



CITY OF SOMERVILLE, MASSACHUSETTS
CLERK OF COMMITTEES

April 10, 2019

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 City Councilor	Present	

The meeting was held in the Committee Room and was called to order by Chairwoman Rossetti at 6:04pm and adjourned at 8:16pm.

Others present: John Long - City Clerk; Jason Grossfield - Law; Detective Stephen Jones - Police; Kimberly Wells - Assistant Clerk of Committees

Approval of the February 13, 2019 Minutes

RESULT:	ACCEPTED
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Public Hearing on the petition of Edrissi Group, Inc., dba Sam's Falafel and Shawarma, for an Extended Operating Hours License at 215 Highland Avenue, to remain open until 3 AM Monday through Saturday nights, for in-store, take-out, and delivery service.

The applicant, Mr. Sam Edrissi, spoke on his own behalf and noted that extending the hours will help provide the community with healthy options, which are much needed in the late-night hours. Currently, the business closes at 12am and at 9pm on Sundays. Two community members spoke in favor and two against.

Community member Mr. Greg Epstein, who lives at 3 Spring Hill Terr, which is two blocks from the restaurant, shared that this is one of the best restaurants in Somerville and is special to the neighborhood. We need more businesses like this and Sam is a gracious member of the community and Mr. Epstein fully supports his petition. Ms. Casey Accardi, also a neighbor, echoed many of Mr. Epstein's comments. She added that it would be beneficial to have a later opening time to serve people who work non-traditional shifts, and also people with vegan or vegetarian requirements. Sam is a huge part of the sense of community in the neighborhood. Mr. John Sullivan, a neighbor on Hudson Street, noted that there has been a history of trash and rodent issues with the property. Other properties on the block are adversely affected from this trash. Additionally, there is a lack of public restrooms, and issues with patrons' cars parking in bus stop zones. Kathryn McCarthy, a neighbor at 82 Hudson Street, shared her problems with

trash, which she is constantly reporting. The rats are also a big issue, which she is quite upset about. She also noted that the additional traffic at the late hour is another concern.

Mr. Long added that written comments, 5 in favor and 3 opposed, were also submitted.

Chairwoman Rossetti added that Councilor Niedergang, the Councilor of the Ward where the business is located, shared a letter of support.

207558: New Extended Operating Hours License, Sam's Falafel and Shawarma, 215 Highland Ave, remaining open to 3AM Mon-Sat for in-store, take-out, and delivery service.

Mr. Edrissi addressed the trash issues and shared that it is a concern for him as well. He has suggested to the property owner that he and the other businesses could combine to pay for additional trash removal (the current schedule is twice per week). He added that he has never denied anyone use of the restroom, though it is not required for a business of his size.

Councilor Mbah voiced his support and suggested that we can find a common solution to address the rodent issues. Councilor Scott noted that the Committee would not be involved were it not for the specific hours and Mr. Long confirmed that any business reserves the right to be open between 5am and midnight. Councilor Scott added that there are complaints about rodents at restaurants across the City, but they are a challenge to address. Based on the example of the business next door, which has not generated extra complaints, it seems that the traffic and other issues will not be significant. He wondered what steps the Committee could take to address the health concerns.

Mr. Edrissi has been in the property for just about one year and enjoys the work and is committed to a healthy environment and serving the community. Chairwoman Rossetti agreed that there is a rodent issue and she appreciates Mr. Edrissi's proactive attempts to address this. She plans to reach out to ISD for thorough checks to the property. She is in favor of offering a 6 month trial for 2:30am on the weekends and 2:00am during the week. If this goes well, the applicant can try again for a 3:00am extended closing time.

Chairwoman Rossetti moved to extend the operating hours to 2:00am Sunday through Thursday and 2:30am Friday and Saturday, to be reevaluated after 6 months.

The motion was approved on a voice vote.

RESULT:

APPROVED AS AMENDED

207772: Police Detective conveying a report of the arrest of the owner of Tosh Enterprises, which holds a Junk Dealer License at 260 Elm St.

The applicant Mr. Bayles has been at this location for two years, with an additional nine years at a location across the street. He commented that it was a deeply embarrassing moment but there was no ill will. He is often concerned about his safety due to the nature of his business, so he frequently uses a pseudonym to protect his own privacy and the safety of his family. He uses this pseudonym on social media and on his business cards as well.

Councilor Scott asked whether the investigation was still open, which Mr. Bayles was unsure of. He also wondered whether there were complaints about this business and Mr. Long responded that there have been calls from unsatisfied customers, but no documented complaints. Detective Jones has been overseeing second-hand stores and pawn shops for three years and has had a good relationship with Mr.

