

City of Somerville
Licensing Commission

SPECIAL Meeting by Remote Participation

**DRAFT OF THE
Minutes of the SPECIAL Meeting
Monday,**

April 27, 2022, at 6:00pm

Posted Thursday, May 19, 2022 at 12:45pm

The meeting was called to order at 6:01pm. Present were Commissioners, Lynch, Allen, and Thomas, Lt. Timothy Mitsakis of the Police Dept., Denise Sullivan, Fire Department, Secretary to the Commission Lori Batzek, Assistant City Clerk, Bernabe Rodriguez, Director of Engineering, Brian Postlewaite, Members of the City Staff, Applicants and members of the public.

The meeting adjourned at 7:30pm

A recording of this meeting is available online

Wednesday

SPECIAL Licensing Commission Meeting

April 27, 2022

6:00pm

Published Friday, April 22, 2022 at 11:45am

REVISED Published Wednesday, April 27, 2022 at 1:30pm

Pursuant to Chapter 22 of the Acts of 2022, this meeting of the Licensing Commission will be conducted via remote participation. We will post an audio recording, audio-video recording, transcript, or other comprehensive record of these proceedings as soon as possible after the meeting on the City of Somerville website.

Copy & paste the following link into your internet browser to view this meeting live:

<https://attendee.gotowebinar.com/register/1979212611849485327>

If you wish to submit comments on any item on this agenda, you may send written comments by US mail to the Secretary of the Licensing Commission, 93 Highland Avenue, Somerville, MA, 02143, or by email to ljbatzek@somervillema.gov. Your comments must arrive no later than 12 Noon on the day of the meeting, in order to be sure they are conveyed to the Commission.

TEMPORARY OUTDOOR SEATING

1.

Alteration of Premises

| License # | Business Name | Address | Parklet | Private | Sidewalk | Heating Element |
|--------------|-------------------------|------------------|---------|---------|----------|-----------------|
| ALM22-000030 | Premier on Broadway | 519 Broadway | X | | | X |
| ALM22-000031 | Trina's Starlite Lounge | 3 Beacon St | | X | | X |
| ALM22-000045 | Elm Street Taproom | 256 Elm St | X | | | |
| ALM22-000046 | Five Horses Tavern | 400 Highland Ave | X | | | |
| ALM22-000056 | Taqueria Montecristo | 146 Broadway | X | X | X | |
| ALM22-000060 | La Brasa | 124 Broadway | | | X | |

Director of Engineering, Brian Postlewaite spoke on these Temporary Outdoor Seating applications:

Premier on Broadway – 44 Seats and Heating Elements and 2 accessible tables for ADA compliance. Barriers will surround the entire parklet. Brian Postlewaite approves this application. Chair Lynch issued a reminder about that no lights are allowed to be strung across the public way onto the parklet. Commissioner Thomas expressed concern that responsibility of these applications have been passed onto the engineering department and he is uncomfortable with this process. Chair Lynch indicated all the departments reviewing these applications are necessary. This parklet will be located directly in front of the establishment and does not interfere with any other establishments parking.

The commission approved this temporary outdoor seating on a roll call vote with 3 in favor (Allen, Lynch and Thomas), 0 opposed

Trina's Starlite Lounge – Private patio with a heating element. Brian Postlewaite approves this application.

The commission approved this temporary outdoor seating on a roll call vote with 3 in favor (Allen, Lynch and Thomas), 0 opposed

Elm Street Taproom – 44 Seats. This parklet is utilizing the full 14 ft. extra wide parking lane. There continues to be a single lane of traffic and a permanent ramp with handrails is being installed. The installation has already been set up, and this allowed Mr. Postlewaite to

inspect this parklet for compliance. Commissioner Thomas asked about signs for restrooms and exits. Mr. Postlewaite stated this is handled by ISD in the field. A discussion was held on whether a requirement for signs be placed on the floor plans in the future. Mr. Postlewaite estimated 10-11 seats per parking space. A discussion was held on street widths and bike lanes and how this affects the seating. Brian Postlewaite approves this application.

