



City of Somerville, Massachusetts

City Council Licenses and Permits Committee

Meeting Minutes

Wednesday, November 8, 2023

6:00 PM

This meeting was held via Zoom and was called to order by Chair Burnley at 6:01 p.m. and adjourned at 6:37 p.m. on a Roll Call Vote: 3 in favor (Councilors Ewen-Campen, Clingan, Burnley), 0 opposed, 0 absent.

Others present:

Michael Potere – Assistant Clerk of Committees; Brian Postlewaite – Director of Engineering; Bernabe Rodriguez – Assistant City Clerk; Cindy Amara – City Solicitor.

Roll Call

Present: Chairperson Willie Burnley Jr., Vice Chair Jesse Clingan and Ben Ewen-Campen

- Committee Minutes (ID # [23-1575](#)) Approval of the Minutes of the Licenses and Permits Committee Meeting of October 18, 2023.

RESULT: ACCEPTED

- Grant of Location (ID # [23-1560](#)) Comcast applying for a Grant of Location to install 20 feet of conduit in Beacon Street, from Utility Pole 142/25 to a point of pickup at 205 Beacon Street.

Chair Burnley stated that this Item was brought to the Committee because Ward 2 Councilor Scott raised concerns that construction began before the application was approved.

Director Postlewaite explained that the developer and contractor had a valid permit for sidewalk construction, but not to install a conduit. Director Postlewaite continued that a grant is required for private conduit construction under state law, and confirmed that conduit construction was started before the application was approved. Director Postlewaite stated that much of the construction was complete before the department was made aware of the situation, but that construction was stopped when the developer and contractor were notified. Director Postlewaite noted that, although Comcast is applying for this grant, they indicated that they were not aware construction was underway when contacted by the department.

Chair Burnley sponsored Dave Flewelling, a Comcast representative, who stated that Comcast had approached the grant application process as it normally does and was awaiting for its approval to inform the developer that construction could begin. Flewelling continued by explaining that Comcast

was surprised to hear that construction began prior to approval.

Chair Burnley sponsored Thomas Piatt, who spoke on behalf of the developer, and explained that they believed the sidewalk construction permit included conduit construction, and that they started construction on the conduit due to that misunderstanding.

Chair Burnley asked about the consequences for beginning conduit construction prior to grant approval, and Director Postlewaite replied that ordinarily the contractor is asked to stop construction until it is approved, and added that the process is not meant to be punitive, but rather to ensure compliance with state law.

Councilor Ewen-Campen expressed support for this Item, and noted that the developer has complied and cooperated with the city since being made aware of the error.

Chair Burnley confirmed with the applicant that no additional construction would proceed until the grant is officially authorized by the City Council, and the applicant agreed.

RESULT: RECOMMENDED TO BE APPROVED

AYE: Chairperson Burnley Jr., Vice Chair Clingan and Ward Three City Councilor Ewen-Campen

3. License
(ID # [23-1339](#))

New Garage License, Quick Auto Center, 30 Joy Street, 0 cars inside, 40 cars outside, for charging money to store vehicles, maintaining and operating a tow vehicle, and storing unregistered vehicles, Mon-Fri:8am-6pm, Sat: 8am-2pm, and Sun: closed.

Councilor Ewen-Campen expressed strong opposition to approving this license, noting that the applicant continued to unlawfully operate this business even after again being told they were not permitted to do so during this committee’s last meeting.

Chair Burnley asked if the applicant received any complaints since the last committee meeting, and Solicitor Amara replied that the department was not aware of any additional complaints.

Councilor Clingan noted that the applicant’s behavior during the last City Council meeting was cause for some concern, and suggested caution should be taken with a towing license because it is the type of business that can be susceptible to predatory practices.

Chair Burnley stated for the record that the councilors should refer to the email circulated by the Law Department regarding the factors that they are allowed to consider in this process, and noted that the reasons for a councilor’s decision do not need to be expressly stated during this meeting.

Solicitor Amara noted that residents can file complaints against the business if they believe they are wronged by it.

Councilor Ewen-Campen asked if the Clerk's Office was aware that this applicant continued operating its business without a license after the last committee meeting, and Assistant City Clerk Rodriguez confirmed that it was. Councilor Ewen-Campen again reiterated strong opposition to this license for that reason.

Chair Burnley held a Roll Call Vote on this Item: 0 in favor, 3 opposed (Councilors Ewen-Campen, Clingan, and Burnley), 0 absent.

RESULT: RECOMMENDED TO BE NOT APPROVED

NAY: Chairperson Burnley Jr., Vice Chair Clingan and Ward
Three City Councilor Ewen-Campen

Referenced Documents:

- Licenses and Permits - 2023-11-08 Photo 1 (with 23-1560)
- Licenses and Permits - 2023-11-08 Photo 2 (with 23-1560)