



## Town of Falmouth

59 Town Hall Square, Falmouth MA 02540 508-495-7320

# Outdoor Alcoholic Beverages Table Service Area Checklist

*Submit a complete application at least 3 weeks prior to Select Board hearing.*

### **Step 1: *Is your property ready for amendment approval?***

- Bring the completed Town application form to Building Department to determine whether a Certified Plot Plan or a Landscape Plan is required. This must adhere to the ABCC Outdoor Guidelines, page 7.
- If total seating does not change submit the required plan showing exterior seating and a Floor Plan completed/stamped by an Engineer or Architect showing reduced interior seating and occupancy load to the Building Commissioner with the Town application form.
- If applying to increase total seating submit a Floor Plan of the current premises with occupancy load calculation completed & stamped by an Engineer or Architect and the plan required to the Building Commissioner with the Town application form.
- Obtain the Building Commissioner's signature on the completed sign-off sheet.
- Obtain signatures of the Town Planner, Health Agent, and Fire & Rescue on the sign-off sheet.

### **Step 2: *Now complete the requirements.***

- Complete, print, and sign the Alteration of Premises application found at <https://www.mass.gov/alcoholic-beverages-retail-licenses> (do not pay \$200 fee) **and** the Town application form found at <https://www.falmouthma.gov/724/Licensing-Documents-Applications>
- Assessor's Office - Obtain a Certified List of Abutters: *Immediate abutters plus churches and schools within 500'.*
- Copy of the lease or deed
- Liquor Liability Insurance specifying the outdoor area \$250K per occurrence/\$500k aggregate naming the Town as certificate holder
- Building Department – Apply for an updated Certificate of Inspection.
- Health Department - Apply for an updated Food Service Establishment Permit, *in most cases*
- Town of Falmouth filing fee \$50.00

### **Step 3: *Now you are ready to submit the application to the Select Board.***

- Submit complete applications with all requirements including the Certified List of Abutters. Incomplete applications will be rejected.
- A License Hearing is scheduled and a Notice of Hearing is emailed to the applicant.
- Applicant must at their own expense place the hearing notice for advertisement in the Falmouth Enterprise. The publication date will be provided.
- Applicant to send the Notice of Hearing to all abutters by Certified Mail at least 3 days prior to the Hearing advertisement.
- Submit the Affidavit of Abutter Notification with the receipts from the certified mailing.
- Attend the Select Board License Hearing.

**Proofread the application carefully. Incomplete applications will be rejected.**  
For questions contact [licensing@falmouthma.gov](mailto:licensing@falmouthma.gov) or call 508-495-7320



## Alteration of Premises Outdoor Seating ONLY Sign-off Sheet

The plan must be a Landscape Plan that shows the outdoor area and parking, must be ADA compliant, must include the seating area layout with all seats, the location of the area as it relates to the brick and mortar premises, detail the seating and standing capacities of the area, and show all barriers that enclose the outdoor area.

ENTITY NAME: \_\_\_\_\_

ENTITY ADDRESS: \_\_\_\_\_

LICENSE APPLIED FOR: \_\_\_\_\_

Plan submitted & drawn by: \_\_\_\_\_

Plan number: \_\_\_\_\_

Plan date: \_\_\_\_\_

Revision date: \_\_\_\_\_; \_\_\_\_\_; \_\_\_\_\_

If an increase in seating/occupancy is requested there may be additional requirements including:

- The plumbing code 248 CMR may require an increase in bathroom stalls.
- A site plan review by the Town Planner may be required
- A determination by the Health Agent or the Wastewater Superintendent regarding septic or sewer capacity may be required

Original Seating Capacity: \_\_\_\_\_ Proposed: \_\_\_\_\_ Original Occupancy#: \_\_\_\_\_ Proposed: \_\_\_\_\_

The attached Landscape Plan has been approved by the Building Commissioner as appropriate for this application.

Building Commissioner: X \_\_\_\_\_

DATE: \_\_\_\_\_

Town Planner: X \_\_\_\_\_

DATE: \_\_\_\_\_

Health Agent: X \_\_\_\_\_

DATE: \_\_\_\_\_

Fire & Rescue: X \_\_\_\_\_

DATE: \_\_\_\_\_

Conservation Administrator: *Certain areas under Conservation Commission jurisdiction also require review and signature*

X \_\_\_\_\_ DATE: \_\_\_\_\_



## Town of Falmouth Assessing Department

59 Town Hall Square, Falmouth MA 02540

Telephone: 508-495-7380

Fax: 508-495-7384

### REQUEST OF CERTIFIED ABUTTERS LIST

Name of person requesting abutters list: \_\_\_\_\_

Address of person requesting abutters list: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

