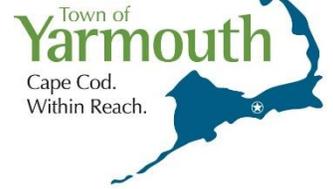


Town of Yarmouth - Building Department
1146 Route 28, South Yarmouth, MA 02664
Tel. 508-398-2231 Ext.1261



Temporary Outdoor Seating/ Alcohol Alteration of Premises Application

Application Type: New Extension of Previous Approval

Date: _____ **Date of Previous Approval (if applicable):** _____

Business Name: _____

Business Address: _____ **Unit#:** _____

Applicant Name: _____

Applicant Address: _____

E-mail Address: _____ **Applicant Phone:** _____

ABCC License #: _____ **Common Victualler #:** _____

Manager: _____

Current Hours of Operation: _____

Requested Hours of Operation: _____

Request for Outdoor Seating Only (Y/N): _____

Request for Outdoor Seating and Outdoor Alcohol Service (Y/N): _____

Length of Extension Request*: _____

Are you proposing to install lighting in the outdoor area? (Y/N): _____

Are you proposing to utilize outdoor heaters? (Y/N):** _____

Occupancy and Seating: Complete the Table below.

Description	Existing	Proposed
Occupancy Load of Building		
Occupancy Load of Outdoor Areas		
Seating Capacity of Building		
Seating Capacity of Outdoor Areas		
Total Square Footage of Outdoor Area		
Parking available on site		

Table Notes:

- Occupancy of 50 or greater is shown on your Certificate of Inspection which should be displayed at your establishment. Occupancy <50 is displayed on your Use & Occupancy Permit. Access to these documents is available by address on the Town Website under the Building directory at <https://lf.yarmouth.ma.us/WebLink/Welcome.aspx?cr=1>.
- Existing Seating Capacity is based on your septic plan and also noted on your Food Service Permit.

TO EXPEDITE THIS TEMPORARY PERMIT PROCESS, PLEASE SUBMIT COMPLETE APPLICATION MATERIALS DIRECTLY TO THE BUILDING DEPARTMENT AT rfallon@yarmouth.ma.us

- Total seating (indoors and outdoors) cannot exceed the total number allowed under your Certificate of Inspection, or exceed your septic capacity.
- Required Parking for restaurants and eating establishments is 1 space per 3 occupants per Section 301.5 of the Zoning Bylaw.

Please provide a description of the proposed outdoor seating area including how the area will be enclosed/roped off and submit plans of the outdoor seating area:

Building Owner Signature

Applicant Signature

Building Owner Printed Name

Applicant Printed Name

*Please note that per the MA Executive Order #50, the maximum allowed extension length is 60 days past the end of the MA state of emergency
**Please consult the Building Department regarding code compliant heaters

Submittal Requirements:

1. **Insurance:** Amended Insurance Certificate covering the outdoor seating area for Alcohol Alteration of Premises.
2. **Plans:** Applicant shall provide Sketch plans taking into consideration the attached **General Provisions for Outdoor Seating** and shall show the following minimum information:
 - building(s) with entrances noted;
 - parking spaces, travel lanes and emergency vehicle access and circulation;
 - pedestrian circulation for staff and customers;
 - handicap accessibility accommodations;
 - dimensions and location of the temporary outdoor seating area, lighting and dumpster locations;
 - location and size of any tents along with access points, lighting, heaters and safety measures (Tents may require a separate Express Permit, please consult the Building Department).
 - snow removal plan associated with the tent(s)
 - Layout and Seating Plan for outside dining with number of seats identified per social distancing requirements, and identifying how the area will be enclosed/roped off.

Copies of site plans can typically be found by address on the Town Website under the Building or Health directories at <https://lf.yarmouth.ma.us/WebLink/Welcome.aspx?cr=1>

Staff Review: All Applications with proposed changes shall undergo Staff Review and shall include the following Departments: Health, Fire, Police, Licensing and other departments as applicable. Reviews will be expedited to the maximum extent feasible.

The Building Commissioner and the Town Administrator, as authorized by the Board of Selectmen, may impose conditions as they see fit and may grant, in its entirety or in part, and may deny any application.

Applicants are responsible for compliance with the Governor’s [Reopening Massachusetts](#) plan related to mandatory safety standards and sector-specific protocols and best practices, and any other State requirements.

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Temporary Outdoor Seating/ Alcohol Alteration of Premises Application

ATTACHMENT - General Provisions for Outdoor Seating:

1. Parking, tents, or structures should not be located within required buffer areas and/or yard setbacks. (Tents may require a separate Express Permit, please consult the Building Department). When locating tents, take into consideration underground utilities and tent anchoring stakes and ropes. Tent locations must also not obstruct snow removal operations.
2. Any tents require a snow removal plan, which must be approved by the Building Commissioner.
3. Outdoor heaters must be code compliant.
4. Any coverings of outdoor dining areas (i.e. awnings, umbrellas, or tents) must have 50% of the perimeter open and unobstructed.
5. If located within a parking area, the remaining parking shall be sufficient to meet the minimum parking requirements of Section 301.5 of the Zoning Bylaw or occupancy may be reduced to meet available parking, as determined by the Building Commissioner.
6. Safe pedestrian circulation shall be provided between the temporary outdoor seating area, the main building(s) and parking areas.
7. Temporary outdoor seating area shall be located to allow for safe vehicular circulation and shall not impede fire and public safety access or circulation.
8. Provide a physical barrier or separation from the outdoor eating area and vehicle traffic/parking areas to protect from possible vehicle impact.
9. Provide accommodations for handicapped parking and accessibility per the Architectural Access Board (AAB).
10. Occupancy for the entire site (including indoor seating when allowed by the Governor) is limited to maximum allowed by septic system, or maximum occupancy as determined by the Building Commissioner, whichever is more restrictive.
11. Alcohol service at temporary outdoor seating is limited to 8 AM to 11 PM Monday through Saturday, and 10 AM to 11 PM on Sundays. Outdoor seating for food service is limited to normal business hours but no later than 11 PM.
12. For applicants proposing to serve alcohol, layout of the outdoor seating area should consider the Alcoholic Beverages Control Commission (ABCC) Advisory regarding [Guidelines for Extension of Premises to Patio and Outdoor Areas](#).
13. Compliance with the Board of Health's Regulations on Outside Cafes, [Town Code Chapter 194](#), is required.
14. Dumpster locations must be 50' from the outside dining area, and shall be screened with fencing if within the line of sight of the dining area.
15. The outdoor dining area surface must be constructed of materials that can be readily cleaned and not susceptible to inordinate amounts of dust, mud, or debris (i.e. brick, tile, concrete, pavement or similar washable surfaces). Other types of surfaces will need to be reviewed and approved by the Health Department.
16. The process for [Entertainment Licenses](#) was not modified by the Governor's June 1, 2020 COVID 19 Order 35 and any modifications to Entertainment Licenses would follow the standard procedure as outlined on the Town Website.