



Board of Selectmen

Town of Marblehead

GUIDELINES

TEMPORARY OUTDOOR DINING GUIDELINES & PROCEDURES

The Town of Marblehead would like to assist businesses in increasing capacity, activity and revenues during the COVID-19 pandemic. Businesses interested may follow these procedures and guidelines.

This guidance is a step-by-step instruction on how to proceed if you would like to use a public sidewalk, public street or parking spaces, or private property, private parking lot or land adjacent to your restaurant to allow for outdoor dining to serve food and alcohol temporarily during the COVID-19 pandemic. **This approval process is only available to those restaurants which are currently operating or have received all local approvals, including the maintenance of all current requisite inspections, necessary to operate as a restaurant and, where applicable, serve alcohol for consumption on premises, and which are in full compliance with the Town of Marblehead bylaws, rules, regulations. Express permission from the Town is required prior to opening.**

Before the public or private land is used for the benefit of the restaurant, the owner or his/her/their designee, shall submit the following information to the town and it will be reviewed. The town is prepared to expedite this process as much as possible in order to assist the business community.

The following information below is needed. For additional information regarding COVID safety and sector-specific guidance for reopening, go to:
<https://www.mass.gov/info-details/reopening-massachusetts>

Please feel free to contact Becky Curran, the Town Planner at rebeccac@marblehead.org with questions or assistance.

REQUIRED DOCUMENTS

- I. **Basic Information** – fill out the attached form and include it with your submittal.
- II. **Letter of Permission**, if applicable – If the parking lot is not owned by the restaurant, submit a letter of permission from the owner of the parking lot indicating permission to use it for outdoor dining. If the land is public a form of temporary easement must be entered into.
- III. **Letter(s) of Acknowledgement**, if applicable – If other businesses and/or residents share the use of the parking lot, submit letter(s) of acknowledgement of this plan from all other users.
- IV. **Plan** – submit a drawing showing the parking lot you would like to use for outdoor dining that includes the following information:
 - a. Dimensions of the entire parking lot. Include the total number of spaces and handicap spaces.
 - b. Dimensions of the portion of the parking lot to be used for outdoor dining. Include the number of spaces that will be used for dining.
 - c. Locations of curb cuts with ramps to the parking lot, if applicable.

- d. Layout of tables and chairs.

NOTE: Patrons must be kept 6' apart to facilitate social distancing.

- e. Dimensions of tables.
- f. Photo or description of barriers to be used to protect diners from vehicles and their locations (i.e. at entrance(s) to parking lot, around the portion of the lot being used for outdoor dining, etc.).
- g. Plan for tenting. Tents must be approved by the Building and Fire Department.

The outdoor dining area and barriers must be accessible and meet ADA and Massachusetts Architectural Access Board's regulations. <https://www.mass.gov/law-library/521-cmr>. This information is also included in this guidance packet. **50% of the cover's perimeter must be open**

- V. **Alternative Parking Area(s)** – describe or indicate on a map, other areas where customers could park when visiting your establishment; indicate whether you will rely on street parking
- VI. **Outdoor Dining COVID-19 Safety Protocol Plan** – fill out the attached form and include it with your submittal
- VII. **Outdoor Dining COVID-19 Safety Protocol Affidavit** – review the attached affidavit and include the signed document with your submittal.

Responsibilities of the Restaurant

The restaurant, through its owner and/or manager, is responsible for the following as it pertains to the use of the parking lot for outdoor dining:

1. Adherence to the plans and documents submitted, reviewed, and approved;
2. Procurement of tables, chairs, disinfecting stations, and any other physical items that will be used in the outdoor dining area;
3. Procurement and installation of temporary safety barriers to protect diners from vehicles; and
4. Provide evidence of liability insurance to the Town covering the new dining space.
5. Adherence to all Outdoor Dining COVID-19 Safety Protocols to include the option of paper menus or viewing menus on your personal device, maintain a daily contact list with the name/telephone # of at least one customer in the party and # of table they were seated. Patrons shall not be allowed to stand and wait for table to be ready without proper social distancing and adherence to Board of Health regulations and COVID-19 safety guidelines. Establishment shall notify patrons of where to wait for a table and take phone #'s to contact when table is ready.

