



# Halifax Zoning Board of Appeals

## Meeting Minutes

### August 14<sup>th</sup>, 2023

The Halifax Zoning Board of Appeals held a public meeting/hearing on Monday, August 14<sup>th</sup>, 2023, in the Board of Selectmen's Meeting Room at Halifax Town Hall, 499 Plymouth Street, Halifax, MA with the following Board members in attendance: Vice Chairman - Kozhaya Nessralla, Members – Robert Durgin, Gerald Joy, and Tina Kenyon; Associate Member – Marline Amedee. Absent Members: Clerk - Peter Parcellin

[https://youtu.be/j3Xqr6dm\\_0w](https://youtu.be/j3Xqr6dm_0w)

Vice-Chair Kozhaya Nessralla calls the meeting to order at 7:00pm and informs the audience that the meeting is being recorded. He also informs Mr. Kennedy that because there are only four board members present at the meeting, they must vote unanimously on everything.

#### Appointments

- 7:00pm – Hearing – Petition #994 – Daniel Kennedy, 314 Plymouth Street – Special Permit for a dog daycare & dog training facility (**Filed: 6/13/23**)
  - Tina Kenyon reads the Notice of Public Hearing.

Kozhaya Nessralla asks applicant Daniel Kennedy if he has anything he would like to present to the board.

Mr. Kennedy approaches the board with copies of the floor plan for the proposed location, as well as articles about square footage (per dog) requirements, due to the Board questioning this at the last meeting. He states that there aren't currently requirements in place by the state. He did find a "recommendation" for square footage stating that for small dogs (35lbs and under) the square footage be 40 sq ft, and for larger dogs (35lbs and above) the square footage be 70 sq ft. He references the floor plan and explains to the board his plan for the number of dogs that will be in each area at any given time. He says he anticipates 40 dogs in the space but will start with an average of 11 dogs max per day.

Nessralla asks Mr. Kennedy if the flooring is cement. Mr. Kennedy states that the flooring will be 3/8 inch rolled rubber that will provide cushion for the dogs as well as serve as a non-porous material to avoid any issues with urine/feces from the dogs. He also says it will mitigate some of the noise within the space. Nessralla asks how Mr. Kennedy plans to clean the area in the event that the dog's soil on the flooring. Mr. Kennedy states that they will clean up after each individual mess, as well as having 1-2 times a day sanitizing of all areas. There is a special enzyme cleaner that Mr. Kennedy plans to use to help with the breakdown of urine and fecal odors, as well as getting rid of different viruses that could present themselves in the daycare. He states that all the waste is individually double bagged and placed outside in a dumpster.

Durgin asks for clarification on the location of the dumpster, wanting to make sure that it is away from the building. Mr. Kennedy states that it is located on the corner of the building on a cement pad.

The Board begins discussing the crates with Mr. Kennedy, and he says he plans to double stack them to be able to accommodate up to 20 dogs at a time. Nessralla asks what the dog to person (staff member) ratio will be, and Mr. Kennedy says there will be one staff member for every 10 dogs while they are in the “play area”.

Joy asks if this facility will be used for only daycare. Mr. Kennedy states that it will include both daycare and training, and that there will be no overnights. Mr. Kennedy says they will be open Monday-Friday and by appointment only on the weekends.

Nessralla asks what Mr. Kennedy’s plan as far as hosting an “unruly” dog will go. He asks if the dog will be removed from the facility or placed in a cage. Mr. Kennedy states that they will work to resolve each individual issue, and that if it is not a first-time offense, the owners will be contacted, and a new plan will need to be put in place. If it is the first offense, Mr. Kennedy states that they will break up whatever is going on in an attempt to remedy the situation. An assessment will be done to determine if there is any kind of medical issue, behavioral issue, or if the issue is being caused by another dog.

Mr. Kennedy presents the board members with emails from town residents that display their appease at his business coming to town. He also presents the town with the information that he is a “certified dog trainer” and has accreditation.

Nessralla asks Mr. Kennedy if he holds a license in this town yet. Mr. Kennedy states that he was told that he would receive his license after he was approved due to him not currently working in the town. He also states that he is registered with the state as an LLC, as well as the town he is currently operating in.

Kenyon states that the board contacted the town Mr. Kennedy is currently operating in, and were informed that he is not currently registered, and Mr. Kennedy was told that he “should not watch dogs”. Kenyon states that she has an email from them present at the meeting.

Mr. Kennedy states that he was told that if he wanted to continue to operate out of his residence, he would need to get a kennel license. Since Mr. Kennedy had plans to move his business out of town, he did not go forward with getting the kennel license and he has since been mobile doing “pack walks”.

Kenyon states that the email from the Town of Plympton notes that Mr. Kennedy was shut down for operating without a license in February of 2023, and the board needs to be careful with kennels due to some mishaps in the past. Kenyon states there were also some complaints about Mr. Kennedy within the email. Mr. Kennedy claims those complaints were never addressed to him.

Nessralla asks Mr. Kennedy to confirm if he has a license in the town of Plympton or not. Mr. Kennedy states that he does not have a “kennel license” but does have a business license.

Kenyon states that the Town of Plympton says that Mr. Kennedy does not hold a business license either. Mr. Kennedy states that is not accurate information.

Nessralla explains that a business license is different from a kennel license.

