

## PERMIT APPLICATION REPORT

Type of License: SIDEWALK CAFE PERMIT

Name of Applicant: Tanya Abraham d/b/a The Madrona Tree

Address: 315 Broadway

The following Departments have no objections but have made comments or conditions regarding the issuance of said license: (see attached)

- Board of Health     x
- Planning     x
- Building     x

PLEASE NOTE: ALL APPROVALS WILL BE SUBJECT TO CONDITIONS SET FORTH (SUCH AS DEPARTMENT CONDITIONS, CERTIFICATE OF INSURANCE ETC.)



**Town of Arlington**  
**Department of Health and Human Services**  
**Office of the Board of Health**

27 Maple Street  
Arlington, MA 02476

Tel: (781) 316-3170  
Fax: (781) 316-3175

**MEMO**

To: Board of Selectment  
From: Natasha Waden, Health Compliance Officer  
Date: May 14, 2015  
RE: Board of Health Comments for Selectmen's Meeting on April 27, 2015:

---

Please accept the following as comments from the Office of the Board of Health:

**Madrona Tree- 315 Broadway**  
**Outdoor Furniture**

- Prohibit smoking and the use of e-cigarettes in the outdoor seating area by conspicuously posting a notice or sign which states "No Smoking" or thereby using a sign with the international "No Smoking" symbol in the outdoor area.
- The owner or designated Person in Charge is responsible for maintaining the outdoor seating area Smoke Free.
- Any person in charge of a public place or workplace who fails to comply with the regulations is subject to a fine of (a) \$100 for the first violation, (b) \$200 for a second violation occurring within two years of the date of the first offense; and (c) \$300 for a third or subsequent violation occurring within two years of the second violation. Each calendar day on which a violation occurs shall be considered a separate offense.
- The Establishment is responsible for maintaining the outdoor seating in a clean and sanitary manner, free from garbage and trash or other refuse that would constitute a public health nuisance.

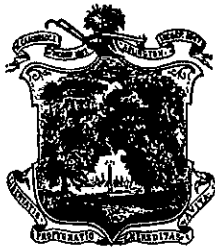
---

**APPLICANT'S SECTION:**

I have received the above report and acknowledge said inspection. I fully understand that no work is to commence at the premises of the proposed location of which is the subject matter of this inspection report until the license is approved by the Board of Selectmen; furthermore, any work done is done at the applicant's risk.

Applicant's Name: \_\_\_\_\_

Date: \_\_\_\_\_



**TOWN OF ARLINGTON**  
MASSACHUSETTS 02476  
781 - 316 - 3090

DEPARTMENT OF PLANNING and  
COMMUNITY DEVELOPMENT

MEMORANDUM TO: Board of Selectmen, Town Manager  
FROM: Carol Kowalski, Director  
DATE: May 6, 2015  
RE: Recommendations on outdoor seating  
Cc: Michael Byrne, Director of Inspectional Services

To aid the Board of Selectmen in considering permit applications for outdoor dining on Town-owned public spaces, in particular Broadway Plaza, I offer the following recommendations on siting, size of seating area, insurance, and term of the permit. These recommendations are intended to work with the existing sidewalk seating regulations, excerpted on the following page. This memorandum concludes with recommendations for allowing outdoor seating for the Common Ground and Madrona Tree restaurants in Broadway Plaza. These recommendations assume that applicants' outdoor seating requests do not exceed the number of seats allowed by code as determined by the Director of Inspectional Services.

**Siting seating areas**

"Outdoor Seating Area" includes any planters or other fixtures placed by the restaurant as part of their seasonal outdoor use of the public way. I recommend the Board request that forty-eight (48) inches of unobstructed passage way be preferred, but in no instance less than thirty-six (36) inches of unobstructed passageway be maintained on Arlington sidewalks or Broadway Plaza around outdoor seating areas to meet requirements of the Americans with Disabilities Act (ADA).

A minimum of thirty-six (36) inches of unobstructed passageway also should be maintained between both the outdoor seating areas of adjacent establishments and any physical barriers that would prevent pedestrian circulation around the seating area.

A seating area should generally be located out of the natural path of pedestrian travel for accessing storefronts. There is no ADA requirement that a straight right-of-way be maintained (it may curve).

I recommend that the Board allow outdoor seating to be positioned either close to the building façade, or with the near edge of the outdoor seating area positioned no greater than twelve (12) feet from the food service door of the establishment.

