



CITY OF SOMERVILLE, MASSACHUSETTS
CLERK OF COMMITTEES

September 22, 2021
REPORT OF THE LICENSES AND PERMITS COMMITTEE

Attendee Name	Title	Status	Arrived
William A. White Jr.	Chair	Present	
Wilfred N. Mbah	Vice Chair	Present	
Jefferson Thomas ("J.T.") Scott	Ward Two City Councilor	Present	

Approval of the July 7, 2021 Minutes

The minutes were accepted on a roll call vote of 3 in favor (Councilors Scott, Mbah and White), none against and none absent

RESULT: **ACCEPTED**

211856: City Clerk submitting a proposed amendment of Article III of Chapter 8, the Junk Dealer Ordinance.

Chair White stated that he has reviewed the revisions and is fine with them. Councilor Scott stated that he worked with former City Clerk, John Long, on this item, and that the attached document is the revised version. Chair White moved to approve the item as amended in the attached document titled 2021 9-22-21 Second Hand Dealers Updated CLEAN (with 211856)

RESULT: **APPROVED AS AMENDED. [UNANIMOUS]**
AYES: White Jr., Mbah, Scott

212026: Submitted by Verizon to install a Utility Pole 70S near the intersection of Houghton and Prospect Sts.

Councilor Scott requested that this item be kept in committee.

RESULT: **KEPT IN COMMITTEE**

212221: New Garage License, Brazil Auto Repair Inc, 621 Somerville Avenue, 2 autos inside, 0 outside for mechanical repairs only, operating Mon-Fri: 8am-6pm, Sat: 8am-2pm, Sun: Closed.

Public hearing.

No one was present to speak on the item.

RESULT:	KEPT IN COMMITTEE
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212230: Submitted by Eversource to install 99 feet of conduit in Summer Street, from Utility Pole 325/28 to a point of pickup at 162 Summer Street.

Jacqueline Duffy from Eversource reported that the issue at the new high school has been resolved.

RESULT:	APPROVED. [UNANIMOUS]
AYES:	White Jr., Mbah, Scott

212231: Submitted by Eversource to install 116 feet of conduit in Inner Belt Road, from Manhole 26995 to a point of pickup at Inner Belt Road and Third Avenue.

Jacqueline Duffy from Eversource reported the individual who had a concern has not responded to Eversource's email of September 20th explaining what would take place. This item is for the MBTA and has a sense of urgency. Councilor Scott will reach out to the person having the concern.

RESULT:	APPROVED. [UNANIMOUS]
AYES:	White Jr., Mbah, Scott

212298: New Garage License, 101 South Street Owner LLC, 101 South Street, 300 vehicles inside, 0 outside, for storing vehicles only.

Public hearing.

Chair White stated that only 250 spaces are permitted, so the item will have to be amended.

Kelly Oyekoya spoke in favor of this item. Councilor Scott commented on the plans saying that they appear to be in reverse order. He noted that he couldn't find the ADA/HP parking spaces on the plan, however, Ms. Oyekoya pointed them out to the committee. Councilor Scott asked if any consideration was given to making those spaces fee free and Ms. Oyekoya said that something should be able to be worked out for reduced rate parking. Rob Dickey noted that the number of HP parking spaces meets the requirements. Councilor Scott asked if the city's Disabilities Commission was consulted on this item and sponsored Bonnie Denis, from the Disabilities Commission, to speak on the matter. Ms. Denis said that she attended the recent meeting hosted by Councilor Scott and she struggles with the amount of handicap access. Mr. Dickey said that he wasn't familiar with the city's streetscape HP parking plan, but he will look into both the inside and outside spaces, again offering to provide reduced rate parking for HP persons. He will contact Ms Denis with follow-up information.

Chair White moved for approval of the item with the amendment of 250 spaces rather than 300.

RESULT:	APPROVED AS AMENDED. [UNANIMOUS]
AYES:	White Jr., Mbah, Scott

212299: New Garage License, FRIT, 485 Foley Street, 250 autos inside, 0 outside for storing vehicles only.

