



City of Somerville, Massachusetts

City Council Licenses and Permits Committee

Meeting Minutes

Wednesday, October 18, 2023

6:00 PM

This meeting was held via Zoom and was called to order by Chair Burnley at 6:00 p.m. and adjourned at 7:02 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; Kimberly Wells – City Clerk.

Roll Call

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

1. Committee Minutes (ID # [23-1384](#))

RESULT: ACCEPTED

2. Public Hearings

- 2.1. License (ID # [23-1340](#))
- New Garage License, Ravelo's Auto Service, 61 Washington Street, 3 cars inside, 4 cars outside, for mechanical repairs, autobody work, and charging money to store vehicles, Mon-Fri: 8am-6pm, Sat: 8am-2pm, and Sun: closed.

Chair Burnley opened the Public Hearing at 6:03 p.m.

Chair Burnley sponsored Olympio Ravelo, the business owner and applicant, who stated they are a Somerville resident and have been operating a similar business in Medford since 1999.

Councilor Clingan stated that he did not have any additional questions for the applicant, provided that the applicant had previously consulted with their Ward Councilor regarding the license.

Clerk Wells stated that, in response to questions from the public, this business license would not allow for resident parking permits, and that it also would not permit the sale of used cars.

Chair Burnley closed the Public Hearing at 6:07 p.m.

Chair Burnley expressed support for this license, noting the applicant’s longstanding ties to the community.

RESULT: **RECOMMENDED TO BE APPROVED**

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

2.2. 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.

Clerk Wells provided an explanation for the Somerville Police Department Incident Reports that were attached to the meeting agenda regarding this application. First, Clerk Wells explained that, although there were complaints that the business would only accept cash or Venmo for payment, it was confirmed by the city’s Law Department and the state that a business has discretion to choose which payment methods it accepts. Second, Clerk Wells explained that this business also violated the law in two ways: first, by towing over 100 vehicles in a 10-day period prior to being licensed, and second, by failing to report any of these tows to the Police Department. Clerk Wells continued that these violations of the law are a major concern for the city, and that the Council should be aware of them. Chair Burnley agreed, and also expressed concern that the business operator was storing the license plate information from towed vehicles on their phone.

Chair Burnley opened the Public Hearing at 6:12 p.m.

Chair Burnley sponsored Luciano Quintanilha, business owner and applicant, who was spoken for by a business partner, and who stated that they were working on obtaining the license since December 2022 and that there was some confusion between the business and City Hall regarding whether the business could be operated. Chair Burnley noted that there was no record of any cars being towed by this business with the Police Department, and Quintanilha responded that when the records were requested from the business by the Police Department, the employee working could not direct the officer to the receipts and the report numbers.

Chair Burnley asked when the business began operating, and Quintanilha responded that the license application was started in November 2022 and that they were told by City Hall that there would be a meeting and, after the meeting and if the license was approved, that the business could begin operating. Quintanilha continued that they began operating the towing business in September 2023.

Chair Burnley asked if the applicant came to the City Council chamber for a meeting in September, and Quintanilha responded that they did, and that they believed they could operate the business after that meeting.

Quintanilha added that they had difficulty communicating with City Hall.

Clerk Wells responded by explaining that the Clerk’s Office has a system in place where communication is made via three methods and in this case, in two languages, to explain that the business cannot begin to operate until a license is issued. Clerk Wells continued that the first communication is by phone when the meeting regarding the application is going to be scheduled, the second is when a follow-up email is sent to the applicant further explaining their next steps regarding the public hearing and abutter notices, and the third is when the applicant goes to City Hall in person to pick up the abutter notices. Clerk Wells emphasized that each of these communications reminds the applicant that they cannot operate the business until a license is issued, which is not final and official until the full City Council approves it, it is signed by the mayor, and is physically placed in the applicant’s hands.

Chair Burnley closed the Public Hearing at 6:22 p.m.

Councilor Ewen-Campen expressed strong opposition to approving the license, noting that during the last month and a half that the business has been illegally operating, it was also involved in five additional police reports that had not been previously mentioned during this meeting.

Chair Burnley asked when the applicant could resubmit their application, and Clerk Wells responded that if they intend to operate the same type of business, there would be a six-month waiting period.

Councilor Clingan expressed opposition to approving the license, noting that towing cars is a significant responsibility and can disproportionately impact the city’s most vulnerable residents. Councilor Clingan continued that it is common practice to notify the police when a car is towed, and that he is not aware of any cities permitting towing without notifying their respective police departments. Councilor Clingan concluded that, given its violations of the law, this is not the type of business that should continue to operate in Somerville.

Chair Burnley explained that this Committee is generally lenient with applicants who have made minor mistakes or were not aware of how the process works, but that it is greatly concerning that this applicant towed such a large number of vehicles in such a short amount of time without notifying the police so that the vehicles could be located by their owners. Chair Burnley expressed opposition to approving this license.

RESULT: RECOMMENDED TO BE NOT APPROVED

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

- 2.3. License (ID # [23-1210](#)) New Garage License, Ravelo's Auto Service, 61 Washington St, 3 vehicles inside, 4 vehicles outside for mechanical repairs and autobody work, Mon-Fri: 8am-6pm, Sat: 8am-2pm, Sun: closed.

