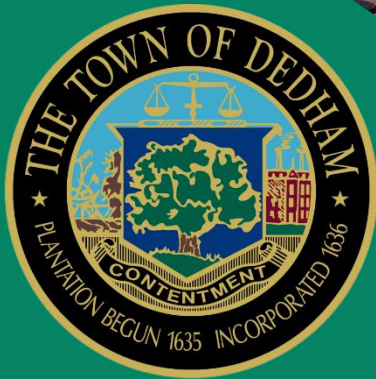
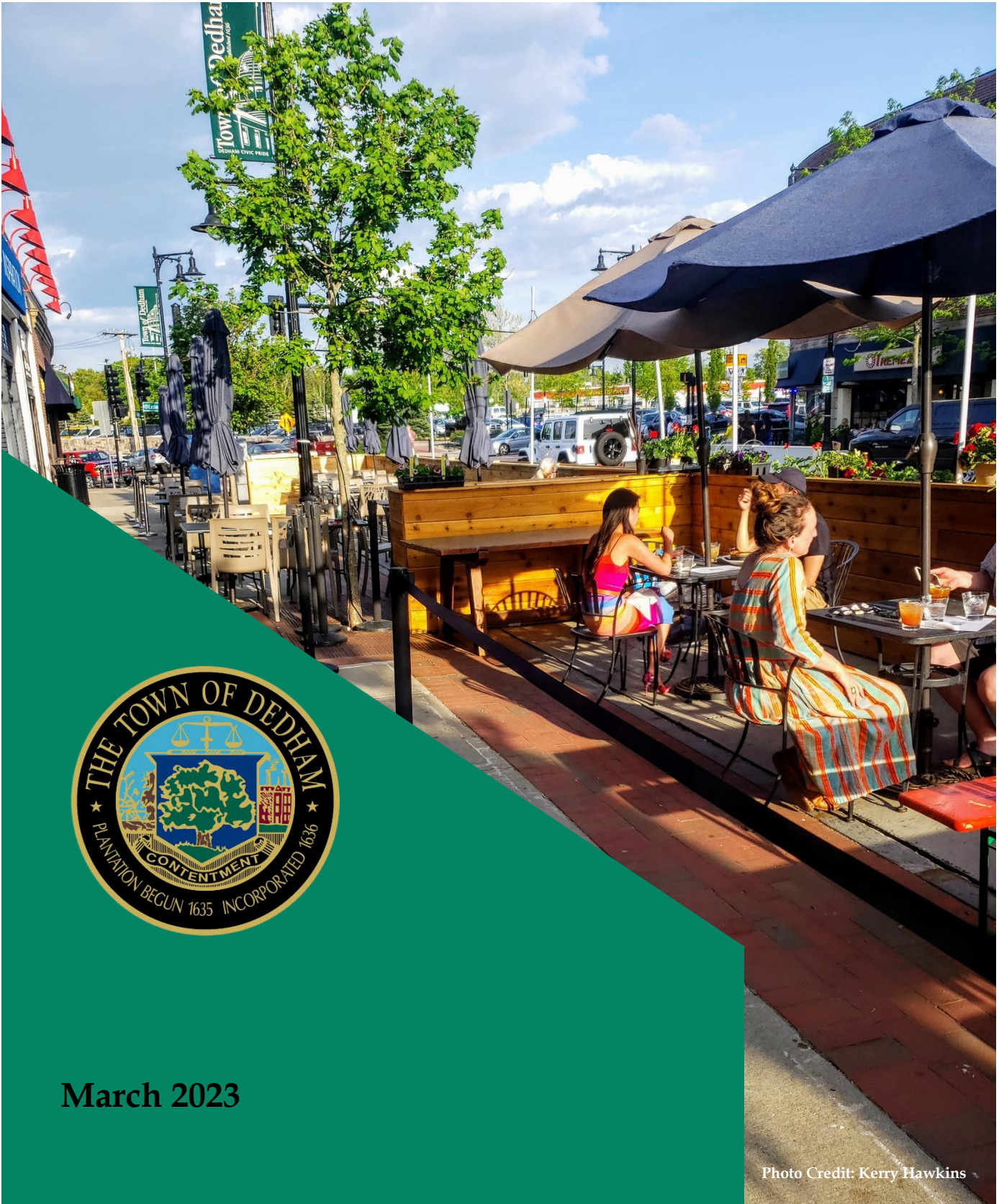


