



## ZONING BOARD OF APPEALS

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ZBA 2006-06

Petition of Geraldine Jarvis  
26 Harris Avenue

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Petition of GERALDINE JARVIS requesting renewal of a Special Permit pursuant to the provisions of Section II A 8 (h) and Section XXV of the Zoning Bylaw to allow her to use a portion of her premises at 26 HARRIS AVENUE, in a Single Residence District, for the purpose of a home occupation, namely, Doggie Day Care for 1 to 10 dogs from 7:00 a.m. to 7:00 p.m. on Mondays through Sundays.

On December 21, 2005, the petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Geraldine Jarvis, who said that she wanted to renew her Special Permit for Doggie Day Care at her home at 26 Harris Avenue. She said that she wanted to be at home as much as possible to help out with her parents. She said that she spends a good part of the day walking the dogs in the park.

The Board asked Ms. Jarvis to explain the nature of the business. Ms. Jarvis said that a couple of people drop their dogs off before they go to work. She said that she prefers to walk the dogs in the park rather than keep them at her home all day. She said that typically she takes the dogs out in the morning and then comes home for lunch. She said that some of the dogs stay for the afternoon and then she drops them off at their homes. Ms. Jarvis said that some people do pick their dogs up but she tries to keep the volume of traffic low. She said that some days she takes some of the dogs out at lunchtime to play.

Ms. Jarvis said that it is quiet at her residence because she trains the dogs not to bark. The Board said that the dogs are probably not agitated because they have been exercised.

The Board asked if Ms. Jarvis was interested in operating under the same conditions as before. Ms. Jarvis said she might ask for an increase in the number of dogs in a couple of years.

Ms. Jarvis said that the people who live in back of her house wrote a letter to the Board. The Board said that it had received a few letters from neighbors who supported Ms. Jarvis' proposal.

Ms. Jarvis said that the property abuts woods on one side. She said that there is some road noise from Route 128 but other than that it is a fairly quiet neighborhood.

Ms. Jarvis said that she spoke with her neighbors. She purchased "Go Slow" signs for all of the neighbors who have children.

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The Board said that the Animal Control Officer, Sue Webb, commented in a letter that she hears more barking in neighborhoods where there are no Doggie Day Cares.

Ms. Jarvis said that she had written a letter to the Board requesting that the Special Permit be renewed for two years instead of one year.

#### Statement of Facts

The subject property is located at 26 Harris Avenue, in a Single Residence District.

The petitioner is requesting renewal of a Special Permit to allow her to continue to use a portion of her premises for a home occupation, namely Doggie Day Care, for 1 to 10 dogs from 7:00 a.m. to 7:00 p.m. on Mondays through Sundays.

On January 4, 2006, the Planning Department reviewed the petition and had no objection to renewal of the Special Permit under the same terms and conditions.

#### Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. A home occupation is not a by-right use in a Single Residence District.

It is the opinion of this Authority that the requested use of her premises by Geraldine Jarvis for the home occupation of Doggie Day Care is in compliance with the requirements of Section II A 8 (h) of the Zoning Bylaw, and will neither disturb nor disrupt the customary character of the neighborhood.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the petitioner to use a portion of her premises at 26 Harris Avenue for a home occupation, subject to the following conditions:

1. There shall be no more than ten dogs on the premises at any one time.
2. The hours of the home occupation shall be limited to 7:00 a.m. to 7:00 p.m. on Mondays through Sundays throughout the year.
3. All vehicles related to the home occupation shall be parked in the driveway of the premises, and no vehicle related to the home occupation shall be parked on Harris Avenue or on any adjacent street.
4. There shall be no overnight boarding of any nonresident dog.
5. This Special Permit shall expire two years from the date time stamped on this decision.

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APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN THE  
OFFICE OF THE TOWN CLERK.

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Richard L. Seegel, Chairman

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Cynthia S. Hibbard

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David G. Sheffield

cc: Planning Board  
Inspector of Buildings  
lrm