Rights of the town

The town reserves the right to revoke its permission to allow the use of the parking lot for outdoor dining for the following reasons:

1. The operation of the outdoor dining area is not in compliance with submitted safety protocols;
2. The outdoor dining area is not facilitating safe passage in accordance with Americans with Disability Act requirements.
3. The Health Dept., Chief of Police, or Board of Health or their designees determine that the operation of the outdoor dining area is negatively impacting public health and safety.

BASIC INFORMATION

1. Business name: _____
2. Business address: _____

3. Business phone number: _____
4. Owner/manager: _____
5. Owner/manager email address: _____
6. 24-hour contact number (In case of issues outside of normal business hours): _____

7. Business hours of operation: _____
8. Is this business currently approved to operate as a restaurant?
☐ YES ☐ NO
9. Do you have a current common victualler license?
10. Are all inspections current and valid?
☐ YES ☐ NO
11. Who owns the parking lot? _____
Owner Address: _____

*If the business owner is not the owner of the parking lot, submit a letter from the owner authorizing the use of the lot by the restaurant.

12. How many OTHER businesses share the parking lot besides the restaurant? _____
of Users

If the restaurant is not the only user of the parking lot, the other users of the lot must indicate their knowledge and support of the use of the lot for outdoor dining by submitting signed acknowledgement of the restaurant's plans.

13. How many tables and chairs would you like to put in the outdoor dining area? _____
(this number must not exceed your current occupancy) # of Tables/ # of Chairs

NOTE: Tables must be arranged in such a way that patrons are kept at least 6' apart to facilitate social distancing.

14. Will you be using umbrellas? ☐ YES ☐ NO

15. Will you be using a tent? ☐ YES ☐ NO

If yes, what are the dimensions _____

*Note: Refer to Executive Order COVID-19, No. 35: 50% of the cover's perimeter must be open; It is recommended that photos of the proposed tent be provided

16. Describe the type of barrier/fencing which will surround the seating area:*** _____

*** Note: Refer to ABCC Patio Guidance; It is recommended that photos of the proposed barrier/fence be provided

17. Does this business have a current license for on-premises consumption under G.L. c. 138 § 12 (Pouring License)?

☐ YES ☐ NO

If so, what type of license do you currently hold?

☐ Restaurant ☐ hotel ☐ club
☐ Tavern ☐ general-on-premises ☐ other

* Refer to Executive Order COVID-19, No. 35: Approvals are limited to those businesses which serve food.

18. Will you be serving alcohol in the outdoor dining area? ☐ YES ☐ NO

OUTDOOR DINING COVID-19 SAFETY PROTOCOL PLAN

I. **Social Distancing.** Check the boxes to certify that you have:

- ☐ Ensured that all persons, including employees and customers in the outdoor dining area, remain at least six feet apart to the greatest extent possible.
- ☐ Established protocols to ensure that employees can practice adequate physical distancing.
- ☐ Posted signage for safe physical distancing.
- ☐ Required face coverings or masks for all employees that cover their mouth and nose.

II. **Hygiene Protocols.** Check the boxes to certify that you have:

- ☐ Provided hand washing capabilities throughout the workplace.
- ☐ Ensured frequent hand washing by employees and provided adequate supplies to do so.
- ☐ Provided regular sanitization of high touch areas, such as workstations, equipment, screens, tables and chairs, perimeter barriers, doorknobs, restrooms.
- ☐ Implemented additional procedures. Please describe them here:

III. **Staffing and Operations.** Check the boxes to certify that you have:

- ☐ Provided training for employees regarding the social distancing and hygiene protocols.
- ☐ Ensured employees who are displaying COVID-19-like symptoms do not report to work.
- ☐ Implemented additional procedures. Please describe them here:

IV. **Cleaning and Disinfecting.** Check the boxes to certify that you have:

- ☐ Established and maintained cleaning protocols specific to the outdoor dining area.
- ☐ Ensured that when an active employee is diagnosed with COVID-19, cleaning and disinfecting is performed
- ☐ Prepared to disinfect all common surfaces at intervals appropriate to said workplace.
- ☐ Implemented additional procedures. Please describe them here:

Signature of Owner/Manager

Print Name

Date

**AFFIDAVIT
OUTDOOR DINING COVID-19 SAFETY PROTOCOL**

I, _____, being the owner or manager of _____
Print Owner/Manager Name Print Restaurant Name

located at _____ Marblehead, MA, acknowledge
Print Address

and accept the responsibilities of maintaining a clean and safe outdoor dining experience for guests and for staff in the outdoor dining area through the diligent adherence to the Outdoor Dining COVID-19 Safety Protocol Plan submitted along with any and all mandatory state safety standards for workplaces and outdoor dining.

