



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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MICHAEL F. GLAVIN  
EXECUTIVE DIRECTOR

*PLANNING DIVISION*

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RICHARD ROSSETTI  
DANIELLE EVANS  
ELAINE SEVERINO  
JOSH SAFDIE (ALT.)

**Case #: ZBA 2013-23**  
**Site: 314 Highland Ave**  
**Date of Decision: May 1, 2013**  
**Decision: *Petition Approved with Conditions***  
**Date Filed with City Clerk: May 7, 2013**

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**ZBA DECISION**

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**Site:** 314 Highland Avenue

**Applicant Name:** Union Square Animal Hospital  
**Applicant Address:** 314 Highland Ave, Somerville MA 02144  
**Property Owner Name:** CT & M, LLC  
**Property Owner Address:** 314 Highland Ave, Somerville M A02144  
**Agent Name:** Richard G. Di Girolamo, Esq.  
**Agent Address:** 424 Broadway, Somerville, MA 02145  
**Alderman:** Rebekah Gewirtz

Legal Notice: Applicant, Union Square Animal Hospital, and Owner, CT & M, LLC, seek a Special Permit under SZO §7.11.8.11.a to establish an approx 800 sf office of veterinarian.

Zoning District/Ward: RC / 6  
Zoning Approval Sought: Special Permit §7.11.8.11.a  
Date of Application: 4/1/2013  
Dates of Public Hearing: Zoning Board of Appeals 5/1/2013  
Date of Decision: 5/1/2013  
Vote: 5-0

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Appeal #ZBA 2013-23 was opened before the Zoning Board of Appeals at Somerville City Hall on May 1, 2013. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by M.G.L. c. 40A, sec. 11 and the Somerville Zoning Ordinance. After one (1) hearing of deliberation, the Zoning Board of Appeals took a vote.



**DESCRIPTION:**

The proposal is to establish an office of veterinarian in the leftmost storefront that is 800 square feet. Union Square Veterinary Clinic would move from Union Square into this space. Patrons and employees that drive to the site would use on-street parking. There is no overnight operations. The Clinic does not generate a lot of trash and the trash that is generated would be kept inside. The sign will need to comply with the conditions of approval.

**FINDINGS FOR SPECIAL PERMIT (SZO §7.11.8.11.a):**

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §5.1.4 of the SZO. This section of the report goes through §5.1.4 in detail.

1. Information Supplied: The Board finds that the information provided by the Applicant conforms to the requirements of §5.1.2 of the SZO and allows for a comprehensive analysis of the project with respect to the required Special Permits.

2. Compliance with Standards: The Applicant must comply "with such criteria or standards as may be set forth in this Ordinance which refer to the granting of the requested special permit."

The proposal complies with the standards for granting a special permit. The use is allowed by Special Permit and no parking relief is required. A past condition of approval for this site is that signs for the storefronts are to be no larger than the proposed 13 square feet each, made of wood, and are not to be internally-illuminated. This condition will be carried forward with this application.

3. Consistency with Purposes: The Applicant has to ensure that the project "is consistent with (1) the general purposes of this Ordinance as set forth in Article 1, and (2) the purposes, provisions, and specific objectives applicable to the requested special permit which may be set forth elsewhere in this Ordinance, such as, but not limited to, those purposes at the beginning of the various Articles."

The proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to conserving the value of land and buildings and encouraging the most appropriate use of land throughout the City. The proposal is also consistent with the RC district in providing a use that is compatible with residential uses and convenient to the residents of the district.

4. Site and Area Compatibility: The Applicant has to ensure that the project "(i)s designed in a manner that is compatible with the characteristics of the built and unbuilt surrounding area, including land uses."

The appearance of the building will not change greatly with the establishment of the veterinarian clinic. The only change is that the existing sign at the Clinic's location in Union Square will be installed in the sign band above the door; however, if the sign does not conform to the condition attached, it will have to be altered. Trash will be kept indoors. The greatest impact of the veterinary clinic will be noise of animals being treated. The hours of operation are during the day so the noise will not disturb people at night. The Clinic has been operating in Union Square and is accustomed to functioning in an urban environment. Patrons and employees that drive to the site will use on-street parking during the day when it is most available.

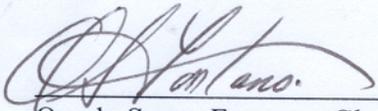
**DECISION:**

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Fillis, Elaine Severino, and Josh Safdie. Upon making the above findings, Richard Rossetti made a motion to approve the request for a special permit. Elaine Severino seconded the motion. Wherefore the Zoning Board of Appeals voted (5-0) to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes										
1	Approval is for the establishment of an 800 sf office of veterinarian. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Plng.											
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>Apr 1, 2013</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>Sept 15, 1999</td> <td>Plans submitted to OSPCD (Site Plan)</td> </tr> <tr> <td>May 19, 1998 (Apr 25, 2013)</td> <td>Plans submitted to OSPCD (first floor plan)</td> </tr> <tr> <td>(Apr 1, 2013)</td> <td>Plans submitted to OSPCD (clinic's floor plan)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	Apr 1, 2013	Initial application submitted to the City Clerk's Office	Sept 15, 1999	Plans submitted to OSPCD (Site Plan)	May 19, 1998 (Apr 25, 2013)	Plans submitted to OSPCD (first floor plan)	(Apr 1, 2013)	Plans submitted to OSPCD (clinic's floor plan)
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Any changes to the approved use that are not <i>de minimis</i> must receive SPGA approval.														
<b>Signage</b>														
2	Signs for the storefronts are to be no larger than the proposed 13 square feet each, made of wood, and are not to be internally-illuminated. Lighting after 10p.m. facing residential property will be turned down or off.	CO/Cont.	Plng.											
<b>Trash</b>														
3	Trash shall be stored inside and only put outside during pick up times.	Cont.	ISD											
<b>Final Sign-Off</b>														
4	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final inspection by Inspectional Services to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.	Final sign off	Plng.											



Attest, by the Zoning Board of Appeals:



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Orsola Susan Fontano, Clerk



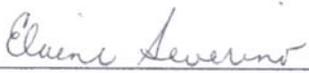
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Richard Rossetti



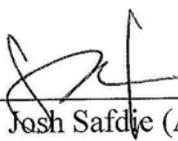
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Danielle Evans



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Elaine Severino, (Alt.)



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Josh Safdie (Alt.)

Copies of this decision are filed in the Somerville City Clerk's office.  
Copies of all plans referred to in this decision and a detailed record of the  
SPGA proceedings are filed in the Somerville Planning Dept.

**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. 3.2.10.

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.

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

