

**SEEKONK ZONING BOARD
REGULAR MEETING
MINUTES**

January 23, 2017

Present: Ch. Roger Ross, Frank Braga, Keith Rondeau, Shane Halajko, Gary Sagar

7:00 Chairman Roger Ross called the meeting to order.
:: pledge of allegiance::

Ch. Ross: If I could have your attention please, the Zoning Board of Appeals for the Town of Seekonk, for January 23, 2017, is now in session. Before I go into my little preamble, I would ask everyone if they would please, stand and join the board in the Pledge of Allegiance to the flag. :: ALL SAY PLEDGE OF ALLEGIANCE:: Thank you. We have an agenda this evening of one public hearing, which I will get to momentarily, and a regular session for new business which is the approval of the minutes of the meeting of October 17, of last year and an Executive session which if need, by definition it will not be public we will close the public hearing. Before I read the public hearing that is down for this evening, our practice here is we will read the petition that was filed, ask the petitioner and any witnesses the petitioner may have to address the board, simply make your case for the, in your case, special permit that you are requesting. Members of the board may have questions, and if that's the case, we will ask the questions and ask they be answered as truthfully and fully as possible. After the petitioner has presented her case I will inquire whether there are any members of the public that wish to speak in favor or in opposition to the petition, we will hear those people out, and ask questions if we need any. Again, we would expect that those would be answered as truthfully and as comprehensively as possible. I would like to caution that anyone that any questions or any comments on the pending matter be directed to the chair, and not engage in conversations among the public. It is our practice typically after we close the public hearing to take the matter under consideration and take a vote this evening. There are circumstances and petitions under which we do not do that, but it is our usual practice to vote this evening on all pending petitions. If as a result of the vote of the board, either the petitioner or any objectors or remonstrants feel that they are aggrieved by the decision of the board, there are rights of appeal through the courts of appropriate jurisdiction and the commonwealth of Massachusetts, that's available to all parties, assuming you have appropriate standing to file an appeal and if that is the case, I only caution you that there are very strict time limits on when an appeal must be filed and how an appeal is filed, so I would advise you to be aware of those provisions of Mass General Law. Having said that, the agenda this evening, we have first, a public hearing, case number **2016-19 Angela Neault**, is that the correct pronunciation? Of 29 Westbrook Drive, Owner and Petitioner, requesting a **Special Permit** under Zoning Bylaws Section 4.2.1 for the operation of a kennel, at 29 Westbrook Drive, Plat 4, Lot 106 in an R-1 residential Zone containing 10,000 sq ft of land. Someone is here on the Neault petition? Ok, thank you that is the only public

hearing we have on the agenda this evening. We also have a regular session as I said before, new business, approval of prior minutes of this board and executive session if necessary. I know I will have some questions on this petition, just based on the application that I've read, but Ms. Neault if you would come to the podium please, and state your name and address for the record

Angela Neault: 29 Westbrook Drive, Seekonk

Ch. Ross: Ok, would you raise your right hand please? And do you swear or affirm that all the testimony you are about to give will be the truth?

A. Neault: Yes.

Ch. Ross: You may proceed, as you see fit

A. Neault: This is my first time, so I'm not quite sure, I guess, what happened at the end of August, my Mom ended up in a hospital from an abusive relationship with my Dad. She had nowhere to go, and the doctors advised that she cannot go back to that home, so I took her into my home. I also brought my sister as well, because my mom and my sister go together. It was a temporary kind of situation to try and help her find where her next step in life would be, but this was her safe place to come. And then in mid-September my mom had a stroke so she had to go back to the hospital, they, my sister has three (3) pugs, my mom has three (3) pugs, and they are comfort dogs from their doctors. What we are petitioning is a kennel permit, which is my understanding of the way that we could have a permit to allow that. We are not looking to breed, there's no clients that come in use these dogs, these are for my mom and my sister alone. But this is the permit; I understand what would be used to allow my mom and sister to keep their dogs with them.

Ch. Ross: Ok and anything further?

A. Neault: I don't know, I guess I'll answer the questions.

Ch. Ross: Ok. I understand from the attachment to the petition that in addition to the six dogs, that you referenced, you have a dog of your own.

