



City of Somerville

# **ZONING BOARD OF APPEALS**

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

**TO:** Zoning Board of Appeals  
**FROM:** OSPCD Staff  
**SUBJECT:** 34 Allen Street, P&Z 23-028  
**POSTED:** July 5, 2023

**RECOMMENDATION:** Approve with Conditions (SP)

Staff memos are used to communicate background information, analysis, responses to public comments, review of statutory requirements and other information from Planning, Preservation, & Zoning Staff to the Review Board members.

This memo summarizes the Special Permit application submitted for 34 Allen Street, identifies any additional discretionary or administrative development review that is required by the Somerville Zoning Ordinance, and provides related analysis or feedback as necessary. The application was deemed complete on June 7, 2023, and is scheduled for a public hearing on July 19, 2023. Any Staff recommended findings, conditions, and decisions in this memo are based on the information available to date prior to any public comment at the scheduled public hearing.

## **LEGAL NOTICE**

Chris Ulrich seeks to establish a Veterinarian principal use in a pre-existing nonconforming commercial building in the Neighborhood Residence District, which requires a Special Permit.

## **SUMMARY OF PROPOSAL**

The Applicant is proposing to open a sole-practitioner veterinary practice at 34 Allen Street. The proposal would convert an existing gym located in a nonconforming commercial building in the NR district to a Veterinarian principal use. There are seven (7) existing parking spaces that will remain. An existing shed at the rear of the property will be removed. The Applicant proposes to add a walkway to the front of the building along with some landscaping.

## **BACKGROUND**

34 Allen Street is located in the 0.5mi Transit Area in the Neighborhood Residential (NR) zoning district in the Union Square East neighborhood represented by Ward 2 Councilor JT Scott. Establishing a Veterinarian principal use in the NR district requires a Special Permit. The Zoning Board of Appeals is the decision-making authority for all discretionary or administrative permits required for the NR zoning district.

Prior to November of 2022, a Veterinarian principal use was not permitted in the NR zoning district by-right or through a Special Permit. The City Council adopted a zoning amendment on November 10, 2022, which expanded the types of neighborhood-scaled uses that could be established within existing nonconforming commercial buildings in the NR zoning district. Among those expanded uses included a Veterinarian principal use, which can be established by a Special Permit.

The proposal is to establish a new principal use within an existing nonconforming commercial building in the NR district. The actual design and fit-out of the interior of building, façade, and property will be permitted by-right through the Inspectional Services Department (ISD) after the Special Permit decision. Certain zoning requirements may be triggered during the following permitting processes with ISD. The application for the Veterinarian principal use is strictly looking at the use alone. Existing nonconformities, including the parking in the frontage area, can remain as long as no existing nonconformity is expanded and no new nonconformity is created.

## **NEIGHBORHOOD MEETING**

A neighborhood meeting was hosted by Ward 2 Councilor JT Scott and the applicant on April 10, 2023, via the GoToWebinar virtual meeting platform. At the neighborhood meeting, there was no opposition voiced for this proposal. Most of the questions and comments made by community members were about adjacent sidewalk conditions and pedestrian access into the neighborhood.

## **ANALYSIS**

### Neighborhood and Site Context:

34 Allen Street is located in a neighborhood that is predominantly residential in character with a few adjacent parcels that contain commercial uses or commercial buildings. A civic space is located next to 34 Allen Street, which consists of café tables and a playground. The existing building currently contains a gym, seven (7) parking spaces, and a shed in the back.

The general layout of the building with the proposed use will consist of a reception/waiting room, five (5) exam rooms, doctor desks, cat and dog cages, tech lab area, a surgical room, an X-ray room, bathrooms, a staff break room, management office, and a storage area. The building façade is proposed to be modified along with signage, that complies with the ordinance and can be permitted by-right. As mentioned above, all interior and exterior renovations to the building will be permitted through ISD following the Special Permit decision.

### Planning Context

The property is located in the existing pocket neighborhood of Union Square East neighborhood where no formal planning process has taken place. According to

SomerVision 2040, the City's general policy for pocket neighborhoods is to conserve them as they are today. The pre-existing nonconforming commercial uses that serve the neighborhood are appropriate with the context of the existing neighborhood scale.

