

*Zoning Board of Appeals Minutes  
Selectmen's Room, Middleborough Town Hall  
10 Nickerson Avenue, Middleborough, MA 02346  
April 25, 2019*

Chairman Darrin DeGrazia, Dr. Edward Braun, Dorothy Pulsifer, Liz Elgosin, Jack Healey and Matthew Maher were present.

**7:30 P.M. Minutes**

Upon a motion made by Liz Elgosin and seconded by Jack Healey, the board

**VOTED: to approve the minutes of March 28, 2019.**

Unanimous Vote.

**7:30 P.M. Nolana Ricci, Pet Salon – 122 East Grove Street**

Chairman Darrin DeGrazia read into the record the legal advertisement and declared the hearing open.

James Tibbetts informed the board that they have a letter of approval from the owner of the building to allow for the installation of one window and ventilation.

Discussion ensued regarding hours of operation. Jack Healey asked what their procedure is if someone is late picking up the dogs. James Tibbetts said they will bring them in and wait for them. They do have it in the contract that they have to pay when they are late.

Matthew Maher said he is still concerned with the sound proofing for the boarding. James Tibbetts explained what he would do to sound proof the upstairs.

Dr. Edward Braun said he has not changed his mind on this petition and will not be voting in favor of this request. Jack Healey said he is opposed to the overnight boarding, and feels there is too much potential for disturbance to the neighborhood. He does think the increase in hours make sense for people dropping off and picking up dogs.

James Tibbetts said there are numerous places that have overnight boarding in residential areas. This is a General Use District and they never hear about the calls or complaints that come in. They want to work with their neighbors, and they cannot correct anything if they don't know what's going on.

Chairman Darrin DeGrazia asked if anyone would like to be heard on this matter. Donna Townsend said she does not want to stop them for doing their business during the day. She can listen to the dogs during the day but cannot listen to them at night. She called Animal Control tonight because the dogs were barking at 6:55 tonight. Why are there dogs there now? There are dogs there overnight as it is, and she knows that for a fact.

James Tibbetts apologized to her and they are trying to work on this. This is a general use district; they follow all the guidelines, and have been in business since 2007. If they don't hear about this, how are they supposed to correct it?

Jack Healey asked who was there tonight from 5-7pm. Nolana Ricci said one of her employees, Emma. She usually leaves around 6:30 – 7:00 pm. Jack Healey asked if it is always an employee who closes, and do they notify you when someone is late. Nolana said it is an employee and they do notify her, but this

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is rear. They are not the only ones with dogs in the neighborhood. They cannot control those other dogs, and should not be blamed for that.

Lengthy discussion ensued regarding increasing the number of dogs, hours of operation, and sound proofing.

Hearing no further comments Chairman Darrin DeGrazia closed the hearing and called for a motion.

Upon a motion made by Jack Healey and seconded by the board

VOTED: ***to approve the petition of Nolana Ricci, 122 East Grove Street, Middleborough, MA 02346 relative to her request to amend special permit #11-22 to allow for the change of hours of operation for doggie daycare to 7:00 a.m. – 6:00 p.m., and add an additional ten (10) more dogs for a total of thirty (30) dogs. The subject property is located at 122 East Grove Street, Middleborough Assessor's Map 065, Lot 3074. This is approved subject to the following stipulations:***

***1. This is limited to 7:00am – 6:00pm, allowing the dogs out earlier.***

***2. There shall be a total of thirty dogs for doggie day, and disallows the boarding.***

Chairman Darrin DeGrazia, Jack Healey, Matt Maher and Dorothy Pulsifer were in favor. Dr. Edward Braun opposed. (4-1)

Upon a motion made by Dr. Edward Braun and seconded by the board

VOTED: ***to adopt the following findings:***

***1. The proposed site is appropriate for the use or structure;***

***2. Adequate and appropriate facilities have been provided to insure the proper operation of the use and structure;***

***3. Traffic flow and safety, including parking and loading are adequate and there will be no nuisance or serious hazard to vehicles or pedestrians;***

***4. Adequate water, sewer, and other utilities as well as other public and private services are available or will be provided;***

***5. The use involved will not be detrimental to the established or future character of the neighborhood and town.***

Unanimous vote.

**8:00 P.M. Christopher Thomas -3 Paradise Lane**

Chairman Darrin DeGrazia informed the board the applicant has requested a continuance of tonight's hearing, as they could not make it in tonight.

Upon a motion made by Jack Healey and seconded by Dorothy Pulsifer, the board

VOTED: ***to continue the hearing until May 9, 2019.***

Unanimous Vote.