

**TOWN OF WRENTHAM  
PLANNING BOARD**

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**DECISION**

**SPECIAL PERMIT (SP 2023-17) & SITE PLAN APPROVAL**

**Private Kennel  
112 West Street, Wrentham, MA**

|                                    |  |                                    |   |
|------------------------------------|--|------------------------------------|---|
| <b>Owner</b>                       | Catherine Foley, 112 West St, Wrentham, MA 02093   |                                    |   |
| <b>Applicant</b>                   | Catherine Foley, 112 West St, Wrentham, MA 02093   |                                    |   |
| <b>Location:</b>                   | 112 West St<br>Assessor's Map N03, Block 1, Lot 3  |                                    |   |
| <b>Zoning District:</b>            | Residential 43 (R-43)  |                                    |   |
| <b>Proposal:</b>                   | To keep five (5) dogs as household pets  |                                    |   |
| <b>Permits Sought:</b>             | <table><tr><td><u>Article</u><br/>4.2(C)(22) (ZBL)</td><td><u>Permit Required</u><br/>Special Permit: Private Kennel<br/><i>ZBL=Wrentham Zoning By-Law</i></td></tr></table> | <u>Article</u><br>4.2(C)(22) (ZBL) | <u>Permit Required</u><br>Special Permit: Private Kennel<br><i>ZBL=Wrentham Zoning By-Law</i> |
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| <b>Application Date:</b>           | December 14, 2023  |                                    |   |
| <b>Public Hearing Dates*:</b>      | 01/17/24, 02/07/24   |                                    |   |

**BACKGROUND**

The above-referenced application for a Special Permit and Site Plan Approval (hereinafter Application) was formally received on December 14, 2023. Notice of the public hearing and subject matter thereof was published in the Sun Chronicle on January 02 & 09, 2024, posted with the Town Clerk's Office on January 03, 2024, and abutters were notified by First Class Mail. The public hearing on the Application was opened on Wednesday, January 17, 2024, and continued to February 07, 2024. During the public hearing, all those wishing to speak were heard. Following public input, the hearing was closed on February 07, 2024.

The following Board members were present throughout the public hearing: Chairperson Michael McKnight, Vice Chairperson Charles Woodhams, Clerk James Lawrence (absent 01/17/24), Members Robert Cass, Robert English, Everett Skinner, Jr., and Thomas Wrynn. Mr. Lawrence completed a Mullin's Certificate for his absence to remain eligible to vote on this application. The Applicant, Catherine Foley, presented the Application to the Board at the public hearing. The record of proceedings and submission upon which this decision is based may be referred to in the Office of the Town Clerk or the Planning & Community Development Office.

**SUBMITTALS**

The following items were submitted as Exhibits to the Board for its consideration of this Application:

1. Application packet submitted by Applicant Catherine Foley on 12/11/23, 19 pages, including:
  - Application Form, 3 pages

*\*Pursuant to the Governor's Executive Order of March 29, 2023, Extending the Suspension of Certain Provisions of the Open Meeting Law, G.L. c.30A §18, as amended, the Town of Wrentham Planning Board conducted their public hearings via remote participation.*

- Checklist for Article 7, 2 pages
  - Checklist for Article 8, 1 page
  - Quitclaim Deed, dated 02/27/2019, 2 pages
  - 2023 Dog License, 1 page
  - Waiver Request Forms, 7 pages
2. Project Narrative, dated 11/28/23, received 12/11/23, 1 page
  3. Certified Abutters List dated 11/28/23, received 12/11/23, 5 pages
  4. Plan entitled “Deck As-Built Plan of Land” prepared by Colonial Engineering, Inc. dated 08/29/19, received 12/11/23, 1 page
  5. Property Pictures, dated 11/28/23, received 12/11/23, 1 page
  6. 2023-17 Public Hearing Notice stamped 01/03/24, 1 page
  7. Abutter Comments, Stenovitch, dated/received 01/08/24, 1 page
  8. DPW Comments, Antonioli dated/received 01/09/24, 2 pages
  9. Abutter Comments, McMackin dated/received 01/11/24, 1 page
  10. Abutter Comments, Krauthamer dated/received 01/11/24, 2 pages
  11. Abutter Comments, Durant dated/received 01/16/24, 1 page
  12. Abutter Comments, Scott, dated/received 01/16/24, 1 page
  13. Abutter Comments, Strykowski, dated 01/16/24, received 01/17/24, 1 page
  14. Abutter Comments, Pollard, dated 01/16/24, received 01/17/24, 1 page
  15. Abutter Comments, Loreaux, dated 01/16/24, received 01/17/24, 1 page
  16. Abutter Comments, Joquin, dated/received 01/17/24, 1 page
  17. Mullins Certificate completed by James Lawrence, dated/received 02/01/24, 1 page

