

TOWN OF BEDFORD 2022 TEMPORARY OUTDOOR DINING GUIDELINES AND REGULATIONS

Update April 1, 2022

The Town of Bedford offers the following updated temporary Outdoor Dining Guidelines and Requirements beginning April 1, 2022. In accordance with “An Act relative to extending certain COVID-19 measures adopted during the state of emergency,” the Temporary Outdoor Dining Guidelines and Regulations will remain in effect until April 1, 2023.

The Town will consider temporary outdoor dining opportunities for local restaurants/food establishments on sidewalks, parking lots, on-street parking spaces, or landscaped yard areas around their restaurants to provide more space for seating their patrons and picking up To-Go orders.

General Guidance:

- Outdoor dining must not block entrances, exits, fire lanes, hydrants, sprinkler connections, pedestrian sidewalks and pathways, or handicapped access ramps.
- Smoking is prohibited in all outdoor dining areas.
- Pets are prohibited in all outdoor dining areas.
- Applications for outdoor dining shall be submitted to the Economic Development Director by email. Applications for outdoor dining areas of appropriate design, configuration and appearance will be reviewed by Town staff (Town Manager, Economic Development Director, Code Enforcement Director, Public Health Director, Fire Chief, Police Chief, Planning Director).
- Applications for outdoor dining require approval of the property owner or manager.
- Outdoor dining areas must be distinguished from their surroundings by some form of perimeter fence, rope or barrier. Jersey barriers may be required if in a parking area (see page 2 for details).
- Outdoor seating proposed for a parking lot shall not occupy more than 50% of the required parking spaces.
- Outdoor food preparation is not allowed unless specifically authorized by the Health Department.
- Alcoholic Beverages may be served in accordance with Massachusetts guidelines, subject to approval by the Select Board. See the guidance on extending alcohol service areas here: <https://www.mass.gov/how-to/amend-your-alcoholic-beverages-retail-license-alteration-of-premises-or-location-change-abcc>

Alcoholic beverages may not be served in temporary outside dining areas until Select Board approval has been received.

Seating capacity of a proposed outdoor dining area shall not exceed the capacity otherwise applicable to the establishment, except where an existing establishment with no previous indoor seating may propose seating for up to 18 patrons if access to qualifying public restrooms is available.

Any proposed insect control measures, such as spraying for mosquitoes, shall be approved by the Health Department.

Food establishments are advised to work with their Insurance Provider to determine what additional insurance may be necessary to accommodate the proposed outdoor dining.

Required Application Materials

Please provide a pdf electronic copy of the following materials and email to Jeffrey King, Economic Development Director at jmking@bedfordma.gov . ***Applications need to be completed in full before being reviewed.***

Continuation of Previously Approved Temporary Outdoor Seating Plan

Restaurants continuing with outside seating on the same premises and using the same layout as they identified in their previously approved application must provide the following:

o Statement of Intent: A statement of their intent to continue with outdoor dining with the approved layout and permit, stating in addition:

i. their agreement to be subject to the same terms and conditions applicable to the 2020 Temporary Outdoor Dining Program.

iii. Statement which includes proposed plan for snow removal and safe operations during and after snow events. In the event of ice or snow, sidewalks must be kept free and clear of all outdoor furniture so that the Town can treat or plow commercial area sidewalks safely and unimpeded by obstructions. Restaurants remain responsible to maintain a minimum of 36", but preferably 48", of sidewalk clearance in accordance with ADA accessibility requirements. In addition, restaurants are responsible for maintaining their outdoor seating areas and access to those areas, including sidewalks narrowed to less than 6 feet by outdoor seating furniture. DPW will strive to preserve any outdoor seating materials encountered during treatment and clearance of a public way but cannot guarantee that outdoor seating materials will not be damaged in the snow and ice removal process.

o Proof of consent by third parties: Restaurants with outdoor seating on the private property of third parties must submit a letter of consent by the third party to such use.

Jersey Barriers Pilot Program: At no cost to businesses, the Town will provide temporary use, as well as the installation and removal, of concrete jersey barriers, subject to availability. Contact Public Works Director, David Manugian, dmanugian@bedfordma.gov, to request review of your location and installation of concrete jersey barriers.

Note: Restaurants changing previously approved layout for temporary outdoor dining permits must submit a new application.

New Application for Temporary Outdoor Dining

1. **Town of Bedford Outdoor Dining Application** – fill out the attached form and include it with your submittal.
2. **Letter of Permission**, if applicable, submit a letter of permission from the property owner indicating permission to use the proposed area for outdoor dining.
3. **Plan** – submit a drawing or detailed sketch showing the layout of the proposed outdoor dining area that includes the following information:

- a. Proposed layout of table and chairs or other dining furniture.

- b. Location of take-out food pickup areas.

Please include photo or description of the proposed continuous perimeter barrier. Appropriate perimeter materials include, but are not limited to, demountable wrought-iron fences, jersey barriers, bollards and chains, or individual planters of concrete, wood, masonry, or terra cotta.

For dining areas located in areas subject to potential vehicle intrusion whether by design or accidentally (such as parking lots or on-street parking areas) barriers shall meet the following design standards in accordance with Ch.4 and Ch.16 of the International Building Codes, vehicle barriers not less than 2'-9" in height must be designed to resist a single concentrated load of 6,000 lbs. applied horizontally in any direction to the barrier system.