The commission approved this temporary outdoor seating on a roll call vote with 3 in favor (Allen, Lynch and Thomas), 0 opposed

Five Horses Tavern - This is a parklet and a small amount of sidewalk seating, this is due to installing a compliant ramp. The applicant was struggling to get a compliant ramp installed on the right of way and Engineering worked on this with them and put seats on the sidewalk. Accessible seating is immediately adjacent to the entrance. The applicant proposed using an existing aluminum bifold ramp from their previous seating. Mr. Postlewaite stated they have asked them not to use this, but if they find it helpful, of course they can use it, but not in the accessible area. A discussion was held on the ADA accessibility seating, and is reserved for accessibility patrons, but can be used by abled patrons if all seating is full. Brian Postlewaite approves this application.

The commission approved this temporary outdoor seating on a roll call vote with 3 in favor (Allen, Lynch and Thomas), 0 opposed

Taqueria Montecristo - Mr. Postlewaite stated the key to this seating is making sure that the seating remained outside the accessible route along the sidewalk and out of the accessible curb ramp on the corner, crossing the side street. He also stated, the set of steps that go up to the front entrance, which takes up room on the sidewalk, limits their ability to put seating in the larger area than they initially planned. Chair Lynch asked if he was awaiting any sign offs, Mr. Postlewaite replied the new regular process requires all signatures before placing an item on the agenda. This could be waived if an item needs to be expedited. Total 26 private property seats & 22 sidewalk and parklet seats. Commissioner Thomas asked about the fire hydrant and considerations for the distance requirement between the table and the hydrant. Mr. Postlewaite stated these features are movable enough, and patrons would immediately vacate the area if a fire officer asks them to move. Semi-permanent structures adjacent to the fire hydrant are a concern, because a parklet structure doesn't have the agency to move itself. Commissioner Thomas will research the distance requirement for outdoor seating. Mr. Postlewaite stated the Fire Dept. was not on the review process because it was not a parklet in front of a hydrant and did not have heating elements. Captain Sullivan stated he typically puts in as a condition, no structure or obstruction within 10 ft. of a hydrant, however, lightweight and movable items have been permitted, on a case-by-case basis, and this is addressed upon inspection. No barriers are being used. Brian Postlewaite approves this application.

The commission approved this temporary outdoor seating on a roll call vote with 3 in favor (Allen, Lynch and Thomas), 0 opposed

La Brasa - Sidewalk only seating. Brian Postlewaite stated the commission does not have the most recent floorplan. The approved version, is a 10 ft. sidewalk from the face of the building to the furniture zone, however, the furniture zone is not included in the calculations, they split the difference and have 5 ft. against the building within their barrier fence and a 5 ft sidewalk. The previous plan has a 6 ft and 4 ft area, and engineering requested the tables just a little bit closer together and set back their barrier, for the hostess stand, due to the existing bench and tree, to maintain a 5 ft. clearance, all around in front of this business. Pedestrian minimum is 5 ft. Total of 28 seats. Brian Postlewaite approves this application.

The commission approved this temporary outdoor seating on a roll call vote with 3 in favor (Allen, Lynch and Thomas), 0 opposed

EXISTING LICENSE
Inn Holder's License without alcohol

ENTERTAINMENT BY DEVICES INDOORS

2. SHG Somerville Hotel LLC., DBA Cambria Boston Somerville, 515 Somerville Avenue, requesting approval of an Entertainment by Devices – Indoors License. (AL22-000009)

This is the Notice of a Public Hearing for this Item. The Public is welcome to attend and be heard.

Attorney Andrew Upton, Meredith White and Jordan Warshaw appeared for this application. Mr. Warshaw stated he would like background music playing in the lobby, elevators, public spaces and the gym. They are also requesting TV's in the gym and meeting room. Chair Lynch asked about the patio areas outdoors and the source of the music. Mr. Warshaw stated the restaurant will have its own music source. He also stated they would be coming back for a third time, within the next month or so, for an Innholders License with Alcohol and to apply for an outdoor speaker in the hotel controlled outdoor areas. Attorney Upton stated this is another in a series of getting the permits in place to operate this hotel in a compliant method for the city.

