



# Town of Westminister

MASSACHUSETTS 01473  
FROM THE OFFICE OF THE  
**PLANNING BOARD**

Phone: (978) 874-7414

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

## NOTICE OF DECISION PLANNING BOARD – SPECIAL PERMIT APPROVAL

### 1. Application

This document is the DECISION of the Westminister Planning Board (hereinafter the Board) on the application for a Special Permit and Site Plan Approval submitted by Todd Pickett for the operation of a commercial kennel on property located at 131 East Rd.

### 2. Applicant

Todd Pickett  
131 East Rd  
Westminister MA 01475

#### Owner

Todd Pickett  
131 East Rd  
Westminister MA 01475

### 3. Location

The subject parcel of land is located on Map 164, Parcel 15 and in the Residential I (RI) zoning district.

### 4. Board Action

After due consideration of the Application, the record of proceedings, and based upon the findings set forth below, on November 14, 2023 the Board voted to APPROVE the Special Permit Application by a unanimous vote of the four members sitting on the Application. The record of the vote is stated as follows:

131 East Rd Westminister MA 01475

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JODI SNYDER	YES
ISAIAH GRIGOS	YES
MICHAEL FERRIS	YES
AMY FANTONI	YES
JACKLYN NALLY	YES

## 5. Proceedings

The Application was received by the Board on August 17, 2023 pursuant to Section 205, Attachment #1 of the Zoning Bylaw (Table of Use Regulations). The Applicant presented the Special Permit request and Site Plan application to the Planning Board at a duly noticed public hearing of the Board on September 26 at 7:00 PM in Room 222 of the Westminster Town Hall. The hearing was continued to October 10, 2023 (*postponed due to state election*), October 24, 2023 and November 14, 2023 when the hearing was closed.

Board Members Michael Ferris, Isaiah Grigos and Amy Fantoni were present for all hearings. Chair, Jodi Snyder was absent for the September 26 hearing and Member Jaclyn Nally was absent for the October 24 hearing. Both have submitted Mullin certification which are part of the record.

The minutes of the public hearing and submissions on which this Decision is based, which together with this Decision constitute the record of the proceedings, may be reviewed at the Planning Department in the Westminster Town Hall or on line at Westminster-ma.gov.

## 6. Exhibits

- 6.1. Special Permit Application dated August 17, 2023;
- 6.2. Site Plan Application for a kennel at 131 East RD dated August 18, 2023;
- 6.3. Context plan showing location of existing kennel;
- 6.4. Letter of determination addressed to the applicant from the Zoning Enforcement Official dated July 17, 2023;
- 6.5. 300' abutters list of 131 East Rd;
- 6.6. Copy of an email from the Board of Health dated September 19, 2023;
- 6.7. Letter from the Gardner Animal Control officer dated October 20, 2023;
- 6.8. Kennel intake records from 2021-2023 provided by the applicant;
- 6.9. Legal notice of the Public Hearing dated August 28, 2023;
- 6.10. Email to Town Planner dated November 13, 2023 from Board member Michael Ferris;
- 6.11. Email to Town Planner dated November 14, 2023 from Westminster Police Chief, Jason Tamulen;
- 6.12. Email to Town Planner dated November 14, 2023 from KP Law.

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## **7. Findings**

Based upon its review of the Application, exhibits, and the public hearing thereon, the Board makes the following findings and conclusions:

7.1. On August 17, 2023 the Applicant filed with the Town Clerk an Application for a Hearing before the Planning Board for the purpose of obtaining a Special Permit for the operating a commercial dog kennel on the premises.

7.2. The Applicant is not proposing any exterior building renovations (thus Site Plan Review is not required), not adding any parking or any additional exterior signage.

7.3. Notice of the public hearing was mailed to all parties-in-interest, filed and posted with the Town Clerk's office and posted on the Planning Board's page on the Town's website.

7.4. The property is located in the residential district where a commercial kennel is allowed by Special Permit from the Planning Board.

## **8. Conclusions & Conditions of Approval**

After a unanimous vote to close the public hearing, the Board voted 5-0-0 to grant a waiver of the Site Plan Approval requirement as there were no changes to the site being proposed. In addition, the Board concluded that the conditions, as discussed within the hearing will sufficiently mitigate the impact of the Kennel and voted 5-0-0 to grant the Applicant a Special Permit with the following conditions:

8.1. 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.

8.2. 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.

8.3. 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.

8.4. 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.

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8.5 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.

8.6 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.

8.7 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.

8.9 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.

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

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

WITNESS my hand this        day of November, 2023 on behalf of the WESTMINSTER PLANNING BOARD,

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Jodi Snyder, Chair

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Ellen M. Sheehan, CMMC, CMC  
Westminster Town Clerk

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Date Filed

I certify that 20 days has elapsed without an appeal.

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Ellen M. Sheehan, CMMC, CMC

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Date