

**Norwell Board of Selectmen  
Nuisance Hearing  
Fox & Hounds, 12 Grove Street  
May 28, 2014 @ 8:15 PM**

Ellen Allen explained the process: Tonight's hearing is a continuation of a public hearing process which ended last November 2013 with a decision by this Board finding sufficient facts for a finding of nuisance by reason of excessive barking but deferring that finding until June 1, 2014 to see if the imposition of certain enumerated conditions ameliorated the effect of that barking. Those conditions set in November were:

- (a) there shall be no outside dog playgroups ("playgroups") before 9:00AM or after 5:00PM or dusk, whichever is earlier;
- (b) any outside playgroups shall be limited to a maximum of twelve (12) dogs at any one time;
- (c) any dog which is on the premises which is an excessive barker shall immediately be brought in from an outside playgroup;
- (d) all outdoor playgroups shall be supervised by a person who will be outside with the dogs and is experienced with controlling and supervising playgroups;
- (e) the Town of Norwell Animal Control Office may engaged in unannounced visits to the premises and be permitted to observe playgroups for the purpose of ensuring compliance with these conditions;
- (f) The Respondent (Ms. Robin Fox & A Fox & Hounds Pet Care, Inc.) shall comply with all other local or state bylaws, laws or regulations and any permits or approvals relating to the operation of the Respondent's business.

We also told the Respondents that the matter would be dismissed on June 1, 2014 if there were no further complaints. Tonight, the issue will be strictly limited to determining (1) if there was a violation of any of these conditions since November 20, 2013 when the last public hearing finished and (2) what if any conditions the Board should impose or (3) whether the matter should be dismissed in its entirety.

Anyone speaking on a collateral issue will be re-directed to speak only about these limited issues. For example, we do not intend to rehash any of the events or circumstances which occurred prior to the last hearing. We also will not entertain discussion of any circumstances involving any other property other than 12 Grove Street, Norwell, MA (which is the business property at issue).

Ellen Allen explained steps before continuing with the hearing and explained the process we intend to follow this evening and some rules that have been recommended by Town Counsel.

This meeting is quasi-judicial and the members of the Board of Selectmen will be acting as the finders of fact and making a determination tonight if possible. The Board will be assisted by its Town Administrator, James Boudreau. Anyone who is going to speak tonight, exclusive of counsel, will need to be sworn in at the beginning of the meeting. You are asked to speak at the table only after you are recognized and to provide your full name and residential address before speaking. This hearing is not a trial. I will not allow persons to ask questions from another during the hearing without them coming through me. I expect that anyone speaking tonight will speak respectfully and will maintain civility even if the matter that stirs some passion as they sometimes do.

After the Board opens the hearing, reads the hearing notice and identifies any correspondence or emails it has received, the Board will:

- (1) hear from the Complainant (Ms. Caruso) and/or her counsel;
- (2) after the Complainant speaks, the Board of Selectmen will have the right to ask any questions they have of the Complainant;
- (3) the Board will then ask to hear from anyone else who supports the Complainant's position and the Board then may ask questions of these persons;
- (4) The Board will then turn to the Respondent and/or her counsel. After the Respondent or her counsel are heard from the Board of Selectmen will have the right to ask any questions they have of the Respondent;
- (5) From there, the Board will ask to hear from anyone else who supports the Respondent's position and Board then may ask questions of these persons;
- (6) The Board may also ask to hear from its Animal Control Officer as to the matter in dispute.

After the conclusion of the open portion of the meeting, the Board will close the public input portion of the hearing and either agree to deliberate or indicate when it will deliberate and decide the matter. The Board will issue a written decision of its findings.

Ellen Allen entertained a Motion for the Selectmen to Re-Open the Dog Nuisance Hearing from November 20, 2013. *MOTION: Jason Brown moved that the Board of Selectmen re-open the Dog Nuisance Hearing from November 20, 2013. Seconded and unanimously voted.*

Clerk David DeCoste read the notification of the hearing into the minutes (see attached):

Ellen Allen asked anyone who plans to speak to stand and raise their right hand and answer the following question: "Do you solemnly swear to tell the truth, the whole truth and nothing but the truth?" They did so.

Ellen Allen read a Letter submitted by neighbor to Fox & Hounds Marynel E. Wahl be read (see attached). George Halatsis the other past complainant no longer resides on Grove Street.

Ramona Caruso, 30 Grove Street Norwell spoke about violations she is currently experiencing. She also said that Fox & Hound is advertising that it will accept difficult dogs and she is worried about danger from pits bulls that could escape. She also claimed the owner is kenneling dogs at the home she rents next door. Allen reiterated that the hearing could only discuss the business at 12 Grove Street.

Richard Ricciardi, 30 Grove Street Norwell backed up what Ramona Caruso had said.

Bruce Issardora, Attorney for A Fox & Hound spoke about the alleged violations against the Fox & Hound and how Marynel Wahl of 24 Grove Street sent a letter to Selectmen indicating that the conditions are acceptable.

Robin A. Fox, President of A Fox & Hound Pet Care, 12 Grove Street Norwell stated that she has been following the conditions and has nothing to add unless the Board has any questions for her.