# Town of Dedham Seasonal Outdoor Dining Guidelines



March 2023

Photo Credit: Kerry Hawkins



# Table of Contents

- I. Outdoor Dining Application Checklist ..... 3
- II. General License Requirements ..... 4
- III. Location and Permissions..... 6
- IV. Liability ..... 7
- V. Fees ..... 7
- VI. Site Plan..... 8
- VII. Design & Safety Guidelines ..... 9
- VIII. Appendix..... 12

# I. Outdoor Dining Application Checklist

Applicants for an April 1, 2023 (weather permitting) through November 15, 2023, seasonal Outdoor Dining License may use this checklist to guide their application process. However, applicants are responsible for following all regulations in the following sections. An Outdoor Dining License is required for the use of public property for outdoor dining purposes. An Outdoor Dining License is also required for an expansion of outdoor dining on private property. Please read this document thoroughly to ensure eligibility and compliance with all requirements.

**A successful application packet for Outdoor Dining will contain all of the following:**

- Approval from the Building Department that the space is safe and appropriate for outdoor dining use (See Section III).
  - Dining space that is on the public way (sidewalk or parking space) must be adjacent to the business.
  - Authorization letter from property owner (if restaurant is a tenant space).
- Proof of all applicable food and beverage and alcohol licenses (See Section II):
  - Common Victualler License from the Dedham Select Board.
  - Liquor License from the Massachusetts ABCC and the Dedham Select Board.
  - Food Permit from the Dedham Board of Health.
- A completed Sanitation Plan from the Dedham Board of Health (See Section II).
- Proof of liability insurance equal to \$1,000,000 per occurrence/\$2,000,000 aggregate. For dining on the public way, have the Town of Dedham included as Additional Insured. (See Section IV).
- A site plan of the proposed outdoor dining area (See Section VI).
  - The design must comply with the Massachusetts Architectural Access Board's accessibility requirements (See Section VII).
- Acknowledgement that the Licensee will abide by all Board of Health, Building Department, and Fire Department regulations, including:
  - No food preparation, smoking, or animals (other than service animals for persons with disabilities) on the public way (See Section II).
  - Heaters must have a permit and inspection (See Section VII).

**Applicants must pay an application fee of \$150, and approved licensees must pay an additional fee of \$1.50 per square foot of public property used (See Section V).**

## II. General License Requirements

The Licensee must abide by all town, state, and federal guidelines, advisories, orders, laws, and regulations as they may be issued or amended. **Any single-season outdoor dining approval on Town of Dedham property granted by the Select Board may be rescinded by the Board at any time, with all efforts made to provide advance notice.**

1. Food and/or alcoholic beverages cannot be served outside of the licensed premise, even on a temporary basis, without a Common Victualler License from the Dedham Select Board, a Liquor License from the Massachusetts Alcoholic Beverages Control Commission (ABCC) and Dedham Select Board, and a Food Permit from the Dedham Board of Health. If approved for the requested seasonal extension, the licenses and permits must be posted conspicuously inside the licensed premises.
2. The use of the public way for these purposes is a privilege and must be shared by businesses, residents, visitors, and special events. The Town may ask the licensee to remove their outdoor dining space at any time, with all efforts to provide advance notice.
3. The outdoor dining area must be contiguous with the licensed premises with a clear view of the area from inside the premises.
4. The **closing hour** of the 2023 Outdoor Dining Season is:
  - 10:00 p.m. Sunday through Thursday
  - 11:00 p.m. Friday and Saturday
  - No alcoholic beverage orders may be taken within fifteen minutes prior to the hour stated on the license for cessation of liquor service. All beverage containers must be cleared within 30 minutes of the closing hour, and no one other than the licensee, manager, and/or employees may be in the license premises 45 minutes after the closing hour.
5. Entertainment is not permissible on public property including live music, television, or other forms of live or non-live entertainment. Background music is allowed at a decibel level that will not disturb neighboring businesses or residents. If the Town receives noise complaints, permission for music will be rescinded.
6. The Outdoor Dining area must be clearly identified and shall not allow access from the street.
7. Outdoor dining may be temporarily suspended during bad weather such as high winds, thunderstorms, or snow. The Town of Dedham will notify licensees and



notice will be posted on the Town website. Licensees shall secure and anchor all equipment or bring it inside the restaurant.