The commission approved this Entertainment by Devices, Indoors License on a roll call vote with 3 in favor (Allen, Lynch and Thomas), 0 opposed

LATE ITEMS

Temporary Outdoor Seating

Alteration of Premises

3.

| License # | Business Name | Address | Parklet | Private | Sidewalk | Heating Element |
|--------------|---------------------------|--------------------|---------|---------|----------|-----------------|
| ALM22-000042 | Tsurumen Davis | 420 Highland Ave | | | X | |
| ALM22-000048 | La Posada | 505 Medford St | X | | | X |
| ALM22-000053 | Gauchao Brazilian Cuisine | 102 Broadway | X | | X | |
| ALM22-000059 | Smoke Shop | 325 Assembly Row | | X | | |
| ALM22-000062 | Mike's | 8 Davis Sq | X | | X | |
| ALM22-000065 | Thai Hut | 93 Beacon St | | | X | |
| ALM22-000068 | Sally O'Brien | 335 Somerville Ave | X | | | |
| ALM22-000069 | Rosebud | 381 Summer St | X | | | |
| ALM22-000074 | Casa B | 253 Washington St | X | | | |
| ALM22-000076 | Oat Shop | 22A College Ave | | | X | |

Tsurumen Davis – Brian Postlewaite stated this space was previously Snappy Sushi adjacent to where Blue Shirt was. The main concern is the driveway and the accessible route up rather close to the building. Mr. Postlewaite worked with the applicant to ensure the table on that side is closer to the door, for adequate turning radius for wheelchairs, strollers and so forth. Commissioner Thomas asked if we are enforcing the cleaning requirements for these applicants, he states that the dumpster appears fairly close to table 2. He sited the requirement to have movable items on the tables, in order to be cleaned monthly. Mr. Postlewaite stated the dumpster is for the adjacent property, not the property of Tsurumen Davis and is being used as a landmark on the floor plan. Commissioner Thomas states this submitted floor plan to be the bare minimum acceptable, and is difficult to read and makeout. Mr. Postlewaite agreed, and stated due to the short rollout for the temporary licenses, they have worked with the applicants and have accepted a looser standard. This will not be the case for Permanent Outdoor Seating.

Brian Postlewaite approves this application.

The commission approved this temporary outdoor seating on a roll call vote with 3 in favor (Allen, Lynch and Thomas), 0 opposed

La Posada –Parklet seating with heating elements, and the heating elements were signed off by Fire Prevention. Chair Lynch asked about ADA compliance, this is due to the modular or movable ramp not being present on several site inspections last year. Mr. Postlewaite stated they are providing a full raised platform, and appears to be new construction. He also stated, last year they appeared to put out pallets with carpet over it. The new proposal is a constructed platform with a bridge plate at the entrance. Brian Postlewaite approves this application.

The commission approved this temporary outdoor seating on a roll call vote with 3 in favor (Allen, Lynch and Thomas), 0 opposed

Gauchao Brazilian Cuisine - Brian Postlewaite stated they have been going back and forth with the applicant due to the seating filling in many different spaces on the sidewalk. Some seating needed to be pulled back in a number of places, due to not meeting the minimum sidewalk requirements. They will need to go to the Traffic Commission to relocate the loading zone in front, which the seating is displacing. They would not be able to set up this seating until after the Traffic Commission meeting occurs on 5/12/22. A discussion ensued about the architect and the floor plans. A mockup of the platform was photographed and sent to engineering, and did not appear on the architect floor plan, and was approved by engineering. Commissioner Thomas asked about this seating being in front of a residence and also mentioned the dumpster. Chair Lynch clarified that there are apartments above. Mr. Postlewaite stated engineering does not typically review to this level of detail, they ensure public access, that the system works and the concern with adjacent businesses has traditionally been a concern about lack of parking and adjacent businesses to have a parklet themselves. As far as residences and the ability to bring out trash or their ability to park right in front of their residence, this has not been a concern. Mr. Postlewaite stated that a number of locations do have residences about restaurants. A brief discussion ensued about residences in other squares and Assembly row with outdoor seating.

Brian Postlewaite approves this application.

The commission approved this temporary outdoor seating on a roll call vote with 3 in favor (Allen, Lynch and Thomas), 0 opposed

Smoke Shop – Private patio being extended. Brian Postlewaite has no issues with this license. This space had pickleball last year.

Brian Postlewaite approves this application.

The commission approved this temporary outdoor seating on a roll call vote with 3 in favor (Allen, Lynch and Thomas), 0 opposed

Mike’s – Parklet & Sidewalk Seating. Brian Postlewaite stated they could not reach an agreement with the applicant about the sidewalk seating. Mr. Postlewaite recommended withdrawing the sidewalk seating for now. Total parklet seats of 96, Mr. Postlewaite believes this includes optional seating, in the upper left corner of the floor plan. Mr. Postlewaite states his primary approval condition does not allow seating until the Taco Restaurant on the corner have agreed that they do not want to have seating in this area. Mr. Postlewaite states this is an example where they ask the adjacent property or tenant to confirm that they are fine with the parklet seating. Mr. Postlewaite confirmed, Parklet seats are 96, Optional Parklet seats are 34. They were looking for 16 seats on the sidewalk.

