

**APPROVED**

**ADAMS ZONING BOARD OF APPEALS  
MEETING MINUTES  
TUESDAY, September 26TH, 2023**

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**MEMBERS PRESENT:** Chairman David Rhinemiller, and Members Raymond Gargan, and Aaron Girgenti, Nat Karns, Glen Diehl and Thomas Whalen.

**MEMBERS ABSENT:**

**OTHERS PRESENT:** Kevin Rayner, Town of Adams Staff, Eammon Coughlin, Town of Adams Staff, Tiffany Boyden, Applicant, Michelle Marrocco, Applicant.

**CALL TO ORDER:** Chairman David Rhinemiller called the meeting to order at 6pm.

**Case # 23-10 Application of Michelle Marrocco on behalf of Berkshire Pup People, for property located at 20 North Summer Street (Map 112 Parcel 99) requesting a Special Permit under §125-4 of the Adams Zoning Bylaw to allow for the operation of a Dog Daycare operation in the B-2 Zoning District.**

Kevin Rayner read the agenda item aloud.

Chairman Rhinemiller asked if any Members of the Board had questions on the documents provided by the Applicants.

Member Karns asked the Applicant, Michelle Marrocco if she thought that the lighting on the property was adequate. Ms. Marrocco said that she did think that the lighting was adequate.

The Board was satisfied with the materials provided and Member Girgenti asked if the Board could discuss conditions before making a motion. Member Gargan expressed that he also would like to discuss the conditions.

The Board discussed the conditions of the Special Permit amongst themselves and with the Applicant.

Member Girgenti questioned the condition requesting that the applicant adhere to a specific number of dogs to an employee at any time. Member Karns noted that it was the applicant that had suggested the ratio that was in the present condition, but agreed that the question was a good one to ask as to if the number was too inflexible.

Member Gargan mentioned that he did not like the condition setting the opening and closing hours from 7:30-5:30 on weekdays. Member Gargan stated that as people do not typically work 9-5 jobs anymore and may work on weekends, the current hours may be too limiting.

Chairman Rhinemiller and Member Karns suggested that the Board receive feedback on the conditions from the applicants.

Michelle Marrocco stated that a condition that stated the business submit policies and procedures to the Board prior to opening felt prohibitive as their policies would continue to change over time. Member Karns stated that they would have 6 months to submit their policies.

Member Girgenti further clarified that the Board would only be looking for a one-page document outlining basic thing that the business would do related to issues noted in the Special Permit.

The Board asked Ms. Marrocco about how she felt about Member Gargan's earlier point about hours of operation. Ms. Marrocco agreed that the current hours would be limiting to their business. The Board discussed this point and decided to change the condition to read that the hours of operation would be from 7:00AM-7:00PM.

Ms. Marrocco stated that she wished to remove a condition limiting the ratio of staff to dogs. The Board discussed this and decided that a ratio of one (1) staff member to twenty (20) dogs would be a fair alternative and Ms. Marrocco agreed.

There was discussion of whether or not to eliminate a condition asking for internal policies and procedures mostly focused on noise mitigation, that would be submitted to the Zoning Enforcement Officer within six (6) months of the issuance of the permit. The Board decided not to eliminate the condition.

Ms. Marrocco contested a condition that required a plan for signage to be submitted to the Code Enforcement Officer, as the signage may change with the evolution of the project. The language of the condition was changed to indicate that the plans must be submitted before each phase of the project and that signage must be installed prior to each phase of the project.

The Board decided to alter a condition that stated that lighting must be installed to properly illuminate the property. The language was changed to indicate that the property must be properly illuminated and that any new lighting must be horizontally shielded to not produce light or glare on any adjoining property.

