

TOWN OF MILFORD



TEMPORARY OUTDOOR DINING PERMIT APPLICATION

Purpose:

Temporary authorization will be granted to restaurants to establish outdoor seating per the State of NH "Stay at Home 2.0" Order and Guidelines. Any Administrative Approval granted in relation to "Stay at Home 2.0" is limited to the time frame of the Emergency Orders and any seating approved under such Administrative Approval must be removed or returned to its original status (prior to issuance of an Administrative Approval) within 14 days of the Emergency Orders expiring.

Applicant Instructions:

1. Review "Stay at Home 2.0 – Food Service Industry" and "NH Liquor Commission Industry Circular Number 2020-08" attachments (pages 7-13).
2. Complete page 3 from "establishment name" through "applicant signature and date". This page will be your Temporary Outdoor Dining Permit if and when it is approved.
3. On page 4, provide information on your previously approved outdoor dining (if applicable) as well as your proposed seating plan. The proposed seating plan MUST show: dimensions of proposed area, number and size of tables, number of seats per table, spacing between tables, lighting (where applicable), and any other proposed changes.
4. On page 5, provide information on your proposed site plan. The plan must show areas and dimensions of curbside pickup areas, outdoor dining areas, chairs/tables, temporary fences/barriers, tents, umbrellas, temporary signage, emergency access, protection from vehicle traffic, impacted parking spaces, etc. The Planning Department will provide a copy of site plan if available (via email /paper copy) to the applicant for the permit.
5. On page 6, provide a brief narrative on your operations plan. The plan must include specific details on food service procedures and how your business, staff, and customers will maintain compliance with "NH Stay at Home Order 2.0" as well as all existing Planning, Building, Health, and Fire rules and regulations.
6. Email your completed application to Jason Cleghorn: jcleghorn@milford.nh.gov
7. Once approved, your completed permit application will be emailed to "manager email" address provided on page 3.

Required Approvals:

1. Outdoor dining on a public sidewalk/Town owned property is not allowed without the authorization of the Board of Selectmen (or designee).

Standard Conditions:

1. Permits shall be in effect from the date of issuance (not before March 15th) through November 15th and must be renewed on an annual basis.
2. For the period from November 16th through the following March 14th, all chairs, fencing, umbrellas, tables and other equipment must be removed from the public sidewalk.
3. For the period from March 15th through the following November 15th, all chairs, fencing, umbrellas, tables, and other equipment shall be removed from the sidewalk during inclement weather and upon 24 hour notice from the Division of Public Works.
4. Outdoor dining is permitted until 12:45 a.m.
5. Permit is to be posted in public view and is not transferable.
6. An outdoor dining permit does not increase the maximum number of patrons allowed inside the eating establishment. The outdoor permit is only for the additional outside seats.
7. Outdoor dining areas shall be setback five (5) feet from a crosswalk, handicap ramp, driveway or intersection.
8. A three (3) foot clearance for pedestrians required on all sidewalks at all times. The three foot aisle must be a clear path that does not include any obstructions such as light poles, fire hydrants, sign posts, bollards, etc.
9. Permitted area must be contiguous to the licensed premises and maintained.
10. If alcohol is served, outdoor dining shall be separated from public pedestrian space on the adjacent municipal sidewalk by an enclosure system consisting of heavy duty black decorative metal materials or equivalent as approved by the Director of Public Works. The minimum height of the enclosure shall be 30 inches and the maximum height shall be 36 inches.
11. Businesses must use their own trash and recycling receptacles. Sidewalks will be cleared of all debris after close of business.
12. Outdoor dining shall not damage sidewalks, curbing, bike racks, street trees, light poles, trash containers or other Town infrastructure.
13. The sidewalk shall be completely free of snow and ice along the entire sidewalk from building to curb in front of the establishment.
14. Umbrellas without logos are permitted as long as they don't extend beyond the permitted area.
15. Canopies over the sidewalk are not permitted.
17. Decorations must be fire retardant and meet NFPA 701 Standards. No decorations permitted except those approved on the site plan. No loosely hanging material.
18. Fire alarm pull stations may not be obstructed.
19. Candles with small globes are permitted.
20. Sufficient lighting is required. Extension cords are not permitted.
21. No Smoking.



TOWN OF MILFORD, NH
TEMPORARY OUTDOOR
DINING PERMIT

Planning Department: (603) 249-0620
Building: (603) 249-0620
Fire Department: (603) 249-0680

APPROVED TO OPERATE	Issue Date: _____
Approved # of Seats: _____	<input type="checkbox"/> YES <input type="checkbox"/> NO
Signature: _____ Planning Department	Date: _____
Signature: _____ Fire Department	Date: _____
Signature: _____ Board of Selectmen/Designee (If applicable)	Date: _____

This permit allows existing food service establishments that choose to operate under the "NH Stay at Home Order 2.0" to begin serving customers through outdoor seating. Establishments with previously approved outdoor seating do not need a temporary permit unless they request additional seating beyond what has been previously approved. No establishment may exceed the maximum occupancy posted on their Food Service License or Place of Assembly Permit. All establishments must meet the requirements of the Milford Planning, Building, and Fire Departments. This permit shall expire on 11/15/21 or upon notification from the Governor of New Hampshire that the applicable Emergency Orders are no longer in effect (whichever occurs first). Any outdoor seating approved through this authorization shall be removed or returned to its original status (prior to this authorization) within 48 hours of the Emergency Orders expiring.

CONDITIONS:

ESTABLISHMENT NAME: _____
OWNER/OPERATOR'S NAME: _____
ESTABLISHMENT ADDRESS: _____
RESTAURANT MANAGER: _____
MANAGER TELEPHONE: _____ MANAGER EMAIL: _____

**APPLICANT CERTIFIES ALL INFORMATION IS CORRECT AND ALL PERTINENT
CODES, ORDINANCES, AND EMERGENCY ORDERS WILL BE COMPLIED WITH.**

NAME: _____
Applicant Printed Name

SIGNATURE: _____ DATE: _____
Applicant Signature

Existing # of outdoor tables: _____

Existing # of outdoor seats: _____

Proposed # of outdoor tables: _____

Proposed # of outdoor seats: _____

Existing occupant load or # of indoor seats: _____

Alcohol Served: ☐ Yes ☐ No

Outdoor heaters? ☐ Yes ☐ No If yes, the location of the heaters needs to be noted on the site plan.

If propane heaters are used, how and where will they be stored when not in use?

Proposed operating hours: _____

The proposed seating plan MUST show : dimensions of proposed area, number and size of tables, number of seats per table, spacing between tables, lighting (where applicable), and any other proposed changes.

If the plan proposal includes a tent, the tent can only be used as a type of roof covering **without** sides. dimensions of the tent(s) MUST be provided.

Insert/Attach Seating Plan Below:

The proposed site plan must show areas and dimensions of curbside pickup areas, outdoor dining areas, temporary fences/barriers, tents, temporary signage, emergency access, protection from vehicle traffic, impacted parking spaces, etc.

Plan includes placement of seating on Town owned property ☐ Yes ☐ No

If yes, a Certificate of Liability Insurance \$1,000,000 per occurrence / \$2,000,000 aggregate – the Town of Milford must be listed as both the certificate holder and as additional Insured. The certificate must be valid throughout the period of the permit.

If the plan proposal includes a tent, the tent can only be used as a type of roof covering without sides. dimensions of the tent(s) MUST be provided.

Insert/Attach Site Plan Below:

Insert/Attach Operations Narrative Below:



NEW HAMPSHIRE LIQUOR COMMISSION

Division of Enforcement, Licensing and Education

Industry Circular

Number 2020-08

Issued: May 6, 2020

Relative and Applicable Statutes and Rules: RSA 178:22; 178:13; 178:6; 178:12; 178:12-a; 178:8; 178:7; 178:20-a

Outside Area Reopening for On- Premises Licensees

1. Purpose

In our continued efforts to assist New Hampshire liquor licensees during the COVID-19 pandemic, the New Hampshire Liquor Commission-Division of Enforcement & Licensing would like to offer additional information relative to Emergency Order #40 Exhibit C- Reopening Guidelines for Restaurants, as it relates to outside areas.

2. Discussion

Emergency Order #40 Exhibit C states, in part, "As an extension of the curbside and delivery model, restaurants are permitted to offer outdoor dining beginning on May 18, 2020. Restaurants are permitted to expand outside wherever an outdoor area can be set up safely, such as parking spaces close to entrances, sidewalks, existing patios, lawn areas. Outdoor areas must be able to be cleaned and disinfected, as appropriate. The outdoor space must be clearly delineated and distanced from the general public. If expansion is in shared space, restaurants must coordinate and seek approval from local authorities."

