



TOWN OF ARLINGTON

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DEPARTMENT OF PLANNING &
COMMUNITY DEVELOPMENT

M E M O R A N D U M

To: Adam Chapdelaine, Town Manager
From: Jennifer Raitt, Director of Planning & Community Development
Ali Carter, Economic Development Coordinator
Date: September 9, 2020
Re: Arlington Economic Development Recovery Task Force Update

Since May of this year, the Arlington Economic Development Recovery Task Force (Task Force) has held 13 meetings, convened six focus groups, formed four industry-specific working groups, conducted one consumer survey, created processes for temporary outdoor dining, temporary outdoor fitness and arts classes and exhibitions in Town parks, and more. Through the Task Force at large and the four working groups, there are several projects and initiatives in the works. Below is a summary of the projects broken down by each working group to which they are assigned.

1. **Marketing Working Group:** The Marketing Working Group has created a campaign called Shop Arlington First. Inspired by the program of the same name run by the Arlington Chamber of Commerce since 2014, the goal of the campaign is to promote Arlington's businesses, educate the public about the local economic ecosystem, and to encourage residents whenever possible to shop at Arlington businesses *first* before going to a business in another town, a national chain, or online retailers. The campaign consists of many elements, including a direct mail and opt-in text marketing campaign funded by Leader Bank and a signage and banner program funded by the Arlington Tourism and Economic Development Committee (ATED). Through the Arlington Chamber of Commerce, fundraising efforts are still underway for a digital marketing campaign targeted to the 25-45 year old demographic which shops online most frequently. To supplement the work of the Marketing Working Group, the Department of Planning and Community Development (DPCD) has applied for a MassDOT Shared Streets Program grant to fund a public parklet program. Below is a sample graphic from the Shop Arlington First campaign, which is designed to show the many different ways people can safely shop in Arlington's businesses.



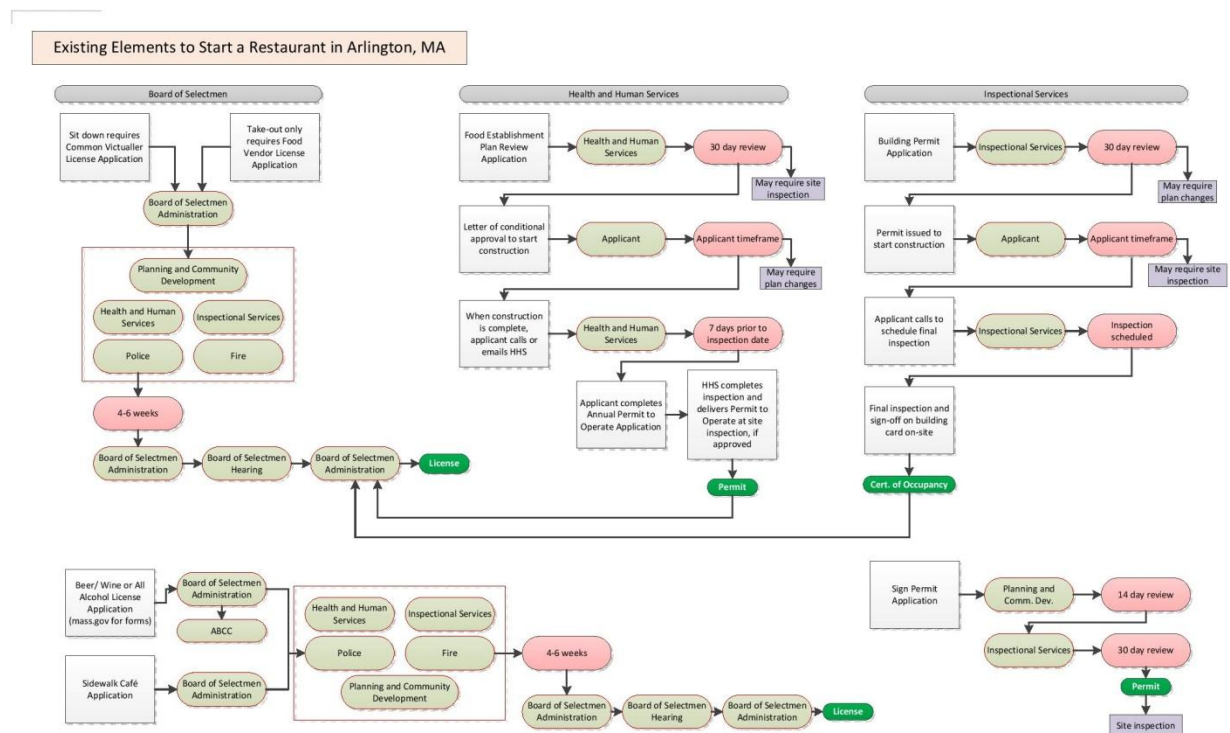
And here is the design scheme for a public parklet in Arlington Heights.



2. **Application Modernization Working Group:** The Application Modernization Working Group is tasked with streamlining application processing across the many boards, committees and departments in the Town's administration. To this end, the Department of Planning and Community Development is making a capital request to purchase online permitting software.

