

**Zoning Board of Appeals Minutes
May 24, 2017**

Attendees:

Present: Andre Bissonnette, Chairman; Anthony Aveni, Member; and Brian Heath, Member

110 Elm Street #10 – Variance, Section 6.30.E.8

Mr. Andre Bissonnette, Chairman, opened the continued hearing from April 12, 2017 to review an application filed by Ms. Lisa Crowley, 16 Langlois Pines, Lakeville, MA 02346, who sought a use variance under Section 6.30.E.8 of the Bridgewater Zoning By-laws for the approval of a veterinary establishment, or similar with animals fenced outdoors. The following occurred:

Attorney Paul Costello, representing the applicant, made a presentation to the Board regarding the application for a Use Variance under section 6.30.E.11 and explained the types of businesses currently occupying the 13 units located at 110 Elm Street which includes: glass blower, marketing research firm, cell tower consulting firm, jeep repair shop, HVAC contractor, two machine shops, a carpet installer and a micro electronics assembly shop. Mr. Costello provided the Board with pictures depicting the neighborhood for their review, and explained the topography of the locus, stating that there are fifty-five on-site parking spaces. The address is 110 Elm Street; however three of the thirteen units that comprise the building are actually accessed and fronted on First Street. Mr. Costello also reviewed the proposed hours of the operation and business activities that would be conducted, stating that the business is primarily a day care operation for dogs and the most activity will be during the drop off and pick up hours, with very little client activities outside those hours.

Mortgage Inspection Plan depicting the configuration of the lot and the building – shows that Unit 10 is located at the westerly end of the building was presented to the Board for review.

An email dated May 22, 2017 from Ginni Stoddard, Marshfield, MA to the Zoning Board of Appeals was reviewed by the Board and read into the record. It stated the following: *"I am writing as to the character of Lisa Crowley. I have known Lisa and her family going on 20 years. She is a respectful, hardworking, dog loving individual. Her business of running a Doggie Day Care will be an asset to Bridgewater. She will bring to the town her enthusiasm and care for dogs. She will be a courteous and respectful business owner. She will keep an extremely clean day care and love and nurture the dogs under her care."*

An email dated May 22, 2017 from Michelle Anderson to the Zoning Board of Appeals was reviewed by the Board and read into the record. It stated the following: *"I am writing to you to convey a personal recommendation for my past employee Lisa Crowley. She worked for me for twenty-five years and was entrusted with the care of all my animals at my Pet Store. She is a very hard worker and is extremely responsible. When we added puppies to the Store, Lisa was primarily in charge of their care and well-being. She loves animals and is very knowledgeable of all the breeds of dogs as well as their care. I feel that her Doggie Daycare business would be an asset to the Town of Bridgewater and to the community. The facility that she has planned out would assure the safety of all the dogs entrusted to her care. Since this is a business, as opposed to a doggie daycare out of someone's home, it would be inspected yearly so the Town would be assured of her compliance regarding the care of the dogs as well as keeping records of all the required vaccinations. I hope that you will allow her to open this business in your town as I do feel it would greatly benefit the Bridgewater community."*

An email dated May 22, 2017 from Mildred Tucker to the Zoning Board of Appeals was reviewed by the Board and read into the record. It stated the following: *"Hi my name is Mildred Tucker I am writing in regards to Lisa Crowley opening up a doggy daycare in Bridgewater I think we need people like her she is great with my dogs and my birds and I hope that you will let her open up her doggy daycare because I know when I go to pick up my dog it will not be dead or starving it will have plenty of food and water and we need more people like her Will finally be nice to go on a vacation and not have to worry about my animals so please allow her the opportunity we don't need any more veterinarian centers or any more pet stores we need a doggy daycare with people who care about pets and not money so please allow this to happen we need it please, please and thank you."*

An email dated May 22, 2017 from Joan Calland to the Zoning Board of Appeals was reviewed by the Board and read into the record. It stated the following: *"This is in regards to Lisa Crowley I hope you will let her open up her doggy daycare I have been dealing with her for 12 years and I would trust nobody else with my dogs or my birds she knows what she doing responsible and caring we need someone like her to take care of our animals I have dealt with her at Park Avenue pet supplies thank you Joan."*

An email dated May 23, 2017 from Barbara Sherman to the Zoning Board of Appeals was reviewed by the Board and read into the record. It stated the following: *"Lisa Crowley is applying to open a canine daycare business in town. I strongly endorse her application as this business will be an asset to the community. I have known Lisa Crowley for approximately 18 years as an employee of Park Avenue Birds and Pet Supplies in West Bridgewater. Lisa has taken great care of my macaw anytime that I have needed to board her and has kept me informed of her adjustment and activities throughout my bird's stay. When I pick my bird up from boarding, her cage is impeccably clean, the food and water bowls are filled and the bird appears happy. Additionally, Lisa has drummed my bird's nails and has trimmed her flight feathers with great care when I bring her in for these services. Lisa is highly professional and consistently demonstrates concern for my macaw's wellbeing. She is extremely knowledgeable and answers any question I have regarding macaw care, diet or behavior. She is patient and very gentle when interacting with my macaw. I believe that Lisa Crowley will be a responsible, dedicated business owner, who will take meticulous care of the canines entrusted in her care. Again, I wholeheartedly endorse her application to open her business."*

An email dated May 24, 2017 from Jeanie Crosby to the Zoning Board of Appeals was reviewed by the Board and read into the record. It stated the following: *"My name is Jeanie Crosby of Marion Massachusetts. I am owner and sole operator of Jeanie's Education Center of Marion, MA where I have successfully established a canine training/education center since 1974. I am the leading dog trainer and dog behaviorist in this region, and since that time have become highly recommended by area veterinarians. I have personally known Lisa Crowley for the past 26 yrs. and always known Lisa to be honest and a person of great integrity. Lisa has a great love for canines, is gentle, caring, and having a dedication to their well being. I feel she would be an excellent owner and operator of a Doggy Day Care business, and would like to personally give her my recommendation in that regard."*

