



City of Somerville

# PLANNING BOARD

City Hall 3<sup>rd</sup> Floor, 93 Highland Avenue, Somerville MA 02143

2021 AUG 23 A 8:14

## DECISION

CITY CLERK'S OFFICE  
SOMERVILLE, MA

**PROPERTY ADDRESS:** 201B Highland Ave  
**CASE NUMBER:** P&Z 21-019  
**OWNER:** Emily Legasse  
**OWNER ADDRESS:** 201B Highland Ave  
**DECISION:** Approved with Conditions (Use Special Permit)  
**DECISION DATE:** July 15, 2021

This decision summarizes the findings made by the Planning Board regarding the use special permit application submitted for 201B Highland Ave.

### LEGAL NOTICE

Emily Lagasse proposes to establish a Pet Day Care or Training commercial service principal use, which requires a Special Permit.

### RECORD OF PRECEEDINGS

On July 15, 2021 the Planning Board held a public hearing advertised in accordance with M.G.L. 40A and the Somerville Zoning Ordinance. Present and sitting at the public hearing were Board Members Michael Capuano, Amelia Aboff, Rob Buchannan, Jahan Habib, and Erin Geno.

Emily Legasse, the applicant and owner of Petwell Supplies, provided an overview of her proposal to expand her existing business. The Board opened for public testimony, but none were present. The Board then began to deliberate.

The Board asked for clarification on the difference between pet sitting services, which are already offered on the site, and the proposed pet daycare use. The applicant clarified that pet sitting involved staff checking in on pets in customer's homes, while the pet day care would involve them leaving the pets at her store for working hours during the day. The board asked the applicant to expand on her plans for renovating the basement. The applicant describes that keeping the space as open as possible will be best for the dogs to play and train, so the goal is to finish the floors and walls with materials easy on their paws, and otherwise focus on making the space bright, fun, and safe. The Board asked for clarification on the applicant's communication with the abutting residential neighbor. Applicant responded that she placed flyers on all nearby residences inviting them to the neighborhood meeting. She also directly emailed the landlord of the abutting residential property to ask if they had concerns but did not hear back.

### SPECIAL PERMIT FINDINGS

In accordance with the Somerville Zoning Ordinance, the Board may approve or deny a special permit upon making findings considering, at least, each of the following:

1. *The comprehensive plan and existing policy plans and standards established by the City.*

The Board finds that the proposal will assist significantly in achieving goals laid out in the SomerVision 2030 Comprehensive Plan, including, but not limited to the following:

- Promote municipal financial self-determination and reduce fiscal dependence on state aid and residential taxes and fees.
- Make Somerville a regional employment center with a mix of diverse and high-quality jobs.

2. *The intent of the zoning district where the property is located*

The Board finds that the proposal is consistent with the intent of the MR3 zoning district which is, in part: "To create, maintain, and enhance areas appropriate for smaller scale, multi-use and mixed-use buildings and neighborhood serving uses."

3. *Methods or techniques for noise mitigation to limit noise for other users of the building and abutting properties.*

The Board finds that noise is not a concern in this instance since close abutters are other commercial uses and the closest residential building on 203 Highland Ave is set back from 201 Highland Ave.

4. Operational procedures for cleaning the interior and exterior of the site and trash storage and removal.

The Board finds that the applicant is familiar with and prepared to engage in safe and appropriate practices regarding trash and waste disposal related to the Pet Daycare use.

5. Amount of on-site landscaping.

The applicant is planning to adapt a small unused alley in the property near the parking area as a potty break area for select dogs unable to take walks (elderly or injured). This would consist of adding turf and ensuring dog fencing around the area.

## **DECISION**

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Chair Capuano moved to approve the **Special Permit Approval** for a Pet Day Care or Training commercial service principal use with the conditions included in the staff memo and discussed at the hearing. Clerk Buchanan seconded. The Board voted **5-0** to approve the permit, subject to the following conditions:

Validity

- Approval is limited to Petwell Supplies and is not transferable to any successor in interest.
- This Decision must be recorded with the Middlesex County Registry of Deeds prior to applying for a Certificate of Occupancy.


Public Record

- A copy of the Recorded Decision stamped by the Middlesex South Registry of Deeds must be submitted for the public record.
- Physical copies of all submittal materials as permitted by the Review Boards must be submitted for the public record in accordance with the document format standards of the ISD/PB/ZBA Submittal Requirements.

Attest, by the Planning Board:

Michael Capuano, *Chair*  
Amelia Aboff, *Vice Chair*  
Rob Buchanan, *Clerk*  
Jahan Habib  
Erin Geno

Attest, by the Planning Director:



Sarah Lewis

**CLERK'S CERTIFICATE**

Any appeal of this decision must be filed within twenty days after the date this notice is filed in the Office of the City Clerk, and must be filed in accordance with M.G.L. c. 40A, sec. 17 and SZO sec. 15.5.3.

In accordance with M.G.L. c. 40 A, sec. 11, no variance shall take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title.

Also in accordance with M.G.L. c. 40 A, sec. 11, a special permit shall not take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and either that no appeal has been filed or the appeal has been filed within such time, is recorded in the Middlesex County Registry of Deeds

and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed Special Permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

The owner or applicant shall pay the fee for recording or registering. Furthermore, a permit from the Division of Inspectional Services shall be required in order to proceed with any project favorably decided upon by this decision, and upon request, the Applicant shall present evidence to the Building Official that this decision is properly recorded.

This is a true and correct copy of the decision filed on \_\_\_\_\_ in the Office of the City Clerk, and twenty days have elapsed, and

FOR VARIANCE(S) WITHIN

\_\_\_\_\_ there have been no appeals filed in the Office of the City Clerk, or  
\_\_\_\_\_ any appeals that were filed have been finally dismissed or denied.

FOR SPECIAL PERMIT(S) WITHIN

\_\_\_\_\_ there have been no appeals filed in the Office of the City Clerk, or  
\_\_\_\_\_ there has been an appeal filed.

FOR SITE PLAN APPROVAL(S) WITHIN

\_\_\_\_\_ there have been no appeals filed in the Office of the City Clerk, or  
\_\_\_\_\_ there has been an appeal filed.

Signed \_\_\_\_\_ City Clerk Date \_\_\_\_\_  
\_\_\_\_\_