



## TOWN OF BURLINGTON, MA

*Office of the Board of Selectmen and Town Administrator*

### **Guidelines & Requirements**

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# Temporary Extension of Premises: Outdoor Dining Area on Private Property or Parking Lot

## GUIDELINES & REQUIREMENTS

Accepted by BOS on 6.22.2020

The Town of Burlington would like to assist businesses in increasing activity and revenues during the COVID-19 pandemic.

Before the private parking lot or 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.

**This approval process is only available to those restaurants which 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 Burlington bylaws, rules, regulations.**

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 Melisa Tintocalis, Economic Development Director, [mtintocalis@burlington.org](mailto:mtintocalis@burlington.org) or 781-505-1186.

## REQUIRED DOCUMENTS

- I. **Basic Information** – fill out the attached form/online application and include it with your submittal.
- II. **Plan** – submit a drawing showing the sidewalk, parking lot, or other area you would like to use for outdoor dining that includes the following information:
  - a. Dimensions of the proposed space. Include the total number of spaces and handicap spaces.
  - b. Layout of tables and chairs. (Tables must be 6' apart to facilitate social distancing)
  - c. Dimensions of tables, planters, or fencing/barriers.
  - d. Photo or description of barriers to be used to protect diners from vehicles and their locations. Restaurants must provide protective barriers around any new outdoor seating, if the seating is within a parking lot or roadway; and should consider providing protective barriers around new outdoor seating if adjacent of a parking lot or roadway

- e. Location of tent, temporary storage, etc. if applicable. (Tents installed for longer than four days, need to apply for a Building Permit here: <https://burlingtonma.viewpointcloud.com/>)

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***

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:

- Food and Alcoholic beverages may not be served outside of a licensed establishment unless and until an application to extend the licensed premises has been approved or the area has been approved according to the Governor's order on June 7<sup>th</sup>.
- Outdoor areas, where alcohol is served to patrons who are seated at the tables, must also provide food.
- Music and television noise is required to be kept to a minimum in businesses that are within 200 feet of a residential property.
- Restaurants should require reservations whenever possible to reduce the possibility of patrons gathering while waiting for tables.
- Restaurants should put a time limit on dinner tables, a restaurant may choose the limit that works for their clientele. The Town of Burlington recommends 90 minutes.

#### Rights of the Town

The decision to approve or deny said application is at the discretion of the town, which decision is final, with no local appeal, including, but not limited to the following reasons:

1. The application is for a business, which does not have the appropriate licensure for service of food, and where applicable, alcohol, including all requisite licenses/permits, such as: (1) alcohol license for on-premises consumption; (2) food permit; (3) common victualler.
2. The operation of the outdoor dining area cannot, as presented, be in compliance with safety protocols;
3. The outdoor dining area cannot, as presented, facilitate safe passage in accordance with Americans with Disability Act requirements.
4. The Board of Selectmen, Chief of Police, or Board of Health or their designees determine that the operation of the outdoor dining area may negatively impact public health and safety.

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 Board of Selectmen, 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.

**Online Application Link:** <https://burlingtonma.viewpointcloud.com/categories/1081>