TOWN OF WELLESLEY MASSACHUSETTS

BOARD OF APPEAL

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Petition of Pemberton F. Minster, Jr.

Pursuant to due notice the Board of Appeal held a public hearing in the hearing room on the second floor of the Town Hall at 8:30 p.m. on April 25, 1968, on the petition of Pemberton F. Minster, Jr., requesting permission under the provisions of Section XXIV, E. 1. of the Zoning By-law to continue to use the premises located at 701 Worcester Street, owned by Linwood H. Hewett, Jr., as a Kennel.

On March 29, 1968, the petitioner filed application for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

The petitioner spoke in support of his petition at the hearing.

No one other than the petitioner appeared at the hearing either to speak in favor of the request or to oppose it.

Statement of Facts

The house involved is located on Worcester Street (Route 9), on a lot of land containing 51,149 square feet, within a Single-residence District requiring a minimum lot area of 20,000 square feet.

The petitioner, who rents the property involved, now has fourteen Husky dogs and seeks permission to continue to keep these dogs on the property. The Board of Appeal granted a permit to him in 1965 for not more than seven dogs. Said permit was issued to him in May 1966 which expired on May 25, 1967. Through a misunderstanding, the petitioner did not request a renewal of the permit in 1967, and now requests permission to continue not only to house fourteen dogs at the property involved, but to increase the number to sixteen.

The petitioner stated that he and his children are members of the New England Sled Dog Association and participate in a number of races during the racing season. The dogs are housed in portable dog houses on Route 9 during the winter months and will be taken to New Hampshire during the summer. The dogs are kept as a hobby and it is not the intention of the petitioner to breed and sell them.

Decision

While the Board is of the opinion that the continued non-conforming use of the property for another year will not substantially reduce the value of any property within the district and will not otherwise injure the neighborhood, it cannot condone the fact that the petitioner did not obtain a renewal of his permit and that he increased the number of dogs kept on the premises to fourteen even though this Board granted him permission for not more than seven.

It is the further understanding of this Board that the petitioner does not have the necessary Kennel license from the Town Clerk as it cannot be issued until permission is granted by this Board.

The Board believes that a denial of a permit at this time could impose an unnecessary hardship on the petitioner, and perhaps also on the dogs housed on his premises, however, it believes that the number of dogs which ought to be permitted to be housed on the premises and the manner of housing them should be the subject of a more detailed inquiry than the circumstances of this case have permitted.

For these reasons, the Board is issuing a limited and conditional permit which will be revoked immediately, if it is found that any of the conditions herein imposed are being violated.

Accordingly, the Board grants the requested permission under the provisions of Section XXIV, E. 1. of the Zoning By-law and the Town Clerk is hereby authorized to issue a Kennel license to the petitioner, subject to the following conditions:

1. That not more than fourteen dogs shall be kept on the premises involved at any time during the period this permit remains in effect.

2. That the issuance of a permit at this time covering fourteen dogs until March 29, 1969, is not to be taken as a determination by this Board that such a number is reasonable in respect of any request for a renewal of this permit.

3. That said dogs shall be kept solely for non-commercial purposes.

4. That all safeguards shall be taken to keep the dogs under restraint and with as little noise and annoyance as possible to the neighborhood.

5. That this Board shall reserve the right to revoke this permit prior to its expiration if it is found that any of the conditions herein mentioned or any other by-law are violated.

6. That said permit shall expire one year from the date of the petition.

Philip H. R. Cahill

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Dana T. Lowell

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F. Lester Fraser

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Filed with Town Clerk _____