8. If an approved licensee removes their seasonal dining prior to the end date of the program, the licensee shall notify the Town Manager's office.
9. Food preparation or cooking is not permitted on the public way (sidewalk or on-street). It may be permitted on private property, with the appropriate permits and approval by the Board of Health.
10. Smoking, including the use of e-cigarettes, is prohibited on all outdoor dining patios, per the Dedham Board of Health Regulation Affecting Smoking and the Sale and Distribution of Tobacco and Nicotine Delivery Products in Dedham.
11. The Massachusetts Department of Public Health prohibits animals in restaurants. Outdoor dining areas are an extension of restaurants and therefore animals are also prohibited in these areas. However, service animals in compliance with ADA and under the control of a customer or employee are allowed in restaurants, including outdoor dining areas.
12. All spaces within and surrounding an outdoor dining area must be maintained in a clean, neat, and sanitary condition. Food establishments applying for an outdoor dining license must submit a Sanitation Plan that includes the following information to the Health Department:
  - Daily cleaning protocol for outdoor dining area and dumpster area. This protocol must include daily sweeping and removing of food debris from the outdoor dining area.
  - Pest prevention and trash management plan.
13. Any applicant attempting to seek a waiver from the established regulatory controls via an outside authority would be ineligible to seek Outdoor Dining approval. A request for increased dining capacity is not currently allowed, however may be considered in the future.

### III. Location and Permissions

Outdoor dining applications will be approved if the business has adequate, appropriate, and proximate space to comply with the full policy requirements. The outdoor dining location can only use the restaurant’s own frontage and must have adequate space to comply with the accessibility requirements.

1. Applicants for outdoor dining on Town of Dedham property in front of the licensed premises must submit proof of consent by the respective property owner, landlord, or building manager acknowledging the applicant will occupy the requested space.
2. Please note, the Town of Dedham will review these approvals for any existing “Use of Premise” permits issued as these spaces may already be permitted for other uses.

#### Use of On-Street Public Parking Space

The public way will not be approved for use if there is a bus stop, crosswalk, handicapped parking spaces, or a fire hydrant in the space. The Town will consider parking demand and safety when evaluating a request for outdoor dining in a parking space. Outdoor dining spaces must provide unobstructed visibility for pedestrians, cyclists, and drivers when using parking spaces.

Applicants may apply for the use of one or multiple parking spaces if the space is aligned with the frontage of the licensed business.



## IV. Liability

Restaurants with privately owned outdoor seating on public property must purchase General Liability insurance in the amount of \$1,000,000 per occurrence/\$2,000,000 aggregate with the Town of Dedham listed as an additionally insured party. General Liability coverage must be maintained on an Occurrence basis. The policy shall be Primary and Non-Contributory with respect to any other insurance available to Additional Insured(s). A Waiver of Subrogation shall be provided in favor of Town of Dedham.

This insurance requirement for outdoor dining does not replace any pre-existing insurance requirements for restaurants. The Town of Dedham assumes no responsibility, financial or otherwise, for rentals or purchases made for seasonal outdoor dining.



## V. Fees

The fee for the outdoor dining application is designed to make the program cost-neutral for the town. Fees are calculated based on the Town's cost to administer the program, including the cost of installing physical barriers for dining areas, rodent control, and license administration. All applicants must pay a \$150 application fee. For outdoor dining on the public way, approved licensees must pay \$1.50/square foot of public property utilized. For businesses outside of Dedham Square, the fee will be adjusted, and these businesses must cover the cost of the Sanitation Plan requirements.

## VI. Site Plan

### Site Plan Submission

Applicants for outdoor dining must submit a site plan of the proposed temporary extension area. While these sketches are not required to be done by an engineer or other design professional, **Licensees should keep in mind that the clarity, accuracy, and completeness of these site plans will have a direct correlation to review timeline.** Complete and accurate information will help streamline the Town's review.