A letter dated May 24, 2017 from Kim Mondeau, 1266 Plymouth Street, Bridgewater to the Zoning Board of Appeals was reviewed by the Board and read into the record. It stated the following: *"I have known Lisa Crowley for about 8 years. My husband and I bought our first puppy as well as other pets from her at Park Avenue Pet in West Bridgewater and have continued to shop there for all of our pets needs. Lisa has worked at Park Avenue Pet for more than twenty years as this was a family run business. Lisa is friendly, courteous and knowledgeable of the entire business as well as day to day operations, and most importantly she truly care for the animals and their wellbeing. I highly recommend Lisa have the opportunity to open her Doggie Day Care. I couldn't think of a more suitable person for this business. This certainly isn't something that she just thought she might try. She has been caring for animals for most of her life. This is what she is meant to do."*

A letter from Lisa McKay, Animal Control Officer to the Zoning Board of Appeals was reviewed by the Board and read into the record. It stated the following: *"I was invited by Ms. Lisa Crowley to view the property at 110 Elm Street in which she is hoping to rent for her potential dog daycare. I walked through the property and Ms. Crowley discussed her ideas and safety measures with me. I think having a dog daycare facility in town that will be regulated and inspected yearly per MGL Ch. 140 sec 137A is the safest and best option for the town and for the pets in their care. I feel that the property would safely house animals once the backyard is fenced and the front room has a security door. Ms. Crowley stated she would be installing a six foot fence and adding safety doors leading out to the reception area. The area seems secluded enough to avoid potential residential barking complaints. A kennel license is issued for one year and upon renewal, I will inspect prior to the Town Clerk issuing a new commercial kennel license. I did discuss with Ms. Crowley that my main concerns are safety and such as secure outdoor and indoor confinement areas and vaccinations of any animal in her care to prevent communicable disease. Ms. Lisa Crowley me she would keep rabies vaccination certificates on file for each visitor. As long as safety guidelines and vaccine guidelines are met, I'd be happy to have a legitimate dog daycare in the town."*

The Board reviewed and discussed all the facts as presented by the applicant and there were no further comments or concerns. The hearing was closed. Mr. Anthony Aveni, Member, made a motion to approve a Use Variance under Section 6.30.E.8 of the Bridgewater Zoning By-laws. Brian Heath, Associate Member, seconded the motion. The vote was recorded as follows: Andre Bissonnette, Chairman – in the affirmative; Anthony Aveni, Member – in the affirmative; and Brian Heath, Member – in the affirmative.

The reasons for granting the variance are: 1) There is nothing in the bylaw that provides for a dog day care use. So while the proposed use is not specifically approved in the Elm Street Industrial District, the proposed use will not involve substantial detriment to the public good; on the contrary, it will provide a useful and valuable service for Town of Bridgewater and specifically the clients who take advantage of the service offered. The business will not be disruptive in any way to residents as there are no homes in the immediate area of the proposed location. The only persons who will be affected by the proposed use are the other tenants in the building, none of whom have objected to the Applicant's petition. The proposed use will not substantially derogate from the intent and purpose of the bylaw as it relates to uses in the Elm Street Industrial District which includes limited commercial uses. 2) A literal enforcement of the provisions of the bylaw would involve a substantial hardship. 3) The proposed use would be in harmony with the general purposes and intent of the bylaw and will be in harmony with the neighborhood. 4) The proposed use does not derogate from the intent of the bylaw. The variance is conditioned upon the following: The business hours are limited to 6am-8pm.

Curve Street, Duxburrow Estates 40B

Mr. Andre Bissonnette, Chairman, opened the continued hearing and reviewed a letter dated May 22, 2017 from Paul Cusson from Delphic Associates and read into the record. It stated the following:

"On behalf of my client Duxburrow Estates LLC. we hereby requesting that the next meeting for Duxburrow be continued to July 19, 2017. Please advise. Thank you."

Mr. Anthony Aveni, Member, made a motion to accept the applicant's request for a continuance, and continued the hearing to July 26, 2017 based on the current Zoning Board of Appeals schedule. Mr. Brian Heath, Associate Member, seconded the motion. VOTE: All in favor, none opposed.

Zoning Board of Appeals Business

The Village at Mile Brook, Avery Place 40B – Extension Request

Mr. Andre Bissonnette, Chairman, reviewed a letter dated May 8, 2017 from Gerry Chipman to the Zoning Board of Appeals was reviewed by the Board and read into the record. It stated the following:

"Dear Board Members, Due to circumstances in the construction industry that are beyond my control, I wish to request a 24 month extension to the current decision expiration date of January 1, 2018. I am currently working with contractors to obtain quotes in order to submit my final paperwork; however this has become very time consuming as everyone is busy with existing projects. Thank you for your consideration. Regards, Gerry Chipman"

Mr. Anthony Aveni, Member, made a motion to grant an extension to January 1, 2020. Mr. Brian Heath, Member, seconded the motion. VOTE: All in favor, none opposed.

Mr. Anthony Aveni, Member, made a motion to adjourn the regular meeting at 9:00pm. Mr. Brian Heath, Member, seconded the motion. VOTE: All in favor, none opposed. Chairman Andre Bissonnette closed the meeting. Next Zoning Board of Appeals meeting will be held on July 26, 2017 at 7:00pm in the Council Chambers located on the second floor of the Municipal Office Building, 66 Central Square, Bridgewater.

Respectfully submitted,

Jane K. Brown
Administrative Clerk