Public hearing.

No one was present to speak on the item.

RESULT:

KEPT IN COMMITTEE

212300: New Garage License, FRIT, 455 Grand Union Boulevard, 611 autos inside, 0 outside for storing vehicles only.

Public hearing.

No one was present to speak on the item.

RESULT:

KEPT IN COMMITTEE

212359: 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.

Mr. Lynch, Mr. Antanavica and Ms. Denis were present to address this item. Ms. Denis said that she fully supports outdoor dining, however, some of the requirements for ADA accessibility have not been met. She has personally documented and reported some of the violations, yet they continue to exist. She noted that there was no system in place to track complaints. Mr. Lynch stated that the outdoor dining initiative was put together very quickly. All sign-offs were completed prior to the applications reaching the Licensing Commission, and ADA compliance was part of the process. Mr. Lynch said that the Commission is aware that there are temporary ramps in place that are being improperly removed if there are no HP diners at the venue. The Licensing Commission relies on other departments to ensure that everything is proper prior to signing off. He welcomes input from Ms. Denis on how to ensure that ADA requirements are being met and that complaints are investigated.

Councilor Mbah asked Mr. Lynch who signs off on the ADA portion of the applications. Mr. Lynch said that the Engineering Department was responsible for making sure that ADA requirements were being met. Because there was no formal documentation of non-compliance, Mr. Lynch estimated that there were 10-12 complaints that were reported to him. Mr. Lynch stated that he personally visited many restaurants and spoke to the proprietors when he noticed any violations. Councilor Scott asked what was considered a "formal" complaint and Mr. Lynch explained that it would be a written document that made its way to the Licensing Commission. Upon reaching the Licensing Commission, it would be forwarded to ISD for investigation, with a response sent back to the Licensing Commission for any appropriate action. Mr. Lynch explained that some leniency was given to restaurants early on, due to the newness of outdoor dining in the city.

Chair White asked Mr. Antanavica to comment on this matter. Mr. Antanavica stated that many items weren't in compliance, so ISD formulated a new plan to verify that ADA conditions were being met. As for the reporting of complaints, he has always stated that complaints should be reported to 311 so that they are routed to the proper personnel for action. There have been 8 complaints since March of this year and all of the documentation is available on CitizenServe. Chair White commented that people can't really tell what steps have been taken regarding their complaints. Mr. Antanavica is working on making the reporting system more detailed to remedy that problem. Chair White suggested that perhaps fines should be assessed for repeat violations.

Councilor Scott spoke about some of the structural issues he was made aware of and he asked Mr. Postlewaite to comment on the process. Mr. Postlewaite said that when outdoor seating began in June of 2020, the relevant departments worked together to expedite a policy for outdoor dining. He acknowledged that many of the initial permits were not perfect, noting that some of the problems seen were not expected. HP parking spaces were not initially protected as well as they should have been. Councilor Scott wants to make sure that ADA enforcement is effective at all outdoor dining venues. Mr. Postlewaite explained that all of the licenses are temporary and will have to be re-applied for in January, therefore all venues will be inspected for ADA compliance.

Ms. Denis requested to see the emails between Mr. Lynch and Mr. Antanavica as well as a list of businesses that "fixed" problems. Chair White asked that the information be provided to Ms. Denis. Ms. Denis spoke about the use of 311 for filing complaints. She also said that she was unaware that "formal" complaints were necessary in order to get action. She noted that communications were sent to the City Council, and apparently didn't rise to the level of being formal complaints. Chair White asked Mr. Denis how she would like her concerns addressed, going forward. She responded that she would like the administration to realize that this is about complying with federal law, adding that the city doesn't have the expertise to do so. Chair White asked the members if a follow-up meeting should be held on this matter and Councilor Scott replied that one should be held in 6 to 8 weeks.

Mr. Lynch commented that ADA access to restrooms are part of the new approval process.

RESULT:	KEPT IN COMMITTEE
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212367: Directors of OSPCD, ISD, and Engineering responding to questions posed by the Land Use Committee regarding ADA compliance for outdoor seating.