**The site plan should generally conform to the below guidelines (See Appendix for examples):**

1. May be computer-generated or hand-drawn (must be clear and accurate)
2. Should include the approximate locations of all of the following (as applicable): Building facades, Buildings entrances (doors), Limits of the subject restaurant's building frontage, Building fire standpipe connections, Curb-lines, Street trees (including the edges of tree pits), Hydrants, Street lights, Utility poles, Parking meters, parking restrictions and other signs, Drainage structures (e.g. catch basins), and Utility covers (e.g. manholes, handholes, vaults, etc.)
3. Show the desired seating area in relation to all those features noted above, including the desired location of any portable ADA accessible ramps (if the seating area is to be within the parking lane)
4. The following dimensions should be included (in feet):
  - Length and width and total square footage of the proposed seating area. This should include the barriers.
  - Width of the sidewalk open to the public way. There should be no items in this path (ex. Host stands, service carts, hydrants, parking meters, poles, etc.)
  - Should show or note any surface covering (e.g. decking) that is desired.
5. Plan should contain diagrams showing how any fencing will be assembled, secured, in addition to the type of materials that will be used.
6. All outdoor dining areas in which alcohol is served shall be enclosed by a fence, rope, or other temporary barrier to distinguish and/or prevent access from the public sidewalk.
7. At least one (and up to 3) recent site photograph is required. This may also help streamline review.
8. Upon approval, the location of barriers may not be modified from the approved design without an additional request and approval. **Any unapproved modifications may result in the revocation of the outdoor dining extension.**



## VII. Design & Safety Guidelines

### Accessibility Requirements

Outdoor dining must comply with all requirements of the Americans with Disabilities Act (ADA) and the Massachusetts Architectural Access Board (MAAB). MAAB's regulations are codified in Section 521 of the Code of Massachusetts Regulations (521 CMR) to create access to public buildings and facilities for persons with disabilities. These requirements apply to all restaurants, cafeterias, lounges, bars, and other places where food or beverages are served. MAAB requires that businesses provide an accessible route for diners and pedestrians and provide accessible tables and seating.

### Accessible Route

The Massachusetts Architectural Access Board (MAAB) defines spacing requirements for an accessible route that coincides with the route for the general public. Requirements include a minimum width of 36" and a minimum clearance for wheelchairs turning around obstacles. No objects or obstacles may protrude into the accessible route or maneuvering space (See CMR 521 for measurements and drawings). The accessible route must also be a means of egress for exit in an emergency to an accessible area of rescue assistance.


Walkways should be made of a stable and firm continuous material without steps or changes in the level more than ¼ inch. Changes in level greater than this standard must have a curb cut, walkway, ramp, elevator or platform. A minimum 4 ft. clearance must be maintained for pedestrians on clear width on the public sidewalk.

### Accessible Tables and Seating

At least 5% of seating (at minimum one table) must meet accessibility requirements and be on the accessible route. Accessible seating must be of differing sizes and locations throughout the seating area. For example, you cannot have all high-top tables in the new seating section you've just set up in a parking space. Accessible tables should have seating that is movable to accommodate wheelchairs or other mobility devices. Tables should have knee clearance of at least 27" height, 30" width, and 19" depth for patrons in wheelchairs. Examples of accessible tables include standard height tables with knee

### **MAAB Guidelines**

Code of Massachusetts Regulation Section 521 outlines the minimum requirements for an accessible route, curb cuts, walkways, parking and passenger loading zones, ramps, entrances, doors and doorways, stairs, elevators, floor surfaces, public toilet rooms, tables and seating, and more. Please reference CMR 521 for more information including measurements and drawings.



clearance underneath, picnic tables with at least one removable bench, and picnic tables with an elongated top that creates space for a wheelchair to sit under.

## Safety Requirements

### Barriers-

- For dining in the public way, concrete jersey barriers will be provided, installed, removed, and stored by the Department of Public Works as part of the Outdoor Dining program administrative fee.
- Barriers will not be installed on the sidewalk side of the on-street dining area.
- Any alteration or modification of the provided concrete barriers, including painting and signage, must be approved as part of the outdoor dining program application.
- Barriers must be maintained with the allotted space and any movement of the barriers should be corrected upon consultation with the Public Works Department.

### Heaters-

- Propane heaters are allowed only once you have (a) secured a permit from the Dedham Fire Department and (b) passed an inspection with the Building Department.
- All temporary heaters must be reviewed by the Building Department.
- Electric heaters that are hardwired require an electrical permit from the Building Department.
- Generators are not permitted on the public way.

### Lighting

- Any provided outdoor dining lighting shall be focused on the tables and not cause glare direct glare or other visual obstruction to pedestrians or vehicle drivers along the street and public walkway.
- The height and type of luminaires should be specified on site plans.
- Lighting fixtures must be decorative and complement the architectural character of the building and area.

### Maintenance

- Licensees are responsible for daily maintenance and cleaning of the area inside and outside the outdoor dining areas. The area must be kept clean of trash, food, and other debris.
- Rodent control will be provided by the Town as part of the Outdoor Dining License fee.

### Platforms

- Applicants are required to meet MAAB requirements for accessible seating. If a platform is necessary, it is the responsibility of the applicant to procure, maintain, and store the platform.

### Screening & Fencing

- Licensees may add additional screening and fencing features to their outdoor dining space, as long they are placed behind concrete jersey barriers.
- Any screening or fencing structures must be no more than 42 inches in height, not including decorations such as flowerboxes/ plantings/ etc.
- In the case of planters, the planter itself shall not exceed 42 inches in height. Any planting (live or artificial) height shall not exceed six (6) feet in height measured from the ground level.

### Signage

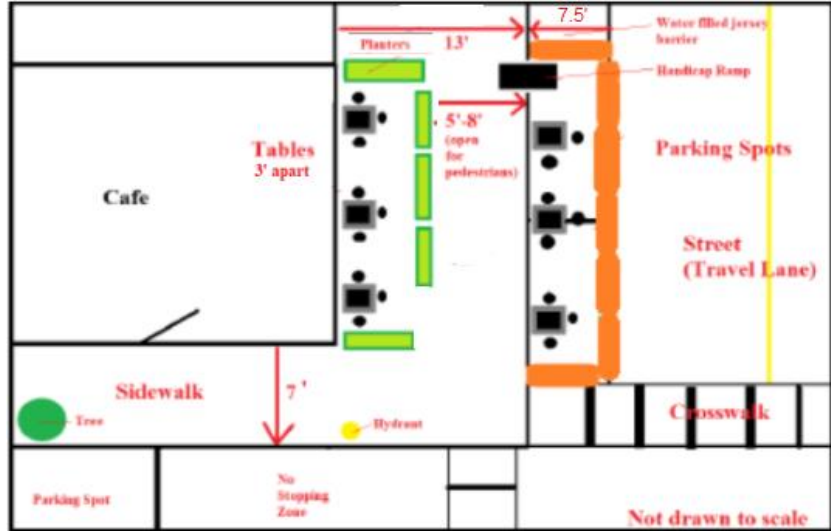
- No advertising of any kind is allowed in outdoor dining spaces, including but not limited to barriers, platforms, tables, chairs, and umbrellas.
- The right to use outdoor dining areas does not necessarily include expanded sign area, number, or height in such areas.

