



City of Somerville

ZONING BOARD OF APPEALS

City Hall 3rd Floor, 93 Highland Avenue, Somerville MA 02143

2023 JUL 21 A 10:39

DECISION

PROPERTY ADDRESS: 34 Allen Street
CASE NUMBER: P&Z 23-028
OWNER: Pasquale Family Trust
OWNER ADDRESS: 34 Allen Street, Somerville, MA 02143
APPLICANT: Chris Ulrich
APPLICANT ADDRESS: 70 Beacon Street, Somerville, MA 02143
DECISION: Approved (Use Special Permit)
DATE OF VOTE: July 19, 2023
DECISION ISSUED: July 21, 2023

CITY CLERK'S OFFICE
SOMERVILLE, MA

This decision summarizes the findings made by the Zoning Board of Appeals (the "Board") regarding the Special Permit application submitted for 34 Allen Street.

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.

RECORD OF PROCEEDINGS

On July 19, 2023, the Zoning Board of Appeals 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 Chair Susan Fontano, Vice-Chair Anne Brockelman, Clerk Katherine Garavaglia, Zachary Zaremba, and Alternate Brian Cook. After a presentation by the Applicant, Chair Fontano opened public testimony and Ward 2 Councilor JT Scott voiced their support for the proposal. After closing public testimony, the Board discussed their support for the proposal and moved to vote to approve the Special Permit.

PLANS & DOCUMENTS

Application plans, documents, and supporting materials submitted and incorporated are identified below.

Document	Pages	Prepared By	Date	Revision Date
34 Allen St Development Narrative	1	Law Offices of Richard G. Di Girolamo, 424 Broadway, Somerville, MA 02145	April 25, 2023	n/a
34 Allen St Architectural Drawings	7	Khalsa Design Inc, 17 Ivaloo Street, Ste 400, Somerville, MA 02143	March 7, 2023	n/a
34 Allen St Landscape Plan	1	Verdant Landscape Architecture, 318 Harvard Street, Ste 25, Brookline, MA 02446	May 25, 2023	n/a

34 Allen St Neighborhood Meeting Report	2	Law Offices of Richard G. Di Girolamo, 424 Broadway, Somerville, MA 02145	April 25, 2023	n/a
Abutting Context Analysis	2	Law Offices of Richard G. Di Girolamo, 424 Broadway, Somerville, MA 02145	May 17, 2023	n/a

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 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.*

The Board finds 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.*

The Board finds 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.*

The Board finds 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. As conditioned, the Board finds that 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.*

The Board finds 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.

DECISION

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Clerk Garavaglia moved to approve the **Special Permit** to authorize a Veterinarian principal use in a pre-existing nonconforming commercial building in the Neighborhood Residence District with the conditions included in the staff memo. Vice-Chair Brockelman seconded. The Board voted **5-0** to approve the permit, subject to the following conditions:

Perpetual

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


Prior to Building Permit

2. 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.
3. A copy of the recorded Decision stamped by the Middlesex South Registry of Deeds must be submitted to the Planning, Preservation & Zoning Division for the public record.
4. The proposed material for the pathway along the front of the building must be permeable and use a material with a high albedo. Final materiality must be

reviewed and approved by the Public Space and Urban Forestry Division prior to applying for a Building Permit.

Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chair*
Anne Brockelman, *Vice-Chair*
Katherine Garavaglia, *Clerk*
Zachary Zaremba
Brian Cook, *Alternate*



Sarah Lewis, Director of Planning, Preservation, & Zoning
Office of Strategic Planning & Community Development

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 _____