

## PERMIT APPLICATION REPORT

Type of License:       SIDEWALK CAFE PERMIT & ALTERATION OF PREMISE

Name of Applicant:   Angelo DiGirolamo d/b/a Ristorante Olivio

Address:               201 Mass. Ave.

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



**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 Selectmen  
From: Natasha Waden, Health Compliance Officer  
Date: August 13, 2015  
RE: Board of Health Comments for Selectmen's Meeting on August 17, 2015:

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

**Ristorante Olivio- 201 Massachusetts Avenue**  
**Sidewalk Café Permit**

- In accordance with the Town of Arlington Regulations Prohibiting Smoking in Workplaces and Public Places, the owner/manager or designated person in charge of the establishment shall, at any given time, be responsible for prohibiting smoking and the use of e-cigarettes (or similar devices) in the outdoor seating area. Signage which states "No Smoking" or contains the international "No Smoking" symbol must be conspicuously posted in the outdoor seating area for all patrons to view. Please be advised, 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.
- In accordance 105 CMR 590.000 (Minimum Sanitation Standards for Food Establishments) the outdoor seating area must be maintained in a clean and sanitary manner, free from garbage and trash or other refuse that would constitute a public health nuisance.

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**APPLICANT SIGNATURE 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: \_\_\_\_\_

*Carol M. Sweeney*  
8.13.15

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

Report is Due at the office of the Board of Selectmen by,

**ONE REPORT IS REQUIRED FROM EACH DEPARTMENT.**

Location: 201 Mass. Ave.  
Applicants Name: Angelo DiGirolamo  
D/B/A: Ristorante Olivio  
Telephone: 781- 648-2300  
Department: Sent E-mail

Date: August 12, 2015

Report Filed By: Michael F. Byrne, Director of Inspectional Services  
Arthur F. Rouse, Inspector of Wires  
Kenneth McConnell, Inspector of Plumbing & Gasfitting

Departments:

Re: **SIDEWALK CAFÉ PERMIT**

Fire  
Police  
Board of Health  
Building, Wiring, Plumbing

**Building**

All building changes need permits.

All sign changes need approval and sign permit.

Window signs cannot exceed 25% of window or fines will be levied.

Certificate of Occupancy is needed -\$100 fee.

The Director of Inspectional Services has no objection to the issuance/ renewal of this license as the applicant has been made aware of seating capacity and necessity for showing proof of ownership of sidewalk

**Plumbing**

The Inspector of Plumbing and Gasfitting has no objection to the issuance/ renewal of this license.

All plumbing and Gasfitting work requires that the permits be obtained from this office for their respective trades by licensed contractors.

**Electrical**

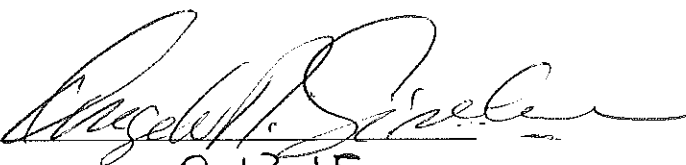
The Inspector Wires has no objection to the issuance/ renewal of this license.

The applicant acknowledges that this is a conditional approval of the premises only and is not to be constructed as approval by the Inspector of Wires of concealed electrical wiring. Any new wiring must conform to the Mass. Electrical Code. Notify the Inspector of Wires in accordance with Chapter 143, Section 31..

**APPLICANT SIGNATURE SECTION:**

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Applicant's Name:



Date:

8.13.15

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

Report is due at the Office of the Board of Selectmen by **Wednesday, August 12, 2015**

**ONE REPORT IS REQUIRED FROM EACH DEPARTMENT.**

Location:	201 Massachusetts Avenue	
Applicant's Name:	Angelo DiGirolamo	
D/B/A:	Ristorante Olivio	
Telephone:	781- 648-2300	
Department:	Sent Interoffice Mail & E-mail	Date: 7/20/15

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**Meeting date: August 17, 2015**

**RE: SIDEWALK CAFE PERMIT**

Inspected by: Board of Health  
Building  
Planning – Ted Fields, 8.13.2015

Inspection Report Comments:

Ristorante Olivio, the existing restaurant on this site in Capitol Square, provides Italian dining with a licensed seating capacity of 120 patrons and no assigned on-street parking. It is a medium-sized enterprise serving patrons from Arlington and surrounding communities. It is located in a B3 (Village Business) zone. The sidewalk abutting Ristorante Olivio is eighteen (18) feet wide, the restaurant's façade is sixty (60) feet long.