Brian Postlewaite approves this application, for Parklet Seating Only, 96 seats, conditional for Seating in the optional area, 34 seats, to be allowed with the Taco Restaurant providing a letter stating this is acceptable to them. No Sidewalk approval. Commissioner Allen asked about Restroom Capacity. Mr. Postlewaite stated this was waived by the state. Chair Lynch confirmed this.

The commission approved this temporary outdoor seating for Parklet Seating of 96 seats, and a condition that the Optional Seating of 34 Seats requires a letter from the adjacent restaurant stating this is acceptable to them, and cannot NO SIDEWALK Seating, on a roll call vote with 3 in favor (Allen, Lynch and Thomas), 0 opposed

Thai Hut – 8 Sidewalk seats. The original request was for 2 additional seats on the corner of the intersection. Engineering requested they remove these due to impeding the accessible curb ramps. They are now requesting 8 seats with 4 tables immediately adjacent to the building.

Brian Postlewaite approves this application.

The commission approved this temporary outdoor seating on a roll call vote with 3 in favor (Allen, Lynch and Thomas), 0 opposed

Sally O’Brien – Sidewalk and Parklet seating. There will be a platform on the parklet with an enlarged area extending onto the sidewalk. Commissioner Allen requested a clarification on the raised platform as well as the transmission plate. Mr. Postlewaite responded that some of

the applicant's terminology is different. He stated a metal plate that bridges the gap between the wooden platform and the concrete sidewalk is for essentially the same for all the applicants and is effectively level. Commissioner Thomas asked about the Jersey Barriers and what the requirements are for traffic. Mr. Postlewaite replied that there is never a problem with an applicant wanting to install them, when not required by engineering.

Brian Postlewaite approves this application.

The commission approved this temporary outdoor seating on a roll call vote with 3 in favor (Allen, Lynch and Thomas), 0 opposed

Rosebud – Parklet seating. This is essentially the same platform as last year. The applicant initially applied for a structure covering similar to Posto and Painted Burro, which was denied in large part due to the Fire Hydrant. The establishment has already installed the platform but Mr. Postlewaite believes they are not serving on parklet. No metal transmission or bridge plate was in place, which is a requirement and will be necessary prior to the inspection of the parklet seating. Chair Lynch requested Mr. Postlewaite contact ISD on this matter. He also stated observations were made across the city, of installations being set up without the approval in place. He expressed concern of these establishments servicing patrons on these premises without approval. Capt. Sullivan stated a picnic table was near the hydrant last year, but they were asked to move it, and they were then in compliance.

Brian Postlewaite approves this application.

The commission approved this temporary outdoor seating on a roll call vote with 3 in favor (Allen, Lynch and Thomas), 0 opposed

Casa B – Parklet seating. This is essentially the same as last year. 3 parking spaces will be used on either side of the crosswalk, and this parklet will be gaining access immediately off of that crosswalk. A discussion was held on the floor plan submission and the businesses and parking that show on this plan.

Brian Postlewaite approves this application.

The commission approved this temporary outdoor seating on a roll call vote with 3 in favor (Allen, Lynch and Thomas), 0 opposed

Oat Shop - Sidewalk seating. Mr. Postlewaite stated there is sufficient space for this seating right up against the building. Chair Lynch asked if this is the same setup as last year. Mr. Postlewaite stated he believes it is.

Brian Postlewaite approves this application.

The commission approved this temporary outdoor seating on a roll call vote with 3 in favor (Allen, Lynch and Thomas), 0 opposed

Please note: Secretary Lori Batzek stated there seemed to be issues with several of the establishments and differences in the floor plans submitted to the Licensing Commission and what is being approved by Engineering, and expressed concern that the licenses will not be printed properly due to this. It appears that updated floor plans were submitted to Engineering, but were not submitted to the Licensing Commission, and the approvals for the number of seats, do not match the applications. Chair Lynch requested Brian Postlewaite and Lori Batzek reconcile the numbers, and stated that the numbers will always be the numbers presented by Mr. Postlewaite and approved by the Licensing Commission. Mr. Postlewaite requested Lori Batzek work with Isabela.