Joy and Durgin ask if there will be bathroom breaks outside for the dogs. Mr. Kennedy explains that there will be a small area outside that will have a catch tray underneath for the dogs to go to the bathroom, and that they will not be utilizing any areas of the abutting wetlands surrounding the building.

Durgin inquires about where dog training will take place at the facility. Mr. Kennedy outlines his plans for training.

Nessralla asks the audience if they have anything they'd like to add; response is no.

Durgin asks the board members if they would like to do an on-site and they discuss. It is determined that inside access to the building can be arranged by Mr. Kennedy.

**Durgin makes a motion for a site visit on September 9<sup>th</sup>, 2023, at 9am**

**Joy seconds.**

**All in Favor (5-0)**

**Durgin makes a second motion for petition #994 to be continued to the 9/11 meeting as well as a 30-day extension.**

**Joy seconds.**

**All in Favor (5-0)**

- 7:30pm – Hearing (Continued) – Petition #992 – Vishnu Patel , 657 & 659A Monponsett Street – Special Permit for an In-Law Apartment **(Filed: 4/10/23)**
  - Tiny Kenyon reads Public Notice of Hearing

Mr. Patel has a representative (Contractor from JWR Construction) present due to him speaking broken English. Both men approach the board with their permission for him to speak on Mr. Patel's behalf for the duration of the meeting.

The board asks for an explanation of what they are looking to do with the property.

The contractor states that the property was originally zoned for an in-law, but due to it being inhabitable for so long it fell out of zoning, and they are looking to have it reclassified as an in-law so that Mr. Patel and his son may reside there.

The board reviews the new plans Mr. Patel dropped off per their request. The contractor states that there has been no additional square footage added to the property or any changes made. He also states that the shared living space on the plans is the bathroom and closet.

Nessralla states that a bathroom cannot be used as a shared space. There needs to be a common area where both Mr. Patel and his son can co-mingle. The board explains that this is typically a living room, TV room etc.

The Contractor asks if a kitchen could be considered a shared living space, but Durgin states that he would not call it a shared space because both Mr. Patel and his son will both have their own kitchens in the home/in-law. Other suggestions are voiced and discussed- including the possibility of rearranging the layout of the in-law.

The Contractor states that he has most of the plumbing and electric done in the bathroom, as well as framing and he does not want to rearrange the layout of the in-law for that reason.

Durgin asks The Contractor if the house was built with a permit for an in-law.

The Contractor says yes; however, he doesn't know when it expired as no one has lived in it for some time.

The board determines that the dining room could be considered and used as a shared living space between Mr. Patel and his son.

Joy asks if a small wall in the passageway between the home and the in-law is going to protrude into the entryway, making it too narrow for anyone to pass through.

The Contractor states that he believes the current plans misrepresent the length the wall is going to be once the kitchen is done.

Durgin says that it seems that these plans are too generic and don't properly represent how the kitchen is going to look once it is completed and would feel more comfortable looking at drawings that accurately depict the finished product.

The Contractor states that he was told that they would only need to provide plans that give a rough estimate of how large the in-law was going to be and the proposed layout rather than what it is scheduled to look like when completed.

The Board asks for more accurate plans that have been stamped by an engineer.

**Durgin makes a motion for a site visit on September 9<sup>th</sup>, 2023, at 9:30am**

**Joy seconds.**

**All in Favor (5-0)**

**Kenyon makes a motion to continue to 9/11 meeting (45-day extension)**

**Joy seconds.**

**All in Favor (5-0)**

### **Discussion**

- **Bob D'Agostino of 596 Monponsett Street- Petition # 931**

- Bob & his wife were present in the meeting room looking for a determination letter from the ZBA stating that the variances in question have been exercised by him as requested by the ZBA. Bob stated that per his conversations with building inspector Steve Solari, he "would be getting his building permit, and it is in the process".

The Board acknowledges the work that has been done between themselves and Mr. D'Agostino, and remembers being on site, but states that they cannot write him a determination letter, as it's not up to them to do that. He is told that he needs to first obtain his building permit, and that if he was denied the building permit, only then would the board be able to intervene and overturn the decision of the Building Inspector. If he receives the permit from the building inspector, he is fine to move forward. The Board

advises that he wait for Steve to issue or not issue the permit. Mr. D'Agostino and his wife then leave the meeting room.

- **Records Retention Schedule-** The board is given a copy of the Municipal Records Retention Schedule as recommended by the state at the request of Town Administrator Cody Haddad. The board holds a brief discussion about what the list entails and what is to be expected regarding what documents/files will be discarded.

### **Meeting Minutes**

- 6/12/2023  
Kenyon makes a motion to approve minutes as presented.  
Amdee seconds.  
All in Favor (5-0-0)

The below minutes contain clerical errors; the board will approve at the next meeting once amended.

- 4/10/2023
- 5/1/2023
- 7/10/2023

### **Bills**

- None

### **Adjournment**

- M/Nessralla, S/Amedee. Unanimously approved (5-0-0) to adjourn at 8:20pm with all in favor.

### **DOCUMENTS**

1. Agenda for 8/14/2023
2. Site Plan Review - Petition #992
3. Site Plan Review – Petition #994
4. Meeting Minutes 06/12/23
5. Records Retention Schedule

Respectfully submitted,

Date: 8/23/2023



Vice-Chairman, Kozhaya Nessralla  
Halifax Zoning Board of Appeals