Proposal Details

The applicant proposes to use a thirty-foot (34 foot) long by fourteen-foot (14 foot) wide section of sidewalk for two rows of tables for up to twenty-four (24) diners, separated by a three-foot (3 foot) wide serving corridor. This would provide four (4) feet of public sidewalk space available for pedestrian egress between the front of Ristorante Olivio and the proposed seating area, meeting the recommended standard for Sidewalk Cafe permits (4 feet). The proposed outdoor seating area would not extend past the restaurant's frontage. Six (6) four-seat tables are proposed by the applicant. As proposed, the most westerly table is more than ten feet away from the ADA crosswalk ramp on Massachusetts Avenue, exceeding the minimum standard (5 feet). The restaurant proposes a series of ropes suspended from bollards, and three two-foot (2 foot) high wood barrels along the Massachusetts Avenue curb line (this feature is not described or specified in the submitted site plan) to separate the proposed seating area from the public. On-street parking will not be allowed in front of the Applicant's location after the current reconstruction of Massachusetts Avenue is completed by the Commonwealth.

Planning Department's Recommendations

The applicant requests 420 square feet of space on the public sidewalk for outdoor seating, similar to the 530 square feet approved for the Common Ground's outdoor seating area. However, the applicant's scaled site drawing shows proposed outdoor seating space totaling 476 square feet, which is larger than the space proposed in the

application. Revised drawings should be supplied by the applicant showing a 420 square foot seating area before the proposal can be approved.

The applicant's design leaves almost no space between the proposed barrel wall and the curb along Massachusetts Avenue. This should be mitigated by moving the proposed barrels at least one foot (1 foot) from the curb line. Additionally, the applicant's proposed rope and bollard boundary system should be replaced by a retractable cable and stanchion system. Finally, the applicant's drawings show a cordoned off area between the planter and ADA crosswalk ramp that is not to be used for outdoor seating. The cordon should be restricted to the actual seating area. These suggested modifications are shown on page three, and have been discussed with the owner's representative. Approval of the applicant's proposal with the design amendments proposed will add vitality to this commercial block and the Capitol Square area.

The Dept. of Planning and Community Development has no objection to the issuance of the Sidewalk Cafe license to the applicant at the location in question, as long as the applicant's design is amended to accommodate the Department's proposed modifications.