Norwell Animal Control Officer Paul Murphy of Hingham MA took the oath read to him by Ellen Allen. Paul Murphy spoke about the 6 conditions placed on business and has made over 25 unannounced visits, at random times between the hours of 9 and 5. Paul Murphy has Staff at the facility sign his report showing he has made a visit. Tammie wanted to verify that the visits have never been before 9:00 am or after 5:00 pm and the answer was they have not. *MOTION was made to close the public portion of the meeting and have the Board deliberate.*

*MOTION made by Jason Brown: I move that the Board of Selectmen, adopt pursuant to Gen. L. c. 140 §157, the following conditions on the operation of the business of A Fox & Hounds Pet Care, Inc., which said conditions shall ameliorate the effect of excessive barking on abutting properties in the residential zone: (a) there shall be no outside dog playgroups ("playgroups") before 9:00AM or after 5:00PM or dusk, whichever is earlier; (b) any outside playgroups shall be limited to a maximum of twelve (12) dogs at any one time; (c) any dog which is on the premises which is an excessive barker shall immediately be brought in from an outside playgroup; (d) all outdoor playgroups shall be supervised by a person who will be outside with the dogs and is experienced with controlling and supervising playgroups; (e) the Town of Norwell Animal Control Officer may engage in unannounced visits to the premises and be permitted to observe playgroups for the purpose of ensuring compliance with these conditions; (f) A Fox & Hounds Pet Care, Inc. shall comply with all other local or state bylaws, laws or regulations and any permits or approvals relating to the operation of the Respondent's business. Seconded by David DeCoste and unanimously voted.*

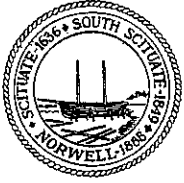
*MOTION: Jason Brown moved that the Board of Selectmen close the Public Hearing, Nuisance Hearing, for A Fox and Hound, 12 Grove Street. Seconded and unanimously voted.*



Board of Selectmen



Read into  
minutes



OFFICE OF BOARD OF SELECTMEN  
**TOWN OF NORWELL**

345 MAIN STREET P.O. BOX 295  
NORWELL, MASSACHUSETTS 02061

(781) 659-8000  
FAX (781) 659-7795  
[www.townofnorwell.net](http://www.townofnorwell.net)

May 13, 2014

Robin A. Fox, President  
A Fox & Hounds Pet Care, Inc.  
12 Grove Street  
Norwell, MA 02160

Robin A. Fox, President  
A Fox & Hounds Pet Care, Inc.  
20 Grove Street  
Norwell, MA 02160

RE: Continued Public Hearing

Dear Ms. Fox:

Please be advised that in accordance with the provisions of Mass. Gen. L. c. 140 §157, the Town of Norwell Board of Selectmen, in their capacity as the Hearing Authority for the Town of Norwell, will conduct a continued public hearing on Wednesday, May 28, 2014 at 8:15 PM in the Selectmen's Meeting Room (Osborne Room), located at 345 Main Street, Norwell, Massachusetts on a written complaint received by the Selectmen that dogs which are owned or kept by you on the premises owned or controlled by you constitute (a) nuisance dog(s) by reason of excessive barking causing damage or other interference that a reasonable person would find disruptive to one's quiet and peaceful enjoyment of their property.

You are advised of your right to attend the hearing, speak on your own behalf or through your legal representative, and present any witnesses or evidence in support of your position in this matter.

If you fail to attend this public hearing, the Board of Selectmen reserve the right to proceed in your absence, make a determination in this matter, and proceed with such other restrictions or other measures necessary to abate a nuisance.

If you have any questions about this proceeding, you are directed to speak with Norwell Town Administrator, James Boudreau, at (781) 659-8000.

Very truly yours,

Ellen H. Allen, Chairman  
Norwell Board of Selectmen

Cc: Ramona Curuso  
Animal Control  
Police Chief





MARYNEL E. WAHL

Wednesday, May 28, 2014

Ms. Ellen Allen  
Mr. Jason Brown  
Mr. David DeCoste  
Mr. Tammie Garner  
Mr. Gregg McBride  
c/o Board of Selectman  
345 Main Street  
Norwell, Massachusetts 02061

**Re: Nuisance Complaint – Fox & Hound Pet Care, 12 Grove Street.**

Dear Board of Selectman:

First, thank you for all you do – as Selectman you help make Norwell a better place.

The current restrictions placed on the operation of Fox & Hound Pet Care are acceptable to me and I do not wish to pursue complaint at this time. If modification or lift of existing restrictions is proposed, I respectfully request to be included in the discussion and review process.

Finally, I have had the opportunity to get to know Ms. Robin Fox and her business. Fox & Hound Pet Care is an important piece of Norwell's continued economic stability – creating jobs and bringing business to our community. Ms. Fox's contribution to our community and cooperation during this process should not go unnoticed.

Respectfully Submitted,

Marynel E. Wahl

TWENTY FOUR GROVE STREET  
NORWELL, MASSACHUSETTS 02061  
UNITED STATES OF AMERICA