A. Neault: I have already a dog of my own.

Ch. Ross: Ok. And you still have that dog?

A. Neault: Yes

Ch. Ross: And is that a pug as well?

A. Neault: No, shih Tzu

Ch. Ross: Basically you have seven (7) dogs in the house. I have other questions, do any members of the board have any questions of Ms. Neault

S. Halajko: How long have you lived at the house for?

A. Neault: Four (4) years, August.

S. Halajko: Four (4) years, so your mom and your sister came here over in the dogs, in what month?

A. Neault: End of August.

S. Halajko: So the end of August, they brought their six (6) dogs over, three and three?

A. Neault: Yes

S. Halajko: Do you have a fenced yard?

A. Neault: No, my neighbor has a back fence, to the back of the yard, but not the sides.

S. Halajko: You mentioned the fact that, these dogs are these dogs actually therapy dogs? Licensed therapy dogs?

Dorothy Neault: They're not licensed

A. Neault: the doctor's letter has, that it's approved as a comfort dog. I don't know the process of...

S. Halajko: Comfort dog?

Ch. Ross: Can I interrupt for one second? Did you bring any of those documents with you this evening? The letters? From the physicians?

S. Halajko: Reading through the documents are you planning on putting in the type of septic system that is required for a kennel, if that was permitted?

A. Neault: That was another question that I had had, because when I had spoke with, I have the mail saying they were going to approve as far as what the septic is, because it is still a 2 bedroom, were not doing the pets grooming place on the corner there, they go outside, so it's not taking up septic.

S. Halajko: So, I guess where I'm confused, and maybe I'm totally wrong, but to have a kennel license you need to have this type of septic system put in? is that correct?

A. Neault: From what I've

S. Halakjo: to get a kennel license.

A. Neault: From what I understand when I spoke with the lady that approved the septic, she has said it was approved based on, I don't know how to word that, I'm sorry. Jessica

Ch. Ross: Jessica Horsman

A. Neault: She had said that she would advise to put the case before the zoning board of appeals for the decision based on being in compliance with the board of health.

S. Halajko: Ok, I have no further questions at this time

Ch. Ross: Ok, just a point of reference, as I read the health agents email, which was directed to you, the existing septic system is not in compliance with the proposed use, but you'd need an additional 50 gallon per day. Now that is a health agent issue that is not our issue. So she directed you, before you went to Mass to the Commonwealth, on a title 5 issue.

A. Neault: Right

Ch. Ross: But because of the expense that would be involved that you come here first,

A. Neault: Right

Ch. Ross: So this is a threshold issue on your septic

G. Sagar: Mr. Chairman, could I just for clarification, in letter that is dated December 6, from Mrs. Horsman, she references an additional 350 gallons per day.

Ch. Ross: That's not the one I have. Oh the one you handed out this evening?

B. Garrity: There is an email, then there is actual letter,

Ch. Ross: I have not seen this. I saw a copy of the email from the health agent to the applicant, or to the petitioner. Its 350 gallons a day

G. Sagar: That sounds like a lot

Ch. Ross: I think she probably got to that by 50 per dog,

G. Sagar: maybe

Ch. Ross: That could be how she got to 350

G. Sagar: If I could ask the petitioner,

Ch. Ross: Absolutely

G. Sagar: You have a 2 bedroom home?

A. Neault: Mm-hmm

G. Sagar: How many people occupy that house?

A. Neault: I have my daughters they have their own room. Then my mom and my sister have taken my room, and I'm in the living room, so six (6) of us

G. Sagar: Six (6) of you, ok while we're talking about septic, just as a point of reference, you have a two (2) bedroom home and I'm assuming your system is fairly new, I see it was designed by Mr. Monsees. When they design a septic system, it's based on two persons per bedroom

A. Neault: That I didn't know

G. Sagar: So your house is really designed for four (4) people, and you have six (6) living there. So you have exceeded the capacity by one third, certainly I understand your situation with your family (inaudible)so if your system was built according to Title 5, which it would be and designed just for two (2) bedrooms it would have to be built for 220 gallons per day. What the health agent is saying, if the 350 number is correct, which I have no reason to doubt it, you have to increase your septic system by one and a half times the size of what is there now, roughly speaking, so that's going to be a massive system and a massive undertaking. Ok? Your house, I drove by it the other day, you are on a 10,000 square foot lot, and the only fencing I saw, you don't have an invisible fence, right?

