



CITY OF SOMERVILLE, MASSACHUSETTS

PLANNING BOARD

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Case #: ZBA2008-28

Site: 48 Hudson Street

Date: August 7, 2008

Recommendation: Conditional Approval

PLANNING BOARD RECOMMENDATION

Applicant Name: Jim Gilbert

Applicant Address: 48 Hudson Street

Property Owner Name: same

Alderman: O'Donovan

Legal Notice: The Applicant seeks a special permit to operate a hobby kennel as an accessory residential use under SZO §7.11.4.i.

Zoning District/Ward: Residence A / 5

Zoning Approval Sought: Special Permit under SZO §7.11.4.i

Date of Application: June 12, 2008

Date(s) of Public Hearing: ZBA: July 23, 2008

Date of Decision: N/A

Vote: N/A

Dear ZBA members:

At its regular meeting on August 7, 2008, the Planning Board heard the above-referenced application. Based on materials submitted by the Applicant and the Staff recommendation, the Board voted (5-0, with J. Favaloro absent), to recommend **conditional approval** of the requested **Special Permit**.

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a lot of approximately 5,460 s.f. lot on which sits a 2.5-story wood frame structure used as a three-family dwelling. The site contains a four-car garage and an in-ground pool in the rear. The rear yard is surrounded by a tall privacy fence and has a loose, coarse gravel surface.

2. Nature of Application: The applicant seeks a special permit in order to legalize an existing situation, which requires both a "hobby kennel" license and a special permit under the SZO in order to operate a "hobby kennel" in a residence district. SZO §2.2.80 defines a "Hobby Kennel" as a "pack or collection of four to six

dogs, aged three months or older, owned or kept by a person on his/her residential premises for purposes such as breeding or show, but excluding the boarding of dogs.” Under §7.11.4.i, a special permit is required for a hobby kennel in an RA district. The applicant seeks a special permit for the five dogs they presently own. The application notes that the dogs are typically kept indoors but are occasionally let out into the yard.

3. Surrounding Neighborhood: The subject property is surrounded by a mix of single-, two-, and three-family homes of similar scale and type, the notable exception being the Armory building, which is two lots away from the site.

4. Impacts on Abutting Properties: Potential impacts of a hobby kennel would include noise and odors. In this case, Planning staff have received written comments from abutters about noise from barking dogs at the site. Nevertheless, these concerns are typically amplified when dogs are housed primarily outdoors in a dog run or kennel enclosure. By keeping dogs indoors most of the time, the dogs’ safety and comfort (particularly in extreme temperatures) would be better ensured, and noise impacts would be mitigated. Nevertheless, Planning Staff recommend that a number of conditions be attached to any approval to better ensure that such impacts would be mitigated. While not attached as a condition of approval, addition of planting material is encouraged in order to increase noise absorption.

5. Green Building Practices: N/A

6. Comments: No written comments have been received from Ward 6 Alderman O’Donovan.



48 Hudson Street viewed from the front;
Back yard with fence, pool, and garage.



II. FINDINGS FOR SPECIAL PERMIT (SZO §7.11.4.i):

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §5.1.4 of the SZO. In conducting its analysis, the Planning Board made the following findings, as required under §5.1.4:

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." As no specific standards are set forth in the SZO for the granting of a "hobby kennel" license, the Planning Division of OSPCD has researched comparable requirements in other communities in developing the list of recommended conditions of approval. With adherence to these conditions, it is anticipated that the permit may be granted in compliance with the intent of the Ordinance.

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." As conditioned, granting of the special permit would be consistent with the purposes of the Ordinance and the district, including "to protect health" and "to establish and preserve quiet neighborhoods of one- and two-family homes, free from other uses except those which are both compatible with and convenient to the residents of such districts."

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 proposed use would be accessory to the property owner's residence at the property. There is no proposed construction associated with the use. With the attached conditions, the Board finds that permitting a hobby kennel for the keeping of five dogs as family pets is a compatible use.

III. RECOMMENDATION

Special Permit under §7.11.4.i

Based on the above findings, the Planning Board recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**. Although the Planning Board is recommending approval of the requested Special Permit, the following conditions should be added to the permits:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes				
1	Approval is for a hobby kennel for no more than five miniature dachshunds kept as family pets. Failure to abide by the conditions below shall be grounds for the permit’s revocation. This approval is based upon the following application materials and the plans submitted by the Applicant:	Perpetual	ISD					
	<table><tr><th>Date</th><th>Submission</th></tr><tr><td>June 12, 2008</td><td>Initial application submitted to the City Clerk’s Office</td></tr></table>	Date	Submission	June 12, 2008	Initial application submitted to the City Clerk’s Office			
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June 12, 2008	Initial application submitted to the City Clerk’s Office							
	Any changes to the approved use that are not <i>de minimis</i> must receive ZBA approval.							
2	All dogs shall be licensed and vaccinated as required under the City’s laws.	Perpetual	Animal Control					

3	The site shall be subject to inspection at reasonable times by the Animal Control Officer to ensure that the following conditions are met.	Perpetual	Animal Control	
4	There shall be no boarding or other commercial use of the site.	Perpetual	ISD	
5	Breeding of these dogs shall be limited to a single litter per female per year.	Perpetual	ISD/ Animal Control	
6	Dog waste shall be disposed of daily, either sealed and disposed of with trash or in a properly maintained enzymatic dog waste system.	Perpetual	ISD	
7	The site shall be maintained to ensure adequate confinement of the dogs to the property when left at the site.	Perpetual	ISD	
8	The site shall be kept in a manner that does not endanger the safety and comfort of the animals.	Perpetual	Animal Control	
9	The impervious coverage of the rear yard shall not be increased without ZBA approval.	Perpetual	ISD	
10	Efforts shall be made to control barking, particularly between the hours of 9pm and 7am. Proper training, frequent walks, and maintaining dogs indoors during these hours should be part of these efforts.	Perpetual	ISD/ Animal Control	
11	This permit is not transferable to another applicant or site.	Perpetual	ISD	

Sincerely,



Kevin Prior
Chairman

Cc: Applicant/Owner: Jim Gilbert

