



Town of Abington

500 GLINIEWICZ WAY
ABINGTON, MA 02351

Minutes Board of Selectmen

June 4, 2020

Town Hall

6:30 p.m.

VIA REMOTE PARTICIPATION

Members Present: Tom Connolly, Chair, Tim Chapin, Ken Coyle, Jim Connolly, Kevin DiMarzio, Scott Lambiase, Town Manager

Meeting opened with the Pledge of Allegiance.

Public Announcements:

Jim Connolly – rabies clinic is being held at Town Hall on Saturday, June 6, 10-12, for \$15.

Kevin DiMarzio – reminder that there is early voting and absentee ballots available through the Town Clerk's office.

Action/Discussion Item:

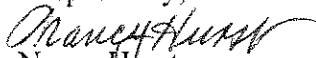
1. Vote to adopt Governor Baker's policy to create an expedited process to enable food service establishments to expand their premises to accommodate the service of food and alcohol in designated outdoor areas.

Town Manager – we expect to hear from the Governor on Saturday. It may be as early as Monday that restaurants can open under Phase II with outdoor seating. KP Law has sent guidelines. Restaurants can apply to Town Manager, and they will be reviewed by Health Agent, Police Chief, Fire Chief, Building Inspector for temporary outdoor seating or expand existing outdoor seating area. There will be some restrictions - no outdoor entertainment allowed, unless they already have it, hours, parking, ADA regulations. Would only be in effect until Governor lifts it or November 1st. Second part is alcohol – any establishment that has a liquor license will have to apply on a case-by-case basis, but it will only take a vote of the BOS. It will be on the agenda for Monday. This will be contingent on the Governor signing the bill for outdoor restaurant seating. Board reviewed the attachments supplied by KP Law. Ken Coyle had concerns regarding the businesses that do not have the space to expand. Would like to see the board work with those businesses that are land locked.

Motion by Tim Chapin to adopt the Policy, Procedures and Rules for Use of Outdoor Space for Food and Alcohol Service presented by the Town Manager, seconded by Jim Connolly, unanimous.

Motion by Jim Connolly to adjourn at 7:00 p.m., seconded by Kevin DiMarzio, unanimous.

Respectfully,


Nancy Hurst

**TOWN OF ABINGTON
BOARD OF SELECTMEN
POLICY, PROCEDURES and RULES
USE OF OUTDOOR SPACE
FOR FOOD and ALCOHOL SERVICE**

In accordance with Governor Baker's COVID-19 Order No. 35, or any other applicable law or executive order, the Board of Selectmen of the Town of Abington hereby issues the following policy to create an expedited process to enable food service establishments to expand their premises to accommodate the service of food and alcohol in designated outdoor areas.

For purposes of this policy, the term "Restaurant" shall apply to any facility with a Common Victualler License and Food Permit authorizing the consumption for food and drink on the premises of the establishment.

Only restaurants currently authorized to serve alcoholic beverages in their indoor premises may apply for permission to use outdoor areas for the service of alcohol through this procedure, otherwise, service shall be limited to food only.

This policy shall supersede any inconsistent Traffic Regulations for the duration of the application of the policy.

This policy shall remain in effect until November 1, 2020, unless superseding legislation or executive order extends such period, and then for the duration of such extended period, unless sooner revoked or modified. The use of any outdoor dining space approved in accordance with this policy shall cease on or before the close of business on November 1, 2020, unless superseding legislation or executive order extends such period, and then for the duration of such extended period, or unless sooner revoked or modified.

Nothing herein shall be deemed to prevent a restaurant from permanently expanding its premises through the normal statutory procedures, subject to any applicable zoning or other restrictions.

PROCEDURES AND RULES

1. Restaurants with permits that have designated outdoor areas may continue to use those areas and are not subject to the procedures in this Policy, provided that they comply with all applicable laws concerning the service of food and drink at their establishment and all applicable laws; provided, however, that there shall be no expansion or increase in occupancy of any existing outdoor area unless such expansion or increase is approved in accordance with this Policy.
2. Restaurants wishing to expand their premises to include outdoor dining areas, shall make written application to the Town Manager and shall receive the Town Manager's approval prior to using any outdoor dining space; provided further, if the applicant also wishes to serve alcoholic beverages in the outdoor area, the Board of Selectmen shall also approve an expansion of the licensed premises to include outdoor seating as an amendment to a liquor license.
3. The Town Manager or his designee, after consultation with the Health Department, Fire Department, Building Department and Police Department shall oversee the application process.