*Member Girgenti made a motion to approve Case # 23-10 Application of Michelle Marrocco on behalf of Berkshire Pup People, for property located at 20 North Summer Street (Map 112 Parcel 99) requesting a Special Permit under §125-4 of the Adams Zoning Bylaw to allow for the operation of a Dog Daycare operation in the B-2 Zoning District.*

*The Board made the following findings:*

- 1. With the change of business there will not be a significant change in traffic going into or coming out of the location.*
- 2. The overall impact on the surrounding neighborhood will be minimal. Paying special attention to noise levels and barking.*
- 3. There will not be any obnoxious or dangerous elements associated with this property.*
- 4. The proposed use will not impair the integrity of the district and will not derogate from the intent or purpose of this chapter.*
- 5. The building is existing and minimal changes will be made to the exterior of the structure.*
- 6. Adequate safeguards have been undertaken to address any environmental concerns.*
- 7. All public services are in place.*
- 8. The proposed business will not saturate the current market.*

*The following conditions were attached to the Special Permit:*

- 1. Hours of Operation will be from 7:00AM to 7:00PM.*

2. *No dogs shall be kept outside of the hours stated in 1. above.*
3. *Dog waste shall be removed daily from outdoor areas.*
4. *Staffing requirements are no less than one (1) staff present for no more than twenty (20) dogs.*
5. *No more than 15 dogs shall be outside of the building in the play areas at any time.*
6. *Within six (6) months of the issuance of this permit, the operator shall submit to the Zoning Enforcement Officer a set of internal policies and procedures for the operation of the business. At a minimum, this will contain policies aimed at reducing noise from barking dogs, maintaining overall cleanliness, addressing potential complaints from neighbors, and retrieving escaped animals.*
7. *If, after receiving three (3) complaints over a three (3) month period regarding noise from the business operation, the Zoning Enforcement Officer may require the operator to submit a plan for mitigation, prepared by a qualified acoustical engineer, to bring the sound levels into compliance. Such plan must be reviewed by the Town's Code Enforcement Officer who may, if necessary, procure a qualified outside acoustic consultant review such a plan with such review to be paid for by the operators in accordance with Massachusetts General Laws Chapter 44, Section 53G.*
8. *Signage shall be installed along the proposed driveways to and from the dog daycare center to direct all customers safely to and from the proposed drop-off areas. Signage shall also direct non-dog day care traffic appropriately to avoid conflicts and safety issues with the dog day care center customers and staff. Signage shall be installed at the area shown as the "pathway" from the building to proposed Park 2 in order to allow safe passage of dogs and staff. A plan for each phase of signage shall be submitted for review and approval by the Code Enforcement Officer and such signage shall be installed prior to the commencement of operations of each individual phase of the project.*
9. *Outdoor lighting shall properly illuminate driveways, drop-off areas, parking, and entrances/exits to the dog day care areas. Any new exterior lighting shall be horizontally shielded so as not to produce any light or glare onto any adjoining property.*

*Member Whalen seconded the motion.*

*Motion passed, vote unanimous.*

#### **APPROVAL OF MINUTES: Approval of minutes from the July 11<sup>th</sup>, 2023 meeting.**

*Chairman Rhinemiller started a motion to approve the minutes from July 11<sup>th</sup>, 2023.*

*Member Whalen seconded the motion.*

*Motion passed, vote unanimous.*

#### **OLD BUSINESS/NEW BUSINESS:**

Mr. Coughlin discussed scheduling of the next meeting with the Board. Mr. Coughlin discussed the next case that was likely to be a sign variance. The Board discussed the case briefly and gave some recommendations for the prospective applicant going forward. No tentative meeting was scheduled.

Member Gargan asked if the Board could review the application materials for the sign variance prior to the next meeting. Mr. Coughlin stated he could provide the Board with that information.

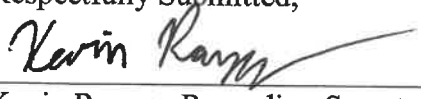
Mr. Coughlin mentioned that the Town is working with the Berkshire Regional Planning Commission (BRPC) on an Accessory Dwelling Unit (ADU) Bylaw as well as a revised Home Occupation Bylaw.

#### **-Discussion of Zoning Bylaw and ZBA policies and procedures-**

**REVIEW MAIL:** *No mail came in to review.*

**ADJOURN:** *Chairman Rhinemiller made a motion to adjourn. Member Diehl seconded the motion. Meeting adjourned at 7:31 P.M.*

Respectfully Submitted,

  
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Kevin Rayner, Recording Secretary

5/1/2024  
Date