

**TOWN OF PLYMPTON ZONING BOARD OF APPEALS
CERTIFICATE OF DECISION ON
APPLICATION FOR SPECIAL PERMIT**

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2018 JUL -2 PM 1:39**

To: Plympton Town Clerk
Plympton Town Hall
Five Palmer Road
Plympton, MA 02367

Re: APPLICANT: Chris Rankin and Lorna Rankin
APPLICATION: Special Permit, Kennel for raising and boarding dogs
PROPERTY: 259 Main Street, Plympton, Massachusetts
ZONING: Agricultural-Residential

This matter concerns the real property located at 259 Main Street, Plympton, Massachusetts (Assessors Map 17, Lot 6-4) and the Applicants' proposal for a kennel to raise and board dogs.

On May 3, 2018, the Applicants filed an application with the Zoning Board of Appeals (the "Board") for a special permit for a kennel on the Property. The Board advertised, posted and noticed a public hearing regarding the application and held the public hearing on June 14, 2018.

The following Board members were present at the public hearing during which substantive testimony and other evidence was presented and then deliberated toward a decision in this matter: Kenneth A. Thompson, Arthur B. Morin, Jr. and David F. Alberti.

FINDINGS OF FACT

1. The public hearing on the Application was duly noticed, posted and advertised and notice thereof was duly mailed to the Applicant and Abutters.
2. The property is located at 259 Main Street, Plympton, Massachusetts (Assessors Map 17, Lot 6-4) in the Agricultural-Residential Zoning District and is comprised 3.9 acres of land.
3. The Applicants seeks a special permit so as to keep more than six but less than 10 dogs on the Property. The Town of Plympton refers to such type of kennels as a "Hobby Kennel".
4. Applicant Lorna Rankin presented information about the Application including that: (1) the Applicants have dogs as pets and are planning for a relative who also has five small dogs to join them in residing at the Property; (2) the five dogs are older and the Applicant does not plan to replace them over time and (3) the dogs will spend most of their time indoors as the Applicant is not proposing to construct any outdoor enclosure for the dogs.
5. Jon Wihelmsen, an abutter, spoke in support of and has no objection to the Application.

6. The Applicants have also applied for a special permit to reconstruct an existing one-bedroom detached residential structure on the Property. That special permit application is pending before the Board and this decision is independent of, and has no bearing on, that application.

DETERMINATIONS

On June 14, 2018, following all of the testimony and evidence presented during the public hearing, the Board voted 3-0 to make the following determinations:

1. The Property is located in the Agricultural-Residential Zoning District, where kennels are allowed by Special Permit.
2. Pursuant to Section 7.1 of the Town's Zoning Bylaws, special permits may be issued for specified uses only which are in harmony with the general purpose and intent of the Bylaws and shall be subject to such conditions, safeguards and limitations on time, space and use as the Board may reasonably require.
3. Pursuant to Section 7.2 of the Town's Zoning Bylaws, the Board may issue a special permit for a kennel stating the maximum number of dogs, subject to the conditions that the applicant notify the Board of Health and that the Permit must be limited to a maximum period of five (5) years with an annual renewal thereafter upon application but without a public hearing.
4. The Board finds that raising and boarding six (6) to ten (10) dogs as pets on the Property is in harmony with the general purpose and intent of the Bylaw.
5. As set forth in Section 7.1.2 of the Zoning Bylaw, the Board further finds that, if kept in accordance with the conditions set forth in this decision:
 1. The proposed use is not noxious, harmful or hazardous, is socially and economically desirable and will meet an existing or potential need;
 2. The advantages of the proposed use outweigh any detrimental effects, and such detrimental effects on the neighborhood and the environment will not be significantly greater than could be expected from development which could occur if the special permit were denied; and
 3. The applicant has no reasonable alternative available to accomplish this purpose in a manner more compatible with the character of the immediate neighborhood.

DECISION

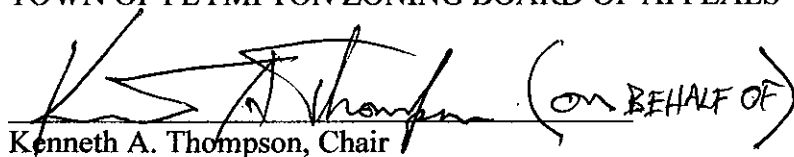
On motion made and seconded, the Board voted 3-0, based upon the Findings and Determinations made above, to grant the application for a special permit for a kennel to allow the Applicant to raise and board six (6) to ten (10) dogs on the Property (a Hobby Kennel), subject to the following conditions:

Pursuant to Section 7.2 of the By-laws, the Applicant shall notify the Board of Health of this Decision and the Special Permit shall be valid for five (5) years with annual renewal thereafter upon application and without a public hearing.

Nothing herein shall relieve the Applicant of any other requirements of law concerning the maintenance of kennels in the Town of Plympton, including but not limited to the requirement of obtaining a kennel license from the Town Clerk in accordance with the provisions of Chapter 140 of the Massachusetts General Laws.

The following Board members certify the above decision is a true record of the actions and votes of the Board.

TOWN OF PLYMPTON ZONING BOARD OF APPEALS

 (on BEHALF OF)
Kenneth A. Thompson, Chair

Arthur B. Morin, Jr.

David F. Alberti.

DATED: July 2, 2018

FILED:

July 2, 2018

Any person aggrieved by this decision may appeal to a court of competent jurisdiction pursuant to M.G.L. Chapter 40A, Section 17 and shall be filed within twenty days after the date of filing of such notice in the office of the Town Clerk.

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