### Tents & Umbrellas

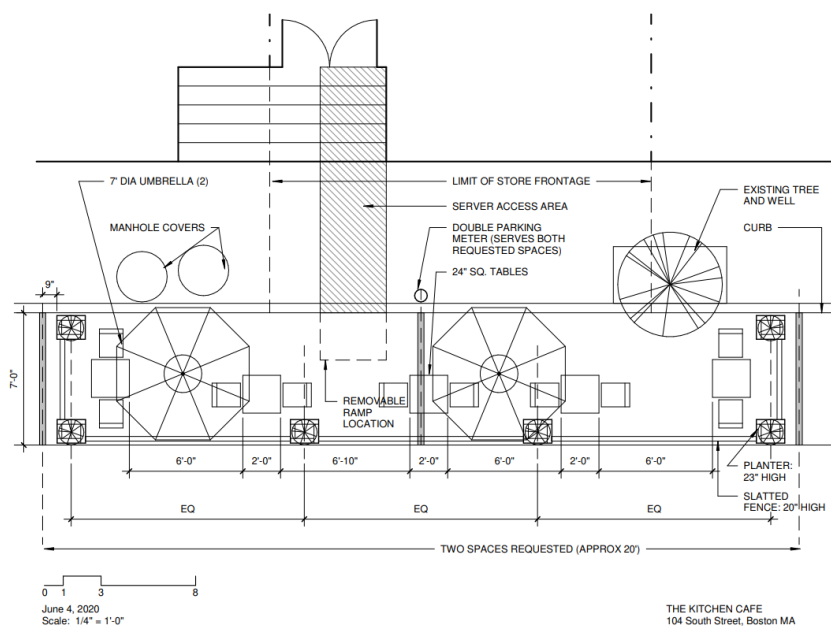
- Tents and canopies are not permitted on the public way, including streets and sidewalks. No exceptions will be made.
- Umbrellas are allowed on the public way only if they are secured and brought inside when not in operation.
- Umbrellas are not permitted to project over boundaries of approved outdoor dining areas and should not obstruct sightlines for vehicles or pedestrians.

# VIII. Appendix

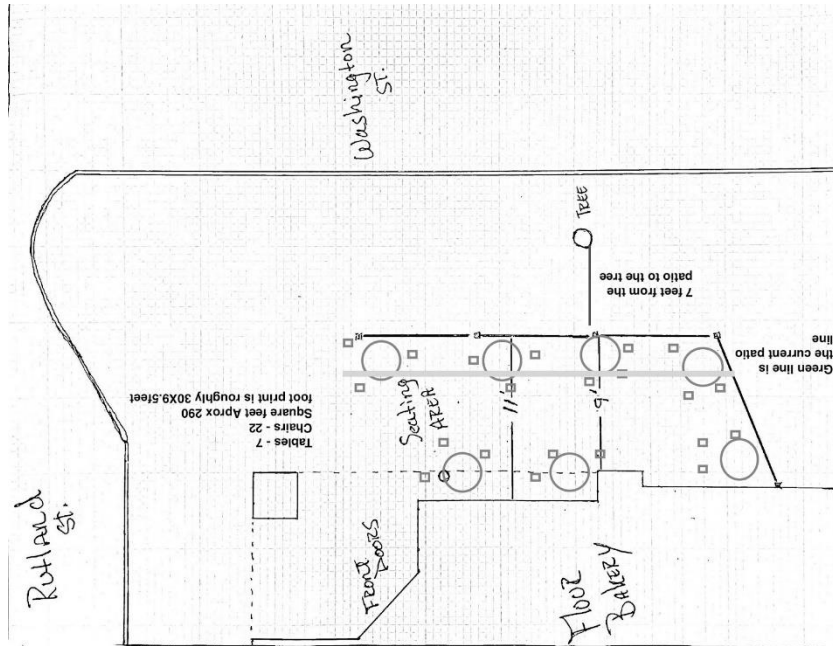
## Example Site Plan A: Parking Lane + Sidewalk



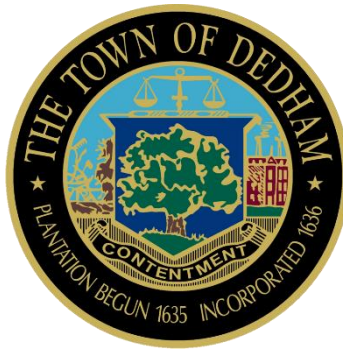
## Example Site Plan B: Parking Lane



# Example Site Plan C: Sidewalk



# Town of Dedham Seasonal Outdoor Dining Guidelines



Department	Contact	Email	Phone Number
Town Manager's Office	Nancy Baker	<a href="mailto:nbaker@dedham-ma.gov">nbaker@dedham-ma.gov</a>	781-751-9100
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Health Department	Kylee Sullivan	<a href="mailto:ksullivan@dedham-ma.gov">ksullivan@dedham-ma.gov</a>	781-751-9220
Department of Public Works	Joe Flanagan	<a href="mailto:jflanagan@dedham-ma.gov">jflanagan@dedham-ma.gov</a>	781-751-9377
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