## **FINDINGS**

At their meeting of February 07, 2024, after due consideration of the Exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Wrentham Planning Board made the following Findings:

1. That determinations regarding the following Findings are based upon the documents and plans identified in this Decision, as well as the information and Exhibits submitted and presented in association with the Application.
2. The determinations regarding the following Findings are also predicated upon the maintenance of the Site in accordance with this Decision and all applicable Federal, State, and Local regulations, except where modified by this Decision.
3. That this Application is to allow for the Use of a Private Kennel, as allowed for in Section 4.2(C)(22), of the Wrentham Zoning By-law (hereinafter ZBL) by the issuance of a Special Permit and Site Plan Approval in accordance with ZBL Sections 7 and 9, from the Wrentham Planning Board in the Residential 43 (R-43) zoning district. The Site is approximately 2.80 Acres (Exhibit #3).
4. The Site is within the Aquifer Protection Overlay District (A) because it is located within Zone II of a Town Well. The Board further finds that the Applicant is not proposing alterations that would further alter the aquifer.
5. That during the public hearing, the Applicant reviewed the Application with the Board. The application involves the keeping of five (5) dogs to be owned and taken care of as household pets

by the Applicant at 112 West Street. The Applicant further explained that she currently has two elderly dogs, one of which is in failing health, and that she would eventually replace that one once they have passed. The Applicant would also like to be able to take care of her aging parents' three dogs in the event that they can no longer take care of them. The dogs would not be left outside unattended for any long stretch of time and would be housed inside the existing single-family house on the property. She has a secured, fenced-in area where the dogs can be let outside and play and relieve themselves. She noted that the dogs were for her personal use, not for breeding.

6. The Board discussed with the Applicant that the pet waste is required to be disposed of in accordance with the Board of Health requirements.
7. That during the public hearing, public input was taken, and the following provided comments:
  - a. Joanna McFarlane, 135 Bennett St: She has no issue with the proposal. She walks past this property daily and notes that the Applicant's dogs are well-behaved and under voice control.
  - b. Priscilla Durant, 25 Roger Goodwin Dr & Leslie Strykowski, 35 Roger Goodwin Dr: Both separately noted that the narrative submitted was confusing and asked for clarification on how many dogs would be kept on the property. The Applicant clarified that as a result of the conversations during the public hearing, she was only looking to keep five dogs on her property.
8. That with regard to Section 9.1 of the WGC, the Board finds that the proposed use will be conducted in a manner consistent with the Town of Wrentham's land use objectives.
9. That with regard to Section 9.2 of the WGC, the Board finds that the proposed use is in harmony with the intent and purpose of the ZBL as set for in Article 1, s.1.2, is not in conflict with public health, safety, convenience, and welfare and will not adversely affect the neighborhood.

### **CONDITIONS OF APPROVAL**

At their meeting of February 07, 2024, after due consideration of the Exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Wrentham Planning Board (MOTION by Mr. Skinner, SECOND by Mr. Woodhams) voted 6-1 by Roll Call vote: Mr. Cass – Aye, Mr. English – Aye, Mr. McKnight – Nay, Mr. Skinner - Aye, Mr. Woodhams - Aye, Mr. Wrynn - Aye to **GRANT** the Application for Special Permit and Site Plan Approval with the following conditions:

1. That this Special Permit and Site Plan Approval Decision authorizes the Applicant to operate a private kennel for the purposes of keeping up to five (5) dogs as household pets at 112 West Street, Wrentham, MA.
2. The work authorized by this Special Permit and Site Plan Approval shall be solely for the purposes noted within Condition #1 of this Decision and shall expire once the property has been sold or otherwise vacated by the Applicant and shall not be transferable to any of their administrators, successors, or assigns or any other occupants of the property.
3. No dogs except those licensed to the Applicant with the Town shall be boarded on the property.
4. All dogs and pups shall be kept indoors unless either under supervision of the Applicant or authorized agent, or earing property functioning bark deterrent devices. No dogs and pups shall be allowed outdoors between the hours of 8:00pm and 7:00am unless under the supervision of the Applicant or authorized agent.

