



CITY OF SOMERVILLE, MASSACHUSETTS  
CLERK OF COMMITTEES

February 9, 2022  
REPORT OF THE LICENSES AND PERMITS COMMITTEE

Attendee Name	Title	Status	Arrived
Willie Burnley Jr.	Chair	Present	
Jesse Clingan	Vice Chair	Present	
Jake Wilson	City Councilor At Large	Present	

Others present: Brian Postlewaite-Engineering, Kim Wells-City Clerk, Nick Antanavica-ISD, Joe Lynch-Licensing Commission, Bonnie Denis-Commission of Persons with Disabilities, Stanley Davitoria-applicant and April Dodd-resident

The meeting was held virtually and was called to order at 6:02 p.m. by Chairperson Burnley, Jr. and adjourned at 8:00 p.m.

**Approval of the December 8, 2021 Minutes**

<b>RESULT:</b>	<b>ACCEPTED</b>
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**Public Hearing - #213014**

**213014: New Garage License, Toucan Auto Center Inc, 619 Somerville Avenue, 39 vehicles inside, 1 vehicles outside for auto body work, spray painting, and charging money to store vehicles.**

Mr. Stanley Davitoria was present to speak on his application. He owns a body shop and would like to expand the area. The amount of body shop work in Somerville has increased and believes there is a great demand for this service.

Chair Burnley asked about the size of the garage to accommodate 39 vehicles. The applicant believes the space requested will fit 39 vehicles. The chair asked if the space requested is tight and if they could hold additional vehicles. The applicant stated he owns a body shop 193 Somerville Avenue and stated that parking on Somerville Avenue is very difficult. One of side of the street on Somerville Avenue, parking was removed near Target and Burger King. The chair asked if the applicant had received tickets from the city from the other businesses he owns. The applicant stated he had not received any tickets from the city, that he is aware of. The chair shared a list of 9 different tickets that were issued from the city going back to 2009 with minor fines of \$25-\$50.

Councilor Wilson asked the applicant about a \$300 ticket that was of concern. The applicant did not recall anything about the fine nor the demand letter. Councilor Wilson asked the applicant about snow removal for the sidewalks.

Clerk Wells stated the tickets were from trash violations, continuance of work after a stop violation was issued and also working without a permit was for the \$300. The applicant stated he took care of the tickets and did put in for a permit.

Councilor Wilson encouraged the applicant to take care of the trash especially with the rodent issues in the city. The applicant stated he hired a bating company to take care of the trash issue.

Resident April Dodd asked if this property was associated with the garage next door at 631 Somerville Avenue. The applicant stated they are not associated with that garage.

The chair closed the public hearing.

The chair motioned and it was accepted by all committee members that the adoption of this permit with conditional approval that no new trash tickets before April 30<sup>th</sup> renewal. He also stated the conditioned approval for the permit that cars not be parked on the sidewalks.

<b>RESULT:</b>	<b>APPROVED WITH CONDITIONS</b>
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**212798: That the Director of Inspectional Services, the Chair of the Commission for Persons with Disabilities, and the Chair of the Licensing Commission appear before this Council to discuss permitting and enforcement of accessibility concerns related to outdoor dining.**

Items 212798, 212799 and 212986 were discussed together.

Mr. Lynch chair of Somerville licensing commission, led the discussion. He stated this is his 3<sup>rd</sup> appearance before the committee on this matter. Mr. Lynch stated the pre-pandemic city of Somerville had an outdoor program. They had two restauranteurs who took advantaged of the program. In March of 2020, the city launched outdoor dining and waived fees. There were over 80 merchants who participated in the outdoor dining. He stated the program is successful and the public love outdoor dining. In early 2021, the city council allowed the licensing commission to come up with a new program to remove loop holes. They are looking at new fees and fines for the program. The program parameters are set by the licensing commission. He stated they are working toward a more permanent solution. On January 10, a draft proposal was presented for outdoor dining which addresses some of the issues from 2020 and 2021. Many city departments were involved in drafting the proposal including: T&P, Racial and Social Justice, Engineering, OSPCD, ISD and others. There will be a meeting on February 14 to receive public comments from the community.

Mr. Postlewaite stated there were challenges received over the last few years, the administration pulled together a team to rewrite the outdoor process to be more permanent to also expand beyond the COVID-19 pandemic. There were meetings with T&P, Mobility, Disabilities Commission, City Solicitor's office, Somerville Police and Fire departments to address some of the safety issues.

Mr. Postlewaite stated that a vast majority of issues were addressed from the last minutes. He stated that all but 2 were addressed in the draft document. One request was to go back to barriers

between patron tables and the other request was to reasonably increase parking in front of the restaurants. The remainder of the items in the request were incorporated into the process.

Councilor Wilson raised concerns about the Persons with Disabilities Commission not having an active role in drafting the document. Mr. Lynch stated that he had not been part of drafting the document.

Mr. Antanavica was asked about improvements on the enforcement. He stated they are requiring the restaurants to submit plans to ISD so they know the setup for outdoor dining. There was a significant resource strain to go from two restaurants to 80 restaurants for outdoor seating. He talked about temporary ramps to provide access for all residents and people visiting the city. They are revising this process for the new requirements for future years. Mr. Postlewaite talked about other concerns addressed in the new document for accessibility and involving the city's ADA coordinator.

Chair asked about fees being previously waived and how the city is planning to recoup the investment. Mr. Postlewaite stated the licensing commission has the ability to make the final decision on fees. The administration can also waive the fees.

The chair also asked Mr. Postlewaite to specify which suggestions from the Commissions for Persons with Disabilities were adopted and which were not.

Mr. Lynch stated any delays on the draft of the document could delay the opening of outdoor seating for restaurants this coming season.

The chair asked Mr. Lynch when outdoor dining will start this year. Mr. Lynch is hoping to adopt the new program on February 14 to start the new outdoor seating on April 1<sup>st</sup>.

Ms. Denis stated she is deeply disappointed and feels there is a lack of inclusion for work to be done with the Persons of Disabilities commission. She stated their recommendation was about non-porous tables and the space between tables. She also talked about temporary ramps used that sloped, had splinters and was difficult for wheelchairs.

Mr. Postlewaite shared a general overview and context that the administration has been working in good faith. He is at the Commission of Persons with Disabilities meetings and believes the document includes their revisions that meets the spirit of the ADA and Persons with Disabilities.

Mr. Lynch stated that the City Clerk's office has been a vital component in participating in the drafting of this document for more permanent licensing.

Ms. Denis stated that one applicant, the Burren could not have legally had outside dining with an alcohol license. Additionally, she stated the path outside the Burren is already broken and has illegal access.

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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**212799: That the Executive Director of the Office of Strategic Planning and Community Development, The Director of Inspectional Services, and the Director of Engineering respond to questions posed by the Land Use Committee regarding ADA compliance for outdoor seating.**

Items 212798, 212799 and 212986 were discussed together.

**RESULT:**

**KEPT IN COMMITTEE**

**212986: That the Director of Inspectional Services, the Director of Engineering and the Director of Economic Development incorporate the recommendations of the Commission for Persons with Disabilities into the final 2022 Outdoor Dining Plan and ensure enforcement of all regulations.**

Items 212798, 212799 and 212986 were discussed together.

**RESULT:**

**KEPT IN COMMITTEE**

**Reference Material:**

- Tickets Davitoria (with 213014)