A. Neault: No, it's just the back to the new property behind

G. Sagar: Just the back, ok, thank you,

Ch. Ross: and this plan that you attached, on the septic system, that was done in 2012, I assume you purchased the property from Doris Abraham?

A. Neault: Yeah,

Ch. Ross: So this is an existing system, this is not proposed, correct?

A. Neault: Correct, right

Ch. Ross: Anyone else have any questions at this point?

F. Braga: Initially you said, your mother living with you is a temporary fixture, am I assuming now that this is no longer temporary?

A. Neault: When she had the stroke, she needs more care.

Ch. Ross: Did you locate any of those letters, from the physicians?

A. Neault: I'm sorry no, they, she has them at home.

Ch. Ross: Ok, just for the record, before your mom moved in with you in August, she lived in Foxboro?

A. Neault: Mmm-Hmm

Ch. Ross: Ok, I don't want to put this into the record, unless you have an opportunity to see it, are you aware, last week, January 17th, that the animal control officer in Seekonk received a letter from the animal control officer in the town of Foxboro?

A. Neault: No

Ch. Ross: I just ask you to take a look at it, then on my own motion, I'll have it introduced into the record, just ask that you, you can hold on to that, if you want, I have another. Were you aware of any such complaints?

A. Neault: No

Ch. Ross: In the town of Foxboro? Ok, on my own motion, madam secretary, if you would mark that as "boards exhibit one", please? For the record, that is a letter, which I already referenced dated January 17 of this year from the animal control officer in Foxboro to the animal control officer in Seekonk, and it references dogs owned by

Dorothy Neault when she was living in Foxboro in 2016. Anything further at this point?

A. Neault:

No

Ch. Ross:

Any board members have any questions at this point? Why don't you... This is your sister I take it?

A. Neault:

That's my mom,

Ch. Ross:

Your mom, ok, Mrs. Neault, do you have anything that you wish to say?

D. Neault:

INAUDIBLE

Ch. Ross:

for the time being, if you don't mind taking a seat. Is there anyone in the audience who wishes to speak in favor of this petition? Hearing none, is there anyone in the audience who wishes to speak in opposition to this petition? One at a time please, sir with the hat on.

Eugene Simonelli: I live at 21 Westbrook Drive< I live next door?

Ch. Ross:

Ok, would you raise your right hand please, do you swear or affirm that the testimony you are about to give will be the whole truth?

B. Garrity:

Can you spell your last name for me please?

E. Simonelli:

S-I-M-O-N-E-L-L-I

Ch. Ross:

Go right ahead, Mr. Simonelli

E. Simonelli:

I have concerns, this kennel, is this going to be an outside thing, where these dogs are going to be yapping day and night? Is it, because when they first moved in, they were running loose in the neighborhood, pooping and peeing on peoples lawns, until finally the dog officer paid a visit they had to keep them on leashes. So, I'm just wondering what's going to be in the future, are these dogs going to be outside all the time, barking and making all kinds of noise?

Ch. Ross:

I don't the answer to your question, it's something we didn't get into, I can ask right now? Do you expect to pen these animals or are they going to be house bound?

A. Neault:

They are house bound,

D. Neault:

They only go out to go to the bathroom

E. Simonelli:

And do they plan to increase the number of dogs?

A. Neault:

No

E. Simonelli:

Ok, that's basically, that's my concern. I mean now they walk them on leashes they don't poop in everyone's yard, that's fine, as long as you don't have them dogs barking day and night. I'm old and it's an old neighborhood, and we don't want to hear that kind of stuff.

Ch. Ross:

If I could ask you a question? Are you the gentlemen that went by the name of Gene? And filed something with the board, or made a telephone call?

E. Simonelli:

Yes

Ch. Ross:

Ok, just so I know that we are dealing with the same person. Ok, does anyone have any questions of Mr. Simonelli?

S. Halajko:

I do, are they, you mentioned about them barking, are they still barking?