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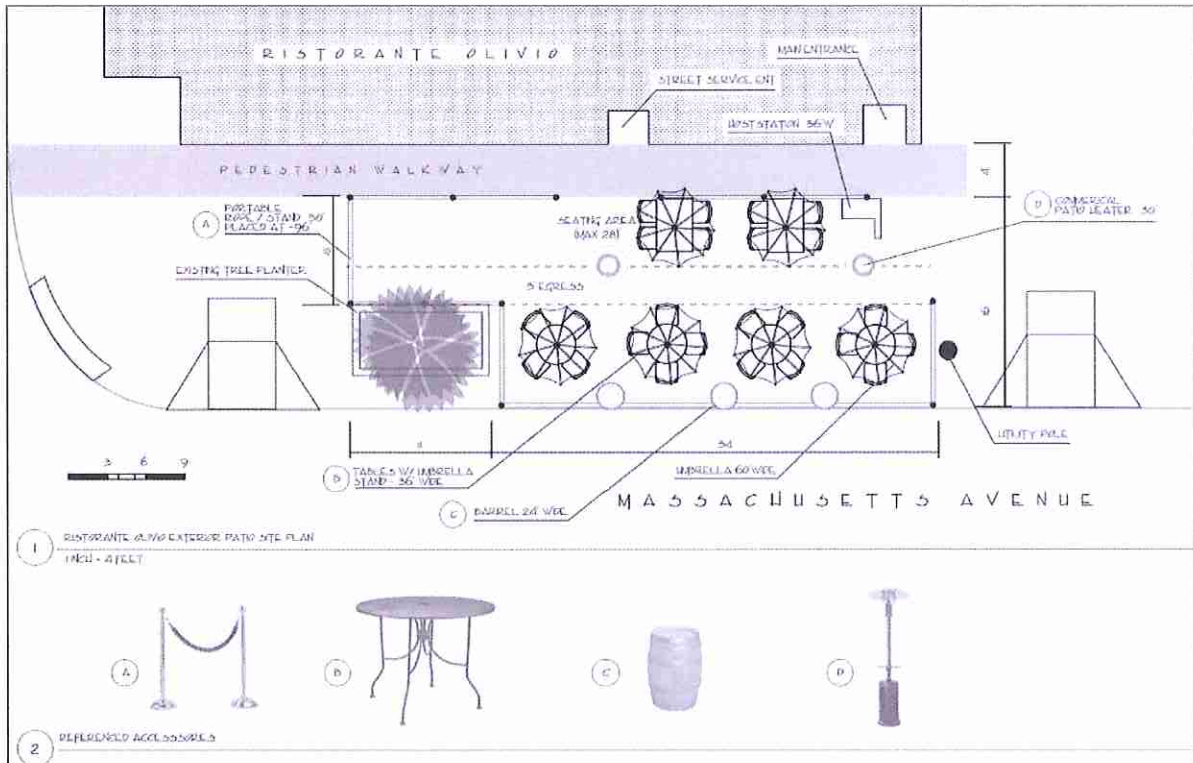
Applicant's Name: \_\_\_\_\_



