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THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF LUNENBURG
ZONING BOARD OF APPEALS

February 19, 2015

Denial of a Special Permit Application

Special Permit was denied by the Zoning Board of Appeals on February 11, 2015 for property located at 659 West Townsend Road, Lunenburg, MA 01462, under the Lunenburg Protective By-Law Section 4.2.2.1.O).

The petitioner Kimberly Muzzi was seeking a special permit to operate a dog kennel to include pet sitting, boarding and dog walking. The property is located at 659 West Townsend Road, Lunenburg, MA 01462 and owned by Mark A. & Kimberly A. Muzzi.

Board Members present: Donald F. Bowen, Chairman, Raymond Beal, Alfred Gravelle, Paul Doherty, James Besarkarski and David Blatt (present but not voting).

Kimberly Muzzi, 659 West Townsend Road, Lunenburg and affecting the rights of the owner with respect to land and buildings, Book 4209, Page 357, and dated May 31, 2002, as described in plans submitted with the petition. Assessors Map 3, Lot 4.

The said Board of Appeals further certifies that the decision attached hereto is a true and correct copy of its decision denying said Special Permit, and that copies of said decision, and all plans referred to in the decision, have been filed with the Planning Board and the Town Clerk.

The Board of Appeals also calls to the attention of the owner or applicant that General Laws, Chapter 40A, Section 11 (last paragraph) provides that no variance or special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the Town Clerk that twenty days have elapsed after the decision has been filed, that it has been dismissed or denied, is recorded in the Registry of Deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The owner or applicant shall pay the fee for such recording or registering.

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The Board held a meeting on February 11, 2015 at the Ritter Memorial Building. Lisa Normandin read the petition into the public record and a memo from the Lunenburg Board of Health.

Ms. Muzzi was proposing a small doggie daycare/boarding business in her home. Her request was for a kennel license to allow ten dogs maximum at the property. Ms. Muzzi has extensive experience having worked as a veterinary technician and was previously employed at a large equestrian center. She has been an animal scientist for sixteen years and is a certified laboratory animal technician and a member of the Professional United Pet Sitters.

Ms. Muzzi currently has two dogs of her own. She wants to be a good neighbor and respect the abutters. She has contracted with Casella trash services to remove the pet excrement. In addition she is proposing approximately four clients per day. She is willing to use sound panels and sound blankets to minimize noise (barking).

Her property contains 2.83 acres which includes a single family home, horse barn and paddock.

Susan Leppala an abutter at 595 West Townsend Road said that she is a dog lover and has volunteered many hours to various shelters. She also indicated that she and her husband own three properties on West Townsend Road. She is adamant that she does not want a dog kennel business in her neighborhood.

Lee Connelly, 635 West Townsend Road also spoke in opposition. She is concerned that the kennel that is being proposed could ultimately have up to ten dogs per day. Ms. Connelly stated that there is noise at the property because of the existing geese that live there. She fears that the barking would "drive her crazy". Line of sight issues with regard to safely walk dogs was also a concern as well as the impact on the property values.

Thomas Leppala, 595 West Townsend Road would like the area to remain residential and doesn't feel that this is an appropriate location for a dog kennel.

Robert Kohler, 232 Lunenburg Road, Townsend is an abutter to the property as well. He is also a dog owner but worries about the noise and the barking in the evening hours. He maintains that the area should remain residential.

Susan Leppala indicated that the following section of the Lunenburg Protective Zoning bylaw applies here: (Section 4.2.2.1 O) 7. Which states the "the kennel will have no significant adverse effect, such as excessive barking, or other conditions on the peace and quiet of the neighborhood".

Paul Doherty asked Ms. Muzzi to explain where the sound barriers would be placed. Ms. Muzzi indicated that she would put acoustic panels on the fencing; she also mentioned that she has a sound meter to monitor and avoid excess noise from the property.

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Alfred Gravelle asked Ms. Muzzi to explain the pet sitting portion of the business. Ms. Muzzi indicated that the pet sitting would not be onsite; she would go to the owner's homes and tend to the dogs/pets on their own property. She added that she would not schedule dogs in her own home if she is pet sitting other animals.

Alfred Gravelle asked what her current business is as he saw a website advertising a business at her address. Ms. Muzzi said that she is trying to build up a business clientele for the pet sitting business. Her desire is to get out of the corporate world with a new career change and to be her own boss and a stay at home Mom to her three children.

Raymond Beal indicated that there were many flaws in the petition, the fencing and the well location was not shown and the setbacks were not clearly defined. Mr. Beal also had concerns with determining vaccine updates and whether or not the dogs would be "kid friendly" Ms. Muzzi said that she would require immunization updates from the individual pet's veterinarian and if she determined that the dogs were not friendly she would discontinue the business relationship with the owners of the animal.

The Board deliberated at length on the subject, they took into careful consideration the concerns of the abutters. Ms. Muzzi indicated that she would settle for four dogs in the kennel instead of ten however, the Board members said that this would have to include her own two dogs and would essentially allow only two client dogs.

MOTION

After due deliberation Alfred Gravelle made a motion to deny the request for Special Permit for the kennel and business based on the finding that the criteria outlined in the Lunenburg Protective Zoning Bylaw could not be met, specifically:

- b) Will not have a material adverse effect on the value of land and buildings in the neighborhood or on the amenities of the neighborhood and
- d) Will not produce noise, vibration, odor heat or glare observable at the lot lines in amounts clearly detrimental to the normal use of the adjacent property.

Paul Doherty seconded the motion.

After closing the discussion, the Board acting in its capacity as the Special Permit Granting Authority and **denied** the Special Permit with the below members present and voting as follows with respect to the issuance of the Special Permit.

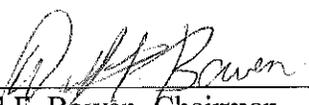
VOTE

Donald Bowen voted to **deny** of granting the Special Permit.
Raymond Beal voted to **deny** of granting the Special Permit.
Paul Doherty voted to **deny** the Special Permit.
James Besarkarski voted to **deny** the Special Permit.
Alfred Gravelle voted to **deny** the Special Permit.

In making this determination, the Board specifically found that the granting of this Special Permit would not contravene the purpose of the Protective Bylaws or the provisions of Chapter 40A of the Massachusetts General Laws.

Voted and executed,

Lunenburg Zoning Board of Appeals
Special Permit Granting Authority

 2/25/2015
Donald F. Bowen, Chairman Date

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