Whether the outdoor seating area may be approved adjacent to the storefront, grouped at a distance from the storefronts, or allowed in both positions, could be allowed by the Board if the Board finds the following standards are met based on a scaled plan showing dimensions:

- a) The location creates the least obstruction for pedestrian access to storefronts, crosswalks and pedestrian circulation, and
- b) the location not extend beyond the side edges of the business, however, up to 10 feet of latitude could be allowed in cases where landscaping, public facilities, utility poles or adjacent seating areas obstruct the front of the business premises, and
- c) no more than 256 square feet of the public way be cordoned off for establishments serving liquor unless the Board determines from the scaled site plan (with dimensions shown) and photos that additional square footage for outdoor seating would not leave less than 36" to the nearest barrier,

would not impede circulation, and would not preclude other allowed desirable uses for the public space. (Note for example, Town regulations prohibit street performers within 20' of outdoor dining.), and

- d) the additional seating does not violate zoning, building, or other code as determined by the Director of Inspectional Services.

Establishments serving liquor must have the seating area cordoned off, consistent with the Board's existing alcohol policy.

I also suggest that the Board consider increasing the amount of insurance coverage the applicant must carry for outdoor seating where alcohol is served from \$25,000 to \$1,000,000 naming the Town as additionally insured. I recommend the Board withhold issuance of the permit or renewal until the insurance certificate is provided.

I recommend that the Board limit the term of permits to a calendar year and require a renewal each year. This will allow for changes in business tenancy and allow flexibility for the Board and the business owner to adapt to maintain the highest standards. Annual applications for renewal is common practice in other municipalities. I urge the Board to require applicants to submit scaled drawings showing dimensions and photographs indicating the proposed location of the seating area demonstrating that the Board's standards are met. This could be done either by professionals, or by a lay-person using graph paper.

I believe these recommendations are consistent with the Town's current sidewalk café regulations:

"The location of the sidewalk café must be directly in front of the business operating the café, and may not extend beyond the side property lines. Tables, chairs, benches and food and beverage carts and equipment shall be located so that they do not impede, endanger or interfere with pedestrian traffic, with a minimum width of four (4) feet of unobstructed passage for pedestrian traffic.

In addition, no sidewalk café furniture shall be affixed, erected, installed, placed, used or maintained within five (5) feet of any marked or unmarked crosswalk or handicapped ramp.

Also, no sidewalk café furniture shall be affixed, erected, installed, placed, used or maintained within five (5) feet of any fire hydrant, fire lane, fire call box, mail box, or bus stop.

Unlicensed furniture within the public ways of the Town will be subject to removal with the cost thereof to be borne entirely by the owner. In addition, fines may be imposed by the Board of Selectmen not to exceed \$100 for removal, storage or destruction.

No fixtures or devices on which food or beverages are sold or consumed shall be attached to the sidewalk or other public area. The property owner is responsible for the restoration of the sidewalk or public-right-of-way if any damage is caused by the sidewalk café.

Lighting for sidewalk cafes is subject to approval during the permitting process. Tabletop lighting may include candles and battery-operated fixtures.

Well-designed physical barricades surrounding/framing sidewalk cafés are strongly encouraged, and are required for establishments serving alcohol. Physical barriers bordering/framing a sidewalk café may not exceed four (4) feet in height."



## Common Ground, Madrona Tree

Common Ground has submitted an application, and the Department sent its Inspection Report on April 17. Madrona Tree is expected to soon submit an application. Economic Development Planner Ted Fields discussed with Madrona Tree their intended location for outdoor tables. The distance between fixtures installed in the Plaza was measured. To accommodate both restaurants, I recommend that Common Ground's outdoor seating area enclosure and planters be located not closer than 8 feet from the granite planter in front of the Madrona Tree (see photo below).



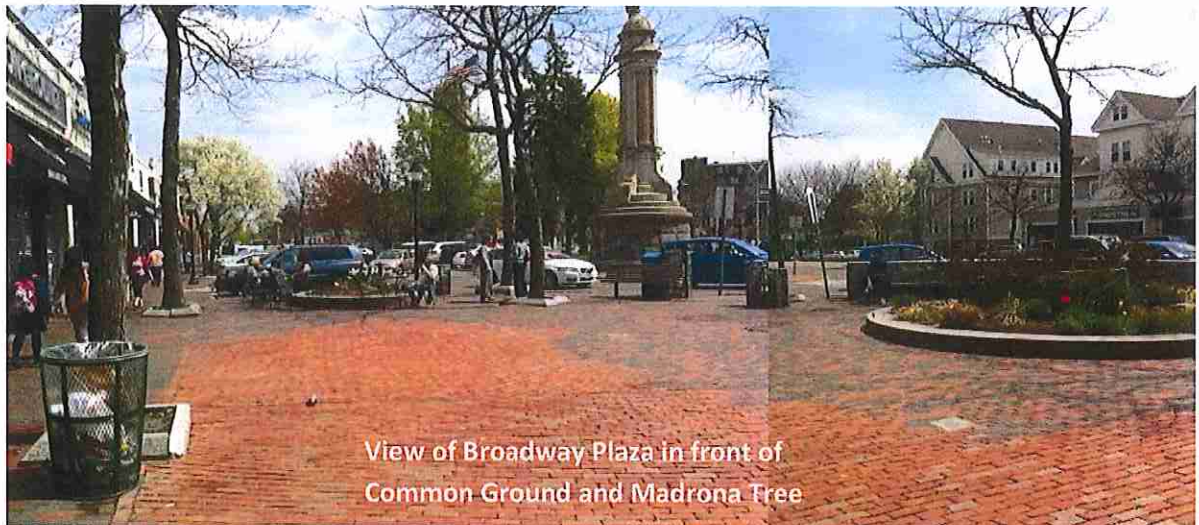
Correspondingly, I recommend that the seating area for Common Ground be allowed to extend beyond the west edge of the restaurant façade (i.e., extend in front of CVS by 8-10').





