

SUSAN FEIST
15 Brimstone Lane
05-31

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
TUESDAY, JULY 12, 2005

The Board consisted of:

Jonathan G. Gossels, Chairman
Stephen M. Richmond, Clerk
Elizabeth A. Taylor
Jeffrey P. Klofft
Constantine Athanas, Alternate

Notice was published in the Sudbury Town Crier on June 23 and 30, 2005, posted, mailed and read at this hearing.

Mr. Gossels, Chairman, explained the requirements necessary to substantiate the granting of a special permit. He also explained that if anyone is not satisfied with the Board's decision, they have the right to appeal to Superior Court or District Court within twenty days after the decision has been filed with the Town Clerk, and that possible other appeals may exist under current law.

Susan Feist was present to represent a petition for Special Permit to conduct a Home Business, specifically the practice of massage therapy at 15 Brimstone Lane.

Ms. Feist explained that this would be part-time. She would estimate the hours of operation to be Monday through Friday from 8AM-6PM. During that period she would anticipate a maximum of 4 patients per day. There would be no weekend hours.

Since she would be working with one person per session, there will be an additional car in the driveway. There will be no sign to advertise the operation.

Mr. Gossels read a list of the standard permit conditions for this type of business. Ms. Feist had no problems with any of them.

The term limit guidelines were also explained to Ms. Feist.

Mr. Richmond asked whether appointments were scheduled in advance. Ms. Feist said they were.

Allan Patrick, 9 Brimstone Lane, abutter, stated that neither he nor his wife had any objections to the petition.

There were no further questions. The hearing was closed.

The following motion was placed and seconded:

MOTION: "To grant Susan J.W. Feist, owner of property, a Special Permit under the provisions of Section 2340 of the Zoning Bylaws, to conduct a Home Business, specifically the practice of massage therapy, property located at 15 Brimstone Lane, Residential Zone A-1, provided that:

1. Hours of operation will be Monday-Friday, 8AM-6PM.
2. No more than six clients per day will be allowed.
3. No more than two residential employees will be allowed. Non-residents are not allowed.
4. No sign will be permitted.
5. All parking will be on the premises. No parking on the street is allowed.
6. This permit is non-transferable and will expire in one (1) year on July 12, 2006, and the Board will consider renewal upon receipt of proper application on or before that date."

VOTED: In favor: 5 (unanimous) Opposed: 0

REASONS: The petitioner requires a Special Permit to conduct massage therapy as a home business. The Board finds the use to be in harmony with the general intent and purpose of the Bylaw. It is in an appropriate location, not detrimental to the neighborhood and will not by its presence significantly alter the character of the zoning district. Adequate and appropriate facilities will be provided for proper operation. One abutter was present to support the petition. There were no abutters present in opposition to the proposed business. The Board finds that the conditions and term limit should ensure compatibility between the operation and the neighborhood.

Jonathan G. Gossels, Chairman

Stephen M. Richmond, Clerk

Elizabeth A. Taylor

Jeffrey P. Klofft

Constantine Athanas, Alternate

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MINUTES OF THE PUBLIC HEARING CONTINUATION
SUDBURY BOARD OF APPEALS
TUESDAY, JULY 12, 2005

The Board consisted of:

Jonathan G. Gossels, Chairman
Stephen M. Richmond, Clerk
Elizabeth A. Taylor
Jeffrey P. Klofft
Constantine Athanas, Alternate

The public hearing was reconvened by the Chairman, Mr. Gossels, on the application of Heather Clement to operate a kennel at 882 Boston Post Road. Mr. Gossels read the following letters which were received by the Board:

- letter dated June 6, 2005 from Paula Adelson, Assistant Dog Officer/Animal Control Officer/Animal Inspector which notes a site inspection was made of the premises by herself and the Dog Officer, Betsey DeWallace. The letter notes both were impressed with the facilities which would be used to house and contain the dogs, that Ms. Clement has agreed to monitor any reasonable barking and will bring the dogs inside if this increases. In addition, Ms. Clement has indicated that, if a special permit is granted, she will purchase a composting bin which will contain any offensive odors.

The letter concludes with a recommendation to grant a boarding kennel license for 11+ dogs, with the proviso that a composting bin be installed, and that any problems or complaints be reported to the Dog Officers immediately.