E. Simonelli:

I've been out in the yard and they yap quite a bit at you, yeah, they are barkers, they are little pugs, and they bark. And I was wondering if they were going to be outside all the time, and you're going to hear six (6) dogs barking, I mean, that's going to be kind of disturbing to the neighborhood. Especially to me and Mrs. Duell we live on each side of them.

S. Halajko: Thank you

Ch. Ross: Does any other board member have any questions of Mr. Simonelli, comments at this point? Ok, Thank you sir, if you don't mind taking a seat, we may get back to you. And the gentlemen who was sitting behind Mr. Simonelli,

Ch. Ross: Ok, would you state your name and address for the record please?

Brian George: Yes, Brian George, 755 Ledge Road

Ch. Ross: 7-5

B. George: 755 Ledge Road,

Ch. Ross: Would you raise your right hand, sir? Do you swear or affirm that the testimony you are about to give will be the whole truth?

B. George: Yes, you pretty much answered, the boards answered my questions on the size of the lot, the septic systems, in my opinion I believe the whole residence is maxed out. There's been a dog issues, again barking, it's just it's overwhelming, I know it's a may be a health situation but, how many dogs do you need to do that? I just think it's just too much, to have seven (7), eight (8) dogs, seven dogs (7), I think it is too much for that property and the size of that land.

Ch. Ross: I could have check the radius plan, but where is your home in relationship to 29 Westbrook?

B. George: I have a rental property at 6 Melanie Circle, which is diagonal to the house

Ch. Ross: Ok, any questions of Mr. George

G. Sagar: I had the same question you did, Mr. Chairman, Thank you for answering that.

Ch. Ross: Ok, thank you, on my own motion, this write up, synopsis and writing from our animal control officer with a complaint date, date complaint received is 11/21/16 and I don't know when this was dictated or sent, but I ask that be marked as "boards number 2", as a full exhibit, without objection.

G. Sagar: May we supply the petitioner a copy of these, if they don't have them?

Ch. Ross: Sure, they have a copy of the letter from Foxboro,

G. Sagar: do you have the Foxboro one?

Ch. Ross: Yes, I gave her that. That was a letter from, again on my own motion, just to keep the record clear, as "boards 3", copy of letter dated December 6th of last year, from Jessica Horsman, Health Agent addressed to me, regarding the septic system requirements under code of municipal regulations, no objections? Anyone else in the audience that wishes to speak on this matter? Mrs. Neault if you wanted to be heard again, would if, if you'd step up to the podium, I'd just caution you're still under oath.

A. Neault: I just want to mention that we've taken measures, that we only take three (3) at a time out, the six (6) are not together, my mom and my sister are fearful because we moved into the neighborhood, I wanted the perfect atmosphere for my kids growing up and that is area is a dead end street, I loved the neighborhood, I love everything about it, and that's why I moved there, I wanted them to have that. My mom and my sister have taken the measures of taking only three (3) out at a time, so it's not chaotic, they are mostly indoor dogs, they don't outside unless they are going out to the bathroom, they do walk around the neighborhood occasionally in the summer when it was warm, yeah, um, we have even had dogs loose off of leashes, that we have actually tried to catch them to see where their home was, this is the type of people my mom and sister are. Their, our dogs are always on

leashes they're afraid to leave the yard now, because we don't want to upset anybody, but there are other dogs that are actually loose in yards and we try to keep them because we are right on Rt. 6 and we try to keep them away from that danger, but I just want to ease the mind that they don't even take all six (6) out they're mostly indoor. I work seven (7) days a week, but when I am home I don't notice excessive barking, they're lap dogs, they sit on my Mom, and my sisters laps, that's the comfort for them. I just wanted to say it is three (3) at a time, that's not.

Ch. Ross: Thank you very much, do any of the board members have any questions, or comments at this point? Before I ask for a motion, to close the public hearing?

K. Rondeau: Mr. Chairman,

Ch. Ross: Yes, Keith

K. Rondeau: On the documents you entered in, the complaint received 11/28, complainant Gene, it references several times in here, the both the animal control officers tried to research how many dogs were allowed or thought to be allowed in the world of support pets, and both of them that there is not, there is no references for multiple animals for one person. That they said that, basically, it was basically one, and Ms. Neault has stated that her mother and her sister have some type of medical or doctor letters stating that, stating that they need three (3) or more, or at least three. Do you know who the doctor was that?