5. The Applicant shall maintain the fence, as shown on the attached plan. Any modifications affecting the location of the fenced-in area shall be subject to the review and approval of the Planning Board before any site work commences.
6. All dogs licensed to the Applicant shall be confined when outside on the property to the fenced-in area shown on the plan unless on a leash under the direct control of the Applicant or other authorized persons.
7. Waste matter shall be regularly and properly disposed of in accordance with Board of Health regulations.
8. The authorization granted by this Special Permit shall cease if the Applicant is found responsible for two (2) or more violations of Chapter 260 (Animal Control) of the Wrentham General Code that occur following the date of this Special permit approval within any 12-month period, not including such violation that is overturned upon appeal.
9. The Applicant shall adhere to the Wrentham Zoning Bylaws and all other applicable provisions of municipal law and regulation, Federal and State statutes, and related regulations promulgated by Federal and State agencies.
10. Any modification of the use, Site, structure(s), and/or Site improvements as described within and authorized by this Decision and as presented to the Board during the public hearing and in the above-referenced Exhibits shall require, before implementing such change, a request in writing, from the Applicant to the Board a determination as to whether the proposed change constitutes a minor or major modification. Insubstantial modifications, such as minor field changes, slight variations in building or site layout, or any other de minimus changes, shall not require additional review and approval of the Board and may be approved by the Building Commissioner.
11. All maintenance of the Site hereafter shall be in accordance with all applicable Federal, State, and Local regulations.
12. In accordance with Section 9.4 of the ZBL, this Special Permit and Site Plan Approval shall lapse within two (2) years from the date of the expiration of the appeal period if substantial use or construction has not been commenced except in accordance with the law. Any request for an extension of said period of validity shall be considered a Modification of this Special Permit and shall be submitted in writing to the Board before the expiration for review and approval.
13. This Special Permit and Site Plan Approval shall not take effect until the Decision, bearing the Town Clerk's certificate of no appeal statement have been recorded at the Norfolk County Registry of Deeds (NCRD) within thirty (30) days following the expiration of the appeal period. Proof of recording of the Decision and Plans, including Deed Book and Page or Instrument Number, shall be submitted to the Planning Board office within thirty (30) days of recording.
14. By recording this Special Permit Decision in the NCRD, the Applicant agrees to and accepts the Conditions outlined in this Special Permit & Site Plan Approval Decision.
15. Any inability, failure, or refusal by the Applicant to comply with the Conditions of this Decision, when notified of the failure of compliance, shall be grounds for immediate denial of building, construction, or occupancy permits with respect to this project.
16. This approval shall not be construed as final approval of any on- or off-site improvements or work (such as water, sewer, drainage, or other utility installation) associated with this project and shown on the Plans. The Applicant shall obtain all applicable Federal, State, and Local approvals/permits before the construction of any portion of the development or off-site

improvements that warrant such approval/permits. All applicable requirements of the Wrentham Board of Health, Wrentham Public Works, and all other utilities are hereby incorporated by reference as a requirement of this Decision.

**DECISION OF THE BOARD**

At their meeting of February 07, 2024, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Wrentham Planning Board (MOTION by Mr. Skinner, SECOND by Mr. Woodhams) voted 6-1 by Roll Call vote: Mr. Cass – Aye, Mr. English – Aye, Mr. Lawrence – Aye, Mr. McKnight – Nay, Mr. Skinner – Aye, Mr. Woodhams – Aye, Mr. Wrynn – Aye to **APPROVE with CONDITIONS** the Private Kennel for the keeping of five dogs as household pets on the property located 112 West Street, Wrentham, MA:

BY ORDER OF THE BOARD:



Rachel Benson, Director of Planning &  
Economic Development

02/08/24

Date

cc:      ● Applicant                      ● Animal Control Officer              ● Building Commissioner  
            ● Board of Health              ● Town Clerk