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Town Manager

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## Temporary Outdoor Seating During COVID-19

As Massachusetts re-opens the economy, many restaurants will be seeking to temporarily add or expand existing outdoor seating. In an effort to make this process easier for Chelmsford restaurants, the Town has developed the following guidance which includes the minimum requirements from all relevant Town departments. Additionally, the Town has streamlined the process to include only one application form, and any usual Town application and permit fees related to these changes will be waived.

The State of Massachusetts will be publishing guidance and updates throughout the re-opening process ([www.mass.gov](http://www.mass.gov)). All State requirements must be met, as they cannot be waived or reduced by the Town.

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Please carefully review all guidance documents issued by the State as well as the Town requirements listed below. A link to an on-line application form can be found under the "How to Proceed" section below the Town requirements.

### **State Guidance Documents:**

[Governor Baker's COVID-19 Order No. 35](#) (see section 4)

[MA Restaurants COVID-19 Safety Standards](#)

[MA Restaurants COVID 19 Checklist](#)

[ABCC June 1, 2020 Advisory Regarding LLA Approval of Outdoor Seating](#)

[ABCC July 28, 2015 Advisory Regarding Guidelines for Patio and Outdoor Areas](#)

### **Town Requirements:**

**Site plan:** Please submit a site plan showing location of outdoor seating area and any tent(s) relative to buildings and parking, tables and seating, fencing and barriers, hand sanitizing stations, and worker's sanitizing stations. Hand drawn plans are acceptable but all distances must be indicated on plan.

**Permission of Property Owner:** Please provide signed approval of the property owner to add proposed outdoor seating.

**Tents:** If installing a tent, a joint Tent Permit must be obtained from the Building Department and Fire Prevention Department.

- A certificate of flame resistance must be submitted and approved
- All tents must comply with 780 CMR sections 108, 34, 10 and chapter 24 of the International fire code (Tent rental companies should be familiar with codes.)
- Tents must have an approved fire extinguisher on site
- Exit signage and lighting may be required
- Portable heaters must be inspected and approved and carbon monoxide detectors may be required

**Fencing / Barriers:** All outdoor eating areas must be encompassed by fencing/barriers. Areas in parking lots must have barriers that can resist the impact of a motor vehicle. Must provide description of all fencing/barriers.

**Signage:** Non-illuminated signs may be attached to tent or fencing / barriers.

**Clear Access:** Fire lanes, exits, hydrants, fire department connections, and other features of fire protection must be kept clear.

**ADA Compliance:** All areas shall comply with ADA. Any seating located on a public sidewalk or walkway must maintain 5 feet of clear access. Pedestrian access to and from tents or seating areas must have clearly designated access ways.

**Occupant Load:** Occupancy of outdoor seating areas cannot exceed COVID-19 mandatory standards set by the State and any subsequent adjustments, not to exceed 2/3 of the total of existing space.

**Overhead Cover:** All areas where food will be present must be under cover (tent, umbrella, building overhang etc.) Food traveling between covered areas must be covered.

**Tables and Chairs:** No tablecloths may be used and tables must be washable. Please submit photo of proposed tables and chairs.

**Hand Sanitizing Stations:** Hand sanitizing stations shall be at all entrances/exits and periodically maintained and stocked.

**Workers' Sanitizing Station:** A workers' sanitizing station (containing all of the elements of the currently required indoor station) with the addition of disposable gloves and masks must be present in the outdoor seating area.

**Trash Barrels:** Covered trash barrels are required in outdoor seating area.

**Alcohol Monitoring:** Restaurants serving alcohol must properly monitor all entrance and exit points. There must be a clear view of the outdoor seating area from inside the premises, or, alternatively, management personnel must be dedicated to the area.

**Insurance:** If seating is in the public way, a certificate of liability insurance naming the Town of Chelmsford as an additional insured is required.

**Hours of Operation:** All temporary outdoor seating areas must be closed by 10:00 PM unless later hours are approved in advance by the Board of Selectmen.

**Entertainment:** No live entertainment will be allowed in temporary seating areas unless approved by the Board of Selectmen.

**Inspection:** All temporary outdoor seating spaces shall be inspected by the Town's outdoor inspection team prior to occupancy.

**Duration:** Approvals for temporary outdoor seating areas and related tent permits will expire on November 1, 2020 or the date State [COVID-19 Order No. 35](#) is rescinded. (whichever is sooner)

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## HOW TO PROCEED

**Apply On-Line:** After carefully reviewing all relevant guidance, please click here to apply on-line for temporary outdoor seating.

<http://www.chelmsfordma.gov/FormCenter/ItemAdminPreview/?formID=141>

**Receive Initial Approval:** Once your online application has been approved, you will be notified that you may begin installation of the proposed outdoor seating area in accordance with the approved or amended application materials.

**Inspection:** Once installation is complete, contact Kristina Bruce ( 978-250-5289, [kbruce@chelmsfordma.gov](mailto:kbruce@chelmsfordma.gov) ) to request inspection.

**Final Approval and Occupancy:** Upon successful inspection(s), a certificate of occupancy will be issued for the new area, and an amended Common Victualer or Alcohol License will be issued.

**Please contact the Town with any questions.**

Building Department: Shaun Shanahan  
(978) 770-1056  
[sshanahan@chelmsfordma.gov](mailto:sshanahan@chelmsfordma.gov)

Health Department: Mark Masiello  
(978) 250-5200 ext.3330  
[mmasiello@chelmsfordma.gov](mailto:mmasiello@chelmsfordma.gov)  
or  
Michelle Grant  
(978) 250-5200 ext.3325  
[mgrant@chelmsfordma.gov](mailto:mgrant@chelmsfordma.gov)

Fire Prevention Office: (978) 251-4288  
[fireprevention@chelmsfordma.gov](mailto:fireprevention@chelmsfordma.gov)

Police Department: Chief James Spinney  
(978) 250-5255

Community Development: Evan Belansky  
(978) 250-5231  
[ebelansky@chelmsfordma.gov](mailto:ebelansky@chelmsfordma.gov)

Town Manager /  
Board of Selectmen Office: Kristina Bruce  
(978) 250-5289  
[kbruce@chelmsfordma.gov](mailto:kbruce@chelmsfordma.gov)