



CITY OF SOMERVILLE, MASSACHUSETTS  
CLERK OF COMMITTEES

February 21, 2018  
REPORT OF THE LICENSES AND PERMITS COMMITTEE

Attendee Name	Title	Status	Arrived
Mary Jo Rossetti	Chair	Present	
Wilfred N. Mbah	Vice Chair	Present	
Jefferson Thomas ("J.T.") Scott	Ward Two Alderman	Present	

Others present: Alderman Mark Niedergang, Alderman Matt McLaughlin, John Long - City Clerk, Jason Grossfield - Law, Michael Glavin - OSPCD, James Aurilio - ISD, Attorney Richard DiGirolamo, Attorney Anne Vigorito, Rositha Durham - Clerk of Committees.

The meeting took place in the Committee Room and was called to order at 6:00 PM by Chairman Rossetti and adjourned at 9:45 PM.

**Approval of the January 17, 2018 Minutes**

<b>RESULT:</b>	<b>ACCEPTED</b>
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**PUBLIC HEARING (204806)**

**204806: New Extended Operating Hours License, Dumpling Kitchen, 217 Highland Ave, Opening for take-out and delivery service only, Sun-Thu to 2AM and Fri-Sat to 2:30AM.**

The applicant appeared before the committee to talk about the business, which is geared more towards students for takeout and delivery, with most orders placed by phone. No alcohol is available on the premises. Mr. Long introduced an email from Laurence Stone, an abutter, welcoming the business to the neighborhood. Alderman Niedergang lives five blocks away and said the business would be a great asset to the neighborhood, however, he does not support the 2:30 AM closing time, as the usual closing time for businesses is 2:00 AM. Additionally, there is no operating record for this business. It was suggested to give this business six months to see how well it does in the neighborhood and into the warm weather. Resident Jay Plumb, who lives close to the establishment, is excited about having the business in the neighborhood and supports the proposed six month trial basis, noting that there have been three businesses at this location in the past five years.

**The license was approved for a six month period, at which time it will be re-visited by the Licenses and Permits Committee.**

**RESULT:**

**APPROVED AS AMENDED**

**PUBLIC HEARING (204931)**

**204931: New Extended Operating Hours License, Venus Pizza and Grill, 1295 Broadway, remaining open for in-store, take-out and delivery service until 5AM 7 days/week.**

The applicant appeared before the committee to discuss extending the operating hours to 5:00 AM and said that the business is not in a busy area for walking students. The business is currently open until 11:00 PM and the applicant is willing to negotiate a new closing time. Research done by the committee and the City Clerk indicated that most restaurants in the area closed between 9:00 and 11:00 PM. Multiple Barton Street residents spoke in opposition to the later hours and commented about rodent, drug and trash problems in the very dense and noisy neighborhood area. Residents also complained that the establishment is not well kept, with the entryway littered with trash and cigarette butts (as witnessed by Chairman Rossetti and the Ward Seven Alderman), and said that patrons park in the neighborhood, taking up parking spaces needed for residents. Residents also expressed concern that the sidewalks on Barton Street are not being shoveled during snow storms. The restaurant has been in business for seven years and does not seem to be a good neighbor. The City Clerk introduced a communication from Elisabeth Raleigh who stated that she does not support the extended hours. Given the concerns expressed by neighbors, the committee denied the applicant's request and encouraged the applicant to get to know the neighbors and to apply again in six months. Chairman Rossetti offered to assist the applicant in working with the Ward Seven Alderman and to arrange a meeting with neighbors.

**RESULT:**

**NOT APPROVED**

**PUBLIC HEARING (205134)**

**205134: New Extended Operating Hours License, Dunkin Donuts, 504 Broadway, opening 24/7.**

This business has been open 24 hours a day for several years without incident. Very recently, it was discovered that there was an error on its common victualler's license, leading the owners to operated on a 24/7 basis, believing that they had been approved to do so. Upon discovery of the error, the owners immediately applied for a new license to rectify the mistake. Ward Alderman Mark Niedergang is happy to have the business operating 24 hours a day.

**RESULT:**

**APPROVED**

**PUBLIC HEARING (204774)**

**204774: New Billiards and Bowling License, Parise's Cafe, 97 Washington St, 1 pool table.**

This business has been operating for many years and the Ward One Alderman supports the request.

**RESULT:**

**APPROVED**

**PUBLIC HEARING (204932)**

**204932: Amending Used Car Dealers License Class 2, Master Used Cars, 121 Prospect St, to increase the number of vehicles outside to 38, and increase Saturday hours to 6PM.**

The business owner, along with his attorney, Ann Vigorito, appeared before the committee to discuss the application, and prior to tonight's meeting the attorney consulted with Mr. Aurilio. It was recommended that the applicant present a certified plot plan to assist in the city in determining the number of vehicles to be allowed. The applicant also wanted to extend the Saturday operating hours until 5:00 PM and a resident pointed out the business' website states that the business is open until 7:00 PM.