Bayles and his shop manager. The store is required to report purchases to the Police Department monthly. Tracking this data helped the department identify potential criminals. This was formerly done via spreadsheet, but is now using a software which allows for more real-time reporting on a daily basis. The nature of the business comes with the risk that items may be taken by the Police. Detective Jones has not had any prior issues with the business relative to returning items or providing requested documentation.

Chairwoman Rossetti confirmed that the officer from the State Police properly identified himself as an officer when he approached Mr. Bayles. Mr. Bayles added that he gave the officer the information that he needed, and shared his contact information. The incident in question was from August and the officer was inquiring in January, which is why he was confident the items were no longer in the store. The store was busy, and he was distracted. Mr. Bayles has video that demonstrates that the officer reacted harshly to the alternate name, which led to the quick escalation of the incident.

The court date is scheduled for April 25. Mr. Bayles commented that he has attempted to attend court on two other occasions but the state police officer was unprepared. Chairwoman Rossetti expressed an interest in waiting to hear the outcome of the court proceedings before making a determination. Mr. Bayles's attorney noted that there is a high likelihood that nothing will be resolved that day, as it is not a trial date. Mr. Grossfield shared that procedurally, any witnesses, statements, and videos are accepted for the show-cause hearing. The outcome of the case does not impact what happens in the Committee; the licenses can be revoked at the pleasure of the Council.

Mr. Bayles's attorney further noted that this incident was wrong but not egregious, and it should be considered that there have been few complaints and Mr. Bayles has had a good relationship with the Police. Councilor Scott added that the business has had several names, and the owner has been on the national news with conflicting accounts about a Grammy Award that had been re-sold through his store. Detective Jones added that the department does do checks and balances to try to ensure compliance, but the reporting system is only as good as what is entered.

RESULT:

KEPT IN COMMITTEE

Show-Cause Hearing on why the Junk Dealer License for Tosh Enterprises, 260 Elm St, should not be suspended, revoked, modified or not renewed, based upon an alleged incident (see #207772).

The copy of the video was unable to provide sufficient sound, so Chairwoman Rossetti will work with IT to arrange for it to be viewed at the next meeting, which she will schedule for a date in May. She also recommended that the Show-Cause Hearing remain open until the completion of the viewing of video and/or the court case.

Councilor Scott noted that the video would not redact the information, as the police report does, and suggested that it perhaps be reviewed by the Law Department or in executive session. Mr. Grossfield will work with Mr. Bayles's attorney to review the information in the video and make that determination.

207852: Renewing Junk Dealer's License, Tosh Enterprises, 260 Elm St.

Mr. Long confirmed that it is permissible to approve a shorter-term renewal due to the circumstances. Councilor Scott confirmed with Mr. Grossfield that regardless of the renewal term, the license could be revoked at any time.

Chairwoman Rossetti moved **to renew the license while keeping the Show-Cause Hearing open pending the viewing of video and/or determination of the court case.**

The motion passed on a voice vote, with Councilor Scott voicing opposition.

RESULT:	APPROVED WITH CONDITIONS
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207861: Renewing Outdoor Parking License, Star Market, 275 Beacon St.

The store manager, Mr. White, conveyed to Mr. Long that he would not be able to attend this meeting. Councilor Scott expressed the need for some higher-level accountability, as store-level turnover can be significant. Concerns from neighbors include dumpster operation outside of noise ordinance hours; idling vehicles and construction equipment; and lack of maintenance on storm drains. In a previous phone conversation, the store manager stated that he will work with the corporate office to get this store on a curfew list that the business maintains. Councilor Scott would like to ensure that the next manager will be required to continue this. He wondered whether a condition could be included on the permit to require notification to abutters for construction work. Mr. Long confirmed that the City Council does have the right to condition licenses. Councilor Scott noted that the store manager did not object to any of the conditions that they discussed and he wanted to be a good neighbor.

Councilor Scott moved to approve the license, with the conditions that deliveries and dumpster removals are limited to between 7:00am and 7:00pm; neighbor notification is provided for maintenance or resurfacing work on the parking lot between 7:00pm and 7:00am through an abutter list provided by the City; the drainage on the property is maintained in satisfactory condition; and the snow removal is maintained at the Kent Court path opening.

The motion was approved on a voice vote.

RESULT:	APPROVED WITH CONDITIONS
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207148: Submitted by Cambridge Network Solutions to install 119 feet of conduit in Medford St at Walnut St, from the communications manhole near 299 Medford Street to the communications manhole in the sidewalk at the intersection of the two streets.

This request has been withdrawn.

RESULT:	PLACED ON FILE
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207354: Submitted by Eversource and Verizon New England to install one joint-owned pole in the sidewalk at 10 Ward St.

This has been previously corrected and approved.

RESULT:	PLACED ON FILE
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Handouts:

- Comments (with 207558)