D. Neault: my memories not the best, I have the letter, it's not saying that I have to have the three, its stating that's what I have, and to lose one of them would be, not great for my health

G. Sagar: Mr. Chairman, I have one additional question of the...

Ch. Ross: Sure

G. Sagar: Ms. Neault, if you'd come back up to the podium please, your letter of December 22, you state that this was an emergency situation, it was meant to be temporary, you provided this shelter for the dogs and for your family since August, can I ask you what your definition of temporary is?

A. Neault: Temporary was to give her a safe place while she was looking into housing that she could do. Temporary meaning maybe three (3) months three (3) to six (6) months would be sufficient for her to get from being with my Dad for over forty (40) years to a brand new life for her, and then she had had the stroke in September.

G. Sagar: That was the end of August, now we are in the end of January, and I don't mean to be insensitive, but

A. Neault: No, I understand

G. Sagar: Do you have a new definition of the word temporary? As it applies to this application?

A. Neault: After the stroke, honestly, my mind/brain went to not temporary anymore. It went to; I need to make sure that my Mom is ok.

G. Sagar: That's all I have, thank you

Ch. Ross: If there are no further questions at this point, I'll request a motion on the public hearing. Mr. Abelson

Neal Abelson: Neal Abelson, 1588 Fall River Ave, Seekonk

Ch. Ross: Are you here individually, or in your capacity as...

N. Abelson: Individually

Ch. Ross: Would you raise your right hand, please, and do you swear or affirm that the testimony you are about to give will be the whole truth?

N. Abelson: Yes, I do, mostly had some questions, and some statements. I mean according to what Mr. Sagar said earlier, the Board the health agent said that they would have to put in a 350 gallon system in, right?

G. Sagar: Additional

N. Abelson: Right, is that including the other two (2) people or is that just for the dogs?

G. Sagar: I don't believe, according to this, this is only to do with the kennel. So I don't think she is aware of the total occupancy of the house.

N. Abelson: So she was, I mean maybe like 570 gallon capacity, which I don't even think they could get that on that lot. That would create a hardship that they couldn't do it. I don't think there is enough space on that lot to do that

G. Sagar: An additional two (2) people they need a design flow based on Title V (5) for an additional 110 gallons a day, plus the 350, if I'm reading this correctly

Ch. Ross: That's the way I read it. I think this letter only addresses the dog issue.

N. Abelson: Plus there is a residence directly behind them on either side and across the street. It's a 10,000 sq ft lot, if they had an acre of land, or something like that, and it was spacious it wouldn't be problematic to the neighbors, and I'm not sure if the real reason why they are walking the dogs on leashes is now because of the animal control officer or just because they are doing it, and then it becomes an enforcement problem for her. So I just don't think it is a very good idea. Plus I don't think they can comply

Ch. Ross: I am not an engineer but looking at the existing system, I don't see how they are going to squeeze an addition, you know enlarge the system to comply with the CMR

N. Abelson: it would be like adding a three bedroom house on to that.

Ch. Ross: Plus the dogs

N. Abelson: for a three bedroom house, and also, like the animal control officer said, I've done some looking up on it and it says "A" comfort animal, there are no multiples that are mentioned anywhere.

Ch. Ross: Anyone else wish to speak? Yes ma'am,

A. Neault: I just have a personal question, I understand the septic, I'm a single Mom I don't have the money for a septic system I have to make sure they're safe, my family, I get the business end of it, how long do I have to find some place for her to go?

G. Sagar: If I can answer that, I don't think it's a matter of finding a place for your mother to go, I think it's a place to find for the dogs to go.

A. Neault: They will live in their cars. (INAUDIBLE) These dogs keep them alive, they will live in their cars, so I have to find a place for them to go.

G. Sagar: And I compliment you for taking your family

A. Neault: I know, and I get it,

Ch. Ross: Go ahead Gary

G. Sagar: but it's a bigger issue

A. Neault: And I get that, that's why I sent her, I get it.

G. Sagar: From my perspective, and I'm speaking for myself, to permit more than double what's allowed by right, I just think it's....

A. Neault: No, I know, and I understand that, I just didn't know once the decision was made how long I have to move them out.

