



TOWN OF SALISBURY
Office of the BOARD OF APPEALS
5 BEACH ROAD
SALISBURY, MASSACHUSETTS 01952
978-462-7839

July 28th, 2015

7:00 P.M.

MINUTES

Members Present:

Susan Pawlisheck, Derek DePetrillo, Linda Tremblay, Beth Gandelman, Joseph Stucker, Kevin Henderson

Old Business

Case No. 15-12 Play All Day LLC
191 Elm Street Suite 3 (Map 9 Lot 42A2)

Request for a Special Permit to start a dog day care.

Since the July 14th, 2015 meeting, Mrs. Fields has had the dog officer visit her Exeter location. He saw approximately 85 dogs. There was no barking or odor. The building in Salisbury is larger than this building, so they are comfortable having just as many dogs here. Susan reads from an email sent by the dog officer who feels it is a well-run business.

QUESTIONS FROM THE BOARD

Susan asks about kennels and kennel licensing. Mrs. Fields' research suggests they need a license from the dog officer, not a kennel license from the state. Unless she is running a vet's office or something professional of that nature, a license is not needed. The business also insures that every dog they take is licensed and vaccinated. Susan read that more than four dogs require a kennel license. Mrs. Fields explains that this is true for residents, not for businesses. Susan then asks about expectations for number of dogs. Mrs. Fields has enough room for seven play areas, which could accommodate 150 dogs. They would need time to build clientele. Beth is concerned about such a high number as there is no standard ratio of dogs to personnel. Mrs. Fields says there are roughly 8-10 people per shift and the number of dogs per day varies. There are 2-3 people per play group depending upon the size and excitability of the dog and the dog's needs. She will be the director of the site as she prefers to be hands on. Linda wants to know how they will prepare to have such high numbers. They staff heavily. Linda asks about aggressive dogs. All dogs are given a behavioral test to see if they are aggressive; dogs who are aggressive to other dogs may not be accepted. The Exeter location is approximately 2,500-3,000 square feet

with some of that space upstairs and not utilized for the dogs. The building in Salisbury is 3,000 square feet with all of it on one level.

Derek brings up that Somerville has an application for a commercial kennel license. Mrs. Fields explains that she cannot get a kennel license from the dog officer until she receives approval from the Board. Susan mentions that in the past these types of businesses have had the number of dogs limited and other such stipulations; she is concerned about the number of dogs mentioned by the dog officer. Mrs. Fields explains that to financially break even, she must service 35 dogs in a single day. They also will be spending money to make the building look better.

Linda asks about the minimum number of hours. They will offer hourly rates for gym members in addition to full and half days. If she were to have a maximum number of dogs and have a number of hourly dogs, she would meet her maximum number that much more quickly. Kevin mentions that other applicants received caps. Beth explains that in this case, the cap would cut into Mrs. Field's profits.

Susan explains that there is no specific code for dog day cares so an agricultural code related to forms of life being completely enclosed in pens or other structures is used to justify Special Permits for dog day cares in Salisbury. Linda asks about grooming and bathing. That would require another Special Permit, so they will not offer it at this location.

ABUTTERS

Chuck Colbern feels that a minimum of 35 dogs for this business does not equate to a previous limit on an applicant who was allowed only 10 dogs a day. He is also concerned about noise pollution from the dogs barking. Kevin says the dog officer is greatly trained in this matter and could decide if a location was sufficient. The dog officer could also choose not to give a license in that location.

Joseph is concerned about their purview. He wants to know what they would decide versus what the dog officer would decide. He also feels that the Board needs to balance the restrictions. Susan explains that they can condition Special Permits. Derek agrees that they must make a decision based upon the information before them and that there is a difference between the applicants who have wanted to have dog day cares. One must consider the history of the business; the experience; commercial versus home run.

Kevin asks if this would require two Special Permits: one for the dog day care and one for the kennel. Scott feels it is all encompassing as a kennel can mean many things under the aforementioned code. If there were a need for an additional Special Permit because of precise conditions placed upon this Special Permit, the applicant would be required to return and ask for those new conditions.

Phil & Carlyn Capolupo

14 Old Elm Street

They are happy to have another business in town. They would like to know what they can do to increase the number of dogs they can host, their hours of operation, and to provide kenneling overnight so they can compete.

Beth mentions that their case is up for review in October. Play All Day will also only kennel on occasion. The abutters would like to advance their Special Permit to match Play All Day on a competitive level.

Thomas Newman

175 Elm Street

Mr. Newman owns Tom's Discount, which is a direct abutter to the applicant. He is concerned about a resident who lives directly behind Tom's Discount. He would like a stipulation added about the potential for dogs barking all night to prevent its occurrence.

Christopher & Tony Fiazso, owners of the 191 Elm Street building, are fully supportive of the applicants utilizing their building.

Kevin feels that this business requires high numbers, but they must be fair to all applicants. Beth believes that restrictions on this case would be different because of their history and what the Board considers appropriate for a long standing, successful business.

Derek makes a motion to approve the Special Permit as presented with no conditions. Beth seconds. Kevin votes to approve. Susan, Linda vote to deny. 3 in favor, 2 opposed. Motion fails.

Susan did not motion to approve because she feels that every case should have a six month review period because the Board does not have expertise on dog day care and they need the chance to review their decisions. Linda is also struggling with the lack of cap on the number of dogs.

Derek makes a motion to approve the Special Permit on the condition of a maximum of 60 dogs with 20 kenneled over night for a six month period with a six month review. Beth seconds. Susan, Linda vote to approve. Kevin votes to deny. 4 in favor, 1 opposed. Motion passes.

Minutes

July 14th, 2015

Derek motions to accept the minutes as written. Kevin seconds. Beth, Linda, Susan vote to accept the minutes. 5 in favor, 0 opposed.

Correspondence

Douglas Livingstone v. Town of Salisbury Zoning Board of Appeals is the town council responding and saying that they will be representing the Board in this case.

Adjourn

Derek motions to adjourn. Joseph seconds. Susan, Linda, Beth, Kevin vote to adjourn. 5 in favor, 0 opposed. Meeting is adjourned.

Date: _____

Susan Pawlisheck—Chairperson

Derek DePetrillo – Clerk

Kevin Henderson

Beth Gandelman

Linda Tremblay

Joseph Stucker

Respectfully submitted by Catherine Scott

Catherine Scott

Date