It is important to note that these recommendations are made dependent upon the Director of Inspectional Services finding that the number of additional outdoor seats does not violate codes.

I would be happy to provide further information or assistance as the Board considers outdoor seating applications.



**BOARD OF SELECTMEN  
TOWN OF ARLINGTON - INSPECTION REPORT**

Report is due at the Office of the Board of Selectmen by, **March 6, 2015**  
**ONE REPORT IS REQUIRED FROM EACH DEPARTMENT.**

Location: 315 Broadway  
Applicant's Name: Tanya Abraham  
D/B/A: The Madrona Tree  
Telephone: 781 859-5551  
Department: Sent Interoffice Mail & E-mail

Date: 4/21/15

---

**MEETING DATE: JUNE 8, 2015**

Departments:

**RE: Outdoor Furniture Permit**

BOH  
Police  
Fire  
Building X  
Planning

Comments by each Division or Department:

Inspectional Services has no objections to this or any other outdoor furniture permit the BoS wishes to grant. The applicant will need to present plans to this department for building code review prior to furniture being approved or placed. At that time, we can over particulars such as aisle width, distance between chairs/tables and how the new occupant load may affect the establishment's bathroom requirements, among other possible issues.

---

**APPLICANT SECTION:**

I have received the above report and acknowledge said inspection. I fully understand that no work is to commence at the premises of the proposed location of which is the subject matter of this inspection report until the license is approved by the Board of Selectmen; furthermore, any work done is done at the applicant's risk.

Applicant's Name: \_\_\_\_\_

Date: \_\_\_\_\_

# Sidewalk Café Permit Application - Town of Arlington, MA

This is an application to the Board of Selectmen of the Town of Arlington Massachusetts, for a permit to place and maintain a Sidewalk Café on the public right of way in Arlington, Massachusetts described below:

## (PLEASE TYPE OR PRINT)

Business Name: <u>MADRONA TREE</u>	Length of Storefront (ft): <u>13 FT</u>
Business Address/Location: <u>315 BROADWAY</u>	Width of Sidewalk along Storefront (ft); *1: <u>8 FT</u>
Phone Number/Email: <u>781 859 5551 tanyae@themadronatree.com</u>	Length of Proposed Sidewalk Café (ft): <u>APPROXIMATELY 15 FT</u> } INCLUDES
Business Representative's Name: <u>Tanya Abraham</u>	Width of Proposed Sidewalk Café (ft); *2: " " <u>18 FT</u> } 12 FT WIDE PLANTER
Name & Address of Building Owner: <u>TALTON REALTY P.O. BOX 170040 BOSTON MA 02117</u>	

\*1: Measure from front Building Wall to inside of sidewalk granite curb edge.

\*2: Measure from front Building Wall to outside of Sidewalk Café surrounding border fencing/barrier.

## Application Submittal Requirements:

1.) Fee: A one-time permit fee of **\$50.00** payable to the Town of Arlington filed with the Town Clerk.

2.) Site Plan: Furnish a **Site Plan** (scale diagram) showing the location of tables, chairs, umbrellas, trash receptacles, heaters, barricades, as well as a **picture or photograph of the proposed furniture** in compliance with the following requirements:

- No person or entity shall cause to be placed within the public ways any furniture without applying for a permit and receiving approval from the Board of Selectmen of the Town. This permit shall be considered separate and distinct from others issued by the Town, including those for common victuallers.
- The location of the sidewalk café must be directly in front of the business operating the café, and may not extend beyond the side property lines. Tables, chairs, benches, food equipment shall be located so that they do not impede, endanger or interfere with pedestrian traffic, with a **minimum width of four (4) feet of unobstructed passage** for pedestrian traffic.
- In addition, no sidewalk café furniture shall be affixed, erected, installed, placed, used or maintained **within five (5) feet** of any marked or unmarked crosswalk or handicapped ramp; or within five (5) feet of any fire hydrant, fire lane, call box, or bus stop.
- Unlicensed furniture within the public ways of the Town will be subject to removal with the cost thereof to be borne entirely by the owner. In addition, fines may be imposed by the Board of Selectmen not to exceed \$100 for removal, storage or destruction.
- No fixtures or devices on which food or beverages are sold or consumed shall be attached to the sidewalk or other public area. The property owner is responsible for the restoration of the sidewalk or public-right-of-way if any damage is caused by the sidewalk café. Physical barriers bordering/framing a sidewalk café may not exceed four (4) feet in height.
- Lighting for sidewalk cafes is subject to approval during the permitting process. Tabletop lighting may include candles and battery-operated fixtures.
- Well-designed physical barricades surrounding/framing sidewalk cafés are **strongly encouraged**.