In 2018, in response to one of the Select Board's goals, staff in the Information Technology (IT) and DPCD inventoried and [digitally saved](#) 112 application documents from 11 departments. During the COVID-19 pandemic and economic crisis, it is critical to stress the need for staff across multiple departments to share a single, digital interface to optimize the customer service experience as well as administrative workflow. Our current situation presents the necessity of investing in human and digital resources for the present and future of the Town's success with business attraction, retention, and customer service for constituents who access our administration for permissions and services. Enhancing organizational efficiencies will save time, money, and improve the customer service experience for all involved.

Below is an image of the existing workflow for opening a restaurant in Arlington, MA.



3. **Performance Working Group:** The Performance Working Group is focused on supporting the artist community and the local theaters that showcase them and serve as anchors in two of the town's three business districts. The COVID-19 pandemic has had a devastating impact on the performing arts sector, with many performing artists being out of work since March and the theater capacity being limited to 25 including staff by state guidelines, effectively precluding them from operating. With theaters and performing arts venues to be among the last businesses to reopen, their survival is in extreme danger. Members of this group have been

exploring the viability of organizing performances and small events in town and that work will continue throughout the fall and winter of 2020-21.

4. **Retailers Working Group:** Retailers have been vulnerable to closure as online retail continues to gain a greater share of the consumer market year after year. These global economic trends are difficult to buck on the local level, but Arlington's retailers have enjoyed great success and prosperity over the years until the COVID-19 pandemic, which accelerated the advance of online shopping gaining a greater share of the market. Between the capacity restrictions and quarantining requirements for tried-on clothing in the State's Reopening Guidelines along with plummeting consumer spending, retailers are in an extremely fragile state. Retailers in this working group have indicated a desire for pro bono tech support in launching and managing e-commerce platforms. They have also asked for technical assistance in learning new promotional techniques such as live commerce, either as one-on-one technical assistance or in a webinar series. In addition, a coordinated delivery service is being explored as is the use of Variable Messaging Boards being placed in town to encourage drivers on Mass Ave to shop locally.

Next steps: The Task Force discussed taking action to accommodate seasonal business activity during the colder weather months is making the following preliminary recommendations:

1. Extension of opportunities for seasonal outdoor dining and shopping beyond November 1, 2020 to the period of the State of Emergency in the Commonwealth. Alcohol service regulations are subject to the extension of [Executive Order 35](#) related to restaurant outdoor seating. The attached revisions to the Temporary Outdoor Dining License (TODL) regulations reflect our suggestions for how the Town can manage outdoor dining.
2. Allowance for outdoor heaters to be used subject to the approval of the Arlington Fire Department. Please also refer to attached revisions to the TODL regulations.
3. Extension of Temporary Outdoor Fitness and Arts Permit program on Arlington Park and Recreation properties.

TOWN OF ARLINGTON TEMPORARY OUTDOOR DINING RULES AND REGULATIONS

Monday June 1, 2020

Revised September 14, 2020

ARTICLE I - GENERAL

Section 1 - Purpose and Scope

The 2020 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 Department of Planning and Community Development is recommending temporary outdoor dining regulations that will allow local restaurants to establish outdoor seating on sidewalks, parking lots, on street parking spaces, or landscaped yard areas around their restaurants to provide more space for seating their patrons and picking up To-Go orders. These regulations will be in effect until further notice following review of the Select Board.

Outdoor dining areas of appropriate design, configuration and appearance can be an attractive amenity throughout the warmer months of the year. Temporary Outdoor Dining License ("TODL") applications will be reviewed by Town staff for compliance with these guidelines and will be forwarded to the Select Board office for administrative approval. TODL License are intended to be compatible with regular outdoor dining and seating licenses. TODL Licenses, like regular licenses must be reapplied for annually so as to assure that they remain in compliance with terms of the original approval and are adequately maintained from year-to-year, but may be terminated at any time the Select Board determines the purpose of temporary outdoor seating is no longer served by such licenses.

Section 2 - Design and Appearance

Outdoor dining areas must be distinguished from their surroundings by some form of perimeter fence or barrier. Appropriate perimeter materials include, but not limited to demountable wrought-iron fences; or individual planters of wood, masonry, or terra cotta; or other fencing deemed acceptable by Town staff. The public sidewalk or street may not be damaged by the installation of any perimeter treatment. Cafe umbrellas are allowed; umbrellas and furniture should be of a design appropriate to the character of the building. Trash receptacles should be integrated in the design and materials with other outdoor cafe elements.

Section 3 - Pedestrian and Wheelchair Passage

These temporary regulations allow the restaurant operator to place outdoor dining tables and chairs, umbrellas, lighting, service equipment, perimeter fences or barriers to occupy a defined area of the sidewalk. In some cases, the Department of Public Works (DPW) can erect temporary barriers on the street to allow for the passage of pedestrian and wheelchair traffic around the portion of sidewalks devoted to outdoor seating in compliance with Americans with Disabilities Act standards.

