

Approved 2/13/24

Town of Westminster
Planning Board
Phone: (978) 874-7414
Tracy Murphy, Town Planner

Jodi Snyder, Chair Isaiah Grigos, Vice Chair Jaclyn Nally, Clerk Michael Ferris Amy Fantoni

November 14, 2023

MINUTES

Members present: Jodi Snyder, Isaiah Grigos, & Michael Ferris, Jaclyn Nally, Amy Fantoni
Town Planner, Tracy Murphy
Land Use Administrative Asst.: Ryan Forgues

Additional Attendees: see attached sign in sheet

J. Snyder called the meeting to order at 7:00 PM.

Administrative Matters

Minutes - October 24, 2023 The Board requested that more detail on public comment from the last meeting be added to the minutes. Matter tabled

Public Hearings:

131 East Rd -

The Special Permit & Site Plan Approval applications submitted by Todd Pickett of 131 East Rd Westminster MA 01473 for property located at 131 East Rd Westminster, MA 01473, owned by the same, for an existing dog kennel. The subject parcel of land is located on Map 164, Parcel 15 and in the Residential I (RI) zoning district.

T. Murphy read the notice into the minutes.

T Murphy read Town Counsel's opinion that the current private kennel license that Mr. Pickett holds allows for him to have shelter dogs on his premises. The Board then gave him the option to ask to withdraw his application without prejudice since he is not in violation of his current license. T. Pickett reiterated he has been running the kennel for 10 years and that he is not asking for anything more than what he has been doing but wants to go ahead with the Special Permit process to have something in writing to avoid any questions in the future.

M. Ferris made a motion to open the public hearing, A Fantoni seconded. All in favor, motion carried (5-0-0).

The Board further discussed potential mitigating strategies to reduce potential disturbances by barking dogs but pointed out that there are many dogs in the area.

M. Ferris spoke about limiting the hours that the kennel dogs are outside. The Board acknowledged that the dogs would need adequate time to relieve themselves but stressed that no kennel dogs be outside of the kennel structure unless someone is outside with them.

Public Comment

Derrick Andrews Jr. also stated that they do not think that the Planning Board should allow a commercial kennel in a residential area.

T Murphy explained that the Planning Board is bound by the rules and regulations in place. She also added that the Planning Board was going to start updating the Master Plan and then Zoning Bylaws and if there's something allowed where the public doesn't think it should be, that the public needs to be involved in the process to make rules and regulations support the town's vision for itself. D Andrews Jr asked the timeline and it was explained that the Master Plan will take about 2 years and the Zoning update will come immediately after.

Derrick Andrews Jr. asked how the abutters would know that Mr. Pickett wouldn't expand on the existing kennel operation.

M Ferris explained that the Special Permit outlines what he can do and the kennel is not permitted to expand without coming before the Board again.

Derrick Andrews stated that it seems that the Board has already made up it's mind.

T Murphy then read suggested conditions if the Board should approve. After discussion the conditions agreed upon are;

Other approvals or permits required by the Zoning Bylaw, other governmental boards, agencies or bodies having jurisdiction, shall not be assumed or implied by this Decision.

The Special Permit is issued to the above named Applicant and is non- transferable should the Applicant cease to operate and/or sell the 131 East Rd property.

The Board hereby reserves its powers to modify or amend the terms and conditions of this Special Permit upon its own motion with consent from the owner or the applicant, or on the Application of the owner/applicant. The Board further reserves its powers to amend this Special Permit without a new public hearing provided that the Board finds that such amendment is not significant to the public interest and that such amendment is not inconsistent with the purpose and intent of the Zoning Bylaw or with the terms of this Special Permit.

This Special Permit shall lapse on November 14, 2026 if a substantial use thereof has not sooner commenced for good cause. Any request for an extension of the time limitation set forth herein shall be made in writing to the Board at least 30 days prior to November 14, 2026 and the Board reserves its rights and powers to grant or deny such request without a public hearing

This Approval is contingent upon the applicant obtaining Board of Health permit and Dog Officer approval as outlined in Sec 71-6 of the Town of Westminster Bylaws.

The number of dogs allowed to be kenneled shall not exceed seven (7) at any one time. This restriction does not pertain to nor include the number of personal dogs owned by the Applicant.

This Special Permit is contingent upon the applicant obtaining a Board of Health permit and Animal Control Officer (ACO) approval as outlined in Sec 71-6 of the Town of Westminster Bylaws.

No kenneled dogs shall have access to the outdoor portion of the kennel unless the Applicant or adult supervisor is on site. 8.8 This Special permit shall automatically terminate if the Applicant does not maintain active MA Animal Control Officer (ACO) licensure.

The Applicant will install sound proofing barrier on the exterior of the outdoor kennel structure. Approval of soundproofing materials must be obtained from the Planning Board and or its authorized agent, prior to installation.

There will be no daycare or commercial boarding of dogs allowed as part of this Special Permit.

All kennel dogs will not be allowed outside of the kennel structure after 6pm on any given day.

T Murphy also suggested the Board to waive the site plan requirement as there were no changes to the site proposed.

After the Board determined that they didn't need anymore information, M. Ferris made a motion to close the public hearing, I. Grigos seconded. All in favor, motion carried (5-0-0).

The Board voted to approve the Special Permit with conditions as listed during the hearing for Todd Pickett of 131 East Rd Westminster MA to operate a kennel and waived the Site Plan approval requirement.

Planners Updates

none

Next Meeting November 28, 2023 7:00pm

Adjourned 8:05 pm

Materials Discussed: