



# *City of Westfield, Massachusetts*

## **LICENSE COMMISSION**

Commissioners:  
Christopher Mowatt, Chair  
Edward Diaz  
Alice Dawicki

Municipal Building  
59 Court Street, Room 217  
Westfield, MA 01085  
Phone: 642-9302

### **ALTERATION OF OUTSIDE PREMISE “TO DO LIST”**

License Commission meetings are held the second Monday of every month. Please read through the Guidelines for Outdoor Alcoholic Beveridge Areas listed on page 2. If the proposed outdoor area meets the requirements, please submit all documents listed below to your local licensing department **at least two weeks prior to the next License Commission Meeting.**

- **TAX OBLIGATION:** Must be in compliance with all City taxes before moving forward.
- **LOCAL FILING FEE:** NON REFUDABLE \$200.00 – check or money order made payable to the City of Westfield.
- **COMPLETED ALTERATION OF PREMISE APPLICATION:** All pages of application must be completed.
- **SKETCH OR MAP OF OUTDOOR PREMISE:** Please provide a visual of where the outdoor dining will be in relation to the approved premise.
- **ABUTTERS NOTIFICATION – must submit a completed Abutter’s List with application.**
  1. For Purpose of liquor license applications (Ch138 s15A) an abutter is a person whose property directly touches the proposed premises – not someone across the street). Churches, synagogues, hospitals and public or private elementary or secondary schools located within 500 feet of the premises of a liquor-serving establishment must be notified by registered mail. This will be done by the Licensing Clerk, and you will be billed directly.
  2. NEWSPAPER NOTICE: Must be advertised in local newspaper 10 days prior to a hearing. This will be done by the Licensing Clerk, and you will be billed directly.
- **COMPLETED ZONING PERMIT DETERMINATION PLAN:** Applicants must submit a signed off Zoning Permit Determination with a plot plan from the Building Department. In addition to a completed Zoning Determination, a sign off on page 4 of the application by the Building Department is required.

**Incomplete applications will not be accepted.**

# GUIDELINES FOR OUTDOOR ALCOHOLIC BEVERAGE SERVICE AREAS

1. The licensure of outdoor alcoholic beverage service areas that are outside of the “suitable building” as provided in M.G.L. c. 138, §1, must follow the license application and approval process as provided in Chapter 138 for retail on-premises consumption licenses.
2. Local Licensing Authorities (“LLAs”) have discretion to apply reasonable conditions to the outdoor alcoholic beverage service areas, such as the requirement of food service and/or seated service.
3. All applications for outdoor alcoholic beverage service areas must include documentation demonstrating the right of the Licensee to occupy or permission to use the outdoor alcoholic beverage service area(s). This must include permission to transport alcoholic beverages over public property, if applicable, such as over public sidewalks.
4. Outdoor alcoholic beverage service areas should be contiguous to the licensed building premises with a clear and direct view of the outdoor area from inside the licensed building premises. Further, the Licensee must actively supervise the outside alcoholic beverage service area.
5. Outdoor alcoholic beverage service areas that are noncontiguous to the premises’ building are permitted. However, they must be in the immediate vicinity of, and within clear and direct view of, the existing licensed building premises. Licensees are reminded that their applications may be denied if, in the LLA’s or ABCC’s discretion, it is determined that any proposed noncontiguous outdoor alcoholic beverage service area is in an unsuitable location, such as being too far from the premises’ building or being in an unsafe location. For noncontiguous outdoor alcoholic beverage service areas, the licensee must have an adequate number of employees that are physically present in the outdoor alcoholic beverage service area at all times when alcoholic beverages are being sold or consumed.
6. All outdoor alcoholic beverage service areas must be enclosed by a barrier, fence, or partition, sufficient for the licensee to maintain control of access to the area and to provide a safe environment for patrons.

**\*The LLA will consider the type of neighborhood and the potential impact of noise to the environment before approving outdoor alcoholic beverage service areas.**

**1. BUSINESS ENTITY INFORMATION**

\_\_\_\_\_  
Entity Name

\_\_\_\_\_  
Municipality

\_\_\_\_\_  
ABCC License Number

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

**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 ALTERATION**

Please summarize the details of the alterations and 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.

Own  Lease  Tenant at Will

\_\_\_\_\_  
Landlord Name

\_\_\_\_\_  
Landlord Phone

\_\_\_\_\_  
Landlord Email

\_\_\_\_\_  
Landlord Address

\_\_\_\_\_  
Lease Beginning Date

\_\_\_\_\_  
Rent per Month

\_\_\_\_\_  
Lease Ending Date

\_\_\_\_\_  
Rent per Year

Will the Landlord receive revenue based on percentage of alcohol sales?  Yes  No

**BUILDING DEPARTMENT SIGN OFF:**

I have reviewed the application being submitted by \_\_\_\_\_ to  
*(Business name and location)*  
the License Commission.

All necessary permits and approvals from the Building Department have been issued.

\_\_\_\_\_  
Superintendent of Buildings or designee signature

\_\_\_\_\_  
Date

## APPLICANTS STATEMENT

I, \_\_\_\_\_ the: \_\_\_ Sole Proprietor; \_\_\_ Partner; \_\_\_ Corporate Principal; \_\_\_ LLC/LLP  
(Authorized Signatory)

Manager of \_\_\_\_\_  
(Name of the Entity/Corporation)

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") 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 provide above.

**ENTITY VOTE**

The Board of Directors or LLC Managers of \_\_\_\_\_  
(Entity Name)

Duly voted to apply to the Licensing Authority of \_\_\_\_\_ and the  
(City/Town)

Commonwealth of Massachusetts Alcoholic Beverages Control Commission on \_\_\_\_\_.  
(Date of meeting)

For Alteration of Licensed Premises

“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.”

(For Corporations ONLY)

A true copy attest:

A true copy attest:

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

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Corporation Clerk’s Signature

\_\_\_\_\_  
Print Name