Section 4 - Outdoor Food Preparation

Outdoor food preparation is not allowed unless specifically authorized by the Health Department.

Section 5 - Alcoholic Beverages

Approval of an outdoor dining area shall not to be construed as an approval for the alteration or extension of premises where alcoholic beverages are served. The serving or consumption of alcohol outside of the premises of a duly licensed establishment to serve alcohol must be approved by the Select Board on a case-by-case basis. Interested establishments with alcohol licenses should submit an additional request for a temporarily amended alcohol licenses to the Select Board. The only change permitted is to the description of the premises providing that alcohol may be served in outdoor seating that was added or re-configured pursuant to these regulations. All temporary amendments will expire on November 1, 2020, or by Order of the Governor rescinding COVID-19 restrictions on dining establishments, whichever is sooner.

Section 6 - Temporary Seating & Parking Relief

Due to the seasonal and temporary nature of an outdoor dining area and reduced occupancy loads required by emergency regulations, the seating within an outdoor dining area will not be interpreted as an increase in the number of seats serving a restaurant or eating establishment, and will not be counted towards any off-street parking requirement. However, in no event shall the overall number of seated customers shall exceed the number of seats available, as permitted and supplemented by a regular outdoor dining/seating license.

ARTICLE II - SUBMISSION AND APPROVAL OF APPLICATIONS

Section 1 - Application Procedure

Applications for TODLs shall be submitted to the Health Department. The Health Department will review the application and plan for outdoor seating and will consult with the Building, Fire, Public Works, and Planning Department. All plans must comply with any applicable Massachusetts Governor's orders, Massachusetts Department of Public Health orders and guidance documents for social distancing and for food services establishments. If the outdoor seating plan is acceptable and the application form is complete, they will forward it to the Select Board office for administrative approval. Outdoor seating permits may include conditions of approval such as daily cleaning and maintenance of the outdoor seating area. If additional information is needed or a revision to the seating plan is required, they will contact the applicant. Applications shall be submitted on the attached form along with a plan for the outdoor seating area and an insurance certificate as described below.

Section 2 - Plan Requirements

A neatly drawn plan will be submitted depicting the precise area of the proposed outdoor dining area, the arrangement of outdoor dining furniture, perimeter fencing, cafe umbrellas, outdoor heaters, and any other equipment. Areas designated for picking up take-out food shall also be shown on the plan. Tables and chairs shall be separated by at least six feet to provide for social distancing. Take-out food pickup areas shall also be a minimum of six feet from patron seating areas. The restaurant shall follow all other social distancing and virus prevention measures as outlined by the Board of Health, which are not associated with an outdoor seating plan. Smoking is prohibited in all outdoor dining areas.

If a restaurant will be utilizing an existing parking lot or yard area, a plan with the same requirements is required. Outdoor seating proposed for a parking lot shall not occupy more than 50% of the required parking spaces.

Section 3 - Insurance

The Restaurant Owner shall carry or require that there be carried Workers' Compensation Insurance for all employees and those of its contractors and/or subcontractors engaged in work at the outdoor dining facility, in accordance with the State Workers' Compensation Laws. In addition, the Restaurant Owner shall carry Comprehensive Public Liability and Property Damage Liability Insurance with limits hereinafter set forth to cover the Restaurant Owner and its contractors and subcontractors against claims due to accidents which may occur or result from operations under this Agreement. Such insurance shall cover the use of all equipment related to the provision of outdoor dining services. The Comprehensive Public Liability and Property Damage Liability Insurance shall insure against all claims and demands for personal injury and property damage with respect to the sidewalk dining facilities and services, with limits of One Million Dollars (\$1,000,000) for property damage, One Million Dollars (\$1,000,000) for injury or death to one (1) person, and Two Million Dollars (\$2,000,000) for injury or death of more than one (1) person in a single accident. If such limits are not commercially available at a reasonable cost to the Restaurant Owner, such insurance may be maintained at such lower limits that are commercially available at a reasonable cost; provided, however, that the Restaurant shall notify the Town in advance of the effective date of any such lower limits. The Town shall be named as an "additional insured" in all policies for such insurance and the Restaurant Owner shall furnish a certificate of insurance to the Town prior to commencing provision of the facilities and services authorized under these regulations. Where such insurance is renewed or replaced the Restaurant Owner shall furnish the Town with a certificate of insurance evidencing the same.

Section 4 - Approval by the Select Board office

Following receipt of a favorable recommendation from the Public Health Director, the Select Board office may approve a TODL. Upon approval of an outdoor dining area by the office of the Select Board, the owner and operator of the restaurant and Select Board office staff will sign the License Agreement which has been prepared for these purposes by Town Counsel.

ARTICLE III - AMENDMENTS

These rules may be amended by a majority vote of the members of the Select Board provided such amendment is presented in writing at a regular meeting and action taken thereof at a subsequent regular meeting.

ARTICLE IV - EFFECTIVE DATE

These rules were adopted at a regular meeting of the Select Board on June 1, 2020 and became effective as of that date.