

TOWN OF STERLING
ZONING BOARD OF APPEALS MINUTES
Butterick Municipal Building, Room 205 6:00 p.m.
September 24, 2019

MEETING:

Chairman Fox called the Zoning Board of Appeals to order at 6:00pm. Present were members, Pat Fox, Diana Baldarelli, Joe Curtin and associate member Charlie Conroy. Absent was Jerry Siver and Matt CampoBasso.

Agenda

6:00 pm - SPECIAL PERMIT - Continued from 9/10/2019 - Hearing on the petition by NEADS Inc. for a Commercial Kennel (Section 2.3.1, C10 of the Sterling Protective Bylaws) at a property located at 333 Redemption Rock Trail, Sterling, MA, Parcel ID 78-14 & 15 and located in Rural Residential & Farming zoning district.

6:15 pm - SPECIAL PERMIT (continued from 8/13/2019 & 9/10/2019) - Hearing on the petition by Cassandra Correia for a Commercial Kennel (Section 2.3.1., C10 of the Sterling Protective Bylaws) at property located at 34 Clinton Road, Sterling, MA, Parcel ID 86-2 and located in Rural Residential & Farming zoning district.

6:45 pm - Minutes - Review minutes from September 10, 2019 meeting (if available).

Next scheduled meeting: Tuesday, October 8, 2019 @ 6:00 pm

Special Permit –
Continued -
NEADS – 333
Redemption Rock
Trail –
Commercial
Kennel
Parcel ID 78-
14/15

Chairman Fox called the meeting to order. First on the agenda was the continuance of the NEADS petition from September 10, 2019. CEO Gerry DeRoche recapped some of the information that was presented at the last meeting as well as provided a little more detail in some areas. Mr. DeRoche spoke with Animal Control and Board of Health. They have a hearing with Conservation on October 1, 2019. NEADS will be donating the house that is on the property to the Fire Department for training purposes once the project is complete. He also explained in a little more detail why they can no longer expand their campus in Princeton, being that while they own approximately 15 acres, due to DCR and wetlands, they cannot expand any further.

Mr. DeRoche also reviewed the criteria requirements of 6.3.2 of the Protective Bylaws.

- Social - Promoting social welfare. NEADS intends using Sterling residents for employment and volunteers.
- Traffic - There will be a decrease in traffic as this is not a public building and will only be accessed by staff.
- Utilities – No special requirements will be utilized onsite.
- Neighborhood – New facility will fit in with the neighborhood and the design will look residential.
- Impacts – Waste will be bagged and removed weekly. The facility is very clean because the puppies have virtually no immunity. Canine noise will be minimal since the adult dogs stay short-term and the Mother will take care of the puppies. For those puppies to thrive, the facility must be quiet, peaceful environment.
- Fiscal – NEADS will hire Sterling employees, volunteers and local contractors for the project.

NEADS anticipates putting the foundation in August 2020 and completion of the project is anticipated in the spring of 2021 if they are granted the Special Permit.

The dogs are limited to two 20-minute supervised outdoor sessions a day for toileting purposes. Last outing is as close to 9 pm as possible for toileting only (to facilitate getting through the night without the need to go outdoors again.) Proposed lighting is to be

NEADS (Cont.)

“residential” in nature and is subject to site plan review. They are also using a special product in the ceilings that absorbs sound, as well as stockade fencing to further diminish any potential sound.

They are proposing leaving as much of the landscaping that is existing intact and would like to propose berms with arborvitae plantings at site plan review. Signage, as long as approved, will strictly be “333.” Nothing outside to identify it other than the address.

The chairman read many letters that were sent in favor of this petition. He then opened the hearing to the public for comment. There were abutters present at the hearing opposed to the project. Areas of concerns were noise, odor, lighting, and diminished property values. Mr. DeRoche rebutted that NEADS dogs do not bark unless trained to do so. He also stated that they intend to install sound monitors – they are in it for the “long haul” and want to be a good neighbor. They intend to work with the sound and lighting concerns through site plan review with possible solutions such as fencing, or berms with dense plantings. He reminded the public that these are “purpose-bred” service dogs. One proponent also commented that dogs that cannot be trained to be quiet are placed in their “furloughed favorites” – *“At NEADS, a “furloughed favorite” is a dog who, for behavioral, temperamental or medical reasons, doesn’t meet our strict standards to become a working dog. These dogs are then put up for adoption to the general public...”*

At 7:13 pm the public hearing was closed. The Board discussed potential conditions for the Special Permit amongst themselves. Joseph Curtin made a motion to approve the Special Permit with conditions to be determined at a separate public meeting on October 1, 2019. Charles Conroy seconded. All in favor.

Special Permit –
Continued –
Correia, 34
Clinton Road –
Commercial
Kennel
Parcel ID 86-2

Notice of the public hearing was sent to individuals listed on the Town of Sterling Certified Abutters list for the property. Notice of the hearing was duly advertised in the Worcester Telegram and Gazette on July 29, 2019 and August 5, 2019. The hearing was opened on September 10, 2019 and continued to this meeting, September 24, 2019.

The petitioner provided a number of updates from the last meeting. Ms. Correia proposes fencing off 1 ½ acres of the property with invisible fencing to address dogs that had previously wandered off property. She has employed the services of a land surveyor to address any property line and setback issues. All dogs in question are owned by the petitioner (25 in total). She breeds 1 to 3 litters per year. Approximately 6 to 7 of her dogs are no longer breeders (either due to age or retirement). Others it depends on their age. If they’re too young they cannot breed either.

The application for special permit was lacking in further detail some information, in particular the “Request for Findings of Fact in Connection with a Petition for a Special Permit,” #6 “The proposed use is in harmony with the general purpose and intent of the Town of Sterling Protective By Laws...” When asked, Ms. Correia stated she felt that the Commercial Kennel is consistent with the neighborhood which is a mix of Rural Residential and Farming zoning, as well as Neighborhood Residential zoning. Also, when asked about the adverse effects and the beneficial impacts of the factors listed in 6.3.2 of the Protective Bylaws, the petitioner was not able to provide answers to all the Criteria listed.

There were some comments from the public. Among some of the concerns were having a “commercial operation” so close to the Neighborhood Residential zoning district. Another concern was noise, odors, property values and the benefit to the Town of Sterling.

On motion made and seconded, it was voted unanimously to deny the petition for a Special Permit.

Adjourn

Joe Curtin made a motion to adjourn, Diana Baldarelli seconded. All in favor.