

THE COMMONWEALTH OF MASSACHUSETTS

TOWN OF WILLIAMSBURG

ZONING BOARD OF APPEALS

DECISION

The applicants, Reanne Woytowicz and Alex Woytowicz, doing business as Lil Dog Lodge, applied for a Special Permit, as required by Section 3.2 of the Zoning Bylaw. The applicants intend to use the building, known as the Guard House located at the Brassworks, 132 Main Street, Haydenville, MA, as business providing canine grooming, daycare, boarding, and home visit pet care to the Town and surrounding areas. The premises is in the Village Mixed Zone.

Date of Application: February 6, 2018

Date of Hearing: March 21, 2018

Date of Decision: March 21, 2018

Votes by members of the Board:

Marcianna Caplis: In favor

Charles Dudek: In favor

Gerald Mann: In favor

Findings:

The applicants currently operate a dog daycare business in the Town of Worthington and intend to move their business to a building, currently vacant, in the Town of Williamsburg. The education and 20 years prior experience of the applicants, detailed in their application, indicate that they have the knowledge and ability to operate the intended business.

No exterior structural changes are anticipated, however a 6-foot stockade fence will be erected to provide security for the outside dog run. There will be no additional exterior lighting and a sign designating the business will be added to the existing building signboard.

The hours of operation will be from 7:00 AM to 7:00 PM, although some dogs may remain overnight inside the building. Sunday will be by appointment only.

Boarding of 6 to 12 dogs is anticipated. A commercial waste removal company will be contracted to remove animal waste and deodorizers will be used to avoid odors emanating from the premises. The applicants will use a web cam to observe animals left overnight and respond to any perceived problem. A phone number to reach the applicants will be posted on the premises.

The applicants have stated their intention to move their personal residence to Williamsburg or a nearby town.

The public hearing was attended by several nearby residents who were concerned about noise created by barking dogs. The applicants stated their experience indicated that dogs kept active and engaged do not bark. However, any dog that does bark will be removed from the outside area and kept within the building. Owners will be required to pick up their dogs no later than 7:00 PM. No dogs will be left outside after 7:00 PM. The applicants will also operate a taxi service to pick-up and deliver dogs. There will be no breeding of animals on the premises.

Applicable Law:

The table of permitted uses, set forth in Section 3.2 of the Zoning Bylaw list Kennel as a use requiring a Special Permit in the Village Mixed Zone. Section 18 defines Kennel as "Any establishment including cages, dog runs, and structures wherein more than three dogs which are over six months old are kept for sale, boarding, care, or breeding, for which a fee is charged".

Conclusions:

The applicants have met the criteria for a Special Permit as set forth in Section 5.5 of the Zoning Bylaw. The use will be reasonably compatible with the character and scale of other uses permitted as of right in the same district. The adjacent Brassworks building has been occupied by a variety of commercial businesses including a dog groomer. The use will not constitute a nuisance by reason of an unacceptable level of noise or air pollution.

Decision of the Board:

The Zoning Board of Appeals voted unanimously to grant a Special Permit to Reann Woytowicz and Alex Woytowicz doing business as Lil Dog Lodge to operate a dog day care, boarding and grooming facility in the building known as the Guard House at the Brassworks, 132 Main Street, Haydenville subject to the following conditions:

Conditions to the Special Permit:

The hours of operation shall be from 7:00AM to 7:00PM;
A commercial waste hauler shall be engaged to remove dog waste;
The telephone number of an emergency contact shall be posted on the building entrance;
Any signage shall comply with the requirements of the Zoning Bylaw.

This Special Permit is not effective until recorded at the Registry of Deeds of the County of Hampshire and shall be filed within twenty days after the date of filing of the notice of this decision of the Office of the Town Clerk.

Respectfully submitted this 27th day of March, 2018

Received and recorded this 27th day of March, 2018

Appeals from this finding, if any shall be made pursuant to Chapter 40A, Section 17, of the Massachusetts General Laws.



Charles J. Dudek, Chair, on behalf of the Zoning Board of Appeals



Brenda Lessard, Williamsburg Town Clerk