



CITY OF SOMERVILLE, MASSACHUSETTS
STRATEGIC PLANNING AND COMMUNITY DEVELOPMENT
JOSEPH A. CURTATONE, MAYOR

STAFF

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FREDERICK J. LUND, *SENIOR DRAFTSMAN*

Case #: ZBA 2008-28
Site: 48 Hudson Street
Date: July 1, 2008
Recommendation: Conditional Approval

PLANNING STAFF REPORT

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

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. This section of the report goes through §5.1.4 in detail.

1. Information Supplied: The Staff 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, Planning Staff have 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, Planning staff find 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 Staff recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**.

Although the Planning Staff 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 dogs kept as family pets. 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
	Date				Submission			
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	There shall be no breeding of dogs.	Perpetual	ISD	
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	
12	This permit is for the five dogs now in the Applicant's possession. Individual dogs shall not be replaced without revision to this permit unless the total number of dogs is reduced to less than four, at which time the permit would lapse.	Perpetual	Animal Control	

