



Zoning Board of Appeals – Town of Spencer

Minutes

Zoning Board of Appeals Meeting
Tuesday, April 14, 2015 at 7:15 PM
McCourt Social Hall
Memorial Town Hall

Zoning Board Members Present: Allan Collette, Bert Drexler, Robert Emerson
Zoning Board Member Absent: Dee Kresco
Staff present: Monica Santerre-Gervais, Clerk & Michelle Buck, Town Planner

Mr. Drexler opens the meeting at 7:20 pm

1. Open Meeting

2. Special Permit: Kennel/Pet Grooming, 15 N. Brookfield Road, Kim & Joe Foley

Allan Collette read the application. The applicants, Kim & Joe Foley of 13 N. Brookfield Road, are requesting a special permit to have a dog kennel and pet grooming at 15 N. Brookfield Road. The special permit is under section 4.2.E.14 (pet grooming) and 4.2.E.15 (kennel), in the zoning district Rural Residential, assessor's tax map and parcel R39-14-2, Worcester Registry of Deeds Book 19619 Page 368. Under the brief description the applicant is looking to open a dog kennel for boarding, day camp, training, and grooming.

Kim Foley, 13 N. Brookfield Rd, was present for the meeting. Ms. Foley discussed her proposed training techniques for the dogs and displayed a training harness. Ms. Foley discussed her webcams and submitted her surveillance camera layout. She discussed how she would be taking down the current 5ft fence and erecting a new 6ft fence. The dogs will be in containment areas in and out of the building, the outside kennels will have a soft cover, and there will be kennels inside the building as well. She submitted plans showing layout of "playground" fenced-in areas (location of kennels, fencing, etc.). There was much discussion about the layout of the play yard outside, the lot, and the lot size. Plans submitted didn't show where the outdoor fenced-in areas are proposed to be located in relation to the lot lines and structures.

Mr. Drexler asked about the type of fence. The fence is solid vinyl on one side to screen the view of the kennel dogs from her own dogs; the other sides are galvanized [chain link] and designed so that they can't be climbed by children [she didn't specify how]. Mr. Drexler also told Ms. Foley that she would need a plot plan with the setbacks and measurements.

Alan Collette asked how long dogs will stay there and Ms. Foley replied that it depends on what is needed it could be a day or a week depending if the owners wanted to board the dog(s). Day camp would be 6AM – 6PM.

Mr. Collette asked how many people would be coming in and out of the establishment. Ms. Foley said that it would depend on how many dogs they had but there is enough parking that was approved when the building was a daycare.

Mr. Collette wanted to know what the dog warden, Carol Gaucher, had to say about the dog kennel and any input she may have, invite to next meeting, or have her write a letter. Also, he asked about addressing the noise levels for the dogs barking. Ms. Foley said that the dogs will be kept busy by being trained and playing; they will have calming music for the dogs inside, and will have treat tricks to help with the barking.

Mr. Drexler asked if abutters would be able to hear the barking, and requested that any abutters discuss this issue. Abutting neighbors Robin Rochette, 7 N. Brookfield road, and Susan Foley, 16 N. Brookfield Road, were present for the meeting. Ms. Rochette said that in the years she has abutted Ms. Foley she never hears her dogs. Susan Foley, who identified herself as the applicant's mother-in-law, said she can hear the dogs when they are outside but she supports the dog training facility being proposed.

Ms. Buck questioned the number of employees/ subcontractors coming in and out of the building. Ms. Foley said that the employees are subcontractors of Pack of Paws and it depends on the how many dogs they have at a time.

Mr. Drexler addressed Ms. Foley and told her the hearing will be continued and he would like to see her bring to the next meeting a certified plot plan showing setbacks. She should also look into how she could design the site to buffer noise, and possibly look into a different fence to help with the noise control.

The Zoning Board members did not feel a site visit was necessary. During the hearing, staff reviewed older folders for special permits that were granted for Little Chelsea's, and found an old plot plan but it did not show the addition of the building located on 15 N. Brookfield Road, or the proposed fenced-in areas. There was much discussion back and forth regarding what type of plan could be submitted. The consensus was that the applicant should find a plan that clearly shows the existing lot lines, structures, and setbacks. She could then add the location of the proposed outdoor fenced-in play areas.

Mr. Collette discussed with Ms. Buck about if this special permit is granted would it be grandfathered to a new owner should Ms. Foley want to sell the business. Ms. Buck mentioned that they could put it as a condition that a new owner would have to come back for a new special permit under the new business owner's name.

Motion: Mr. Collette made a motion to continue this public hearing for a special permit to the next meeting on Wednesday May 13, 2015 at 7:15 pm or as soon thereafter as can be heard.

Second: Mr. Emerson

Vote: 3-0

3. Approval of Minutes:

March 10, 2015- The minutes could not be approved at this meeting because Dee Kresco was absent to vote on the minutes. Mr. Drexler was not at the March 10, 2015 meeting and therefore could not vote on approving them.

4. General Board Discussion:

-Louise Erskine, Real Estate Agent, approached the Zoning Board. She was present to talk about how her client would like to put in a small dog kennel on a property on Terkanian Drive, and she was listening to the public hearing and asked if there was any more information her client would have to provide. Mr. Drexler said she would need to submit an application for a special permit like everyone else and they review on a case-by case-basis. It was recommended she have a plot plan, fence information, and dog containment information. Ms. Erskine said that her client had just been approved for a home that already has a beauty parlor, there are not a lot of abutters and her client is going through the necessary steps with the SBA. Ms. Erskine's client is only looking to train 8 dogs at a time. Ms. Buck said the only recommendation she could give is to have as much information as possible. If the use of the property is critical then the client shouldn't purchase the property without the special permit.

-Ms. Buck mentioned a new special permit application was received for manufacturing of picture frames on Valley Road.

-Mr. Drexler announced he will be resigning from the board as of July 1st, 2015.

-Mr. Collette suggested that the Town should consider amending the Zoning Bylaw to better regulate kennels, perhaps including a maximum number of dogs. Ms. Buck noted that, at the request of the Town Clerk, she is working on Zoning Bylaw definitions related to kennels that may be addressed at the Fall 2015 Town Meeting. She suggested that the Board could consider other amendments related to kennels at the same time, such as the limit on dogs or greater setback requirements.

5. Adjournment: with no further discussion the meeting is adjourned

Motion: Mr. Collette

Second: Mr. Emerson

VOTE: 3-0

Submitted By: Monica Santerre-Gervais, ODIS Clerk _____

Approved by the Zoning Board of Appeals on 5/13/2015

List of Documents used on April 14, 2015:

4-8-2015 ZBA mailing

Items mailed to ZBA members prior to meeting:

- Agenda
- Memo from Michelle Buck, Town Planner dated 4/7/15

- Minutes from 3/10/15
- Special Permit Application, plans, letter, and documents for 15 N. Brookfield Rd

Items submitted to ZBA members at the meeting:

- Kim Foley submitted her webcam layout, Swann Video Surveillance.
- Kim Foley submitted layout drawings of the dog kennel setup for the inside and outside of the building located at 15 N. Brookfield Road.