Abutters to (subject property): Map \_\_\_\_\_ Section \_\_\_\_\_ Parcel \_\_\_\_\_ Lot \_\_\_\_\_

Map \_\_\_\_\_ Section \_\_\_\_\_ Parcel \_\_\_\_\_ Lot \_\_\_\_\_

Map \_\_\_\_\_ Section \_\_\_\_\_ Parcel \_\_\_\_\_ Lot \_\_\_\_\_

Lot size of subject property: \_\_\_\_\_

Location of subject property: \_\_\_\_\_

\_\_\_\_\_

Check one:

\_\_\_\_\_ Direct abutters (includes properties across street)

\_\_\_\_\_ Direct abutters in local Historic District (includes properties across the street) within 100'

\_\_\_\_\_ Immediate abutters (includes only properties with a common property line)

\_\_\_\_\_ Immediate abutters plus churches and schools within 500'

\_\_\_\_\_ Properties within 300'

\_\_\_\_\_ Properties within 300' or abutters abutter to abutter whichever is closest

\_\_\_\_\_ Properties within 100'

\_\_\_\_\_ Other (specify) \_\_\_\_\_

Fee. \$25.00 Total \_\_\_\_\_



**TOWN OF FALMOUTH**

**AFFIDAVIT OF NOTICE OF MAILING TO ABUTTER AND OTHERS**

To the Select Board of the Town of Falmouth, for the application by \_\_\_\_\_

\_\_\_\_\_, for \_\_\_\_\_

\_\_\_\_\_

I, \_\_\_\_\_ hereby certify that the attached is a true list of the persons shown upon the Assessor's most recent valuation list as the owners of the property abutting the proposed location for an alcoholic beverages license at:

\_\_\_\_\_

And that the following schools, churches, or hospitals are located within a radius of five hundred (500) feet from said proposed location,

\_\_\_\_\_

\_\_\_\_\_

If there are none, please so state: \_\_\_\_\_

I also certify that the notice of this application/petition concerning an alcoholic beverages license was given to the above by mailing to each of them within three days after publication of same, a copy of the advertisement is attached below.

Signed and subscribed to under penalties of perjuries this day of \_\_\_\_\_ 20 \_\_\_\_\_

Signature: \_\_\_\_\_

Printed name: \_\_\_\_\_

Notary Public: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

**Town of Falmouth**

**License Application – Department Contact Information**

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**Select Board**      **Town Hall**      **(508) 495-7320**      [licensing@falmouthma.gov](mailto:licensing@falmouthma.gov)

- License applications.

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**Building**      **Town Hall**      **(508) 495-7470**      <https://www.falmouthma.gov/307/Building>

- Approval of floor plan and/or site plan.

Apply online using **PermitEyes**

- Certificate of Inspection.
- Sign Permit

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**Zoning Appeals**      **Town Hall, Second Floor**      **(508) 495-7460**

- Special permit.

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**Planning**      **Town Hall, Second Floor**      **(508) 495-7440**

- Site plan review.

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**Assessor**      **Town Hall**      **(508) 495-7380**      <https://www.falmouthma.gov/175/Assessing>

- Certified abutters list.

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**Police**      **750 Main St.**      **(774) 255-4527**

- Call Central Records to schedule an appointment for the fingerprint-based background check.

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**Health**      **Town Hall**      **(508) 495-7485**      <https://www.falmouthma.gov/273/Health>

Apply online using **PermitEyes**

- Food service establishment permit.

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**Town Clerk**      **Town Hall**      **(508) 495-7360**

- Certificate of Doing Business.
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Please be advised that the fee process for license applications has changed. Effective 2025 all license application fees must be paid upon submission of an application as follows:

- Filing fees and other administrative fees payable to the Town of Falmouth may be paid by personal or business check when the application is submitted. Cash is also accepted.
- License fees must be paid in full at the time the application is submitted by cashier's check or bank check only. These checks will be held on file and not processed until the application is fully approved and all license requirements completed.
- If the application is not approved the cashier's/bank checks will be returned to the applicant.

*Please contact the Select Board Office for further information.*



*Commonwealth of Massachusetts  
Alcoholic Beverages Control Commission  
95 Fourth Street, Suite 3  
Chelsea, Massachusetts 02150*

**Jean M. Lorizio, Esq.**  
*Chairman*

**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.
7. The LLA should consider the type of neighborhood and the potential impact of noise in the environs before approving outdoor alcoholic beverage service areas.

Questions concerning this Advisory may be directed to Ralph Sacramone, Executive Director of the Massachusetts Alcoholic Beverages Control Commission at (617) 727- 3040 x 731.

(Issued April 7, 2022)