

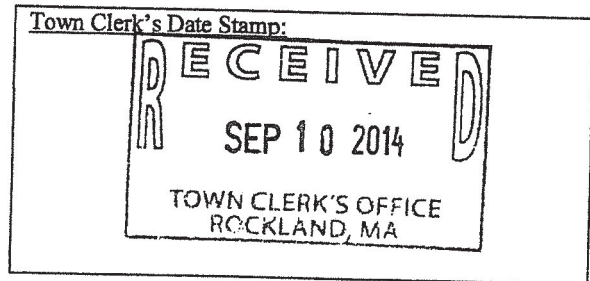
Commercial
Kennel

265 Pleasant St

This Space is For Registry of Deeds Only:

ROCKLAND ZONING BOARD OF APPEALS
242 UNION STREET
ROCKLAND, MASSACHUSETTS 02370
E-mail: zoning@rockland-ma.gov

Phone: (781) 871-1874 extension 175
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A public hearing was held at 7:30 P.M. on August 12, 2014 and continued to August 27, 2014 in the H. Bernard Monahan Memorial Hearing Room, Town Hall, 242 Union Street, Rockland on the petition submitted by Amy Christenson, 46 Beaver Lane, Abington, MA 02351 to allow the operation of a Dog Kennel (Pampered Paws) located at 265 Pleasant Street. The Applicant is seeking a Special Permit as per Article IV, §415-15.C.14 and §415-38.3. The Applicant is requesting a Special Permit to allow up to 30 dogs to be boarded, groomed and have doggie daycare. The site is located at 265 Pleasant Street, located in an I-1 zone and is further identified as Lot #73 on the Rockland Assessor's Map #19. A copy of this application is on file in the Town Clerk's office and is available for inspection during regular office hours.

ATTENDANCE:

Meeting held on August 12, 2014:

Board Members: Chairman Robert Manzella, Vice-Chairman Gregory Tansey, Rita Howes and Peter McDermott. Also present was Building Commissioner/ZEO Tom Ruble and Animal Control Officer Patricia A. Whittemore. ABSENT: Stanley Cleaves (excused) and Associate Members: Rob Rosa and Daria Rindone and Land Use Counsel Robert W. Galvin.

Meeting held on August 27, 2014:

Board Members: Chairman Robert Manzella, Vice-Chairman Gregory Tansey, Stanley Cleaves, and Peter McDermott. Associate Member: Rob Rosa. Also present was Land Use Counsel Robert W. Galvin and Building Commissioner/ZEO Tom Ruble. ABSENT: Rita Howes (excused) and Daria Rindone.

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Applicant: Amy Christenson (Pampered Paws)

Property Address: 265 Pleasant Street – Unit #1

Hearing Date: August 27, 2014

Doody Calls Pet Waste Removal and testified that they come and get the dog waste. Mr. Tansey asked if the pet waste container was enclosed. The Applicant testified that she has a barrel there for now but will get into other storage receptacles down the road. Mr. Tansey asked if it was similar to a dumpster. The Applicant testified, yes. Mr. Tansey asked the Applicant what the container was made out of. The Applicant testified that it is plastic, but the company sanitizes it and puts in a new liner after each pick-up. Mr. Tansey asked the Applicant how many dogs she has at the current time. The Applicant testified that she has 10-12 dogs. Mr. Tansey testified that the application states that she is asking for 30 dogs. The Applicant testified that with respect to the doggie daycare she has 3 sections and each section can hold 15-20 dogs in each gated area per day, but wants to also board upstairs in a separate area 20-30 dogs, so she is now looking for 100 dogs so she does not have to come back to this Board.

The Chairman asked the Applicant if one person could take care of 100 dogs. The Applicant testified that she has a part-time helper.

Mr. McDermott asked the Applicant if she currently has 15 dogs/day. The Applicant replied, yes. Mr. McDermott stated that the Applicant just testified earlier that she has 10-12 dogs at the current time when asked by Mr. Tansey and also testified that she is now looking to have 100 dogs. The Applicant replied, yes.