See item 212359

RESULT:	KEPT IN COMMITTEE
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212368: Renewing Lodging House License, Tufts University, 123 Packard Ave.

Items 12 through 42 taken together.

Councilor Clingan spoke on the item and reported that he spoke to all interested parties involved in the Tufts dining workers issue and said all parties are amenable to engaging in future conversations, therefore, he is fine with moving these items forward.

Mr. DiRoco explained the college's COVID protocol for students, faculty and staff, adding that the plan has been sent to and approved by the city's HHS Director. Chair White moved to approve the items subject to the following condition:

The Lodging House shall operate in a manner designed to provide for the safety of the students and the public in light of the Covid-19 pandemic, as determined by the Somerville Board of Health or its authorized agent. This includes, but is not limited to, strict adherence to Tufts University's own testing protocol detailed in the COVID Preparedness Plan Fall 2021.

RESULT:	APPROVED WITH CONDITIONS. [UNANIMOUS]
AYES:	White Jr., Mbah, Scott

212369: Renewing Lodging House License, Tufts University, 75-85 Packard Ave.

See Item 212368

RESULT:	APPROVED WITH CONDITIONS. [UNANIMOUS]
AYES:	White Jr., Mbah, Scott

212370: Renewing Lodging House License, Tufts University, 43 Latin Way.

See Item 212368

RESULT:	APPROVED WITH CONDITIONS. [UNANIMOUS]
AYES:	White Jr., Mbah, Scott

212371: Renewing Lodging House License, Tufts University, 29 Latin Way.

See Item 212368

RESULT:	APPROVED WITH CONDITIONS. [UNANIMOUS]
AYES:	White Jr., Mbah, Scott

212372: Renewing Lodging House License, Tufts University, 45 Talbot Ave.

See Item 212368

RESULT:	APPROVED WITH CONDITIONS. [UNANIMOUS]
AYES:	White Jr., Mbah, Scott

212373: Renewing Lodging House License, Tufts University, 15 Whitfield Rd.

See Item 212368

RESULT:	APPROVED WITH CONDITIONS. [UNANIMOUS]
AYES:	White Jr., Mbah, Scott

212374: Renewing Lodging House License, Tufts University, 21 Whitfield Rd.

See Item 212368

RESULT:	APPROVED WITH CONDITIONS. [UNANIMOUS]
AYES:	White Jr., Mbah, Scott

212375: Renewing Lodging House License, Tufts University, 13-15 Talbot Ave.

See Item 212368

RESULT:	APPROVED WITH CONDITIONS. [UNANIMOUS]
AYES:	White Jr., Mbah, Scott

212376: Renewing Lodging House License, Tufts University, 9-11 Sunset Rd.

See Item 212368

RESULT:	APPROVED WITH CONDITIONS. [UNANIMOUS]
AYES:	White Jr., Mbah, Scott

212377: Renewing Lodging House License, Tufts University, 56-64 Professors Row.

See Item 212368

RESULT:	APPROVED WITH CONDITIONS. [UNANIMOUS]
AYES:	White Jr., Mbah, Scott

212378: Renewing Lodging House License, Tufts University, 106 Professors Row.

See Item 212368

RESULT:	APPROVED WITH CONDITIONS. [UNANIMOUS]
AYES:	White Jr., Mbah, Scott

212379: Renewing Lodging House License, Tufts University, 92 Professors Row.

See Item 212368

RESULT:	APPROVED WITH CONDITIONS. [UNANIMOUS]
AYES:	White Jr., Mbah, Scott

212380: Renewing Lodging House License, Tufts University, 28 Professors Row.

See Item 212368

RESULT:	APPROVED WITH CONDITIONS. [UNANIMOUS]
AYES:	White Jr., Mbah, Scott

212381: Renewing Lodging House License, Tufts University, 14 Professors Row.

See Item 212368

RESULT:	APPROVED WITH CONDITIONS. [UNANIMOUS]
AYES:	White Jr., Mbah, Scott

212382: Renewing Lodging House License, Tufts University, 8 Professors Row.

