



CITY OF SOMERVILLE, MASSACHUSETTS
CLERK OF COMMITTEES

May 5, 2022

REPORT OF THE LICENSES AND PERMITS COMMITTEE

Attendee Name	Title	Status	Arrived
Willie Burnley Jr.	Chair	Present	
Jesse Clingan	Vice Chair	Present	
Jake Wilson	City Councilor At Large	Present	

Others present: David Shapiro-City Solicitor's office, Rachel Taylor-Animal Control, and Bernabe Rodriguez-City Clerk's office, Kimberly Wells-City Clerk.

Approval of the April 13, 2022 Minutes

RESULT:	ACCEPTED
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213613: That this Council's Committee on Licenses and Permits schedule a Show Cause hearing to determine why any business licenses issued to Elliot's House Pet Care and More by this body should not be suspended or revoked for violations of the conditions of the license amendment, approved on April 14, 2022.

The chair showed the license from April 13th. The conditions from the April 13th meeting states that the Elliot's House Pet Care and More receive continuous check-ins by the animal control to make sure they do not exceed the number of dogs.

Attorney Israel Sanchez representing the Elliot House requested the business owners be allowed to state their case. Rachel Taylor, City of Somerville Animal Control officer, stated on April 21, she and her coworker went to Elliot house and asked how many dogs were on premises and the manager stated there were 66 dogs which exceeded the number of the dogs. They did a walk through and there were 66 dogs and they issued a violation. The department received two complaints this past February and on Feb 10 the first complaint came in regarding cruelty to the animals. The animal control officers responded after the second complaint. Additionally, the owners did not post their license in a conspicuous place and then received another complaint of having too many dogs. They received a \$100 fine for the license not being posted and exceeding the number dogs. The owner later received a \$1,000 fine due to non-compliance and they continued to do overnight boarding. On March 23 for a scheduled appointment, they were allowed 10 dogs overnight. The Animal Control Officers stated they use a guide to determine how many dogs should be on a property during the day and night. Chair Burnley stated the

license expired on July 3 2020, the city approved another license on April 14, 2022. The license had been expired for over 600 days before another license was approved.

Taghi Shaw head of operations for Elliot House stated they were not aware the license had lapsed and there was no communication from the City. The animal control officer received a call about harm being done to animal but they did not see any evidence of animals being hurt. Mr. Shaw stated he has over 400 signatures not agreeing with Ms. Taylor's account of how many dogs to be on the premises. He also stated that other animal housing properties have more dogs on their property. Mr. Shaw stated that he was told the 60 number only applies to grooming. He also asked what bylaws the animal control is following. The owner of Elliot's House, Carol, was also on the line with Mr. Shaw.

Ms. Taylor spoke to Elliot House on Feb 24th to do a check and there were two dogs fights while there, and early Feb no cruelty, but multiple violations. Ms. Taylor stated she did not pick 60 for number of dogs, but agrees with Mass Kennel Report stating how many animals are safe in a given area. Chair Burnley asked how much space per dog, which was not available.

Councilor Clingan asked the City Solicitor to weigh in on what grounds and numbers of dogs. Mr. Shapiro stated the licensing authority allows the board to impose reasonable conditions on the license.

Councilor Wilson stated the applicant agreed to the previous conditions and wondering why the conditions were not met by the applicant.

Taghi Shaw, stated their counsel said the license is about boarding and daycare, not grooming which was never part of the numbers. Mr. Shaw stated they had 57 dogs for the day, the other dogs there were for grooming. He also stated the license does not say anything about grooming.

The attorney for the applicant, Israel Sanchez stated the issue is with the unreasonableness acted by Ms. Taylor which escalated to other things. He stated also that other animal facilities have more animals. Chair Burnley asked David Shapiro a hypothetical question what would happen if a restaurant is opening without a license, would the City of Somerville be able to shut down the restaurant. Mr. Shapiro stated the city would be within its right to shut the restaurant.

Councilor Wilson expressed his concern for the applicant to answer why they were operating without complying to the conditions. Councilor Clingan asked to hear Ms. Taylor her professional opinion of where the city go from here. Ms. Taylor stated from the very beginning of the warning, at the time allowed 20 dogs and they were at 67 dogs. She does not feel they are trying to comply and totally disregarding the conditions from the city councilor. It's a huge safety concern and need to make sure the dogs are safe. She wanted to suspend their license back in February. Councilor Clingan asked how the 20-dog count came about and then jumped to 60. City Clerk Wells stated during COVID-19, the owners asked to decrease the number of dogs and they did not want to continue to pay for 60 dogs when they only had 20. Once the business was back, then could return up to the amount on their license. Chair Burnley asked City Clerk Wells when was increased back to 60. City Clerk Wells stated she will look into the date of when the number went back to 60 dogs up from 20 dogs. Councilor Clingan stated the city councilor is tasked with protecting the dogs in the community.

Taghi Shaw stated he was sorry they were in violation and did not understand that grooming was part of the count. They reduced their number because of COVID to 20 dogs. They also had to reduce the number of people on staff. He talked about the petition with 400 names with no

issues and no abuse of animals from this applicant. They have also put so many requests to increase the number of dogs. Their council said he spoke to Ms. Taylor and they were allowed the 60 dogs onsite. Mr. Shaw stated Ms. Taylor said there was animal abuse and he tried to communicate with Ms. Taylor to no avail. They applied several times on-line and was shut down immediately by Ms. Taylor. Mr. Shaw stated it took four months to get a date to come before the board. They have tried to get their number of dogs increased many times, but the attorney stated that Ms. Taylor will only allow 60 dogs.

Chair Burnley asked the clerk if before the hearing is closed, if this can be opened to other residents. City Clerk Wells stated a Show Cause Hearing does not have to be a public hearing.

Chair Burnley stated there are multiple violations to this license. The chair asked Mr. Shapiro about suspension as a short term vs. revoking a license.

The Chair motioned and is was accepted by all three members to revoke the applicant's license. If the license is revoked, the applicant must stop operations immediately. Councilor Clingan asked if the applicant could reapply in the future. Mr. Shapiro stated the applicant can reapply for a license in the future. The chair stated this is the recommendation from this committee at the next city council meeting to be revoke the license. Mr. Shapiro also stated you can provide a date of when the license will go into revocation.

RESULT:

WORK COMPLETED

Reference Material:

- Show Cause Hearing Notice Kennel 2022 (with 213613)
- Certificate of Service 230 Somerville Ave (with 213613)
- MA Kennel Inspection Report - Blank Guidelines (with 213613)
- Incident Report - 230 Somerville Ave Elliot's House 2 (with 213613)
- 230 Somerville Ave - all violations unpaid (with 213613)