



**TOWN OF NORFOLK  
SELECT BOARD**

ONE LIBERTY LANE  
NORFOLK, MASSACHUSETTS

Blythe C. Robinson  
Town Administrator

(508) 440-2855  
(508) 541-3366 FAX

**In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20, relating to the 2020 novel Coronavirus outbreak emergency, the August 4, 2020 7:00 PM public meeting of the Norfolk Select Board shall be physically closed to the public to avoid group congregation.**

**Alternative public access to this meeting shall be done via Zoom online video conferencing. This application will allow users to view the meeting and provide comments during allocated windows as outlined in the Board's Public Comment Policy. To join, follow the web link or call the dial-in number listed below under the start time/Call to Order. The meeting will be recorded for future rebroadcast by Norfolk Community Television. For more information on getting connected and using the video conference features, please visit**

**<http://www.norfolk.ma.us/assets/files/news/resident-zoom-guide.pdf>**

**7:00 p.m. Call Meeting to Order**

**Zoom Meeting Link: <https://zoom.us/j/3560716045>**

**Zoom Meeting Call-In: 1-929-205-6099 (Meeting ID 3560716045)**

**1. Public Comment**

**Action Items**

- 2. Please consider approval of an application from Novatos Restaurant to alter their licensed premises for the service of alcohol to accommodate additional outdoor dining**

**Any other unanticipated business that may come before the Board**

**ADJOURNMENT**

**Blythe C. Robinson, Town Administrator**



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July 30, 2020

MEMO TO: Select Board

From: Blythe C. Robinson, Town Administrator *BCR*

RE: **Agenda Background – August 4, 2020**

Below please find background material on each of the items on the agenda as well as draft motions that you can consider where action is required.

1. Public Comment
2. Please consider approval of an application from Novatos Restaurant to alter their licensed premises for the service of alcohol to accommodate additional outdoor dining

Alex Lima of Novatos Restaurant has requested approval from the Board to expand the licensed premise of his restaurant to include the porch on the front of his building in order to serve food and alcohol to customers. Included in your packet is his application and relevant documents supporting this request, as well as the outdoor dining guidelines we developed in conjunction with State law on this topic. Currently Novatos' license only enables them to serve alcohol indoors. If this application is approved they would be able to also serve outdoors where they plan to place eight tables to seat a total of 24 patrons.

Staff have reviewed this application and met with Mr. Lima via Zoom to review it, and we recommend approval based upon the following:

- The area is adjacent to the restaurant and already has a railing along most of the perimeter. Where there is no railing he will park a car or two to ensure patrons seated at the tables are safe.
- The traffic flow and parking for the restaurant will not be impacted. Because indoor dining is capped at 25% capacity there will be sufficient parking for this use and the handicap spaces will remain in their current location.
- Pickup of take out food will continue to take place inside the restaurant
- No changes are required for trash collection, heating, tents or umbrellas
- The restaurant has provided assurance that safety requirements for this change will be met including:
  - Manager on duty with clear view of this dining area

- Reservations will be required for all of these tables
- Six-foot distancing, and wearing of masks while not at a table will be followed

**MOVE** that the Board approve an application from Novatos Restaurant to alter their licensed premises for the service of alcohol to accommodate additional outdoor dining in accordance with Governor Baker's Order regarding the State's reopening plan. Furthermore, this expanded license will remain in effect until November 1, 2020 or until the order is rescinded.



The Commonwealth of Massachusetts  
 Alcoholic Beverages Control Commission  
 95 Fourth Street, Suite 3, Chelsea, MA 02150-2358  
 www.mass.gov/abcc



**AMENDMENT-Change or Alteration of Premises Information**

**Change of Location**

- Chg of Location/Alteration of Premises Application
- Financial Statement
- Vote of the Entity
- Supporting financial records
- Legal Right to Occupy
- Floor Plan
- Abutter's Notification
- Advertisement

**Alteration of Premises**

- Chg of Location/Alteration of Premises Application
- ~~Financial Statement~~
- Vote of the Entity
- ~~Supporting financial records~~
- Legal Right to Occupy
- Floor Plan
- ~~Abutter's Notification~~
- ~~Advertisement~~

**1. BUSINESS ENTITY INFORMATION**

Entity Name	Municipality	ABCC License Number
Navalos Bar and Grill	Norfolk	081980002

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

outside seating

**APPLICATION CONTACT**

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

Name	Title	Email	Phone
Joseph Granowicz	owner	lima@Navalosgill.com	508 918 9978

**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.

see last page

**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.

outside seating only

Total Sq. Footage	1200	Seating Capacity	30	Occupancy Number	30
Number of Entrances	NA	Number of Exits	NA	Number of Floors	NA