Signature of applicant

Date

Print Name

REQUIREMENTS FOR ACCESSIBILITY

Dining must be accessible and meet ADA and Massachusetts Architectural Access Board's regulations. <https://www.mass.gov/law-library/521-cmr>

521 CMR 17.00: RESTAURANTS

17.2 SEATING

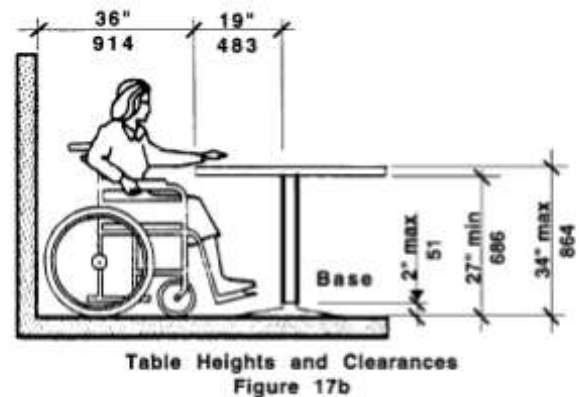
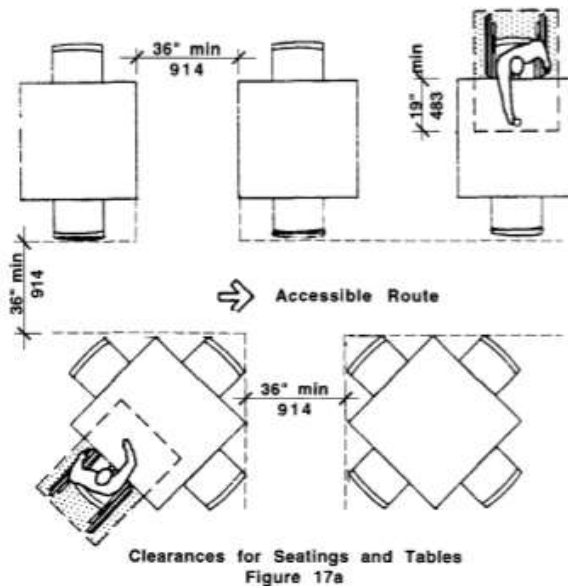
At least 5%, but not less than one, of the tables shall be accessible, be on an accessible route, and in compliance with the following:

17.2.2 A 36-inch (36" = 914mm) access aisle shall be provided between all accessible tables. No seating shall overlap the access aisle. See Fig. 17a.

17.2.3 Clear floor space as defined in 521 CMR 5.00: DEFINITIONS shall be provided at each seating space. Such clear floor space shall not overlap knee space by more than 19 inches (19" = 483mm). See Fig. 17a.

17.2.4 Knee Clearances: If seating for people in wheelchairs is provided at tables or counters, knee spaces at least 27 inches (27" = 686mm) high, 30 inches (30" = 762mm) wide, and 19 inches (19" = 483mm) deep shall be provided. See Fig. 17b.

17.2.5 Height of Tables or Counters: The tops of accessible tables and counters shall be from 28 inches to 34 inches (28" to 34" = 711mm to 864mm) above the finish floor or ground. See Fig 17b.



ACCEPTABLE BARRIERS

Barriers placed around the perimeter of the outdoor dining area must meet the following requirements:

- Height: Between 36" – 38" in height
- Not Permanent: Free-standing, stable, and easily removed
- Continuous Rail: They must have a continuous rail 2" to 6" from the sidewalk or parking space surface
- Base: The base of the barrier must be flat, with less than 1/2" thickness and placed so that it extends less than 6" into the areas around the outdoor dining area.

SAMPLES OF ACCEPTABLE BARRIERS