- letter dated July 7, 2005 from Robert Leupold, Health Director which notes an inspection of the property was made on July 7, 2005. Potable water is from a shallow well that was last tested by the owner on September 23, 2003. Nitrates, ammonia and coliform bacteria were at acceptable levels. The nitrate level of 4.1 mg/l was higher than normally found in Sudbury bedrock wells but may reflect that the previous owners had horses on the property and that goats are now on the property.

Based on the inspection it is recommended that the shallow well be tested for nitrates and coliform bacteria every two years and submitted to the Board of Health as part of the kennel approval. It is also recommended that the dog waste be composted in a container or in an area that will not affect the shallow well or runoff from the property. It is unlikely that bedrock wells would be affected by the proposed use.

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Mr. Gossels noted that he had concerns with regard to this application. He did not accept the assertion that was made at the last meeting that running a kennel is consistent with the way that the neighborhood has been utilized for a long time. While the property has had some agricultural uses, he saw a kennel as being different. He also had a problem with the fact that Ms. Clement was running the business for such an extended period without a special permit. To him this called into question whether the permit conditions would be complied with if a permit was granted.

Mr. Gossels also felt Ms. Clement demonstrated poor judgment by boarding 17 dogs at one time. He did not believe this number was appropriate in a home. It was Mr. Gossels' opinion that the application fails permit guideline #4 – that the proposed use would not be detrimental or offensive to the adjoining zoning district and neighboring properties.

He said the Board heard testimony from Ms. Susan Carlson that the barking is a major nuisance and it is uncomfortable for her every time she leaves her home. He said he could not in good conscience impose this operation on the neighborhood. He then asked for comments or input from the Board.

Mr. Richmond had several questions. He asked Ms. Clement to speak to the barking issue.

Ms. Clement said she is concerned about the barking as well, but has kept it completely under control. She said even with all the dogs at April break (17), there was really no barking. Further, she said her neighbors never knew she was boarding dogs until she gave them a courtesy call to let them know that this something that seems to be working out and that she would like to go ahead and turn it into a business. Ms. Clement said when she has had barking dogs, she has limited their time outdoors. Seven dogs were turned away because they barked and she had to bring them inside which is not a good environment for them as well. She felt those dogs would be better off in a kennel situation. Ms. Clement said she does not want to disturb the neighbors or her own family, and has taken every step possible take as far as barking dogs.

Mr. Richmond said he recalled from the last hearing that there was some confusion in the statements that were made about the barking and when the barking occurred in relation to when the dogs were there. It seemed to him that the barking concern was primarily during the time when Ms. Clement was not running the kennel operation but had her own dogs. He said he would have some questions for Ms. Clement and neighbors later to ascertain whether the steps being taken are addressing those concerns.

In response to a question from Mr. Richmond with regard to the dog waste, Ms. Clement said she's has been composting it but not putting it into a bin. If the permit is granted,

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she would agree to purchase a bin(s) called a “doggy do” system in which enzymes are put in and breaks down the waste. On the plan she pointed out where the bin(s) would be kept.

Discussion followed on how far away this would be from the property line. Although it seemed to be a good distance away, it was unclear as to what that distance was.

Mr. Richmond asked Ms. Clement to address the question of the number of dogs that she would feel would be warranted at any one time. He noted that when the Board issues permits for the first time for a home business, they typically look at a one-year period and then check back in a year. If everything is going well the Board will increase the term. In terms of a commitment for the number of dogs for the first year of operation, the number selected will be considered when setting a limit.

Ms. Clement said 17 dogs went very well but, if necessary, she would consider less.

As to a question of what minimum number wouldn't make economic sense, Mr. Fee replied that this breaks down to the kennel regulations. He said if the Board's judgment was to start with 5-10, they could do that. They would then apply for the maximum kennel license within the Board's limit.

Mr. Richmond referred to Mr. Gossels' concern as to whether the business would fit with the neighborhood. He said he didn't share that concern as much for a couple of reasons, one of which is that under the Bylaw, with a special permit, this business is deemed to be allowable. He felt that the question they were addressing has to do with the types of properties where one might locate, whether this property is more or less suitable, and whether it meets the criteria in the Bylaw.

Mr. Richmond said he felt that this location on Route 20 might be a benefit for this type of business. He said noise seems to be one of the more significant issues, and there is pretty consistent noise on Route 20 which would seem to somewhat mitigate this. He was looking more at the potential impact on the neighbors - is there a concern about shallow ground water, and is there a number of dogs to start the business with which would be protective of the neighbors' interest. As the business begins to develop, it would be advantageous to look at a short term to evaluate it and go from there.