**AMENDMENT-Change or Alteration of Premises Information**

**3. CHANGE OF LOCATION**

**3A. PREMISES LOCATION**

Last-Approved Street Address

Proposed Street Address

**3B. DESCRIPTION OF PREMISES**

Please provide a complete description of the premises to be licensed, 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	<input type="text"/>	Seating Capacity	<input type="text"/>	Occupancy Number	<input type="text"/>
Number of Entrances	<input type="text"/>	Number of Exits	<input type="text"/>	Number of Floors	<input type="text"/>

**3C. 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 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

**APPLICANT'S STATEMENT**

I, Jeanette Green the:  sole proprietor;  partner;  corporate principal;  LLC/LLP manager  
Authorized Signatory  
of NOVATOS Bar and Grill inc  
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: Jeanette Green

Date: July 28 2020

Title: Owner



**PROPERTY OWNER AFFIDAVIT FORM**

(if different than business owner or located within a Commercial Condominium)

I, Joseph J. Guarino,  
(Printed name of Owner)

hereby attest that I am the owner of the property located at

218 DEDHAM ST. NORFOLK MA 01056  
(Property address)

in the Town of Norfolk. The below signature attests that I am aware of an application being filed with the Town of Norfolk for work to be performed on the property listed above by

ALEX and Jennifer Lima, Novato's Bar + Grill  
(Printed name of Applicant/Petitioner)

and that the information in the application is true and complete to the best of my knowledge and belief.

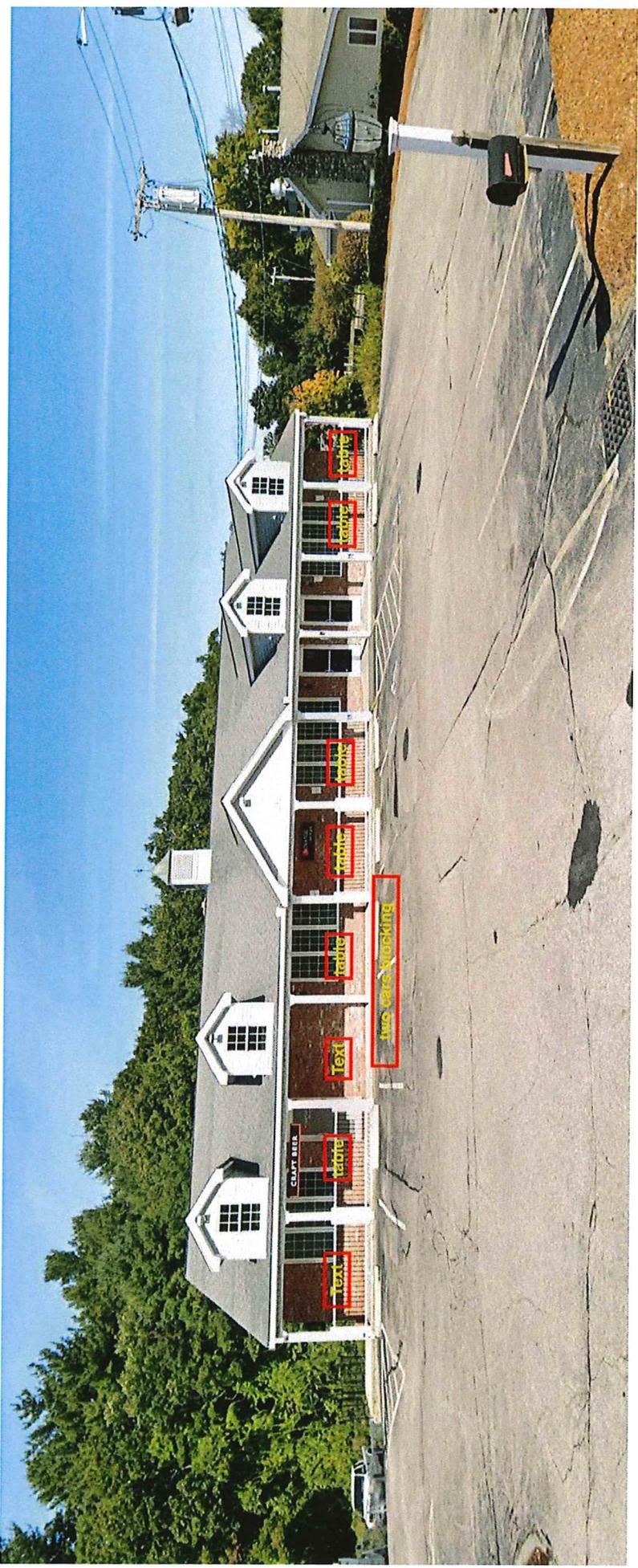
Owner Signature: 

Owner Address: 2776 KINDANCE AVE HANDARSON NV 89044

Owner Phone: 774-259-5809

Owner Email: guarino13@comcast.net

The Owner hereby consents for themselves and their successors and assigns to the entry onto the property during reasonable hours by the Zoning/Building Enforcement Officer and/or their designee to monitor and insure compliance with the terms and conditions issued with any/all conditions associated with approval of the submitted application.



