

Town of Ayer Zoning Board of Appeals

Tuesday, January 15, 2008
Town Hall, Main St, Ayer, Ma.

MINUTES

Present: Dale Taylor (Chair), Ron Defilippo, Pat Walsh, Jennifer Gibbons & Scott Hebb

7:00 PM

Administrative Business:

- Bills and Minutes- approved

7:05 PM

Public Hearing: Rakip

Variance/31 Sandy Pond Rd.

Petitioner has requested a withdrawal of their application.

Pat Walsh Motioned to accept the request of withdrawal without prejudice from Linda Rakip-Hartnett for the property at 31 Sandy Pond Road..

Scott Hebb 2nd

Vote 5-0

All in Favor

7:15 PM

Public Hearing: Kraft

Home Occupation. S.P./25 Mulberry Circle

Letters from the Building Inspector and Dog Officer were provided to the applicant, these letters did not support the application.

The Building Inspectors letter stated that he met with the Kraft's on December 13th at their residence due to unauthorized construction taking place without a building permit. At that time the Kraft's informed him they were considering a cleaning business or some type of dog care business. The Building Inspector requested a meeting with the Kraft's on Tuesday, December 18 2007. At the meeting he explained the by-law requirements for a "Special Permit" for any type of Home Occupation. He also stated that any type of business in an A-1 zone would require Zoning Board approval. He also went on to state that he already had inquiries regarding barking at the property in question.

The Dog Officer's letter stated that he had spoken with the owners of 25 Mulberry Circle in regards to the complaint of barking dogs. He informed them that they had to get their 6 dogs licensed in the Town of Ayer. They were under the impression that they had until March to license the dogs. He gave a verbal warning about the constant barking of their dogs; From Dec 21, 2007 to Jan 7, 2008 He also stated that he had a formal complaint of excessive barking of more than one hour on nine different occasions.

The Zoning Board Chair explained to the Kraft's that the ZBA had also received numerous letters from their neighbors stating concern over the detrimental impact this type of business would have on their prospective properties if the application was approved. (These letters were supported by the many neighbors present at the public hearing, clearly, against this Special Permit). He also explained that boarding of dogs is not a permitted use in the A-1 Zoning District.

The applicant stated that it was not a "boarding" type business but a daytime care.

The Chair stated this was simply "semantics" and that they would be boarding dogs for the day for profit and that that was not an allowable use in the A-1 district.

The board explained that beyond the fact that it is not allowed, the traffic, safety and noise issues would also have made the business clearly a detriment to the neighborhood.

Pat Walsh Motioned to deny the petition for Michelle Kraft request for a Home Occupation for a doggie daycare at 25 Mulberry Circle.

Scott Hebb 2nd VOTE 5-0 All in Favor

Scott Hebb Motioned to adjourn

Pat Walsh 2nd VOTE 5-0 All in Favor

Adjourn 7:55 PM