

A Checklist for Adjusting Your Brewery for Phase II in Massachusetts

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The below is a general checklist of questions and issues you should review while contemplating any changes of use, service, expansion to outdoor uses or other departures from your prior operations as a result of COVID-19 restrictions. This is only a general guide to help you understand and think through potential issues and pitfalls. Due to the rapidly changing landscape of laws, regulations, and executive orders at both the state and local levels, as well as the unique circumstances of each individual business, this cannot cover every conceivable contingency.

As you contemplate the necessary changes to your business and service operations, the questions and recommendations below are meant to help guide your thought process concerning how the changes you may be contemplating may be affected by external forces. If you have questions or concerns about how your contemplated changes may be affected by laws, rules or regulations, please consult your attorney.

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IDENTIFY THE PROPOSED CHANGES

1. Changes to interior
   - Relocation of alcohol service areas
   - Expansion of dining area footprint within interior
   - Remodeling required
   - Expansion into other areas of building outside of current area or into other buildings on premises

2. New exterior uses
   - Use of existing outdoor seating or patio?

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- Use of existing lawn area?
- Use of sidewalk?
  - Can the sidewalk be utilized without obstructing foot traffic?

3. Changes to Service Hours
4. On-site food truck or cart
5. Retail Sales
   - Is a new area for retail sales proposed?
6. Curbside pickup
7. Catering
8. Signage (even if it is only portable or temporary)

REVIEW LEASE (IF ANY)

1. Identify permitted uses
   - Confirm any new uses or expansion is included within permitted uses
2. Identify extent of lease area (interior and, if applicable, exterior)
3. Identify areas outside of lease area required for new uses (if any)
   - Can permission be obtained and an amendment timely executed?

CONTROL OF EXTERIOR AREAS OUTSIDE OF LEASE AREA OR PROPERTY

1. Are areas outside of business's control or landlord's control required?
   - Privately owned
   - Public
2. Can permission be obtained?

REVIEW EXISTING PERMITS, LICENSES AND APPROVALS

1. Land Use Boards (e.g. Board of Appeals, Planning Board, City Council, Select Board, Conservation Commission)
   - Do current approvals include the anticipated changes in use?
   - Is the property part of a larger development (e.g. plaza, industrial park, shopping center, etc.) that may be subject to other approvals beyond your premises?
2. Alcoholic Beverages Control Commission
3. Board of Health
4. Other Licenses

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REVIEW ZONING BYLAWS, ORDINANCES AND LICENSING REQUIREMENTS

1. Review any recent changes or temporary orders relating to land use approvals (e.g. City of Framingham Executive Order)
   - Do proposed uses take up parking spaces?
   - Are the contemplated changes permitted under the Zoning Bylaw or Ordinance?
2. State and local licenses (alcohol, food service)?
3. Do proposed changes affect other requirements (fire lanes, parking, ADA compliance)?
4. ABCC – outside premises alterations, temporarily suspended
5. ABCC – inside alterations
6. Local Licensing Authority

IDENTIFY THE TIMELINE AND COST FOR ANY REQUIRED APPROVALS

1. What plans, documents, reports, or studies will be required to submit for approvals?
   - Cost
   - Time to prepare
   - Cost of application fees
2. Building Department/Inspectional Services (building, plumbing, electrical permits)
3. Variance, Special Permit and/or Site Plan Review Granting Authority (*Note: For most zoning-related approvals, absent new legislation, an executive order, or other changes to streamline the process, due to the requirements for public notice, hearings, and appeals periods such approvals may take 3 to 5 months from the date the application is filed, or more, to obtain.*)
   - Zoning Board
   - Planning Board
   - City Council
   - Select Board
4. Other local administrative reviews
   - Police and Fire Department Reviews
5. State and local licenses (alcohol, food service)
   - ABCC – outside premises alterations, temporarily suspended
   - ABCC – inside alterations, unaffected by current regulations
   - Local Licensing Authority
6. Lease amendment
7. Other approvals

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REVERSION BACK TO PRIOR OPERATIONS

1. What will be required to return to prior operations, if necessary, once restrictions are lifted?
2. Cost of undoing temporary measures?

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