NOVATOS RESTAURANT  
OUTDOOR DINING APPLICATION DETAILS

#1 application submitted

#2 Total of 8 tables

8 tables 2-3 people each total of 16-24 people on "AREA 1" six feet apart  
Table size will be 24x24

#3 We will have rope or other means to prevent access from public walkway

#4 outside manager will be available at all times with a clear view of outside from inside

#5 lease is attached

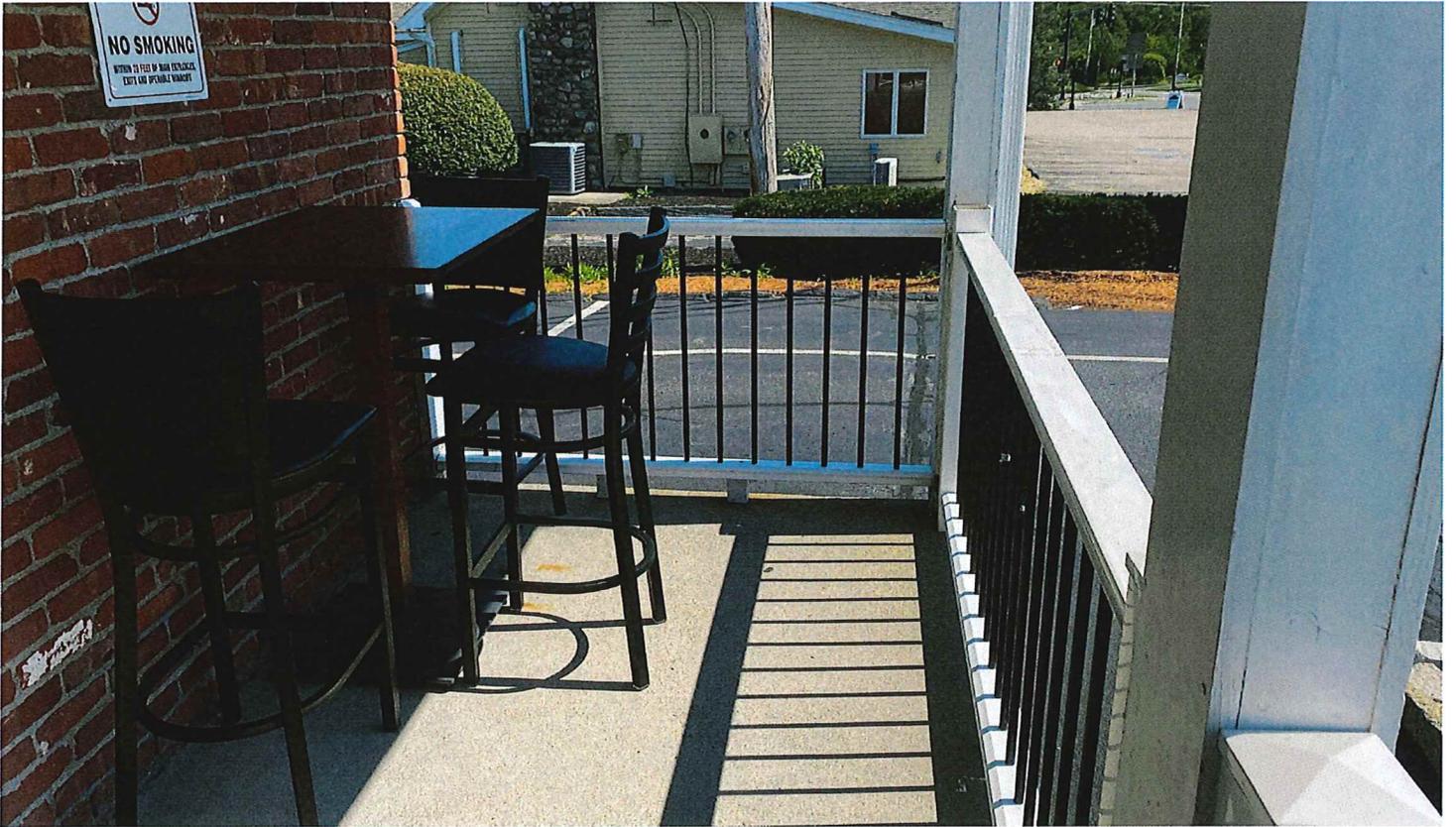
#6 noted

#7 food and alcohol will be served at all tables

- A. Outside seating will be available with reservation only
- B. Seating process will be explained at the time of reservation and when they arrive