This Item is identical to Item 2.1 (ID # 23-1340) and was withdrawn.

RESULT: RECOMMENDED TO BE WITHDRAWN

- 2.4. License (ID # [23-1479](#)) New Extended Operating Hours License, Dumpling Garden, 273 Broadway, opening Sunday-Saturday from 10am to 2am for in-store, take-out and delivery service.

Chair Burnley opened the Public Hearing at 6:30 p.m.

Chair Burnley sponsored Derek Chan, the applicant, who stated that business is located in the Winter Hill area across from the fire station, and that they would like to extend their opening hours to 2:00 a.m. Chair Burnley asked how long the applicant has been operating the business, and Chan responded that it has not opened yet, but that they are planning to open in about a month. Chan continued that allowing the restaurant to remain open later would allow it to serve the students in the area, as well as people who work late at night.

Chair Burnley sponsored Paul Romeo, who expressed opposition to the license extension, noting the potential for increased traffic and noise pollution. Chan responded that if neighbors had concerns about those issues, they could reach out to the business, and that in either event, the business would be mostly delivery and take-out, and would not be serving alcohol.

Chair Burnley closed the Public Hearing at 6:38 p.m.

Councilor Clingan stated that a late-night operating license is a typically issued as a courtesy to businesses who have been operating responsibly for a period of time, as opposed to new businesses without a track record, and stated that he would prefer to wait at least six months before granting this license extension. Chan responded that they operate a similar business in Saugus and that the Committee could consider their track record in that community when evaluating the present application.

Councilor Ewen-Campen asked if the late-night sales would be mostly delivery, and Chan responded that, after 9:00 p.m., around 90% of their business is delivery.

Councilor Ewen-Campen expressed support for approving the license extension, noting that there are very few places that will deliver food late at night, and that any concerns regarding noise and traffic have to do with the building's previous occupants, not the applicant.

Chair Burnley noted that this Committee has previously granted late-night operating licenses that only allow delivery, not take-out or dine-in.

Councilor Clingan asked what the applicant’s current license permits for operating hours, and Chan replied that the current license allows operation from 11:00 a.m. to 12:00 a.m.

Chair Burnley held a Roll Call Vote on this Item: 2 in favor (Councilors Ewen-Campen and Burnley), 1 opposed (Councilor Clingan), 0 absent.

RESULT: RECOMMENDED TO BE APPROVED

AYE: Chairperson Burnley Jr. and Ward Three City Councilor Ewen-Campen

NAY: Vice Chair Clingan

3. Other Business

3.1. License
(ID # [23-0584](#))

Renewing Garage License, Dewire Family Trust, 387 Washington St.

Chair Burnley stated that this Item would be taken together with Item 3.2 (ID # 23-0583).

Chair Burnley explained that this Item is now before this Committee for the fourth time, and that the applicant has not appeared or otherwise responded to inquiries from the city in any way.

Councilor Ewen-Campen expressed strong opposition to approving this license, noting that the lack of communication from the applicant is unprecedented; Chair Burnley agreed, and Councilor Clingan agreed and noted that this applicant has been given many chances to participate in this process.

RESULT: RECOMMENDED TO BE NOT APPROVED

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

3.2. License
(ID # [23-0583](#))

Renewing Garage License, Dewire Family Trust, 381 Washington St.

Chair Burnley stated that this Item would be taken together with Item 3.1 (ID # 23-0584).

RESULT: RECOMMENDED TO BE NOT APPROVED

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

3.3. Order
(ID # [23-1486](#))

By Councilor Scott

That the Director of Inspectional Services, the Chief of Police and the City Clerk meet with this Council to discuss the operation of duly licensed live music venues in the city, and the applicability of the Noise Ordinance as written.

Chair Burnley noted that this Item is based on a noise complaint received by a constituent of Councilor Scott’s, which opened up a larger conversation regarding the enforcement of noise ordinances for local businesses.

Clerk Wells explained the entertainment licensing process from the City Clerk’s perspective as it pertains to this Item. Entertainment is licensed through the Licensing Commission, and prior to the pandemic, only indoor entertainment was permitted. The city has since established a licensing process for outdoor dining and outdoor entertainment, and licensees may have one or the other, or in some cases, both. When such a license is sought, it is evaluated by the Licensing Commission, which takes into account, among other things, the space and associated levels of noise, which addresses the needs of small businesses and residents alike. In that context, a license for a particular entity could permit indoor entertainment until midnight and outdoor entertainment until 10:00 p.m., for example, based on the desires of the business and the needs of the surrounding community.

Councilor Ewen-Campen expressed support for recommending this Item be marked work completed, noting that it arose out of a situation where one business received a noise complaint, and in response discontinued live entertainment, which prompted a community-wide conversation about whether or not live entertainment was still permitted in Somerville. Councilor Ewen-Campen noted that live entertainment is still alive and well in the city, and recommended against reopening the noise ordinance conversation. Councilor Clingan expressed agreement.

RESULT: RECOMMENDED TO BE MARKED WORK COMPLETED

Referenced Documents:

- L&P - 2023-10-18 Public Comm (with 23-1210, 23-1340)
- L&P - 2023-10-18 SPD Incident Reports (with 23-1339)