

Town of Ipswich
Temporary Extension of Premises: Outdoor Dining Area on Private Property/Parking Lot
GUIDELINES and APPLICATION

This guidance will help you apply for the temporary extension of your business/liquor licensed service area, if you would like to use a private parking lot or land adjacent to your restaurant to allow for outdoor dining to increase business activity and revenues in a safe and responsible way 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 of Ipswich for review. Submit to Leah Niska via email at leahn@ipswichma.gov. Your application will be considered by the following individuals, as appropriate, the Town Manager and the Select Board as Local Licensing Authority (LLA). However, please feel free to reach out to them directly with your questions.

Name	Email Address	Contact for Questions About...
Police Chief Paul Nikas	p2nikas@ipswichpolice.org	Public Safety, public ways, parking
Jim Bone, Building Commissioner	jimb@ipswichma.gov	Code Enforcement
Colleen Fermon, Dir. Public Health	colleenf@ipswichma.gov	Public Health
Rick Clarke, Director DPW	rckc@ipswichma.gov	Parking Areas
Leah Niska, Licensing	leahn@ipswichma.gov	Licensing
For additional information regarding COVID safety and sector-specific guidance for reopening, go to: https://www.mass.gov/info-details/reopening-massachusetts		

REQUIRED DOCUMENTS – Application and supporting permissions if applicable, diagrams, insurance certificate.

- I. **Basic Information/Application**
- II. **Outdoor Dining COVID-19 Safety Protocol Plan**
- III. **Outdoor Dining COVID-19 Safety Protocol Affidavit**
- IV. **Letter of Permission** – If the parking lot/outside space is not owned by the restaurant, submit a letter of permission from the owner indicating permission to use it for outdoor dining.
- V. **Letter(s) of Acknowledgement** - If other businesses and/or residents share the use of the parking lot and attach letter(s) of acknowledgement of this plan from all other users.
- VI. **Diagram/Plan** – Submit a drawing showing the area you would like to use for outdoor dining, include alternative parking plans and ADA compliance.
 - a. Layout and numbers of tables and chairs and expected total guest occupancy.
NOTE: Tables must be positioned to maintain at least a 6-foot distance between patrons at the table and patrons at all other tables and any high foot traffic areas (e.g., routes to bathrooms, entrances, exits); tables may be positioned closer if separated by protective/ non-porous barriers (e.g., structural walls or plexi-glass dividers) not less than 6 feet high installed between tables and high foot traffic areas. Table party size cannot exceed 6 people per table.
 - b. Dimensions of tables.
 - c. Photo or description of barriers to be used to protect guest 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.).
 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 included in this guidance packet.
- VII. **Certificate of Insurance** - Indicating insurance coverage of additional temporary outdoor service area.

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/area 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 City covering the new dining space.

Rights of the Town of Ipswich

The Town of Ipswich 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 Building Inspector, Director of Public Health, DPW, Chief of Police, and/or their designees determine that the operation of the outdoor dining area is negatively impacting public health and safety.

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

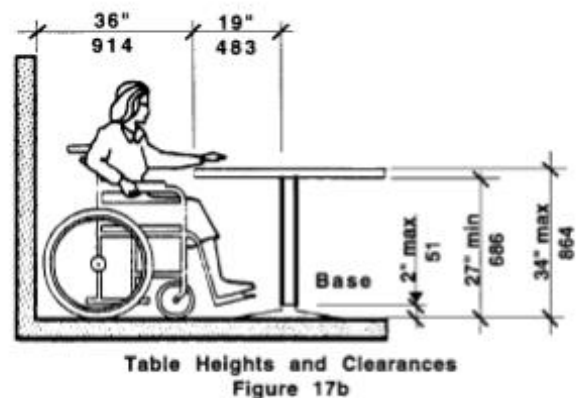
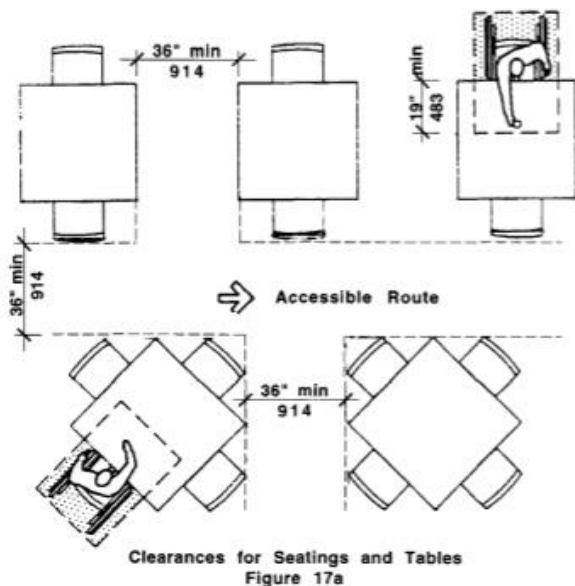
At least 5% but not less than one, of the tables shall be accessible, be on an accessible route, and in compliance with the following:

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.

