



Town of Stow
BOARD OF APPEALS
380 Great Road
Stow, Massachusetts 01775-2127
978-897-2784

August 1, 2022

NOTICE and DECISION
28 South Acton Road
SPECIAL PERMIT MODIFICATION #1

Owner: Tiffany Brown

Address: 28 South Acton Road
Stow, MA 01775

Premises Affected:

28 South Acton Road, Stow, MA, shown on Stow Property Map Sheet R-21 as Parcel No. 33 containing 2.1 acres

Property Deed: Middlesex Registry of Deeds Book 70456, Page 347

Special Permit Modification:

The Zoning Board of Appeals, on its own motion, conducted a review of the January 6, 2020 Special Permit granted by the Zoning Board of Appeals under Sections 3.2.2 (Uses permitted subject to special permit, granted by the Board of Appeals) and 9.2 (Special Permits) of the Stow Zoning Bylaw to allow a Kennel.

A duly posted public hearing was held at 380 Great Road and online via Zoom Web Conferencing Service on July 11, 2022 to review the January 6, 2020 Special Permit for a Kennel at 28, South Acton Road for Compliance. Zoning Board of Appeals Members Mark Jones, Ernest Dodd, David Hartnagel, Andrew DeMore and Associate Member Leonard Golder were present throughout the proceedings.

The following documents were submitted for the Board's consideration:

- Application comprising of the following documents:
 - Notice of Public Hearing
 - Certified List of Abutters
 - Special Permit Decision, dated January 6, 2020
 - Letter, dated June 1, 2022 from Pamela Weathers (abutter)
 - Email, dated Phyllis Town, Animal Control Officer

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Findings of the Board:

1. On January 6, 2020 the Zoning Board of Appeals granted a Special Permit (hereinafter Original Decision) to allow a Kennel.
2. The January 6, 2020 Special Permit included the following finding:
 67. In accordance with the Zoning Bylaw, Section 9.2.9, the Board will conduct annual reviews of the Special Permit to ensure compliance with the conditions imposed within the special permit or other zoning enforcement proceedings.
3. During the Public Hearing, concern was raised by one abutter about hours of operation.
4. The January 6, 2020 Special Permit Decision, includes the following finding as it relates to hours of operation:
 50. The Applicant advised that in most instances they pick up the dogs from clients' homes in and outside of town that are attending particular programs between the hours of 8:00 am and 11:30 am, (Monday, Wednesday and Friday for Playgroup and Tuesday, Thursday, Saturday and Sunday for other programs). The dogs are dropped off at the clients' home between 4:00 pm and 7:00pm.

The Original Decision did not include a condition limiting the hours of operation and therefore the Board finds that the Kennel operation is in compliance with the July 11, 2020 Special Permit.

5. During the Public Hearing the owner stated that, due to health and safety concerns relative to Covid 19, the business plan changed so that the dogs are now dropped off between the hours of 6:00 am and 9:00 am and picked up between the hours of 5:00 pm and 7:00 pm.
6. Although the Board finds the change in hours of operation is reasonable and does not result in an increase in business, based on input received during the Public Hearing, the Board finds that it is appropriate to document the current hours of operation by modifying the original decision to include a condition limiting the hours of operation.

VOTE

Pursuant to Massachusetts General Laws, Chapter 40A, after referring to the application for Special Permit Modification, the Board, by vote of the five members present throughout the proceedings (Members Mark Jones, Ernest Dodd, David Hartnagel, Andrew DeMore and Associate Leonard Golder) **VOTES TO MODIFY THE ORIGINAL SPECIAL PERMIT DECISION** subject to the following conditions:

1. Daily Hours of operation for business activities shall be limited to 6:00 am to 7:00 pm.
2. This Special Permit Modification No. 1 shall be considered a condition of and modification to the Original Special Permit. Except as expressly modified by this Decision Modification No. 1, all terms and conditions of the Original Special Permit Decision shall remain in full force and effect.

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The Board has complied with all statutory requirements in the granting of this Special Permit.

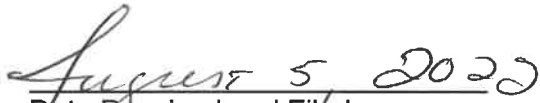
Two copies of this decision, together with copies of the application for special permit, site plans, other plans and records, have been filed with the Town Clerk. A detailed record of the proceedings, setting forth the reasons for the decision, shall be filed within fourteen (14) days with the Town Clerk and shall be a public record. Copies of this decision have been or will be mailed to all parties, persons and boards as required by Chapter 40A, Sections 11 and 15.

Any appeal from this decision shall be made pursuant to Massachusetts General Laws Chapter 40A, Section 17 and must be filed within twenty (20) days after the decision has been filed with the Town Clerk.

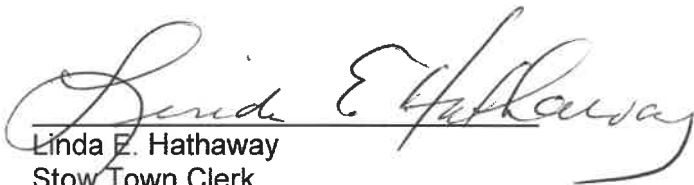
Signed on behalf of and with the permission of the Zoning Board of Appeals.



Ernest E. Dodd
Zoning Board of Appeals Clerk



Date Received and Filed
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Linda E. Hathaway
Stow Town Clerk