Discussion followed on the capacity of the dog waste container. Richard Clement estimated that for 6-8 dogs, three of the larger ones would be needed.

Mr. Klofft would concur with Mr. Gossels' comment regarding Ms. Clement's lack of good judgment in terms of not seeking some of the permitting stuff ahead of time and not shutting down the business when she realized she was not in compliance. However, he agreed with Mr. Richmond's statement that there were a number of times when people talked about the

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noise but when the specific question “have you heard barking dogs and when,” was asked, there wasn’t anyone that could cite specific examples for the time of the period Ms. Clement had the dogs. He said then there’s the question of how much is the noise a nuisance.

Ms. Taylor said she found the Dog Officer’s letter very helpful, but the Board is also taking the special permit guidelines into account, so she would like to hear from the neighbors again regarding the barking.

Mr. Athanas had a question about the outside time for the dogs. He asked Ms. Clement to explain what would happen with the dogs on a typical day.

Ms. Clement said it depends on the dogs – whether they have long or short hair and whether they like to be outdoors or indoors. She said certainly today they were outdoors quite a bit. Overall, they are outdoors more than they are indoors which she felt is the beauty of not being in a kennel. It really depends on the dog and the weather.

Mr. Athanas said he was not as bothered by the location since kennels may be located anywhere in town. Again with Route 20, it may be a better location given the traffic and ambient noise on Route 20. He was also not bothered by the fact that there was an infraction – although ideally everyone should read up on the rules. He said he has 3 dogs and would not have known he would have to apply for a special permit for 4 dogs.

With regard to the impact on the neighbors, Mr. Athanas said it will be the same no matter where it is put. He said he has a horse next to him, traffic, etc. In a perfect world he would have a nice silence, but it’s not a perfect world. The question is whether it can be run in a way that works.

Mr. Gossels said it’s only allowed provided it’s not detrimental or offensive. It’s only allowed if it passes that 4th criteria.

Mr. Athanas said dogs bark. The question is whether the barking can be taken care of in a way that the neighbors will be satisfied. He would think a shorter license to see if the neighbors will be satisfied is fair rather than saying the dogs bark and therefore they can’t be there.

Richard Mayo, 12 Garrison House Lane, abutter, took issue with the statement about noise on Route 20.

Mr. Klofft would say in that particular case there are ambient noise levels that exist because of Route 20 as opposed to some of the side streets in town where there’s not literally hundreds if not thousands of cars going by every day.

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Mr. Gossels asked Ms. Carlson to speak to the issue of the barking. He said at the last hearing the Board heard two different things, and they are apparently contradictory. The Board wants to clarify this. He said Ms. Carlson made a statement that every time she leaves her home the dogs are barking constantly. Also, during the discussion at the last hearing there was some question about whether that was before Ms. Clement started this business or while she's been running this business.

Ms. Carlson said it has been up until the time of the first hearing and then it was mitigated.

William Schirmer, 850 Boston Post Road, said he filed a complaint yesterday (July 11) He said as of roughly around July 4th and pretty much through the week, there has been barking. He said you can almost from the barking pick out the size of the dog is probably down there.

Dorothy Schirmer said they filed a complaint, not so much that because bothered them, but because they felt for Ms. Carlson and the Mayos. She said being in the Wayside Inn Historic District, having her neighbors as close as they are to the Clements, and having these dogs out barking periodically through the day is most annoying.

Mr. Schirmer said the barking goes on for probably 15-20 minutes; then it subsides, and it may be some hours with nothing. Then it may start up again.

Ms. Schirmer added that when the Clements first started this, none of the neighbors probably noticed it because it was winter time. It's not often the dogs are out and the houses are closed.

Mr. Athanas asked whether Mr. Schirmer was saying that since July 4th and on the barking has occurred.

Mr. Schirmer said he wouldn't say it's been consistent, but it has been noticeable since then.

Arbsook Witchwoot, 9 Brimstone Lane, abutter said usually they are not home during the day, but this July 4th weekend they could not even open their windows because of the dogs. She could hear the traffic on Route 20, but the barking dogs were very annoying. She pointed out the location of her house on the map.

Mr. Richmond asked Ms. Clement how many dogs she had over the July 4th holiday.

Ms. Clement said she had 6 dogs plus her own dog. They also had a party on July 4th and there were a lot of children. She said the dogs were not barking.

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Mr. Mayo said he's not home most of the day and some weekends he's not there. He said a time they remember was when they were out by the pool and noticed dogs barking. There are times they noticed barking but couldn't it was noticed it a lot because they're not there. It was his opinion that a fine line must be found - this is something that Heather would like to do and there are concerns from the neighbors. He would encourage the Board to find that fine line which would satisfy everyone.

Mr. Klofft said most kennels don't operate the way Ms. Clement proposes to operate in terms of the dogs being outdoors a lot. They operate more as an indoor kind of operation with occasional outdoor time. He asked if there was an interest to run the business that way where there wouldn't basically be a yard where the dogs are out and are scheduled to go out and get exercise.

Ms. Clement said she definitely gives the dogs a lot of outdoor time. She could certainly cut back on that if that will help, but emphasized that she has been on top of the barking.

Mr. Fee felt the way to deal with this is with appropriate conditions, and where that falls is something that he hoped could be explored further.

Mr. Fee said this is a quasi-judicial hearing. If this were a fully judicial hearing, he would ask the Board to evaluate the testimony it just heard from abutters and scrutinize it carefully for bias. He said he found Ms. Carlson's statements interesting because she now states that she hasn't heard any barking during the time that this proceeding has been ongoing, which is telling. However, there are other neighbors who say that they're not in their house at certain times and have not noticed any of the barking. And then there are other neighbors who say that they hear it all the time. That is a conflict that must be resolved and determined as to who's telling the truth and who's exaggerating.

Mr. Richmond said his experience in matters when noise is an issue is that as people become more concerned about a project and its impacts, they essentially become more sensitive to noise.

Mr. Fee said he agrees that people become more sensitive as the issue is raised. But it's also a fact that there are dogs all over this neighborhood and it's difficult for one person to say he heard a dog barking and then due to the pending ZBA hearing automatically ascribe that noise to the thing that they wish to stop from happening.

As a member of the Planning Board, Mr. Fee said a lot of weight is given to the opinions of the professionals that are asked for opinions. While he has never had dealings with the Dog Officer before, he has had a lot of dealings with the Board of Health Director Bob Leupold. He said Mr. Leupold's opinions are not easily given - it took a lot to get Bob Leupold to go out and look at this and make an evaluation. After the previous hearing, it was his understanding that the

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Board's greatest concern was the environmental quality and he had attached a case to the application that involved the denial of a kennel due to the ZBA's concerns about environmental quality. He said those are very important concerns and after researching this, it was realized that the Clement's well is the closest to the proposed area where the waste has been treated. The neighbors' wellheads are nowhere near the area. Also, Mr. Leupold had no concerns whatsoever for the quality of water of the neighbors or runoff or any of those abutters.

Mr. Gossels said the Board takes the input from the Dog Officer and the Board of Health very seriously. However, neither of them was addressing the issue of noise from the neighbors.

Mr. Fee said he was now addressing the environmental issue because he felt it was just as important. He said he has tried to bend over backwards and give the Board whatever it needs in order to find that that is not an issue that's holding back the issuance of a special permit.

Mr. Richmond felt that Mr. Fee has done that and that the Board was probably okay on that issue.

Tangential to the noise issue is the impact on the neighborhood, which Mr. Fee said brings him back to conditions. He was in agreement with a short-term permit. He said the Dog Officer's comments are important because this is a unique facility. It is a very large house with a very large barn on a 5-acre parcel. There is a tremendous amount of room between this facility and the neighbors, and there's a lot of flexibility. To the extent the Board has concerns that it can be addressed physically in terms of the way the space is organized, managed or set up, it should be addressed with conditions. He believed it important to give the applicant a chance to demonstrate that this can be done. In addition, as discussed at the last hearing, there's another level of oversight in that if a permit is granted and there are problems, there is a redress for neighbors affected in terms of the appeal procedure and review of the license.

As a final point, Mr. Fee said there is a case on point which says an applicant's delay in applying for a special permit should not prejudice the Board's determination as to whether or not the applicant meets the criteria necessary for a special permit.

Mr. Gossels his concern was that it speaks to whether Ms. Clement would follow the permit conditions. It's a credibility issue.

Ms. Clement said when she decided that this was something that could really work, she did go to the town and they told her what to do. She was never told to see the Dog Officer. She said she would have had she known. Ms. Clement said she did file for an LLC and homeowners insurance and thought she was doing what was supposed to be done. She did not consider herself to be irresponsible.