4. The application shall include a plan showing the location of the proposed dining area, the size of the dining area, the number of seats and tables that will be located in the dining area, a completed Restaurants MA COVID-19 Checklist, Social Distancing portion, and any other information required by the Town Manager.
5. Outdoor dining areas may be located outside the restaurant building envelope, whether on a sidewalk, patio, deck, lawn, parking area, or other outdoor space; provided, however, that if a parking lot is used, there shall be no reduction in handicapped accessible parking spaces.
6. The applicant shall demonstrate a legal right of access to use the proposed outdoor space, either through ownership, lease or written permission of the owner. Outdoor dining may be allowed on public sidewalks, within the Town's public right of way or on any other Town-owned property, only through approval of a license for use of public property.
7. The applicant shall demonstrate that the outdoor area is adequately insured, either through a separate insurance policy or coverage under an existing policy.
8. No outdoor entertainment, including live or recorded music, will be allowed in the outdoor area unless the applicant already has an entertainment license allowing such entertainment or if the Board of Selectmen grants permission after a public hearing.
9. The outdoor area shall be within the control of the primary premises, such that wait staff and patrons shall not have to cross streets, private property or parking lots to access the outdoor area, and must be clearly visible by management from inside the establishment, unless the licensee dedicates management personnel to the area.
10. The outdoor area shall be physically designated with ropes, fencing or other barriers and the restaurant shall be responsible for ensuring that there is no consumption of food or alcohol outside of the designated area.
11. The outdoor area 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 or barriers at all times.
12. The outdoor area shall comply with all requirements of the Americans with Disabilities Act and applicable regulations of the Massachusetts Architectural Access Board.
13. The Restaurant shall comply with and enforce all rules, orders and guidance of the Governor, the Department of Public Health and the Town relative to COVID-19 safety measures, including but not limited to any applicable regulations of the Alcoholic Beverages Control Commission and the Massachusetts Department of Health COVID-19 Safety Standards for Restaurants, as may be amended from time-to-time. The standards are currently available at the following link:
<https://www.mass.gov/info-details/safety-standards-and-checklist-restaurants>
14. The Restaurant shall be solely responsible for sanitizing the tables and chairs after each use, cleaning the outdoor area and securing tables, chairs and equipment when the area is not in use.
15. All other regulations and permit conditions, including hours of operation, shall remain in effect, and the outdoor areas shall be subject to inspection by agents of the Board of Selectmen and Board of

Health. Once approved, the conditions set forth in this policy shall become part of the licenses and permits for the restaurant and any violations shall be considered a violation of the terms of said licenses and permits.

16. The Town Manager may deny any application or suspend or revoke any approval for use of outdoor space if it finds that the proposed outdoor space does not comply with the requirements of this policy or any other applicable law, including but not limited to the orders and guidance of the Governor, the Department of Public Health and the Board of Health, or if the use of the outdoor spaces poses a threat to public health, safety or welfare, or if the seating plan is likely to cause unreasonable impacts to the neighborhood.

17. The Town Manager reserves the right to impose additional requirements on a case-by-case basis as may be necessary to protect public health, safety and welfare.

18. If any provision of this order or the application thereof to any person or circumstance is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

**APPLICATION
APPROVAL FOR EXTENDED USE OF PROPERTY FOR
OUTDOOR DINING
COVID-19 EMERGENCY MEASURES**

Name of Business: _____

Address: _____

Owner Name: _____

Owner Phone: _____

Owner Email: _____

Manager Name: _____

Manager Phone: _____

Manager Email: _____

Intended Use

☐ Dining: Outdoor food services without alcohol

☐ Dining: Outdoor food services with alcohol*

For establishments intending to serve alcoholic beverages, approval by the Board of Selectmen is required

Is a temporary tent or similar structure proposed?

☐ Yes

☐ No

If Yes, describe tent or structure:

Expected days of week and hours of outdoor operation:

Daily maintenance and cleaning plan:

Plan for securing fixtures during evening and closed hours: