

**TOWN OF NEW BOSTON  
NEW BOSTON ZONING BOARD OF ADJUSTMENT  
Minutes of 2019**

**April 16, 2019**

The meeting was called to order at 7:00 p.m. by Zoning Board of Adjustment Chairman David Craig. Present were regular members Ken Clinton, Anthony Olivier and Michael Dahlberg and Alternate Member Wayne Charest. Also present were Zoning Board Clerk Nadine Scholes and Planning Coordinator Shannon Silver. Absent was Doug Martin.

**SECOND CHANCE RANCH RESCUE  
KRISTIN MORRISSEY & CAMERON JORDAN (OWNERS)**

Application for Special Exception – Kennel Expansion

Location: 449 Joe English Road

Tax/Map Lot #14/61

Residential-Agricultural “R-A” District

The Chairman read the public hearing notice. The owners of the property, Kristin Morrissey and Cameron Jordan were present in the audience.

Kristin Morrissey noted that the Zoning Board had previously granted a Special Exception on July 18, 2018, for the kennel operation but limited that approval with some conditions.

- No more than 7 dogs will be housed at one time, including their personal dogs.
- The kennel operations shall no be expanded outside of the main home and if extended, that would require a new application approval.

Kristin Morrissey explained that the submitted application proposed the kennel expansion into the existing barn on the property. She noted that they are proposing an addition on the backside of the barn that would include a dozen kennels with separate outdoor runs attached to each kennel. They also proposed adding a meeting room and a quarantine room on each side of the barn. Chain link fence would be used for the outside runs. The expansion into the barn would provide a better experience for the dogs. It would be easier to maintain a much cleaner environment than in the home.

Kristin Morrissey explained they had rehomed 15 dogs in 2018 but had to turn down many due to limits on the approvals. They have maintained a waiting list the full 12 months they had been operating. The increased space the expansion could add would give them the opportunity to take more dogs into the rescue. They also would extend an offer to the New Boston Police to use the quarantine room as a holding spot for stray dogs found. There currently is no animal control and there is nowhere to put lost dogs that are found in New Boston.

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NEW BOSTON ZONING BOARD OF ADJUSTMENT  
Minutes of 2019**

**April 16, 2019**

The Chairman asked where waste is disposed of now. Kristin Morrissey noted that they currently use a dumpster and the same size would work for the expansion.

Michael Dahlberg questioned what State requirements, if any, would be necessary for the kennel operation. Kristin Morrissey explained that the State required permitting for the non-profit 501c rescue operation. The Planning Coordinator, Shannon Silver said there could be additional requirements for kennels if the new proposed legislation passed. Kristin Morrissey noted that they had included the State with the expansion proposal to assure they were in compliance with the current laws and regulations.

The Chairman asked how long the construction would take to complete. Cameron Jordan replied six months.

Ken Clinton asked if the applicants are in compliance with the current approvals from the Zoning Board and the Planning Board. Kristin Morrissey said yes and the Planning Coordinator, Shannon Silver confirmed that they have been in compliance with all approvals.

Ken Clinton mentioned that the applicants had been recommended by the Board to look into their deed restrictions. Kristin Morrissey noted that they had the deed reviewed and they were told that the approvals would allow the kennel operation on the property. The Board noted that an approval from them would not trump the private restrictions from a deed, if that were ever brought to court. The Board highly recommended that the deed be researched further to assure that they are not in violation of any deed restrictions, that could shut down the entire operation.

Ken Clinton suggested that the applicants install a privacy fence along the roadway and no improvements are allowed between the fence and the road or closer to the road than the existing barn is now. Kristin Morrissey and Cameron Jordan stated that they would prefer that all exterior sides of the proposed chain link fence be doubled with a privacy fence to not cause any disturbance to the neighborhood. Michael Dahlberg asked if there had been any complaints about the current kennel operation. The Planning Coordinator, Shannon Silver said no, and she confirmed that the Building Department had not received any complaints.

The Chairman asked if the construction of the addition could be completed in phases. Cameron Jordan said that they preferred to complete all the additions at one time and financing would most likely prevent phasing the expansion project.

Anthony Olivier mentioned that he thought the approval required the applicants to come back in one year for a review hearing. The Chairman noted that the application for expansion could be accepted before the one year review the Board conditioned on the

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Minutes of 2019**

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prior approval. There are no abutters concerned with the expansion in attendance, and that was the main reason the Board required the one year review hearing.

The Chairman asked if the applicants would have any events. Kristin Morrissey said they had a small fundraiser event already, which she had contacted the Town and the State to see if any permits would be required. There were no permits required for that event but she is aware that each event would be different and may require additional permits, i.e. tents, serving alcohol, etc.

Michael Dahlberg asked if someone would be on site at all times with the expansion. Kristin Morrissey said yes, someone would always be on site. They planned on hiring someone for the occasions that they had to go into work but both of them mainly worked from home.

The Chairman noted that he was uncomfortable with the proposed size of the kennel in the R-A district but the State would not limit the capacity of the rescue. Ken Clinton stated that he was not as uncomfortable with the size since other rescues were approved without limiting the capacity. Michael Dahlberg said the Board could limit the kennel use to a non-profit rescue. The applicants agreed and clarified that they would not be a commercial kennel or daily doggie day-care but could have customers coming to the property maybe once a week for special one on one boot camps but that would not be the primary purpose of their operation. They usually have rescues for a few months before rehoming them.

Michael Dahlberg noted that the Planning Board could restrict the site plan approval when they review the application for the expansion. The Chairman noted that a site plan could be revoked if the applicants were not in compliance with the site plan or the conditions of approvals. He reminded the applicants that they should have the deed restrictions legally reviewed before they start the expansion construction to be sure they would not be in violation and asked to shut down after expansion is complete.

Ken Clinton **MOVED** to approve the Special Exception for the expansion of the kennel, subject to the following conditions:

1. The approval is for the expansion of a non-profit canine rescue organization. All non-residential uses of the property must be consistent with the non-profit mission.
2. This approval satisfies the Board's prior condition for review after one year of operation. The applicant will not be required to have further review unless additional expansion is requested.
3. The applicant shall install a privacy fence to shield the rescue operations from any view from the public road.
4. No improvements and/or structures are to be placed between the barn/fence and the road, including dumpsters.

**TOWN OF NEW BOSTON  
NEW BOSTON ZONING BOARD OF ADJUSTMENT  
Minutes of 2019**

**April 16, 2019**

5. The applicant shall forthwith apply for a Non-Residential Site Plan Review with the Planning Board, prior to a permit to operate being issued by the Building Department.

Michael Dahlberg seconded the motion and it **PASSED** unanimously.

The Chairman explained that the Zoning Board had granted the Special Exception and next step required submitting the site plan application for the expansion to the Planning Board to review and approve.

The Planning Coordinator, Shannon Silver noted that the Town had started live streaming meetings and recommended the Board consider live streaming the Zoning Board meetings. The Board agreed to start live streaming on the next scheduled hearing.

The Chairman asked if there were any known upcoming applications for the Zoning Board. The Planning Coordinator, Shannon Silver replied not that she was aware of.

Michael Dahlberg asked if property deeds could be part of the required submission items for informational purpose only. He said that the Board could not base a decision on a private deed restriction but could advise and notify the applicants they could have private issue legally and should consult legal counsel to review deeds. The Planning Coordinator, Shannon Silver replied that the Board could request any items they feel are necessary with the application, but the Rules of Procedure would need to be reviewed and amended at a scheduled Public Hearing. The Chairman asked Michael Dahlberg if he would be willing to review the current Rules of Procedure and submission requirements and provide the recommended changes for the Board to review. He noted that once the Board finalized the changes, then the Public Hearing could be scheduled to adopt the amendments. It was a multi-step process. Michael Dahlberg agreed that he would review the existing Rules of Procedure and provide his recommendations.

The Chairman noted that the minutes of the February 19, 2019, had not yet been distributed and would be reviewed at the next scheduled hearing.

The Chairman noted that Michael Dahlberg requested becoming a full member and the Selectmen approved the appointment of Michael Dahlberg for a 3 year term as a full member of the Zoning Board.

Anthony Olivier **MOVED** to adjourn at 8:03 p.m. Ken Clinton seconded the motion and it **PASSED** unanimously.

Respectfully submitted,  
Nadine Scholes, Zoning Board Clerk

Minutes Approved: 11/19/19