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Fred Pryor, 221 Nobscot Road, President of the Board of Trustees of the Wayside Inn, said this afternoon was the first time he heard of this application. He referred to emails between Ms. Clement and Mr. Purrington, Wayside Inn Innkeeper notifying the inn of the application. He said the Trustees are the only authority to act on behalf of the Wayside Inn. He would request a continuance in order that the trustees could evaluate this petition.

Ms. Carlson said there are there are 5 families represented here who have almost 100 years of residency in this area. She felt the Board owes them some consideration. She said she has lived in this town for 30 years, the Mayos have lived here for over 40 and the Shermans have lived here for over 20.

Mr. Gossels asked whether Ms. Carlson had heard his opening remarks this evening. Ms. Carlson said she was not present for them. Mr. Gossels repeated them for her.

Mr. Gossels felt there has been some important clarification that has gone on but it hasn't changed his mind on the overall negative impact. He felt it confirmed that the neighbors don't have the relaxed quiet environment that they used to have.

Mr. Klofft said he would like to make a potential proposal in this matter and then explain the logic behind his proposal. He would propose to grant this permit for 6 months for 6 dogs with no more than one dog being out at a time, and that dog needs to be supervised. This is a sensitive issue and Mr. Klofft felt there needs to be a balance between the Clement's right to operate a business that is within their right with a special permit. However, there also needs to be a balance that in the event there is a nuisance, there is the ability to act quickly so that it doesn't become a long standing problem. In addition, 6 months will run through most of the outside area before the winter.

Second, Mr. Klofft said the reason for the 6-dog limit is it is possible by right that any of the abutters could have 2 abutters on either side with 3 dogs each and there would be nothing that they or this Board could do except to call the Animal Control Officer to keep them quiet.

Last, is the point of how the other kennels in town are operating. Mr. Klofft suggested that if Ms. Clement is willing to operate her business more in line with those kennels, which might have been the intent of the bylaw, he felt it would reduce the likelihood of noise and create an opportunity for the Board to look at the situation in 6 months and see what happens.

Mr. Athanas asked whether the 6 dogs included their pet. Mr. Klofft said it would be 6 dogs plus their pet.

Ms. Taylor felt it would be almost impossible for the neighbors to determine which dogs are barking sitting in their own yards. Perhaps some type of noise monitoring could be utilized.

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Mr. Richmond would want to be sure there are an appropriate number of composting bins and that the bins would be at least 100 feet from any property boundary line. Also, at the last hearing he said there was concern about identifying dogs that are associated with this operation as opposed to dogs that might get loose in the neighborhood. He would suggest requiring the dogs that are residents to wear tags identifying the business so that they could be differentiated. Alternatively, if someone is concerned that there's a dog running loose in the neighborhood, they'll be able to identify whether it was from this operation or was just some neighbor's dog. In addition, he wanted to be sure that any complaints received by the applicant must be reported to the Dog Officer.

Mr. Richmond said the Health Director proposed testing of the shallow site well every two years. He would recommend testing within the 6 month period for nitrates and coliform bacteria with the results submitted to the Board of Health.

With regard to the noise monitoring, Mr. Richmond felt it would be appropriate to have a neutral party who would determine if there is a problem, and could then address it. He felt the Dog Officer is that neutral party. If the neighbors have complaints, they're going to call the Dog Officer. He said the Dog Officer is an independent authority, outside of this Board, with the ability to enforce the nuisance bylaw. If the Dog Officer visits the property and sees there is a problem, Ms. Clement will hear about it. If not, it will be noted in the Dog Officer's log that there was a complaint made which could not be substantiated. He felt this to be a method for monitoring complaints over time and that the Board will ask for a report from the Dog Officer at the end of the 6-month period.

Looking at recent decisions for other kennels, Mr. Gossels reviewed those conditions to see whether there were other conditions which are appropriate to this case. Those he felt appropriate were that (a) the dogs not become a nuisance, (b) when dogs are outside they must be kept within the fenced area, and (c) there will be no breeding or sale of dogs.

Discussion followed on the number of dogs allowed outside at one time. There was general agreement that it should be one boarding dog plus the one pet.

Mr. Fee said normally one is allowed to have 3 dogs outside as of right. He felt it difficult to think that a kennel should be so restricted.

Mr. Klofft felt that the situation is different because 3 dogs that live together have familiarity with each other; they have certain routines together, which is very different from 3 strange dogs. Even if they're boarded fairly frequently, it's still not the same.