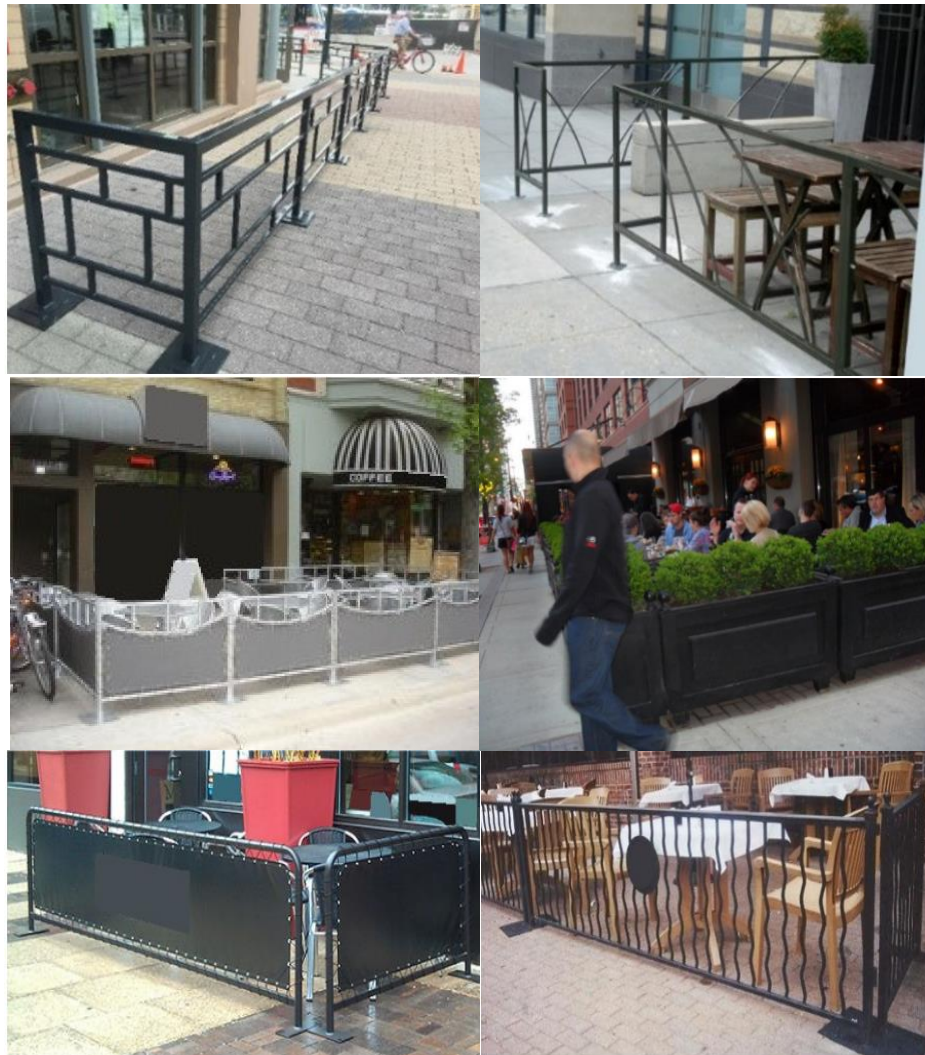


ACCEPTABLE BARRIERS

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 ½" thickness and placed so that it extends less than 6" into the areas around the outdoor dining area.

SAMPLES OF ACCEPTABLE BARRIERS



BASIC INFORMATION/APPLICATION

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. Please describe the area, square footage, location in relation to your building, for which you are applying. _____

8. Who owns the parking lot or area for which you are applying? _____

As referenced above, 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.

9. How many OTHER businesses share the parking lot besides the restaurant? _____

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.

10. How many tables and chairs would you like to put in the outdoor dining area? _____

Table position requirements are stated above.

11. Will you be using tents?

YES

NO

Tents over 400 square feet and canopies over 700 square feet are required to obtain a permit from the local building official and are subject to the requirements of 780 CMR, Massachusetts State Building Code. Tents (with sides) that are 400 square feet or less and tent canopies that are 700 square feet (without sides) or less do not require a building permit. All tents and canopies must be fire resistant and a certificate of fire resistance is required to obtain a permit. An exception to the permit requirement in this section is allowed at locations on state owned properties, but installations must be done in accordance with 780 CMR.

12. 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:
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-

Signature of Owner/Manager

Print Name

Date

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

I, _____ (write name) being the owner or manager of
_____ (name of restaurant) located at
_____ Ipswich, MA, acknowledge and accept the
responsibilities of complying with COVID-19 Restaurant Safety Protocols and all mandatory
workplace safety standards.

Signature of applicant

Date

Print Name

FOR INTERNAL USE

Public Safety

Date

Comments/Conditions of Approval:

Code Enforcement

Date

Comments/Conditions of Approval:

Public Health

Date

Comments/Conditions of Approval:

DPW

Date

Comments/Conditions of Approval:

LLA

Date