Mr. Rosa asked if the dogs were loud. The Applicant testified that sometimes they have their moments and act up if someone new comes into the building. Mr. Rosa asked the Applicant if you can hear the noise outside. The Applicant testified that this is a storage unit; basically you can hear nothing and the tenant right next door to her storage unit uses that space for storage purposes only. Mr. Rosa again asked the Applicant if you could hear dogs barking from outside. The Applicant testified that she is inside and she would not have 100 dogs barking all at once.

Mr. Tansey asked the Applicant if the dogs howl when siren's go by. The Applicant testified that a door buzzer can get them going. Mr. Tansey asked the Applicant if she had the same dogs that she had at the previous location. The Applicant testified that she couldn't pass this location up so she brought the same dogs over to the new space.

Mr. Cleaves asked the Applicant if all of the dogs get along. The Applicant replied, yes.

Mr. Rosa was referring to the sketched drawings and asked the Applicant if she built this. The Applicant testified that she did not build the fencing.

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Mr. Ruble addressed the owner, Mr. Spataro and asked him where he stands on the fire protection and has there been any work done on the mechanicals. Mr. Christenson testified that he brought in new, the fire protection is up and running. Mr. Ruble asked if Mr. Spataro got permits pulled on this unit for fire protection and also asked about the handicapped parking space. Mr. Ruble testified that there needs to be a sign on the wall for handicapped parking and one space has to be van accessible. The Applicant replied, ok. Mr. Ruble asked the Applicant what type of insurance she had and if she had compensation insurance. The Applicant testified that she does not have any employees yet.

Attorney Robert Galvin testified that he has been involved in many of these dog kennels and the Town of Norwell has many conditions and one of that Town's conditions is that no more than 12 dogs could be outside at one time and it had to be supervised. Attorney Galvin testified that his concern was about the dogs being outside at night and looked at a note of his that a bathroom break could be given by the Board. Attorney Galvin testified that the By-law is specific about landscaping and have the Board look at the property; it is a condition of the By-law to have use, need handicapped parking space and the Town of Norwell uses cameras for the night time and if the dogs were barking, it would cause a nuisance.

The Chairman stated that the Animal Control Officer (ACO), Patricia Whittemore would she be involved if there are any barking dog incidents. The ACO replied, yes.

Mr. Cleaves testified that he would be afraid of the dogs being left outside, especially if there are any rabid animals in the area. The Chairman stated that there are coyotes on the old landfill site which is behind this property.

The Chairman asked the Applicant about the keypunch pad for the gate entrance. The Applicant testified that she gets in at 6:00 A.M. to 6:30 P.M. The Chairman asked the Applicant about signage. The Applicant testified that there will be signage at the door to her unit and signage out front on the landlord's pole sign. The Chairman stated to the Applicant that her signage needs to meet the signage By-law. The Chairman asked if there were going to be any outside lights. The Applicant testified that there is a motion light outside. The Chairman asked about the lighting out front.

Mr. Cleaves asked the Applicant if she was going to have security cameras.

Mr. Ruble asked the Board if they were comfortable with the numbering for this location since all of the storage units and the office building out front all have the number 265 for an address.

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have been filed and record that certificate of no appeal together with a copy of the decision with the Registry of Deeds located on Hingham Street and bring proof of the recording to the Building Department before obtaining and occupancy permit and proof of recording must also be given to the Town Clerk's office prior to obtaining a Commercial Kennel License for fifty (50) dogs.

DELIBERATION AND DISCUSSION:

Mr. Tansey testified that he believes there is adequate vegetated screening and asked what the reasoning was for why the owner of the property does not want it.

Attorney Galvin testified that if the wooded area remains densely vegetated, this can be used as existing vegetated landscaped buffer zone in the back, but if at any time it does not exist, then the vegetated landscaped buffer zone needs to be addressed by the property owner.

Mr. Tansey discussed with the Board the late evening bathroom break for the dogs.

Attorney Galvin testified that the Board can up-hold the By-law with the exception of the dogs boarded and there shall be no bathroom breaks after 11:00 P.M. and no dogs are to be left outside after dark.