See Item 212368

RESULT:	APPROVED WITH CONDITIONS. [UNANIMOUS]
AYES:	White Jr., Mbah, Scott

212383: Renewing Lodging House License, Tufts University, 125 Powderhouse Blvd.

See Item 212368

RESULT:	APPROVED WITH CONDITIONS. [UNANIMOUS]
AYES:	White Jr., Mbah, Scott

212384: Renewing Lodging House License, Tufts University, 98 Packard Ave.

See Item 212368

RESULT:	APPROVED WITH CONDITIONS. [UNANIMOUS]
AYES:	White Jr., Mbah, Scott

212385: Renewing Lodging House License, Tufts University, 32 Dearborn Rd.

See Item 212368

RESULT:	APPROVED WITH CONDITIONS. [UNANIMOUS]
AYES:	White Jr., Mbah, Scott

212386: Renewing Lodging House License, Tufts University, 12 Dearborn Rd.

See Item 212368

RESULT:	APPROVED WITH CONDITIONS. [UNANIMOUS]
AYES:	White Jr., Mbah, Scott

212387: Renewing Lodging House License, Tufts University, 90-92-94 Curtis St.

See Item 212368

RESULT:	APPROVED WITH CONDITIONS. [UNANIMOUS]
AYES:	White Jr., Mbah, Scott

212388: Renewing Lodging House License, Tufts University, 8 Whitfield Rd.

See Item 212368

RESULT:	APPROVED WITH CONDITIONS. [UNANIMOUS]
AYES:	White Jr., Mbah, Scott

212389: Renewing Lodging House License, Tufts University, 176 Curtis St.

See Item 212368

RESULT:	APPROVED WITH CONDITIONS. [UNANIMOUS]
AYES:	White Jr., Mbah, Scott

212390: Renewing Lodging House License, Tufts University, 136 Curtis St.

See Item 212368

RESULT:	APPROVED WITH CONDITIONS. [UNANIMOUS]
AYES:	White Jr., Mbah, Scott

212391: Renewing Lodging House License, Tufts University, 40A-F Latin Way.

See Item 212368

RESULT:	APPROVED WITH CONDITIONS. [UNANIMOUS]
AYES:	White Jr., Mbah, Scott

212392: Renewing Lodging House License, Tufts University, 13 Sawyer Ave.

See Item 212368

RESULT:	APPROVED WITH CONDITIONS. [UNANIMOUS]
AYES:	White Jr., Mbah, Scott

212393: Renewing Lodging House License, Tufts University, 37 Sawyer Ave.

See Item 212368

RESULT:	APPROVED WITH CONDITIONS. [UNANIMOUS]
AYES:	White Jr., Mbah, Scott

212394: Renewing Lodging House License, Tufts University, 45 Sawyer Ave.

See Item 212368

RESULT:	APPROVED WITH CONDITIONS. [UNANIMOUS]
AYES:	White Jr., Mbah, Scott

212395: Renewing Lodging House License, Tufts University, 101 Talbot Ave.

See Item 212368

RESULT:	APPROVED WITH CONDITIONS. [UNANIMOUS]
AYES:	White Jr., Mbah, Scott

212396: Renewing Lodging House License, Tufts University, 100 Talbot Ave.

See Item 212368

RESULT:	APPROVED WITH CONDITIONS. [UNANIMOUS]
AYES:	White Jr., Mbah, Scott

212397: Renewing Lodging House License, Tufts University, 73 Powderhouse Blvd.

See Item 212368

RESULT:	APPROVED WITH CONDITIONS. [UNANIMOUS]
AYES:	White Jr., Mbah, Scott

212398: Renewing Lodging House License, Tufts University, 39R Latin Way.

See Item 212368

RESULT:	APPROVED WITH CONDITIONS. [UNANIMOUS]
AYES:	White Jr., Mbah, Scott

Referenced Material:

- 2021 9-22-21 Second Hand Dealers Updated CLEAN (with 211856)
- 2021 9-22-21 Second Hand Dealers Updated REDLINED (with 211856)