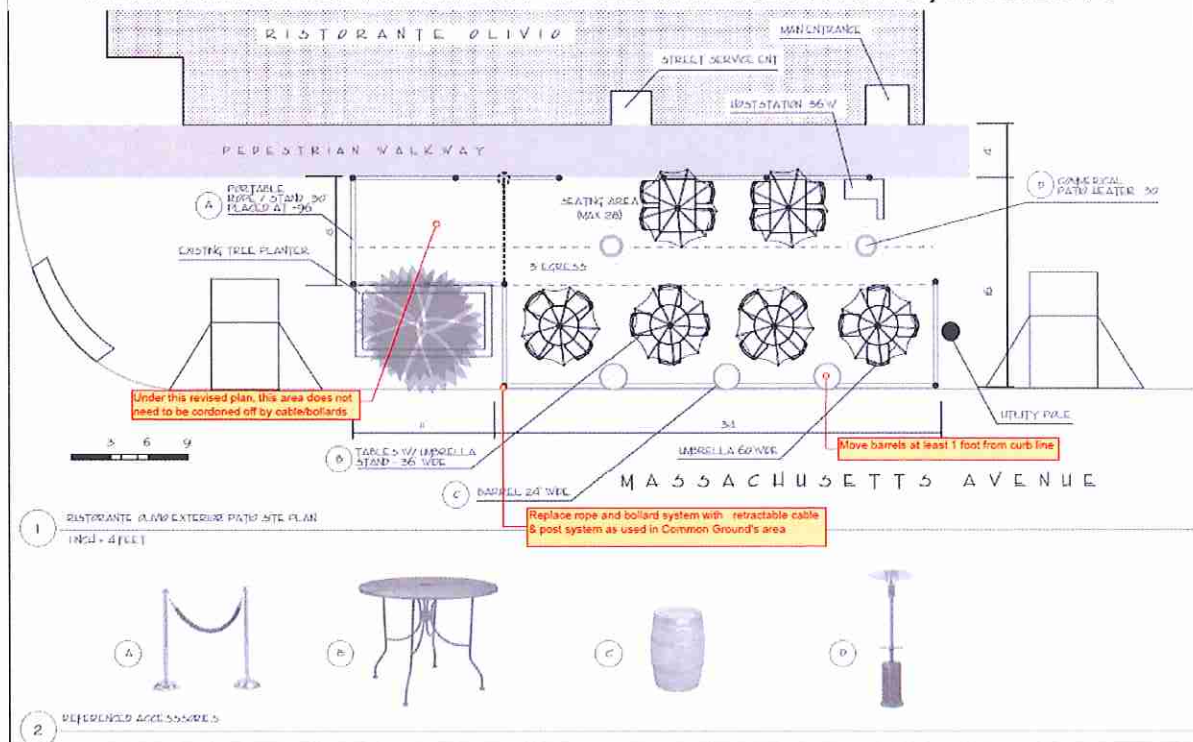
Date: \_\_\_\_\_

8.13.15

## RISTORANTE OLIVIO - SIDEWALK CAFÉ PROPOSAL, 8.13.2015

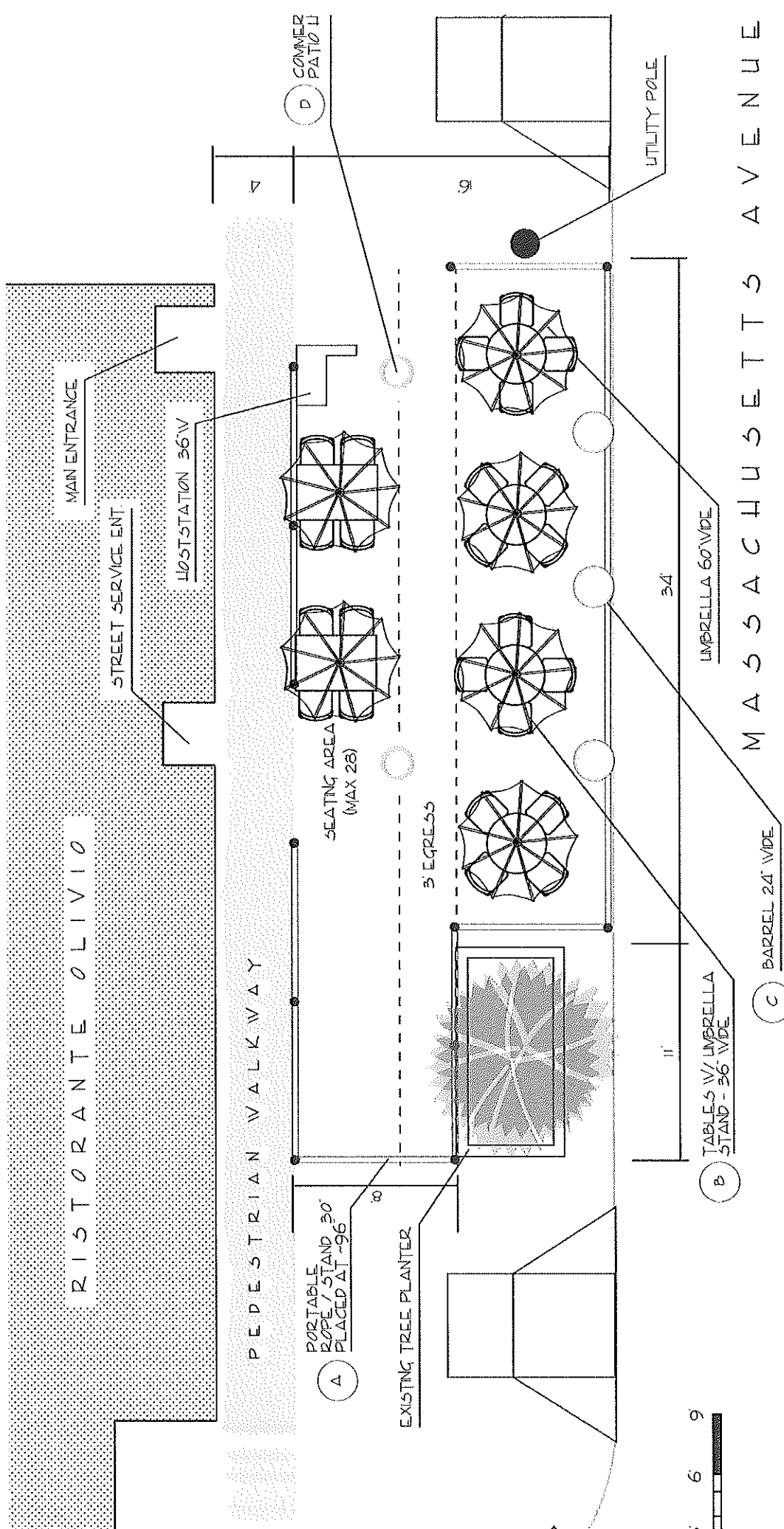


## PLANNING DEPARTMENT RECOMMENDATIONS, 8.13.2015



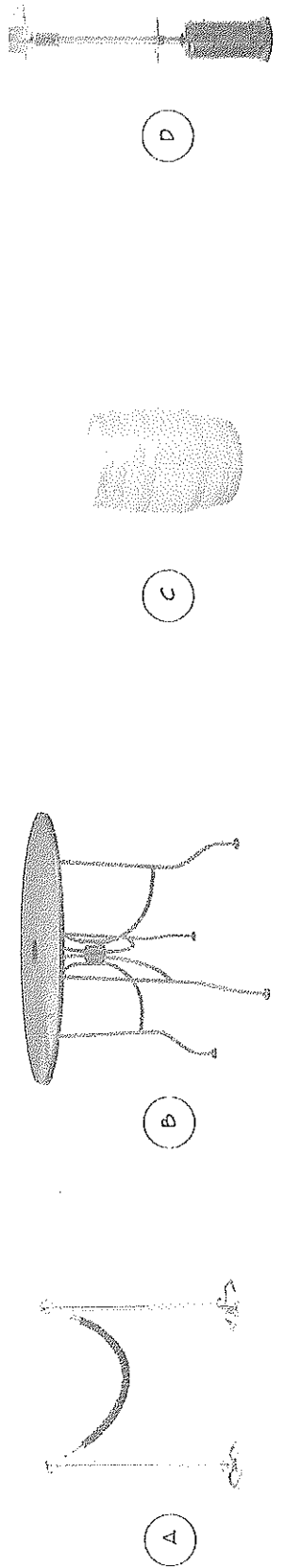
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OLIVIO EXTERIOR PATIO SITE PLAN

FEET



ACCESSORIES



## 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 (an outside seating area for licensed restaurants) on the public right of way in Arlington, Massachusetts described below:

### (PLEASE TYPE OR PRINT)

Business Name:

Ristorante Olivio

Length of Storefront (ft):

60 Feet

Business Address/Location:

201 Mass. Ave. Arlington, MA

Width of Sidewalk along Storefront (ft); \*1:

18 Feet

Phone Number/Email:

781 648-2300/info@ristoranteolivio.com

Length of Proposed Sidewalk Café (ft):

30 Feet

Business Representative's Name:

Angelo DiGirolamo

Width of Proposed Sidewalk Café (ft); \*2:

14 Feet

Name & Address of Building Owner:

David Epstein 266 Bishops Forest Drive, Waltham, MA 02452

\*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: An annual permit fee of **\$50.00** payable to the Town of Arlington filed with the Selectmen's Office. The Board may prorate its fee for applicants in their initial term to reflect the number of months the permit sought will be held.
- 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.
  - Ordinarily, 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. It shall be sited as close to the building façade as practicable and in no event to exceed twelve (12) feet from the food service door of the establishment.
    - Under limited circumstances, sidewalk café areas may be approved adjacent to a storefront, grouped at a distance from the storefronts, or allowed in both positions if a scaled plan showing dimensions clearly establishes:

- a) The requested location(s) create the least obstruction for pedestrian access to storefronts, crosswalks and pedestrian circulation, and/or
  - b) the location does not extend substantially beyond the side edges of the business (allowing for up to 10 feet of latitude where landscaping, public facilities, utility poles or adjacent seating areas obstruct the front of the business premises), and/or
  - c) no more than 256 square feet of the public way would 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, and
  - d) in every case, the additional seating does not violate zoning, building, or other code as determined by the Director of Inspectional Services.
- Further, 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 three (3) feet and a recommended 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: The applicant restaurant-owner shall furnish a **certificate of insurance** providing commercial insurance coverage for bodily injury, death, disability, and property damage liability in the following amounts:

- At least \$1,000,000 per occurrence and \$3,000,000 annual aggregate for any restaurant serving alcohol as part of its use of sidewalk café space; or

- At least \$300,000 per occurrence and \$900,000 annual aggregate for restaurants which are either not licensed to serve alcohol or restaurants which attest that they will not serve alcohol as part of their use of sidewalk café space.

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 Selectmen's Office if insurance under this provision is revoked and shall not operate the sidewalk café until insurance is restated in accordance with this requirement. An insurance certificate naming the Town as an additional insured must be provided to the Office of the Board of Selectmen before any Sidewalk Café/Outdoor Seating Area will be issued.

4.) Indemnification and Acknowledgement of Rights: The applicant restaurant-owner shall also furnish a signed agreement to indemnify the Town of Arlington for its use of public property as a sidewalk café/outdoor seating from any and all claims that may be brought against the Town in connection with such use. Such a signed agreement shall also acknowledge the Town's rights with respect to its property and the limitations of the permit (attached hereto).

5.) 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.
  - Outdoor alcohol service (and food service when alcohol is served outdoors) shall conclude at or before 10:00 p.m. Sunday through Thursday, and at or before 11:00 p.m. Friday and Saturday.

6.) Other Regulations: By receiving a sidewalk café/outdoor seating permit, restaurants are not exempted from other federal, state, and local laws and regulations. Among other regulations, permit holders must comply with local zoning and state building code requirements and Board of Selectmen alcohol service regulations. Applicants are strongly advised to ensure their plans comply with zoning and state building requirements by contacting Inspectional Services.

7.) 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.

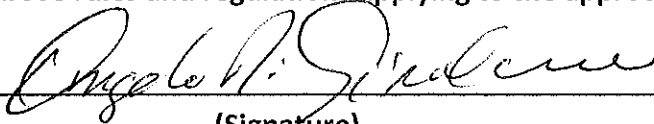
- Applicant certifies that all current property taxes due on its licensed premises are paid if property is owned by the Applicant.
- Applicant agrees to permit the Town to periodically verify the accuracy of information contained in this Application and agrees to provide information requested to verify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

8.) Term & Non-Transferability: Each Sidewalk Café Permit is valid for one calendar year from the January 1<sup>st</sup> through December 31st and is non-transferable.

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

Dated July 15, 2015

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



(Signature)

(Print Name & Address) ANGELO DI GIROLAMO 201 MASS. AVE. ARLINGTON MA 02474

OFFICE OF THE BOARD OF SELECTMEN



TOWN OF ARLINGTON

**SIDEWALK CAFÉ INDEMNIFICATION AGREEMENT & ACKNOWLEDGEMENT**

On behalf of the business applying for a Sidewalk Café (Outdoor Seating) license from the Town of Arlington Board of Selectmen, I, as a duly authorized agent of Ristorante Oliverio, a licensed restaurant operating within the Town of Arlington, acknowledge that I seek permission to use a portion of the public sidewalk in front of (or where permitted, adjacent to) the business premises to operate a sidewalk café/outdoor seating area. I understand that a Sidewalk Café permit does not give my business any right, title, or interest in any part of the sidewalk space approved for use.

Furthermore, I, as a duly authorized agent of Ristorante Oliverio, agree to hold harmless the Town of Arlington, its officers and employees, for any loss or damage arising from the use of the public sidewalk or the discontinuance of use resulting from an order, demand, or notice of any governmental agency with jurisdiction.

I understand that Board of Selectmen and/or any government agency with jurisdiction may revoke my permit to use public sidewalk space at any time for any reason whatsoever. The permit can be revoked for failure to comply with any terms and conditions of the permit or any agreements between my business and the Town of Arlington or for violation of any of the rules and regulations enforced by Board of Selectmen, the Department of Inspectional Services, the Police Department, or the Board of Health. I understand there will be no refund of any fees or compensation paid to the Town of Arlington.

I further agree to promptly remove any property placed on the sidewalk space or reimburse the Town of Arlington for the cost of moving my business' property upon receipt of any written notice, demand, or order to vacate the sidewalk space from a governmental agency with jurisdiction.

I certify that I have read and agree with the terms and conditions outlined both here and within the Sidewalk Café Permit Application.

Congelato S. S. S.  
Signature

7-15-15  
Date

The Commonwealth of Massachusetts  
Alcoholic Beverages Control Commission  
239 Causeway Street  
Boston, MA 02114  
[www.mass.gov/abcc](http://www.mass.gov/abcc)

PETITION FOR CHANGE OF LICENSE

003000023

ABCC License Number

ARLINGTON

City/Town

The licensee BERNARD'S RESTAURANT LLC respectfully petitions the Licensing Authorities to approve the following transactions:

- |  |  |
|--|--|
| <input type="checkbox"/> Change of Manager   | <input checked="" type="checkbox"/> Alteration of Premises |
| <input type="checkbox"/> Pledge of License/Stock   | <input type="checkbox"/> Cordial & Liqueurs                |
| <input type="checkbox"/> Change of Corporate Name/DBA                                    | <input type="checkbox"/> Change of Location                |
| <input type="checkbox"/> Change of License Type (\$12 ONLY, e.g. "club" to "restaurant") |  |

☐ Change of Manager

Last-Approved Manager:

Requested New Manager:

☐ Pledge of License /Stock

Loan Principal Amount: \$

Interest Rate:

Payment Term:

Lender:

☐ Change of Corporate Name/DBA

Last-Approved Corporate Name/DBA:

Requested New Corporate Name/DBA:

☐ Change of License Type

Last-Approved License Type:

Requested New License Type:

☒ Alteration of Premises: (must fill out financial information form)

Description of Alteration:

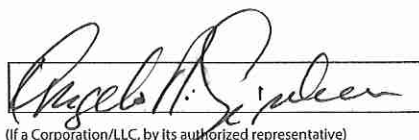
OUTDOOR CAFE AREA

☐ Change of Location: (must fill out financial information form)

Last-Approved Location:

Requested New Location:

Signature of Licensee

  
(If a Corporation/LLC, by its authorized representative)

Date Signed

### Financial Information:

#### Costs Associated with License

1. Real Property:	\$	<input type="text"/>
2. Business Purchase:	\$	<input type="text"/>
3. Renovations/Construction:	\$	<input type="text" value="1,000.00"/>
4. Start up/Operating Capital:	\$	<input type="text"/>
5. Inventory:	\$	<input type="text"/>
6. Goodwill:	\$	<input type="text"/>
7. Furniture:	\$	<input type="text" value="3,900.00"/>
8. TOTAL COST:	\$	<input type="text" value="4,900.00"/>
9. TOTAL CASH:	\$	<input type="text"/>
10. TOTAL FINANCED:	\$	<input type="text" value="0"/>

The amounts in items 9 and 10 must total the amount reflected in item 8. **IMPORTANT:** Submit any and all records, documents and affidavits including loan agreements that explain the sources of money for this transaction.