Customer will be required to wear mask until they are seated at their table, and provide contact information

- A. WITH ALL THE TABLES WE STILL HAVE PLANTY OF PARKING WITH ALL THE EMPLOYEES PARKING ACROSS STREET (NORFOLK GLASS PARKING LOT)



# Norfolk Restaurants'

## Guide to Covid-19 Modifications to Existing Seating Plans

On June 1, 2020, the Governor issued COVID-19 Order No. 35, which allows restaurants to provide outdoor table service at the commencement of Phase II of the Commonwealth's phased re-opening of workplaces. The Governor's Order authorizes the Select Board to establish the process for approving requests from restaurants to provide outdoor table service. The Town of Norfolk provides this guidance in response to the COVID-19 pandemic and outline certain measures to prevent the spread of COVID -19 within the Town. The guide reminds restaurants of their obligation to comply with the Workplace Safety Standards (Attached) provided by the Governor and Department of Public Health.

Outdoor table service is encouraged in Phase 2 of the State's re-opening plan, and is defined as, *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 or barriers at all times.*

- Temporary modifications to existing seating plans are specific to the Town's goals of advancing the social distancing criteria and guidance required by the Governor.
- The timeline of the modification will be tied directly to Governor's Order date which is currently November 1, 2020.
- The modification may be changed and adjusted depending on the changing health environment.
- Any temporary modification granted is not a suspension of enforcement of the Zoning Bylaw or Licensing Regulations.
- Town staff will approve Modified Seating Plans provided the modification conforms to the Joint Order and the Workplace Safety Standards (Attached).
- There is no fee for the Modified Seating Plan.

## Application Procedure

1. Applications for Temporary Modifications to existing Seating Plans shall be submitted to the Select Board Office in the form of a site plan or seating plan as applicable.

### Plan Requirements:

- a. Neatly drawn seating/site plan (preferably based on your existing Zoning and Licensing approved plan) depicting the precise area and placement of tables within the dining area demonstrating compliance with the guidance.
- b. The arrangement of outdoor dining furniture, perimeter fencing, cafe umbrellas, outdoor heaters, trash, and any other equipment.

- c. **Tents and canopies are now covered under the Governor's Order and will NOT require Zoning Board Special Permit approval.** Plan showing the location of the proposed tent on a site plan, size and height of tent, proposed tent material; sketch is detailed enough to show the tent will not interfere with safe site circulation. 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. Tent permit application must demonstrate manufacturers fire spread specifications. **Umbrellas may also be used over tables and do not require any additional permitting.**
  - d. Areas designated for picking up take-out food shall also be shown on the plan.
2. Any expansion into outdoor areas must demonstrate ownership or site control with a signed Property Owner's Affidavit (Attached) if property owner is different from business owner.
  3. The Town will review the application and plan for outdoor seating area plan and will consult with the Health, Licensing, Building, Fire, Police and Zoning Departments.
  4. Seating Area Plans may be "conditionally approved based on seating area, final approval may contingent upon an inspection confirming compliance with valid Orders from the Commonwealth and Norfolk Board of Health regarding restaurants and social distancing."
  5. All plans must comply with Workplace Safety Standards (Attached).
  6. Seating Plans may include additional conditions of approval such as maintenance of the outdoor seating area, trash, or barriers as appropriate.
  7. If additional information is needed or a revision to the seating plan is required, they will contact the applicant. Applications shall be submitted on the attached form along with a plan for the outdoor seating area and an insurance certificate as described below.

## **The following issues may be considered as part of the Staff review of the temporary modifications:**

### **Temporary Pickup/Loading Zones**

Consideration for temporary pick-up/loading zones that do not have an impact on traffic circulation. Exclusive use areas within the public way require Select Board approval.

- Limit signage related only to the instructions for pickup
- Establishing consistent timeframes for pickup areas

### **Flexible Indoor/Outdoor Restaurant Seating**

- "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 or barriers at all times.