3.) Insurance: Restaurant-owner shall furnish a **certificate of insurance** providing commercial insurance coverage of at least **(\$25,000)** for bodily injury, death, disability, and property damage liability. The Town of Arlington shall be named as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the operation of a sidewalk café. In the event the insurance is cancelled, the permit holder has 24 hours to reinstate the insurance or the permit shall be revoked. The permit holder shall immediately inform the Town Clerk if insurance under this provision is revoked and shall not operate the sidewalk café until insurance is restated in accordance with this requirement.

4.) Compliance Requirements: By signing this application, the Applicant agrees to accept and comply with the following requirements:

- All services provided to sidewalk café customer and customer activity must occur within the designated sidewalk café area.
- Permit holder is responsible for proper supervision of the sidewalk café in order to ensure the requirements of this section are met.
- Permit holders must ensure that the requirements for operation are met. These include:
  - Patrons must wear shoes and shirts at all times.
  - All sidewalk cafes must maintain at least one opening for ingress and egress at all times. All sidewalk cafes shall abide by all requirements of the currently adopted International Building Code and the American's with Disabilities Act.
  - To the extent applicable, sidewalk cafes must adhere to all regulations pertaining to food and beverage enforced by the Board of Health and Board of Selectmen.
  - All areas within and surrounding a sidewalk café must be maintained in a clean, neat, and sanitary condition.
  - All permit holders shall be required to abide by all federal, state, and local laws.

5.) Revocation: The sidewalk café permit may be revoked for failure to maintain the standards required for the initial permit. A notice of intent to revoke a sidewalk café permit shall be given in writing 10-days prior to actual revocation and shall specify the area or areas of failure to meet requirements and maintain conditions the Town may have imposed. If, during that period, proof of compliance is made to the satisfaction of designated Town Inspectors by the holder of the permit, the permit shall be continued in force.

- Applicant certifies that all current property taxes due on its licensed premises are paid if property is owned by the Applicant.
- Applicant agrees to permit the Town to periodically verify the accuracy of information contained in this Application and agrees to provide information requested to verify the accuracy of the information and the Certifications contained in this Application.

**I have read and fully understand the above rules and regulations applying to the approval of this permit.**

Dated 4/16/, 2015

By: \_\_\_\_\_

(Signature)

(Print Name & Address) \_\_\_\_\_

Tanya Abraham 315 Broadway Arlington MA



COMMON GROUND

315 Broadway

THE MADRONA TREE

315 Broadway

OPTIQUE BOULIQUE

316 Broadway

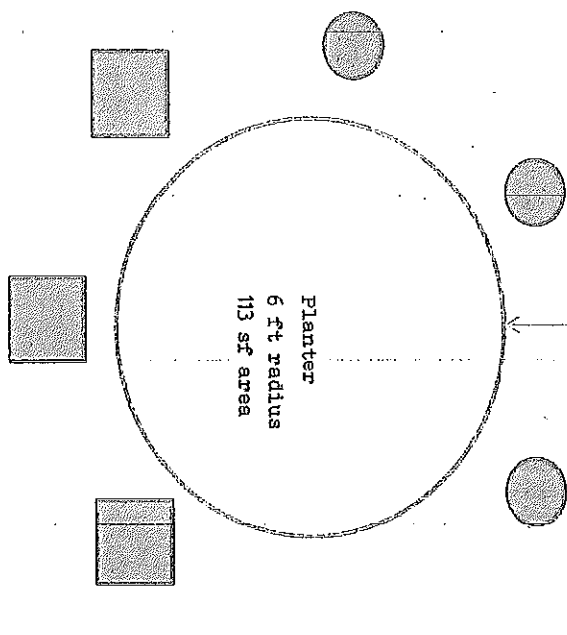
THE ARTFUL ART

315 Broadway

8 ft (sidewalk travel width)

12 ft (to edge of planter)  
13 ft (storefront width)

Proposed Outdoor Dining Area  
250 sf net total  
REVISED 4.7.15



Parking Area

BROADWAY PLAZA

**DRAFT**

Revised Draft 4.6.2015