

To: Lincoln Zoning Board of Appeals

From: Mill Street Neighbors

Date: April 10, 2026

Subj: Appeal of Building Commissioner's Determination of Dover Amendment Protection for Ally Veterinary, LLC at 16 Mill St.

### SUMMARY

As aggrieved neighbors of 16 Mill Street, we appeal the Building Commissioner's determination that Ally Veterinary Specialty Center, LLC ("Ally") is a protected use under the "Dover Amendment" M.G.L. c.40A §3. In the event the ZBA finds that that the business is protected by the Dover Amendment, the parking regulations of Zoning Bylaw, § 15.3.2.1(g) are applicable and should be enforced.

### STATEMENT OF FACTS

1. On November 13, 2024, Ally Veterinary Specialty Center, LLC, a for-profit business, filed their Certificate of Organization at the Corporations Division of the Commonwealth of Massachusetts, with resident office at 180 Bear Hill Road, Waltham.
2. On or about January 2025, Ally opened for business at 180 Bear Hill Road, Waltham.
3. On December 5, 2025, in a filing with the Corporations Division, Ally changed its resident office to 16 Mill St., Lincoln. 16 Mill St. is a parcel owned by Minuteman High School ("Minuteman") and situated within the R1 Residential zoning district.
4. On January 12, 2026, Ally sent to the Building Commissioner a description of the business proposed at 16 Mill St. (Exhibit A) The description mentions a partnership with Minuteman but provides no details.
5. On February 9, 2026, the Ally website announced that the business was moving to 16 Mill St.<sup>1</sup>
6. On March 18, 2026 the Building Commissioner issued a determination that Ally's use of the property was protected under MGL c. 40a, §3, based on "...affiliation with the school and the associated educational component..." (Exhibit B)
7. On March 24, 2026, the Planning Board held a public hearing for a sign permit for Ally's business. Several Mill St. neighbors were present. In addition to the discussion of signage, two of the

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1 Archived websites are available at [https://web.archive.org/web/20240901000000\\*/allyvetspecialist.com](https://web.archive.org/web/20240901000000*/allyvetspecialist.com)

four Planning Board members that were present voiced concerns about whether Ally's business merited protection under the Dover Amendment.

8. On April 6, 2026 Minuteman High School issued a letter to the Building Commissioner stating that its affiliation with Ally "...is not supplemental; it is foundational." (Exhibit C)

9. Ally's current website makes no reference to an affiliation with Minuteman. There is no indication that high school students may be receiving training at the facility. The website seeks additional professional staff to fill five positions.

10. Minuteman's website describes a Veterinary Science program. It does not mention opportunities for training in a commercial setting. The website lists 11 Advisory Committee Partners. Ally is not on the list. See <https://www.minuteman.org/career-technical-education/majors/animal-science>.

### DISCUSSION - DOVER AMENDMENT

The Massachusetts SJC decision in Regis College v. Town of Weston, 462 Mass. 280 (2012) (Exhibit D) clarified the scope of the Dover Amendment (G.L. c. 40A, §3) which exempts non-profit educational institutions (such as Minuteman High School) and religious institutions from some local zoning requirements. In the Regis College decision, the central question was whether a proposed large scale senior residential community qualified as a protected "educational purpose."

The SJC noted that Dover Amendment protection is "financially advantageous" to the landowner and, without a primarily educational purpose requirement any developer could potentially bypass local zoning by adding incidental educational features. *Regis at 289*. The Court noted that the purpose of the Dover Amendment is to prevent local discrimination against legitimate educational uses *if the intended use of the land is in fact primarily educational*.

The SJC decided that uses must meet two threshold requirements for Dover Amendment protection: First, the project must have a "bona fide goal" that is "educationally significant." Second, the project must show that the educational goal is "the primary or dominant purpose" of the proposed use. *Regis at 285*.

Although the proposed affiliation with Ally may be educationally significant for Minuteman (see Exhibit C), Ally has not established that its business has an educational goal as its primary or dominant purpose, and therefore the business does not meet the second requirement of the *Regis* test for Dover Amendment protection. On Ally's website, there is no mention of education at all, and there is no mention of an affiliation with Minuteman. Similarly, Minuteman's website does not mention an affiliation with Ally and does not list Ally as an Advisory Committee Partner. To our knowledge, there is no documented agreement or contract between Ally and Minuteman that describes the parameters of their educational relationship. Ally existed as an independent for-profit business in Waltham for approximately one year before relocating to Lincoln. Based on Ally's past and present websites, there is no indication that the nature of the business is changing.

The goal of the “primary or dominant purpose” standard is to strike a balance between protecting educational institutions and honoring legitimate municipal concerns expressed through local zoning laws. In short, if the project is not primarily educational then the project should be subject to local zoning regulations. This requirement "helps ensure that a party invoking Dover Amendment protection does so without engrafting an educational component onto a project in order to obtain favorable treatment under the statute." *Regis at 290*.

The owner/operator of the veterinary clinic and Minuteman have the burden of demonstrating the primary or dominant purpose of the project is educational. The documents submitted thus far and the representations of the owner/operator at the Planning Board meeting on March 24, 2026 do not support a finding of a primary or dominant educational purpose as required by the Regis College decision.

### DISCUSSION – PARKING

If the ZBA finds that that the proposed business is protected by the Dover Amendment, the parking regulations of Zoning Bylaw, § 15.3.2.1(g) are applicable and should be enforced. Enforcement of Lincoln's parking requirements is permissible under MGL c.40A, § 3. Ally's parking area is already insufficient for the 10 cars that have been regularly stacked at the site. With Ally's website seeking applications for additional professional staff, there will be even more congestion, and parking will spill over onto Mill St. Mill St. is heavily used by bicycle riders, automobile commuters, and pedestrians. It is therefore critical that Ally provide adequate on-site parking for all employees and clients. Section §15.3.2.1(g) authorizes the Building Commissioner to approve a parking plan with the advice of the Planning Board.