



BELLINGHAM ZONING BOARD

10 MECHANIC STREET
BELLINGHAM, MASSACHUSETTS 02019

RCV SEP 6 '24 AM 11:07:08
BELLINGHAM TOWN CLERK

File #
Date: *September 6, 2024*

TOWN OF BELLINGHAM BOARD OF APPEALS NOTICE OF DECISION

Location of Property:
Mechanic Street (Formerly #79)
Bellingham, MA 02019

Assessor's Reference:
Assessor's Map: 50
Lot: 84

Name and Address of Applicant:
Marek G. & Nicole M. Rutkowski
13 Highridge Road
Bellingham, MA 02019

Name and Address of Owner:
Marek G. & Nicole M. Rutkowski
13 Highridge Road
Bellingham, MA 02019

DECISION of the Zoning Board of Appeals (the "Board") on the application of Marek G. & Nicole M. Rutkowski (the "Applicant") for a Special Permit under Section 240-31 of the Zoning Bylaw, to allow for a commercial animal kennel at the address formerly known as 79 Mechanic Street, Bellingham, Massachusetts and identified as Assessor Map 50 Lot 84, Zoning District Business-1 (the "Property").

This Decision is in response to an application filed on April 16, 2024. After causing notice of the time and place of the public hearing and of the subject matter thereof to be published in the Milford Daily News on April 11, 2024, and April 18, 2024, posted and mailed to abutters and other parties of interest as required by law, the public hearing was conducted on May 2, 2024, July 11, 2024, & September 5, 2024. The record of the proceedings and submissions upon which this Decision is based may be referred to in the office of the Town Clerk or the Board office.

Members present and voting at the hearing were Elizabeth Berthelette, Chair, Rayan Shamas, Vice Chair, Brian Salisbury, Brian Wright and Peter Gabrielle.

The Board, after considering the materials submitted with the application, together with the information developed at the hearing, finds that:

1. The Applicant seeks a **SPECIAL PERMIT** under Section 240-31 of the Zoning Bylaw to allow for a commercial animal kennel, grooming facility for dogs and cats, and dog daycare business at the address formerly known as 79 Mechanic Street.
2. The proposed activity which is the subject of this application is described in the application and supporting documentation.
3. The use is in harmony with the general purpose and intent of the bylaw and is an allowed use in the Business-1 zoning district by special permit from the Zoning Board of Appeals.



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4. There shall be limited impacts to the social, economic, or community need as this animal kennel shall be a commercial managed operation and all animals shall be contained on the property.
5. There will be minimal impacts to the traffic flow or safety as the property is within a downtown business district surrounded by retail uses and adequate access. The subject use is further conditioned below to a limit of 50 dogs at one time, limiting the number of vehicles accessing the site. The site has adequate parking.
6. The neighborhood character and qualities of the natural environment were considered during the hearing process and careful conditions shall be met to mitigate any impacts this animal kennel may have caused.
7. There shall be a positive fiscal impact due to the new growth of a commercial structure located on a current vacant property.

Therefore, the Board, after reviewing the available materials and based upon the above findings, voted 4-1 to **GRANT** the **SPECIAL PERMIT** subject, to the following **conditions**:

1. The proposed activity shall be conducted substantially in accordance with the Application submitted and materials contained in the file.
2. The permit is granted for use by the Applicant Marek G. & Nicole M. Rutkowski only. Any transfer of animal kennel ownership and management shall be reviewed and approved by the Zoning Board of Appeals at a regularly scheduled meeting of the Board.
3. The permit is granted for use at the address formerly known as 79 Mechanic Street only and is not transferable.
4. The permit is granted as a commercial animal kennel, dog day care, for no more than 50 dogs only.
5. Each client shall be required to provide documentation of their pet's vaccinations. Applicant shall have pet care industry software in place to ensure that all pets have proper and up-to-date vaccinations, or they will not be allowed into the facility. Applicant shall require the following vaccines: Rabies, Bordetella (Kennel Cough) and Distemper. Influenza vaccine will be recommended, but not required.
6. Each dog shall be evaluated for behavior and temperament before being accepted into day-care. Any dog showing aggression or bad behavior will not be admitted into day-care program.
7. The hours of operation will be 6:30 AM to 6:00 PM (Monday – Friday). The use of the outdoor enclosed dog area shall be limited to 8:30 AM to 11:30 AM and 1:00 PM to 4:30 PM (Monday – Friday).
8. The Applicant shall allow for access for an outdoor enclosed dog day care play space. Within that space no more than 10 dogs shall be allowed out at a time and shall be supervised by staff at all times while in the outdoor enclosed dog area. The Building Commissioner or their designee shall review this condition and may reduce the number of dogs allowed outside at any one time if ongoing nuisance complaints occur. The applicant also needs to meet with Bellingham Animal Control to meet their requirements for the inside and outside space prior to occupancy.
9. The Applicant shall utilize a 30' x 60' covered and enclosed outdoor dog area located at the rear of the proposed building. The area shall be enclosed on three sides with a 6 ft. height chain link fence with acoustic panels having an STC rating of 26-30 per the approved acoustic panel specification or approved equal. The fence shall be installed prior to the Certificate of Occupancy for this use. The fence shall continually be maintained and is required to be inspected every 5 years to determine the



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condition and working order of the acoustic panels.

10. Per the submitted Sound Mitigation Evaluation, the panels shall be sealed with no gaps or joints including gaps at the bottom of the fence.
11. The 30' x 60' enclosed outdoor dog area shall be fully covered with a canopy. The gap between the top of the acoustic paneled fence and canopy shall be a maximum of one (1) foot.
12. The exterior doors from the building to the enclosed outdoor dog area shall remain closed when not in use.
13. The existing vinyl fence located along the rear and side property lines shall continually be maintained and in good working order.
14. The existing trees located along the rear property line shall continually be maintained.
15. All pet waste disposal shall be properly removed. Any rinsing of dog waste or urine shall be conducted and collected on site. No runoff from this rinsing shall leave the site. If additional drainage structures are necessary to contain the runoff from cleaning of the site, the Applicant shall install drainage immediately for review and approval by the Building Commissioner, Health Agent/Chair of Board of Health, Director of DPW or their designee. There needs to be a detailed plan to address this. A violation of this condition may nullify the permit.
16. The applicant needs to comply with the Town of Bellingham Domestic Animal Regulations pursuant to G.L. chapter 111, Section 131 and a meeting should be set up with the Board of Health prior to occupancy of site.
17. The dumpster located on the site shall be properly screened with fencing so not to be visible from the public way. The dumpster shall at no time be relocated to an area of the site within 30 feet of the rear or eastern property line.
18. No Special Permit, or modification or extension thereof, shall take effect until a copy of this Decision has been recorded in Norfolk Registry of Deeds. Such Decision shall bear the certification of the Town Clerk that twenty (20) days have elapsed after the Decision has been filed in the Office of the Town Clerk and no appeal has been filed, or that if such appeals has been filed, it has been dismissed or denied.
19. Any person aggrieved by the Decision may appeal pursuant to Massachusetts General Laws, Chapter 40A, Section 17 within twenty (20) days after this Decision is filed with the Bellingham Town Clerk.
20. The Decision rendered herein is concerned only with the Zoning Bylaw and not with the Building Code or any other Town Bylaw. The Applicant is responsible for determining and complying with Town, State, and Federal regulations in using the authorization granted.



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Elizabeth Bertulotto Chair