The Chairman asked what happens to the dog's urine, does it go into the ground or is there a concrete pad. The Applicant testified that there is natural stone.

Attorney Galvin and the Board discussed the time-frame of the dog urine getting into the ground-water.

The Chairman asked the Applicant if there were any drains inside the storage unit. The Applicant testified NO as she wipes up any spills.

The Chairman discussed with the Board that the Applicant wants 100 dogs to start off with and suggested that the Board treat this like what we do for used car hearings and start off with 25-30 dogs and if there are no complaints then the Applicant can come back to the Board for an increase.

Mr. McDermott suggested starting off with 50 dogs in total inside the building.

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- 6). The Animal Control Officer shall be permitted at any time to inspect or cause to be inspected any kennel and if, in his/her/their judgment the kennel is not being maintained in a sanitary and humane manner, if the kennel is being operated in such a manner as to constitute a nuisance, or if records are not properly kept as required by law, may by order temporarily revoke or suspend said kennel license, refer the matter to the Board of Selectmen for a hearing pursuant to applicable law, and/or refer said matter to the Zoning Board of Appeals for enforcement, suspension or revocation of said Special Permit.
- 7). The Applicant shall keep and maintain on-site current rabies certificates for all dogs which are kept at the commercial kennel including for dog day-care or for boarding and a copy of the yearly dog licenses from town in which the animal resides.
- 8). There shall be no more than twenty-five (25) dogs outside during the day-light hours and they must be supervised by employee(s) who is/are outside and/or by video camera which has the capacity to monitor noise so that excessive noise can also be monitored and controlled.
- 9). The hours of the business operation shall be 7:00 A.M. to 6:00 P.M. and no pick-up or drop off after 6:00 P.M except in the case of an animal emergency.
- 10). Pursuant to provisions of §415-38.3.D.3 of the Zoning By-law a vegetated buffer zone is required. The Applicant demonstrated that there is at the time of this hearing an adequate vegetated buffer existing with appropriate vegetation. If for any reason the natural vegetation that is currently existing is removed or ceases to exist, the Applicant shall within sixty (60) days install the required vegetated buffer provided it is within the growing season. If not, the Applicant shall install the buffer as soon as practical following springtime, but not later than April 30th of the ensuing year's springtime.
- 11). The hours for dumpster pick-up and pet dog waste removal shall be during the hours of 8:00 A.M. and 5:00 P.M. Monday through Friday.
- 12). The number of dogs shall be 50 in total with no more than 21 for over-night boarding for one (1) year from the date stamp of this decision. After one (1) year, the number of dogs may be increased upon further application and approval by the Board at a public meeting after a one (1) year period of time provided there is compliance with the conditions of this Special Permit and the operation of the commercial kennel has not created any undue or adverse noise, visual impact, traffic or other impact. The request shall be made in writing by the Applicant and a written approval from the Board shall also be recorded at the Registry of Deeds.
- 13). This Special Permit authorizing a Commercial Kennel granted specifically to the Applicant and is non-transferable, shall be null and void upon the sale of all or any part of the business and/or any change of ownership.

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Applicant: Amy Christenson (Pampered Paws)

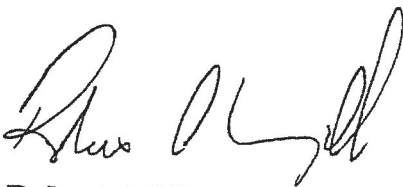
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NOTE:

- ❖ This decision may be appealed to the District Court, Housing Court, Land Court or Superior Court pursuant to Chapter 40A, Section 17. Said appeal must be filed within twenty (20) days after this decision is filed with the Town Clerk.
- ❖ Chapter 40A, Section 11, states that in part, that no variance or Special Permit shall take effect until the Town Clerk certifies that twenty (20) days have elapsed, and no appeal has been filed.
- ❖ This Board certifies that copies of this decision have been filed within the Planning Board as well as with the Town Clerk.

FOR THE ZONING BOARD OF APPEALS

A handwritten signature in black ink, appearing to read 'Rob Manzella', written in a cursive style.

Robert A. Manzella
Chairman