### Landscaping

The proposed landscape improvements include installing impermeable, dark colored, unit pavers to designate a walkway zone in front of the building; movable, decorative planters filled with ornamental grasses and vines with no support structure; resetting one bike rack; and providing a trash enclosure in the rear. The existing site with the proposed improvements do not mitigate stormwater runoff nor urban heat island effect. The entire property with proposed improvements will continue to direct stormwater runoff into the public right-of-way as well as contribute to heating the neighborhood with black asphalt, dark pavers, a dark roof, and no trees or other mitigating landscape amenities. To help mitigate potential urban heat island effects, Staff recommend a condition that the proposed materiality for the pathway at the front of the building be permeable and use a light-colored material to reflect sunlight back into the atmosphere.

### Use Impacts

Staff support the proposed use in this location and believe it will not have any negative impacts on abutting properties and the neighborhood as a whole. The site itself is remaining commercial and no changes are proposed to the actual building other than minor improvements to the interior and façade, improved site landscaping, and no change to existing parking space numbers. Staff do not anticipate any major impacts to parking demand and traffic as the proposal is for a sole veterinarian practitioner, which will consist of the Applicant and vet techs, and visits will be by appointment.

## **CONSIDERATIONS & FINDINGS**

The Zoning Board of Appeals is required by the Somerville Zoning Ordinance to deliberate each of the following considerations at the public hearing. The Board must discuss and draw conclusions for each consideration, but may make additional findings beyond this minimum statutory requirement.

### Veterinarian principal use Special Permit Considerations

#### *Section 15.2.1.e*

1. The comprehensive plan and existing policy plans and standards established by the City.
2. The intent of the zoning district where the property is located.

#### *Section 9.2.6.a.iv.b*

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

4. Operational procedures for cleaning the interior and exterior of the site and trash storage and removal.
5. Amount of on-site landscaping.

*Section 3.1.16.b.i.b*

6. Compatibility with the level of activity associated with the surrounding properties.
7. The existing concentration of uses from the same use category within the neighborhood.
8. The availability of the same services within the neighborhood.
9. The availability of comparable commercial spaces within the neighborhood.

Information relative to the required considerations is provided below:

Special Permit

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

Staff believe the proposal is compatible with the values of SomerVision 2040, the City's Comprehensive Master Plan, including:

- Protect and foster the diversity of our people, culture, and economy.
- Create an environment that enables existing small businesses to thrive and produce entrepreneurial opportunities for new ones. Ensure that the regulatory environment supports the innovative business models necessary for businesses to adapt.

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

Staff believes the proposal is consistent with the intent of the NR zoning district which is, in part, "[T]o conserve already established areas of detached and semi-detached residential buildings."

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

Staff believe that the amount of noise generated from the proposed use will not have a detrimental or negative effect on abutting properties. There will be no other uses within the building, other than the proposed use.

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

Staff believes that the Applicant is proposing acceptable procedures for cleaning and trash storage and removal. The Applicant proposes to locate trash at the rear of the building and will be removed on a regular basis.

*5. Amount of on-site landscaping.*

The site currently has minimal landscaping. The propose landscaping is an improvement to the site. If conditioned, Staff believe this consideration will be met if the material for the walkway along the front of the building is permeable and has a high albedo.

*6. Compatibility with the level of activity associated with the surrounding properties.*

Staff believe that the proposed veterinarian use is compatible with the existing level of activity in the surrounding neighborhood.

*7. The existing concentration of uses from the same use category within the neighborhood.*

There are adjacent properties within the neighborhood that have commercial uses. No other veterinarian uses currently exist in the neighborhood

*8. The availability of the same services within the neighborhood.*

No other veterinarian uses currently exist in the neighborhood.

*9. The availability of comparable commercial spaces within the neighborhood.*

There are several other pre-existing nonconforming commercial buildings in the immediate vicinity

## PERMIT CONDITIONS

Should the Board approve the required **Special Permit to establish Veterinarian principal use**, Planning, Preservation & Zoning Staff recommends the following conditions:

### Permit Validity

- This Decision must be recorded with the Middlesex South Registry of Deeds.

### Public Record

- A digital copy of all required application materials reflecting any physical changes required by the Board, if applicable, must be submitted to the Planning, Preservation & Zoning Division for the public record. Materials must be submitted in accordance with the document format standards of relevant Submittal Requirements.
- A copy of the recorded Decision stamped by the Middlesex South Registry of Deeds must submitted to the Planning, Preservation & Zoning Division for the public record.

#### Site Design

- The proposed material for the pathway along the front of the building must be permeable and use a material with a high albedo/ or light in color. Final materiality must be reviewed and approved by the Public Space and Urban Forestry Division prior to applying for a Building Permit.