not provide any service beyond carry-out or delivery until specifically authorized to do so by the Local Licensing Authority in Phase 2 of the Commonwealth's Workplace Re-Opening Plan.
13. The Governor will initiate Phase 2 of the Re-Opening Plan by formal Executive Order and only following a careful review of public health data.
14. Restaurants may provide outdoor table service at the commencement of Phase 2 of the Commonwealth's Reopening Plan.
15. Restaurants will be authorized at a later date and by a subsequent Phase 2 Order to commence indoor table service if the public health data reflects continued positive progression.
16. The application may take ten (10) business days to process and the following City Departments will be involved:
  - Building Department Approval
  - Planning Department (Administrative Review Only)
  - Health and Human Services
  - Fire Department / Police Department
  - Springfield Parking Authority (if applicable for Downtown Area)
  - Licensing Commission
17. Additional Requirements:
  - a. Insurance. Proof of insurance must be submitted with the application package that shows that the proposed outdoor seating area is properly insured. Any and all other standard insurance requirements for the business must be expanded to include the proposed outdoor space (workman's compensation, liquor liability, property damage, etc.).
  - b. Layout. A sketch plan to scale must be submitted with the application that shows the full proposed use of the space. The plan must include table / chair locations and service

stations. The table locations must be in compliance with guidelines established by the State of Massachusetts complying with necessary social distancing requirements.

- c. Lighting. Additional proposed lighting must be included on the layout plan with the application.
- d. Storage. Proposed layout plan must also indicate what is being proposed with outdoor seating equipment during non-operating periods.
- e. Utilities. The proposed layout must also indicate any utilities (lighting, portable heaters, extension cords, trash receptacles, etc.) that will be required for the operation of the proposed space. No public utilities or services will be allowed for use by the business (use of City owned trash receptacles, electricity from adjacent utility poles, etc.).
- f. Separation. The proposed space for outdoor seating must provide for formal separation (landscape, fencing, barriers, etc.) from the public pedestrian routes as required by the Department of Public Works. Separation should be clearly identified in layout plan.
- g. Passage. The applicant must show how patrons utilizing adjacent sidewalk sections (if applicable), will be able to traverse through / around the proposed seating area while maintaining all required ADA / AAB (Americans with Disabilities Act / Massachusetts Architectural Access Board) standards.
- h. Zoning Compliance. Facilities that will be using private parking / drive areas for outdoor seating area, must submit plans / narrative as to how the reduction in parking areas (if applicable) will impact the required minimum parking requirements as identified in the City's Zoning Regulations.
- i. Signage. Approval of additional signage of any kind within or adjacent to the proposed area will be reviewed as part of the application submitted to the Department of Public Works.

18. The Board of License Commissioners shall revoke, suspend, cancel, or refuse to issue or re-issue a temporary extension license to any persons that it determines have failed to comply with the requirements set out herein, or of M.G.L. c. 138, of any duly promulgated state or local regulations, or any additional reasonable requirements which the Board may make with respect to the license or to the conduct of business by the holder of the special license.

19. All applicants are henceforth on notice of their obligations under the laws of the Commonwealth of Massachusetts and the City of Springfield. The Board of License Commissioners reserves the right to deny all special licenses it deems as not in the interest of the public good.

I acknowledge receipt of a copy of the foregoing document.

Dated: \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF AUTHORIZED AGENT OF APPLICANT

## Application for Temporary Extension of Licensed Premises onto Outdoor Space



☐ **Alteration of Premises**

- Change of Location/Alteration of Premises Application
- Financial Statement
- Vote of the Entity
- Supporting financial records
- Legal Right to Occupy
- Floor Plan

### **1. BUSINESS ENTITY INFORMATION**

Entity Name

City

ABCC License

Please provide a narrative overview of the transaction(s) being applied for. Attach additional pages, if

#### **APPLICATION CONTACT**

The application contact is the person who should be contacted with any questions regarding this application.

Name

Title

Email

Phone

### **2. ALTERATION OF PREMISES**

#### **2A. DESCRIPTION OF ALTERATIONS**

Please summarize the details of the alterations and highlight any specific changes from the last-approved premises.

#### **2B. PROPOSED DESCRIPTION OF PREMISES**

Please provide a complete description of the proposed premises, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. You must also submit a floor plan.

Total Sq. Footage

Seating Capacity

Occupancy Number

Number of Entrances

Number of Exits

Number of Floors



### 3. OCCUPANCY OF PREMISES

Please complete all fields in this section. Please provide proof of legal occupancy of the premises. (E.g. Deed, lease, letter of intent) Please indicate by what means the applicant has to occupy the premises

Landlord Name

Landlord

Landlord

Landlord

Lease Beginning

Rent per

Lease Ending

Rent per

Will the Landlord receive revenue based on percentage of alcohol sales?

☐ Yes ☐ N

### 4. FINANCIAL DISCLOSURE (If applicable)

Associated Cost(s): (i.e. Costs associated with License Transaction including but not limited to: Property price, Business Assets, Renovations costs, Construction costs, Initial Start-up costs, Inventory costs, or specify other costs):

Associated Cost(s):

### SOURCE OF CASH CONTRIBUTION (If applicable)

Please provide documentation of available funds. (E.g. Bank or other Financial institution Statements, Bank Letter, etc.)

Name of Contributor	Amount of Contribution
Total	

SOURCE OF FINANCING (If applicable)

Please provide signed financing documentation.

[illegible]

## **APPLICANT'S STATEMENT**

I,  the: ☐ sole proprietor; ☐ partner; ☐ corporate principal; ☐ LLC/LLP manager  
Authorized Signatory

of   
Name of the Entity/Corporation

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.
- (10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature:

Date:

Title:

### **ADDITIONAL INFORMATION**

Please utilize this space to provide any additional information that will support your application or to clarify any answers provided above (provide proposed hours of operation in this section).

## CORPORATE VOTE

The Board of Directors or LLC Managers of

Entity Name

duly voted to apply to the Licensing Authority of

City/Town

and the

Commonwealth of Massachusetts Alcoholic Beverages Control Commission on

Date of Meeting

For the following transactions (Check all that apply):

☐ Alteration of Licensed

☐ Premises Change of Location

☐ Other

“VOTED: To authorize

Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted.”

A true copy attest,

For Corporations ONLY

A true copy attest,

\_\_\_\_\_  
Corporate Officer /LLC Manager Signature

\_\_\_\_\_  
Corporation Clerk's Signature

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Print Name)



Approval Form

Fire Department

Approved

Denied

☐☐

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Police Department

☐☐

Signature:\_\_\_\_\_ Date:\_\_\_\_\_

Health Department

☐☐

Signature:\_\_\_\_\_ Date:\_\_\_\_\_

Building Department

☐☐

Signature:\_\_\_\_\_ Date:\_\_\_\_\_

Planning Department

☐☐

Signature:\_\_\_\_\_ Date:\_\_\_\_\_

Springfield Parking Authority

☐☐

Signature:\_\_\_\_\_ Date:\_\_\_\_\_

License Commission

☐☐

Signature:\_\_\_\_\_ Date:\_\_\_\_\_

Public Works Department

☐☐

Signature:\_\_\_\_\_ Date:\_\_\_\_\_

Official Use Only

SUBJECT TO THE LICENSE COMMISSION APPROVAL

GRANTED

DATE

DENIED

DATE