In addition to restaurants, the order to open outside areas also applies to other on-premises licensees to include:

Certain Cocktail Lounge licensees, pursuant to RSA 178:22 to include:

Airports

Veterans Clubs, Private Clubs and Social Clubs

Hotels

Vessels

Sports Recreation Facility- Relative to Emergency Order #40



NEW HAMPSHIRE LIQUOR COMMISSION

Division of Enforcement, Licensing and Education

Industry Circular

Number 2020-08

Issued: May 6, 2020

Brew Pub licensees, pursuant to RSA 178:13- Restaurant/ tasting.

Liquor Manufacturer licensees, pursuant to RSA 178:6- Restaurant/ tasting.

Beverage Manufacturer licensees, pursuant to RSA 178:12- Restaurant/ tasting.

Nano- Brewery licensees, pursuant to RSA 178:12-a- Restaurant/ tasting.

Wine Manufacturer licensees, pursuant to RSA 178:8- Restaurant/ tasting.

Rectifier licensees, pursuant to RSA 178:7- Tasting only.

On-Premises Cigar, Beverage, and Liquor Licenses, pursuant to RSA 178:20-a.

All provisions of Exhibit C will apply to the above licensees if they choose to open outside areas.

The link to Exhibit C is: <https://www.governor.nh.gov/news-media/stay-at-home/documents/20200501-restaurants.pdf>

Please send notification, documents and/ or approvals to reopen@liquor.nh.gov.

3. Questions

Please contact the New Hampshire Liquor Commission- Division of Enforcement & Licensing at 603-271-3521.

Frequently Asked Questions

Q. Can I serve alcohol in an outside area?

A. Yes. Beginning on May 18, 2020 and pursuant to Executive Order 40, Exhibit C provides an extension of the curbside and delivery model. Restaurant are permitted to expand outside wherever an outdoor area can be set up safely, such as parking spaces close to entrances, sidewalks, existing patios, lawn areas. Outdoor areas must be able to be cleaned and disinfected, as appropriate. The outdoor space must be clearly delineated and distanced from the general public. If expansion is in a shared space, restaurants must coordinate and seek approval from local authorities.



NEW HAMPSHIRE LIQUOR COMMISSION

Division of Enforcement, Licensing and Education

Industry Circular

Number 2020-08

Issued: May 6, 2020

Q. Can I serve spirits (liquor) outside?

A. If your licensee through the New Hampshire Liquor Commission- Division of Enforcement & Licensing allows you to serve spirits (liquor) under normal circumstances, you are allowed to serve spirits (liquor) to your extended service area outside.

Q. Can I put a mobile bar in the outside area?

A. Yes. You can set up a mobile bar/ serving station in the outside area. If the area is a shared space (i.e. shared parking lot, sidewalk, roadways), you are required to get approval from local authorities.

Q. If my outside area is already approved, do I need to seek additional approvals?

A. No. If your outside area is previously approved as a permanent extension of service, you do not need any additional approvals.

Q. Do I need approval if I want to extend my service outside in a shared space (i.e. shared parking lot, sidewalk, roadways)?

A. Yes. You are required to communicate with local authorities in order to get approval to extend your service to an area you would not typically be authorized to do so. Once approval is obtained from local authorities, documents can be sent to reopen@liquor.nh.gov.

Q. How do I notify the Division of Enforcement & Licensing about the extension of service to an outside area?

A. Please send all local approvals and notifications to reopen@liquor.nh.gov.

Q. How long does the extension of service to an outside area last?

A. The temporary extension of service to an outside area will last throughout the duration of the Executive Order. If you intend to have your outside area a permanent extension, normal procedures for approvals apply.

Q. Where can I obtain additional information on the reopening guidelines?

A. Additional information can be obtained on the New Hampshire Liquor Commission Division of Enforcement website at <https://www.nh.gov/liquor/enforcement/> under "News & Events". Direct link to the Stay at Home 2.0 Restaurants- Covid- 19 Reopening Guidance can be found at <https://www.governor.nh.gov/news-media/stay-at-home/documents/20200501-restaurants.pdf>.