Multiple residents offered testimony in opposition to the application. Resident Jennifer Shepard's residence provides a good view of the site and she reported that the lot is too crowded and cars are being parked in front of residents' houses. Cars that are being offered for sale are also parked on the streets and sidewalk. Occasionally, trucks are parked on the sidewalk and the sidewalks seem to be cracking due to the pressure. The applicant/owner had been asked several times to correct this matter. Resident Meredith Sheppard agreed with and confirmed everything that Ms. Shepard related to the committee. Another resident doesn't mind the extended hours but commented that the business is very negligent when parking cars on Prospect Street, resulting in traffic jams. Another resident of the area for over 50 years said there is a tremendous amount of traffic with the new two way street and suggested talking to the owner to work things out. He feels the business is a good neighbor compared to previous owners over the years. Mr. Long introduced three emails expressing opposition to the applicant's request.

Mr. Aurelio introduced photos taken this morning (2/21/18) of the area with cars in front and noted that there were 31 vehicles on the lot. Chairman Rossetti stated that she had received several phone calls from residents and she expressed discontent that ISD did not follow through on the committee's order of November 15, 2017 (#204631). Alderman Scott said that the first priority of a business is to be a good neighbor and that he has found the business to be non-compliant with the conditions set forth at the meeting of November 15, 2017 (#204630).

The applicant withdrew the application.

<b>RESULT:</b>	<b>WITHDRAWN</b>
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**205007: That the City Clerk confer with the City Solicitor on a policy to review prior infractions for any business applying to renew a license.**

Mr. Long and Mr. Grossfield spoke about the committee's ability to review and consider past histories of infractions during an application renewal process. Mr. Grossfield stated that each license application has its own statutory scheme. The committee asked for a better understanding of what infractions are relevant to a business' application. Mr. Long and Mr. Grossfield will confer and have a response ready for the committee prior to its next scheduled meeting on March 21st.

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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**205136: Renewing Used Car Dealers License Class 2, Broadway Motor Cars, 161 Broadway.**

Attorney Richard DiGirolamo, representing the applicant and saying that his client was not aware of the reason why he was before the committee, was informed that the item was before the committee primarily due to the vehicle parking situation. With no objection from Attorney DiGirolamo, Alderman McLaughlin was asked to comment on this matter. Alderman McLaughlin said that the applicant's license had previously been conditioned on reducing the number of vehicles allowed to be parked in front of the building and he wants the vehicles removed from the front of the building and taken off the street. He presented emails and photos from constituents detailing their concerns.

Attorney DiGirolamo submitted a plot plan showing the private property. The committee discussed the 38 foot curb cut, an incident of a vehicle blocking the MBTA lane (resulting in police involvement), and about hearing from ISD and the Zoning Department to have a better understanding of the parcel. This location has been a car dealership for 30 years and the proprietor spoke about having the right to park in front of his driveway and explained that the business has 5 dealer plates that cover all of his cars. He offered to make a concession to reduce the number of cars outside from 4 to 3, if this was acceptable to Alderman McLaughlin.

Chairman Rossetti's motion that the license be approved for renewal, reserving the right to consider imposing conditions on the license at a future meeting within 60 days, following receipt of information from city departments including ISD, Planning and Traffic and Parking, and notice of said meeting shall be provided to the licensee, was approved.

<b>RESULT:</b>	<b>APPROVED WITH CONDITIONS</b>
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**205135: Renewing Used Car Dealers License Class 2, Somerville Motors, 182 Washington St.**

See discussion of item #205137.

<b>RESULT:</b>	<b>APPROVED</b>
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**205137: Renewing Used Car Dealers License Class 2, 28 Motorsports, 486R Columbia St.**

The business owner spoke about losing a \$100,000 credit line due to a **60 day condition** that was tagged onto language on the license. After a lengthy discussion, Mr. Glavin and Mr. Long apologized for any resulting unintended consequential action.

Chairman Rossetti's motion that the condition language for used car dealer licenses proposed by OSPCD regarding the Union Square Urban Revitalization Plan area be reviewed by OSPCD, the City Solicitor and City Clerk to confirm it will not infringe upon licensees' ability to conduct the licensed business activity, was approved.

<b>RESULT:</b>	<b>APPROVED</b>
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**205138: Renewing Used Car Dealers License Class 2, CM Auto Sales, 39 Webster Ave.**

See discussion of item #205137.

**RESULT:**

**APPROVED**

**205139: Renewing Used Car Dealers License Class 2, Union Gulf Service, 231 Washington St.**

See discussion of item #205137.

**RESULT:**

**APPROVED**

**205140: Renewing Used Car Dealers License Class 2, Webster Auto Sales, 61 Prospect St.**

See discussion of item #205137.

**RESULT:**

**APPROVED**

**205141: Renewing Used Car Dealers License Class 2, Executive Auto Leasing and Sales, 30 Medford St.**

See discussion of item #205137.

**RESULT:**

**APPROVED**

**Handouts:**

- Email - L. Stone (with 204806)
- Extended Hours List (with 204806)
- Email - E. Raleigh (with 204931)
- Email - L. Savitt (204932)
- Email - L. White (204932)
- Email - M. Moreira (204932)
- Email - S. Fields (with 204932)
- Photos (with 204932)
- Plot Plan (with 205007)
- Emails and Photos (with 205136)
- Memo re Urban Renewal Language (with 205137 et al)
- Union Square license condition language