- c. Pedestrian pathways, compliant with the requirements of the Massachusetts Architectural Access Board and the Americans with Disabilities Act.

- d. Trash receptacles.

- e. Outdoor heaters if applicable.

- f. Lighting fixtures not part of the permanent site lighting.

- g. If applicable, generators or wiring for electrical service to the outdoor dining area.

- h. If applicable, attach details for any proposed canopy. Canopies greater than 120 square feet in size require a building permit from the Code Enforcement Department.

- i. If applicable, attach details for any proposed tent, canopy, igloo or similar enclosure (guidance below).

All tents and canopies must be less than 120 square feet and fit within the outdoor seating space authorized by the Town. All tent and canopy legs must be weighted down with a minimum of 40 lbs., such that they do not move, blow over, or cause damage in severe weather or high winds. Tent and canopy weights and lines must be clearly visible and not pose a hazard. Restaurants are responsible to take down tents and secure loose items in advance of weather incidents. Anyone seeking to use tents or canopies exceeding 120 square feet must obtain a permit from the Code Enforcement Department. Tents and canopies must be free and clear of all ignition sources. To avoid damage, in the event of high winds, ice or snow, tents and canopies should be removed promptly. To comply with state-mandated outdoor dining public health requirements, tents and canopies can only be sheltered on two sides (i.e. no more than two tent or canopy walls can be down at one time). Restaurants must be aware that tents, canopies, and umbrellas do not have designated snow loads and should not be used if there is snow accumulation. Prior to use, all tents, canopies, and umbrellas should be cleared of accumulated

snow,

Igloos and similar structures intended for winter dining use shall include manufacturer' specifications related to the anchoring system, snow load, heat source limitations, and cleaning protocols. Igloos larger than 120 square feet must obtain a permit from the Code Enforcement Department.

- j. Any other equipment to be used in providing outdoor dining.
The plan or sketch must be sufficiently detailed to determine the layout and location of all proposed features, but need not be drawn by an architect, engineer or land surveyor. A single plan may be used for multitenant properties where more than one food establishment seeks outdoor dining, to assist with coordinating a balance between parking and seating areas, but each establishment shall submit a separate application and affidavits.

4. **Snow removal plan.**

Please provide a brief description of operational plan in the event of a snow or ice event. In the event of snow/ice, sidewalks must be kept free and clear of all outdoor furniture so that the Town can treat or plow commercial area sidewalks safely and unimpeded by obstructions. Restaurants remain responsible to maintain a minimum of 36", but preferably 48", of sidewalk clearance in accordance with ADA accessibility requirements. In addition, restaurants are responsible for maintaining their outdoor seating areas and access to those areas, including sidewalks narrowed to less than 6 feet by outdoor seating furniture. DPW will strive to preserve any outdoor seating materials encountered during treatment and clearance of a public way but cannot guarantee that outdoor seating materials will not be damaged in the snow and ice removal process.

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 certificate of liability insurance listing the Town of Bedford as additional insured for the new dining space when Town property is proposed for such outdoor dining.

Rights of the Town of Bedford

The Town of Bedford reserves the right to revoke its permission to allow expanded 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 Director of Public Health, Chief of Police, and/or their designees determine that the operation of the outdoor dining area is negatively impacting public health and safety.

TOWN OF BEDFORD

TEMPORARY OUTDOOR DINING APPLICATION

1. Name of Business:

2. Location:

3. Business phone number/email:

4. Business Owner/manager/Outdoor Dining Coordinator:

5. Business Owner/manager/coordinator email address:

6. 24-hour contact number (In case of issues outside of normal business hours):

7. Days and Hours of proposed Outdoor Dining Area:

8. Number of tables and seating at each: _____

9. Number of canopies and/or tents: _____

10. Number of igloos: _____

11. Description and manufacturers specifications of barriers: _____

12. Will you be using umbrellas? YES NO

The minimum clearance under umbrellas must be 7' as measured from the base to the lowest point of the umbrella as it is open. The umbrella must not impede pedestrian mobility through the outdoor dining area.

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

If YES, contact Colleen Doyle, Assistant Town Manager, at 781-275-1111 or cdoyle@bedfordma.gov regarding the process to extend your premises to allow the sale and consumption of alcohol in the outdoor dining area.

- 14. Attach authorization of the Property Owner.
- 15. Attach Plan of proposed Outdoor Dining Area(s)

CERTIFICATION

The undersigned hereby represents and certifies to the best of his/her knowledge and belief, and under the pains and penalties of perjury, that the information contained on this statement and any exhibits or attachments hereto are true and complete and accurately describe the proposed project, and the undersigned agrees to promptly inform the Town of Bedford Economic Development Director of any changes in the proposed project which may occur.

Print Applicant’s Name

Applicant’s Signature

Date

Please email pdf of completed application, plan, and if required, certificate of insurance and property owner approval with any supporting documentation to:

Jeffrey King, Economic Development Director

Tel: (781) 275-1111

E-mail: jmking@bedfordma.gov

You will receive a temporary permit or temporary permit renewal from the Town of Bedford Town Manager’s office once your temporary dining area has been approved.