- Meets social distancing requirements.
- Does not allow an increase in overall seating or an increase to the assigned Title 5 flow for any property or business.
- Availability of outdoor space adjacent to the business on the property or in an adjacent parking area.
- Considered on an adjacent parcel, sidewalk **only on a case by case basis** and with a higher level of scrutiny. Additional review and approvals might be required that could take longer to obtain.
- If seating is placed in a parking lot, a physical barrier or safe separation of seating areas from vehicle traffic is required, that will protect customers from vehicle traffic both on-site/within the parking area and adjacent to the site.
- Proximity to sensitive resources such as adjacent residential units and environmental resources would be considered and should be minimized.
- Outdoor Food Preparation is not allowed unless specifically authorized by the Health Department.
- Tables may not block entrances, exits, fire lanes, hydrants, drive aisles, back-up areas, or pedestrian circulation
- Outdoor seating does not utilize handicap parking spaces, block handicapped parking spaces or handicapped access
- A physical barrier or separation, that protects customers from vehicle traffic both on-site and adjacent to the site
- If the establishment intends to use the outdoor area for entertainment, the permit holder shall obtain a permit from the Select Board
- Outdoor dining areas are maintained and free of trash and other debris and include adequate provisions for trash disposal and recycling
- Operating hours do not exceed the hours of indoor seating
- **Smoking is prohibited in all outdoor dining areas.**

## Liquor Licenses

**Takeout and delivery:** During the State of Emergency, Massachusetts has allowed businesses with liquor licenses to sell beer and wine for off-premises consumption. The current order in Massachusetts requires food to be purchased along with the beer or alcohol.

**Expanded Outdoor seating:** 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, 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.

Approval to use an outdoor dining area shall not result in an increase in the number of seats authorized for the premises. In the event the Commonwealth authorizes at a later date indoor table service, this guidance may be deemed revised accordingly, except that the number of seats permitted inside the establishment shall be reduced by the number of seats allowed outside the establishment.

### **GUIDELINES FOR ALCOHOL SERVICE ON PATIO AND OUTDOOR AREAS**

- Alcoholic beverages cannot be served outside of a licensed establishment unless and until an application to extend the licensed premises has been approved.
- An application to extend the premises must describe the area in detail, including dimensions, seating capacity, and maximum occupancy.
- The premises must be enclosed by a fence, rope, or other means to prevent access from a public walkway.
- 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.
- The applicant must have a lease or documents for the right to occupy the proposed area.
- The licensing authorities should consider the type of neighborhood and the potential for noise in the environs.
- Preferred are outdoor areas where alcohol is served to patrons who are seated at the tables and where food is also available.

## **Relaxed Signage Regulations**

Temporary signage should be limited to the purpose of facilitating the social distancing goals and should not be used specifically to exceed the sign area requirements.

- Limiting signage ensuring it is COVID-19-related to alert customers that they are open and to follow social distancing protocol
- Temporary window signage and sandwich board signage (depending on available space) focused on the need to operate safely.
- Ensuring circulation on sidewalks, streets, and elsewhere is not impeded
- Ensuring signage does not inhibit vehicle sight lines and safety
- Possibly limiting the size of signage, such as how much of store façade or window area can be covered by temporary signage
- No additional illumination for temporary signage

## **Outdoor Entertainment Uses**

- Due to a lack of current guidance, outdoor entertainment uses are not covered under this approval. The Licensing Board will still need to approved outdoor entertainment. Once guidance is provided, a Temporary Modification approval may be amended to reflect such a change.

## Temporary Tents and Covered Areas for Outdoor Uses

- **Tents and canopies are now covered under the Governor's Order and will NOT require Zoning Board Special Permit approval.**
- 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.
- Tent permit application must demonstrate manufacturers fire spread specifications.
- Tent material meets fire safety standards
- Tent complies with any height requirements and size requirements established by the town
- If the tent is located within a parking area or immediately adjacent to a roadway, a physical barrier or separation, such as bollards or planter boxes, is used to protect customers from vehicle traffic on-site and adjacent to the site
- Specifications must be provided for any proposed outdoor heating elements and must be approved by the Building Commissioner.
- Tent does not obstruct safe parking lot circulation
- Tent does not block handicapped parking spaces or limit handicap accessibility
- Umbrellas may also be used over tables and do not require any additional permitting.

## Reduced Parking Requirements

- Existing Special Permits may be modified to reduce the parking requirements to advance the goals of social distancing whether for restaurant seating or outdoor retail display. Property owners may not block handicapped parking areas nor handicapped access.
- New requests for a reduction in parking not associated with an existing Special Permit or Non-conforming situation will require a Special Permit from Zoning.