G. Sagar: How long do you need?

A. Neault: I honestly don't know.

Ch. Ross: See that's not (inaudible)

A. Neault: She can't go back home to my dad

G. Sagar: We're talking about two different things

A. Neault: I see the business end of it

G. Sagar: We're only focusing on the dogs, just the dogs

Ch. Ross: Right

A. Neault: And I do, I see, they'll live their cars,

Ch. Ross: Just so you're clear, the whole septic issue, that's not ours, that's outside our jurisdiction

A. Neault: I get it, it's a business thing, I, one can't afford it, I, two understand that the space is not big enough to do this, never mind I can't even think about I could barely afford to come here for this, so I was just was wondering, I don't want my neighbors to be upset, I don't want to get in trouble, I was just wondering, what would be the time frame?

Ch. Ross: Well, let me tell you what the law is, assuming we take a vote tonight, and I'm fairly confident we will, whatever that vote is will be reduced to writing, madam secretary will prepare it, and it will be posted, once it's posted you have 21 days, or within 20 days, you have the right to file an appeal with either the land court or superior court in Taunton, it's a cumbersome process, but that is the time line, if you don't file such an appeal then our decision is final, now it becomes an enforcement issue for the building inspector.

A. Neault: Ok

Ch. Ross: as I suggested in my opening remarks, we don't necessarily have to take a vote tonight, but we usually do.

G. Sagar: Would it be proper if this board voted to deny the application and gave them to a date certain to get in compliance with the three (3) dog rule in town?

Ch. Ross: To be in compliance with what? Say that again

G. Sagar: They can have three (3) dogs by right, so basically the order of this board would be (inaudible) to deny the petition and order them to remove the other four (4) dogs by a date certain.

Ch. Ross: Yeah, and one of them is your own pet? Right?

A. Neault: Correct

Ch. Ross: And if I may ask, I hate to get into personal issue, but we are kind of compelled to, does your sister have some type of ailment, disability, emotional, physical,

A. Neault: Yes

Ch. Ross: She, too

A. Neault: Liver transplant survivor, post traumatic disorder,

Ch. Ross: Ok, enough, I see no reason why we can't do that, what you suggested.

A. Neault: I could essentially, my sister, I could find a place a lot easier but I'm still the septic over one person in the household

G. Sagar: you know what, that's not an issue for this board

Ch. Ross: Yeah

G. Sagar: Our issue is the dogs
A. Neault: Ok
Ch. Ross: If you find someplace for your sister, I think the issue, from our perspective is resolved, Assuming she takes the dogs with her.
G. Sagar: Mr. Chairman, I would move that we close the public hearing
Ch. Ross: Yes, is there a second on that motion?
S. Halajko: Second it,
Ch. Ross: Any discussion on the motion? All those in favor of closing the public hearing, signify by saying aye, opposed no, ayes have it 5-0
G. Sagar: I'd like to make a motion, but first I want to preface my remarks by saying I applaud this lady for doing by right by her family, that is certainly honorable, and my motion is to, because of the dogs, and I hope your family does well moving forward, and these are not directed at all towards the human occupancy of the house just the dogs, I would move that we deny the petition for the kennel and that the four (4) dogs, and the four (4) dogs, over the three (3) dog limit be removed no later than May 1, of this year.
Ch. Ross: The only comment on that is, the petitioner land owner, has her pet dog, the shih Tzu, and her mother, who is sitting here, Dorothy, is that your name?
D. Neault: Yes
Ch. Ross: Dorothy Neault has the three (3) therapy pugs.
D. Neault: My daughters are therapy pugs also
Ch. Ross: I know,
G. Sagar: So we're at four (4), the petition can only be three (3)
Ch. Ross: Three (3)
G. Sagar: Are you thinking that we give them a special permit for one dog?
Ch. Ross: No I'm not thinking that I just raised the point
G. Sagar: If she exceeds that, and gets into the threshold of being a kennel, then she's got to do it all over
Ch. Ross: Then she's back with the license, understood. The
K. Rondeau: Mr. Chairman, if I could, I just want to say one thing relative to the matter, and it really didn't dawn on me, until I heard the mother speak, but, I just want to disclose, I believe that Ms. Neault and I worked together many years ago, as a matter of fact, she used to work for me, and I but I don't believe it will have any bearing on which way it will go, this happens from time to time, we see people all the time,
Ch. Ross: Sure
K. Rondeau: that comes before us, and we generally disclose that beforehand if there is any type of relationship, and there used to be an appointment relationship many years ago, and I just wanted to disclose that before we go on.
Ch. Ross: As you know, the decision whether to recuse or not is personal to you, and the fact that you disclosed it on the record, even though it is remote in time, it is a good point, and I'm happy you did that, but the decision to recuse is yours, so if you would put whatever decision that is on the record, then depending upon that we have other issues that we may or may not have to deal with.
K. Rondeau: I think I am good to go.
Ch. Ross: Despite the three (3) dog limitation, did you get that in the zoning ordinance,