Mr. Fee said the whole method of Ms. Clement's technique is to socialize the dogs. A lot of the dogs are return customers and they all know each other.

Mr. Klofft felt the potential is too great for there to be problems. While in principle, Ms. Clement's technique may be an interesting concept, he did not think it was a concept that will work in this area. He said if Ms. Clement is willing to modify the practice to operate the way other kennels that are being successful are being operated, he would feel more comfortable. He felt this would create a balance between her rights to try to run a business and the neighbors' rights as well.

Mr. Fee said the Board is offering something less than what was applied for. His decision is whether or not to agree with that or ask for a denial and appeal.

Mr. Fee said he has asked for 10 plus dogs – he felt anything less than that is a constructive denial.

Before closing the hearing Mr. Fee asked for and was granted a brief recess to confer with Ms. Clement.

Following the recess, Mr. Fee and Ms. Clement returned. Mr. Fee said after discussing Mr. Klofft's proposal, they are amenable to all of the conditions. He would suggest to schedule a regular time for the Dog Officer to come by to be at her discretion on a weekly or bi-weekly basis to monitor the business so that when they do come back in 6 months there's a written record and it's not left to hearsay or happenstance as to what is going on.

Mr. Gossels said the Board can request this be done regularly. Then, in 6 months when this is revisited, just so the written record is complete, if the neighbors are having noise problems, they need to report them so that the record is balanced. The general feeling was that they can call Ms. Clement but they should also call the Dog Officer.

There being no further input, the hearing was closed.

The following motion was placed and seconded:

MOTION: "To grant Tails By The Wayside, LLC, applicant, Richard J. & Heather C. Clement, owners of property, a Special Permit under the provisions of Section 2313 of the Zoning Bylaws, to operate a kennel on the premises, property located at 882 Boston Post Road, Wayside Inn Historic Preservation Zone, subject to the following:

1. The dogs do not become a nuisance.
2. The maximum number of dogs allowed on the property is six boarding dogs plus a pet.

3. All boarding dogs must wear tags which identify the business.
4. Only one boarding dog will be allowed outside at a time, under supervision, within the fenced-in area. This condition does not apply to the family pet.
5. Any complaints received by the applicant shall be reported immediately to the Dog Officer.
6. Compost bin(s) shall be provided for disposal of dog waste. The number and capacity of the bin(s) shall be appropriate for the number of dogs. The composting system must be placed at least 100 feet from the property line.
7. The shallow well must be tested for nitrates and coliform bacteria within the term of this permit, with results sent to the Board of Health Director.
8. No commercial activity consisting of breeding or sale of dogs will be allowed on the property.
9. No sign advertising the kennel will be allowed.
10. This permit is non-transferable and will expire in 6 months on January 12, 2006, and the Board will consider renewal upon receipt of proper application on or before that date.”

VOTED: In favor: 4 (Richmond, Klofft, Taylor, Athanas) Opposed: 1 (Gossels)

REASONS:

The petitioner seeks a special permit to operate a kennel for the boarding of dogs. This use is allowed in all districts only by special permit from the Board of Appeals. Two lengthy hearings were held on this application after which a majority of the Board found, given the testimony presented by the petitioner and several neighbors, that a special permit could be granted if the number of dogs proposed for this business were reduced from 17 to 6, with several conditions imposed for proper operation, and a probation period of 6 months to allow for monitoring .

Specifically, the primary concerns were with the potential for impact on the neighbors in terms of noise and waste disposal. The majority found that a reduction in the total number of boarding dogs on the premises, and restriction in the number allowed outside at one time, would address the noise concern, particularly in light of the fact that one of the conditions requires any complaints to be reported to the Dog Officer. Additionally, the Board will be forwarding a copy of the Decision with a letter requesting the Dog Officer monitor the premises on a regular basis in order that there be a written record of this business.

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With regard to waste disposal, the majority found that the addition of the compost bins to contain the waste and the requirement that no bin be closer than 100 feet from the property line will address this issue in terms of the neighbors' concerns relative to waste runoff and visual impact.

Due to the sensitive nature of this petition, the majority of the Board found a 6-month probation period appropriate in order that any issues or changes may be addressed expeditiously.

Jonathan G. Gossels, Chairman

Stephen M. Richmond, Clerk

Elizabeth A. Taylor

Jeffrey P. Klofft

Constantine Athanas