

Memo

To: Board of Health
CC: Board of Selectmen; Building Department; Fire Department
From: Planning Board
Date: 7.2.2020
Re: Outdoor Seating Policy

The purpose of this memo is to request a joint Boards meeting with the Board of Health and other Departments as necessary, regarding a collaborative effort within the Town of Stow to ensure local consistency in permitting restaurants to take advantage of outdoor dining during the COVID-19 epidemic. Despite the recent order from the Governor allowing for increased dine-in options, it is likely that outdoor dining will continue to be a preference for patrons this season and beyond.

Pending an affirmative vote at the July 11th Town Meeting, outdoor seating will be allowed in Stow via Special Permit from the Planning Board. While outdoor dining may be allowed under zoning, the act of modifying Special Permits to permit temporary or permanent service takes time that many businesses do not currently have. Further, given the patchwork of regulations that restaurants face regarding offering food service outdoors, the Planning Board is concerned that restaurant owners may make decisions that could put patrons at risk, unknowingly run afoul of Town bylaws, and/or misinterpret the process for formalizing a new service.

Even with an affirmative vote at Town Meeting, the Planning Board cannot provide consistency of process or ensure safety of restaurant patrons through its action alone. Other temporary policies or processes are necessary. Without further action, the only relief the Board can provide is to ignore the Zoning Bylaw.

Planning staff have reviewed processes in other communities to model effective procedures. Cities and towns, including Norwood, Maynard, Beverly, New Bedford and Dennis share some similarities and differences, but each has attempted to streamline the permitting process while ensuring a safe environment for patrons. Below are primary actions communities have taken:

- Creation of Applications for licensing temporary outdoor food service, reviewed by multiple Departments. Applications typically require a sketch of the seating plan, location of the seating, plans for complying with social distancing requirements and accessibility, details on any proposed borders, fencing or lights.
- Public Health orders from the Board of Health suspending compliance with certain aspects of the zoning code;
- Guidance documents describing the procedure for submitting an application, including the expected time frame and the relevant departments that will review;
- Liability forms and language regarding rights of the municipality

The Planning Board encourages interested and relevant Departments to begin discussions with Planning staff to determine whether a policy or procedure could be enacted. The Board is more than happy to schedule a joint-boards meeting with the Board of Health and any other Department to help align on next steps.