G. Sagar: Yes, under definitions,
B. Garrity: I think it is a state law
Ch. Ross: I think it runs contrary to state law.
G. Sagar: Kennel says, including any pack of more than three (3) dogs.
Ch. Ross: That's in the by-law?
G. Sagar: definition section
Ch. Ross: Let me tell you what the state law says; for some reason I printed it today
S. Halajko: Excuse me Mr. Chairman; I have to excuse myself for a minute.
Ch. Ross: Sure, we're going to take, Do I have a motion to adjourn for 5 minutes, in the absence of a member?
G. Sagar: Sure
Ch. Ross: We're going to take a five (5) minute break, we'll reconvene momentarily. Ok the zoning board of appeals is back in session, we have reconvened. All righty that is what we are faced with. Just so you understand, Ms. Neault what we are dealing with is the by law says that your limited to three (3) dogs, unless you get a special use permit. If you are looking for more than three (3) dogs, now you are into the definition of a kennel, so we are in a catch-22 situation. There is a pending motion, or was that just for discussion?
G. Sagar: No, I made a motion,
Ch. Ross: Ok, so there is a pending motion, as I understand it, to deny the petition as presented
G. Sagar: and four (4) of the dogs
Ch. Ross: four of the dogs have to be removed by May 1, 2017. Any discussion on that motion? Is there a second on that motion?
F. Braga: Second
Ch. Ross: On the motion, now pending, all those in favor of the motion to deny the petition under the circumstance, for a personal kennel, under the restrictions and conditions proposed by Mr. Sagar, signify by saying aye, opposed no, the Ayes have it 5-0, there you have it.
A. Neault: May 1, 2017
Ch. Ross: maximum of three
A. Neault: Ok
Ch. Ross: Good Luck to both of you. Ok, new business, approval of the minutes from October 17, 2016. Are there any changes, deletions or revisions to the minutes as submitted? Hearing none, do I have a motion?
G. Sagar: So moved
Ch. Ross: Second?
K. Rondeau: Second
Ch. Ross: All those in favor of approving the minutes of the October 17, 2106 meeting as submitted, signify by saying aye, opposed no. Ayes have it 5-0. Is everyone up to snuff on the pending litigation, or do we need to go into executive session?
G. Sagar: I think we skip it for tonight. I would suggest, Mr. Chairman, in speaking with our secretary, prior to your arrival, I asked if we had any work in the pipeline, and she has indicated some activity, potentially she might want to share with us when she thinks it would be good for us to meet.
Ch. Ross: Right

B. Garrity: Whenever, is available, I have nothing submitted as of yet, so the time frame hasn't started, but we I expect in the next week or so, so sometime in February or March. I think March would be better; it gives us a little bit more time. Let's see what we have in March

Ch. Ross: Just so you know, March 15 through April 1, I'm out of state,

B. Garrity: How about March 13 or the 6?

Ch. Ross: Not the 13th,

B. Garrity: How about the 6th, March 6th?

Ch. Ross: Does that work for everyone,

G. Sagar: That works for me. We won't have to worry about asking Mr. Reid, he won't be back.

B. Garrity: Ok, I was wondering that, when does he return?

G. Sagar: Sometime the end of April

Ch. Ross: April. Do I have a motion to adjourn?

G. Sagar: So moved

Ch. Ross: Second

K. Rondeau: Second

Ch. Ross: All those in favor, ayes have it 5-0.

Meeting Adjourned 7:50pm