

NEEDHAM PLANNING BOARD
TEMPORARY OUTDOOR SEATING /OUTDOOR DISPLAY POLICY

Enacted May 20, 2020,
revised August 11, 2020, October 6, 2020, November 4, 2020,
June 1, 2021, October 19, 2021, May 3, 2022 and April 4, 2023

Section 1 - Purpose and Scope

The COVID-19 pandemic has caused not only a public health crisis; it has also triggered a worldwide economic crisis. Public health requirements for social distancing have placed new burdens and challenges on the business community to provide more physical space between customers and staff. In an effort to respond to the new social distancing requirements, the Select Board has adopted a temporary outdoor seating policy that will allow the Town to create outdoor dining spaces on public open spaces, sidewalks, parking lots and on-street parking spaces, to create outdoor dining space opportunities for the open air consumption of takeout food and beverages from local restaurants. Initial implementation is planned for the Town Common, Needham Heights Common, and Eaton Square. This policy will be in effect through April 1, 2024 or such later date as may be approved by the Massachusetts legislature.

In an effort to further facilitate the re-opening of Needham businesses and recognizing the impacts of COVID-19, the Planning Board has approved this policy to allow additional temporary outdoor seating for restaurants and additional temporary outdoor display space for retail businesses with stand-alone entrances and exits. Restaurants may utilize available outdoor space for seating in addition to any existing approved interior restaurant seating and retail establishments may utilize outdoor space for display and sales in addition to interior store space. The enforcement of outdoor display requirements or prohibitions, take-out service requirements or prohibitions, outdoor seating limitations, and minimum parking standards as contained within any special permit applicable to the restaurant or retail establishment is hereby suspended to enable the above-described activities subject to the following guidelines. This policy will be in effect through April 1, 2024 or such later date as may be approved by the Massachusetts legislature.

Section 2 – Guidelines

All temporary outdoor seating areas and display areas must adhere to the following:

- A. Must comply with provisions of Executive Orders issued by the Governor to State, County, and Town entities, and the Centers for Disease Control and Prevention (CDC) guidelines for social distancing.
- B. Must comply with all Massachusetts and Town of Needham Health Department requirements.
- C. Must comply with all applicable Fire Department regulations and must not impede Police or Fire access.

- D. Must comply with the Massachusetts Division of Alcoholic Beverages & Tobacco consumption on premises requirements.
- E. Must not negatively impact ingress/egress to the building or property; safe ingress and egress shall be provided to the property and building, including emergency access measures at all times.
- F. Must have received the written approval of the Town Manager's office and the Needham Health Department having demonstrated compliance with applicable health and safety regulations. Some parking, including handicapped parking if required, remains available for the restaurant and adjacent businesses (if applicable).
- G. If located within a parking area, a temporary physical barrier must be placed separating the outdoor seating area or display area from the remaining parking.
- H. All tables in temporary outdoor seating areas and display areas shall be located a safe distance from drive aisles, usable parking, and so as to maintain proper distancing from usable parking.
- I. All temporary outdoor seating areas on property owned or leased by a restaurant and temporary retail display and/or sale areas on property owned or leased by a retail establishment, and all such seating areas and display/sale areas on other private or public property licensed to the restaurant or retail establishment for such purposes, and adjacent open areas and/or parking lots, must be maintained clean of litter.
- J. If a restaurant is not the property owner or lessee of the areas intended to be used for the temporary additional outdoor seating area or if the retail establishment is not the owner or lessee of the areas intended to be used for the temporary retail display and/or sale area, then written permission from the property owner must be obtained prior to approval and installation.
- K. If the outdoor seating area or retail display area is to be located upon property of the Town of Needham (e.g. sidewalks, on-street parking spaces, public parking areas adjacent to the restaurant or retail establishment), the use of such area must have received the written approval of the Town Manager's office.

Section 3 – Amendments

This policy may be amended by a majority vote of the members of the Planning Board.

Section 4 – Effective Date

This policy was first adopted at a regular meeting of the Planning Board on May 20, 2020 and became effective as of that date. It was revised to extend the effective date at the Planning Board meeting of August 11, 2020, and again October 6, 2020, November 4, 2020, June 1, 2021, October 19, 2021, May 3, 2022 and April 4, 2023 and currently is extended through April 1, 2024 or such later date as may be approved by the Massachusetts legislature.